



THE CITY OF SAN DIEGO

# SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

Project No. 675732  
SCH No. 2013071043

**SUBJECT:** EL CAMINO REAL ASSISTED LIVING FACILITY: This Subsequent Environmental Impact Report (SEIR) evaluates the change in environmental impacts associated with the incorporation of the El Camino Real Assisted Living Facility (Assisted Living Facility) into the St. John Garabed Armenian Church (Church) project. The Assisted Living Facility proposes 105 rooms and supporting amenities, including landscaping and parking. The three-story Assisted Living Facility would be 105,568 square feet and 40 feet tall. The Assisted Living Facility would retain 1.12 acres in the eastern area of the parcel as open space, in accordance with the existing designated Multi-Habitat Planning Area (MHPA) area, to be covered by a Covenant of Easement and maintained as open space in perpetuity. The Assisted Living Facility would require approval of the following discretionary actions: a Conditional Use Permit (CUP) Amendment; a Site Development Permit (SDP) Amendment; an Uncodified CUP Ordinance; a Neighborhood Use Permit (NUP); and a Coastal Development Permit (CDP) Amendment (LEGAL DESCRIPTION: Assessor's Parcel Number [APN] 304-020-2400 [Church] and APN 304-650-3700 [Assisted Living Facility]) APPLICANT: LLC.

## ENVIRONMENTAL DETERMINATION:

This document has been prepared by the City of San Diego's Environmental Analysis Section under the direction of the Development Services Department and is based on the City's independent analysis and conclusions made pursuant to 21082.1 of the California Environmental Quality Act (CEQA) Statutes and Sections 128.0103(a), 128.0103(b) of the San Diego Land Development Code.

Based on the analysis conducted for the project described above, the City of San Diego, as the Lead Agency, has prepared the following Subsequent Environmental Impact Report. The analysis addressed the following issue area(s) in detail: **Land Use, Agricultural Resources, Air Quality, Biological Resources, Greenhouse Gas Emissions, Historical Resources, Paleontological Resources, Transportation, Visual Effects, Noise, and Tribal Cultural Resources.** The Subsequent Environmental Impact Report (EIR) concluded that the project would result in significant but mitigated environmental impacts to impacts to **Biological Resources, Historical Resources, Noise and Tribal Cultural Resources.** All other impacts analyzed in the draft Subsequent EIR were determined to be less than significant.



The purpose of this document is to inform decision-makers, agencies, and the public of the significant environmental effects that could result if the project is approved and implemented, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

**UPDATE: November 5, 2024. Clarifications/revisions, additional information, and typographical corrections have been made to the final Subsequent Environmental Impact Report when compared to the draft environmental document as outlined within the Preface. In accordance with Section 15088.5 of the California Environmental Quality Act, the addition of new information that clarifies, amplifies, or makes insignificant modifications and would not result in new impacts or no new mitigation does not require recirculation. Pursuant to Section 15088.5(a) of the CEQA Guidelines, significant new information requiring recirculation includes, for example, a disclosure or additional data or other information showing that:**

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.**
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.**
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.**
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.**

**The modifications made to the final environmental document do not affect the analysis or conclusions of the Environmental Impact Report. All revisions are shown in a strikeout and/or underline format.**

#### **PUBLIC REVIEW DISTRIBUTION:**

The following agencies, organizations, and individuals received a copy or notice of the draft Subsequent EIR and were invited to comment on its accuracy and sufficiency. Copies of the draft Subsequent EIR, the Mitigation Monitoring and Reporting Program and any technical appendices may be reviewed in the offices of the Development Services Department, or purchased for the cost of reproduction.

#### Federal Government

US Fish & Wildlife Service

#### State of California

State Clearinghouse

Caltrans, District 11

Department of Fish and Wildlife

Department of Toxic Substance Control

California Coastal Commission

California Transportation Commission

California Department of Transportation

California Native American Heritage Commission

California Highway Patrol



Local

County of San Diego County Clerk  
County of San Diego Dept of Planning Land Use  
City of San Diego  
Mayor's Office  
Councilmember LaCava, District 1  
Councilmember Campbell, District 2  
Councilmember Whitburn, District 3  
Councilmember Montgomery, District 4  
Councilmember von Wilpert, District 5  
Councilmember Cate, District 6  
Councilmember Campillo, District 7  
Councilmember Moreno, District 8  
Councilmember Elo-Rivera, District 9  
Public Utilities Department  
MSCP Staff  
Development Services Department  
Environmental Services Department  
Planning Department  
Parks and Recreation Department  
Fire-Rescue Department  
San Diego Police Department  
Carmel Valley Branch Library  
Daily Transcript/City Bulletin

Other Interested Parties

Applicant: PMB, LLC  
Agent: Atlantis Group  
-Kathi Riser  
Owner: St. John Garabed Armenian Church  
Iulia Roman, DUDEK  
Air Pollution Control District  
San Diego Association of Governments  
San Diego Gas and Electric  
Sierra Club  
San Diego Natural History Museum  
San Diego Audubon Society  
Mr. Jim Peugh  
California Native Plant Society  
Endangered Habitats League  
Carmen Lucas  
South Coastal Information Center  
San Diego Archaeological Center  
Save Our Heritage Organization  
Ron Christman  
Clint Linton  
Frank Brown – Inter-Tribal Cultural Resources Council  
Campo Band of Mission Indians



San Diego County Archaeological Society, Inc.  
Kumeyaay Cultural Heritage Preservation  
Kumeyaay Cultural Repatriation Committee  
Native American Distribution  
Friends of Los Penasquitos Canyon Preserve  
Carmel Valley Planning Board  
The San Dieguito Lagoon Committee  
Rancho Santa Fe Assn  
22nd District Agricultural Assn  
San Dieguito Planning Group  
City Of Del Mar  
City Of Solana Beach  
San Dieguito River Park  
Sun Valley Association  
Rancho Del Mar Homeowner's Association  
Friends Of San Dieguito River Valley  
San Dieguito River Valley Conservancy  
RVR Parc  
Fairbanks Ranch Association  
Karen Berger  
San Dieguito River Park JPA  
San Dieguito River Park  
John Stump  
Richard Drury  
Molly Green  
Kevin Johnston  
Matthew Cunningham  
Shanshan Ma  
Dayue Zhang  
Ayden Zielke, MURP  
Sunjana Supekar  
Courtney Tanner  
John Greene  
Alexandra Kreitzer  
Claudia Souza  
Darlene Woodend  
Brian Souza  
Maggie Allen  
Jeff DiToro  
Han Liang  
Emily Kochert  
Jim Smith  
David Kreitzer  
Chenxi Wang  
Pam Farmer  
Margaret Ann Gardner  
Cathie Summerford  
Karalee Davis  
Kary Jacobsen  
Glen Freiberg



Yen-Ting Lin  
V Phillips  
Susan John  
Courtney Tanner  
Brent Fouch  
Katelyn Wang  
Elizabeth Nolan  
Johnny John  
Vessa Rinehart-Phillips  
Nina John  
Matthew Cunningham  
Jonathan Cohen  
Kristi Watts  
Jeff DiToro  
E Dots  
Anu and Uday Delouri  
Carstens, Black & Minter LLP



**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.
- X 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.

  
Jeffrey Szymanski  
Senior Planner  
Development Services Department

5/12/2023  
Date of Draft Report

11/05/2024  
Date of Final Report

Analyst: Jeffrey Szymanski



## **PREFACE TO FINAL SUBSEQUENT EIR EL CAMINO REAL ASSISTED LIVING FACILITY Project No. 2040283 / State Clearinghouse No. 2013071043**

This preface introduces the Final Subsequent EIR and summarizes changes made to the text of the Draft Subsequent EIR in response to comments and community input received during the public comment period, as well as editorial changes made to correct typographical errors. These changes are reflected with additions shown in underline and deletions shown in ~~strikethrough~~. None of the revisions made to the Draft Subsequent EIR constitute significant new information requiring recirculation of the document per CEQA Statute and Guidelines Section 15088.5.

### **Executive Summary**

- Table ES-1: updated to reflect changes to **MM-BIO-2**
- Table ES-1: updated to summarize cumulative solid waste impact previously identified in Draft Subsequent EIR Chapter 7.
- Table ES-2: updated to include cumulative solid waste impact previously identified in Draft Subsequent EIR Chapter 7.

### **Chapter 3, Project Description**

- Section 3.3.1: Minor typographical errors were corrected.
- Section 3.3.2.3: updated to reflect the size, location, and landscaping concept of the memory care and cutting garden.
- Section 3.3.2.5: updated to clarify the requirements for BMZ 1 onsite.
- Section 3.3.2.5: updated to clarify the Coastal Overlay Zone limits the allowed reduction of BMZ 2.
- Section 3.4: updated to clarify that the project would adhere to all measures within Table 3-3.
- Table 3-3: Clarification made to CM-BIO-1.
- Table 3-3: PDF-BIO-1 changed to CM-BIO-6.
- Table 3-3: PDF-FIRE-1 through PDF-FIRE-3 changed to CM-FIRE-2 through CM-FIRE-4.
- Table 3-3: PDF-FIRE-4 through PDF-FIRE-7 renumbered to PDF-FIRE-1 through PDF-FIRE-3.
- Table 3-3: Clarifications made to PDF-FIRE-1 and PDF-FIRE-2.

### **Section 5.1, Land Use**

- Section 5.1.2: Clarification made to identify SDMC that allows for a reasonable accommodation via process 1 review.
- Page 5.1-4: Deleted text
- Page 5.1-20: Clarification made between Assisted Living Site and project site.
- Table 5.1-1 updated to clarify the requirements for BMZ 1 onsite.



- Table 5.1-1 updated to clarify that the Coastal Overlay Zone limits the allowed reduction of BMZ 2.
- Page 5.1-119: Minor changes to language used.
- Page 5.1-120: Minor changes to language used.

#### **Section 5.4, Biological Resources**

- Page 5.4-18: Minor typographical errors were corrected.
- Page 5.4-20: Minor typographical errors were corrected.
- Page 5.4-24: **MM-NOI-1** added to **MM-BIO-1**.
- Page 5.4-25: Clarifications made to **MM-BIO-2**.
- Page 5.4-29: Minor typographical errors were corrected.
- Page 5.4-30: Minor typographical errors were corrected.
- Page 5.4-31: Minor typographical errors were corrected.
- Page 5.4-32: PDF-BIO-1 changed to CM-BIO-6.

#### **Section 5.10, Noise**

- Section 5.10.2: Summary of “EPA’s Levels Document” included.

#### **Section 5.11, Tribal Cultural Resources**

- Page 5.11-2: Minor typographical errors were corrected.

#### **Chapter 6, Cumulative Impacts**

- Section 6.12, this was updated to include cumulative solid waste impact previously identified in Chapter 7.

#### **Chapter 7, Effects Not Found to be Significant**

- Page 7-8: updated to clarify the requirements for BMZ 1 onsite.
- Page 7-8: updated to clarify the Coastal Overlay Zone limits the allowed reduction of BMZ 2.
- Page 7-8: updated numbering for PDF-FIRE-1-4.
- Section 7.5: Language that was contrary to SWPPP was removed.
- Page 7-16: updated to clarify the requirements for BMZ 1 onsite.
- Page 7-16: updated to clarify that the Coastal Overlay Zone limits the allowed reduction of BMZ 2.
- Page 7-16: updated numbering for PDF-FIRE-1-4.
- Page 7-17: Minor typographical errors were corrected.
- Page 7-17: updated to reference Appendix Q, Emergency and Disaster Plan.



- Section 7.10: An analysis of wildfire risk from adding new development is included consistent with Appendix O, FFLMR. The analysis adds context to why the Project would be expected to have reduced ignition potential, as previously identified in Section 7.10.
- Section 7.10: A discussion of off-site wildfire impacts is included consistent with Appendix O, FFLMR. The analysis adds context to how the features that protect the Project also protect the surrounding areas from project-related fires, consistent with the conclusion that the Project would not exacerbate wildfire risk, as previously identified in Section 7.10.
- Section 7.10: A list of fire safety goals is included consistent with Appendix O, FFLMR. The list is provided to clearly define protocols and procedures for reducing fire risk, which is consistent with the findings previously identified in Section 7.10.
- Section 7.10: A project specific risk summary is included consistent with Appendix O, FFLMR. The summary includes a discussion of fire risk, construction phase risks, consultant and contractor onsite risk, and fire prevention and reduction measures and requirements to provide context to the project risk rating and impact determination previously identified in Section 7.10.

## **Chapter 8, Mandatory Discussion Areas**

- Page 8-4: Word “urban” removed.

## **Chapter 9, Alternatives**

- Page 9-7: minor addition to text.
- Page 9-9: “proposed Assisted Living Facility” was changed to “Alternative 1.”
- Page 9-9: word “slightly” removed.

## **Chapter 11, References**

- Additional references added.

## **Appendices**

- Emergency and Disaster Plan provided as Appendix Q for additional information/clarification. The El Camino Assisted Living All Hazards Emergency Operations Program and Plan Manual for the El Camino Assisted Living Facility and Wildfire Evacuation Plan for the El Camino Assisted Living Facility Project was prepared as part of the facility's licensing process. This information does not result in a new significant environmental impact, the introduction of a new mitigation measure, or the increase in severity of an environmental impact. This information does not include changes to an alternative or mitigation measure that would result in a decrease of environmental impacts of the project that are not being adopted. Finally, the information provided does not demonstrate that the Draft SEIR was inadequate and conclusory in nature.
- Appendix F: Cultural Resources Inventory and Evaluation Report
  - Cover page: updated date revised.



- Page 25: minor text edits.
- Page 27: added identification number of resource to text.
- Page 36: minor text edits.
- Appendix O: Fire Fuel Load Modeling Report (FFLMR)
  - Minor updates made to BMZ 1 and PDF-FIRE-2.
  - Page 2: Minor updates to Introduction regarding BMZ application and Project hardscape areas.
  - Page 7-8: updated to clarify the Coastal Overlay Zone limits the allowed reduction of BMZ 2.
  - Page 12: Minor updates to Introduction regarding BMZ application and Project hardscape areas.
  - Pages 26-30: Added clarifying information regarding wildfire risk of new development and off-site wildfire risk.
  - Pages 44-50: Added fire safety goals of the Project as well as a fire risk summary, including on-site ignition sources and content of what would be included as part of the Project's standard Site-Specific Safety Manual and Fire Protection Plan which is included as a condition of approval for the Project.



## RESPONSES TO COMMENTS

On May 12, 2023, the City of San Diego (City) distributed the Draft Subsequent Environmental Impact Report (SEIR) to public agencies, interested organizations, groups, and interested individuals, and submitted the document to the State Clearinghouse. In accordance with Section 15105 of the California Environmental Quality Act (CEQA) Guidelines, a 45-day public review period was provided for the Draft SEIR from May 12, 2023, through June 26, 2023. During the public review period, a total of 20 comment letters were received on the Draft SEIR. Revisions made to the Draft SEIR in response to comments received are identified using ~~strikethrough~~ and underline.

### LIST OF COMMENTERS

The list of commenters and the unique letter designators for each letter are shown in Table RTC-1, List of Commenters. Individual comments within each letter are bracketed and numbered in the right-hand margin of the comment letter (e.g., F1-1). Bracketed/numbered comment letters are placed side by side with the responses to the letter.

**Table RTC-1.  
 List of Commenters**

Commenter	Date	Letter Designation
<i>Federal Agencies</i>		
U.S. Fish and Wildlife Service	June 23, 2023	F1
<i>State Agencies</i>		
California Transportation Commission	June 15, 2023	S1
California Department of Fish and Wildlife	June 26, 2023	S2
<i>Local Agencies</i>		
San Dieguito River Park Joint Powers Authority	June 21, 2023	L1
<i>Organizations</i>		
San Diego County Archaeological Society Inc.	May 13, 2023	O1
Carstens, Black & Minter LLP	June 23, 2023	O2
Friends of the San Dieguito River Valley	June 26, 2023	O3
<i>Individuals</i>		
Courtney Tanner	June 18, 2023	I1
Brent Fouch	June 18, 2023	I2
Katelyn Wang	June 22, 2023	I3
Elizabeth Nolan	June 22, 2023	I4
Johnny John	June 26, 2023	I5
Vessa Rinehart-Phillips	June 26, 2023	I6
Nina John	June 26, 2023	I7
Matthew Cunningham	June 26, 2023	I8



**Table RTC-1.  
List of Commenters**

<b>Commenter</b>	<b>Date</b>	<b>Letter Designation</b>
Jonathan Cohen	June 26, 2023	I9
Kristi Watts	June 26, 2023	I10
Jeff DiToro	June 26, 2023	I11
E Dots	June 26, 2023	I12
Anu and Uday Delouri	June 26, 2023	I13



## Master Responses

**MR-1 Land Use and Zoning Consistency.** Several comments expressed concern regarding the Assisted Living Facility's consistency with the land use and zoning of the project site. The Assisted Living Facility project site is located within Proposition A lands within the North City Future Urbanizing Area (NCFUA); has a land use designation of Residential and Park, Open Space, and Recreation; and has a zoning designation of Agricultural Residential (AR-1-1). The Subsequent Environmental Impact Report (SEIR) analysis of consistency with land use and zoning demonstrates that the project is consistent with the City's General Plan and North City Future Urbanizing Area Framework Plan (NCFUA Framework Plan) goals and policies. This analysis is included in SEIR Chapter 5.1, Land Use and Planning.

### **Consistency with Proposition A**

Per Section 5.1.2 of the SEIR, Section J of the Land Use Element (entitled "Proposition A- The Managed Growth Initiative (1985)") establishes the following goals for areas designated as Proposition A lands: "[f]uture growth and development that is consistent with current land use intensity or that is subject to a 'phase shift' process to approve increased intensity", and "[c]ontinued adherence to North City Future Urbanizing Area (NCFUA) Framework Plan and other adopted subarea plans." Pursuant to Proposition A (1985), Sections 1-2(c), a phase shift is not required where amended or alternative development regulations or processes "are neutral or make the designation more restrictive in terms of permitting development" as compared to the overall intensity allowed by regulations existing upon the passage of Proposition A. City Council Policy 600-29 (entitled "Maintenance of Future Urbanizing Area as an Urban Reserve") describes four such "development alternatives": (1) development pursuant to the A-1 zoning regulations; (2) development pursuant to the Rural Cluster Development regulations; (3) development pursuant to the Planned Residential Development regulations; and (4) development pursuant to the Conditional Use Permit regulations, provided that conditional uses are natural resource dependent, non-urban in character and scale or are of an interim nature which would not result in an irrevocable commitment of land precluding future use. These four development alternatives are incorporated into the NCFUA Framework Plan, Section 2.1 (as relevant here, NCFUA Framework Plan development Alternative 1 allows "Development pursuant to A-1 regulations" and development Alternative 3 allows "Development pursuant to conditional use regulations"). As discussed in Section 5.1.3 of the SEIR, the Assisted Living Facility is "neutral" for purposes of the exclusion from the plan shift requirement under Proposition A as implemented by Council Policy 600-29 and the NCFUA Framework Plan because it is allowed as a conditional use under the A-1 zoning in effect at the time of

passage of Proposition A and because it is allowed with a conditional use permit in the current AR-1-1 zoning of the site, and is non-urban in character and scale. The A-1 zoning regulations in effect at the time of passage of Proposition A did not include a density limitation on Nursing Facilities, nor do the current A-1-1 zoning regulations limit the density of Nursing Facilities such as the Assisted Living Facility. Therefore, project implementation would not require a phase shift.

Like other previously approved Nursing Facilities for assisted living and dementia care, the Assisted Living Facility is permitted with a CUP on Prop A lands in the AR-1-1 zone notwithstanding Supplemental Regulations prohibiting Nursing Facilities on Prop A lands because the project meets the requirements for reasonable accommodations in the San Diego Municipal Code (SDMC) Section 131.0466. "Hospitals, Intermediate Care Facilities & Nursing Facilities" are permitted in the AR-1-1 zone with a CUP pursuant to SDMC Table 131-03B, subject to Supplemental Regulations found in SDMC 141.0413. The Supplemental Regulations prohibit Hospitals, Intermediate Care Facilities & Nursing Facilities, which include assisted living facilities, on Proposition A lands (SDMC 141.0413[a]). Notwithstanding this prohibition, staff determined that the proposed Assisted Living Facility qualifies for reasonable accommodations pursuant to SDMC Section 131.0466 to allow a waiver (accommodation) to the regulation prohibiting Hospitals, Intermediate Care Facilities & Nursing Facilities in Proposition A lands in accordance with SDMC Section 131.0466 via Process 1 review. As stated in SDMC 131.0466, "The Federal Fair Housing Amendments Act [42 USC 3601-3619] and the California Fair Housing and Employment Act [Govt Code 12900-12996] require that jurisdictions make reasonable accommodations to afford disabled persons the equal opportunity to use and enjoy a dwelling" (as defined in 42 USC 3602(b) to include vacant land). "SDMC Section 113.0103 defines Disabled Person as "pursuant to the Fair Housing Amendments Act of 1988, means any person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment.". SDMC Section 131.0466 provides that "deviations may be approved through Process One" subject to required findings, including that development will be used by a disabled person and that the waiver (accommodation) request is necessary to make specific housing available to a disabled person and complies with all applicable development regulations to the maximum extent feasible. In the case of the Assisted Living Facility, where a certain number of units and beds are necessary to obtain financing to construct a modern assisted living facility (as documented by the economic analysis conducted for the project, as peer-reviewed by City staff), a single dwelling unit use would not accommodate disabled persons requiring an Assisted Living Facility in order to reside on the project site. Because the project site would allow up to three single family dwellings



under the current AR-1-1 zoning, federal and State law require the City to make reasonable accommodations to waive land use regulations that would otherwise prohibit development of an Assisted Living Facility to house disabled persons, while permitting development of non-disabled persons to live in the Proposition A lands in a single-family dwelling. Therefore, the project is not subject to residential density limitations on the project site.

The adoption of an Uncodified Ordinance to waive the prohibition of the Supplemental Regulation is also consistent with the federal, state, and local statutory requirements to reasonably accommodate the Hospitals, Intermediate Care Facilities & Nursing Facilities use.

### **Consistency with Zoning**

As described in Section 5.1.3 of the SEIR, the Assisted Living Facility would be consistent with the applicable development regulations in the AR-1-1 zone, which require a minimum of 10-acre lots and establish a maximum structure height of 30 feet, a minimum side yard setback of 20 feet, and a minimum rear yard setback of 25 feet. The zoning regulations allow for an increase in building height when setbacks are increased; therefore, because a height increase is allowed by the zoning ordinance, a discretionary action or a deviation is not required.

The Assisted Living Facility would provide greater than the minimum 20-foot setback from adjacent properties in accordance with the zoning (AR-1-1). The Assisted Living Facility would provide setbacks of 45 feet (north side yard), 187 feet 7 inches (back), 30 feet (south side yard), and 63 feet 9 inches (front), which would allow for the increased height of 40 feet per SDMC 131.0344. Approximately 30% of the project site would be developable, and only approximately 10% of the project site would be covered by buildings. The lot coverage of the Assisted Living Facility would be 10%, consistent with the AR-1-1 zone.

The underlying AR-1-1 zone accommodates a wide range of agricultural uses and the development of single dwelling unit homes at a very-low density; Hospitals, Intermediate Care Facilities and Nursing Facilities are also permitted, but would require a CUP. The project includes a CUP.

### **Compatibility with Surrounding Land Uses**

The Assisted Living Facility site is located between existing development to the north (Church component), south (single family residences), and west (Evangelical Formosan

Church). Multi-Habitat Planning Area (MHPA) open space is located to the east of the project site and on the eastern portion of the project site. The development footprint would be located outside of the MHPA. As described in Chapter 3 of the SEIR, the eastern 1.12 acres of the Assisted Living Facility parcel would be retained as open space in accordance with the existing designated MHPA, consistent with the MHPA open space to the east.

Through compliance with the AR-1-1 zone requirements described above, the building design and site plan of the Assisted Living Facility would be non-urban in character and would also be consistent in bulk and scale with surrounding development. While surrounding development in the area lacks a consistent architectural theme, the Mediterranean aesthetic of the proposed project would include architectural features that would be compatible with surrounding structures (primarily multistory construction, light colored, stucco clad exteriors, red tiled roofs, and landscaped yards). Landscaping would be provided throughout the Assisted Living Facility but would focus heavily on landscaping along the southern and eastern boundaries adjacent to the Villas at Stallions Crossing development and MHPA. The open space and landscaped areas would comprise approximately 45.6% of the Assisted Living Facility site, consistent with the generally non-urban character of the site and the surrounding area. Additionally, as described in Section 5.9 of the SEIR, the project site development would not be visually prominent or distinct in the broad San Dieguito River Valley landscape.

**MR-2 Wildfire Hazards and Evacuation.** Although the Draft SEIR disclosed that the wildfire risks were not significant due in part to the structure's enhanced building materials, which allow the residents to shelter-in-place, several comments requested additional clarification regarding wildfire hazards and evacuation of the project site in response to an emergency event. The proposed project is required to comply with California Health and Safety Code Section 1569.695, which requires an Emergency and Disaster Plan be prepared as part of licensing provisions for a State-licensed "Residential Care Facility for the Elderly" (RCFE). To be responsive to the questions raised in the comment letters, a project-specific Emergency and Disaster Plan has been prepared consistent with state licensing requirements and is included as Appendix Q to the Final SEIR. The Emergency and Disaster Plan includes Attachment 1, El Camino Assisted Living All Hazards Emergency Operations Program and Plan Manual for the El Camino Assisted Living Facility, and Attachment 2, Wildfire Evacuation Plan for the El Camino Assisted Living Facility Project. Attachment 2 includes an evacuation time analysis using VISSIM microsimulation software package (Version 10) by PTV Group, the results of which were averaged to obtain the evacuation travel time (see Appendix C, Evacuation Time Estimates, of Attachment 2 to the Emergency and Disaster Plan). In general, information



provided in the Emergency and Disaster Plan and associated attachments further clarifies the analysis provided in Section 7.10, Wildfire, of the Draft SEIR, which determined less than significant wildfire impacts, and in relationship to the CEQA Guidelines Section IX(f), Hazards and Hazardous Materials and Section XX(a), Wildfire. Attachment 2 to the Emergency and Disaster Plan further clarifies and provides additional detail in support of the Draft SEIR conclusions that the project would reduce risks to future occupants of the Assisted Living Facility, would not exacerbate wildfire risks, and is consistent with the County's Multi-jurisdictional Hazard Mitigation Plan (2023) and the Emergency Operations Plan (2022) and the City's Emergency Operations Procedures (2018).

The additional information provided in the El Camino Assisted Living All Hazards Emergency Operations Program and Plan Manual for the El Camino Assisted Living Facility and Wildfire Evacuation Plan for the El Camino Assisted Living Facility Project would be prepared as part of the licensing process. This information does not result in a new significant environmental impact, the introduction of a new mitigation measure, the increase in severity of an environmental impact. This information does not include changes to an alternative or mitigation measure that would result in a decrease of environmental impacts of the project that are not being adopted. Finally, the information provided does not demonstrate that the Draft SEIR was inadequate and conclusory in nature. Therefore, the addition of the El Camino Assisted Living All Hazards Emergency Operations Program and Plan Manual for the El Camino Assisted Living Facility and Wildfire Evacuation Plan for the El Camino Assisted Living Facility Project would not trigger recirculation of the SEIR per CEQA Section 15088.5.

### **Wildfire Hazard Impacts**

The City considers a project's impact significant if the project will either exacerbate wildfire risks, thereby exposing project occupants to wildfire risks, or expose people or structures to a significant risk of loss, injury, or death involving wildland fires per CEQA Guidelines Section IX(g), Hazards and Hazardous Materials, and Sections XX(b) and (d), Wildfire.

Related to CEQA Guidelines Section XX(b) regarding the potential exacerbation of wildfire risk due to slope, prevailing winds, and/or other factors, wildfire risk for the project site is likely to be from short-duration ember production from a wildfire burning in open spaces within the project's vicinity. An early evacuation of the project site may occur if a wildfire burns closely in the open spaces to the north, east, or west of the project. However, the surrounding terrain does not support aggressive runs at the community, which is separated from the open space by developed areas. Wildfires during typical weather conditions are less aggressive and more manageable, rarely resulting in large evacuations.

As conducted in past wildfires, an early evacuation of the area may occur several or more hours prior to actual threatening conditions at El Camino Real Assisted Living Facility, depending on conditions and fire spread projections.

Additionally, as discussed in Section 7.10, Wildfire, of the Draft SEIR, should a wildfire begin suddenly nearby, the residents would shelter in place because the facility is required to be constructed to high fire resistance standards. Specifically, the proposed project's Fire Fuel Load Modeling Report (FFLMR), provided as Appendix O of the Final SEIR, provides both City and state fire and building code required elements for construction, as well as enhanced state and City code-exceeding measures along the eastern side of the structure where non-conforming Brush Management Zones occur adjacent to the MHPA. Compliance with environmental standards including an ordinance, resolution, rule, regulation, order, plan, or other environmental requirement may be used as a threshold to determine significance when the agency explains why the standard is relevant to the project and how compliance with the standard ensures the project's impacts are less than significant (CEQA Guidelines Section 15064.7). The FFLMR (included as Appendix O) addresses the project site and its fire environment, including building and fire code requirements and brush management requirements, all of which take into consideration the surrounding environment. It also provides a fire risk assessment informed through fire behavior modeling.

The project site is located in a Very High Fire Hazard Severity Zone and is adjacent to open space areas to the east, northeast, and southeast; thus, the project's highest concern may be from firebrands or embers as potential ignition factors. As part of the FFLMR, a fire behavior analysis (refer to Section 4.7 of the FFLMR for the complete analysis) was completed to analyze anticipated fire behavior within and adjacent to key areas outside of the project's Brush Management Zones. The outputs of the analysis included predicted flame lengths (measured in feet), anticipated spread rates (measured as feet/minute), fire line intensity (measured as British thermal units/feet/second), and predicted spotting distance of embers (measured in miles). Embers were noted to be able to spread anywhere between 0.1 miles and up to 2.3 miles from the site with more than 50 mile per hour wind speeds. This does not mean the setback between buildings and wildland areas must be 2.3 miles, rather, the Assisted Living Facility will be constructed in accordance with Chapter 7A of the California Building Code, which established the minimum standard to protect life and property for a building located in a wildland-urban interface fire area by increasing the ability of the structure to resist the intrusion of flames or burning embers.



As outlined in Chapter 5 of the FFLMR, Chapter 7A requires that the structure be built using the latest ignition and ember resistant construction materials and methods for the roof, walls, vents, windows and exterior doors, and appendages, and includes an interior fire sprinkler system. Furthermore, the project requires Brush Management Zones around the structure to better help reduce the risk of a wildfire spreading. Because the eastern side of the development requires a modified brush management zone, the project will implement alternative compliance measures to meet code requirements, along the eastern side of the structure, including dual pane dual tempered windows and the installation of an additional layer of 5/8-inch Type X fire rated gypsum sheathing applied behind the exterior covering or cladding (stucco or exterior siding) on the exterior side of the framing from the foundation to the roof. These alternative compliance measures add a layer of protection to the structure by increasing the overall time of fire resistance; Chapter 7 of the FFLMR provides a description of these alternative compliance measures to the structure and provides justification for the inclusion of these fire protection features for the modified Brush Management Zones (e.g., the addition of a layer of tempering to structure windows to increase fire resistance time by approximately 20 minutes, to maintain not less than an hour of fire resistance). With the implementation of the alternative compliance requirements outlined in the FFLMR, the Assisted Living Facility is expected to reduce risks to future occupants of the Assisted Living Facility and would not exacerbate wildfire risks.

Additionally, per the FFLMR (Appendix O), the project site access and roadways will comply with City code requirements and be consistent with the most current California Fire Code. Further, as discussed in the state-mandated Emergency and Disaster Plan, Attachment 2, Wildfire Evacuation Plan, because the structures on the project site would conform to the ignition-resistant building codes codified in Chapter 7A of the California Building Code, the structures would be ignition-resistant, defensible, and designed to require minimal firefighting resources for protection, which enables the option for shelter in place when it is considered safer than evacuation. . With the implementation of applicable codes and the alternative compliance requirements outlined in the FFLMR, substantial evidence supports the SEIR's conclusion that the Assisted Living Facility would not exacerbate wildfire risks as described in CEQA Guidelines Section XX(b) or expose people or structures to significant wildfire risks as described in CEQA Guidelines Section IX(g) and Section XX(d). Impacts would be less than significant.

### **Evacuation**

The City considers a project's impact on evacuation significant if the project will significantly impair or physically interfere with implementation of an adopted emergency

response or evacuation plan per CEQA Guidelines Section IX(f), Hazards and Hazardous Materials, and Section XX(a), Wildfire. As described in the state-mandated Emergency and Disaster Plan, Attachment 2, Wildfire Evacuation Plan, in the event of an emergency, evacuation would occur via the proposed project entrance located along El Camino Real, which serves as an evacuation route for existing land uses in the project vicinity. As concluded in Attachment 2, the proposed project would not impede the ability of the City to implement its emergency operations procedures or the County's Multi-Jurisdictional Hazard Mitigation Plan or Emergency Operations Plan. The project does not propose any land uses or structures that would impede the ability of the surrounding area to evacuate should an emergency event occur, nor would the project obstruct or eliminate any existing evacuation routes.

As previously discussed, the proposed project would be required to comply with California Health and Safety Code Section 1569.695, which requires an Emergency and Disaster Plan to be prepared as part of licensing provisions for State-licensed "Residential Care Facilities for the Elderly" (RCFE). State law was amended by Assembly Bill 2098 (2018), effective January 1, 2019, to significantly increase the requirements for Emergency and Disaster Plans for residential care facilities. These amendments were specifically intended to address concerns raised by evacuation of State-licensed RCFE facilities during wildfires and natural disasters in 2017.<sup>1</sup> The state-mandated Emergency and Disaster Plan has been prepared specific to the proposed project and includes the following per California Health and Safety Code Section 1569.695:<sup>2</sup>

- (1) Evacuation procedures, including identification of an assembly point or points that shall be included in the facility sketch.
- (2) Plans for the facility to be self-reliant for a period of not less than 72 hours immediately following any emergency or disaster, including, but not limited to, a short-term or long-term power failure. If the facility plans to shelter in place and one or more utilities, including water, sewer, gas, or electricity, is not available, the facility shall have a plan and supplies available to provide alternative resources during an outage.
- (3) Transportation needs and evacuation procedures to ensure that the facility can communicate with emergency response personnel or can access the information necessary in order to check the emergency routes to be used at the time of an evacuation and relocation necessitated by a disaster. If the transportation plan

<sup>1</sup> See AB 2098 (2018) Assembly Floor Analysis, 8/27/18.

<sup>2</sup> [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=HSC&sectionNum=1569.695](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC&sectionNum=1569.695)



includes the use of a vehicle owned or operated by the facility, the keys to the vehicle shall be available to staff on all shifts.

- (4) A contact information list.
- (5) At least two appropriate shelter locations that can house facility residents during an evacuation. One of the locations shall be outside of the immediate area.
- (6) The location of utility shut-off valves and instructions for use.
- (7) Procedures that address, but are not limited to, all of the following:
  - (A) Provision of emergency power that could include identification of suppliers of backup generators. If a permanently installed generator is used, the plan shall include its location and a description of how it will be used. If a portable generator is used, the manufacturer's operating instructions shall be followed.
  - (B) Responding to an individual resident's needs if the emergency call buttons are inoperable.
  - (C) Process for communicating with residents, families, hospice providers, and others, as appropriate, that might include landline telephones, cellular telephones, or walkie-talkies. A backup process shall also be established. Residents and their responsible parties shall be informed of the process for communicating during an emergency.
  - (D) Assistance with, and administration of, medications.
  - (E) Storage and preservation of medications, including the storage of medications that require refrigeration.
  - (F) The operation of assistive medical devices that need electric power for their operation, including, but not limited to, oxygen equipment and wheelchairs.
  - (G) A process for identifying residents with special needs, and a plan for meeting those needs.
  - (H) Procedures for confirming the location of each resident during an emergency response.

The project-specific Emergency and Disaster Plan (Appendix Q of the Final SEIR) meeting all of these performance standards on content, back up plans, duration of self-

sufficiency, frequency of drills, and frequency of inspections required under state law and including Attachment 1, El Camino Assisted Living All Hazards Emergency Operations Program and Plan Manual, and Attachment 2, Wildfire Evacuation Plan, will be submitted separately as part of the facility's licensing provisions and requirements pursuant to California Health and Safety Code Section 1569.695, which ensures impacts do not rise to the level of significance. Although the final Emergency and Disaster Plan and associated attachments will be submitted separately as part of the facility's required licensing process, the documents are provided for further illustration of the Draft SEIR's conclusions and to demonstrate specifically how they are applied to the project, as part of the Administrative Record under CEQA for consideration as part of the project's discretionary review.<sup>3</sup> As discussed above, the addition of the El Camino Assisted Living All Hazards Emergency Operations Program and Plan Manual for the El Camino Assisted Living Facility and Wildfire Evacuation Plan for the El Camino Assisted Living Facility Project would not trigger recirculation of the SEIR per CEQA Section 15088.5.

Moreover, the project's compliance with code requirements for building in a Very High Fire Hazard Severity Zone provide emergency personnel with the option to have Assisted Living Facility residents shelter in place if deemed appropriate and safe for the situation, which is reflected in the statutory Emergency and Disaster Plan and its attachments. State law requires the facility to train all staff members on the plan upon hire and annually thereafter, conduct a drill at least quarterly for each shift, and review the plan annually and make updates, as necessary. (Health & Safety Code § 1569.695 and California Code of Regulations, Title 22, Section 87212.) The facility is required to submit the plan with its initial license application. The State Community Care Licensing Division shall confirm during annual licensing visits that the Emergency and Disaster Plan is on file at the facility and includes required content. Therefore, the statutorily required site specific Emergency and Disaster Plan and Wildfire Evacuation Plan attachment also supports the Draft SEIR's conclusion that implementation of the project would not impair an adopted emergency response plan or emergency evacuation plan as described in CEQA Guidelines Section IX(f), Hazards and Hazardous Materials, and Section XX(a), Wildfire. Impacts would be less than significant.

### **Evacuation Travel Time Impacts**

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<sup>3</sup> The project-specific Emergency and Disaster Plan, including Attachment 1, El Camino Assisted Living All Hazards Emergency Operations Program and Plan Manual, and Attachment 2, Wildfire Evacuation Plan, are provided in draft form for consideration as to the plan content as part of the project's discretionary review. Additional detail under these plans will be provided during City plan check review and prior to issuance of certificate of occupancy per California Health and Safety Code Section 1569.695 and facility licensing requirements.

The project also will not have any significant impact relating to evacuation that could expose people including project occupants to significant risk of loss, injury, or death involving wildland fires. In 2022, the California Office of the Attorney General issued guidance outlining best practices for analyzing and mitigating wildfire impacts of development projects under the CEQA. The guidance states that evacuation modeling and planning should be required for all projects located in High or Very High Fire Hazard Severity Zones that present an increased risk of ignition and/or evacuation impacts. Public safety, not time, is the guiding consideration for evaluating impacts related to emergency evacuation. Safely undertaking large-scale evacuations may take several hours or more and require moving people long distances to designated areas. Further, evacuations are fluid and timeframes may vary widely depending on numerous factors, including, among other things, the number of vehicles evacuating, the road capacity to accommodate those vehicles, occupants' awareness and preparedness, evacuation messaging and direction, and on-site law enforcement control. As documented in the Wildfire Evacuation Plan and evacuation analysis, the proposed project would not significantly increase the average evacuation travel time or result in unsafe evacuation timeframes under representative evacuation scenarios. In an actual emergency, unified command would take into account numerous factors to ensure consistency with the County's Emergency Operations Plan. Further, as discussed above, the project is required by state law to train its emergency managers on the procedures for refuge on site in fire-resistant buildings or within the wide, converted landscapes and hardscapes that would not readily facilitate wildfire spread. This provides the residents with a safer alternative to risking a late evacuation as determined by fire officials, ensuring that wildfire impacts do not rise to the level of significance.

The evacuation analysis with its traffic modelling also demonstrates the project will not adversely impact residents' ability to evacuate or emergency responders' ability to access the area and the site under reasonably anticipated conditions, taking into consideration anticipated fire behavior in the area. Additionally, the project would provide residents refuge on site in fire-resistant buildings or within the wide, converted landscapes and hardscapes that would not readily facilitate wildfire spread. This would provide them a safer alternative to risking a late evacuation.

With regards to comments speculating that vehicles making U-turns along El Camino Real will adversely affect evacuation procedures at the project site, this is not the case. As described in the project-specific Emergency and Disaster Plan, Attachment 2, Wildfire Evacuation Plan, in the event of an emergency triggering an evacuation protocol, emergency personnel and first responders would direct traffic to efficiently manage evacuation of the area to limit impacts to the immediate circulation system.



## **Emergency Access and Response**

Emergency access to the project site was addressed in Draft SEIR Section 5.8.3.4. As discussed in the Draft SEIR, access to the Assisted Living Facility parcel would be via one proposed right-in/right-out only driveway along El Camino Real, which was constructed as part of the church component. The fire access lane would start at the Church access point from El Camino Real and end at the Assisted Living Facility parking lot (Figure 3-3, Fire Access Plan, of the SEIR). Additionally, the Assisted Living Facility would provide a hammerhead turn around at the entrance to the Assisted Living Facility, as well as an alternate t-turn that would accommodate fire apparatuses. The proposed project's private access road and parking lot would be constructed in accordance with SDMC Sections 55.8701 and 55.8703, which outline the requirements for fire apparatus access roads and gates to ensure adequate emergency access within the project site. The required fire access roads throughout the area are designed to meet County of San Diego Consolidated Fire Code, including 24-foot-wide, unobstructed roadways, adequate parking, turning radius, grade maximums, and roadside fuel modification zones. As concluded in Section 5.8.3.4 of the SEIR, the Assisted Living Facility would have adequate emergency access.

The state-mandated Emergency and Disaster Plan and associated attachments provide additional detail regarding how the project would comply with state law related to fire prevention, protection, and evacuation, clarifies information and conclusions already provided in the Draft SEIR, and as discussed above, would not trigger recirculation of the SEIR per CEQA Section 15088.5.

### **MR-3 Indirect Impacts Relative to Multi-Habitat Planning Area (MHPA) Lands and Biological Resources**

#### **Background**

The Multiple Species Conservation Program (MSCP) was developed to preserve a network of habitat and open space, protecting biodiversity and enhancing the region's quality of life. The City's MSCP Subarea Plan (Subarea Plan) was prepared pursuant to the general outline developed by the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (collectively referred to as "wildlife agencies") to meet the requirements of the California Natural Communities Conservation Planning Act of 1992. This Subarea Plan forms the basis for the implementing agreement, which is the contract between the City and the wildlife agencies that ensures implementation of the Subarea Plan and thereby allows the City to permit development that may result in take of covered species (e.g., loss of habitat supporting a listed species).

## **Conservation Measures**

The City's MHPA was developed by the City in cooperation with the wildlife agencies, property owners, developers, and environmental groups. The MHPA delineates core biological resource areas and corridors targeted for conservation. Within the MHPA limited development may occur.

Section 1.4.3 of the Subarea Plan provides Land Use Adjacency Guidelines (LUAGs) that ensure minimal impacts to ecological functions and services that are intended to be conserved within the MHPA. The LUAGs are intended to be implemented on a project-by-project basis. LUAGs are provided for the following issue areas: drainage, toxics, lighting, noise, barriers, invasives, brush management, and grading/land development.

## **Implementation and Enforceability**

Section 5.4.1 of the 1996 MSCP Plan includes the following required actions from local jurisdictions that ensure implementation of the MSCP:

1. Amend land use plans, as needed, to be consistent with the jurisdiction's MSCP subarea plan, including land use designations and guidelines for development.
2. Adopt or amend zoning ordinances, codes, guidelines, and other development regulations, as needed, to ensure that approval of private and public development projects is consistent with the MSCP subarea plan.
3. Implement mitigation and/or encroachment standards consistent with achieving habitat conservation targets in the MSCP subarea plan.
4. Implement policies, regulations, and cooperative agreements to ensure that conserved lands are managed and monitoring in conformance with the MSCP Plan and subarea plan, following approval of development permits.
5. Conduct environmental review of projects as required by the California Environmental Quality Act, including review of feasible alternatives and incorporation of avoidance and mitigation measures, consistent with the MSCP Plan and subarea plan, to reduce or eliminate biological impacts.

6. Develop and implement, in conjunction with the wildlife agencies, a process to monitor the overall progress of the MSCP that reduces or eliminates the need for project-by-project wildlife agency review and/or approval.
7. Prepare and implement habitat management plans for existing local public lands contributed for habitat conservation, habitat lands acquired using local funds, habitat lands dedicated through the development process, and other lands as applicable.
8. Maintain records and maps of habitat acreage conserved and developed and prepare an annual report.
9. Meeting annually with the wildlife agencies regarding implementation of the subarea plan.
10. Participate in public hearings on the implementation status of the MSCP, and submit a status report, including any new biological data, to the wildlife agencies every 3 years.
11. Coordination conservation actions with adjoining jurisdictions and multi-jurisdictional habitat and open space planning efforts.
12. Participate in the planning, development, and implementation of regional or subregional funding for the MSCP. (City of San Diego 1997)

Within the City, these requirements are implemented through the Environmentally Sensitive Lands Regulations (Chapter 14, Article 3, Division 1 of the San Diego Municipal Code Section 143.01) and the Land Development Code Biology Guidelines (2018). The Code requires conformance with the provisions of the Subarea Plan, including Section 1.4.3 outlining LUAGs. A project conformance evaluation is a required section of the Biological Resources Technical Report and is incorporated into the applicable CEQA document. Chapter 4 of the Biological Resources Technical Report (included as Appendix D to the SEIR) addresses the project's conformance with the LUAGs and the analysis and is summarized in the Draft SEIR. City staff review the evaluation to ensure the determination of conformance is correct. Public review of the CEQA document provides an opportunity for the wildlife agencies to additionally review conformance.

The evaluation of conformance with the LUAGs relies on project development plans, including conditions of coverage such as recording of a covenant of easement for



undeveloped portions of the MHPA on site. All applicable LUAGs are required to be shown on plan exhibits and drawings during a project's plan check review prior to issuance of a grading permit or other related permits related to project-specific activities. As identified in Table 3-3, in Chapter 3 of the EIR, the project includes CM-BIO-1, which states that the Assisted Living Facility shall adhere to and implement the following mandatory and non-mandatory measures contained in the MHPA LUAG. An environmental consultant with experience in biological resources shall evaluate the project development plans to ensure the following:

- drainage is adequately controlled and treated before discharge into the MHPA.
- storage of toxics is not located adjacent to the MHPA.
- lighting is directed away from or shielded from the MHPA.
- no barriers to wildlife movement are erected in the MHPA.
- invasives are not planted along the MHPA edge.
- zone 1 brush management and grading are located outside the MHPA.

Any project that did not comply with the LUAG requirements would be subject to City Code enforcement. Accordingly, they are fully enforceable measures.

In terms of performance standards, the MSCP is an Endangered Species Act Section 10 Habitat Conservation Plan for the authorized "take" of listed species. Where a project has direct impacts on a listed species, the MSCP mandates the mitigation ratios required to minimize take. This project would not have a direct impact on listed species because its development plan avoids the MHPA areas on site. Therefore, no project specific habitat conservation plan is required. Where a development could have an indirect impact on a listed species, the MSCP incorporates the required mitigation into the plan and Environmentally Sensitive Lands Regulations to avoid take, which includes the LUAG requirements. The LUAG requirements are effective in avoiding take of a listed species because they separate the environmental pathway between the project's light, toxics, drainage, brush management, and grading/land development and the listed species habitat. The project's brush management and grading are outside the MHPA and would construct no wildlife barriers. Invasive plant species are not permitted onsite, including in the cutting garden. Accordingly, by a project's legal requirement to follow the LUAG requirements, such impacts do not rise to the level of significance. The SEIR documents the project's compliance with the LUAG requirements to avoid take.

Finally, where the LUAG requirements specifically call for the implementation of a mitigation measure (i.e., noise impacts to biological resources), the City has imposed

MM-NOI-1 to ensure that project noise impacts are physically separated from the listed species' nesting areas. This mitigation measure is not improperly deferred. MM-NOI-1 would employ methods of noise abatement (running fewer pieces of equipment near the habitat, running them slower, enhancing sound reduction on construction equipment mufflers, and constructing noise barriers) capable of reducing project noise to 60 A-weighted decibels (dBA), which is the level necessary to avoid noise impacts to nesting birds and other protected species. As discussed in Appendix J these mitigation techniques are capable of reducing noise to 60 dBA, a 22 dBA difference from the highest anticipated construction noise level of 82 dBA. Finally, to mitigate significant noise impacts to neighboring residents and adhere to the City's construction noise threshold of 75 dBA, only a 7 dBA reduction in construction noise would be necessary—far less than a 22 dBA reduction. Therefore, the same measures provided in MM-NOI-1 will also prevent significant noise impacts to neighboring residents.

**Comment Letter F1**

**From:** Eng, Anita <anita\_eng@fwsgov>  
**Sent:** Friday, June 23, 2023 4:09 PM  
**To:** DSD EAS; Osborn, Sara  
**Cc:** Zautendyk, David; Kalinowski, Alison (Ali)@Wildlife  
**Subject:** [EXTERNAL] El Camino Real Assisted Living Facility 675732

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In reply refer to: 20230623\_23-0097395-CEQA-SEIR\_SD

Good afternoon,

The Service has reviewed the draft Subsequent Environmental Impact Report (SEIR) and Biological Technical Report (BTR) for the El Camino Real Assisted Living Facility project.

F1-1

In Section 5.4.3.5, the SEIR refers to 2014 Church EIR Chapter 5.4 that states all related landscaping and revegetation for the Church would be limited to native species in areas adjacent to the MHPA with implementation of Mitigation Measures LU-1 and LU-2. Thus, no invasive non-native plant species will be used in areas adjacent to natural open space and impacts would be less than significant.

However, Figure 3-4b in the Project Description of the Subsequent EIR includes species such as Australian willow and New Zealand Christmas tree. It appears that these species are proposed directly adjacent to the MHPA.

Furthermore, Section 4.1.6 of the BTR reads:

F1-2

*MSCP LUAG: No invasive non-native plant species shall be introduced into areas adjacent to the MHPA.*

*The project will incorporate landscaping around the structure and parking lot that will be lightly vegetated with a primarily native species palette.*

Please clarify whether native species will be used exclusively or primarily in landscaping associated with this project. If non-native species are proposed, please confirm that none of the species included are considered non-native invasive plant species as identified by the California Invasive Plant Council.

We appreciate the opportunity to comment on this draft SEIR. Feel free to contact me if you have any questions regarding this email.

F1-3

thank you,

Anita Eng  
 Fish and Wildlife Biologist  
 U.S. Fish and Wildlife Service

**Response to Comment Letter F1**

**U.S. Fish and Wildlife Service  
 June 23, 2023**

**F1-1** The comment is an introduction to comments that follow.

**F1-2** Figure 3-4b, Landscape Plan – Trees, of the SEIR shows that multiple tree species, including New Zealand Christmas Tree (*Metrosideros excelsa*) and Australian Willow myrtle (*Agonis flexuosa*), will be planted adjacent to the Multi-Habitat Planning Area (MHPA); these tree species, as well as others planned for planting, are non-native ornamental species commonly used in Southern California. In addition, a mix of all-native shrub species is also proposed for planting at the MHPA boundary, as shown on Figure 3-4a, Landscape Plan – Shrubs, of the SEIR. None of the species proposed for planting at or near the MHPA boundary and shown in Figures 3-4a and 3-4b are listed as a noxious invasive according to the California Invasive Plant Council. Therefore, the project would not have any new or more significant impacts relating to non-native invasive plant species not analyzed in the 2014 Church EIR. As noted in Table ES-2, mitigation measures LU-1 and LU-2 apply to the Church site, but the Assisted Living Facility Site does not rely on those mitigation measures to reach its less than significant impact conclusion.

**F1-3** Comment noted.



2177 Salk Avenue, Suite 250  
Carlsbad, CA 92008  
(571)547-3203\*  
anita\_eng@fws.gov  
(she/her)

*\*Please email to schedule a call or meeting if needed.*

**Comment Letter S1**

---

**From:** Szymanski, Jeffrey <JSzymanski@saniego.gov> on behalf of DSD EAS <DSDEAS@saniego.gov>  
**Sent:** Tuesday, June 20, 2023 1:14 PM  
**To:** Szymanski, Jeffrey  
**Subject:** FW: El Camino Real Assisted Living Facility Project

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**From:** Zamora, Cherry@CATC <Cherry.Zamora@catc.ca.gov>  
**Sent:** Thursday, June 15, 2023 4:51 PM  
**To:** DSD EAS <DSDEAS@saniego.gov>  
**Cc:** Pennebaker, Laura@DOT <Laura.Pennebaker@catc.ca.gov>  
**Subject:** [EXTERNAL] El Camino Real Assisted Living Facility Project

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Dear Sara Osborn:

The California Transportation Commission (Commission) has received the City of San Diego's *Notice of Availability of a Draft Subsequent Environmental Impact Report for the El Camino Real Assisted Living Facility Project*. Commission staff do not have comments at this time.

For all projects that are anticipated to require Commission approval for discretionary actions, including route adoptions, new public road connections, or funding allocation requests, full compliance with the California Environmental Quality Act (CEQA) is required. The Commission will not allocate funds to projects for design, right-of-way, or construction, or approve route adoptions or new public road connections, until the environmental document is complete, and the Commission has approved the environmentally cleared project. The CEQA lead agency must contact and work with the Commission directly to ensure the final environmental document is brought forward to the Commission for action.

Regards,

Cherry Zamora  
California Transportation Commission  
ⓑ16)654-4245 | [cherry.zamora@catc.ca.gov](mailto:cherry.zamora@catc.ca.gov)

S1-1

## Response to Comment Letter S1

California Transportation Commission  
June 15, 2023

S1-1

Comment noted. The project is not proposing new public road connections or funding that would require approval by the California Transportation Commission. The comment does not raise an issue with the adequacy of the environmental impact analysis; no further response is required.

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Comment Letter S2

From: [Alison \(Ali\) Kalinowski](mailto:Alison.Kalinowski@wildlife.ca.gov)  
To: [Sara Sava](mailto:Sara.Sava@DSD.FAS); [DSD.FAS](mailto:DSD.FAS)  
Cc: [Mark David](mailto:Mark.David@Wildlife); [Paul Kristen](mailto:Paul.Kristen); [Phuong Daniel](mailto:Phuong.Daniel); [Ana Antonia](mailto:Ana.Antonia)  
Subject: [EXTERNAL] El Camino Real Assisted Living Facility Project, DSEIR (Project No. 676732, SCH#2013071043)  
Date: Monday, June 26, 2023 4:35:39 PM

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Hi Sara,

CDFW has reviewed the Draft Subsequent Environmental Impact Report (DSEIR) and associated documents for the El Camino Real Assisted Living Facility Project (Project). As stated in the DSEIR and Biological Technical Report, the Project proposes to install fencing along the eastern Project boundary between the proposed development and adjacent MHPA open space. While CDFW does not have a strong preference for the type of fence, we suggest wood fencing to deter public access and facilitate wildlife movement in this area.

S2-1

Feel free to contact me if you have any questions regarding this email.

Thank you,

Ali

Alison (Ali) Kalinowski  
Environmental Scientist  
CA Department of Fish and Wildlife  
3885 Ruffin Road, San Diego, CA 92123  
[Alison.Kalinowski@wildlife.ca.gov](mailto:Alison.Kalinowski@wildlife.ca.gov)

## Response to Comment Letter S2

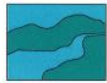
California Department of Fish and Wildlife (CDFW)  
June 26, 2023

S2-1

The project proposes a cable-rail fence along the eastern boundary with the MHPA to deter public access and facilitate wildlife movement. As determined in the SEIR, the Assisted Living Facility footprint is not considered to be within a biological core or linkage area and is not expected to interfere with movement of migratory fish or wildlife. Impacts related to wildlife corridors and linkages would be less than significant. The Assisted Living Facility development would avoid impacts to the on-site Multi-Habitat Planning Area (MHPA) (CM-BIO-1). In addition, the Assisted Living Facility would comply with the City's standard MHPA LUAGs (CM-BIO-1) and Water Pollution Control Plan (CM-BIO-5) as conditions of approval. As such, the Assisted Living Facility development would comply with the Multiple Species Conservation Program and no biological resource impact related to an MHPA inconsistency would occur.

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**Comment Letter L1**



San Dieguito River Park  
 Joint Powers Authority  
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Superior, County of San Diego
  - Bill Hochstadt  
Solana Beach City Council
  - Deanna Fisher, Esq. Director  
CIP Business Agricultural  
Association
  - Shawna Anderson  
Executive Director

June 21, 2023

Email to [DSDEAS@Sandiego.gov](mailto:DSDEAS@Sandiego.gov)

Sara Osborn  
 City of San Diego Development Services Center  
 1222 First Avenue, MS 501  
 San Diego, CA 92101

**Subject: El Camino Real Assisted Living Facility/675732**

The San Dieguito River Park Joint Powers Authority (JPA) is comprised of the cities of San Diego, Poway, Escondido, Solana Beach, Del Mar, and the County of San Diego. The JPA mission is to implement the San Dieguito River Park, including the Coast to Crest Trail, from the beach in Del Mar to Volcan Mountain in Julian. Overall, the JPA's goal is to protect, enhance, and restore critical habitat and provide recreational opportunities for hiking, biking, and equestrian activities, and for science and education, within the Park. In that context the JPA Citizens Advisory Committee and the Board of Directors of the San Dieguito River Park JPA reviewed the Subsequent Environmental Impact Statement (SEIR) for the proposed El Camino Assisted Living Facility.

The JPA recognizes that it is for City of San Diego decision makers, and ultimately for the San Diego City Council, not the JPA, to decide if this project should be approved, modified, or denied. In order to make that decision the SEIR needs to inform the city as to key issues affecting the Park. The JPA offers the following comments about deficiencies in the SEIR that fall short in providing the necessary information regarding project impacts to the Park and urges that these be addressed and corrected before a final decision on the project is made.

Overall Comments

The project site is within the San Dieguito River Park Focused Planning Area (FPA) and adjacent to the San Dieguito Lagoon and Multiple Habitat Planning Area (MHPA) and Gonzales Canyon wildlife corridor. Gonzales Canyon connects the San Dieguito River Valley to the Del Mar Mesa/Carmel Mountain and Los Penasquitos Canyon Preserve, as well as the Torrey Pines State Preserve. At page ES-1 the SEIR acknowledges that approximately 10% of the site is located in the 100-year floodplain and 28% is located in the MHPA.

The project site is highly visible within the San Dieguito River Valley. Unfortunately, this entire mesa adjacent to the MHPA has been permitted to develop in a piecemeal fashion over the past ten years with little regard for the surrounding resources and its regional connectivity. The JPA submitted comment letters raising these concerns for

L1-1

L1-2

**Response to Comment Letter L1**

**San Dieguito River Park Joint Powers Authority (JPA)  
 June 21, 2023**

**L1-1** The comment is an introduction to comments that follow.

**L1-2** The comment provides background of development of the San Dieguito River Valley. Impacts to the Multi-Habitat Planning Area (MHPA), including impacts associated with noise, human activity, and lighting are addressed in Section 5.4, Biological Resources, of the SEIR. As discussed in this section, the Assisted Living Facility would be required to comply with the LUAGs (see also CM-BIO-1 and CM-NOI-2 in SEIR Table 3-3, Summary of Assisted Living Facility Project Design Features and Compliance Measures, in Chapter 3, Project Description). The SEIR concluded that impacts to biological resources would be less than significant with mitigation.

Analysis of the size and bulk of the Assisted Living Facility is included in Section 5.9, Visual Effects, of the SEIR. The SEIR concluded that visual resource impacts would be less than significant. As described in MR-1, Land Use and Zoning Consistency, through compliance with the AR-1-1 zone requirements, the building design and site plan of the Assisted Living Facility would be non-urban in character and would also be consistent in bulk and scale to surrounding development. Further, the Assisted Living Facility component would be smaller than the tallest point of the church component, which

Ms. Osborn  
 El Camino Real Assisted Living SEIR/675732  
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each of the previous projects, but each was approved with few design changes. Entire campuses with multiple buildings were permitted and now this project shoehorns a 40-foot tall 150-unit development on a 3.97-acre parcel completely out-of-character with the surrounding area. The SEIR dismisses the impacts of development on the adjacent wildlife corridor including noise, human activity, and lights, and the size and bulk of the project, although clearly incompatible with the surrounding area.

Specific Comments

- At Tables ES-1 and ES-3 the SEIR addresses biological impacts of the project but addresses only avian species. There is no discussion of impacts to terrestrial animals including mule deer, bobcats, coyotes, etc. or to the wildlife corridor.
- At page ES-51 the SEIR addresses public scenic view obstruction concluding that project impacts are less than significant and no mitigation is needed. The SEIR fails to address the significant view impacts the project will have on the viewshed from, and of, the FPA and Park's extensive trail systems, from the adjoining restored and being restored wetlands, and the view impacts to the thousands of visitors to the Park.
- At page ES-53 and in table 3-3 the SEIR address light, glare, and ambient noise impacts concluding that project impacts will be less than significant and no mitigation is needed. But only construction related noise impacts to adjoining residences are considered and mitigation measures are proposed only for construction noise and avian species. The SEIR should address impacts to wildlife as it is well known that light, glare, and noise can impede the use of wildlife corridors, interrupt nesting and foraging, and degrade other natural behaviors. The discussion should not be limited to noise from construction but should include ongoing noise impacts from automobiles and other human activities so that appropriate mitigation to wildlife and the Park can be included. Table 3.3 at page 3-11 acknowledges potential noise impacts to the MHPA but no specific mitigation, only general concepts, are proposed other than as to avian species and construction noise. At page 3-10 lighting impacts are addressed but only to the MHPA.
- At page 9.1 et seq. the SEIR identifies project alternatives: Off-site Alternative Locations, Agricultural Use Alternative, and Single-family Residence Alternative. But only three alternatives are studied: Alternative 1 – No Project/No Build Alternative, Alternative 2 – Sensitive Nesting Bird Construction Impact Avoidance, Alternative 3 – Construction Noise Impact Avoidance. What is missing is any meaningful discussion of a reduced



Page 2 of 4 in Comment Letter L1

contains a 93-foot-tall dome. While surrounding development in the area lacks a consistent architectural theme, the Mediterranean aesthetic of the proposed project would include architectural features that would be compatible with surrounding structures (primarily multistory construction, light colored, stucco clad exteriors, red tiled roofs, and landscaped yards). Landscaping would be provided throughout the Assisted Living Facility but would focus heavily on landscaping along the southern and eastern boundaries adjacent to the Villas at Stallions Crossing development and MHPA. The open space and landscaped areas would comprise approximately 45.6% of the Assisted Living Facility site, consistent with the generally natural character of the site and the surrounding area. Additionally, as described in Section 5.9 Visual Effects and Neighborhood Character of the SEIR, the project site development would not be visually prominent or distinct in the broad San Dieguito River Valley landscape due to distance and intervening vegetation intermittently blocking views of the project site. Please also see MR-3, Indirect Impacts Relative to Multi-Habitat Planning Area (MHPA) Lands and Biological Resources.

**L1-3**

Section 5.4, Biological Resources, of the SEIR addresses impacts to terrestrial and avian species, in accordance with what is required under CEQA and the City's Biological Guidelines. Animals such as bobcats and coyotes are not identified as 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



Ms. Osborn  
 El Camino Real Assisted Living SEIR/675732  
 Page 3

project size alternative, alterations to the footprint or bulk and height of the project or inclusion of buffers from the wildlife corridor or sensitive areas to reduce impacts to wildlife and to the River Park. The reduced height alternative is briefly mentioned at Section 9.5 but is quickly rejected as one of the alternatives eliminated from detailed analysis.

- The SEIR fails to adequately consider the restoration of over 200 acres of San Dieguito Lagoon tidal wetland habitat immediately to the west of the project site and a critical part of the wildlife corridor and regional connectivity. The draft EIR also fails to discuss the potential impacts that the building mass, combined with other recently constructed adjacent buildings, would create in limiting the movement of wildlife through this area. A huge public investment in land preservation and habitat restoration has been made in the adjacent lagoon and Gonzales Canyon wildlife corridor over the past ten years. Community efforts and organizations have improved the MHPA wildlife corridor's function by restoring native habitat and replacing a culvert under El Camino Real with a wildlife overcrossing to better accommodate wildlife movement from the corridor to the restored lagoon.
- The cumulative impacts of adding this project in combination with the others approved on this mesa is not sufficiently addressed or mitigated in the SEIR. The site is not "underutilized" as purported in the SEIR, but merely designated park and open space and zoned agriculture as appropriate for its location. Allowing this project directly adjacent to the MHPA corridor conflicts with the tremendous progress made in preservation and habitat protection to implement the vision of the San Dieguito River Park. This project combined with the adjacent buildings will harm the function and values of the corridor with its edge effects. The proposed project's required narrow setback is insufficient to mitigate impacts to the corridor's function and importance to needed wildlife linkages.

Conclusion  
 It is recommended that the SEIR be updated and recirculated if required to address these deficiencies and that if the project is to proceed that impacts to wildlife and the San Dieguito River Park be fully mitigated. Thank you for this opportunity to comment on the SEIR and please let the undersigned know if any additional information from the JPA would be helpful.

For your record, the JPA board considered the SEIR and a draft comment letter recommended by the JPA's Citizen Advisory Committee at the JPA's Board meeting


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**L1-4**

Wildlife Service. Mule deer are considered sensitive but as discussed in the Biological Technical Report they were determined to have a low potential to occur within the project site boundary. According to the requirements of the City's CEQA Significance Determination Thresholds (City of San Diego 2022) and the CEQA Guidelines, the impact analysis is not required to assess non-listed species or those without potential to occur at the project. The SEIR did evaluate all special status wildlife, however potential impacts were only identified for avian species. Impacts to special-status wildlife species would be less than significant with the inclusion of MM-BIO-1 and MM-BIO-2. In particular, impacts to avian species have been addressed in Section 5.4.3.1 of the SEIR and were determined to be less than significant with incorporation of MM-BIO-2. Lastly, as discussed in Section 5.4.3.3 of the SEIR, impacts on wildlife movement and nursery sites would be less than significant.

Section 5.9, Visual Effects, of the SEIR addresses potential impacts to the existing quality of views. Because it is infeasible to assess project impacts from all available viewpoints in the surrounding area, a set of representative public viewpoints was selected to capture the range of views to the project site available to viewer groups in the area. The representative public viewpoints are depicted on Figure 5.9-1, Public Views Key Map, and include northbound Interstate 5, the Coast to Crest Trail, Via de la Valle, El Camino Real (northbound travel lane), and Overlook Park. The SEIR analyzed views from within the San Dieguito River Park

<p>Ms. Osborn El Camino Real Assisted Living SEIR/675732 Page 4</p> <p>of June 16, 2023 and voted unanimously to appoint Board member Worden and Board alternate Kazmer to revise the letter to reflect the Board's discussion. Board Chair La Cava and Quintin Grounds Board alternate for Marni Von Wilpert, both representing the City of San Diego on the JPA Board, abstained from voting in conformance with JPA policy. Accordingly, the JPA Executive Director was asked by the Board to sign this letter rather than Chair La Cava.</p> <p>Sincerely,  Shawna Anderson Executive Director</p> <p>Passed June 16, 2023 Board Meeting:</p> <p>AYES: 6 (KHOURY, PEPIN, WORDEN, GARCIA, G KAZMER ALTERNATE FOR ANDERSON, MACDONALD) NOES: 0 ABSTAIN: 2 (LACAVAL, Q GROUNDS ALTERNATE FOR VON WILPERT) ABSENT: 1 (LAWSON-REMER)</p> <p style="text-align: center;">Page 4 of 4 in Comment Letter L1</p>	<p style="text-align: center;">↑ L1-9 Cont.</p> <p>trails through the establishment of a Key View Point on the Coast to Crest Trail, (Key View Point 2; see Figure 5.9-1). The San Dieguito River Park is also visible from public viewpoints such as from Via de la Valle (View 3) and Overlook Park (View 6). While additional public viewpoints from trails within the San Dieguito River Park were not selected for detailed analysis, public viewpoints established on El Camino Real (specifically, Key View Point 5), are generally representative of the view to the Project site available to river park trail users on the Dust Devil Nature Trail (intermittently closed since the start of Phase II of the San Dieguito Wetlands Restoration Project in January 2022).</p> <p>Pursuant to the City of San Diego CEQA Significance Determination Thresholds, the section concluded that impacts would be less than significant because the project would not substantially obstruct any designated public corridors and would not substantially block an identified scenic resource from view of the public. In addition, the project complies with the applicable height and bulk requirements of the San Diego Municipal Code (SDMC) and would have no impact related to view blockage due to height or bulk regulation exceedances.</p> <p><b>L1-5</b> The comment addresses concerns over light, glare, and noise impacts. Section 5.10, Noise, of the SEIR addresses operational ambient noise increase impacts such as roadway traffic noise, traffic noise exposure to future project occupants, and stationary noise. The additional</p>
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	<p>traffic from the Assisted Living Facility would result in a community noise equivalent level increase less than the City's traffic generated noise threshold, defined as a direct project-related permanent ambient increase of 3 decibel or greater, and therefore the Assisted Living Facility would result in a less-than-significant traffic noise impact. Interior noise levels from traffic noise exposure are expected to be 27 A-weighted decibels, which is below the City's threshold of 45 decibels community noise equivalent level within habitable rooms; impacts would be less than significant. Finally, noise generated by stationary operational equipment would not exceed City established noise limits (SDMC Article 9.5: Noise Abatement and Control, Division 4: Limits), and therefore impacts would be less than significant. These impacts were found to be less than significant and therefore no mitigation is required.</p> <p>Section 5.4, Biological Resources, of the SEIR addresses impacts on wildlife. The Assisted Living Facility would be required to comply with the City's MHPA LUAGs, which includes measures relating to drainage, toxics/project staging areas/equipment, lighting, noise, barriers, invasives, brush management, grading/land development, and area specific management directives during construction and operation. These measures would be adhered to because they are required by the SDMC. As concluded in the SEIR, impacts would be less than significant.</p> <p>CM-NOI-1 also includes construction restrictions and measures related to noise that would avoid indirect</p>
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	<p>impacts to nesting birds. Operational noise impacts were addressed in Section 5.10 of the SEIR and determined to be less than significant; therefore, no mitigation was required. Due to the presence of coastal California gnatcatcher in the coastal sage scrub habitat located to the southeast of the project site within the MHPA, the project must ensure noise levels do not exceed 60 A-weighted decibels hourly average during the coastal California gnatcatcher breeding season within this MHPA area occupied by gnatcatcher. Table 5.10-8 of the SEIR includes the results of traffic noise modeling for the project, which shows an overall decrease in traffic noise at ST2 (located within the MHPA on site) resulting from project implementation. Consistent with the conclusions made in the SEIR, the project would result in less than significant impacts related to operational noise. Additionally, MM-NOI-1, MM-BIO-1, and MM-BIO-2 would reduce the temporary construction-related noise impacts to less than significant. Please also see MR-3, Indirect Impacts Relative to Multi-Habitat Planning Area (MHPA) Lands and Biological Resources.</p> <p>Section 5.9, Visual Effects, of the SEIR addresses the lighting and glare impacts resulting from the Assisted Living Facility. Similar to the adjacent church sites, outdoor lighting at Assisted Living Facility would include parking lot lighting, lighting for security and general illumination of outdoor spaces, and site lighting at primary entryways. All outdoor lighting elements installed on the Assisted Living Facility would comply</p>
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	<p>with the City's Outdoor Lighting Regulations as established in SDMC Section 142.0740 that requires installation of outdoor lighting fixtures that minimize negative impacts from light pollution (including light trespass and glare). Moreover, the City's Outdoor Lighting Regulations require the permittee to comply with the lighting regulations in the California Energy Code, California Code of Regulations, Title 24, Part 6; Green Building Regulations (Chapter 14, Article 10); and Electrical Regulations (Chapter 14, Article 6). See SDMC Section 142.0740(a)(3).</p> <p>The light reflectivity of the glass materials selected for the Assisted Living Facility is also required to comply with the City's glare regulations, which prohibit more than 50% of the building exterior from using reflective material from that exceeds a reflectivity factor greater than 30%. See SDMC Section 142.0730.</p> <p>As described in the SEIR, the architecture of the assisted living facility would be Mediterranean in style, with the majority of the building façade consisting of light-colored stucco and dark wood details. Incorporation of windows in the façades of the proposed structure is a typical development and design approach and building exteriors will not feature a 50% or greater total surface area that would be dedicated to windows. While windows on the exterior façades of a primarily stucco residential structure are not anticipated to result in substantial glare to viewers, including nearby motorists and trail-based and open space recreationalists or to</p>
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	<p>adjacent habitat areas, the potential for the project to produce visible glare is considered below.</p> <p>Reflective surfaces on the project site would not contribute to traffic hazards. The nearest roadway, El Camino Real, is located approximately 180 feet west of the project site (and roughly parallels the project site for approximately 290 feet). Within the approximately 180-foot-wide setback area, the project site is buffered from El Camino Real by a surface parking lot for the adjacent church and a near continuous row of mature pine trees planted in a landscape strip that parallels El Camino Real. Smaller ornamental trees are also scattered throughout the surface parking lot and, along with the referenced pine trees, help to screen the project site from view of passing motorists on El Camino Real. Based on the relatively short length of frontage of the project site to El Camino Real, extensive landscaping, intermittent nature of views to the project, peripheral views of motorists to the project, and reflective materials on the project site, the project would not contribute to a potential traffic hazard from glare on El Camino Real or other nearby roadways.</p> <p>Vegetation communities and land covers on the project site and the surrounding area are mapped and presented on Figure 5.4-1, Existing Biological Resources, of the SEIR. As shown on the figure, vegetation communities and land covers adjacent to the northeast, east, and southeast of the project site include disturbed habitat, non-native woodland, non-native grassland, eucalyptus, and Diegan coastal sage scrub. Riparian</p>
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	<p>habitat including southern willow scrub, mulefat scrub, and marsh lands occur within the biological study area, but none of these communities are immediately adjacent to the project site and each mapped riparian area is visually buffered from the project site by mature eucalyptus and other trees (see Figure 5.4-1). Based on the presence of intervening trees, clear lines of sight to the project site (located approximately 35 feet higher in elevation than the mapped riparian areas to the east in Gonzalez Canyon) are limited or unavailable from nearby riparian areas.</p> <p>As shown on Figure 5.4-1, the proposed Assisted Living Facility building (approximately 40 feet tall) would be mostly set back from the canyon edge, although a relatively narrow eastern wing would extend out from the primary structure. While the east- and north-façades of the Assisted Living Facility building would incorporate limited glass windows in the design, the project also includes implementation of a landscape plan that consists of (among other targeted plantings) the installation of 24-inch and 36-inch box trees along the eastern site perimeter. See Figure 3-4b, Landscape Plan. Combined with the presence of existing mature eucalyptus, palm, and other trees along the nearby slope and Gonzalez Canyon bottom, as well as the limited exposure of off-site areas (including riparian areas on the nearby canyon bottom) to the east, views of the Assisted Living Facility would not diminish off-site or riparian habitat quality due to substantial glare.</p>
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	<p>Public open space near the project site includes the San Dieguito River Park and Gonzalez Canyon Open Space Park. The San Dieguito River Park is generally located to the north, northwest, and west of the project site (and El Camino Real) although public access is limited to trails to the north of the San Dieguito River and west of El Camino Real. Specifically, the Dust Devil Nature Trail (open to pedestrians only) is located to the west of El Camino Real, and its formal parking lot/staging area, with access off northbound El Camino Real, is situated approximately 250 feet to the west of the project site. The Gonzalez Canyon Open Space Park encompasses a portion of the canyon lands located to the east of the project site, although public access and use is generally limited to a short out-and-back trail originating at service roads off Old El Camino Real and near existing blufftop homes (no formal parking or staging areas are provided).</p> <p>Exterior building materials used on the Assisted Living Facility building would have limited potential to result in reduced enjoyment of public open space. From most public trail viewing locations in the San Dieguito River Park, the Assisted Living Facility would be viewed as a distant feature situated adjacent to existing visible development of generally comparable mass and scale. Moreover, the existing pine trees and proposed 24-inch box trees along the west perimeter of the project site would help screen the 40-foot-tall Assisted Living Facility building from open space recreationists in the San Dieguito River Park. By locating the Assisted Living Facility in an area of the landscape where existing development occurs and through partial screening of</p>
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	<p>the Project by existing development and vegetation/trees, construction of the project would not result in reduced enjoyment of open space park opportunities in the San Dieguito River Park.</p> <p>Concerning effects to views from the Gonzalez Canyon Open Space Park, use of park trails nearest to the project is limited based on the lack of formal parking and staging facilities and, while the project site is visible from segments of the out-and-back trail, views along the route are routinely blocked by mature eucalyptus trees. Further, the 40-foot tall Assisted Living Facility would be partially blocked from view of trail users by existing mature eucalyptus trees and by 24-inch and 36-inch box trees to be planted along the eastern perimeter of the project site. Therefore, based on the lack of established trail facilities (e.g., parking/staging areas), limited exposure of clear views to the project site, and through implementation of the project landscape plan that would partially screen the proposed facility from view of trail users, the project would not result in reduced enjoyment of open space park opportunities in nearby areas of the Gonzalez Canyon Open Space Park.</p> <p>As concluded in Section 5.9 of the SEIR, impacts to adjacent neighborhoods related to lighting and glare generated by the Assisted Living Facility would be less than significant.</p> <p><b>L1-6</b> As stated in Section 15126.6 of the CEQA guidelines, an EIR need not consider every conceivable alternative to a project. The range of alternatives evaluated in an EIR is</p>
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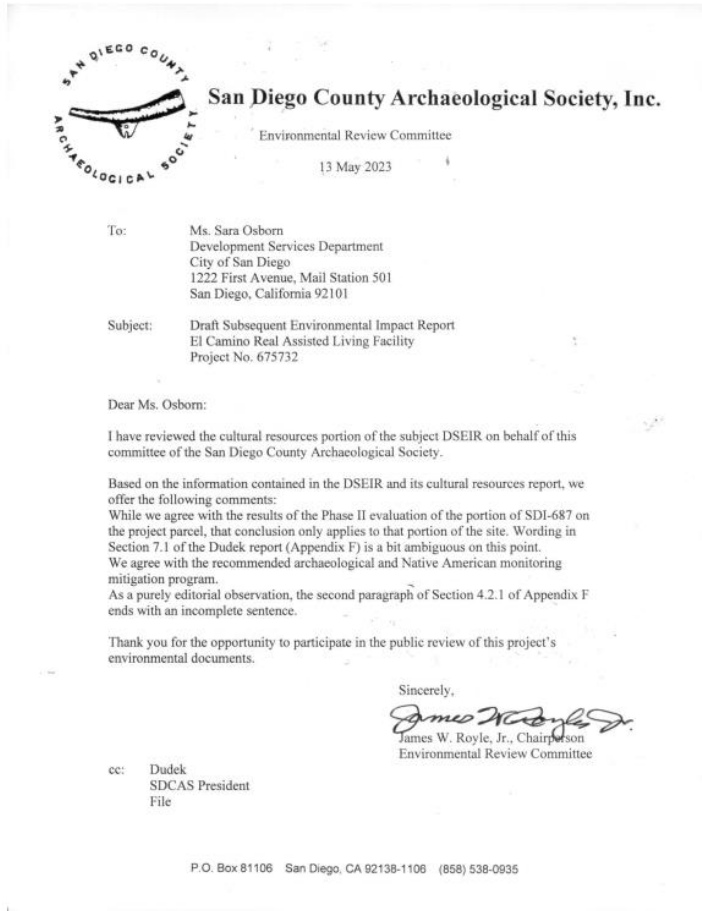
	<p>governed by the “rule of reason” that requires the EIR set forth only those alternatives necessary to permit a reasoned choice and that reduce or eliminate impacts. Moreover, the reasonable range of alternatives need only include feasible alternatives that meet most of the project objectives and that substantially avoid or lessen the proposed project’s significant environmental effects. Alternatives addressed in the Draft SEIR include the No Project/No Build Alternative, the Sensitive Nesting Bird Construction Noise Impact Alternative, and the Construction Noise Impact Alternative.</p> <p>In developing the alternatives addressed in this SEIR, the potential alternatives were evaluated in terms of their feasibility and ability to meet the basic objectives of the project, while reducing or avoiding the environmental impacts of the project identified in Chapter 5, Environmental Analysis, of the SEIR. To further clarify and support the analysis of Chapter 9 of the SEIR, an Economic Alternatives Analysis was prepared to analyze the economic feasibility of the proposed alternatives. The Economic Alternatives Analysis is included as Attachment 1 of these responses to comments. As concluded in the analysis, any alternative that would result in fewer units than what is proposed, such as a reduces height alternative or increased buffers, was considered financially infeasible. Therefore, the Reduced Height Alternative was rejected from further analysis as it is not economically feasible. Additionally, it would not reduce environmental impacts as the proposed Assisted Living Facility would not result in a significant impact under CEQA associated with height,</p>
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	<p>through compliance with code (see Section 9.5.4 of the SEIR for details). No further analysis is required.</p> <p><b>L1-7</b> As stated in Section 5.4, Biological Resources, of the SEIR, although the eastern portion of the Assisted Living Facility site is located within the MHPA, this area would remain undisturbed and would be preserved in perpetuity under a Covenant of Easement. The proposed development portion of the Assisted Living Facility does not support native habitat. Wildlife corridor and habitat linkage functions between San Dieguito River/Lagoon and Gonzalez Canyon are limited to lands supporting native habitat, primarily within the MHPA and outside the limits of the proposed project. Additionally, the project site has not been identified in Figure 2-2 of the Multiple Species Conservation Program Final Plan as a biological linkage. As discussed in Section 5.4 of the SEIR, the project complies with MHPA LUAGs, which ensures the project's indirect impacts on the adjacent native habitat function would be less than significant, including its functions as a wildlife corridor (see CM-BIO-1 in Table 3-3 of the SEIR). Please also see Response to Comment O2-58 for information regarding the San Dieguito Lagoon Restoration Project and MR-3, Indirect Impacts Relative to Multi-Habitat Planning Area (MHPA) Lands and Biological Resources.</p> <p><b>L1-8</b> Chapter 6 of the SEIR outlines the Assisted Living Facility's cumulative impacts. Please refer to Response to Comment O2-58, regarding the San Dieguito Lagoon Restoration Project Phase. Regarding wildlife movement and impacts</p>
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	<p>to the MHPA, please also see Response to Comment L1-7, above.</p> <p><b>L1-9</b> This comment requests a reevaluation of the project's environmental impacts. As detailed throughout this Responses to Comments document, the SEIR adequately analyzed the proposed project's impacts as required under CEQA. Furthermore, as a result of these responses to comments, "substantial revisions" requiring recirculation of the SEIR, as set forth in CEQA Guidelines Section 15088.5, were not required.</p>
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**Comment Letter 01**



**Response to Comment Letter O1**

**San Diego County Archaeological Society Inc.  
May 13, 2023**

- O1-1** The comment is an introduction to comments that follow.
- O1-2** Section 7.1 of the Cultural Resources Inventory and Evaluation Report has been revised based on the commenter's suggestion, for clarification purposes (see Final SEIR Appendix F). Such revisions are not "substantial," and pursuant to CEQA Guidelines Section 15088.5, would not require recirculation of the document.
- O1-3** Comment noted.
- O1-4** The comment indicates an incomplete sentence in Appendix F, Section 4.2.1, second paragraph. Section 4.2.1 has been revised per the commenter's suggestion. A few additional editorial edits have also been made to Section 4.1 (see Final SEIR Appendix F); they are not "substantial," and pursuant to CEQA Guidelines Section 15088.5, none would require recirculation of the document.
- O1-5** Comment noted.

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Comment Letter 02

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June 23, 2023

(VIA EMAIL TO [DSDEAS@SanDiego.gov](mailto:DSDEAS@SanDiego.gov))

Sara Osborn  
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RE: Comments on El Camino Real Assisted Living Facility (No. 675732)  
Subsequent Environmental Impact Report

Dear Ms. Osborn,

On behalf of the San Dieguito River Community Alliance ("SDRCA"), we submit the following comments on the Subsequent Environmental Impact Report ("SEIR") for the proposed El Camino Real Assisted Living Facility Project ("Project"). SDRCA is a coalition of residents and stakeholders in the San Dieguito River Valley that are concerned with protecting the natural resources and residents in the San Dieguito River Valley from environmental harms.

SDRCA supports uses and development of land that are consistent with the governing land use policies meant to protect the San Dieguito River Valley, including Proposition A. However, SDRCA is strongly opposed to the Project because of the Project's inadequate environmental review, the impacts that the Project will have on the surrounding environment and community (including its dangerous traffic and fire impacts), concerns regarding privacy of the adjacent residential community, and the Project's incompatibility in this sensitive location that is protected from intense urban development by the requirements of voter-approved Proposition A. SDRCA respectfully requests that the City recirculate the SEIR to address the issues identified below.

02-1

## Response to Comment Letter O2

**Carstens, Black & Minter LLP**  
**June 23, 2023**

**O2-1** The comment provides an introduction and expresses general concerns to be described in more detail in comments to follow. Please see Response to Comments (RTCs) O2-2 through O2-84, below.

**O2-2** Section 5.4 of the SEIR describes the project's impacts on biological resources. As stated in Section 5.4, although the eastern portion of the Assisted Living Facility site is located within the Multi-Habitat Planning Area (MHPA), this area would remain undisturbed and would be preserved in perpetuity under a Covenant of Easement. As discussed in Section 5.4 of the SEIR, the project complies with MHPA LUAGs and would implement MM-BIO-1 and MM-BIO-2, which ensure the minimization of indirect impacts from the project on the adjacent native habitat function, including its functions as a wildlife corridor (see CM-BIO-1 in Table 3-3 of the SEIR). As concluded in Section 5.4 of the SEIR, impacts to biological resources would be less than significant with the inclusion of MM-BIO-1, MM-BIO-2, and CM-BIO-1 through CM-BIO-6. Please also see MR-1, Land Use Zoning Consistency, and MR-3, Indirect Impacts Relative to Multi-Habitat Planning Area (MHPA) Lands and Biological Resources.

The comment correctly states that the project site is located in proximity to trails, within the Coastal Zone,

Ms. Sara Osborn  
 June 23, 2023  
 Page 2

**I. The Project is Located in a Highly Sensitive Area.**

The Project site is extraordinary land. The Project site is situated in the San Dieguito River Valley, in an area dense with natural resources. The site includes and is surrounded by land designated within the Multi-Habitat Planning Area, established by the countywide Multiple Species Conservation Plan which sets aside a reserve to protect the County's precious biological resources. The site is also designated as land subject to Proposition A, a voter-approved initiative meant to preserve sensitive areas from development. The site is within the Coastal Zone, and 10% of the site within the 100-year floodplain (SEIR, p. 5.1-105). Jurisdictional wetlands are 100 feet away. (SEIR, p. 5.1-67.) San Dieguito River Park trails are also near the Project site, allowing recreational uses near the site.

02-2

**II. The Project Violates the San Diego Municipal Code and Proposition A.**

**A. The Project Is Not of a Type Authorized For Construction in the Agricultural A-1 Zone.**

The City does not itself have the power to reclassify Proposition A lands to a category allowing more intense development, called a "phase shift;" only the electorate has that power under the express terms of Proposition A. Proposition A lands are classified as A-1 – allowing agricultural uses or residential use at a density of one residential unit per ten acres of land – unless the land undergoes a phase shift to zoning that allows more intense development. Such a phase shift requires a vote of the electorate.<sup>1</sup> Despite this, the City attempts to carve out an exception for the Project, on spurious grounds that such an exception is necessary as a "reasonable accommodation" for disabled persons. The SEIR fails to justify this conclusion.

02-3

<sup>1</sup> Apparently, "[a] deviation to the regulation prohibiting Nursing Facilities in Proposition A Lands was approved in accordance with SDMC Section 131.0466 via Process 1 review" (SEIR, p. ES-2, see, also, p. 5.1-13.) However, this "deviation" is not reflected in the San Diego Municipal Code, which continues to show Hospitals, Intermediate Care Facilities, and Nursing Facilities as *not* among the residential uses allowed in areas zoned Residential and Agricultural that are also Proposition A lands. (SDMC § 131.0340(a)(4)).

**02-3**

and within the 100-year floodplain. The comment does not address the adequacy or accuracy of the Draft SEIR, and no further response is required.

See MR-1, Land Use and Zoning Consistency. Proposition A does not prohibit development of the nursing facility on the subject site. The proposed nursing facility would not adversely affect the objectives of Proposition A. The development would be processed in accordance with the requirements for Conditional Uses as outlined in the Implementation Section of the North City Future Urbanizing Area Framework Plan. The site is intended for development and would not adversely affect agricultural land in Subarea II and would not impact natural resources located in the environmental tier. Because it is consistent with the intended use of the land identified and the conditional use permit regulations, it would remain neutral as compared to the regulations existing upon the passage of Proposition A which permitted Nursing Facilities with a Conditional Use Permit (CUP) in the A-1 zone. Moreover, SDMC Section 131.0466 provides that deviations from development regulations may be approved for development that will be used by a disabled person where the waiver (accommodation) request meets the required findings including that the request is necessary to make specific housing available to a disabled person. This includes a waiver to the Supplemental Regulation prohibiting Hospitals,



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**B. The Project Site is Protected by Proposition A, a Voter-Enacted Initiative.**

The SEIR assumes that the City has the authority to carve out an exception to make what it purports are "reasonable accommodations" for disabled persons. It does not have that authority in this case, because the *electorate* mandated the restricted status of the site, through passage of Proposition A. (SEIR, p. 2-1.) The SEIR describes the explicit purpose of Proposition A, and of the North City Future Urbanizing Area Framework Plan adopted by the City to carry out Proposition A, as "to prevent premature urbanization until it has been determined that it will accommodate the City's growth." Yet, urbanization is precisely what the proposed CUP would allow. The SEIR itself admits:

"The predominant irreversible environmental change that would occur as a result of project implementation would be the planned *commitment of land resources to urban/developed uses*. The project would irreversibly alter the previously graded vacant site to an assisted living facility for the foreseeable future. This would constitute a permanent change. Once construction occurs, reversal of the land to its original condition is highly unlikely. Other permanent changes would include more traffic, and an increased human presence in the area."

(SEIR, p. 8-2, emphasis added.) The SEIR admits that Project approval would irrevocably convert the Project site to urban uses. Such urbanization of the NCFUA land without a vote of the City's electorate is exactly what Proposition A was passed to avoid.

The text of Proposition A specifically provides:

Section 1. "No property shall be changed from the "future urbanizing" land use designation in the Progress Guide and General Plan to any other land use designation and the provisions restricting development in the future urbanizing area shall not be amended except by majority vote of the people voting on the change or amendment at a City wide election thereon."

Section 2 Definitions For the purposes of this initiative measure, the following phrases shall have the following meanings:

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**02-4**

Intermediate Care Facilities, and Nursing Facilities that house disabled residents in the Future Urbanizing Area.

See MR-1, Land Use and Zoning Consistency, regarding the project's location within Proposition A lands, consistency with the site's AR-1-1 zoning, and issuance of the CUP. The Assisted Living Facility has been designed to be non-urban in character and scale and is consistent with the applicable North City Future Urbanizing Area (NCFUA) Framework Plan policies (refer to Table 5.1-2 of the SEIR). Although the NCFUA Framework Plan does not define non-urban in character and scale, the Assisted Living Facility's non-urban characteristics are addressed through its massing, scale, setbacks, landscaping, and lot coverage. The project would be consistent in bulk and scale with surrounding development. The project design would be compatible with design displayed by development in the surrounding area, including the broad San Dieguito River Valley landscape. The Assisted Living Facility includes the use of stucco walls, wood trellis, limestone, and terracotta tile roofs, which would relate to the surrounding rural character of the area (see SEIR Section 5.9.3 for additional discussion). The Assisted Living Facility would not exceed 40 feet in height and would be consistent with the applicable AR-1-1 development regulations of the San Diego Municipal Code (SDMC), given the increased setback of 20 feet. The open space and landscaped areas would comprise approximately 45.6% of the Assisted Living Facility site, consistent with the generally natural character of the site

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....  
(b) "Change in Designation" or "changed from Future Urbanizing" [sic] shall mean the removal of any area of land from the future urbanizing designation." (Ballot, Municipal Election Tuesday, November 5, 1985, summary of Proposition A, at [www.sandiego.gov/sites/default/files/legacy/city-clerk/elections/city/pdf/pamphlet650921.pdf](http://www.sandiego.gov/sites/default/files/legacy/city-clerk/elections/city/pdf/pamphlet650921.pdf), emphasis added.)

The Project proposes to remove the assisted living facility's site from the future urbanizing designation to which Proposition A assigned it, and to do so without a vote of the people. The City has no authority to do so, and the issuance of a CUP that purports to do so is therefore unauthorized. The SEIR also is defective as an informative document due to its failure to make this clear. The Project site was designated for Future Urbanizing by Proposition A, and is designated Agricultural-Residential (low density) in the City's General Plan. The Future Urbanizing designation was approved by the voters when Proposition A was passed, cannot be changed absent a majority vote of the electorate. Further, before the redesignation could be done, the City would need to adopt a specific plan for Subarea II, something that it has not yet done (SEIR, pp. 5.1-4, 5.1-9), and that would have to go through numerous City procedures.

The SEIR summarizes the contradictory nature of the City's treatment of this land thusly:

Zoning for the project site is Agricultural-Residential (AR-1-1). AR-1-1 regulations allow private stables, commercial riding, training or boarding horse stables, and most agricultural uses. The AR-11 [sic] regulations also allow several other uses, such as hospitals, Intermediate Care Facilities & Nursing Facilities, and churches, with an Unmodified Conditional Use Permit (CUP) Ordinance. However, Hospitals, Intermediate Care Facilities & Nursing Facilities are *not* permitted within Proposition A Lands per the Separately Regulated Use Regulations of the Municipal Code.

(SEIR, pp. 5.1-3 to 5.1-4, emphasis added.) In a sort of environmental double-speak, the SEIR states that uses such as the proposed Project both are and are not permitted on the site in question. Both cannot be correct.



and the surrounding area. Coverage of the project site with structures would be limited to approximately 10%.

The commenter emphasized a sentence in Section 8.2 of the Draft SEIR about urban uses. The following revision has been added to the Final SEIR under Section 8.2: "The predominant irreversible environmental change that would occur as a result of project implementation would be the planned commitment of land resources to urban/developed uses."

This sentence has been revised in the Final SEIR to be consistent with the rest of the Final SEIR. Additionally, the City is not changing the site's designation as "future urbanizing" and therefore requires no phase shift subject to a vote of the electorate. The City is permitting non-urban development consistent with Proposition A; the AR-1-1 zone, which allows Hospitals, Intermediate Care Facilities, and Nursing Facilities with a CUP; and federal and state fair housing laws as implemented through SDMC Section 131.0466 ("Deviations from Development Regulations for Reasonable Accommodations"). The project is also consistent with City Council Policy 600-29, "Maintenance of Future Urbanizing Area as an Urban Reserve" because it is consistent with the development alternatives adopted by the City Council to implement Proposition A.

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The comment accurately restates language found in Section 5.1.1 of the SEIR. As stated in SEIR Section 5.1.2, the commenter is correct that assisted living facilities are not permitted in agricultural zones on Proposition A

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**C. The SEIR Fails to Justify an Uncodified Conditional Use Permit.**

There is an explicit prohibition on nursing facilities and densities greater than one residential unit per ten acres (i.e., group living facilities are banned) in Proposition A lands. Nonetheless, the SEIR concludes that the Project, although not of a type authorized for construction in Proposition A land zoned A-1, may be approved through the City's adoption of an uncodified CUP ordinance that would be used to grant a conditional use permit to the assisted living facility, on grounds that federal and state "policy" favors ensuring that disabled persons have equal access to a dwelling place. (SEIR, pp. ES-2, 5.1-13.)

Laws banning discrimination on the basis of disability are a necessary shield against the deprivation of disabled persons to access to group living situations on the basis of their disabilities. (Cf., *Broadmoor San Clemente Homeowners Assn. v. Nelson* (1994) 25 Cal.App.4th 1, 320-21 [restrictive covenants against elderly group housing struck down as prohibited discrimination against disabled persons].) SDRCA is highly supportive of equal access to housing, and agrees that the goal of remedying housing discrimination for disabled people is laudable and important. However, the SEIR is a document of accountability, and it does not explain why constructing the Project on this highly protected site in contravention of Proposition A and the San Diego Municipal Code is necessary to effect equal access for disabled persons. Thus, the SEIR's explanation appears to present a post hoc rationalization to circumvent the zoning requirements rather than a genuine effort to address housing inequalities for disabled persons. This conclusion constitutes a stark change of the SEIR from the unbiased, "informational document" CEQA contemplates (Public Resources Code § 21061) to an advocacy document for the Project, regardless of the will of the voters or the provisions of applicable City zoning law.

Moreover, even if the SEIR's explanation was something more than a post hoc rationalization, the SEIR's conclusion is not supported by well-settled law. The Unruh Civil Rights Act does not prospectively confer rights or privileges that are conditioned or limited by law. (Civil Code § 51, subd. (c).) Thus, the City cannot carve out an exception from the requirements of Proposition A on a baseless assumption that the

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**02-6**

lands pursuant to Supplemental Regulations in SDMC Section 141.0413(a) However, staff determined that the proposed project qualifies for reasonable accommodations pursuant to SDMC Section 131.0466 to allow a waiver (accommodation) to the Supplemental Regulation prohibiting Nursing Facilities in Proposition A lands in accordance with SDMC Section 131.0466 via Process 1 review. SDMC 31.0466 states: "The federal Fair Housing Amendments Act [42 USC 3601-3619] and the California Fair Housing and Employment Act [Govt Code 12900-12996] require that jurisdictions make reasonable accommodations to afford disabled persons an equal opportunity to use and enjoy a dwelling." The adoption of an Uncodified Ordinance waiving the Supplemental Use Regulation of SDMC Section 141.0413(a) would allow for development of the Assisted Living Facility with a CUP and would be consistent with the federal, state, and local statutory requirements to reasonably accommodate hospitals, intermediate care facilities, and nursing facilities within Proposition A lands. See also MR-1, Land Use and Zoning Consistency, and RTC 02-4.

See MR-1, Land Use and Zoning Consistency, regarding the project's location within Proposition A lands, consistency with the site's AR-1-1 zoning, and consistency with Proposition A and the A-1 zoning memorialized through Council Policy 600-29. The comment does not raise an issue related to the

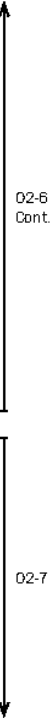
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"minimal availability" of developable land in Subarea II necessitates development of the Project. Federal anti-discrimination law also proscribes this approach. This is shown by *Leocata, ex rel. Gilbride v. Wilson-Coker*, 343 F.Supp.2d 144 (2004), a case that considered the claim of a disabled woman that the federal Americans with Disabilities Act entitled her to an accommodation in the form of funding that would allow her to stay in a group home that she could no longer afford. The federal district court held that "[s]uch an accommodation, however, would represent a grant of special substantive rights to Leocata. The Second Circuit has stated specifically that "the ADA does not mandate the provision of new benefits." (*Leocata ex rel Gilbride, supra*, 343 F.Supp.2d at 156, citing *Rodriguez v. City of New York* (2<sup>nd</sup> Cir. 1999) 197 F.3d 611, at 619.)

In carving out an exception to Proposition A for the Project, the City grants the Project a benefit without sufficient justification. This is demonstrated by the fact that the SEIR justifies the rejection of an alternative to the Project of building Single-Family Residences on the Project site, on grounds that the General Plan's land use category for the subject land, and the City's zoning for it, would allow, at the very most, three single-family residences, either clustered together or spread over the entire parcel. (SEIR, p. 9-5.)

**D. California Law Recognizes The Right Of Initiative As A Reserved Power. Proposition A, As A Voter Initiative, Must Take Primacy Over The SEIR's Proposed Conditional Use Permit Granted Pursuant To An Uncodified Ordinance.**

The SEIR, at page 5.1-13, appears to argue that a municipal ordinance authorizes the Project despite its conflict with Proposition A, citing San Diego Municipal Code section 131.0466, subdivision (c)'s provision for "reasonable accommodation" for disabled persons in order to allow them "the equal opportunity to use and enjoy a dwelling." (SEIR, p. 5.1-13.) As shown above, federal and state law do not mandate approval of the proposed Project, which would be a benefit conferred to the Project that is not supported by law or adequately justified in the SEIR.



adequacy of any specific section or analysis of the SEIR. The purpose of an EIR is to analyze the physical effect of the project, not to justify the basis for an uncodified ordinance. The City has approved a Process 1 determination that the project is entitled to a reasonable accommodation to waive the Supplemental Regulations to allow the Assisted Living Facility with a CUP within Proposition A lands.

The FHAA as implemented by SDMC Section 131.0466 prevails over local regulations and local propositions.

**02-7**

See MR-1, Land Use and Zoning Consistency, and RTCs O2-4, O2-5, and O2-6 above. As discussed in SEIR Section 5.1.3.1 (Issue 1), the FHAA (42 USC 3601-3619) and the California Fair Housing and Employment Act (Govt Code 12900-12996) require local jurisdictions to make reasonable accommodations so that disabled persons can use and enjoy a dwelling.

The reasonable accommodation does not require removal of any area of land from the future urbanizing designation or amendment of a land use designation. The reasonable accommodation is to the Supplemental Regulations' limitation on assisted living facilities in Proposition A lands.

**02-8**

As described in SEIR Section 5.1, the Assisted Living Facility would be consistent with the development standards of the project site's AR-1-1 zoning, which

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Proposition A was adopted as a voter initiative, and as such must take precedence over a municipal ordinance. California law, beginning with the state's Constitution, resolves the contradiction pointed out by the SEIR. *Brookside Investments, Inc. v. City of El Monte* (2016) 89 Cal.App.5th 540, at 550, recounts the scope and purpose of local initiative powers, stating:

Drafted in light of the theory that all power of government ultimately resides in the people, the amendment speaks of the initiative and referendum, not as a right granted the people, but as a power reserved by them. Declaring it 'the duty of the courts to jealously guard this right of the people' [citation], the courts have described the initiative and referendum as articulating 'one of the most precious rights of our democratic process' [citation]. . . . Drafted in light of the theory that all power of government ultimately resides in the people, the amendment speaks of the initiative and referendum, not as a right granted the people, but as a power reserved by them. Declaring it 'the duty of the courts to jealously guard this right of the people' [citation], the courts have described the initiative and referendum as articulating 'one of the most precious rights of our democratic process' [citation]. . . .

The local electorate's right to initiative "is generally co-extensive with the legislative power of the local governing body." . . . [T]hrough the exercise of the initiative power the people may bind future legislative bodies other than the people themselves." (89 Cal. App.5th at 549-550, citations and italics omitted)

Here, the people of the City of San Diego enacted Proposition A, and provided that its land use restrictions could not be changed except by a vote of the electorate. (Ballot, Municipal Election Tuesday, November 5, 1985, summary of Proposition A, at [www.sandiego.gov/sites/default/files/legacy/city-clerk/elections/city/pdf/pamphlet650921.pdf](http://www.sandiego.gov/sites/default/files/legacy/city-clerk/elections/city/pdf/pamphlet650921.pdf).) The Proposition explicitly provided that "removal of any area of land from the future urbanizing designation" was banned. (*Id.*, emphasis added.) The City cannot violate this ban through any action, including the issuance of "deviation" through a CUP issued under Municipal Code section 131.0466. The Project may not be approved, pursuant to the ballot initiative.

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Cont.

includes an allowance to increase building height when setbacks are increased. The Assisted Living Facility would provide greater than the minimum 20-foot setback from adjacent properties in accordance with the zoning (AR-1-1). The Assisted Living Facility is providing setbacks of 45 feet (north side yard), 187 feet 7 inches (back), 30 feet (south side yard), and 63 feet 9 inches (front), which would allow for the increased height of 40 feet per SDMC 131.0344.

Through compliance with AR-1-1 zone requirements, the building design and site plan of the Assisted Living Facility would be non-urban in character and would also be consistent in bulk and scale with surrounding development. While surrounding development in the area lacks a consistent architectural theme, the Mediterranean style of the Assisted Living Facility would include design features that would be compatible with design features (primarily multistory construction, light colored, stucco clad exteriors, red tiled roofs, and landscaped yards) displayed by development in the surrounding area, including the broad San Dieguito River Valley landscape.

As concluded in Section 5.9.3.3 of the SEIR, impacts associated with architectural style and consistency/visual compatibility with surrounding development would be less than significant and no mitigation would be required.

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The SEIR described the project in Chapter 3, and Chapter 4 of the SEIR provided analysis of and

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A somewhat analogous situation was presented in *De Vita v. County of Napa* (1995) 9 Cal.4th 763, where a 1990 voter initiative “amended the land use element of the County’s General Plan to preserve agricultural land. The initiative, Measure J, made any “redesignation of existing agricultural land and open space essentially conditional on voter approval” for the next three decades. (*De Vita, supra*, Cal. 4<sup>th</sup> at 770.) The California Supreme Court upheld this initiative, holding that the power of initiative extends even to charter counties. (*De Vita*, at 9 Cal.4<sup>th</sup> 784.)

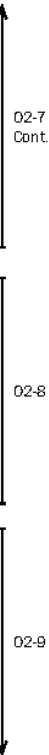
The City is free to put a measure on the ballot to ask the voters to amend Proposition A to allow this Project, but until such time as the electorate exercises that power, the City is without power or authority to override the Proposition.

**III. The Project is Incompatible with Surrounding Development.**

The Project is also incompatible with surrounding development, including the Stallion’s Crossing residential development that is just south of the Project site. The Project’s Site Plan reveals that the Project’s residential units would be concentrated in the southeastern portion of the site, in close proximity to the adjacent residential development. (SEIR, p. 3-21.) The Project is a three-story, 40-foot-tall building that exceeds the designated height limit of 30 feet. The Project’s excessive height and relatively short setbacks would create privacy issues and noise impacts as the Project’s residential units would tower over the adjacent residential development.

**IV. The SEIR is Inadequate and Requires Recirculation.**

The California Environmental Quality Act (CEQA) serves two basic, interrelated functions: ensuring environmental protection and encouraging governmental transparency. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 564.) CEQA requires full disclosure of a project’s significant environmental effects so that decision-makers and the public are informed of these consequences before the project is approved to ensure that government officials are held accountable for these consequences. (*Laurel Heights Improvement Ass’n of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.) The environmental impact report



**02-10**

mitigation for the project. As detailed throughout this RTCs document, the SEIR adequately analyzed the proposed project’s impacts as required under CEQA. Furthermore, as a result of these responses to comments, “substantial revisions” requiring recirculation of the SEIR, as set forth in CEQA Guidelines Section 15088.5, were not required. Please also see RTC L1-9.

The following clarification has been added to the Final SEIR under Section 3.3.1: “The three accessory buildings that would be associated with the Church have not yet been constructed.” although the.”

The project includes both the church and assisted living facility component to make up one project. This SEIR evaluates the change in environmental impacts associated with the incorporation of the Assisted Living Facility into the St. John Garabed Armenian Church (Church) project. Changes to a project do not reopen a previously certified EIR, such as the 2014 Church EIR, to new claims that the analysis was inadequate because it failed to analyze future components of a project. If the original environmental document retains some informational value despite the proposed changes, then the agency decides under CEQA’s subsequent review provisions whether project changes will require major revisions to the original environmental document. So long as the agency determines that the previous environmental document retains any relevance in light of the proposed changes, only subsequent review is required.



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process is the “heart of CEQA” and is the chief mechanism to effectuate its statutory purposes. (*In Re Bay-Delta Programmatic EIR Coordinated Proceedings* (2008) 43 Cal. 4th 1143, 1162.) SDRCA is concerned the SEIR fails to adequately describe the Project and disclose, analyze, and mitigate the Project’s significant adverse environmental impacts.

**A. The SEIR Improperly Segments Project Analysis and Contains an Inadequate Project Description.**

Every EIR must set forth a project description that is sufficient to allow an adequate evaluation and review of the project’s environmental impacts. (CEQA Guidelines § 15124.) “An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-93; accord *San Joaquin Raptor/Wildlife Reserve Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730.) “[O]nly through an accurate view of the project may the public and interested parties and public agencies balance the proposed project’s benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives.” (*City of Santee v. County of San Diego* (1989) 214 Cal. App. 3d 1438, 1454.)

The SEIR is presented as a subsequent environmental impact report from the 2014 EIR for the St. John Garabed Church Project (“Church Project”), a project proposed and approved on an adjacent 13.41 acre parcel for a 51,680 square-foot development, including a 8,740 square-foot, 350 seat church, a 18,090 square-foot multi-purpose hall with an assembly area of 6,200 square-feet, an 11,010 square-foot cultural and education facility, and a 13,840 square-foot youth center with basketball court. (2014 Church EIR, p. 3-2.) While the church has been constructed, the accessory buildings have not yet been constructed.<sup>2</sup>

<sup>2</sup>The SEIR’s discussion of the Church Project’s accessory buildings appears to be incomplete, stating “The three accessory buildings that would be associated with the Church have not yet been constructed although the” without completing the sentence. (SEIR, p. 3-2.) We request clarification of this sentence.

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Information from the 2014 Church EIR was included throughout SEIR Chapter 5, Environmental Impact Analysis; Chapter 6, Cumulative Impacts; and Chapter 7, Effects Not Found to be Significant, to provide a comparison and background as it relates to the impact analysis of each environmental issue area. As described in SEIR Chapter 1, the SEIR analyzes the new information of substantial importance that was not known at the time the 2014 Church EIR was certified—the development of the Assisted Living Facility. The three accessory buildings were already analyzed in the 2014 EIR. As described in Chapter 3, the Church site and the more recently acquired 3.97-acre Assisted Living Facility site would be joined together by a Lot Tie Agreement as a condition of project approval. The Lot-Tie Agreement would allow the site to be developed as one overall project. However, the three accessory buildings can be developed whether or not the Assisted Living Facility is developed, and the Assisted Living Facility can be developed whether or not the three accessory buildings are developed. Therefore, the Lot-Tie Agreement is not inherently required as part of project approval.

During subsequent environmental review, a lead agency to reanalyze the original project, even where portions of the original project have not yet been constructed. An EIR has already been prepared for the Church and its accessory buildings, and CEQA legislative policies promote streamlining subsequent environmental review, instead of duplicating the analysis in new EIRs. California Public Resources Code, Section 21003(e), states, “Information developed in environmental impact

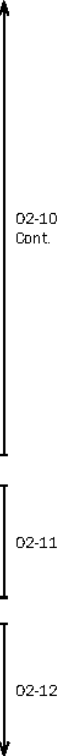


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The SEIR provides data from only the Assisted Living Project and the Assisted Living Project appears to operate independently from the Church Project. However, the Project is adjacent to the Church Project, and the developer is seeking an amendment to the Conditional Use Permit for the Church Project to include a condition for a lot-tie agreement requiring the Church and Assisted Living Facility to be developed as one overall project. (SEIR, p. ES-1.) It is thus unclear whether the Project analyzed in the SEIR is separate or a part of the Church Project. If the Project is to be developed as one project, the impacts of both projects must be analyzed and reported together. CEQA requires analysis of "the whole of an action," including activities that are a reasonably foreseeable consequence of a project, and prohibits evading comprehensive CEQA analysis by splitting projects into separate pieces. (CEQA Guidelines § 15378; *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283-84; *Orinda Assn v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171.) The City must "construe the project broadly to capture the whole of the action and its environmental impacts." (*Save Berkeley's Neighborhoods v. Regents of University of California* (2020) 51 Cal.App.5th 226, 239.) All phases must be considered together for environmental review. (*Natural Resources Defense Council, Inc. v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 284.) Thus, the SEIR must be recirculated to analyze both projects together, particularly given the fact that the Church Project's accessory buildings have yet to be built, and construction and operation of those buildings must be taken into account when considering construction and operation of the Project.

Moreover, the SEIR failed to even present the 2014 Church EIR, and to the best of SDCRA's knowledge, the 2014 Church EIR is not publicly available online. The public cannot evaluate whether there are changed circumstances or new information giving rise to new impacts if they cannot evaluate the original EIR. The SEIR must be recirculated with the 2014 Church EIR to give the public the full view of the Project's impacts.

Finally, the SEIR presents an outdated construction schedule. The SEIR assumes that construction commenced in January 2023 and will run through January 2024. (SEIR, pp. 3-6, 3-7.) Within this time frame, the SEIR sets a schedule for each phase of construction. (SEIR, p. 3-7.) Since the Project has not even been approved yet, the construction schedule is now outdated. The construction schedule is important, particularly as the mitigation measures for the Project's biological impacts purport to



reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations." The policy reason for this is set forth in California Public Resources Code, Section 21003(f), which states, "[a]ll persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical and social resources with the objective that those resources may be better applied toward the mitigation of actual significant effects on the environment." Accordingly, when there is an opportunity to utilize the analysis from the 2014 EIR and perform subsequent environmental review in accordance with CEQA Guidelines Sections 15162 and 15163, CEQA legislative policy directs the lead agency to perform subsequent environmental review so that resources are better directed toward mitigation than repeating existing analysis.

This SEIR was prepared in accordance with CEQA Guidelines Sections 15162 and 15163 and the SEIR performs subsequent environmental review of the certified 2014 Church EIR (Project No. 240283/SCH No. 2013071043). This SEIR considers the issues discussed in the 2014 Church EIR and evaluates whether a significant effect has been adequately addressed or if there is an effect that was not addressed in the 2014 Church EIR. As needed, additional or updated mitigation is provided to address significant environmental impacts of the proposed Assisted Living Facility. Given that the SEIR

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restrict construction activities during the breeding season of sensitive species. (SEIR, p. 5.4-22 to 5.4-27.) The SEIR must be recirculated with an updated and realistic construction schedule.

**B. The SEIR Improperly Relies on Project Design Features and Proposed Conditions to Mitigate Impacts Without Analysis or Enforceability.**

Throughout, the SEIR improperly relies upon so-called Project Design Features (PDFs) and Compliance Measures (CMs). (See SEIR, Table 3-3, pp. 3-9 to 3-20.) The majority of these PDFs and conditions appear to be mitigation measures that the Project applicant and City have failed to incorporate into the Project's Mitigation Monitoring and Reporting Program (MMRP). When a Project incorporates mitigation measures, CEQA requires that those mitigation measures be "fully enforceable through permit conditions, agreements, or other measures." (Pub. Resources Code § 21081.6(b).) As mere PDFs and CMs that will not necessarily be incorporated into Project approvals, conditions, and the MMRP, they are not properly enforceable by the City or third parties and cannot be relied upon for any reductions in Project impacts. CEQA's mitigation requirements exist for a reason. "The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded." (*Federation of Hillside & Canyon v. City of Los Angeles* (2000) 83 Cal. App.4th 1252, 1261; *Katzjiv. California Dept. of Forestry and Fire Protection* (2010) 181 Cal. App.4th 601, 612; *Lincoln Place Tenants Assn v. City of Los Angeles* (2005) 130 Cal. App.4th 1491.)

The heavy reliance on Project PDFs and CMs and the future imposition of conditions also improperly compresses the SEIR's disclosure and analysis functions. (*Lotus v. Department of Transportation* (2014) 223 Cal. App.4th 645, 655-656.) A "mitigation measure cannot be used as a device to avoid disclosing project impacts." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App.4th 645, 663-664.) Here, the SEIR claims that the PDFs are part of the Project itself and fail to assess the impacts of the Project without these PDFs. Recent Court of Appeal decisions disapprove of this practice:

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02-11

analyzed the addition of the Assisted Living Facility component to the Church component, the Assisted Living Facility component was not known at the time of the preparation of the 2014 Church EIR, and substantial evidence supports the City's determination that the 2014 Church EIR retains informational value relevant to the project, no piecemealing occurred. Further, the impacts of both components are analyzed because the SEIR is subsequent to the EIR.

Moreover, the project description in the SEIR is stable. It accurately describes the project as an Assisted Living Facility amendment to the Church CUP. It is being constructed on the Church's campus. The land is owned by the Church, the Church is the lessor, the Assisted Living Facility developer is the lessee.

No recirculation is required to account for impacts of the three accessory buildings because they have already been accounted for in the original 2014 EIR.

CEQA Guideline Section 15162 states "A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed." Accordingly, SEIR Section 1.0, Introduction, states that the 2014 Church EIR and approved plans, as well as other technical studies and reports are "available for review at the City of San Diego Development Services Center, 1222 First Avenue, Fifth Floor, San Diego, California 92101." The SEIR complies with the requirements of the CEQA Guidelines. Additionally, as permitted by CEQA Guidelines Section 15150,

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A 'mitigation measure' is a suggestion or change that would reduce or minimize significant adverse impacts on the environment caused by the project as proposed." (*Lincoln Place Tenants Assn. v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 445, 66 Cal.Rptr.3d 120.) **A mitigation measure is not part of the project.** (*Lorus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 656 & fn. 8, 167 Cal.Rptr.3d 382.) Thus, it is questionable whether these measures even qualify as mitigation measures.

(*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 433, emphasis added.) An EIR cannot incorporate "the proposed mitigation measures into its description of the project and then conclude [] that any potential impacts from the project will be less than significant." (*Lorus, supra*, 223 Cal.App.4th 645, 655-657.) The SEIR's shortcut is "not merely a harmless procedural failing...[it] subverts the purposes of CEQA by omitting material necessary to informed decisionmaking and informed public participation." (*Id.* at 658.)

**C. The SEIR Fails to Adequately Analyze and Disclose the Project's Traffic Impacts.**

Mr. Tom Brohard, an expert transportation engineer with decades of experience in the field of transportation engineering and planning, reviewed the SEIR and found several substantial issues with the SEIR's traffic analysis that must be addressed. We summarize these issues below, which are outlined in detail in Expert Brohard's letter, included as Attachment 1 to this letter.

- The SEIR's traffic study failed to follow the requirements of the City's Transportation Study Manual ("TSM"). The SEIR's analysis improperly relied on estimated traffic volumes, factored from traffic counts taken in 2012 for the Church Project's traffic study. In doing so, the SEIR violates the City's own transportation study manual which requires new transportation data to be collected if the available data is older than two years.
- The SEIR's analysis relied on improperly factored estimates from data collected in the winter of 2012, despite the TSM's requirement for traffic counts in areas near beaches to be taken during summer months or include adjustments to reflect summer conditions. The Project site is within the coastal zone.



02-13  
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02-14

02-15

Incorporation by Reference, the SEIR incorporates by reference the previously certified 2014 Church EIR (Project No. 240283/SCH No. 2013071043) and approved plans, which provide supporting documentation used in the analysis for the project. The SEIR also references several technical studies and reports. Information from these documents has been briefly summarized in the SEIR, and their relationship to the SEIR described. These documents are included in Chapter 11 of the SEIR, References Cited, and are thereby incorporated by reference. In addition, information from the 2014 Church EIR was included throughout SEIR Chapters 5-7 to provide a comparison and background as it relates to the impact analysis of each environmental issue area.

The Comment Letter asserts the City should have provided a copy of the original EIR online; however, the City complied with CEQA's requirements for identifying the location of the original EIR. No recirculation is required.

**02-12**

As described in SEIR Chapter 3, the analysis assumes a construction start date that has already passed (January 2023), which represents the earliest date construction would initiate. Assuming the earliest start date for construction represents the worst-case scenario for criteria air pollutant emissions because equipment and vehicle emission factors for later years would be slightly less due to more stringent standards for in-use off-road equipment and heavy-duty trucks, as well as fleet turnover replacing older equipment and vehicles in later years. The construction schedule was based on the best

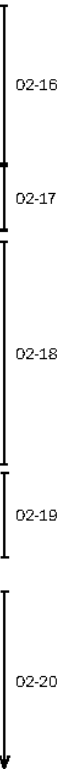
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- The SEIR underestimated the Project's trip generation. The SEIR estimated that the Project would generate 234 daily trips. Expert Brohard revealed that, according to the Institute of Transportation Engineers Trip Generation Manual, the Project would generate 331 daily trips. The SEIR failed to prepare a study of the Project's vehicle miles traveled ("VMT"), claiming that the Project would not meet the required threshold of 300 daily trips. However, since the Project would exceed the 300-trip threshold, a VMT study is necessary.
- The SEIR improperly segments analysis of the Project's traffic and parking analysis by presenting analysis of only the assisted living facility without the Church Project. Both projects must be analyzed together.
- The SEIR must analyze and mitigate the Project's stopping sight distance at the Church driveway and El Camino Real, which is necessary given that the driveway's entrance is close to a superelevated horizontal curve on El Camino Real on which vehicles travel at high speeds.
- Mitigation measures to remedy impacts to bicyclists and bicycle facilities are necessary given the Project's traffic safety impacts.
- Vehicle travel for the Project would require unsafe U-turns maneuvers involving vehicles and bicycles to merge across several lanes of fast-moving traffic.
- Left-turn and U-turn lane lengths at traffic signals are too short, which would result in overflow and rear-end collisions.
- An emergency evacuation and service plan is required for the Project, which is located in a landlocked parcel. The plan must detail how the narrow 24-foot-wide, two-way aisle through the Church parking lot will accommodate emergency access vehicles to the Assisted Living Facility.

**D. The SEIR Fails to Adequately Disclose and Mitigate the Project's Conflicts with Land Use Policies, Plans, and Ordinances.**

**1. The Project is Contrary to Proposition A, the City's General Plan, and Proposition A's Implementing Ordinances and Policies.**

The Project site is located in an area with extremely stringent restrictions on development due to the presence of highly sensitive natural resources and voter-approved



**O2-13**

estimate at the time the SEIR was prepared. Most importantly, mitigation measures, including mitigation associated with biological resources, would be required to be implemented despite the change in construction schedule. This the information provided does not demonstrate that the Draft SEIR was inadequate and conclusory in nature and would not trigger recirculation of the SEIR per CEQA Section 15088.5.

The commenter does not identify the specific compliance measures (CMs) or project design features (PDFs) that they consider mitigation, nor do they identify what specific impacts are not being properly mitigated for. As described in SEIR Chapter 3, Project Description, under Section 3.4, the Assisted Living Facility PDFs and CMs are either made explicitly enforceable through project conditions or they are part of the approved project plans. Building permits to construct the project must conform to the project's approved plans, not some other theoretical project design. CMs that are identified in SEIR Table 3-3, Summary of Assisted Living Facility Project Design Features and Compliance Measures, include applicable regulations and requirements that the project must follow and also provide the proper agency that is charged with enforcement.

CEQA Guidelines, Section 15126.4(a)(1)(A), states "The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed...which are not included but the lead agency determines could reasonably be expected

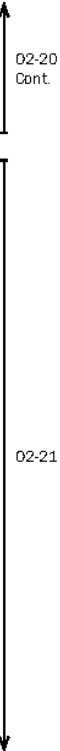
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imposition of strong environmental protections. Thus, development within the area may only proceed under a narrow set of circumstances as described below, none of which are present here. The City's attempt to construe the Project as one that falls under the narrow categories of allowable projects set forth by Council Policy 600-29 impermissibly circumvents the development restrictions set in place by that Policy and the voter-approved provisions of Proposition A.

**a. The Citywide Electorate Passed Proposition A to Protect Sensitive Land and Prevent Sprawl Development.**

The Project site is governed by the North City Future Urbanizing Area Framework Plan ("Framework Plan"). The NCFUA Plan designates Subarea II, the area in which the Project is located, as Future Urbanizing Area that is kept in reserve "to avoid premature urbanization, to conserve open space and natural environmental features, and to protect the fiscal resources of the City by precluding costly sprawl and/or leapfrog urban development." (Framework Plan, p. 13.)

Proposition A, the Managed Growth Initiative, was passed by San Diego voters in November 1985. Supported by the Sierra Club, Common Cause, League of Conservation Voters, and Citizens Coordinate for Century 3 (C3), the Proposition was a bipartisan citizen's effort to halt what was seen as a City Council pattern of violating the Growth Management Plan. (Ballot Argument accompanying Proposition A, November 1985.) The Growth Management Plan set aside thousands of acres of land in the City, protecting them from development until they were actually needed. In so doing, the Plan also prevented new urban sprawl and accompanying traffic and air pollution, termed as the "Los Angelization of San Diego." (*Ibid.*) As recognized by the California Supreme Court, the voters were thus using a "legislative battering ram." (*Amador Valley Joint Union High Sch Dist. v. State Bd of Equalization* (1978) 22 Cal.3d 208, 228.) The initiative power "was designed for use in situations where the ordinary machinery of legislation had utterly failed. . ." (*Id.*) The ballot arguments make it clear that the sponsors of Proposition A felt the City Council was being unduly influenced by developers. To prevent this, the voters reserved to themselves the right to make the fundamental decision about whether certain broad swaths of land would be



to reduce adverse impacts if required as conditions of approving the project." In compliance with CEQA this SEIR distinguishes between PDFs, which are features incorporated into the design of the project to minimize or avoid adverse impacts; CMs, which include standard conditions of approval imposed by the City or by regulatory agencies; and mitigation measures (MMs).

Accordingly, MMs are actions taken by the lead agency and/or applicant to reduce impacts to the environment resulting from the original project design. After a project has been evaluated with its consistency with federal, state, and local laws and regulations, additional MMs are identified by the lead agency to reduce environmental impacts. This SEIR includes several MMs relating to sensitive species, archaeological resources, and noise monitoring and avoidance. Consistent with CEQA, these MMs are not elements of the project itself and are therefore appropriately described as MMs.

The cases referenced in the comment letter therein do not mention the explicit permissions CEQA grants lead agencies to use CMs, also known as environmental compliance measures. CEQA Guidelines 15064.7(d) provides the following:

Using environmental standards as thresholds of significance promotes consistency in significance determinations and integrates environmental review with other environmental program planning and regulation. Any public agency may adopt or

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developed. Specifically, Proposition A provides:

No property shall be changed from 'future urbanizing' land use designation in the Progress Guide and General Plan to any other land use designation, and the provisions restricting development in the Future Urbanizing Area shall not be amended except by majority vote of the people...at a citywide election thereon.

(Proposition A, Section 1, City of San Diego General Plan, p. AP-27.) The Proposition applies to lands designated as 'future urbanizing' in the General Plan on August 1, 1984. (Proposition A, *supra*, at Section 2.) Thus, lands set aside as 'future urbanizing' or 'Proposition A lands' cannot be opened to urban development without a majority vote of the people. The only exception provided in Proposition A is for projects for which "a building permit has been issued . . . prior to the effective date of this measure." (Proposition A, *supra*, at Section 5.) As the Project would be located on Proposition A lands, and as it was not proposed until long after 1984, it does not fall within Proposition A's exception. Therefore, the project cannot be built unless a majority of voting San Diegans approve of removing Proposition A protections from the site.

Proposition A authorized the City to "take any and all actions necessary" to "carry out the intent and purpose of this initiative measure," (Proposition A, *supra*, Section 3), including the adoption of reasonable guidelines for implementation (*Id.*, Section 4). Like conversions of Proposition A lands, the measure may be amended or repealed only by a majority of voters. (*Id.*, Section 6.) Proposition A has not been amended or repealed.

The General Plan is the City's constitution for development. (*Orange Citizens for Parks & Recreation v. Superior Court* (2016) 2 Cal.5th 141, 152.) Thus, any decision of the city affecting land use and development must be consistent with the general plan. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 570.) Proposition A has been incorporated directly in the General Plan, most notably in the Land Use and Planning Element, which contains a map of Proposition A lands. (General Plan, Figure LU-4). General Plan Policy LU-J.2 guides the City to:

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use an environmental standard as a threshold of significance, a public agency shall explain how the particular requirements of that environmental standard reduce project impacts, including cumulative impacts, to a level that is less than significant, and why the environmental standard is relevant to the analysis of the project under consideration.

In addition, CEQA Guidelines 15064.7 (a) defines a threshold of significance as "an identifiable quantitative, qualitative, or performance level of a particular environmental effect, ...compliance with which means the effect normally will be determined to be less than significant."

CEQA Guidelines 15064(b)(2) also states, "Thresholds of significance as defined in Section 15064.7(a), may assist lead agencies in determining whether a project may cause a significant impact. When using a threshold, the lead agency should briefly explain how compliance with the threshold means that the project's impacts are less than significant. Compliance with the threshold does not relieve a lead agency of the obligation to consider substantial evidence indicating that the project's environmental effects may still be significant."

Moreover, environmental compliance programs, plans, and regulations such as water quality control plans, air quality attainment plans, and integrated waste management plans, contain specific requirements to



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Follow a public planning and voter approval process consistent with the provisions of this Land Use Element for reuse planning of additional military lands identified as Proposition 'A' lands, and other areas if and when they become subject to the City's jurisdiction.

Conversion of the project site to an urbanized use such as the proposed Project, without achieving a majority vote of the public, therefore, would violate not only Proposition A, but the City's General Plan.

**b. The Project is Inconsistent with the Implementation Policies for Proposition A, which are Incorporated into the General Plan.**

According to the current General Plan, implementation of the Proposition has divided the City's land into two jurisdictions, Proposition A lands and urbanized lands. Proposition A lands are characterized by very low-density residential, open space, natural resource-based park, and agricultural uses. (General Plan, p. LU-41.) By contrast, urbanized lands are characterized by communities at urban and suburban levels of density and intensity. (*Ibid.*) Proposition A has been further incorporated into the General Plan's Public Facilities Element, where it affects how the City finances public facilities. (General Plan, Figure PF-1.)

Pursuant to Section 3 of the Proposition, the City of San Diego has adopted implementation policies. Two notable ones are Policies 600-29 and 600-30, each of which became effective on October 26, 1993. Policy 600-29 declares the Future Urbanizing areas "urban reserves" that will help the City avoid premature urbanization, conserve open space and the natural environment, and protect fiscal resources. (Council Policy 600-29, October 26, 1993, p. 1.) The policy opines that permitting development in these urban reserves would "strain City fiscal resources," inefficiently divert development from urbanized areas, increase drive times and air pollution "without any realistic prospect for mass transit service," and "infringe upon the few remaining viable agricultural areas with[in] the City limits." (*Ibid.*) To that end, Policy 600-29 declares, "It shall be the policy of the City Council that lands within the Future Urbanizing area be

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avoid or substantially lessen the cumulative problem within the project's geographic area and a lead agency can use such CMs when evaluating whether a project has cumulatively considerable impacts. CEQA Guidelines Section 15064(h)(3) states, "[s]uch plans or program must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. When relying on a plan, regulation, or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable."

In the circumstances described above, the City may list compliance measures in the SEIR as CMs, rely on them to determine if the project will result in a significant impact, and only propose MMs if it determines, using CEQA's rule of reason, that a significant impact from the project still remains. CEQA Guidelines, Section 15064(b) states "The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data." If impacts are not significant, then no mitigation is required (14 CCR 15126.4[a][3]). Where CMs are used in the SEIR, the City properly explains why the CMs are relevant to the project and how compliance

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maintained as an 'urban reserve' in part through the application or continuation of agricultural zoning which prohibits development at urban intensities." (*Id.*, at p. 2.) For lands zoned A-1, such as the project site, Policy 600-29 permits residential development in four ways:

- 1) according to the density and minimum lot size permitted by A-1 zoning regulations;
- 2) pursuant to cluster development regulations that allow the same amount of total development as A-1 zoning regulations, but clustered in one location to allow future development of other lands when the property is shifted into an urbanizing area;
- 3) pursuant to the Planned Residential Development regulations that allow development at an increased density in exchange for permanent easements on undeveloped land; and
- 4) pursuant to conditional use permit regulations provided that the conditional uses as natural resource dependent, non-urban in character and scale, or are of an interim nature which would not result in an irrevocable commitment of the land precluding future uses.

(Council Policy 600-29, pp. 2-4.) Each of these development options incentivizes the preservation of agricultural and open space land. Policy 600-29 further incentivizes the retention of undeveloped land by promoting the consideration of preserved lands for tax benefits under the Williamson Act. (*Id.*, p. 3.) Finally, the policy provides that lands only be considered for shifting outside of a Proposition A designation in accordance with specific procedures and monitoring mechanisms. Before urban density can be permitted in Proposition A lands, a General Plan Amendment and supporting community, specific, or precise plan is required. (*Ibid.*) However, before the City may expend funds on such a plan, it must make supportable findings that "(1) available lands are approaching full utilization; (2) a need exists for additional developable lands; and (3) a process has been developed to identify where the next phase of urban development should occur."

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with them ensures the project's impacts would be less than significant (14 CCR 15064.7).

The environmental disclosure purposes of CEQA are not subverted when the project must follow applicable CMs adopted as mandatory legal requirements. By using compliance standards, the lead agency streamlines CEQA compliance by taking advantage of regulatory agency studies and proceedings leading to adoption of an environmental standard. This is consistent with the Legislature's CEQA policy that "[a]ll persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied toward the mitigation of actual significant effects on the environment" (California Public Resources Code, Section 21003[f]).

The SEIR properly includes PDFs and CMs that are not considered MMs in a manner that does not improperly compress the SEIR's disclosure and analysis functions, in compliance with the CEQA Guidelines.

**02-14**

The comment is an introduction to comments that follow. Comments 02-15 through 02-19 summarize more detailed comments provided in Attachment A that are addressed in MR-2, Wildfire Hazards and Evacuation; see also RTCs 02-19, 02-70 through 02-78, and 02-80 below.

<p>Ms. Sara Osborn                  June 23, 2023                  Page 18</p> <p>(Council Policy 600-29, p. 4) Finally, the policy requires the completion of a survey to identify lands that should be retained as permanent open space for agricultural, environmental, or other purposes.</p> <p>The SEIR claims that the Project qualifies under one of the development alternatives stated in Policy 600-20, which applies when the conditional uses are non-urban in character or scale. The SEIR cannot reasonably claim that the Project is non-urban in character or scale. As the General Plan states, urbanized lands are characterized by communities at urban and suburban levels of density and intensity. (General Plan Land Use Element, p. LU-47.) The Project would entail a dramatic increase in the intensity of the land. The Project would add 124 beds, increased traffic trips including from residents, employees, and visitors, and would generate significant noise impacts. The Project also exceeds the scale of the area, with a 40 foot, three-story facility that exceeds height limits. The Project is also incompatible with surrounding development—the Project’s excessive height limit and short setback would create privacy and noise issues as the Project’s residential units would tower over the adjacent residential development. The Project simply does not qualify under this or any development alternative.</p> <p>The proposed Project’s 105 residential units vastly exceed those that would be permitted by any of Policy 600-29’s allowable development types, and is therefore not permissible at this time. Additionally, a phase shift into an urbanizing area cannot yet occur because a general plan amendment, specific plan, or precise plan has not been approved for this portion of the North County Future Urbanizing area, as required.</p> <p>Policy 600-30 sets out the City’s policies for handling the “exceptional situations,” wherein the Council may consider land shifts outside of the General Plan update process, such as when a property owner petitions for a land shift. (City Council Policy 600-30, October 26, 1993, p. 1.) The Policy restates Proposition A, making it clear that “No land shall be shifted from the Future Urbanizing area...except by a General Plan Amendment approved by the City Council and approved by a majority vote of the people.” (<i>ibid.</i>) Applications for land shifts can only be considered for substantive review by the Planning Commission if they are consistent with an adopted land use plan, such as the</p> <p style="text-align: center;">18</p> <p style="text-align: center;">Page 18 of 79 in Comment Letter O2</p>	<p><b>O2-15</b> Please see RTCs O2-70, O2-71, and O2-77, below.</p> <p><b>O2-16</b> Please see RTCs O2-70 and O2-71, below.</p> <p><b>O2-17</b> Please see RTCs O2-72 and O2-73, below.</p> <p><b>O2-18</b> Please see RTCs O2-75 through O2-78, below.</p> <p><b>O2-19</b> Please refer to MR-2, Wildfire Hazards and Evacuation, and RTC O2-80.</p> <p><b>O2-20</b> The comment is an introduction to further comments regarding consistency within Proposition A. Consistency with Proposition A was analyzed in SEIR Section 5.1.3. Please refer to MR-1, Land Use and Zoning Consistency, and see also RTCs O2-21 through O2-31.</p> <p><b>O2-21</b> The comment incorrectly states that the project cannot be built without the majority of voters within San Diego removing the Proposition A protections from the site. The project does not trigger a phase shift requiring voter approval. The site is being developed consistent with Proposition A and Council Policy 600-29 and consistent with the AR-1-1 zoning. Please also see MR-1, Land Use and Zoning Consistency, and RTCs O2-3 through O2-8.</p> <p><b>O2-22</b> A discussion regarding the background of Proposition A is provided in Section 5.1 of the SEIR. The comment mischaracterizes the project as an urbanized use that would require a majority vote of the public. An analysis</p>
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North City Future Urbanizing Area Framework Plan, or if the application provides a “reasonable basis” for the General Plan amendment it would require. (*Ibid.*, at p. 2.) Pursuant to the policy, an application for an amendment provides a reasonable basis if it is needed to provide land development, as determined by City monitoring; if the amendment is “responsive to population and growth rates which demand land availability”; if the amendment will not contribute to “urban sprawl, leapfrog development, or premature development”; or if the amendment will “provide the City with substantial and unique public benefits.” (*Ibid.*) Without one of these showings, the application cannot be forwarded to the Planning Commission, and ultimately the City Council, for review and the scheduling of a public vote.

Council Policy 600-30 also prohibits approval of the project, which fails to meet any of the thresholds for a substantive review – the project is neither unique nor required by great demand – and it is inconsistent with the NCFUA.

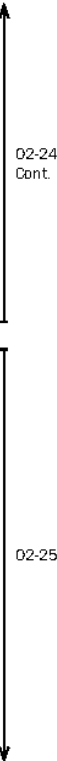
**2. The Project is Categorically Prohibited in Proposition A Lands.**

The Project is explicitly prohibited in Proposition A Lands. The Project is a Continuing Care Retirement Community, which is not permitted within agricultural zones designated as Proposition A land. (San Diego Municipal Code § 141.0303, subd. (a); § 131.0322, Table 131-03B.)

Moreover, the Agricultural Zoning Designation on Proposition A Lands precludes the Project. Under the current zoning code, no more than one dwelling unit is allowed for every four acres, or no more than three units for the entire property, on Proposition A lands. The purpose of the Agricultural designation is to retain agricultural uses in a rural environment and only allow development at a very low density. For each of reference, portions of the existing zoning code are provided with emphasis:

§131.0301 Purpose of Agricultural Zones

The purpose of the agricultural zones is to provide for areas that are rural in character or areas where agricultural uses are currently desirable.



of consistency with policies in the City's adopted General Plan and NCFUA Framework Plan, including approval of the CUP Amendment with an Uncodified CUP Ordinance, SDP Amendment, and a Neighborhood Use Permit to allow for a Comprehensive Sign Plan and associated project signage, is provided in the SEIR under Section 5.1.3.1. Moreover, the commenter quotes General Plan Policy LU-J.2, which discusses public planning and voter approval for reuse of military lands identified as Proposition A or new territory brought into the City's jurisdiction. The site is not located on military land and is already within the City's jurisdiction and the quoted policy is inapplicable. Please see MR-1, Land Use and Zoning Consistency, and RTCs O2-3 through O2-8.

**O2-23**

Council Policy 600-29, Maintenance of Future Urbanizing Area as an Urban Reserve, allows development pursuant to CUP regulations in certain conditions, including where development is non-urban in character and scale (Council Policy 600-29 [development alternative 3]). The Assisted Living Facility is subject to a CUP and reasonable accommodation pursuant to SDMC Section 131.0466 to allow a waiver (accommodation) to Supplemental Regulations to afford disabled persons the equal opportunity to use and enjoy a dwelling, consistent with the FHAA (42 USC 3601–3619) and the California Fair Housing and Employment Act (Govt Code 12900–12996).

As explained in SEIR Section 5.1.3.1, development of the site as a Nursing Facility is also consistent with Council Policy 600-29 and NCFUA Framework Plan development

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§131.0302 Purpose of the AG (Agricultural--General) Zones

(a) The purpose of the AG zones is to accommodate all types of agricultural uses and some minor agricultural sales on a long-term basis. *Nonagricultural uses are limited in the AG zones in order to strengthen the presence and retention of traditional agricultural uses.*

(b) The AG zones are differentiated based on the minimum lot size as follows:

- AG-1-1 requires minimum 10-acre lots
- AG-1-2 requires minimum 5-acre lots

§131.0303 Purpose of the AR (Agricultural--Residential) Zones

(a) The purpose of the AR zones is to accommodate a wide range of agricultural uses while also permitting the development of single dwelling unit homes at a very low density. The agricultural uses are limited to those of low intensity to minimize the potential conflicts with residential uses. This zone is applied to lands that are in agricultural use or that are undeveloped and not appropriate for more intense zoning. Residential development opportunities are permitted with a Planned Development Permit at various densities that will preserve land for open space or future development at urban intensities when and where appropriate.<sup>3</sup>

§131.0340 Maximum Permitted Residential Density in Agricultural Zones

...

(4) *Within Proposition A Lands except within the Del Mar Mesa Specific Plan area, an increase in density of up to one dwelling unit per 4 acres of lot area may be requested through a Planned Development Permit in accordance with Process*

<sup>3</sup> Because the voters have determined that the land is subject to Proposition A, they have determined that urban densities are not appropriate on this land unless they vote a Phase Shift to have it developed as urban property.

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alternative 3 because it is consistent with the A-1 zone regulations applicable at the time of passage of Prop A, which allowed for Nursing Facilities as a conditional use. The project is designed to be non-urban in character and scale through its compliance with AR-1-1 zoning requirements, minimal lot coverage, landscaping, and open space preservation. Refer to MR-1, Land Use and Zoning Consistency, for further discussion of the project's non-urban character and scale.

Regarding the increase in vehicle trips and noise, see SEIR Section 5.8, Transportation. In December 2018, the CEQA Guidelines were updated to remove level of service (LOS) as the metric to evaluate traffic impacts and replaced it with vehicle miles traveled (VMT). Jurisdictions were required to start evaluating VMT starting July 1, 2020. The City's Transportation Study Manual (TSM) implemented the required shift from a LOS analysis to a VMT CEQA analysis in 2020 as a result of Senate Bill 743. The SEIR notes that the Assisted Living Facility would generate a total of 234 daily trips. The City's screening threshold for VMT for this type of a project would be over 300 daily trips. Because the project would generate less than 300 daily trips it is considered a "Small Project" per the City's TSM and was presumed to have a less than significant VMT impact. Noise associated with the increase in vehicle trips was evaluated under SEIR Section 5.10, Noise. Noise associated with project operation, specifically the increase in vehicles, was modeled to determine if it would exceed the City's noise thresholds. As shown in Table 4.10-8, in Section 4.10 of the SEIR, traffic noise

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Five subject to the regulations in Section 143.0402. *The remainder of the premises shall be left undeveloped in perpetuity. . .*

The Project, which will provide 105 units and 124 beds in a 3.97-acre parcel, far exceeds the development limits set by San Diego Municipal Code section 131.0340(A). Accordingly, the Project is prohibited from development on the parcel.

**3. The Project is Inconsistent with the Framework Plan.**

The SEIR fails to disclose the Project's inconsistencies with the Framework Plan. First, the SEIR claims that the Project is consistent with Guiding Principles 2.3e and 2.4b because the Project would not require a Phase Shift. As discussed above, this is false. The Project fails to fall within any of the narrow development alternatives specified in Council Policy 600-29, and therefore cannot proceed without undertaking the Phase Shift procedures outlined in Proposition A.

**4. The SEIR Fails to Disclose and Mitigate the Project's Inconsistency with the MSCP.**

The countywide Multiple Species Conservation Plan ("MSCP") "is a comprehensive habitat conservation planning program that addresses multiple species habitat needs and the preservation of native vegetation communities for a 900-square mile area in southwestern San Diego County." (MSCP, p. 1-1.) The MSCP is implemented by local jurisdictions through MSCP subarea plans, "which describe specific implementing mechanisms for the MSCP." (*Ibid.*) The Multi-Habitat Planning Area ("MHPA") is the area within which the permanent MSCP preserve is assembled and managed for its biological resources. (MSCP, p. 3-7.)

The Project site is governed by the City of San Diego MSCP Subarea Plan ("Subarea Plan"). "The overarching MSCP goal is to maintain and enhance biological diversity in the region and conserve viable populations of endangered, threatened, and key sensitive species and their habitats, thereby preventing local extirpation and ultimate extinction, and minimizing the need for future listings, while enabling economic growth in the region." (MSCP Subarea Plan, p. 49.) The City of San Diego is required to



would not exceed the City's 65 A-weighted decibels (dBA) threshold and impacts would be less than significant.

The project would not exceed height limits and would be consistent with setbacks requirements. The AR-1-1 zone permits the project to develop to 40 feet, instead of 30 feet, with which the project would comply. The project would provide setbacks of 45 feet (north side yard), 187 feet 7 inches (back), 30 feet (south side yard), and 63 feet 9 inches (front), which would allow for the increased height of 40 feet per SDMC Section 131.0344. Additionally, the Assisted Living Facility is located at a lower elevation than the adjacent residences to the south, and the proposed grade of the Assisted Living Facility would be lower than the existing grade at the site. Therefore, with the proposed increased setbacks and lower grade of the Assisted Living Facility compared to the adjacent residences, the perceived scale of the Assisted Living Facility would be less. It is reasonable to conclude, therefore, as the SEIR does, that the project design and intensity are non-urban in character.

The project is consistent with multiple Implementing Policies for Proposition A and includes a Reasonable Accommodation waiver to a Supplemental Regulation. Please also see RTCs O2-3, O2-4, and O2-8 and MR-1, Land Use and Zoning Consistency.

**O2-24**

As discussed in SEIR Section 5.1.2, City Council Policy 600-30, General Plan Amendments to Shift Land from



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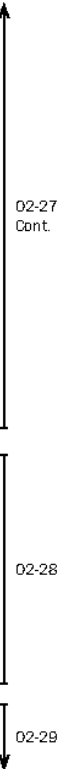
“manage and maintain lands obtained as mitigation where those lands have been dedicated to the City in fee title or easement.” (*Ibid.*) Further, the Subarea Plan requires that “[m]itigation, when required as part of project approvals, shall be performed in accordance with the City of San Diego Environmentally Sensitive Lands Ordinance and Biology Guidelines.” (*Id.* at 51.)

The Implementing Agreement to the MSCP fortifies these goals and policies with restrictions. The Implementing Agreement states that the City of San Diego agrees to be responsible for managing lands within the MHPA in perpetuity, including lands for which a covenant of easement has been granted to the City. (Implementing Agreement §10.6A, p. 26.) The SEIR identifies that a Project Design Feature, PDF-BIO-1, includes a covenant of easement for the portion of the Project site that includes MHPA. However, the SEIR does not specify any kind of management plan for this land. The failure of the SEIR to specify a management plan for the MHPA land constitutes deferred mitigation. Deferred mitigation violates CEQA. (*Endangered Habitats League v County of Orange* (2005) 131 Cal. App. 4th 777, 793-94; CEQA Guidelines § 15126.4(a)(1)(B).) Deferral is permitted when a mitigation measure commits to specific performance standards, but no such standards are included here.

Further, the SEIR fails to disclose the Project’s inconsistencies with the Land Use Adjacency Guidelines. The Land Use Adjacency Guidelines are guidelines that apply to land uses that are adjacent to MHPA to ensure minimal impacts to the MHPA. The Land Use Adjacency Guidelines cover impacts relating to drainage, toxics, lighting, noise, barriers, invasive species, brush management, and grading. (MSCP Subarea Plan, pp. 47-49.)

The SEIR claims that no toxics impacts would occur, yet the SEIR relies on an improperly deferred Stormwater Pollution Prevention Plan (SWPPP) to mitigate impacts resulting from toxics. As explained above, CEQA does not allow deferred mitigation without specific performance criteria. (CEQA Guidelines § 15126.4(a)(1)(B).)

The SEIR claims that the Project would not conflict with the guidelines regarding lighting. The Guidelines state that lighting of all developed areas adjacent to the MHPA should be directed away from the MHPA, and shielding to protect the MHPA and



**02-25**

Future Urbanizing to Planned Urbanizing Area, applies only to urban scale projects that require a public vote. As noted in MR-1, Land Use and Zoning Consistency, the project does not propose a General Plan Amendment or a phase shift and is not subject to a public vote; therefore, this policy is not applicable.

Please see MR-1, Land Use and Zoning Consistency. As discussed in this response, while the underlying AR-1-1 zone accommodates a wide range of agricultural uses and the development of single dwelling unit homes at a very-low density, hospitals, intermediate care facilities, and nursing facilities are also permitted but subject to a CUP. The project is not a “Continuing Care Retirement Community,” which is a specific type of state-regulated housing facility for the elderly (see California Health and Safety Code Section 1771) that does not qualify as disabled housing under the FHAA. The project qualifies as a Nursing Facility that provides on-site assisted living care for disabled residents.

Commenter expresses concern associated with the maximum permitted residential density in agricultural zones and that a Planned Development Permit in accordance with Process 5 per the regulations in Sections 131.0340 and 143.0402 of the SDMC is needed to increase the density. The Planned Development Permit process also requires leaving the remainder of the premises undeveloped in perpetuity. These regulations implement City Council Policy 600-29 Option 3 for permitting residential development, which states, “(3) pursuant to the Planned Residential Development

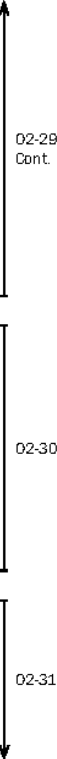
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sensitive species should be provided where necessary. The SEIR claims that the Project would not have lighting impacts because exterior lighting would be directed downward or away from the MHPA. But the Site Plan shows parking spaces in close proximity to the MHPA boundary line. (SEIR, Figure 3-1, p. 3-21.) The SEIR includes no information to mitigate lighting impacts from these uses.

SEIR Appendix D, the Biological Report relied on by the SEIR, also claims that the 100-foot wetland buffer would help to prevent lighting impacts. (SEIR, Appx. D, p. 30.) But the wetland buffer extends into the MHPA, so a portion of the MHPA is not included within the buffer zone. (SEIR, Figure 5.4-2, p. 5.4-37.) Thus, the buffer could not provide sufficient protection from lighting impacts. Moreover, neither the Report nor the SEIR explain why a distance of 100 feet would shield the sensitive land from lighting impacts.

The Land Use Adjacency Guidelines prohibit introduction of invasive non-native plant species into areas adjacent to the MHPA. (MSCP Subarea Plan, p. 48.) The SEIR identifies that a 2,182 square foot residential cutting garden will be placed in the southeastern corner of the site, directly abutting the MHPA boundary. The shrub plan identifies that the garden will be "seasonal and to be specified by property management company." (SEIR, Figure 3-4a, p. 3-27.) No other details are provided in the SEIR regarding this cutting garden, nor are the garden's impacts analyzed. Given this garden's adjacency to the MHPA, the SEIR must provide specific details regarding the construction and operation of this garden, and include enforceable mitigation measures to ensure that no invasive non-native species are introduced in this garden or any of the landscaping onsite.

Finally, the Project violates the Land Use Adjacency Guidelines regarding noise. The Guidelines require protections to mitigate noise impacts adjacent to the MHPA, including a requirement that "Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species." (MSCP Subarea Plan, p. 48.) Though the Project will have significant noise impacts to wildlife, the mitigation measures stated in the SEIR are vague, impermissibly deferred, and inadequate. (Section IV.E.8.) Thus, the Project is



regulations that allow development at an increase density in exchange for permanent easements on undeveloped land," and Option 2 for rural cluster development at a density of 1 unit per 10 acres. As discussed in more detail in RTC O2-23, the project is not proposing to develop pursuant to Option 2 or 3 but utilizes the CUP process in Option 4. Accordingly, the project is within the intensity limits for a CUP-based development under the base zoning. Therefore, a Planned Development Permit in accordance with Process 5 would not be required.

Moreover, enforcing such a density limit, even if it were applicable, would allow non-disabled residents to live in the AR-1-1 zone, but not disabled elderly residents, and would therefore be subject to waiver as a reasonable accommodation pursuant to SDMC 131.0466.

**O2-26**

Please see MR-1, Land Use and Zoning Consistency, and RTC O2-23. As this non-urban project would not require a phase shift, it would be consistent with Guiding Principles 2.3e and 2.4b of the NCFUA Framework Plan (see SEIR Table 5.1-2 in Section 5.1.3.1 for a consistency analysis of these policies).

**O2-27**

The project's consistency with the San Diego Multiple Species Conservation Plan (MSCP) Subarea Plan was analyzed in SEIR Section 5.4.3.4 and in SEIR Section 5.1.3.3. The SEIR determined the Assisted Living Facility would comply with the MSCP and no biological resource impact related to an MHPA inconsistency would occur. Therefore, mitigation would not be required. As

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inconsistent with the Land Use Adjacency Guidelines, and conflicts with the MSCP and the MSCP Subarea Plan. The SEIR must be recirculated to analyze, disclose, and mitigate these conflicts.

**E. The SEIR Fails to Analyze, Disclose, and Mitigate the Project's Noise Impacts.**

**1. Effects of Noise Pollution on Health Are Extensive.**

"[T]hrough CEQA, the public has a statutorily protected interest in quieter noise environments." (*Berkeley Keep Jets Over the Bay Committee v. Board of Port Com'rs* (2001) 91 Cal. App.4th 1344, 1380.) *Despite this clear mandate to analyze noise impacts, the SEIR omits a discussion of the extensive health impacts of noise exposure, as required by CEQA (Cf. Sierra Club v. County of Fresno (2018) 6 Cal.5th 502, 521).*

Excess noise pollution can cause hearing damage and loss. Loud noise, either experienced as a single event or continuously over time, can damage cells in the inner ear that detect sound and help transmit information on sound to the brain. ([https://www.cdc.gov/ncel/health\\_loss/how\\_does\\_loud\\_noise\\_cause\\_hearing\\_loss.html](https://www.cdc.gov/ncel/health_loss/how_does_loud_noise_cause_hearing_loss.html), incorporated by reference.) Damage to these receptor cells is permanent and cannot be repaired. (*Ibid.*) Such damage can make it difficult to hear, including causing difficulties in understanding speech. (*Ibid.*)

Sound level is measured in dBA. (<https://www.noise.org/library/uter/uter.htm#physical>, incorporated by reference.) In 1974 the EPA recommended that the equivalent A-weighted sound level over 24 hours (Leq24) be no greater than 70 dBA to ensure an adequate margin of safety to prevent hearing loss and damage. (<https://noise.org/library/levels74/levels74.htm>, incorporated by reference.) To prevent interference with activities and annoyance, the EPA recommended a day-night average sound level no greater than 45 dBA for indoors and 55 dBA for outdoors.

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**O2-28**

described in SEIR Section 5.4.3.4. the on-site MHPA area would be preserved in perpetuity via a Covenant of Easement in accordance with the City's Environmentally Sensitive Land Regulations (see CM-BIO-1). The easement is a project CM and demonstrates the project's compliance with the Environmentally Sensitive Land Regulations but is not compensatory mitigation for a biological impact of the project because the project has no direct impact on a protected species.

Section 5.4, Biological Resources, of the SEIR addresses impacts to wildlife. As described in SEIR Section 5.4.3 and Chapter 4 of the Biological Technical Report included as Appendix D to the SEIR, the Assisted Living Facility would be required to comply with the City's MHPA LUAGs as a standard condition of approval and CM, which includes measures relating to drainage, toxics/project staging areas/equipment, lighting, noise, barriers, invasives, brush management, grading/land development, and area specific management directives. These measures would be adhered to because they are required by the SDMC, and all conditions of approval must be complied with. As determined in SEIR Section 5.4, with compliance with the LUAGs, that no significant indirect impacts to the adjacent MHPA would occur (see CM-BIO-1 in Table 3-3 of the SEIR).

Regarding how existing regulations prevent a project's drainage impact from rising to the level of significance, it is important to understand the regulatory structure. The Federal Water Pollution Control Act (also referred to as the Clean Water Act) was amended in 1972 to provide

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The SEIR must relate these health impacts of excessive noise exposure to the Project's significant noise impacts.

**2. Noise Impacts from the Church Project and the Assisted Living Project Must be Analyzed Together.**

As stated above, the SEIR provides data from only the Assisted Living Project. However, the Project is adjacent to the Church Project, and the developer is seeking an amendment to the Conditional Use Permit for the Church Project to include a condition for a lot-tie agreement requiring the Church and Assisted Living Facility to be developed as one overall project. (SEIR, p. ES-1.) Thus, the impacts of both projects should be analyzed and reported together.

While noise impacts were studied separately in the SEIR and the 2014 Church SEIR, the combined noise impacts of both projects are unknown. This is because due to the logarithmic measurement of sound in decibels, "the total sound pressure created by multiple sound sources does not create a mathematical additive effect." (New York State Department of Environmental Conservation, "Assessing and Mitigating Noise Impacts," available at [https://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/noise2000.pdf](https://www.dec.ny.gov/docs/permits_ej_operations_pdf/noise2000.pdf), pp. 8-9; Minnesota Pollution Control Agency, "A Guide to Noise Control in Minnesota," available at <https://www.nonoise.org/library/sndbasic/Sound.pdf>, pp. 6-7.) Because the Project will be developed together, the SEIR must include these combined analyses.

**3. Construction Noise Impacts Cannot be Evaluated Until there is an Updated Construction Schedule.**

The SEIR includes an outdated construction schedule that assumed construction would commence in January 2023. The SEIR should include a revised and realistic construction schedule that also incorporates construction of the three unbuilt, previously approved accessory buildings on the Church site.

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that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge complies with a National Pollutant Discharge Elimination System (NPDES) permit. The 1987 amendments to the Clean Water Act added Section 402(p), which establishes a framework for regulating municipal and industrial stormwater discharges under the NPDES Program. The U.S. Environmental Protection Agency (EPA) published final regulations in 1990 that were then updated in 1999. The 1999 regulations provide that discharges of stormwater to waters of the United States from construction projects that encompass 1 or more acres of soil disturbance are effectively prohibited unless the discharge complies with a NPDES permit. The State Water Resources Control Board adopted a statewide general permit that applies to stormwater discharges associated with construction and land disturbance activity.

The latest construction general permit was issued in September 2022, and it includes requirements to follow the modern best management practices developed by an expert technical advisory committee of hydrologists and water quality experts, which filter out excessive sediment or pollutants in stormwater and prevents them from leaving a project site. As such, the project's requirement to obtain a construction general permit and follow its requirements ensures project drainage impacts do not adversely impact the adjacent MHPA.

The project is required to prepare a stormwater pollution prevention plan (SWPPP) by law and as a

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**4. The SEIR Must Define and Identify Sensitive Receptors.**

The SEIR fails to clearly define the noise-sensitive uses that surround the site. The Project site is located in a highly sensitive area with numerous noise-sensitive uses. As measured on Google Maps, the following sensitive receptors occur within 500 feet of the Project site:

- Stallions Crossing residential development, which includes 47 residences.
- Harvest Evangelical Church, located at 13885 El Camino Real, San Diego, CA 92130.
- St. Sarkis Armenian Church, the associated project that was the subject of the 2014 Church EIR.
- The San Dieguito River Park Dust Devil Nature Trail.

The SEIR must specifically identify these noise-sensitive uses that surround the Project site as sensitive receptors and ensure that analyses accurately capture impacts to these uses.

**5. The SEIR's Noise Measurement Locations Do Not Provide the Full Picture of Noise Impacts.**

The SEIR measures outdoor ambient noise levels at only two locations: on the western and southeastern boundaries of the Project site. (SEIR, Appx. J, pp. 13, 15.) There is no measurement point located on southern boundary of the Project site, which directly abuts the residential development south of the Project site. The SEIR only measures traffic noise near the residential development. (SEIR, p. 5.10-24 [SC1].) The SEIR thus fails to adequately assess the Project's operational noise impacts to the residential development. The SEIR separately assesses the impacts of noise from HVAC units in shared spaces and individual units, and the emergency generator, but addresses no other stationary operational noise impacts. For example, the Project includes an outdoor seating courtyard along the southern border of the site, which appears to contain a lap pool. (SEIR, Appx. J, p. 5.) The SEIR must analyze noise impacts from the Project's outdoor recreation areas.

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standard condition of approval that would be monitored and enforced by the City (see CM-BIO-5). It is a CM that ensures impacts do not rise to the level of significance; it is not mitigation. Therefore, it cannot be deferred mitigation. See RTC 02-13. SWPPPs are site specific and project-specific; they are effective in preventing impacts from rising to a level of significance because qualified professionals (Qualified SWPPP Developers) determine the erosion and sediment control techniques and pollution prevention measures to be applied to the site based on decades of use in the construction industry. The project specific SWPPP prepared by the Qualified SWPPP Developer and submitted by the Legally Responsible Party for the property is required to be uploaded into the State Water Resources Control Board's SMARTS system for approval before a waste discharge identification number is issued for the project. Construction is not permitted to begin until after the waste discharge identification number is issued. The construction general permit outlines a process to determine a project's risk based on schedule, soil erodibility, and receiving water risk, which then leads to specific requirements for the project SWPPP. The construction general permit also contains effluent limitations and action levels for dischargers.

These measures outlined in the project-specific SWPPP have been proven effective in physically separating any toxics from the MHPA lands, including erosion control (scheduling, preservation of existing vegetation, soil binders, geotextiles, etc.), sediment control (silt fence, fiber rolls, gravel bag berms, manufactured linear

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Neither is there a measurement point on the north boundary of the Project site, which would assess impacts to the Church uses. There is also no measurement point on the northeastern boundary of the Project site, which would provide greater assessment of the impacts to the MHPA. The failure to assess sound impacts at these locations is a prejudicial omission that renders the draft SEIR invalid.

02-38

**6. The SEIR's Traffic Noise Impacts are Underestimated.**

The SEIR also underestimates the Project's traffic noise impacts. As set forth in the expert comments prepared by Mr. Tom Brohard, the Project relies on an assumption of 210 average daily trips, which is an underestimate. The analysis of traffic noise must be reevaluated using an assumption of 331 average daily trips, which accurately estimates the Project's trip generation.

02-39

Additionally, the SEIR relies on a misleading noise measurement location (SC1) to assess roadway noise impacts to the Stallions Crossing residential development. SC1 is located far from the Project site, on a section of El Camino Real outside the Stallions Crossing development. (SEIR, Figure 5.10-1, p. 5.10-25.) This measurement will not capture the noise impacts of traffic within the Project site and the Church site, including from parking and emergency vehicles. Nor does this measurement capture the impacts on the residences closest to the Project site. The SEIR should measure traffic noise at the southern boundary of the Project site in order to rectify these inadequacies.

02-40

**7. The SEIR Must Evaluate Sleep Disturbance.**

Excessive sound level can have a profound health impact by disturbing sleep. Sleep disturbance is considered "the most deleterious non-auditory effect of environmental noise exposure . . . because undisturbed sleep of a sufficient length is needed for daytime alertness and performance, quality of life, and health." (Basner et al., *Auditory and Non-Auditory Effects of Noise on Health* (2014) 383 Lancet 1325, 1329.) Repeated sleep disturbance can change sleep structure, including "delayed sleep onset and early awakenings, reduced deep (slow-wave) and rapid eye movement sleep,

02-41

sediment controls, etc.), non-stormwater control (dewatering, paving and grinding BMPs, vehicle and equipment cleaning/fueling/maintenance BMPs, etc.), material and waste management (material delivery and storage BMPs, stockpile management, spill prevention and control, solid waste management, etc.), Total Maximum Daily Load-related BMPs (when applicable) and post construction stormwater management measures. Qualified SWPPP Practitioners are responsible for the implementation of the SWPPP, along with the Qualified SWPPP Developers, and are required to perform regular inspections and implement specific procedures before, during and after a storm event. A project may also be required to implement stormwater sampling of effluent based on its risk level or other factors. Even if the SWPPP requirement were not a CM, a requirement to prepare a SWPPP in accordance with applicable law would not be deferred mitigation because it is subject to compliance with performance standards established by law, including NPDES General Permit for stormwater discharges associated with construction and land disturbance activities Order WQ 2022-0057-DWQ NPDES NO. CAS000002.

As concluded in Section 5.4.3.4 of the SEIR, compliance with these conditions would ensure indirect project impacts would be minimized during both construction and operations. Measures relating to drainage, toxics/project staging areas/equipment, lighting, noise, barriers, invasives, brush management, grading/land development, and area-specific management directives would be adhered to



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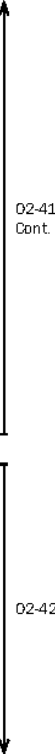
and an increase in time spent awake and in superficial sleep stages.” (*Id.* at 1330.) The short-term effects of sleep disturbance include “impaired mood, subjectively and objectively increased daytime sleepiness, and impaired cognitive performance.” (*Ibid.*) Exposure to noise during sleep “may increase blood pressure, heart rate, and finger pulse amplitude as well as body movements.” (Stansfeld and Matheson, *Noise Pollution: Non-Auditory Effects on Health* (2003) 68 *Brit. Med. Bull.* 243, 244.) In 1974, the EPA observed that a nighttime portion of a day-night average sound level of approximately 32 dB should protect against sleep interference. (<https://nonoise.org/library/levels/74/levels74.htm>, p. 28.)

Despite the potential for these harmful impacts, the SEIR fails to sufficiently analyze sleep disturbance and disclose the Project’s risks of sleep disturbance to the public and decisionmakers. The SEIR is required to analyze and disclose “the nature and the magnitude” of the Project’s potential impact on sleep disturbance and must connect the potential health impacts of sleep disturbance to the noise impacts from the Project. (*Friant Ranch, supra*, 6 Cal. 5th 502, 519–21.) The Project abuts residential properties to the south of the Project site. Families with small children, particularly infants, will be impacted by the construction noise, even if construction is limited to certain hours.

**8. The SEIR’s Noise Mitigation Measures are Inadequate.**

The SEIR identifies that the Project’s construction noise will exceed the 75 dBA  $L_{eq}$  threshold. (SEIR, p. 5.10-18.) The Project would thus have impacts to breeding wildlife when construction occurs during the breeding season. (*Ibid.*) The SEIR claims that implementation of Mitigation Measure MM-NOI-1 would result in less than significant impacts.

MM-NOI-1 is an impermissibly vague mitigation measure that does not meet CEQA’s standards for deferred mitigation. MM-NOI-1 simply defers mitigation to the discretion of the “project applicant or its contractor.” (SEIR, p. 5.10-20.) MM-NOI-1 identifies general options for implementation, including “administrative controls,” “engineering controls,” and the installation of sound blankets for noise abatement on the



**02-29**

such that no significant indirect impacts to the adjacent MHPA, short- or long-term, would result. Additionally, the functioning bioswale designed into the project will also ensure that no toxic chemicals or byproducts enter the MHPA through stormwater runoff or other site drainage. This is because the stormwater from the site is directed into the bioswale, which has been proven by experts to filter out toxins before the water leaves the swale. Please also see MR-3, Indirect Impacts Relative to Multi-Habitat Planning Area (MHPA) Lands and Biological Resources.

Parking lot lighting was analyzed in SEIR Section 5.9.3.6. As described in the SEIR, to avoid light trespass onto adjacent properties and urban sky glow, all lighting would be directed downward, shielded, and of the minimum intensity to ensure adequate illumination and safety; it would also comply with the City’s Outdoor Lighting Regulations found in SDMC Section 142.0740. The purpose of those regulations is to provide standards for lighting that minimize negative impacts from development to surrounding property, which includes open space areas surrounding the Assisted Living Facility. See SDMC Section 142.0701. Moreover, the City’s Outdoor Lighting Regulations require the permittee to also follow the lighting regulations in California Energy Code, California Code of Regulations, Title 24, Part 6; Green Building Regulations (Chapter 14, Article 10); and Electrical Regulations (Chapter 14, Article 6), all of which were found by experts to minimize

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southern boundary for the site. (*Ibid.*) The project applicant—or a contractor—could elect to implement “one or more” of these unspecified options in any manner it chooses. (*Ibid.*) This falls far short of CEQA’s requirement to analyze and disclose all feasible mitigation measures.

Mitigation measures must be enforceable. (Pub. Resources Code § 21081.6(b).) The so-called mitigation applied by MM-NOI-1 must “yield a minimum of approximately 10 dbA of construction noise reduction during the grading phase of the project,” but there is no method of quantifying or enforcing that requirement. Moreover, without specified mitigation, there is no ability to assess whether MM-NOI-1 will be effective in reducing construction noise. (*King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal. App. 5th 814, 866.) Thus, MM-NOI-1 does not comply with CEQA and is impermissibly deferred.

The Noise Report also claims that the Project’s requirement to comply with the local noise ordinance is a “compliance measure.” (SEIR, Appx. J, p. 33.) But the SEIR may not rely on compliance with the law to avoid necessary analysis. (*Californians for Alternatives to Toxics v. Department of Food & Agriculture* (2005) 136 Cal. App. 4th 1, 17.)

The Noise Report also includes CM-NOI-2, another “compliance measure,” requiring the installation of sound blankets or comparable barriers in the coastal sage scrub portion of the MHPA, if grading occurs during the California gnatcatcher breeding season. (SEIR, Appx. J, p. 33.) As stated in Section IV.B, the SEIR’s “compliance measures” must be separately analyzed as mitigation measures in order to fulfill CEQA’s requirements of information disclosure. Moreover, we question the effectiveness of this deferred mitigation measure; a far more effective and feasible measure would be to avoid grading during the breeding season of the California gnatcatcher or any other sensitive species.



impacts of excessive lighting at the time the standards were adopted. See SDMC Section 142.0740(a)(3).

As currently designed, the parking lot is proposed to be built approximately 40 feet away from the native MHPA lands and would sit approximately 15 feet in elevation above sensitive habitats, further reducing potential MHPA lighting impacts. This is adequate to prevent a significant impact from lighting to the MHPA because the shield creates a physical barrier between the project’s lighting and the MHPA. No mitigation for parking lot lighting is required because compliance with the lighting ordinance is a CM that ensures impacts do not rise to the level of significance. Please refer to RTC L1-5 regarding the project’s impacts on the habitat adjacent to the MHPA. Therefore, it is not deferred mitigation. See RTC O2-13.

Sensitive vegetation communities within the MHPA are additionally protected with a 100-foot avoidance buffer, as shown on SEIR Figure 5.4-2. As required by the City’s Biology Guidelines, the buffer was established around sensitive habitats within the MHPA and provides space within which natural screening of the sensitive habitat can occur, blocking adjacent sensitive areas from any direct line of sight and providing a transition zone between the lit urban areas and unlit MHPA lands. The avoidance buffer does not include non-native vegetation and land covers; thus, the buffer does not extend to include some portions of the thin strip of non-native habitats that acts as a natural barrier between MHPA lands and the project impact area. Those non-native

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**9. The SEIR Fails to Implement All Feasible Mitigation for Construction Impacts.**

The SEIR is required to consider and adopt all feasible mitigation measures. (*King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 852, 866, 869.) The following mitigation measures must be considered:

- Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.
- Verifying that construction equipment has properly operating and maintained mufflers.
- Limiting construction hours to daytime hours on weekdays only (9am to 5pm, Monday to Friday).
- Replacing gas- and diesel-powered equipment with electric equipment to reduce the noise impacts associated with operation of that equipment.

02-45

**F. The EIR Fails to Adequately Analyze and Mitigate Fire Danger**

The SEIR admits the Project is located in a Very High Fire Hazard Severity Zone, but finds that, due to the inclusion of fire protection features in a previous, nearly 10-year-old EIR, that impacts of wildfire hazards will be less than significant. (SEIR p. 7-7 through 7-9.) The SEIR discloses this conclusion about the Project's fire safety in the "Effects Not Found to Be Significant" chapter. Thus, the SEIR entirely omits analysis of the Project's wildfire impacts and its ability to safely evacuate residents if needed. This omission violates CEQA and must be corrected.

02-46

vegetation communities within the MHPA that are not protected by the 100-foot avoidance buffer are included in the conservation easement and are similarly located mostly downslope in relation to the proposed development and lighting. The topography of the land provides a level of natural screening which, over time, will be supplemented by project landscaping (i.e., tree and shrub growth) along the western edge of the project, acting as an additional buffer. As analyzed in Appendix D, the project will include exterior lighting and light fixtures to aide in the functions of providing safety for residents, but these would be shielded or directed away from the MHPA. All exterior lighting on the building façade and elsewhere on the property will be designed to be directed downward or away from the MHPA.

The 100-foot wetland buffer along the eastern project boundary will provide additional protection for the MHPA from light from the development because it provides additional distance from the light source to the MHP. While this further reduces the impact, this buffer is not relied upon to prevent a significant lighting impact. It serves as additional substantial evidence for why there are no special circumstances at the site where compliance with the City's Outdoor Lighting Ordinance would still lead to a significant lighting impact to the MHPA, even if some portion of the buffer overlapped with the MHPA.

**02-30**

SEIR Chapter 3, Section 3.3.2.3, has been edited to clarify that there are two separate garden spaces

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**1. The 2014 EIR Failed to Analyze Fire-Related Impacts.**

While CEQA permits a lead agency to rely on past environmental review, that permission only exists for CEQA review that was conducted. The 2014 Church EIR did not actually analyze that project's impacts on wildfire and fire evacuation. Instead, the 2014 EIR placed its fire discussion in the chapter "Effects Found Not to Be Significant." The entirety of the 2014 EIR's discussion is as follows:

The project site is located within the City of San Diego "Official Very High Fire Hazard Severity Zone" (City of San Diego 2009) and includes a wildland-urban interface along the northern, southern, and eastern project boundaries. Dudek prepared a Fire Fuel Load Model Report for the St. John Garabed Project that is included as Appendix H (Dudek 2012). The project-specific Brush Management Plan is included as Attachment 5 to the Fire Fuel Load Model Report. The Brush Management Plan specifies that brush management will be provided on site through a method of alternative compliance approved by the Fire Marshall consistent with Land Development Code 142.0412(1). Per the Fire Fuel Load Model Report, with consideration of the climatic, vegetation, wildland-urban interface, and topographic characteristics along with the fire behavior modeling results and fire history of the area, the project site, once developed, is determined to be at low risk of wildfire starting on the site. The potential for off-site wildfire burning onto, or showering embers on the site exists, but is considered low risk based on the type of construction and fire protection features that will be provided for all structures. Additionally, the project includes features listed in Table 3-1 of this EIR that would ensure that the risk of fire spreading to the on-site structures is low. Impacts from wildfire hazard would be less than significant.

(2014 EIR pp. 7-2 through 7-3.) The 2014 EIR claims that the project site will have low risk once it is developed, based on climatic, vegetation, wildland-urban interface, and topographic characteristics, but it fails to even summarize what those characteristics are. Instead, the 2014 EIR contains bare conclusions that the Project will be safe. CEQA

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proposed as part of the project: a memory care garden and a cutting garden. As described in SEIR Chapter 3, the Assisted Living Facility, including the memory care garden and cutting garden, would be required to follow the MHPA LUAGs. The City's LUAGs require that no invasive non-native plant species shall be introduced into areas adjacent to the MHPA in order to comply with the City's Environmentally Sensitive Land regulations. As such, it is a CM, relevant and applicable to the site, not mitigation. See RTC 02-13 and MR-3, Indirect Impacts Relative to Multi-Habitat Planning Area (MHPA) Lands and Biological Resources.

As shown on SEIR Figure 3-4a, the memory garden is located on the opposite side of the project site relative to the MHPA boundary, which would also comply with the City's LUAGs. The cutting garden is located on the southeastern portion of the project site and is buffered by a proposed landscaped slope (see SEIR Figure 3-4a). Both gardens will be seasonal as specified by the property management company. Construction and operation of these gardens by the property management company must comply with the LUAGs as a condition of the permit. It has been evaluated in the SEIR and it was determined there would be no significant impacts; therefore, no mitigation is required.

Further, MSCP staff reviewed the plans during the development of the EIR and reviewed the landscaping of the project. MSCP staff would also review all plans during the plan check review and prior to grading permit issuance. Nonetheless, additional details

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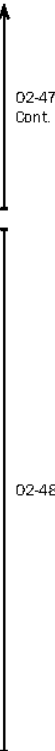
requires that an EIR's conclusions be supported by facts. Bare conclusions are insufficient.

The 2014 EIR asserts that the "potential for off-site wildfire burning onto, or showering embers on the site" is low based on the construction materials and fire protection features, but it fails to discuss what those features are or how they will work, or the distance the underlying report assumed fire brands could travel. The 2014 EIR failed to conduct the requisite analysis of the Project's likely fire and evacuation-related impacts and cannot be relied on here.

**2. The SEIR Repeats the Mistakes of the 2014 EIR.**

The current SEIR discussion of fire is similar to (nearly identical, really) that in 2014 EIR, finding that the potential for off-site fire "is considered low based on the type of construction and fire protection features" that are not detailed in the discussion. (SEIR p. 7-8.) The discussion continues, "Additionally, the Assisted Living Facility site includes features listed in Table 3-2...that would ensure that the risk of fire spreading to the on-site structures is low." (*Ibid.*) No analysis of these features or their relative efficacy in reducing fire risk is provided. CEQA requires that an EIR discuss the efficacy of proposed mitigation measures. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645.)

But an EIR cannot incorporate "the proposed mitigation measures into its description of the project and then conclude [] that any potential impacts from the project will be less than significant." (*Lotus v. Department of Transportation*, 223 Cal.App.4th 645, 655-657.) This is exactly what the SEIR does here. Instead of admitting that there are inherent dangers in locating an Assisted Living Facility in a Very High Fire Hazard Severity Zone, many of which may be mitigable, the SEIR takes a shortcut. This shortcut is "not merely a harmless procedural failing...[it] subverts the purposes of CEQA by omitting material necessary to informed decisionmaking and informed public participation." (*Lotus*, 223 Cal.App.4th 645, 658.) For this reason, an EIR that compresses the analysis of impacts and mitigation measures violates CEQA. (*Id.* at 655-656.)



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regarding these gardens have been added to the Final SEIR Section 3.3.2.3 for clarification purposes. Such revisions are not substantial, and pursuant to CEQA Guidelines Section 15088.5 would not require recirculation of the document.

As described in SEIR Section 5.10, the project would be required to implement temporary solid barriers to ensure that construction noise would not exceed the 60 dB limit during the gnatcatcher breeding season (March 1 through August 15). Noise attenuation could be achieved via 8- to 12-foot-tall fencing that includes sound blankets or comparable temporary solid barriers (e.g., overlapping plywood sheeting) along site boundary fencing (or within, as practical and appropriate) to dampen construction noise between the southeastern region of the construction site and this coastal sage scrub area (CM-NOI-2). These implemented barriers would keep construction noise exposure levels at the boundary of the coastal sage scrub within the MHPA to 60 dBA hourly sound equivalent level ( $L_{eq}$ ) or less; thus, keeping the project compliant with the City's LUAGs (see CM-BIO-1 in Table 3-2).

If project site grading activity occurs during the gnatcatcher breeding season, the southern extent of these temporary barriers implemented in CM-NOI-2 may represent part of MM-NOI-1 application and would be installed prior to and/or remain in place after the gnatcatcher breeding season is over. The noise CMs and MMs provided in the SEIR are enforceable and clearly define performance measures to be met prior to

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Further, a read of Table 3-2 reveals that it contains a list of required discretionary actions, none of which are directly related to reducing fire risk. Table 3-3, found in the separate, Project Description of the SEIR, identifies PDFs, including interior sprinklers, reduced building openings, "alternative" brush clearance compliance, irrigated landscaping, and window glazing and gypsum sheathing on certain building finishes. PDF-Fire-2 and PDF-Fire-3 merely require code compliance for emergency vehicle access and water delivery. (SEIR p. 3-19.) A project's compliance with code does not necessarily ensure that environmental impacts are mitigated below significance.

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The SEIR is also clear that the proposed arrangement of buildings less than 100 feet from the edge of the property precludes compliance with the San Diego Fire-Rescue Department Brush Management Zones. (SEIR p. 7-8.) Accordingly, "alternative compliance would be required." (*Ibid.*) This, alone, may constitute a significant fire impact that requires analysis and mitigation in an EIR.

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Under alternative compliance, the Project would have smaller brush clearance zones with either paving or irrigated landscaping. The Project would also include dual-paned, tempered glass doors and windows and Type X fire rated gypsum sheathing on the eastern side of the structure. While these features will certainly improve the Project's performance in fire conditions, the SEIR contains no analysis supporting its conclusion that alternative compliance will reduce the likelihood of ignition. Again, an EIR must analyze the efficacy of the measures it relies upon to deem an impact insignificant. This is especially true given that fire brands and embers originating offsite can land anywhere in the Project, not just along the eastern side of the Project that will be treated with gypsum sheathing.

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The SEIR states that "A Fire Fuel Load Modeling Report" (FFLMR) was prepared and is provided as Appendix O to the SEIR. According to the EIR, "The FFLMR provides both City and State fire and building code required elements for construction, as well as enhanced, City and state code-exceeding measures along the eastern side of the structure where non-conforming EMZs occur adjacent to the MHPA." (SEIR p. 3-5.) To the extent that the SEIR relies on analysis and conclusions of the FFLMR that are not

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obtaining a grading permit as required by CEQA. Both MMs are within the MMRP which is a condition of the permit, and CMs are compliance measures that are required. The CM and MMs do not constitute deferral of mitigation. Combined, these CMs and MMs reduce the project noise impacts to less than significant and would comply with the LUAGs requirement to reduce construction noise during the breeding season of sensitive species. See also MR-3, Indirect Impacts Relative to Multi-Habitat Planning Area (MHPA) Lands and Biological Resources, and RTCs 02-32 to 02-45. This the information provided does not demonstrate that the Draft SEIR was inadequate and conclusory in nature and would not trigger recirculation of the SEIR per CEQA Section 15088.5.

Noise can cause adverse health effects, as well as affecting residents' living patterns, speech, and sleep, if exposure levels are sufficiently elevated and/or experienced over long periods of time. The noise analysis in the Section 5.10 of the SEIR assesses potential impacts in terms of dBA and evaluates them per applicable City noise regulations and significance thresholds that are compatible with relevant EPA recommendations for exterior noise limits. For instance, 55 dBA is the City's hourly  $L_{eq}$  limit for the exterior of multifamily homes during daytime hours, and 45 dBA CNEL is the hourly limit for residential use interior spaces. Both of these are consistent with the EPA guidance referenced by the comment. The EPA guidance, and therefore the City thresholds, is based on decades of EPA based research that includes



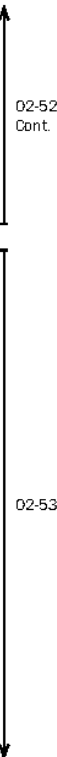
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summarized in the SEIR, it violates CEQA. An agency may use an appendix to provide technical detail that without unduly complicating or lengthening the EIR, so long as the key findings are summarized in the EIR itself. However, “[i]nformation ‘scattered here and there in EIR appendices,’ or a report ‘buried in an appendix,’ is not a substitute for ‘a good faith reasoned analysis . . . .’” (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th at p. 442.) (*Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 941.) Burying information in an appendix has also been found to frustrate the legally required informational purposes of an EIR. (*Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 723.)

**3. Significant New Information About the Size and Severity of Wind-Driven Fire Events Requires Environmental Review.**

Even if the 2014 EIR had included an analysis of the Project’s fire impacts, the current SEIR would require analysis of the Project’s impacts related to wildland fire and fire evacuation safety because “significant new information” is available demonstrating a greater impact than known in 2014. (CEQA Guidelines section 15162.) For example, it is now known that firebrands and embers can travel up to five miles ahead of an active fire, and that 60 percent of wildland/urban interface home ignitions are from such “red snow.” (<https://www.rwbfire.org/190/Be-Ember-Aware#:~:text=Flaming%20brands%20and%20embers%20can,in%20turn%20ignites%20the%20home.>) Offsite fire risk was cited in the superior court’s recent rejection of the EIR prepared for the Centennial Project in rural Los Angeles County. (See, <https://www.nbclanageles.com/news/local/judge-halts-tejon-ranch-development-citing-wildfire-risk/2569511/>.)

Red flag wind events are becoming more common and are occurring in much drier conditions than the past, resulting in the largest wildfires the state has ever seen. As a result, fires are burning hotter than in the past, reducing the effectiveness of some previously reliable fire protection measures. The increase in massive, wind-driven fire event has also strained fire departments such that the Project may not be able to reliably rely on a fire response in the event of a wind-driven wildfire. The SEIR must be revised



evaluations of typical outdoor and indoor ambient conditions. For example, normal conversation has an average sound level of 60 dBA and typically does not cause any hearing damage (CDC 2022). Please also see RTC O2-41 for further discussion of potential health impacts relating to noise.

The SEIR evaluates the project’s short-term construction and long-term operation noise impacts based on the City’s noise guidelines that are measured in dBA. The SEIR’s conclusion that noise impacts would be less than significant following mitigation is supported. If excessive noise exposure following mitigation was anticipated, then additional analysis of human health impacts and mitigation would be warranted. However, in this case, the project’s requirement to adhere to local noise standards and limits in the City’s Noise Ordinance, standard conditions of approval, and implementation of MM-NOI-1 will avoid a significant noise impact and therefore avoid any significant health effects.

**O2-33**

SEIR Chapter 1, Introduction, explains that the Church project was approved in 2014, has been built, and is currently operational. The only component of the Church that has not been constructed are three accessory buildings, but during subsequent environmental review, CEQA’s rules require the lead agency to measure whether the change from the project described in the 2014 Church EIR is significant, regardless of whether all components have been constructed. See RTC O2-10. Therefore, the noise effects

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to acknowledge and mitigate these increases in the severity of the fire and evacuation threats to the Project.

**4. The SEIR Fails to Discuss Wildfire Evacuation.**

The 2014 EIR also omits any discussion of wildfire evacuation. Even if the project's design features reduce the likelihood that the structures will be destroyed in a fire, the SEIR does not state that the facility is designed to enable residents to safely shelter in place in the event of wildfire. The ability to evacuate residents is particularly important for the proposed Assisted Living Facility whose residents will be unable to evacuate themselves. Typical evacuation scenarios provide for residents to evacuate from wildfires using their own vehicles. Here, however, the Assisted Living Facility will house 124 residents who are unable to evacuate themselves and must rely on the facility to do so.

The stakes are high, as documented in news accounts of recent fires describing the complications inherent in evacuating assisted living residents and hospital patients who often require mobility assistance and medical support during evacuations. While evacuation is fraught for the able-bodied, additional steps are required when evacuating assisted living residents. As described by one staff member of an assisted living facility that evacuated the 2018 Camp Fire:

The medical records director bags each patient's documents, paperwork that describes who they are, how to reach their next of kin, what drugs they should take, the care they will want when they are dying. A medication nurse bags each one's drugs. A certified nursing assistant puts together a change of clothes.

(Attachment 2, California fire: If you stay, you're dead. How a Paradise nursing home evacuated, <https://www.latimes.com/local/california/la-me-ln-nursing-home-fire-evac-20181117-story.html> ) Transportation is only part of the process.

During the 2018 Camp Fire, medical staff faced harrowing conditions and blocked evacuation routes while evacuating patients from Feather River Hospital. (See, Nurse

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of the Church in combination with the project have been adequately addressed.

Additionally, the previous EIR (2014 Church EIR) determined noise impacts associated with Church construction, including the accessory buildings, would be less than significant. Additionally, noise impacts associated with Church operations, including traffic, were determined to be less than significant. Noise associated with the current Church operation were evaluated as part of the existing condition of the noise environment at the site. Furthermore, noise attenuates rapidly over distance, and the proposed project (a multistory building) would—as an intervening tall structure—block most southerly directed sound from the Church and its associated parking and accessory structures. Therefore, operations-related noise from the Church site would not be cumulatively considerable when compared to operation noise from the much closer proposed project and its studied noise sources (e.g., heating, ventilation, and air conditioning [HVAC] systems).

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The Assisted Living Facility's construction schedule, outlined in Section 3.3.2.8 of the SEIR, has been delayed. The comment states that the construction noise impacts cannot be evaluated without an updated construction schedule. However, the construction schedule provided in SEIR Table 3-1 is consistent with the California Emissions Estimator Model (CalEEMod) modeling performed for the air quality and greenhouse gas analysis for the project. As discussed in SEIR Section 5.3.3.2, the analysis assumed a construction start date of

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Describes Harrowing Hospital Evacuation of Patients During California Fires: 'We Had to Go', <https://people.com/human-interest/nurse-hospital-evacuation-california-fires/>.) Medical staff had to rely on personal vehicles for evacuation. (*ibid.*) Will the facility have large-capacity vehicles and specialized medical vehicles, such as ambulances, available in the event of an emergency? Will these vehicles remain onsite? An escape plan that relies on vehicles that may be unable to reach the Project site during an emergency will not protect future residents, as occurred in the Camp Fire. As reported by Wildfire Today:

The [hospital] staff made calls in attempts to get ambulances and helicopters to transport patients, but due to gridlocked traffic and the fire, only two ambulances from Chico made it to Paradise near the end of the evacuation. One arrived at the hospital, while the other caught fire and burned. Helicopters could not land at the helipad due to the smoke.

(Feather River Hospital evacuated 280 patients and staff as Camp Fire approached, available at <https://wildfiretoday.com/2019/02/26/feather-river-hospital-evacuated-280-patients-and-staff-as-camp-fire-approached/>.) One critically-ill patient died. (*ibid.*) An assisted living facility in Paradise faced similar complications when a fleet of vans being sent to evacuate the 91 patients and 30 staff members of Cypress Meadows Post-Acute Center was turned back due to the fire danger. (Attachment 2, California fire: If you stay, you're dead. How a Paradise nursing home evacuated, <https://www.latimes.com/local/california/la-me-ln-nursing-home-fire-evac-20181117-story.html>.) Staff members drove patients through fire tomadoes in their personal vehicles and even in the vehicles of non-staff members when staff member vehicles were destroyed during evacuations.

In other wildfires, such as the 2017 Santa Rosa Tubbs Fire, panicked nursing home staff members "at two nursing homes abandoned their residents, many of them unable to walk and suffering from memory problems, according to a legal complaint filed by the California Department of Social Services." (California Says Nursing Homes Abandoned Elderly During Fire, <https://www.nytimes.com/2018/09/07/us/california-wildfires-nursing-homes-abandoned-elderly.html>); See also, In the Face of Wildfire,

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January 2023, which represented the earliest date construction was anticipated to initiate. Using the earliest start date for construction represents the worst-case scenario for criteria air pollutant emissions because equipment and vehicle emission factors for later years would be slightly less due to more stringent standards for in-use off-road equipment and heavy-duty trucks, as well as fleet turnover replacing older equipment and vehicles in later years.

In addition, the City's noise ordinance and noise-related MMs apply regardless of what year the construction starts. The noise ordinance requirement remains 60 dBA at the property line. MM-NOI-1, yielding at least 10 dBA of noise attenuation during construction (see SEIR Section 5.10.3.1) would still be applicable and effective at reducing noise impacts even if the schedule shifts.

Moreover, noise modeling uses typical construction equipment noise emission levels and distances to receptors, not specific dates or schedule details, so updating a construction schedule and overlapping the Assisted Living Facility construction phases would not change the noise level results.

Likewise, the Roadway Construction Noise Model used for the noise analysis does not factor in schedule at all, only equipment types and quantities, distances, duty cycles, etc. Therefore, the analysis conclusions would remain valid with any changes in the construction schedule.

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California Nursing Homes are Unprepared, Science Friday,  
<https://www.sciencefriday.com/articles/nursing-homes-wildfires/> )

The SEIR does not explain how the Project will safely evacuate residents and staff, an omission that is particularly important given the relative isolation of the Project site. Courts have required lead agencies to rescind approvals based on inadequate evacuation analyses in their EIRs. (See, e.g., Guenoc Development, <https://biologicaldiversity.org/w/news/press-releases/california-court-orders-lake-county-to-set-aside-approval-of-mega-resort-2022-01-06/>.) Speedy evacuations will be hampered by the single entrance/exit to the Project, which it shares with the existing Church. Fire trucks may have difficulty reaching the site from the north, due to the U-turn required to enter the site. As area residents have made clear to the City, the Project site has no direct access. The only way in and out is on El Camino Real. Vehicles coming from the north and Via de La Valle must U-turn at the intersection with Sea Country Road to reach the site. Slow U-turns of emergency vehicles may increase the likelihood of traffic accidents as existing residents attempt to flee oncoming wildfire. The existing situation is already fraught, given the curve of El Camino Real around the Project site. The City must disclose these dangers to the public, evaluate them fully, incorporate mitigation, and recirculate the SEIR with a full and complete wildfire evacuation analysis before the Project moves forward. If the Project plans to merely prepare an evacuation plan before opening, such a future preparation of a plan amounts to deferred mitigation and violates CEQA.

Further, since the SEIR did not even analyze wildfire impacts, such a plan would likely be insufficient. (See Attachment 3, *PQ-NE Action Group vs. City of San Diego*, San Diego County Superior Court Case No. 37-2021-00033583-CU-TT-CTL.) Reliance on voluntary plans to avoid analyzing and disclosing impacts was soundly rejected in *Lotus v. Department of Transportation* (2014) 223 Cal. App. 4th 645. That strategy “compress[es] the analysis of impacts and mitigation measures into a single issue,” fails to disclose the impacts of a project absent the mitigation, and prevents a meaningful opportunity to consider alternative measures. (*Id.* at 656-57; *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal. App. 5th 814, 85 [omission of feasible mitigation measure is abuse of discretion].)

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Due to the fact that the equipment types and quantities are not expected to change from what was modeled in the noise analysis, the applicability of the noise ordinance standards and mitigation measures regardless of the year construction starts is valid, and the noise level estimates presented in SEIR Section 5.10 are accurate and representative of the proposed Assisted Living Facility. Further, the construction of the three unbuilt structures from the Church component was analyzed as part of the 2014 EIR.

The SEIR appropriately identifies and analyzes potential noise impacts to nearby sensitive receptors from construction and operation of the Assisted Living Facility. Per Section 5.10.3.1 identified noise sensitive receptors surrounding the project site. While specific receptors are not enumerated, the noise analysis focuses on the closest residential uses to the south of the project site, as they represent noise-sensitive land uses with the greatest potential for increased noise exposures and at the highest magnitudes. The analysis uses noise level measurements collected directly adjacent to the southern residential areas (ST1 and ST2) to characterize ambient conditions and noise propagation across the project boundary where impacts would be most substantial. While other sensitive uses like the adjacent church and trails are present north and east of the site, potential impacts—if any—would be lower at these distances because sound attenuates with distance, air absorption, travel over porous ground

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Importantly, the Project's evacuation difficulties, single exit, and lack of direct access from the north will also hamper the ability of existing residents to evacuate in an emergency. The City must also analyze the Project's impacts on the evacuation of existing residents and include this analysis and means of avoiding or mitigating these dangers in a revised SEIR.

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**G. The SEIR Fails to Disclose All Cumulative Projects.**

An EIR must consider whether "the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (CEQA Guidelines §§ 15130, 15064, subd. (h)(1).)

Here, the SEIR failed to consider the cumulative impacts resulting from all past, current, and future projects. The SEIR omitted analysis of the San Dieguito Lagoon W19 Restoration Project, an approved project to restore the wetlands and habitat around the San Dieguito Lagoon.

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Omission of such analysis is not permitted by CEQA. In February 2023, in a case entitled *PQ-NE Action Group vs. City of San Diego*, San Diego County Superior Court Case No. 37-2021-00033583-CU-TT-CTL, the Superior Court of the County of San Diego rescinded approval of a project in the nearby community of Rancho Peñasquitos, for which the EIR failed to consider cumulative impacts from two nearby projects. (Attachment 3.) The SEIR must be recirculated to analyze the impacts of the Restoration Project.

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**H. The SEIR's Alternatives Analysis is Inadequate.**

Adequate considerations of alternatives to a proposed project is part of the basic command of CEQA that significant environmental impacts be avoided and environmental values be preserved, if possible. Specifically, Public Resources Code section 21002 provides that "agencies should not approve projects if there are feasible alternatives or

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surfaces, and intervening natural terrain and features of the built environment.

The noise modeling, impact thresholds, and significance conclusions evaluate potential impacts to the nearest noise-sensitive uses, ensuring an adequate CEQA analysis. Because this methodology captures the impact of the project to all sensitive receptors, there is no reason to list every noise-sensitive receptor within 500 feet of a project site, nor would doing so change the SEIR's impact conclusions or mitigation requirements. The SEIR provides a good faith effort at evaluation and disclosure of potential noise impacts using representative noise data and conservative impact thresholds. As concluded in SEIR Section 5.10, Noise, impacts are mitigated to less than significant levels based on the closest receptors.

The Noise Technical Report for the SEIR was prepared. The SEIR appropriately characterizes the ambient noise conditions near the project site for the purposes of the noise analysis in Section 5.10. While a measurement was not taken at the southern boundary, the two measurement locations (ST1 and ST2) were strategically chosen to be acoustically comparable to the residential backyard areas just south of the project site. For example, ST1 is at approximately the same perpendicular distance to El Camino Real as the backyard of the northwestern home on Rosecroft Way. Location ST2 would, due to its distance from El Camino Real, be considered representative of the northeastern homes along Rosecroft Way. These measurements also

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feasible mitigation measures available which would substantially lessen the environmental effects of such projects[.]” To that end, the CEQA Guidelines, at section 15126.6, require a good-faith analysis of alternatives to a proposed project, with a reasoned analysis of why alternatives were rejected. The analysis is based on a “rule of reason,” set out in the CEQA Guidelines at section 15126.6, subd. (a). The rule of reason “requires the EIR to set forth only those alternatives necessary to permit a reasoned choice” and to “examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.” (*In re Bay Delta etc.* (2008) 43 Cal.4th 1143, 1163, citing CEQA Guidelines § 15126.6, subd. (f).) Like all portions of the CEQA process, alternatives analysis imposes a duty of good faith on the agency proposing to approve the project at issue.

Here, the SEIR has artificially stacked the deck against an off-site alternative, and therefore has not conducted a reasonable, good faith analysis of alternatives to the proposed Project. This lack of reasonableness and good faith begins with the listing of Objectives the Project is intended to meet. The third Objective listed in the SEIR is:

Provide an assisted living facility in walking distance from the St. John Garabed Armenian Church. (Fundamental project objective.)

(SEIR, pp. 3-2, 9-3.) This Objective means that a fundamental purpose of the Project is to have the facility at a very short distance from the existing church. It is also unclear how the SEIR measures walking distance. Regardless, this Objective renders the range of alternatives unduly and unreasonably narrow.

A critical purpose of presenting alternatives to the proposed project is to allow informed and reasoned decision making. As *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal. App.4th 957, at 980-981, characterizes it:

An EIR’s discussion of alternatives must contain analysis sufficient to allow informed decision making. It also “must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project” thereby

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 Cont.

account for noise attenuation from the existing wall and buildings in the area and provide representative ambient noise levels for the closest sensitive receptors to the south.

Additionally, the two ambient sound level measurement locations were used to provide data to help validate the traffic noise propagation modeling across the project boundary where impacts might occur. The selected measurement locations provide the data needed for an accurate noise analysis of impacts to the closest sensitive receptors. Supplemental measurements are not required, and existing measurement data adequately supports the analyses and corresponding potential noise increases relative to the residential areas to the south of the project site. The commenter assumes that data must be collected at every location surrounding the site in order to accurately assess the noise impacts of the project, but that is not accurate.

**O2-37**

The SEIR sufficiently analyzes potential operational noise impacts to the nearby residential development including traffic noise and noise from stationary mechanical equipment (e.g., HVAC units). While hours of operation would be 24/7 and staff would be on site 24/7, noise from people talking and activities associated with visitors to the outdoor recreation areas (courtyard, lap pool, etc.) would be intermittent in character and would not occur at night when people are sleeping. Moreover, pursuant to CEQA Section 21085, the effects of noise generated by residential occupants and their guests on human beings is not a significant effect on the



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fostering “meaningful participation and criticism by the public.” (Citations omitted.)

In order to provide this level of information, the SEIR here should provide a reasoned justification for the decision to list the extreme proximity of the assisted living facility to the church as a “fundamental objective” of the Project. It does not. No reasons are provided for the importance placed on this objective, yet it is used as one of two objectives whose failure to be met supposedly justifies the elimination of any offsite location for the facility as an alternative to the Project as proposed. (SEIR, p. 9.4.) The reasons behind locating the facility right next to the church, rather than close to doctors, hospitals, rehabilitation facilities, or urban amenities that the non-memory-care residents of the facility might enjoy, should be explained. Such an explanation is needed in order for the decision makers and the public to “consider meaningfully” the setting of a Project objective in a way that appears to preclude the Project’s placement in an area with whose zoning it would be consistent, and appears to limit its placement to an area with multiple environmental sensitivities, and where the electorate did not allow it to be placed (see elsewhere in these comments).

The SEIR argues that any off-site location for the assisted living facility would not actually avoid the environmental impacts, it would only transfer the environmental impacts to another site. (SEIR, p. 9.4.) However, a location for the facility that is outside the highly sensitive land where it is now proposed would avoid the land use conflict discussed elsewhere in these comments, which is the main impact the SEIR recognizes. The Project on another site could then use similar noise reduction mitigation measures as used in the SEIR now, mitigation measures that the SEIR finds would reduce the noise impacts to less than significant levels. The SEIR does not present any valid justification for refusing to consider such an off-site alternative.

The SEIR also frustrates meaningful consideration of alternatives by misapplying the main purpose of the Alternatives section. Consideration of alternatives is intended to avoid significant environmental impacts. (Public Resources Code § 21002.) Yet, the SEIR identifies as alternatives two scaled-back versions of the Project, namely the Sensitive Nesting Bird Construction Noise Avoidance Alternative (two-thirds reduction



**02-38**

environment. Operation of rooftop HVAC systems to maintain occupant comfort would be the most substantial project-generated noise sources and were modeled relative to City noise limits at the shared project boundary. The southern off-site receptors would be farther from (and therefore would receive less noise from) several of the outdoor recreation areas than they would be from the HVAC units. Traffic noise modeling was specifically conducted for sensitive receptor locations adjacent to the residences.

Given the project’s demonstrated compliance with City noise limits with respect to its primary on-site noise-generating sources and predicted traffic noise, additional modeling of outdoor recreation areas would not result in the creation of greater noise levels than the operational noise sources modelled, and impacts would be less than significant as shown in the impact analysis.

The noise measurement locations were strategically chosen to characterize ambient conditions at the receptors predicted to be most impacted by project noise—the off-site residences south of the site. The two measurement points allowed calibration of the traffic noise model to analyze impacts to these nearby homes.

Noise was then modeled at the receptor points on all sides of the proposed project to evaluate potential disturbances to adjacent land uses, including the church and the MHPA. The traffic noise analysis looked at an increase in traffic to the north at the church, as well as to the east, closer to the MHPA. Although ambient levels

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in facility capacity) and the Construction Noise Avoidance Alternative (16% reduction in facility capacity) that do not fit the definition of a proper alternative. An alternative project should result in avoiding a significant environmental impact. Yet, the SEIR emphasizes that neither of these alternatives will avoid a significant environmental impact from the assisted living facility, because mitigation measures proposed as part of the proposed Project would reduce all Project noise to a less than significant level, i.e., there is no significant impact to avoid. (See SEIR, pp. 9-11 and 9-13.) These are false alternatives that mask the absence of a true alternative, namely one that would avoid the Project's conflict with the land use restrictions placed by the electorate and the City on the parcel, by locating the facility elsewhere.

The SEIR's consideration of Alternatives does not comply with CEQA, and must be redone.

**V. Conclusion**

For all of the reasons set forth above, SDRCA strongly urges the City to reject this SEIR as the Project conflicts with the clear and mandatory protections of Proposition A. SDRCA finds the SEIR to be wholly inadequate. If this Project does move forward as proposed, which we urge the City not to allow, a revised SEIR must be recirculated to address the many failings described herein.

Additionally, we ask that you inform us of any future Project notices pursuant to Public Resources Code section 21092.2 and applicable Municipal Code requirements. We further request that you retain all Project related documents including correspondence and email communications as required by CEQA. (*Golden Door Properties, LLC v. Superior Court of San Diego County* (2020) 52 Cal.App.5th 837 [agency "must retain writings"].)

Thank you for your time and consideration in this matter.

↑  
 02-61  
 Cont.

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**O2-39**


were not measured at locations adjacent to the northern and northeastern boundary of the site, the modeled noise increases account for propagation over a greater distance, therefore capturing any increase in noise levels at these locations. Similarly, stationary noise sources (e.g., mechanical equipment) were modeled for compliance around the entire project site. Noise associated with the project was adequately evaluated for the purposes of CEQA, and the methodology used to evaluate project noise is appropriate. The commenter assumes that data must be collected at every location surrounding a site in order to accurately assess noise impacts of the project, but that is not accurate. See RTC O2-37.

Please refer to RTC O2-71 regarding the SEIR's proper estimation of vehicle trips. The commenter asserts that a different trip estimate should be used, but the SEIR relies upon substantial evidence to support its 234-trip estimate. The SEIR utilizes the City's threshold for transportation impacts. Also, the comment incorrectly states that the traffic analysis assumed 210 daily trips; as stated in SEIR Section 5.8, the Assisted Living Facility component would generate 234 trips.

Even if the Comment Letter's higher estimate of 331 daily trips was used, it would not substantially alter the traffic noise analysis or conclusions. Since noise levels are quantified via decibels, which are on a logarithmic scale, a modest increase in traffic volumes does not equate to a significant increase in traffic noise levels. For example, doubling traffic volumes on the road would

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Sincerely,

  
Sunjana Supékar  
Michelle Black  
Susan Durbin

Attachments:

1. Expert Comments from Tom Brohard and Associates, dated June 19, 2023.
2. Maria L. La Ganga, California fire: If you stay, you're dead. How a Paradise nursing home evacuated, Los Angeles Times (Nov. 17, 2018) <https://www.latimes.com/local/california/la-me-ln-nursing-homs-fire-evac-20181117-story.html>
3. Trial Court Decision, *PQ-NE Action Groups vs. City of San Diego*, San Diego County Superior Court Case No. 37-2021-00033583-CU-IT-CTL.

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only result in a 3 dB increase in noise, which is barely perceptible to the human ear (Caltrans 2013).

The existing traffic volumes on El Camino Real are high compared to expected project trips, so additional project trips would only cause a minimal increase. The difference between 234 trips and 331 trips would only slightly increase the predicted traffic noise and would remain compliant with criteria to be considered a less than significant impact. The traffic noise analysis properly concludes that any potential increase would be less than significant based on the applicable thresholds. Therefore, a dispute regarding the project's trip generation calculations would not change the finding that traffic noise impacts would be less than significant.

**O2-40**

As discussed in the Noise Report included as Appendix J of the SEIR, ST1 and ST2 are intended to be representative of the outdoor ambient sound environment for existing noise-sensitive receivers in the vicinity of the proposed project were selected near the proposed project site. SC1 was a modeled receptor to predict traffic noise levels on a segment of El Camino Real. Actual measurement locations (ST1, ST2) were used to calibrate the traffic noise model to facilitate the prediction at SC1 and the predicted noise increases at the nearby residences within Stallions Crossing. This modeling approach focuses on the noise source itself (traffic on El Camino Real) to determine impacts at sensitive areas.

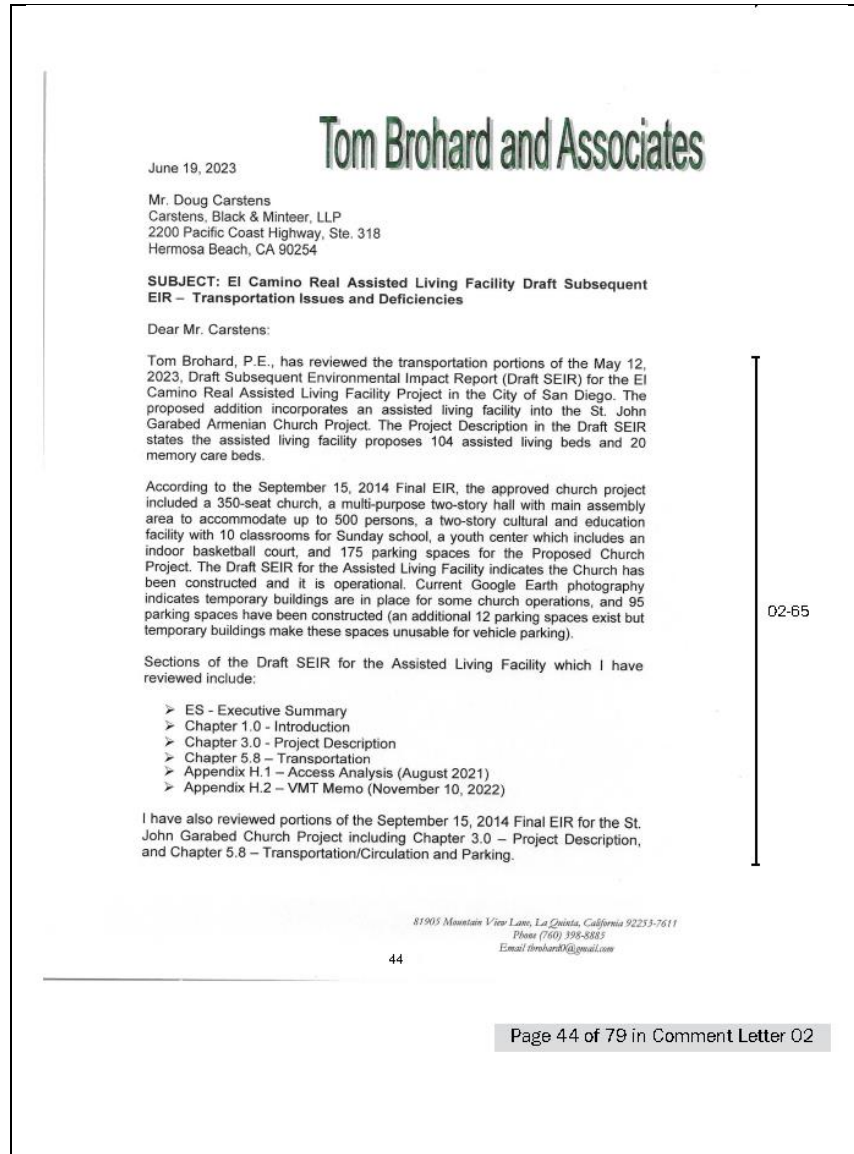
# ATTACHMENT 1

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For on-site Assisted Living Facility traffic noise, the project site plan shows that the west parking area terminates north of the Stallions Crossing development—there is no on-site project roadway that is parallel to and adjacent to the southern project property line. Furthermore, most on-site project traffic (i.e., low-speed passenger vehicle travel and parking movements) would be within the north side of the project site, which would be shielded by the project's multistory building, helping to block off-site SC receptors from direct sound paths associated with on-site vehicles. For example, emergency response vehicles and delivery vehicles on site would typically remain on the northern side of the project site near the building's lobby area. Although sirens are often turned off when in residential areas, the noise analysis presented in SEIR Section 5.10 conservatively assumes sirens may be part of the noise that will be shielded by the project buildings. See also RTC 02-38.

The actual measurement locations at ST1 and ST2 are adequate to analyze the project's noise impacts in all locations because the data collected at those locations are used in the modeling to accurately predict the noise impacts at the Stallions Crossing residential development. The comment letter incorrectly assumes that to analyze a project's noise impact on a sensitive receptor, one must collect noise data nearest the sensitive receptor. That is incorrect. Accordingly, the City's noise analysis is properly based on substantial evidence.



**02-41** The comment states the SEIR fails to identify and evaluate the project's increase in noise that could result in sleep disturbance. The City's CEQA thresholds do not include a separate sleep disturbance threshold in determining the significance of noise impacts. The noise analysis in SEIR Section 5.10 evaluates noise impacts related to temporary project-attributed construction noise, post-construction project operation noise, and changes to traffic noise levels as experienced by off-site receptors due to an increase in project traffic. The City's noise regulations and relevant CEQA significance thresholds have been applied to determine potentially significant noise impacts and include nighttime noise limits that are more stringent than those during daytime or evening hours because it is understood that occupants of offsite receptors would expect lower outdoor ambient noise levels during nighttime hours when sleep occurs. As shown in SEIR Table 5.10-3, the City's applicable exterior noise limits are 50 dbA for single-family residential uses and 55 dbA for multifamily residential uses during daytime hours (7:00 a.m. to 7:00 p.m.) and 40 dbA for single-family residential uses and 45 dbA for multifamily residential uses during nighttime hours (10:00 p.m. to 7:00 a.m.). Noise-generating construction activities are prohibited during nighttime hours, 7:00 p.m. to 7:00 a.m.

See RTC O2-13 regarding compliance with applicable legal requirements.

With respect to temporary project construction noise, the commentor implies that "families with small

<p><b>Mr. Doug Carstens</b>                  El Camino Real Assisted Living Facility Draft SEIR – Transportation Issues                  June 19, 2023</p> <p>The following documents relating to the preparation of transportation studies in the City of San Diego have also been reviewed:</p> <ul style="list-style-type: none"> <li>➤ February 20, 2020 Draft Transportation Study Manual (TSM)</li> <li>➤ June 10, 2020 Draft Transportation Study Manual (TSM)</li> <li>➤ September 19, 2022 Transportation Study Manual (TSM)</li> </ul> <p><b>Education and Experience</b></p> <p>Since receiving a Bachelor of Science in Engineering from Duke University in Durham, North Carolina in 1969, I have gained over 50 years of professional traffic engineering and transportation planning experience. I am licensed as a Professional Civil Engineer both in California and Hawaii and as a Professional Traffic Engineer in California. I formed Tom Brohard and Associates in 2000 and have served many diverse communities as the City Traffic Engineer and/or the Transportation Planner. During my career in both the public and private sectors, I have reviewed numerous environmental documents and traffic studies for various projects as shown in a brief summary of my experience in the enclosed resume.</p> <p><b>Transportation Issues and Deficiencies</b></p> <p>The May 12, 2023, the Draft Subsequent Environmental Impact Report (Draft SEIR) for the El Camino Real Assisted Living Facility Project requires revisions to correct several errors and omissions. Each of the following transportation issues must be fully addressed, analyzed, and revised before the City of San Diego acts on the Proposed Project:</p> <p><b>1) City's Transportation Study Manual (TSM) Requirements Not Followed</b></p> <p>Page 1 of Appendix H.1 Access Analysis August 2021 states "Based on the City of San Diego's new SB 743-compliant CEQA Significance Thresholds for Transportation implemented via the City of San Diego Transportation Study Manual (September 2020)..."</p> <p>Draft TSM Reports dated February 20, 2020 and June 10, 2020 were issued by the City of San Diego, with the current final report dated September 19, 2022. I could not find any September 2020 TSM report issued by the City of San Diego as referenced in the Access Analysis.</p> <p>Each of the three TSM Reports that I reviewed requires that the City of San Diego approve the Project Information Form (PIF), and that the approved PIF be included in the Project's Transportation Study Appendix. The PIF in the</p> <p style="text-align: center;">2 45</p> <p style="text-align: center;">Page 45 of 79 in Comment Letter O2</p>	<p>children, particularly infants, will be impacted by the construction noise, even if construction is limited to certain hours." With proper implementation of MM-NOI-1 by the project applicant or its contractor(s), exterior noise exposure (attributed to project construction) would be below the City's construction noise limit during allowable daytime hours, and (as noted above) no construction work is allowed before 7:00 a.m. and after 7:00 p.m. any day of the week. During project operation, noise levels were determined to not exceed 40 dBA, which is below the City's threshold of 55 dBA during the daytime hours and 40 dBA during nighttime hours at the southern off-site residences. The SEIR analyzed the potential for significant noise impacts using its thresholds of significance and properly concluded impacts would be less than significant.</p> <p><b>O2-42</b> The comment incorrectly states that MM-NOI-1 constitutes improper deferred mitigation. MM-NOI-1 contains specific performance criteria for the project applicant and/or its contractor to follow consistent with CEQA. As stated in Draft SEIR Section 5.10.3.1 under MM-NOI-1, the performance criteria for MM-NOI-1 would be a 10 dBA noise reduction to reduce construction noise impacts below the City's construction noise threshold of 75 dBA <math>L_{eq}</math>. Additionally, the comment incorrectly states that MM-NOI-1 would defer mitigation to the "discretion" of the applicant or its contractor, it would be the responsibility of the City to ensure that the project applicant and/or its contractor has adequately satisfied the performance criteria of MM-NOI-1, whichever combination of noise reduction methods are</p>
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Appendix to the Access Analysis does not indicate that the City of San Diego reviewed and approved or required revisions. The PIF also was not signed and stamped as required by a Registered Traffic Engineer in California.

None of the three City TSM Reports indicate traffic counts made on Thursday, February 23, 2012, for the St. John Garabed Armenian Church traffic study could be factored up to estimate traffic volumes used in analyses of existing or future conditions. Instead of factoring, each of the City TSM Reports state:

> "New transportation data is required if available data is older than two years..."

Counts used in the Access Analysis were made in 2012, 11 years ago

> "For areas near beaches, counts should be taken during summer months (between Memorial Day and Labor Day when schools are not in session) or should be adjusted to reflect typical summer conditions."

Counts used in the Access Analysis were made in the winter in February, not during the summer months. Instead, The City's TSM requires traffic volumes to be collected when local traffic volumes are influenced by beach traffic. In addition, traffic to and from the San Diego County Fair at the Del Mar Fairgrounds (daily in 2023 from June 7 through July 4) or during the horseracing season on Thursdays through Sundays at the Del Mar Racetrack (in 2023 from July 21 through September 10) should also be considered.

> "Any deviation should be discussed with City staff."

No evidence is presented to indicate if City staff knew or approved of the approach used in the Access Analysis in Appendix H-1 to factor up 11-year-old counts

The Access Analysis factored up traffic volumes measured in 2012 to forecast current traffic volumes and also factored up 2016 forecast traffic volumes to establish future volumes for analysis. If the City of San Diego approved of the factoring that was done, then formal concurrence of that approach should have been given and shown in Appendix H-1. Without proof of City concurrence, using factored volumes cannot be relied upon and/or utilized to reach engineering decisions in the Access Analysis.

**2) Trip Generation Forecasts for Assisted Living Are Unrealistically Low**

Page 8 of the Access Analysis relies upon trip generation developed by the City of San Diego prior to May 2003, more than 20 years ago. Table 3.1 in the

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selected. Violators are subject to code enforcement action pursuant to SDMC Chapter 5, Article 9.5, Division 6, which includes enforcement remedies such as fines, imprisonment, and injunctions against violators. See also SDMC Section 59.5.0404(b) regarding the prohibition against exceeding construction noise limits. Moreover, the measures within MM-NOI-1 are ensured to meet the threshold relating to an increase in ambient noise levels because the mitigation measure requires an acoustician to monitor noise levels to ensure they remain below applicable thresholds.

As described in SEIR Section 5.10.3.1, with implementation of MM-NOI-1, the temporary construction-related noise impact of the Assisted Living Facility would be reduced to below the 75 dBA  $L_{eq}$  threshold because the maximum noise level from construction is 82 dBA and a 10 dBA reduction reduces it to 72 dBA. As such, Impact NOI-1 would be less than significant after implementation of mitigation. In addition, implementation of MM-BIO-1 and MM-BIO-2 would reduce indirect impacts to wildlife associated with project construction noise because the peak construction noise impact of 82 dBA is required to meet a 60 dBA performance standard where sensitive species are identified during the breeding season, which would be a 22 dBA reduction.

Substantial evidence supports the conclusion that the required mitigation will be effective to reduce noise impacts to below significance. Mitigation such as administrative controls, which involve adjustments to

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Project Description in the Draft SEIR provides project trip generation forecasts for 87 dwelling units proposed for congregate care and for 20 beds for convalescent/nursing.

The trip generation rates used for congregate care in the Draft SEIR are incorrectly based on dwelling units rather than the number of beds. Page 3-3 of the Project Description states “The proposed 105 units would include 87 assisted living units and 18 memory care units. A total of 124 beds would be provided, including 104 assisted living beds and 20 memory care beds.”

I have calculated weekday daily trips for the proposed project based upon data published by the Institute of Transportation Engineers (ITE) in their September 2021 Trip Generation Manual, 11<sup>th</sup> Edition. As shown on the enclosures, the average weekday trip generation rate per bed for Land Use 254, Assisted Living, is 2.60 trips per weekday. With 104 assisted living beds in the Proposed Project, 270 daily weekday trips will be generated. With 20 memory care beds in the Proposed Project, ITE Land Use 620, Nursing Home, is the closest comparable land use and would generate 3.06 weekday daily trips per bed, 61 weekday daily trips for the memory care portion of the Proposed Project. Using the most recently available data provided by ITE, the Proposed Project can be expected to generate 331 weekday daily trips.

With 331 weekday daily trips, the September 19, 2022 City of San Diego Transportation Study Manual (TSM) Transportation Analysis Scoping Flowchart on Page 12 requires both a Transportation VMT CEQA Analysis as well as a Local Mobility Analysis, with neither of these analyses being screened out. The Local Mobility Analysis in the Draft SEIR contains many errors as indicated throughout this letter, and Appendix H-2 (Transportation VMT CEQA) analysis was not conducted according to the City’s TSM.

**3) Church and Assisted Living Project Parking Must Be Analyzed Together**

Table 5.8-12 on Page 5.8-11 of the Final EIR for the Church provides parking rates and peak parking demand individually for the Church, Assembly Hall, Church offices, cultural center classrooms, cultural center office, and youth center. With 500 portable seats and assuming three persons per vehicle for the Assembly Hall, the overall peak parking demand is shown as 165 vehicles on a Saturday afternoon. At the same time, Table 5.8-12 shows there will be no parking demand created by any of the other buildings or uses during Saturday afternoons.

It is unreasonable and illogical to assume that there will be no parking demand created by any of the other uses during Saturday afternoons. In addition, the Sunday parking totals for both the morning and the afternoon are incorrectly added – these should total 12 parking spaces used on Sunday

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equipment operation periods and intensity, can demonstrate noise reduction of at least 22 dBA. For example, reducing the cumulative operating time of a single piece of equipment by half over an assessment period yields a 3 dB reduction per acoustical principles—the dB reduction is 10 times the base-10 logarithm of the ratio of the operating time over the assessment period. Additionally, engineering controls directly attenuate the noise at its source of emission, such as equipment retrofitted with higher-performing (but factory-approved) engine exhaust mufflers or sound-absorptive engine casings that exceed those associated with standard equipment specifications. Sound abatement (i.e., the insertion of a barrier on the direct path between the noise emission source and the distant receptor) can take the form of a sound insulating shroud or blanket barrier installed near the equipment or a field-assembled temporary wall (composed of plywood sheets or comparably sound-insulating blanket or flexible sheet material [mass-loaded vinyl]) located along or near an extent of the property line or construction boundary. Barrier performance varies with geographic parameters relating to the noise source, receptor, and barrier top edge elevations, but here using multiple barriers can achieve at least a 22 dBA noise reduction. Thus, the mitigation is enforceable and capable of meeting the 7 dBA reduction to prevent noise impacts to residents and meet the City’s construction noise threshold of 75 dBA, as well as the 22 dBA reduction needed to mitigate impacts to species, which ensures construction noise impacts would not be significant.

<p><b>Mr. Doug Carstens</b>  <b>El Camino Real Assisted Living Facility Draft SEIR – Transportation Issues</b>  <b>June 19, 2023</b></p> <p>morning and 158 parking spaces used on Sunday afternoon. Furthermore, the parking demands have not been accompanied by a schedule showing all of the planned events for the approved Church plus auxiliary buildings.</p> <p>After correcting the existing errors in Table 5.8-12 to properly show the parking demand, it must be adjusted to match the schedule of events for each of the buildings including the Assembly Hall, Church offices, cultural center classrooms, cultural center office, and youth center. Parking calculations for the Assisted Living Project Facility result in the need for 57 parking spaces according to Page 3-4 of the SEIR. These spaces, together with the 175 parking spaces required for the Church Project FEIR, result in a total of 232 required parking spaces for the campus as planned but without consideration for schedule overlaps of the buildings.</p> <p>Only 107 parking spaces have been built, and 12 of those parking spaces are currently occupied with temporary buildings (and unusable). The Church Project plus the proposed Assisted Living Facility must be evaluated with the planned schedules for the individual building uses to make sure the overall peak parking demand will be met.</p> <p><b>4) Church and Assisted Living Project Traffic Must Be Analyzed Together</b></p> <p>The Draft SEIR for the Assisted Living Project states the Access Analysis has been prepared to review conditions on El Camino Real at the church driveway, an intersection that was not evaluated in the 2014 Final EIR. This driveway provides a single right turn only lane from northbound El Camino Real into the church driveway after a short deceleration lane as well as a single right turn only exit lane from the Church into a single acceleration lane.</p> <p>The existing continuous raised median on El Camino Real requires all traffic to enter the church from the south, with southbound traffic passing the church on El Camino Real, making a U-turn at the traffic signal at Sea Country Lane, and then traveling northbound on El Camino Real to the deceleration lane followed by a right turn into the church property. All traffic leaving the church property must always travel northbound on El Camino Real to the traffic signal at San Dieguito Road, with traffic heading south to the City of San Diego after making a U-turn there.</p> <p>The Church Project approved in 2014 included a 350-seat church and three auxiliary buildings. The Draft SEIR for the Assisted Living Project indicates that the 350-seat church has been constructed and is operational. In my review of Google-Earth photography dated June 2023, I confirmed that the church building has been constructed together with 107 parking spaces. Three temporary buildings have also been constructed, with one of those buildings occupying 12 parking spaces in the parking lot for the church.</p> <p style="text-align: center;">5 48</p> <p style="text-align: center;">Page 48 of 79 in Comment Letter O2</p>	<p><b>O2-43</b> Section 5.10, Noise, of the SEIR evaluates noise associated with construction and operation of the project. Although the City's noise ordinance sets forth standards for noise levels allowed on specific days and times, for operation and for construction, the impact must be quantified and compared to an adopted guideline or against ambient noise levels. The SEIR does not simply rely on conclusory statements of compliance with law to support its determination of less than significance. Project-specific construction noise is evaluated in SEIR Section 5.10.3.1 under Issue 1. The analysis does not assume compliance with the SDMC would fully address construction noise impacts; it analyzed the project's noise against both the City's standards and ambient noise levels. Appendix J to the SEIR also provides an analysis of construction noise.</p> <p><b>O2-44</b> As provided in SEIR Section 5.10.3.1, implementation of MHPA LUAGs (Noise) related to California gnatcatcher would be required as a Condition of Approval for the project. Additionally, implementation of MM-BIO-1 and MM-BIO-2 would reduce indirect impacts to wildlife associated with noise to less than significant. These measures are both feasible and reduce impacts to below significance; therefore, additional mitigation is not required. See RTC O2-42. The comment states that the City simply relied upon the CM without considering if the CM alone was effective in preventing the project impact from rising to a level of significance, but this is incorrect. As determined in SEIR Section 5.4, Biological Resources, there was still a significant environmental impact even with CM-NOI-2, which triggered the need to</p>
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<p><b>Mr. Doug Carstens</b>  <b>El Camino Real Assisted Living Facility Draft SEIR – Transportation Issues</b>  <b>June 19, 2023</b></p> <p>The Transportation/Circulation and Parking chapter of the 2014 Final EIR provides limited information regarding trips and parking, and it lacks the detail needed to provide proper analyses of these topics. The listing of facilities in the Final EIR for the Church does not acknowledge that several buildings will be in use at the same time (i.e., Church, Sunday School, and children’s programs). In fact, just the opposite assumptions have been made, particularly in regard to parking at the site where no overlapping attendance has been assumed. At this time, there are no limitations on concurrent use of traffic, parking, and loading/unloading facilities which may dramatically overload the driveway access as well as the parking facilities without even considering the incremental increase in traffic and parking for the Assisted Living Facility.</p> <p>Details are needed from the Church to evaluate the traffic volumes and parking associated with the initial and future construction as well as the combined impacts of the 2014 Final EIR with the Draft SEIR on the access driveway and on the adjacent signalized intersections including these:</p> <ul style="list-style-type: none"> <li>➢ Current and planned church schedules with gap time between services to facilitate reuse of parking stalls</li> <li>➢ Concurrent planned activities with church services such as Bible study, Sunday school, children’s programs, etc.</li> <li>➢ Real data to support person and vehicle occupancy for the church services and other activities</li> <li>➢ Number of drop-offs and pick-ups associated with the start and conclusion of regular worship services as well as other regular events</li> <li>➢ Special events such as lunches, dinners, and other gatherings, together with attendance and schedules of these events</li> </ul> <p>The Access Analysis must be revised to consider these factors for the Church as approved in 2014 together with the Proposed Assisted Living Project.</p> <p><b>4) Intersection Analyses Must Be Reanalyzed with Both Projects</b></p> <p>The Access Analysis must be expanded to include these additional topics and to analyze and mitigate them using accepted traffic engineering and transportation planning practices:</p> <p><b>a) Stopping Sight Distance</b> - Stopping sight distance at the Church driveway and El Camino Real has not been reviewed or analyzed. The driveway is located within a northbound downgrade of about 2 percent on</p> <p style="text-align: center;">6 49</p> <p style="text-align: center;">Page 49 of 79 in Comment Letter O2</p>	<p style="text-align: center;"><b>O2-45</b></p> <p>add MM-BIO-1, MM-BIO-2, and MM-NOI-1. Please also see MR-3, Indirect Impacts Relative to Multi-Habitat Planning Area (MHPA) Lands and Biological Resources, and RTC O2-42.</p> <p>Additional mitigation is not required where the project’s impacts are reduced to less than significant. As described in SEIR Section 5.10, impacts related to an increase in ambient noise level would be reduced to less than significant with incorporation of MM-NOI-1. MM-NOI-1 would achieve at least a 10 dBA reduction in construction noise through the implementation of administrative controls, engineering controls, or noise abatement. As described in Draft SEIR Section 5.10.3.1 under MM-NOI-1, administrative controls can include the reduction in operating time of equipment and/or prohibit usage of equipment types within certain distances to the closest sensitive receptors. Engineering controls can include requiring changes to equipment operating parameters (speed, capacity, etc.) or installation of features or elements that otherwise reduce equipment noise emission (including upgrading exhaust mufflers). As described in SEIR Section 5.10.3.1, construction activities associated with the Assisted Living Facility would take place within the City’s allowable hours of construction (7:00 a.m. and 7:00 p.m. Monday through Friday) as described in SDMC Section 59.5.0404, consistent with CM-NOI-1. The project is also required to comply with CM-AIR-2, which requires a construction equipment fleet that meets an average Environmental Protection Agency Tier 4 Interim emission standard or better. Finally, the Assisted Living</p>
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<p><b>Mr. Doug Carstens</b>                  El Camino Real Assisted Living Facility Draft SEIR – Transportation Issues                  June 19, 2023</p> <p>the inside of a superelevated horizontal curve between Sea Country Lane and the Church driveway. Adjacent embankments on both sides of the driveway further limit stopping sight distance at this intersection.</p> <p>The 7<sup>th</sup> Edition of <i>A Policy on Geometric Design of Highways and Streets 2018 The Green Book</i> published by the American Association of State Highway and Transportation Officials (AASHTO) is the definitive resource of stopping sight distance. This publication is used by Caltrans as well as all local jurisdictions in California. Traffic engineers and transportation planners understand that stopping sight distance is based upon the design speed of the roadway under review, a speed which is typically 10 MPH higher than the posted speed limit. With a posted speed limit of 50 MPH, a design speed of 60 MPH must be used to evaluate the Church driveway for adequate stopping sight distance. Stopping sight distance for a 60 MPH design speed is 570 feet as shown in Table 3-1 on Page 3-4, Stopping Sight Distance on Level Roadways, in the Green Book.</p> <p>Traffic speeds on northbound El Camino Real are higher than the posted 50 MPH speed limit for these reasons:</p> <ul style="list-style-type: none"> <li>➤ Based on roadway elevations available from USGS National Map viewer (<a href="https://apps.nationalmap.gov/viewer/">https://apps.nationalmap.gov/viewer/</a>), northbound El Camino Real has a downgrade of about 6 percent between Derby Downs Road and Sea Country Road (the roadway elevation decreases by about 120 feet in the 2,000-foot distance). The roadway downgrade then decreases to about 2 percent between Sea Country Road and the Church driveway as the roadway elevation decreases by about 30 feet in this 1,600-foot distance.</li> <li>➤ The horizontal curve on El Camino Real between Sea Country Road and the Church driveway is superelevated and banked like you would encounter on a vehicle racetrack. This design is commonly used on freeways and high-speed expressways, but is not usually used on City streets as it allows and encourages higher speeds</li> <li>➤ Northbound motorists on El Camino Real approaching the church driveway typically exceed the posted 50 MPH speed limit with the roadway downslope of 6 percent transitioning into flatter 2 percent plus the superelevation. In one of the current Google Earth ground level photographs, a vehicle speed feedback sign was positioned in the raised median in the horizontal curve to remind motorists of their speeds, an indication that the City of San Diego recognized the issue of speeding downhill traffic. However, this temporary speed feedback sign will not decrease the speed of northbound vehicles as speeds tend to increase back to before the feedback sign after 600 feet</li> </ul> <p style="text-align: center;">7 50</p> <p style="text-align: center;">Page 50 of 79 in Comment Letter O2</p>	<p style="text-align: center;">O2-75 Cont.</p> <p><b>O2-46</b> Facility was determined to have less than significant impacts with the inclusion of MM-NOI-1. As described under Section 15126.4 (3), mitigation is not required for impacts that are less than significant. Therefore, no additional mitigation is required.</p> <p><b>O2-47</b> The comment provides an introduction to comments to follow regarding wildfire risk. Please also see RTCs O2-47 through O2-57.</p> <p>Comment noted. Because the comment does not raise an issue with the adequacy of the environmental impact analysis of the SEIR, no further wildfire-related response is required. CEQA Guidelines Section 15128 outlines the requirements for effects not found to be significant. This section is required to include a brief statement of why project impacts were determined to not be significant and therefore not required to be discussed in detail in the EIR.</p> <p>The commenter incorrectly characterizes the wildfire impact analysis in the 2014 EIR by assuming the Fire Fuel Load Model Report (Dudek 2012) prepared as part of the 2014 EIR is not part of the 2014 EIR. The Fire Fuel Load Model Report was used to support the findings of no significant impact in the EIR. The wildfire risk analysis is summarized in the EIR and the more detailed analysis provided in the technical study. CEQA does not require that a prior EIR contain a perfect analysis; it just requires that it contain some informational value,<sup>4</sup> which the</p>
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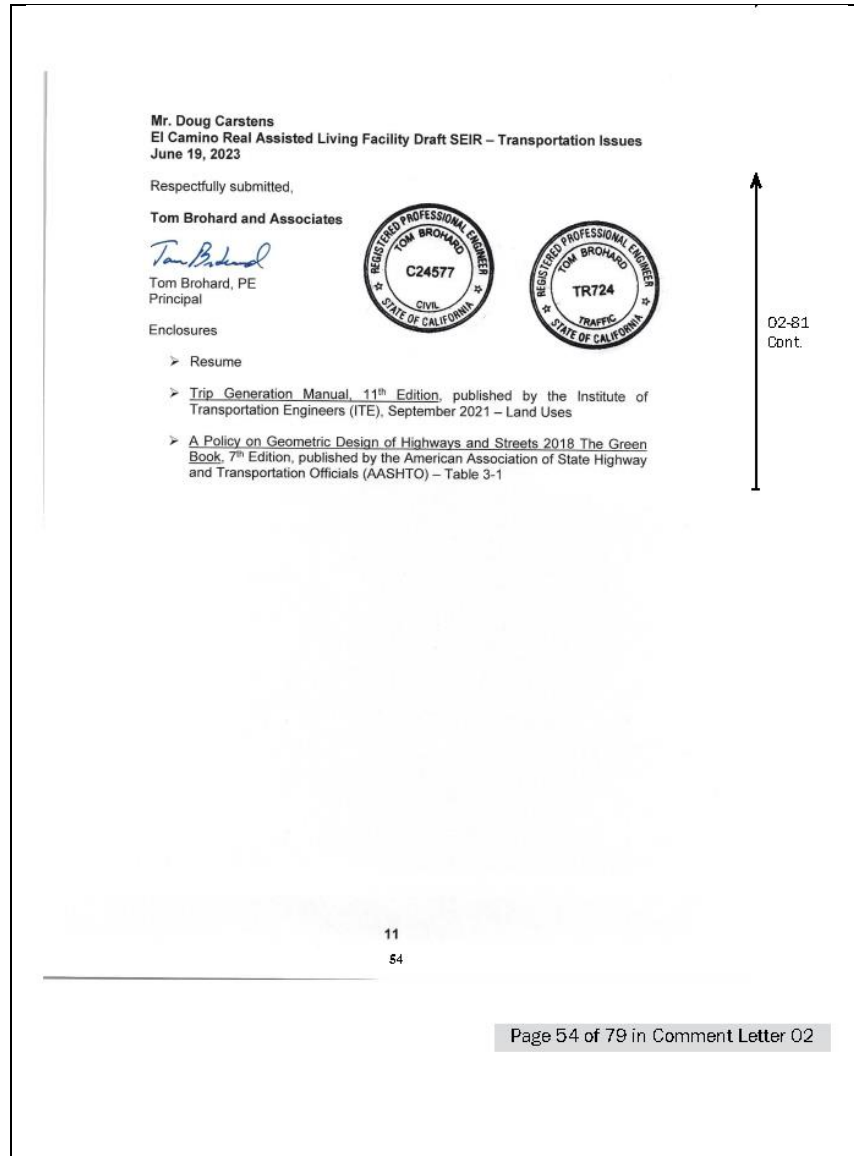
<sup>4</sup> *Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal. 5th 937, 952; CEQA Guidelines, § 15151

<p><b>Mr. Doug Carstens</b>  <b>El Camino Real Assisted Living Facility Draft SEIR – Transportation Issues</b>          June 19, 2023</p> <p>beyond the sign. Hill warning symbol signs for vehicles and/or bicyclists at the beginning of the downgrade near Derby Downs Road should be considered and the wide vehicle lanes should be narrowed.</p> <p>The 140-foot-long right turn lane constructed as required as a Project Design Feature in the 2014 FEIR on northbound El Camino Real for the Church driveway is not sufficient to provide proper deceleration out of the travel lanes as well as appropriate stopping sight distance for the 60 MPH design speed of the roadway. From Google Earth ground level photography, stopping sight distance of northbound traffic in the outside lane of El Camino Real from a driver's eye located 10 feet before the limit line on the Church driveway is about 380 feet. This distance equates to a speed of 45 MPH for northbound El Camino Real, a distance that is insufficient for the design speed of 60 MPH as well as for the posted speed limit of 50 MPH.</p> <p>To correct these conditions and to accommodate vehicle/vehicle and vehicle/bicycle weaving, the right turn lane must be lengthened to accommodate deceleration out of the through travel lanes and the embankment on the south side of the Church driveway must be graded down and back to provide at least the required 570 feet of stopping sight distance at this location. Landscaping in the sight distance triangle must also be limited and restricted to no more than 24 inches in height.</p> <p>Extension of the deceleration areas and transitions into the left turn lanes are required to address conflicting weaving movements between vehicles and bicyclists. With the identified improvements, rear-end and side-swipe collisions at high speeds between bicyclists and vehicles can be avoided.</p> <p><b>b) Bicycle Facilities on El Camino Real Should Be Enhanced</b> – The Draft SEIR requires that the Assisted Living Project contain twelve short term and four long term bicycle parking spaces. The residents of this facility will use bicycles to travel among the buildings within the Church site and on El Camino Real. I also understand that bicycle riders on El Camino Real often travel in groups at moderately high speeds of 35 MPH or more. Except where the deceleration and acceleration lanes have been constructed adjacent to the church, vehicle travel lanes are very wide on both sides of El Camino Real. These 12' to 16' wide vehicle lanes encourage excessive vehicle speeds, particularly on the downhill grade through the horizontal curve. To enhance safety for bicyclists, El Camino Real should be restriped to provide Class IV protected bicycle lanes with a 4' or wider painted buffer between the bicycle lanes and the outside vehicle travel lanes.</p> <p style="text-align: center;">8 51</p> <p style="text-align: center;">Page 51 of 79 in Comment Letter O2</p>	<p style="text-align: right;">2014 Church EIR does. A lead agency is not required to revise a certified EIR's analysis when it prepares an SEIR.</p> <p><b>O2-48</b></p> <p>The commenter assumes the Fire Fuel Load Modeling Report (FFLMR; Appendix O to the SEIR) is not part of the SEIR, however, the FFLMR is included as an Appendix to the SEIR The wildfire risk analysis is not conclusory or lacking in substantial evidence just because the SEIR summarizes the more detailed analysis provided in the technical study. CEQA directs a lead agency to focus analysis in an EIR on significant impacts. CEQA Guidelines Section 15128 outlines the requirements for effects not found to be significant. This section is required to include a brief statement of why project impacts were determined to not be significant and therefore not required to be discussed in detail in an EIR. As demonstrated in Chapter 7, Sections 7.4 and 7.10 of the SEIR, the Assisted Living Facility would not result in significant wildfire impacts due to compliance with existing state and local requirements for building hardening, fuel management, and landscape irrigation set forth in specific design features and CMs, as well as Title 24 of the California Building Code Standards and City Fire Department requirements.</p> <p>The VHFHSZ designation does not prohibit development. Rather, this designation triggers the need to apply a greater level of fire safety and implementation of fire and building codes specifically developed for building safely in these areas. The Assisted Living Facility will be constructed in accordance with Chapter 7A of the California Building Code, which</p>
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<p style="text-align: center;">  </p> <p>Mr. Doug Carstens          El Camino Real Assisted Living Facility Draft SEIR – Transportation Issues          June 19, 2023</p> <p><b>c) All Vehicle Travel for the Proposed Project Requires U-Turns –</b>          Vehicle and bicycle crossings from the Proposed Project to southbound El Camino Real require entering the northbound acceleration lane, crossing two high speed northbound through lanes, entering the northbound left turn lane at the traffic signal at San Dieguito Road, and making a U-turn with the green arrow. Similarly, southbound vehicle and bicycle traffic on El Camino Real is required to pass the church driveway, merge left across two high speed through lanes, enter the left turn lane at Sea Country Lane, make a U-turn, and travel northbound to reach the Church driveway. Each of these maneuvers requires extreme caution and care, particularly under the high speeds that will be encountered in both directions on El Camino Real to reach the inside left turn lanes for U-turns.</p> <p><b>d) Left Turn/U-Turn Lane Lengths at Traffic Signals Are Too Short –</b> All vehicles accessing the church property are required to make a U-turn as described above to arrive at or leave the Church. The raised median on El Camino Real at San Dieguito Road has a 120-foot-long reverse taper that then enters into a 150-foot-long U-turn lane. The total distance required to stop from the posted 50 MPH speed limit is 425 feet which significantly exceeds the existing length available to slow and stop before U-turning. Accepted traffic engineering practice requires that all deceleration and stopping must occur within the left turn/U-turn lane rather than in the inside through lane, requiring an extension of the left turn/U-turn lane of a minimum of 275 feet. At the same time, the reverse taper leading into the turning lane should also be extended to 150 feet for smoother and safer entry at the posted 50 MPH speed limit. Without lengthening the reverse taper and the left turn/U-turn lane, vehicles will overflow into the inside through lane, resulting in an increase in rear end collisions.</p> <p>Similar conditions exist and require correction on El Camino Real at Sea Country Lane that serves the Stallion's Crossing residential development. The raised median on El Camino Real at Sea Country Lane has a 90-foot-long reverse taper that enters into a 180-foot-long U-turn lane. The total distance required to stop from the posted 50 MPH speed limit is 425 feet which significantly exceeds the existing length available to slow and stop before U-turning. Accepted traffic engineering practice requires that all deceleration and stopping must occur within the left turn/U-turn lane rather than in the inside through lane, requiring an extension of the left turn/U-turn lane of a minimum of 245 feet. The reverse taper into the turning lane should also be extended to 150 feet for smoother and safer entry. Without lengthening the reverse taper and the left turn/U-turn lane, vehicles will overflow into the inside through lane, resulting in an increase in rear end collisions.</p> <p style="text-align: center;">52 9</p> <p style="text-align: center;">Page 52 of 79 in Comment Letter 02</p>	<p>established the minimum standard to protect life and property for a building located in a wildland-urban interface fire area by increasing the ability of the structure to resist the intrusion of flames or burning embers. As outlined in Chapter 5 of the FFLMR, Chapter 7A requires that the structure be built using the latest ignition and ember resistant construction materials and methods for the roof, walls, vents, windows and exterior doors, and appendages, and includes an interior fire sprinkler system.</p> <p>Furthermore, the project requires brush modification around the structure to better help reduce the risk of a wildfire spreading. Because the eastern side of the development requires a modified BMZ, the project will implement alternative compliance measures along the eastern side of the structure, including dual pane dual tempered windows and the installation of an additional layer of 5/8-inch Type X fire rated gypsum sheathing applied behind the exterior covering or cladding (stucco or exterior siding) on the exterior side of the framing from the foundation to the roof. These alternative compliance measures add a layer of protection to the structure by increasing the overall time of fire resistance. Chapter 7 of the FFLMR provides a description of these alternative compliance mitigations to the structure and provides justification for the inclusion of these fire protection features for the modified BMZs (e.g., the addition of a layer of tempering to structure windows to increase fire resistance time by approximately 20 minutes, to maintain not less than an hour of fire resistance). Compliance with environmental</p>
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<p><b>Mr. Doug Carstens</b>                  El Camino Real Assisted Living Facility Draft SEIR – Transportation Issues                  June 19, 2023</p> <p><b>5) Transportation Vehicle Miles Traveled (VMT) CEQA Analysis Is Required</b></p> <p>Appendix H-2 provides a November 10, 2022 memorandum prepared by C R Associates regarding expected vehicle miles traveled (VMT) by the project. This memo and portions of the SEIR rely on trip generation of the project being less than 300 trips per day. As discussed above, I believe the Assisted Living Project daily trip generation will be at least 331 weekday daily trips.</p> <p>The Transportation Analysis Scoping Flowchart on Page 12 of the September 19, 2022 City of San Diego Transportation Study Manual (published and effective about 2 months prior to Appendix H-2) requires that a Transportation VMT CEQA Analysis be prepared if more than 300 daily trips will be generated. As indicated above, the El Camino Real Assisted Living Project will generate at least 331 weekday daily trips and this analysis is required. Typically, mitigation measures must also be incorporated into the Proposed Project to reduce the vehicle miles traveled by at least 15 percent.</p> <p><b>6) Emergency Evacuation and Service Plan Is Required</b></p> <p>Legislation has been drafted (SB-571) to require evaluation of emergency evacuation and preparation of a supporting plan. This is a two-year Senate Bill and will be considered next year. With the Proposed Project site located in an extremely high fire area subject to high winds, an emergency evacuation plan must be prepared and monitored for the safety of the residents, guests, and employees of the El Camino Real Assisted Living Facility.</p> <p>Details must be provided that demonstrate how the 24-foot-wide, two-way aisle through the parking lot at St. John Garabed Armenian Church will remain open and available during emergency conditions, and for paramedics and ambulance services at all times to the Assisted Living Facility.</p> <p><b>Conclusions</b></p> <p>There are significant deficiencies in the El Camino Real Assisted Living Facility Draft SEIR. These omissions and errors summarized and detailed throughout this letter require that each of these issues and items be reanalyzed and reevaluated through additional study before the Proposed Project is considered further by the City of San Diego.</p> <p>If you have questions regarding these comments, please contact me at your convenience.</p> <p style="text-align: right;">10 53</p> <p style="text-align: center;">Page 53 of 79 in Comment Letter O2</p>	<p style="text-align: center;">02-79</p> <p style="text-align: center;">02-80</p> <p style="text-align: center;"><b>O2-49</b></p> <p style="text-align: center;">02-81</p> <p>standards including an ordinance, resolution, rule, regulation, order, plan, or other environmental requirement may be used as a threshold to determine significance where the agency explains why the standard is relevant to the project and how compliance with the standard ensures the project’s impacts are less than significant (CEQA Guidelines Section 15064.7). Please refer to Appendix O for the FFLMR and RTC O2-13 regarding use of CMs.</p> <p>. See RTC MR-2, Wildfire Hazards and Evacuation, and O-47 for further discussion of relevant site characteristics and project features as set forth in the FFLMR (included as Appendix O).</p> <p>PDF-FIRE-1, PDF-FIRE-2, and PDF-FIRE-3, provided in Table 3-3 in Chapter 3, Project Description, of the Draft SEIR have been changed to CMs because these measures are required per existing local and state requirements. Please refer to Final SEIR Table 3-3. These changes clarify information already presented in the SEIR but do not result in a change in impacts resulting from the project. Such revisions are not substantial, and pursuant to CEQA Guidelines Section 15088.5, recirculation of the SEIR is not required.</p> <p>As explained under Section 7.10 of the SEIR, compliance with the state and local fire requirements in addition to the compliance requirements provided in the FFLMR (see Appendix O) would ensure impacts are less than significant. Compliance with environmental standards including an ordinance, resolution, rule, regulation,</p>
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O2-81  
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order, plan, or other environmental requirement may be used as a threshold to determine significance where the agency explains why the standard is relevant to the project and how compliance with the standard ensures the project’s impacts are less than significant (CEQA Guidelines Section 15064.7). Please refer to Appendix O for the FFLMR and RTC O2-13 regarding use of CMs. See also RTC O2-47 for further discussion of relevant site characteristics and project features as set forth in the FFLMR (included as Appendix O).

**O2-50** See MR-2, Wildfire Hazards and Evacuation, regarding wildfire hazard impacts. This resulted in the City’s Brush Management regulations that permits an applicant to comply via the standard brush management zone widths or one of the accepted alternative methods approved by the fire chief.

As described in SEIR Chapter 7, Section 7.10, an FFLMR was prepared for the Assisted Living Facility and included as Appendix O. PDF-FIRE-1, outlined in Table 3-3 of the Final SEIR, spells out the alternative approach, which states the project site will consist of an irrigated landscape area along with a paved hardscape development area surrounding the eastern and northern of the building to the property line/MHPA Line or 100 feet from the structure (as possible).” In addition, PDF-FIRE-2 states that “due to the inability to provide a full 100 feet of on-site brush management around the exterior of the Assisted Living Facility structure, the entire development site will be required to be maintained as an all-irrigated low fuel landscape with

**Tom Brohard, PE**

**Licenses:** 1975 / Professional Engineer / California – Civil, No. 24577  
 1977 / Professional Engineer / California – Traffic, No. 724  
 2006 / Professional Engineer / Hawaii – Civil, No. 12321

**Education:** 1969 / BSE / Civil Engineering / Duke University

**Experience:** 50+ Years

**Memberships:** 1977 / Institute of Transportation Engineers – Fellow, Life  
 1978 / Orange County Traffic Engineers Council - Chair 1982-1983  
 1981 / American Public Works Association – Life Member

Tom is a recognized expert in the field of traffic engineering and transportation planning. His background also includes responsibility for leading and managing the delivery of various contract services to numerous cities in Southern California.

Tom has extensive experience in providing transportation planning and traffic engineering services to public agencies. In addition to conducting traffic engineering investigations for Los Angeles County from 1972 to 1978, he has previously served as City Traffic Engineer in the following communities:

- o Bellflower..... 1997 - 1998
- o Bell Gardens..... 1982 - 1995
- o Big Bear Lake..... 2006 - 2015
- o Indio..... 2005 - 2019
- o Huntington Beach..... 1998 - 2004
- o Lawndale..... 1973 - 1978
- o Los Alamitos..... 1981 - 1982
- o Oceanside..... 1981 - 1982
- o Paramount..... 1982 - 1988
- o Rancho Palos Verdes..... 1973 - 1978
- o Rolling Hills..... 1973 - 1978, 1985 - 1993
- o Rolling Hills Estates..... 1973 - 1978, 1984 - 1991
- o San Fernando..... 2004 - Present
- o San Marcos..... 1981
- o Santa Ana..... 1978 - 1981
- o Westlake Village..... 1983 - 1994

During these assignments, Tom has supervised City staff and directed other consultants including traffic engineers and transportation planners, traffic signal and street lighting personnel, and signing, striping, and marking crews. He has secured over \$10 million in grant funding for various improvements. He has managed and directed many traffic and transportation studies and projects. While serving these communities, he has personally conducted investigations of hundreds of citizen requests for various traffic control devices. Tom has also successfully presented numerous engineering reports at City Council, Planning Commission, and Traffic Commission meetings in these and other municipalities.

**Tom Brohard and Associates**

02-82

drought-tolerant, fire resistive plants. The irrigated landscape will include no undesirable, highly flammable plant species” (Final SEIR Section 3.4). The requirements are consistent with what the City Fire Department currently imposes on projects in areas where wildfire is a risk.

Compliance with environmental standards including an ordinance, resolution, rule, regulation, order, plan, or other environmental requirement may be used as a threshold to determine significance where the agency explains why the standard is relevant to the project and how compliance with the standard ensures the project’s impacts are less than significant (CEQA Guidelines Section 15064.7). See also RTC O2-47 for further discussion of relevant site characteristics and project features as set forth in the FFLMR (see Appendix O).

**O2-51**

See MR-2, Wildfire Hazards and Evacuation. Please also see RTCs O2-47, O2-48, and O2-50 and SEIR Appendix O. With regard to flying embers reaching sides of the project other than the eastern side, the structure is protected from ignition via compliance with building code, along with the enhanced building code materials. Moreover, as explained in Section 7.10 of the SEIR, “the entire development site will be required to be maintained as an all-irrigated low fuel condition landscape with drought-tolerant, fire resistive plants (see PDF-FIRE-2). Plants within this zone will be routinely maintained and watered by an automatic irrigation system that will maintain healthy vegetation with high moisture contents that would prevent ignition by

**Tom Brohard, PE, Page 2**

In his 14 years of service to the City of Indio, Tom accomplished the following:

- ❖ Oversaw preparation and adoption of the 2008 Circulation Element Update of the General Plan including development of Year 2035 buildout traffic volumes, revised and simplified arterial roadway cross sections, and reduction in acceptable Level of Service criteria under certain conditions.
- ❖ Oversaw preparation of fact sheets/design exceptions to reduce shoulder widths on Jackson Street and on Monroe Street over I-10 as well as justifications for protected-permissive left turn phasing at I-10 on-ramps, the first such installations in Caltrans District 8 in Riverside County, reviewed plans and provided assistance during construction of both \$2 million projects to install traffic signals and widen three of four ramps at these two interchanges under Caltrans encroachment permits.
- ❖ Reviewed traffic signal, signing, striping, and work area traffic control plans for the County's \$45 million I-10 Interchange Improvement Project at Jefferson Street.
- ❖ Reviewed traffic impact analyses for Project Study Reports evaluating different alternatives for buildout improvements of the I-10 Interchanges at Jefferson Street, Monroe Street, Jackson Street and Golf Center Parkway.
- ❖ Oversaw preparation of plans, specifications, and contract documents and provided construction assistance for over 70 traffic signal installations and modifications.
- ❖ Reviewed and approved over 2,000 work area traffic control plans as well as signing and striping plans for all City and developer funded roadway improvement projects.
- ❖ Oversaw preparation of a City-wide traffic safety study of conditions at all schools.
- ❖ Obtained \$47,000 grant from the California Office of Traffic Safety and implemented the City's Traffic Collision Database System. Annually reviews "Top 25" collision locations and provides traffic engineering recommendations to reduce collisions.
- ❖ Prepared over 1,500 work orders directing City forces to install, modify, and/or remove traffic signs, pavement and curb markings, and roadway striping.
- ❖ Oversaw preparation of engineering and traffic surveys to establish enforceable speed limits on over 500 street segments.
- ❖ Reviewed and approved traffic impact studies for more than 35 major projects and special events including the annual Coachella and Stagecoach Music Festivals.
- ❖ Developed and implemented the City's Golf Cart Transportation Program.

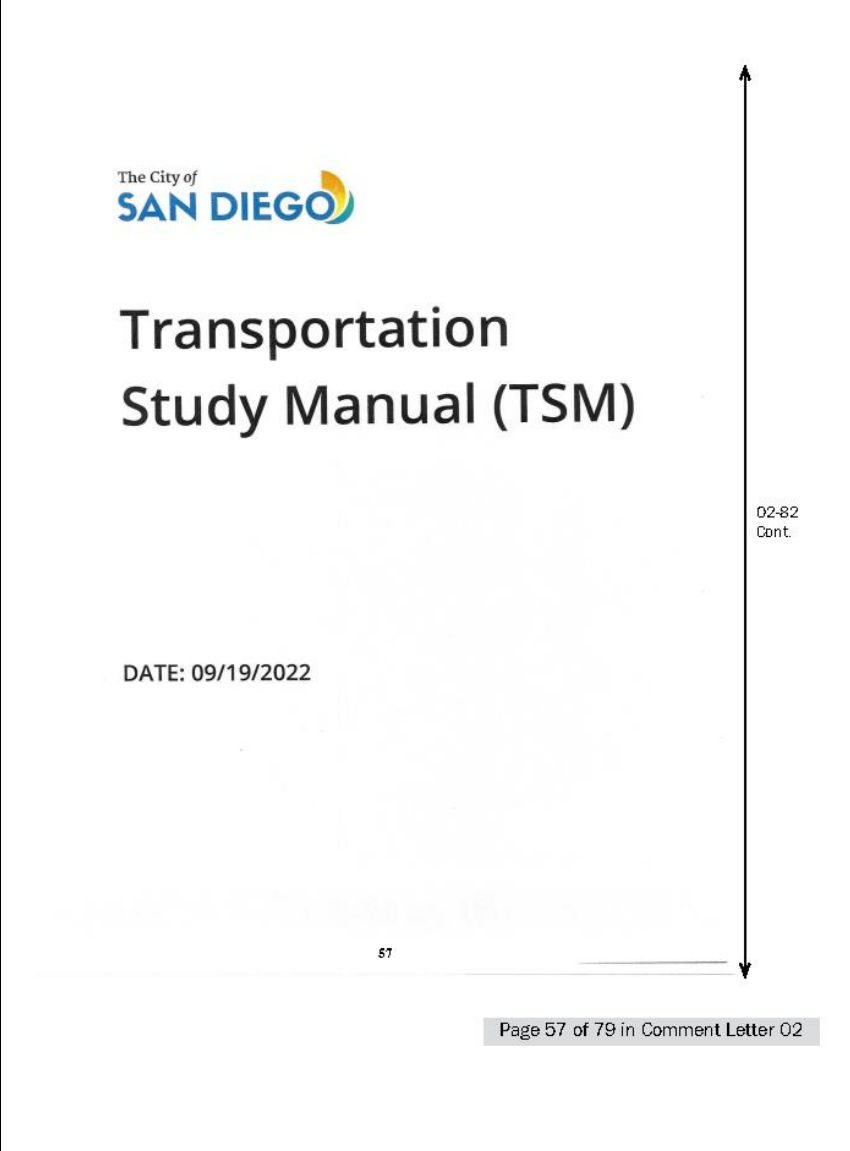
Since forming Tom Brohard and Associates in 2000, Tom has reviewed many traffic impact reports and environmental documents for various development projects. He has provided expert witness services and also prepared traffic studies for public agencies and private sector clients.

**Tom Brohard and Associates**

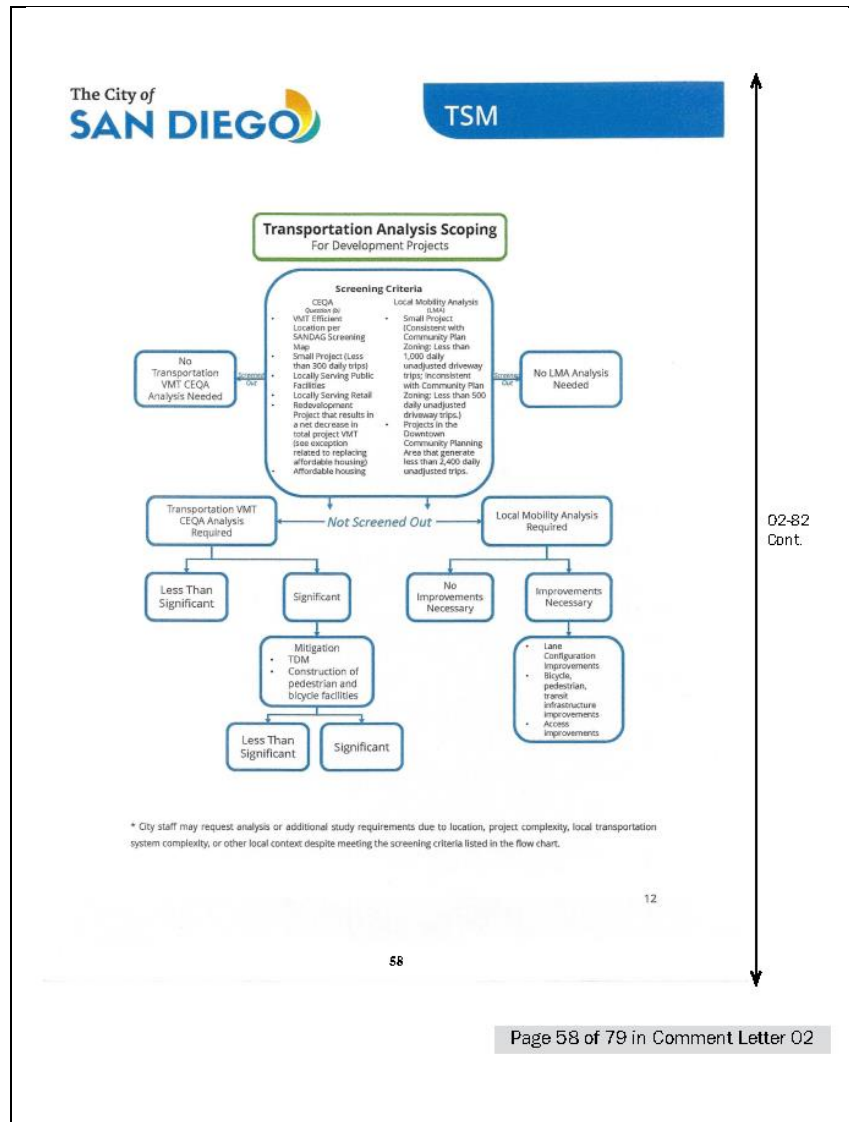
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embers from a wildfire." Furthermore, as discussed in the FFMLR, alternative compliance fire protection measures are being provided along the northern and eastern sides of the structure to meet or exceed the required 100 feet of on-site brush management as it cannot be provided around all sides of the perimeter of the Assisted Living Facility structure due to property boundary limitations, adjacency to native or naturalized vegetation and/or the MHPA, and 100-foot wetland buffer areas. The alternative compliance fire protection measures include the installation of dual pane dual tempered glass windows on the north and east sides of the structure. The window upgrades exceed the requirements of Chapter 7A of the California Building Code, which requires dual pane one pane tempered glass, and will provide additional protection for the structure's most vulnerable, exterior sides. In addition, the entire eastern side of the structure is also required to include 5/8-inch Type X fire rated gypsum sheathing applied behind the exterior covering or cladding (stucco or exterior siding) on the exterior side of the framing, from the foundation to the roof for a facade facing the MHPA open space and naturally vegetated areas to the east. 5/8-inch Type X fire rated gypsum sheathing is required to be manufactured in accordance with established ASTM standards defining Type X wallboard sheathing as that which provides not less than 1-hour fire resistance when tested in specified building assemblies and has been tested and certified as acceptable for use in a 1-hour fire rated system. The installation of the 5/8-inch Type X fire rated gypsum sheathing increases a wall's fire rating to a minimum of



 <p>The City of <b>SAN DIEGO</b></p> <h1>Transportation Study Manual (TSM)</h1> <p>DATE: 09/19/2022</p> <p>57</p> <p>Page 57 of 79 in Comment Letter O2</p>	<p>1 hour, from the 30-minute rating for standard ½-inch drywall.</p> <p>The City and its fire protection and landscape experts have found that the alternative compliance fire protection measures provided have been used for many other similar successful projects and demonstrate that they meet or exceed the intent of the 100 feet of on-site BMZs. Fire behavior modeling was used to predict flame lengths and was not intended to determine sufficient fuel modification zone widths (as presented in Section 4.7 of the FFLMR). However, the results of the fire modeling provide important fire behavior projections, which is key supporting information for determining buffer widths that would minimize structure ignition and provide “defensible space” for firefighters. It is anticipated that the proposed structure will be able to withstand the short duration, low to moderate intensity fire and ember shower that is projected from off-site, adjacent fuels based on several factors, which are discussed further within the FFLMR (Appendix O).</p> <p><b>O2-52</b> SEIR Chapter 7, Section 7.10 includes a summary of the FFMLR recommendations and conclusions in compliance with CEQA information disclosure requirements. See also RTCs O2-47, O2-48, O2-50, and O2-51. The analysis in the SEIR under Sections 7.4 and 7.10 clearly explains and describes the potential wildfire hazards and the required City and state requirements. The FFLMR was prepared because alternative compliance is needed for the project to comply with the City’s wildfire standards. The City notes that CEQA</p>
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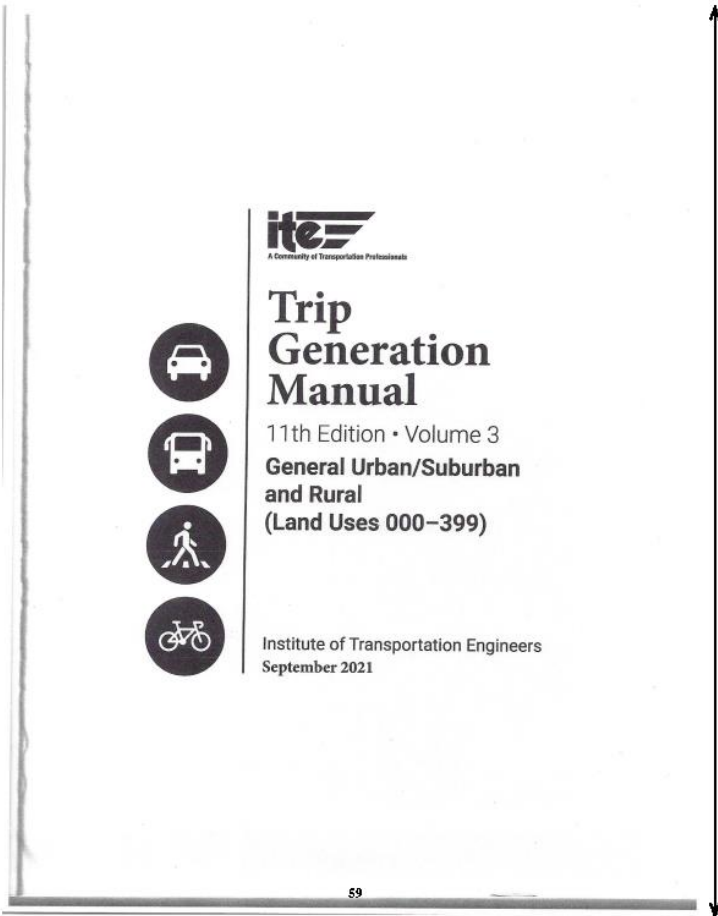





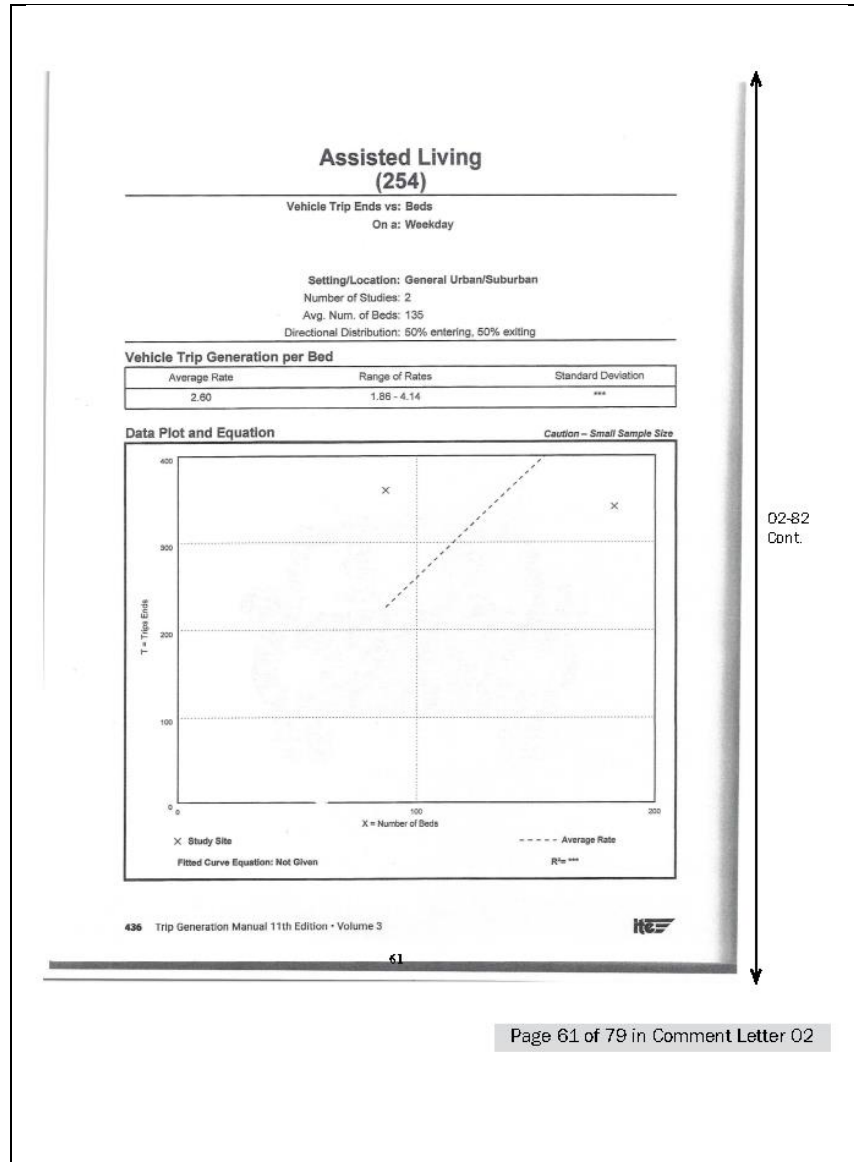
Guidelines Section 15141 encourages a lead agency to limit the CEQA document to approximately 300 pages for a complex project. The SEIR is 600 pages, so the SEIR is not inadequate in providing analysis. When the City determines an impact is not significant, it is appropriate to provide a brief summary. CEQA Guidelines 15147 instructs a lead agency that “[p]lacement of highly technical and specialized analysis and data in the body of an EIR should be avoided through the inclusion of supporting information and analysis as appendices to the main body of the EIR.”

**02-53**

Please refer to MR-2, Wildfire Hazards and Evacuation, regarding fire severity and evacuation. Wind-driven fire events are not new information since 2014. Wind driven wildfires have been recognized as the primary cause of large wildfire events for decades. For example, in San Diego County, the 2003 and 2007 wildfires that burned hundreds of thousands of acres were the direct result of extreme fire weather, including low humidity and high wind conditions that are tracked and recognized by the National Weather Service and fire agencies nationwide. These events can be predicted by weather forecasters. When they are developing, they trigger Red Flag Watches and Warnings, periods when fire ignition and spread is at higher probabilities. Leading up to these weather events, the California Department of Forestry and Fire Protection and local fire agencies enact protocols to pre-position units and prepare for the ignition potential.

 <p data-bbox="672 1282 997 1307">Page 59 of 79 in Comment Letter 02</p>	<p data-bbox="1192 276 1890 958">                 Post-fire save and loss studies conducted by San Diego County fire agencies determined that embers blown by high winds were a primary cause of structure losses. Code requirements were promptly revised to include ignition resistant building materials and ember protection for vents and other openings where embers could penetrate a structure and find a favorable fuel bed to ignite. Since these changes were enacted, State Fire Marshal data indicate that less than 2% of the structures lost to wildfires included the restrictive building requirements, and most of those can be blamed on poor maintenance, a window left open, or a garage door that was not closed, among other oversights. These construction requirements and ongoing maintenance of buildings and landscapes are effective, and for a facility under one ownership, like the project, they are the preferred situation for enforcing maintenance as prescribed in the project's FFLMR and by the San Diego Fire Department.             </p> <p data-bbox="1192 990 1890 1421">                 Regarding the comment's suggestion that drier conditions are resulting in the largest wildfires the state has seen; it is true that some vegetation types are experiencing drier conditions that may be linked to wildfires. There are many reasons for the several large wildfires that have occurred since 2017; it has not been established that climate change is the primary factor when other factors including over-stocked forests, increased ignition sources, fire exclusion, and lack of vegetation management all influence fire spread. Location is a large component of how and where a changing climate may impact future wildfires. Some             </p>
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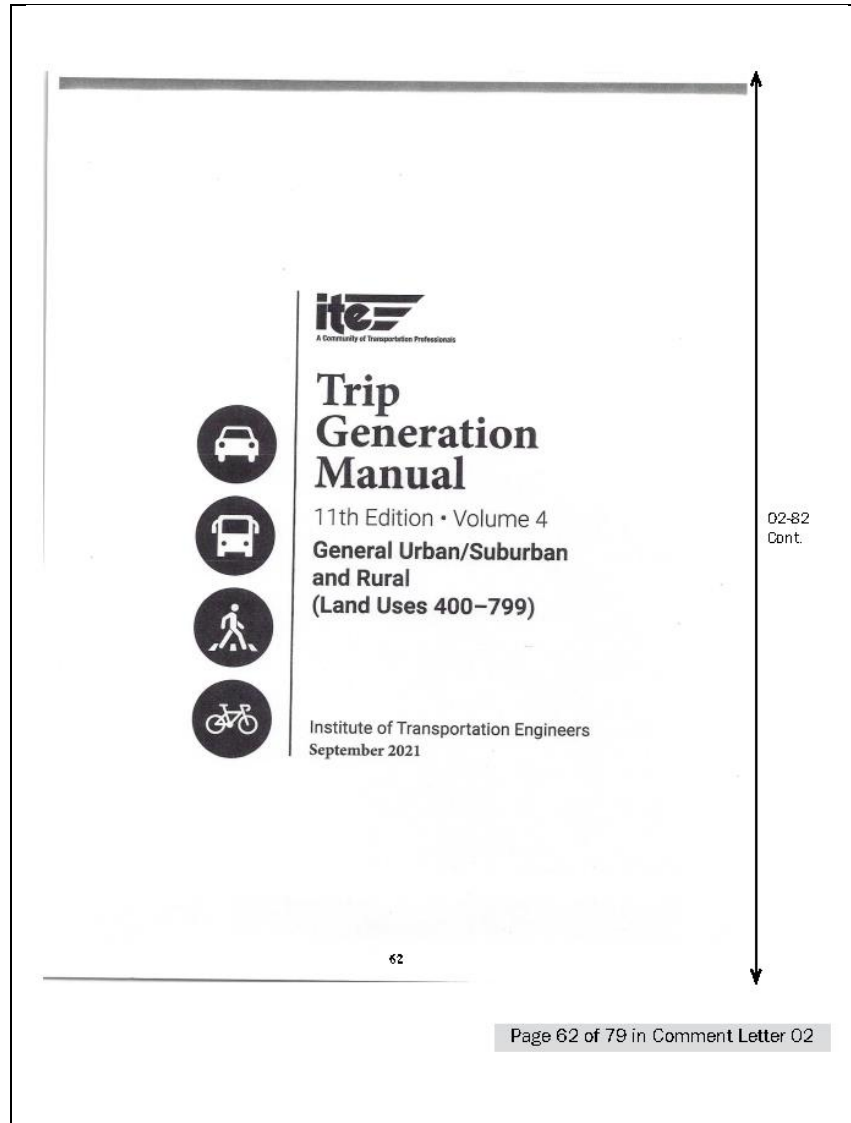
<div style="text-align: center;"> <p><b>Land Use: 254 Assisted Living</b></p> <hr/> <p><b>Description</b></p> <p>An assisted living complex is a residential setting that provides either routine general protective oversight or assistance with activities necessary for independent living to persons with mental or physical limitations. The typical resident has difficulty managing in an independent living arrangement but does not require nursing home care. Its centralized services typically include dining, housekeeping, social and physical activities, medication administration, and communal transportation.</p> <p>The complex commonly provides separate living quarters for each resident. Alzheimer's and ALS care are commonly offered at an assisted living facility. Living quarters for these patients may be located separately from the other residents.</p> <p>Assisted care commonly bridges the gap between independent living and a nursing home. In some areas of the country, an assisted living residence may be called personal care, residential care, or domiciliary care. Staff may be available at an assisted care facility 24 hours a day, but skilled medical care—which is limited in nature—is not required. Congregate care facility (Land Use 253), continuing care retirement community (Land Use 255), and nursing home (Land Use 620) are related uses.</p> <p><b>Additional Data</b></p> <p>The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITE TripGen web app or the trip generation resource page on the ITE website (<a href="https://www.ite.org/technical-resources/topics/trip-and-parking-generation/">https://www.ite.org/technical-resources/topics/trip-and-parking-generation/</a>).</p> <p>The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Connecticut, New Jersey, New York, Oregon, Pennsylvania, Tennessee, Texas, and Utah.</p> <p><b>Source Numbers</b></p> <p>244, 573, 581, 611, 725, 876, 877, 912, 1016, 1029</p> <p style="text-align: right;"> General Urban/Suburban and Rural (Land Uses 000–399) 435</p> <p style="text-align: center;">60</p> </div> <div style="text-align: center; margin-top: 20px;"> <p>02-82 Cont.</p> </div> <div style="text-align: center; margin-top: 20px;"> <p>Page 60 of 79 in Comment Letter 02</p> </div>	<p>have argued that climate change will greatly increase the potential for wildfires, but new research has shown that there will not be as significant of an impact on Southern California shrublands as is anticipated in the coniferous forests of the Sierra Nevada and Northern California (Keeley and Syphard 2016). Keeley and Syphard (2016) demonstrated that drier conditions in California's forests will certainly increase potential for large, severe fires there; in Southern California shrublands, however, the impact will be significantly less, owing to the fact that region already experiences a severe annual drought. Instead, Southern California's increasing population will make it more likely that ignitions will occur, which could potentially cause large areas of chaparral to convert into grasslands. The above information supports and clarifies the SEIR's conclusion, and no revisions are required.</p> <p><b>02-54</b> Comment 02-54 refers to northern California wildfires occurring between 2016 and 2018, specifically, the 2017 Santa Rosa Tubbs Fire and the 2018 Paradise Camp Fire, as examples of the types of wildfires and damage that would occur at the El Camino Real Assisted Living Facility site. These comments claim that a wildfire in this area would behave similarly and that the residents and facility would be lost, and wildfires would result in chaotic and uncontrollable evacuations.</p> <p>Newer structures such as the El Camino Real Assisted Living Facility, will be built to current ignition resistant standards (Chapter 7A of the California Building Code) that are designed to protect structures from wildfire.</p>
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The Project's newer structures require a system of protection that includes protected exteriors, Class A roofs, protected vent openings, and managed and maintained fuel modification zones, along with interior protection through fire sprinkler requirements.

The El Camino Real Assisted Living Facility is located within 2 miles of the Pacific Ocean in an area that consists of an existing newer residential neighborhood, a newly constructed church, parking lot areas, associated roadways, and other human-made structures, as well as a small eucalyptus woodland area to the east; riparian wetland areas to the northeast, east, and further southeast; and other disturbed habitat. The El Camino Real Assisted Living Facility will remove any on-site vegetation from the site and will include perimeter fuel modification. Northern San Diego and the project area are influenced by the Pacific Ocean and are frequently under the influence of a seasonal, migratory subtropical high-pressure cell known as the "Pacific High." Wet winters and dry summers, with mild seasonal changes, characterize the Southern California climate. The prevailing wind pattern is from the west (onshore), but the presence of the Pacific Ocean causes a diurnal wind pattern known as the land/sea breeze system. During the day, winds are from the west-southwest (sea), and at night winds are from the northeast (land), averaging 2 mph. During the summer season, the diurnal winds may average slightly higher (approximately 16 mph) than the winds during the winter season due to greater pressure gradient forces. Surface winds can also be influenced locally by



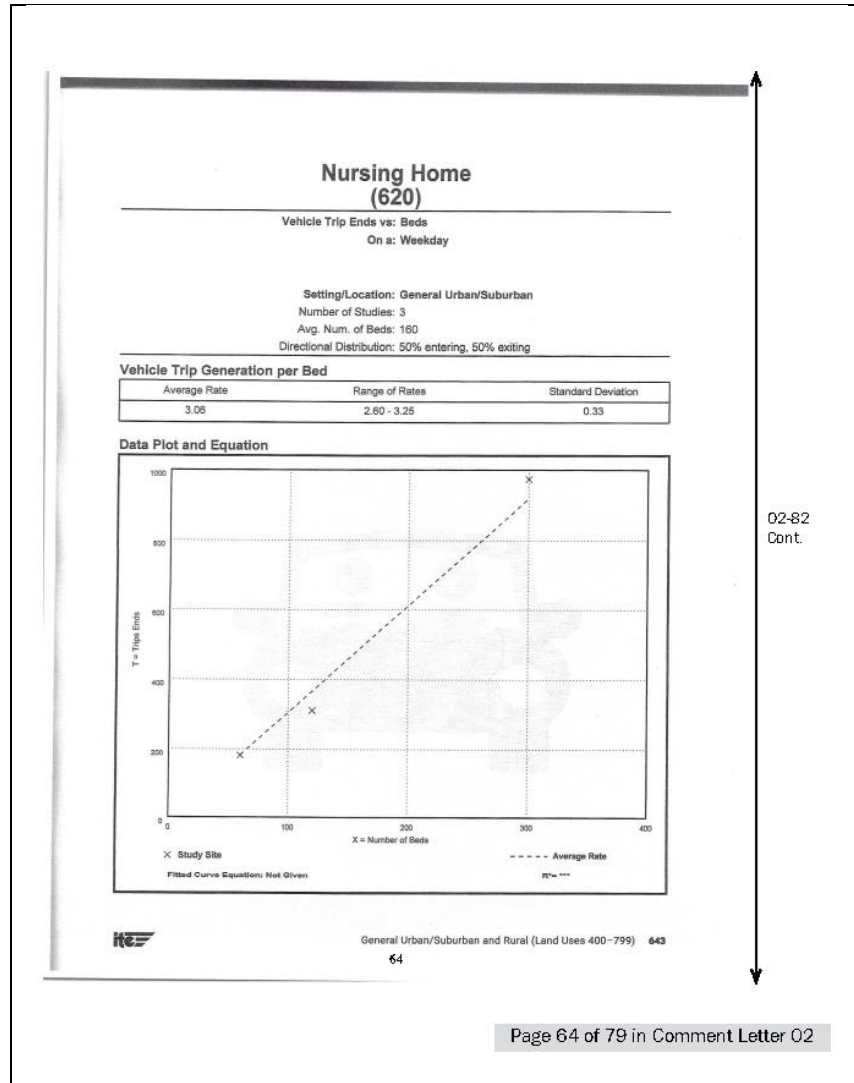
topography and slope variations. The highest wind velocities are associated with downslope, canyon, and Santa Ana winds, which this property does not have. The El Camino Real Assisted Living Facility project is less affected by Santa Ana winds due to its location near the coast. Winds funneled through mountains and onto the flat mesas dissipate and produce lower average wind conditions. The project's proximity to the coast will result in higher humidity and lower temperatures for most of the year. When Santa Ana winds blow in the fall, humidity may drop and temperatures rise, but humidity would remain higher than those found in more inland locations and will provide an "insulating" effect that helps reduce the likelihood of catastrophic wildfire on all but the most severe Red Flag Warning days.

There would not be fuels to facilitate wildfire spread within the proposed project, and perimeter defensible space would be customized to keep flame and heat away from the facility. The proposed project's structure would be protected by ember resistant vent openings. San Diego County agencies have successfully evacuated large numbers of people (e.g., 400,000 during the Cedar Fire and 150,000 during the Witch Fire) and has utilized situational awareness and notification technology for successfully evacuating areas and moving people out of harm's way. The El Camino Real Assisted Living Facility, because of the fire protection features and planning, offers emergency managers with more flexibility. If evacuation would be unsafe, residents can temporarily shelter in the facility or other designated on-site spaces,

<div style="text-align: center; border-bottom: 1px solid black; margin-bottom: 10px;"> <p><b>Land Use: 620 Nursing Home</b></p> </div> <p><b>Description</b></p> <p>A nursing home is a facility whose primary function is to provide care for persons who are unable to care for themselves. Examples include rest homes, chronic care, and convalescent homes. Skilled nurses and nursing aides are present 24 hours a day at these sites. Residents often require treatment from a registered healthcare professional for ongoing medical issues. A nursing home resident is not capable of operating a vehicle. Traffic is entirely generated by employees, visitors, and deliveries. Assisted living (Land Use 254) and continuing care retirement community (Land Use 255) are related uses.</p> <p><b>Additional Data</b></p> <p>The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<a href="https://www.ite.org/technical-resources/topics/trip-and-parking-generation/">https://www.ite.org/technical-resources/topics/trip-and-parking-generation/</a>).</p> <p>The average numbers of person trips per vehicle trip at the three general urban/suburban sites at which both person trip and vehicle trip data were collected were as follows:</p> <ul style="list-style-type: none"> <li>• 1.0 during Weekday, Peak Hour of Adjacent Street Traffic, one hour between 7 and 9 a.m.</li> <li>• 1.1 during Weekday, AM Peak Hour of Generator</li> <li>• 1.5 during Weekday, PM Peak Hour of Generator</li> </ul> <p>The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), Florida, New Hampshire, New Jersey, New York, Ontario, Canada, and Texas.</p> <p><b>Source Numbers</b></p> <p>436, 502, 598, 734, 878, 971, 972</p> <div style="margin-top: 20px; font-size: small;"> <p>642 Trip Generation Manual 11th Edition • Volume 4</p> </div>	<p style="text-align: center;">02-82 Cont.</p> <p>which are planned, designed, and maintained to function when needed.</p> <p>Regarding the Paradise fire as raised in the comment, the ecology, botany, and general landscapes in and around Paradise are very different than in coastal San Diego, specifically at the El Camino Real facility and its surroundings. In general, the Northern California Sierra Nevada foothills are dominated by large, mature conifer forests. As mentioned above, the project site is in an area that consists of an existing newer residential neighborhood, a newly constructed church, parking lot areas, associated roadways, and other human-made structures, as well as a small eucalyptus woodland area to the east; open riparian wetland areas to the northeast, east, and further southeast; and other disturbed habitat. The native landscapes in both locales have significantly changed over time from their historic conditions, which has had an influence on the types of fires that could occur. As a result of management approaches like fire exclusion in Northern California forests, the pine forests around Paradise have become denser than their historical open, park-like densities and now include understory fuels that increase the wildfire risk substantially. Fire exclusion has caused the forests to miss many successive intervals of the normally low-intensity fire. Absent these small, mostly benign surface fires, the vegetation there grew to provide greatly increased surface fuel loading and increased vertical continuity of shade-tolerant trees into the canopy of the larger dominant trees. This resulted in ground fuel, ladder fuels, and dense canopy fuels - traits that foster</p>
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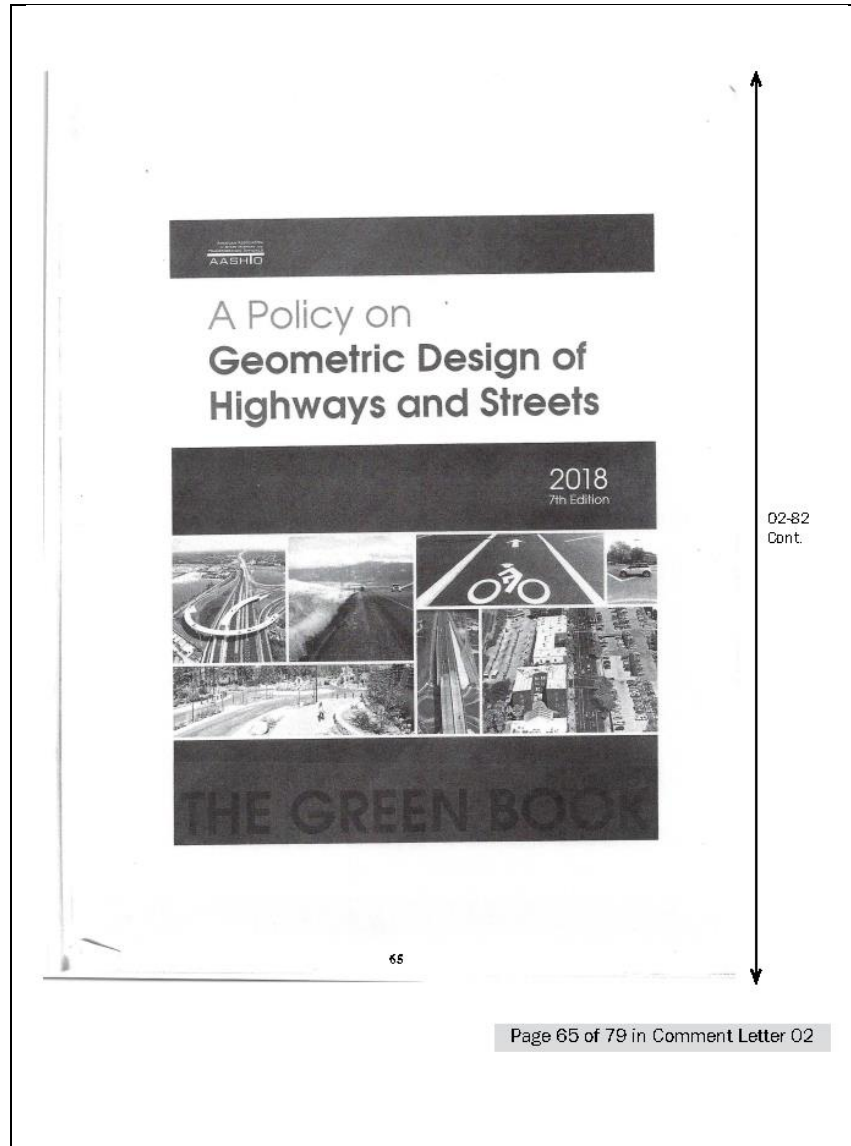




high-intensity crown fires. When these traits are combined with high winds, they result in a fast-moving wildfire as experienced in the 2018 Paradise Fire.

The landscape around the El Camino Real Assisted Living facility would not consist of contiguous, fire-prone vegetation. While the fuels in the riparian open space areas would have the potential to burn (especially under hot and dry Santa Ana wind conditions), the irrigated, maintained landscape around the proposed facility would retard the spread and intensity of wildfires as it would burn in a reduced intensity, spotty manner. There would not be a uniform fire front as would be expected in an uninterrupted fuel bed. The perimeter BMZ, which is irrigated, further reduces fire intensity and spread rates as high moisture plants are difficult to ignite. The BMZ starves the fire of fuel, which directly impacts its ability to spread. The proposed project as a whole represents a large fuel break on the landscape.

However, the greatest change to fuels in both locales is due to the building of homes and other structures in the landscape. The homes in Paradise were built before building codes considered wildfire; the Assisted Living Facility structure, however, will be built to meet and, in some cases, exceed the City's current and very restrictive fire and building codes. Whereas Paradise's ecosystem has evolved to foster high-intensity crown fires, El Camino Real's ecosystem would be expected to actually impede the spread of wildfire due to the



ignition resistant landscape and a structure built to the most stringent fire codes.

### **Evacuation Planning and Preparedness**

In both the 2017 Tubbs Fire in Santa Rosa and the 2018 Camp Fire in Paradise, residential notification was largely lacking. This was due to a myriad of factors including fires quickly burning down cell towers, residents cancelling their landline services, visitors who were unaware of the service, and others.

The City offers a robust emergency notification system. The system, operated by the Office of Emergency Services, is known as Alert San Diego, and is capable of notifying tens of thousands of numbers in a very short timeframe of an impending emergency. The system has the capacity to push out emergency notices to both land lines and cell phones. In addition, there are many local news sources including television, radio, public broadcast, and social media that are used to reach affected citizens. In some cases, emergency responders will go street by street or door by door to notify residents of an evacuation.

The El Camino Real Assisted Living Facility, the San Diego Fire and Rescue Department, and the City all incorporate the "Ready, Set, Go!" evacuation protocol. For the project, it was adapted for the assisted living facility setting, as shown in the Wildfire Evacuation Plan included as Attachment 2 to the draft state-mandated Emergency and Disaster Plan. Part of this protocol is understanding

3-4 A Policy on Geometric Design of Highways and Streets

U.S. Customary	Metric
$d_b = 1.075 \frac{V^2}{a}$	$d_b = 0.039 \frac{V^2}{a}$
where: $d_b$ = braking distance, ft $V$ = design speed, mph $a$ = deceleration rate, ft/s <sup>2</sup>	where: $d_b$ = braking distance, m $V$ = design speed, km/h $a$ = deceleration rate, m/s <sup>2</sup>

(3-1)

Studies documented in the literature (19) show that most drivers decelerate at a rate greater than 14.8 ft/s<sup>2</sup> [4.5 m/s<sup>2</sup>] when confronted with the need to stop for an unexpected object in the roadway. Approximately 90 percent of all drivers decelerate at rates greater than 11.2 ft/s<sup>2</sup> [3.4 m/s<sup>2</sup>]. Such decelerations are within the driver's capability to stay within his or her lane and maintain steering control during the braking maneuver on wet surfaces. Therefore, 11.2 ft/s<sup>2</sup> [3.4 m/s<sup>2</sup>] (a comfortable deceleration for most drivers) is recommended as the deceleration threshold for determining stopping sight distance. Implicit in the choice of this deceleration threshold is the assessment that most vehicle braking systems and the tire-pavement friction levels of most roadways are capable of providing a deceleration rate of at least 11.2 ft/s<sup>2</sup> [3.4 m/s<sup>2</sup>]. The friction available on most wet pavement surfaces and the capabilities of most vehicle braking systems can provide braking friction that exceeds this deceleration rate.

Table 3-1. Stopping Sight Distance on Level Roadways

Design Speed (mph)	U.S. Customary				Design Speed (km/h)	Metric			
	Brake Reaction Distance (ft)	Braking Distance on Level (ft)	Stopping Sight Distance Calculated (ft)	Stopping Sight Distance Design (ft)		Brake Reaction Distance (m)	Braking Distance on Level (m)	Stopping Sight Distance Calculated (m)	Stopping Sight Distance Design (m)
15	55.1	21.6	76.7	80	20	13.9	4.6	18.5	20
20	73.5	38.4	111.9	115	30	20.9	10.3	31.2	35
25	91.9	60.0	151.9	155	40	27.8	18.4	46.2	50
30	110.3	86.4	196.7	200	50	34.8	28.7	63.5	65
35	128.6	117.6	246.2	250	60	41.7	41.3	83.0	85
40	147.0	153.6	300.6	305	70	48.7	56.2	104.9	105
45	165.4	194.4	359.8	360	80	55.6	73.4	129.0	130
50	183.8	240.0	423.8	425	90	62.6	92.9	155.5	160
55	202.1	290.5	492.4	495	100	69.5	114.7	184.2	185
60	220.5	345.5	566.0	570	110	76.5	138.8	215.3	220
65	238.9	405.5	644.4	645	120	83.4	165.2	248.6	250
70	257.3	470.3	727.6	730	130	90.4	193.8	284.2	285
75	275.6	539.9	815.5	820	140	97.3	224.8	322.1	325
80	294.0	614.3	908.3	910					
85	313.5	693.5	1007.0	1010					

Note: Brake reaction distance predicated on a time of 2.5 s; deceleration rate of 11.2 ft/s<sup>2</sup> [3.4 m/s<sup>2</sup>] used to determine calculated sight distance.

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Cont.

when fire threat is at its peak. Red Flag Warnings declared by the National Weather Service provide emergency responders and residents with a warning that they should be prepared to take action if a wildfire develops. The focus of the Ready, Set, Go! program is on public awareness and preparedness, especially for those living in the wildland-urban interface areas. The program is designed to incorporate the local fire protection agency as part of the training and education process in order to ensure that evacuation preparedness information is disseminated to those subject to the potential impact from a wildfire. The Ready, Set, Go! program is compatible with phased evacuations and the temporary on-site refuge contingency option. There are three components to the program:

“READY” – Preparing for the Fire Threat: Take personal responsibility and prepare long before the threat of a wildfire so you and your belongings are ready when a wildfire occurs. Create defensible space by clearing brush away from the structure. Use only fire-resistant landscaping and maintain the ignition resistance of the property (as delineated in SEIR Chapter 3, Table 3-3, PDF-FIRE-1 through PDF-FIRE-4 and CM-FIRE-1 through CM-FIRE-4). Assemble emergency supplies and belongings in a safe spot. Confirm you are registered for AlertSanDiego system. Make sure all residents residing within the home understand the plan, procedures and escape routes.

“SET” – Situational Awareness When a Fire Starts: If a wildfire occurs and there is potential for it to threaten

# ATTACHMENT 2

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the El Camino Real Assisted Living Facility, pack the vehicles with your emergency items. Stay aware of the latest news from local media and your local fire department for updated information on the fire. If you are uncomfortable, leave the area.

“GO!” – Leave Early! Following your Action Plan provides you with knowledge of the situation and how you will approach evacuation, as delineated in the project-specific Emergency and Disaster Plan including Attachment 1, El Camino Assisted Living All Hazards Emergency Operations Program and Plan Manual, and Attachment 2, Wildfire Evacuation Plan. Leaving early, well before a wildfire is threatening your community, provides you with the least delay and results in a situation where, if a majority of neighbors also leave early, firefighters are now able to better maneuver, protect and defend structures, evacuate other residents who couldn't leave early, and focus on citizen safety.

Ready, Set, Go! is predicated on the fact that being unprepared and attempting to flee an impending fire late (such as when the fire is physically close to your community) is dangerous and exacerbates an already confusing situation. The El Camino Real Assisted Living Facility Emergency and Disaster Plan provides key information, including the best available routes for them to use in the event of an emergency evacuation.

Because fires may ignite at any time of the day and may move rapidly under Santa Ana wind conditions, The El Camino Real Assisted Living facility will provide ongoing

9:22:23, 8:08 PM California fire: If you stay, you're dead. How a Paradise nursing home evacuated - Los Angeles Times

**Los Angeles Times**

CALIFORNIA

California fire: If you stay, you're dead. How a Paradise nursing home evacuated

The ruins of the Cypress Meadows Post-Acute skilled nursing facility. (Kent Mathews / Los Angeles Times)

BY MARIA L. LA GANZA | STAFF WRITER  
 NOV. 17, 2018 4 AM PT

How do you evacuate a nursing home when the deadliest wildfire in California history is bearing down and there are 91 men and women to move to safety — patients in need of walkers or wheelchairs or confined to hospital beds, suffering from dementia, recovering from strokes?

The fire is coming fast. Help is not.

Staying at the Cypress Meadows Post-Acute center in Paradise is not an option. Sheltering in place means certain death for the 30 or so staff members on hand and the patients who rely on

<http://www.latimes.com/local/california/la-me-nr-nursing-home-fire-evac-2018-11-17-story.html>

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fire awareness training and resources to its employees and residents. The goal is to create a fire aware community that understands the types of fire threats that may occur and what actions law enforcement or other officials may direct them to take.

**Evacuation Procedures and Capabilities**

The evacuation procedures and pre-planning in the City and throughout San Diego County are extensive, and the practiced experience of the SDFPD and other San Diego County agencies is to a higher standard than compared that in Paradise. Previous wildfires in San Diego County that caused large-scale evacuations have led to many lessons learned over the years, which have prepared first responders for significant fire events. Whereas Paradise planned for a smaller fire event during average weather conditions (which would enable a phased evacuation), the El Camino Real Assisted Living Facility recognizes that fires will likely burn there under Santa Ana wind conditions and have planned accordingly. However, because emergencies requiring evacuation have many variables and must be evaluated on a case-by-case basis, this plan shall be subservient to real-time law enforcement and fire personnel/agencies' decision-making and direction during an emergency requiring evacuation.

The Assisted Living Facility will follow the Ready, Set, Go! approach to evacuation, where residents are expected to leave well before any wildfire might arrive at the community. That said, unforeseen conditions (and normal human nature of delaying evacuation) could

9/22/23, 8:08 PM

California fire: If you stay, you're dead. How a Paradise nursing home evacuated - Los Angeles Times

them. A fleet of vans that might have helped ferry them to safety has been turned back because of the danger.

Sheila Craft, director of admissions and marketing at Cypress Meadows, has to find 91 beds within driving distance of this small town in the Sierra foothills. And she has to find them now.

[LIVE UPDATES: The latest on the California fires >](#)

On a typical day, there are waiting lists to get a bed at a skilled nursing home or memory care center or assisted living facility. This is not a typical day.

The fire starts about 6:30 a.m. Nov. 8, about eight miles of rugged terrain away from the nursing home. Craft sees smoke an hour later, while driving her four kids to school in this woodsy town where all of them were born.

She spots flames in the distance as she heads to Cypress Meadows.

By 7:45 a.m., she is at her desk, working the phones.

"I was calling every facility around, 'Hey, we're getting evacuated, this is happening, I don't know if you've watched the news, but how many beds do you have available?'" Craft said. "So they'd tell me, 'Four females and two males.' 'OK, I'm putting you down, I'll take 'em.' Then I called another facility, 'How many beds do you have available?' ...

"So, I've got one phone in this ear, calling, finding residents homes or beds, and the other phone in this ear with my 12-year-old seventh-grader standing in front of her gym with a plume of smoke, going, 'Mom, I have to be picked up. We're being evacuated.' I'm, 'OK, I'm gonna get somebody to you. You stay right there. Don't move.'"

By the time Olivia Drummond arrives at work at 8 a.m., Cypress Meadows is "in full evacuation mode," a process that is fraught even for the able-bodied gathering their own things and their own loved ones and leaving their own homes under their own steam.

The fire is growing.

<https://www.latimes.com/local/california/la-me-ln-nursing-home-fire-evac-2018-11-09-story.html>

02-83  
Cont.

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potentially preclude safe evacuation of some residents. However, the nature of the structures' construction and landscaping would enable the employees and residents to passively shelter in the facility as a last resort. This would provide residents with a safer alternative than attempting a late evacuation during a wildfire's immediate passage.

### Wildfire Hazard vs. Wildfire Risk

Although the El Camino Real Assisted Living Facility is located in a VHFHSZ, it will have a significantly lower potential of actual loss than other older communities (such as Paradise) that are also located in a VHFHSZ. This is based upon the distinction between HAZARD (which the state categorizes) and RISK (which the state does not quantify). HAZARD is the potential fire behavior (i.e., flame length, crown fire occurrence, capacity to generate embers) in the predicted mature vegetation of the area. RISK is the potential for structural loss from said fire. Thus, even if there is a potential low fire hazard in a given area (expected low flame lengths), a home might still be at high risk of ignition if the physical characteristics of the property would facilitate structural ignition (e.g., flammable vegetation next to a home with wood siding).

Conversely (and more applicable to the El Camino Real Assisted Living Facility structure), a structure might be in a high-hazard area (potential exposure to high flame lengths and ember generation), but may be at low risk of ignition if the structure is built with ignition-resistant



9/22/23, 8:08 PM California fire: If you stay, you're dead. How a Paradise nursing home evacuated - Los Angeles Times

The medical records director bags each patient's documents, paperwork that describes who they are, how to reach their next of kin, what drugs they should take, the care they will want when they are dying. A medication nurse bags each one's drugs. A certified nursing assistant puts together a change of clothes.

Patients are dressed and seated in wheelchairs. Bags with their drugs and clothes and paperwork are tied to the chair handles.

"We pulled them out of the rooms," said Drummond, Cypress Meadows' director of social services. "Our plan was to get the rooms emptied and close the door. Once the door was closed, we knew there was no resident in there."

That way, no one would be left behind as flames licked the rafters and made their way through the nursing home's wings.

The first 40 patients, the most ambulatory and easiest to move, head out about 9:30 a.m. Then comes an order to shelter in place. Patients who had been queued up in wheelchairs outside are rolled back into the dining area, away from the growing toxic smoke.

Just before 10 a.m., Drummond said, authorities arrive and say, "You gotta go." Staff members line up their cars to ferry patients out. The wheelchairs are abandoned.

Drummond helps her daughter, Sarah, a dietary technician at the home, load two patients into her Ford Focus. Sarah is 19. The last thing Drummond's husband tells her: "Don't separate from Sarah."

But on this terrible Thursday morning, she has no choice.

[MORE: Track key details of the California wildfires >](#)

Drummond is 4 1/2 months pregnant. She had planned to take the passenger seat. But one of the patients needs it because she doesn't fit in back. And Drummond can't squeeze in either. So she sends the car down the hill.

<https://www.latimes.com/local/california/la-me-ln-nursing-home-fire-evac-20180707-story.html>

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Cont.

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construction materials and adequate defensible space is provided around the structure.

Unlike the El Camino Real Assisted Living Facility property and surrounding areas, the landscape-level vegetation in and around the Paradise area consisted primarily of mature mixed-conifer forests with a high degree of both horizontal and vertical continuity and high loads of contiguous grasses in areas that were burned a decade ago. These fuel types facilitated rapid fire spread and intensity in the wildland areas that surrounded Paradise and caused an enormous storm of embers to be cast onto individual parcels. While some of the surrounding areas near Paradise were burned in a fire in 2008, the high grass levels (fostered by late spring rains) were continuous and facilitated rapid spread into the community.

The most granular level of fuels to consider (the structures themselves) served as the most important fuel that led to the mass devastation in Paradise. Throughout that community, home after home was destroyed, but the adjacent vegetation was left largely untouched. This phenomenon has been observed in multiple large, destructive fires, including the 2007 Witch Creek Fire in San Diego County, the 2009 Black Saturday Fires in Victoria, Australia, the 2017 Tubbs Fire in Santa Rosa, and the 2018 Woolsey Fire in Los Angeles County. In all cases, mass destruction in many parts of the fire boundary was largely related to homes igniting via an ember storm, which burned many homes from the inside out following embers entering the structure

9/2/23, 8:08 PM

California fire: If you stay, you're dead. How a Paradise nursing home evacuated - Los Angeles Times

Sarah will not be heard from for the next 10 hours. Her parents won't know if she and her passengers made it out alive.

Craft pulls her white Chevrolet Suburban to the Cypress Meadows entrance. She's not a nurse, so she will be driving patients who do not need complicated care. Two women and a man — one stroke victim, two with Alzheimer's disease.

They are headed to Roseleaf, a memory care facility in Chico, about 16 miles away, a 30-minute drive when the world's not ablaze. On this day, it will take nearly seven hours.

Craft pulls into gridlock headed south. She considers piloting her truck down a bike path and through a trailer park. But the bike path is on fire. She sees there are no cars in a northbound lane, so she takes it, heading south — and then comes upon flames at an intersection.

Ahead of her is a line of stopped cars. To the left is a tall tree on fire, a medical building ablaze. A fire tornado swoops by, along the driver's side of her Suburban. She is on the phone with her husband. She is certain that she and everyone around her will die.

"My side [of the car] was hot," she said. "There was fire right there. I was sick to my stomach. I've never been so scared. I was telling my husband goodbye. He was with my kids. He kept saying, 'No, no, no.' He was praying an angel to come to me, somebody who would help me, get us out of here."

Craft chokes up as she relives this. Her face is flushed. Tears start to well. Six days have passed since fire destroyed her hometown. It hurts.

"I just told him, 'I don't think that's true. I can't talk my way out of this. I can't make this go away. I can't get out of this situation.'" She is crying in earnest. "He goes, 'You do what you have to do. You have to drive around people, you drive around people. You get off that hill.'"

She jumps a curb, makes some headway, jumps another, pops a tire.

Craft pulls into the parking lot of the local Safeway. She cannot find the jack to change the tire.

<https://www.latimes.com/local/california-me-in-nursing-home-fire-evac-2018-07-17-story.html>

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via vents, windows, or under doors. El Camino Real Assisted Living Facility's structures are designed to withstand ember storms by providing tightly built structures with no unprotected openings and ember resistant vents that prevent ember intrusion.

### Ignition Minimizing Measures:

The following are City and state fire and building code required measures for building in wildland-urban interface areas.

1) The Assisted Living Facility structure will be code compliant, ignition resistive, and fully sprinklered in compliance with Section 142.0412 of the SDMC (Brush Management) and Section 104.9 of the 2022 California Fire Code (CFC) (or current edition at the time of construction). The structure will also comply with the 2022 edition of the California Building Code (CBC), Chapter 7A (or current edition at the time of construction), with approved alternative compliance measures, as permitted by the CBC, and City alternative compliance measures to further enhance fire protection as further described below.

2) Each room and all enclosed spaces, including all closets, bathrooms, and hallways within the Assisted Living Facility, will be provided with an NFPA 13 (Standard for the Installation of Sprinkler Systems) automatic fire sprinkler system. The NFPA 13 automatic sprinkler system will be installed in accordance with Section 903.3.1.1 (including Subsections 903.3.1.1.1 and

9/22/23, 8:08 PM

California fire: If you stay, you're dead. How a Paradise nursing home evacuated - Los Angeles Times

Then, she says, a little electric-powered Ford pulls up, a car "that my husband and I would never own in a gazillion, million years."

Behind the wheel is Nate Reich, operations general manager for Safeway in Northern California. He wants to drive her to safety. But she has the three patients with her. She asks for help with the tire.

Still no jack. Safeway goes up in flames.

But Sheila Craft has found her angel. Somehow, the three frail, elderly patients and Craft all jam into Reich's little Ford. He points the car south. The sky is black as night.



A week passes. All 91 patients have been resettled. Four are now with family, the rest spread among 15 nursing homes and two hospitals.

<http://www.latimes.com/local/california/la-me-ln-nursing-home-fire-evac-20180717-story.html>

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903.3.1.1.2) of the 2022 CFC, which also requires sprinkler protection for exterior balconies, deck, and ground floor patios of sleeping units where the building is of Type V construction, as well as open-ended corridors and exterior stairways and ramps. The NFPA 13 system includes the following requirements:

- a. To be designed by a licensed fire protection engineer or SDFRD-approved sprinkler contractor.
- b. To provide fire inspector's test value 5 feet above grade.
- c. To provide sufficient water supply as determined by fire sprinkler hydraulic calculations, which may require increased meter and piping size. If fire flow is insufficient for the designed system, alternative options, such as a fire pump designed to boost fire flow, may be considered, to the approval of SDFRD. Alternative options will be submitted to the SDFRD for approval before installation.
- d. Sidewall sprinklers that are used to protect exterior balconies, decks, and ground floor patios shall be permitted to be located such that their deflectors are within 1-inch to 6-inches below the structural members and a maximum distance of 14-inches below the deck of exterior balconies that are constructed of open wood joist construction.
- e. Automatic or self-closing doors shall be installed and conform to the exterior door assembly

9/22/23, 8:08 PM

California fire: If you stay, you're dead. How a Paradise nursing home evacuated - Los Angeles Times

Cypress Meadows is gone. Plum Healthcare Group, which owns it and 55 other facilities in California and Nevada, has held two job fairs for its displaced workers and hopes to employ them at its other properties. No decision has been made about rebuilding, said Aaron Edmonds, Plum's area president.

Sarah Drummond and the two patients in her care sheltered in place with other evacuees and law enforcement agents, first in one Paradise parking lot and then another, wrapped in fire blankets. She plans to leave California.

Olivia Drummond does not know if her house in Magalia is still standing. She had a prenatal checkup on Wednesday. She heard the baby's heartbeat.

And Craft went back to see her house and the nursing home for the first time since flames rushed through the town she loves.

Both were destroyed.

All that is left of Cypress Meadows are a wavy metal roof and a tangle of ruined equipment. The abandoned wheelchairs, most badly burned, remain queued up in front of what was once a graceful entrance.

Their big tires lie on blackened ground, reduced to circles of white ash, which crumbles when touched.

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Maria L. La Ganga

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<https://www.latimes.com/local/california/la-me-ln-nursing-home-fire-evac-20180717-story.html>

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standards addressed in Chapter 7 of the CBC, Section 708A.3.

3) Zone 1 requires a minimum 35 feet of on-site irrigated landscape planting with drought-tolerant, fire resistive plants. The landscape will be routinely maintained and will be watered by an automatic irrigation system that will maintain healthy vegetation with high moisture content that would prevent ignition of embers from a wildfire.

4) The facility design also provides an unimpeded, all-weather pathway (minimum 3 feet wide) on all sides of the buildings for firefighter access around the entire perimeter of the structure.

5) Areas requiring ventilation to the outside environment will require ember-resistant vents such as Brandguard, Vulcan, or O'Hagin brands. These vents exceed the code requirement of a minimum 1/16-inch not to exceed 1/8-inch openings. All vents used for this project will be approved by SDFRD.

The following alternative compliance fire protection measures are being provided due to the inability of the eastern side of the project development to provide a full 100 feet of brush management requirements on site because of property boundaries and environmental constraints such as the MHPA and 100-foot wetland buffer areas. These alternative compliance measures were found to meet or exceed the code-required 100 feet BMZs through science and application and were

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accepted by numerous fire agencies throughout California.

1) Due to the inability to provide a full 100 feet of on-site brush management around the exterior of the Assisted Living Facility structure, the entire development site will be required to be maintained in a condition that will consist of an all-irrigated low fuel landscape with drought-tolerant, fire resistive plants and a paved hardscape development area surrounding all sides of the building to the property line/MHPA line or 100 feet from the structure (as possible). The irrigated landscape will include no undesirable, highly flammable plant species. Plants within this zone will be routinely maintained and watered by an automatic irrigation system that will maintain healthy vegetation with high moisture contents that would prevent ignition by embers from a wildfire.

2) Due to the inability of the northern and eastern sides of the structure to provide a full 100 feet of on-site brush management due to property boundary limitations, adjacency to native or naturalized vegetation and/or the MHPA, and 100-foot wetland buffer areas, all windows on the north and east sides of the structure are required to provide exterior glazing in windows (and sliding glass doors) that is dual pane with both panes tempered glass. Dual pane, one pane tempered glass has been shown during testing and in after fire assessments to significantly decrease the risk of breakage and ember entry into structures. Therefore, requiring dual pane, both panes tempered is anticipated

<p style="text-align: center;"><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b></p> <p style="text-align: center;"><b>MINUTE ORDER</b></p> <p>DATE: 02/03/2023      TIME: 04:00:00 PM      DEPT: JUDICIAL OFFICER PRESIDING: Ronald F. Frazier CLERK: Sarah Doshi REPORTER/ERM: BAILIFF/COURT ATTENDANT:</p> <p>CASE NO: 37-2021-00033583-CU-TT-CTL    CASE INIT DATE: 08/05/2021 CASE TITLE: PQ-NE Action Group vs City of San Diego [E-FILE] CASE CATEGORY: Civil - Unlimited    CASE TYPE: Toxic Tort/Environmental</p> <hr/> <p><b>APPEARANCES</b></p> <p>The Court, having taken the above-entitled matter under submission on 2/2/23 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:</p> <p>Petitioner PQ-NE Action Group's Petition for Writ of Mandate is GRANTED IN PART. (ROA 1, 49.)</p> <p>This proceeding concerns Respondent City of San Diego's approval of a residential development known as a Junipers Project ("Project") located in the Rancho Penasquitos area. Real Parties in Interest Carmel Partners, LLC and Carmel Land, LLC ("RPIs") are the Project applicants.</p> <p>Petitioner seeks a writ of mandate vacating the City's approval of the Project.</p> <p><u>Whether the EIR Adequately Considers Cumulative Impacts</u></p> <p>An Environmental Impact Report ("EIR") must consider a project's "cumulative impacts." (14 C.C.R. § 15130(a).) "[A] cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts." (14 C.C.R. § 15130(a)(1).) "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects." (14 C.C.R. § 15355(b).)</p> <p>Petitioner asserts the EIR failed to adequately consider the cumulative impact of the Project together with the Millennium PQ and Trails at Carmel Mountain Ranch projects. In opposition, Respondent and the RPIs assert these projects did not qualify for inclusion in the cumulative impacts study. Specifically, Respondent and the RPIs assert the City used the Project's Notice of Preparation of the EIR (April 10, 2018) as the cutoff date, and neither the Millennium PQ nor the Trails projects were analyzed because neither of these applications was "deemed complete" before this date. (AR 43-11381-11406; 15-4859.)</p> <p>"[M]ere awareness of proposed expansion plans or other proposed development does not necessarily require the inclusion of those proposed projects in the EIR." (<i>Gray v. County of Madera</i> (2008) 167</p> <hr/> <p>DATE: 02/03/2023      MINUTE ORDER      Page 1 DEPT:      75      Calendar No.</p> <p style="text-align: center;">Page 75 of 79 in Comment Letter 02</p>	<p>to be an important safety measure that provides enhanced structure protection and provides mitigation for modified fuel modification zones and limited setbacks from adjacent structures. The window upgrade also exceeds the requirements of Chapter 7A of the CBC and provides additional protection for the structure's most vulnerable, exterior side (alternative compliance fire protection measure).</p> <p>3) Due to the inability of the entire eastern sides of the structure to provide a full 100 feet of on-site brush management due to the MHPA and 100-foot wetland buffer areas, the entire east side of the structure is also required to include 5/8-inch Type X fire rated gypsum sheathing applied behind the exterior covering or cladding (stucco or exterior siding) on the exterior side of the framing, from the foundation to the roof for a facade facing the MHPA open space and naturally vegetated areas. 5/8-inch Type X fire rated gypsum sheathing is required to be manufactured in accordance with established ASTM standards defining Type X wallboard sheathing as that which provides not less than 1-hour fire resistance when tested in specified building assemblies and has been tested and certified as acceptable for use in a 1-hour fire rated system. CertainTeed Type X Gypsum Board has a Flame Spread rating of 15 and Smoke Developed rating of 0, in accordance with ASTM E 84 (UL 723, UBC 8-1, NFPA 255, CAN/ULC-S102), is UL classified for Fire Resistance (ANSL/UL 263; ASTM E119), and is listed under UL File</p>
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Cal.App.4th 1099, 1127 (emphasis added).) However, "any future project where the applicant has devoted significant time and financial resources to prepare for any regulatory review *should be considered* as probable future projects for the purposes of cumulative impact." (Id. at pp. 1127-28 (emphasis added).) "Projects that are undergoing environmental review are reasonably probable future projects." (Id. at p. 1127.)

Here, the administrative record reflects both the Millennium PQ and Trails projects were reasonably probable future projects known to the City well before the draft EIR was published. Although the City attempts to assert it was not obligated to consider these projects because neither of the applications was "deemed complete" before the Project's April 10, 2018 Notice of Preparation was issued, the court is not persuaded.

The EIR states the Millennium PQ application was deemed complete on June 14, 2019 and the Trails application was deemed complete on January 31, 2020. (AR 15:4859.) However, the record and judicially noticeable documents demonstrate the City was concurrently evaluating the Project, Millennium PQ, and the Trails for many months prior to the publication of the draft EIR. (AR 225:24408-24412, 15:4991; Pet. RJN at Exh. A.) The City was clearly aware Millennium PQ and Trails were reasonably probable future projects.

The court is sympathetic to the City's desire to apply a bright-line rule. However, the legal authorities reflect a more flexible approach. (14 C.C.R. § 15355(b); Gray at pp. 1127-28.) RPIs cited both *Gray* and *South of Market Community Action Network v. City and County of San Francisco* (2019) 35 Cal.App.5th 321 as support for their position that the City's selection of the Notice of Preparation date as the cutoff was reasonable. Notably, however, both these cases are distinguishable on their facts from the case presented here. In *Gray*, the court noted "the County could not locate any project where an applicant has filed for review with the County Planning Department" before determining the County had reasonably exercised its discretion to set the date of the project application as the cutoff. (Gray at p. 1128.) By contrast, here there is evidence the City was aware of other probable future projects in close proximity to the Project.

Likewise, in *South of Market*, the plaintiffs asserted the EIR had used an outdated list of projects and made "generalized observations that development is 'rampant,'" but the court noted the lack of evidence that the list was "defective or misleading, or that the City ignored projects that were in the pipeline for the purpose of adjudging cumulative impacts." (*South of Market* at p. 336-37.) Thus, "[t]he City had discretion to determine a reasonable date as a cutoff for which projects to include in the cumulative impacts analysis, and plaintiffs have not shown the City's decision to use a 2012 project list was unsupported by substantial evidence." (Id. at p. 337.) Here, Petitioner has sufficiently demonstrated Petitioner's decision to exclude Millennium PQ and the Trails projects was not reasonable under the facts. In the court's view, the close proximity of these projects – particularly Millennium PQ, which is adjacent to the Project – renders the City's decision all the more arbitrary.

Thus, the EIR fails to comply with CEQA because it did not adequately consider the cumulative impact of Millennium PQ, Trails, and the Project.

As to these grounds, the Petition is granted.

Whether the EIR Adequately Considers Wildfire Safety Impacts

"An EIR shall identify and focus on the significant effects of the proposed project on the environment."

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No. CKNX.R3660 (CertainTeed 2024) (alternative compliance fire protection measure).

The comment also asserts that the SEIR does not mention evacuation.

Please refer to MR-2, Wildfire Hazards and Evacuations.

**02-55** Please refer to MR-2, Wildfire Hazards and Evacuation.

**02-56** Please refer to MR-2, Wildfire Hazards and Evacuation.

**02-57** Please refer to MR-2, Wildfire Hazards and Evacuation.

**02-58** The analysis of the San Dieguito Lagoon W-19 Restoration Project (Lagoon Restoration Project) was not included in the cumulative analysis for the proposed Project; however, analysis of the Lagoon Restoration Project is provided herein. The facts of the Lagoon Restoration Project as they relate to the Project's cumulative analysis are that activities associated with the Restoration Project would not occur concurrently with the proposed Assisted Living Project. Construction of the Lagoon Restoration Project began in January 2022 and has completed construction as of September 17, 2024 (SANDAG pers. comm., Smith 2024). Therefore, due to the fact that construction associated with the Lagoon Restoration Project has been completed, no further construction activities would occur concurrently with the proposed Project. Additionally, as discussed in the San Dieguito W-19 Lagoon Restoration Project Final Environmental Impact Report, the San Dieguito Lagoon

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(14 C.C.R. § 15126.2(a).) This includes "any potentially significant direct, indirect, or cumulative environmental impacts of locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, *wildfire risk areas*)...." (*ibid.*, emphasis added.)

Within the context of wildfire safety impacts, Petitioner argues the EIR failed to consider the cumulative impacts of the Project together with the Millennium PQ (which will use the same evacuation exit) and Trails projects (which will significantly increase the number of evacuating residents). The court agrees and finds the EIR also fails to comply with CEQA because it did not adequately consider the cumulative impact of Millennium PQ, Trails, and the Project when evaluating the Project's wildfire safety risks.

In their opposition, Respondent and RPIs point out the RPIs commissioned a study on Millennium PQ's impact on evacuation times, and that the study concluded the community's evacuation time would only increase from 3.5 to 3.8 hours if Millennium PQ project were also considered. (AR 21:10659-10662.) As a preliminary matter, this study still does not take the Trails project into consideration. Further, "CEQA requires agencies to discuss a project's potentially significant impacts in the draft EIR and final EIR." (*Sierra Watch v. County of Placer* (2021) 69 Cal.App.5th 86, 103; see also 14 C.C.R. § 15120.) "[T]o the extent an agency omits an adequate discussion of a project's potential impacts in its EIR, it cannot afterward make up for the lack of analysis in the EIR through post-EIR analysis." (*ibid.*, citing *Save Our Peninsula Committee v. Monterey Cty. Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 130.)

Here, the RPIs submitted the study on the eve of the City Council hearing. (AR 21:10659.) The memo is dated June 11, 2021 and the City Council hearing was held June 15, 2021. No such analysis is contained in either the draft EIR or final EIR. Thus, the EIR fails to comply with CEQA requirements. This deficiency cannot be cured by post-EIR analysis, and in any event the post-EIR analysis is still insufficient because it does not consider the Trails project.

As to these grounds, the Petition is granted.

At hearing, Petitioner argued the EIR also improperly omitted consideration of Pacific Village in its analysis of cumulative impacts with regard to evacuation and wildfire safety. In response, RPIs asserted this issue was waived because it had not been asserted during the administrative process. However, it appears this issue was raised before the agency. (AR 018319.) The court agrees the EIR also fails to comply with CEQA requirements because it omits Pacific Village from its cumulative impact analysis for evacuation and wildfire safety.

Petitioner also argues the EIR's wildfire analysis is not supported by substantial evidence, challenging several of the assumptions made in evaluating the Project's impact on evacuation. As to these grounds, the Petition is denied.

Third, Petitioner asserts the EIR obfuscates wildfire and evacuation risks because it uses a "voluntary" Fire Protection Plan and Wildfire Evacuation Plan. As to these grounds, the Petition is denied.

Whether the EIR Adequately Considers Transportation Impacts

Petitioner asserts the EIR did not adequately analyze and mitigate transportation impacts.

As to these grounds, the Petition is denied. There is substantial evidence in the record to support the EIR's transportation impact analysis.

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W-19 Restoration Project was largely a construction project to create and restore wetlands and would implement mitigation to reduce construction impacts to biological resources, air quality, paleontological resources, and cultural resources to less than significant. As described in the San Dieguito W-19 Lagoon Restoration Project Final EIR, "The proposed project would result in significant and unavoidable temporary impacts to the topic areas of: Biological Resources; Traffic, Access, and Circulation; and Noise" (JPA 2018). Additionally, the Lagoon Restoration Project would not involve notable, permanent operational impacts that would need to be considered in combination with the proposed Assisted Living Facility or other cumulative projects because the Lagoon Restoration Project would only require periodic and as-needed monitoring by a biologist to ensure the restoration effort is successful in meeting the performance criteria for the establishment of wetlands and related vegetation. As discussed throughout Chapter 5 of the Draft SEIR, all impacts associated with the Assisted Living Facility would be mitigated to a less-than-significant level. More specifically, the Assisted Living Facility would implement similar mitigation measures as the San Dieguito Lagoon W-19 Restoration Project to address any potential inadvertent impacts to cultural and paleontological resources. Similarly, all impacts to biological resources associated with the Assisted Living Facility would be reduced to less than significant with incorporation of PDFs, CMs, and MMs. Therefore, because the construction schedule of the San Dieguito Lagoon W-19 Restoration Project and the

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Whether the EIR Adequately Considers Greenhouse Gas Impacts

Consistent with CEQA Guidelines, the City has a Climate Action Plan (CAP) Consistency Checklist. The City's CAP "was adopted to ensure that emissions from activities in the City would not exceed established state targets" and the Checklist "serves as the significance determination threshold for cumulative impacts related to climate change." (AR 16:6498.) "If a project is not consistent with the City's CAP, as determined through the CAP Consistency Checklist, a potentially significant cumulative GHG impact would occur." (AR 16:6474.)

Petitioner asserts the EIR did not adequately disclose and mitigate greenhouse gas impacts.

As to these grounds, the Petition is denied. There is substantial evidence in the record to support the EIR's conclusion the Project will not significantly impact green house gas emissions.

Whether the EIR Adequately Considers Land Use Impacts

"The EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans." (14 C.C.R. § 15125(d).)

Petitioner asserts the EIR did not adequately disclose or mitigate the Project's land use impacts.

As to these grounds, the petition is denied. There is substantial evidence in the record to support the EIR's conclusion the Project is consistent with the City's General Plan, the Rancho Penasquitos Community Plan, and the San Diego Association of Governments' Regional Transportation Plan/Sustainable Communities Strategy.

Whether the EIR Adequately Considers Biological Impacts

Petitioner asserts the Project failed to adequately mitigate biological impacts. Petitioner's argument is not entirely clear here. Although the California Department of Fish and Wildlife made certain mitigation recommendations to the City in a comment on the Project, it appears these concerns were considered by the City, even if the recommendations were not incorporated into the Project's approval.

As to these grounds, the Petition is denied. There is substantial evidence in the record to support the EIR's conclusion the Project will not significantly impact biological resources.

Whether a Variance from the City's Affordable Housing Ordinance Should Have Been Granted

City Code requires affordable housing units to be "comparable in bedroom mix, design, and overall quality of construction to the market-rate" housing units. (San Diego Mun. Code § 142.1304(e)(2).) Variances may be sought under certain circumstances. (SDMC §§ 142.1310, 142.1311.)

Petitioner asserts the City's determination to grant a variance from its affordable housing ordinance lacked substantial evidence. The RPIs obtained a variance to provide an alternative mix of one- and two-bedroom units rather than a mix of two- and three-bedroom units. (AR 21:10189.)

As to these grounds, the Petition is denied. There is substantial evidence in the record to support the granting of a variance.

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Assisted Living Facility would not overlap, and because both the San Dieguito Lagoon W-19 Restoration Project and Assisted Living Facility would have less-than-significant impacts associated with operations, no cumulative impacts associated with the San Dieguito Lagoon W-19 Restoration Project would occur. This does not result in changes to the impact conclusions of the SEIR and does not demonstrate that the Draft SEIR was inadequate and conclusory in nature. Recirculation of the SEIR is not required per CEQA Section 15088.5.

As discussed in SEIR Section 9.5.1, the key question and first step in analysis of the off-site location alternative "is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location" (14 CCR 15126.6[f][2][A]). As described in the alternatives analysis, the availability of an alternative site does not in and of itself reduce impact potential, and therefore it is expected that developing a similar project would result in a similar array of project impacts and would simply transfer this impact potential to areas surrounding the alternate site location. In addition, a fundamental project objective is to locate the Assisted Living Facility within walking distance to St. John Garabed Armenian Church (see Objective 3 in SEIR Section 3.2, Project Objectives). Proximity to the Church is a fundamental project objective so that the Church and the Assisted Living Facility can work together on programming and create intergenerational interactions between the youth programs at the Church and the Assisted Living Facility. Additional fundamental objectives include developing

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Requests for Judicial Notice

Petitioner's requests for judicial notice submitted with its moving papers are granted as to Exhibits A, B, and C and denied as to Exhibit D. (Evid. Code § 452(b), (c); ROA 50.) As to Exhibit D, judicial notice is denied on the grounds it is not relevant.

Respondent's and RPIs' requests for judicial notice are granted. (ROA 55; Evid. Code § 452(c).)

Petitioner's requests for judicial notice submitted with its reply papers are granted. (ROA 58; Evid. Code § 452(c).)

However, all counsel are admonished for submitting separate, additional memoranda regarding the requests for judicial notice. Although the court considered these unauthorized memoranda, they are improper absent leave of court. "Any request for judicial notice must be made in a separate document listing the specific items for which notice is requested and must comply with rule 3.1306(c)." (Cal. R. Court, rule 3.1113(f).) The rule contemplates a list of items, not lengthy additional briefing. Any legal argument should have been included in the opening, opposition, and reply memoranda, not in the requests for judicial notice or other unauthorized memoranda. The rules requiring a separate document for a request for judicial notice may not be used to circumvent the court's rules regarding page limits for memoranda. (Cal. R. Court, rule 3.1113(d).)

Request for Separate Hearing re: Remedy

At hearing, RPIs' counsel requested that the court set a separate hearing and allow further briefing if it was inclined to confirm its tentative ruling. This request is denied.

A writ of mandate shall issue vacating Respondent's approval of the Project and suspending any and all activity pursuant to Respondent's approval of the project until Respondent has fully complied with CEQA requirements. (Pub. Res. Code § 21168.9.)

Petitioner is to submit a proposed Judgment within five (5) days.



Judge Ronald F. Frazier

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the underutilized site adjacent to the Church (Objective 1) and providing "a development complimentary to the St. John Garabed Armenian Church that assists the congregation with meeting their core values of a strong community and caring for the elderly and disabled" (Objective 2). CEQA Guidelines Section 15124 states, "[a] clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR. The statement of objectives should include the underlying purpose of the project and may discuss the project benefits." The applicant does not currently own any similarly sized undeveloped parcels within the NCFUA Framework Plan area within walking distance to the Church, and the applicant cannot reasonably acquire, control, or otherwise have access to a sufficiently sized alternative site within the community given the limited number of undeveloped parcels within the NCFUA Framework Plan. The NCFUA Framework Plan area is largely built out to the south or consists of undeveloped open space dedicated to habitat restoration and agriculture or agriculture-related uses. CEQA Guidelines Section 15126.6(a) notes there is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. This rule is described in CEQA Guidelines Section 15126.6(f) and requires an EIR to set forth only those alternatives necessary to foster informed decision-making. As defined in CEQA Guidelines Section 15126.6(f), the rule of reason limits alternatives analyzed to those that would avoid or substantially lessen one or more of the significant effects of a project. Of those alternatives, an EIR need examine in detail only

	<p>the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The project would not result in any significant and unavoidable impacts but would require mitigation to address impacts to biological and historical resources, including impacts to nesting birds, noise, and tribal cultural resources. The alternatives evaluated include Sensitive Nesting Bird Construction Impact Avoidance (Alternative 2) and Construction Noise Impact Avoidance (Alternative 3). Alternative 2 addresses construction noise impacts to the adjacent sensitive nesting habitat for birds while Alternative 3 addresses construction noise to the adjacent residential use to the south. Additionally, the applicant does not currently own any similarly sized undeveloped parcels within the NCFUA Community Plan Area, and the applicant cannot reasonably acquire, control, or otherwise have access to a sufficiently sized alternative site within the community. Therefore, the off-site alternative was not rejected solely on the fact that the alternative would not meet project objectives, but also for the various reasons previously discussed.</p> <p>As explained above in this response, the alternatives evaluated in the SEIR present "a reasonable range of potentially feasible alternatives." No set number of alternatives is necessary to constitute a legally adequate range of alternatives. Instead, the nature and scope of the alternatives to be studied in an EIR is governed by the rule of reason, which means that an EIR need only discuss those alternatives necessary to permit a reasoned choice in light of environmental</p>
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	<p>considerations. The SEIR meets this standard, and the requirements set forth in the CEQA Guidelines.</p> <p><b>O2-60</b> As discussed in RTC O2-59 and in SEIR Section 9.5, the NCFUA Framework Plan area is largely built out to the south or consists of undeveloped open space dedicated to habitat restoration and agriculture or agriculture-related uses. Any land available within the NCFUA Framework Plan area would have similar or more intense land use conflicts as compared to the project site. Additionally, the applicant does not currently own any similarly sized undeveloped parcels within the NCFUA Community Plan Area, and the applicant cannot reasonably acquire, control, or otherwise have access to a sufficiently sized alternative site within the community.</p> <p><b>O2-61</b> The SEIR concluded the Assisted Living Facility would result in potentially significant impacts associated with biological resources, historical resources, noise, and tribal cultural resources. The commenter is correct in stating that, with the inclusion of mitigation, all potentially significant impacts would be reduced to less than significant. Alternative 2, Nesting Bird Construction Noise Impact Avoidance, further reduces the construction noise impact to nesting birds as compared to the project. The Construction Noise Avoidance Alternative further reduces construction-related noise impacts. Given that there are no significant impacts from the Project with mitigation, there are no significant impacts to avoid beyond those already addressed by mitigation. Further, as described in SEIR Section 5.1,</p>
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	<p>Land Use, the Project would have less than significant impacts related to land use.</p> <p><b>O2-62</b> See MR-1, Land Use and Zoning Consistency, for information regarding consistency with Proposition A. The commenter's request the project not be approved is noted, and no further response is required.</p> <p><b>O2-63</b> Comment noted. The City will notify the commenter of all future project-related notices.</p> <p><b>O2-64</b> Comment noted. See RTCs O2-65 through O2-84 below for a response to the attachments mentioned in this comment.</p> <p><b>O2-65</b> The comment is an introduction of the proposed project and disclosure of documentation reviewed in relation to the proposed project. The comment does not address issues related to the adequacy of the SEIR; therefore, no further response is required.</p> <p><b>O2-66</b> The comment is a disclosure of City's TSM guidelines that were reviewed. The comment does not address the adequacy or accuracy of the SEIR; therefore, no further response is required.</p> <p><b>O2-67</b> The comment is a description of Tom Brohard's education and experience. The comment does not address the adequacy or accuracy of the SEIR; therefore, no further response is required.</p>
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	<p><b>O2-68</b> The comment provides an introduction to comments to follow regarding traffic. The comment does not address the adequacy or accuracy of the SEIR; therefore, no further response is required.</p> <p><b>O2-69</b> The access analysis, included as Appendix H.1, was prepared in August 2021 using the TSM guidelines issued in September 2020. The revised TSM guidelines were issued on September 19, 2022, after the preparation of the project's access analysis. Given the updated guidelines are now available, the September 2020 TSM was removed from the City's website. A copy of the September 2020 TSM has been included in the administrative record for this project, and references to it have been incorporated into the access analysis (SEIR Appendix H.1).</p> <p>The Project Information Form is meant to provide baseline information to begin the process of scoping the VMT analysis and Local Mobility Analysis (LMA) for a project requiring discretionary approval. Under the City's TSM, it is not a requirement for the Project Information Form to bear the stamp of a registered traffic engineer (see Appendix A of Appendix H.1 of the SEIR). Revisions to the VMT analysis and LMA were reviewed and approved by City Staff.</p> <p><b>O2-70</b> Due to circumstances created by the COVID-19 pandemic, which resulted in a decreased number of people on roadways, it was determined that it was reasonable to use an ambient growth rate and apply it to historic traffic volumes in preparation of the access</p>
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	<p>analysis (see Appendix H.1). The access analysis was conducted using the LOS metric, which includes capacity analysis of roadway segments using average daily traffic and vehicular delay estimated at intersections using peak hour traffic volumes. The best available traffic counts, from 2012 extracted from the St. John Garabed Armenian Church Transportation Impact Study, were scaled up to year 2021 levels in preparation of the access analysis. The growth rate was determined by the annual growth per year shown in the San Diego Association of Governments (SANDAG) model between base year 2016 and future year 2025. Using this growth rate, the 2012 volumes were increased to estimated 2021 volumes. Thus, the access analysis does not rely on outdated data, but rather on reliable historical data appropriately updated to reflect existing conditions in 2021, including the Church as described in the 2014 Church EIR. This approach is consistent with CEQA's rules for establishing a baseline for analysis Pursuant to the TSM, traffic data is used to establish "existing conditions" also referred to as "baseline" (City of San Diego 2020).</p> <p>The City's TSM provides the following statement regarding traffic counts for a project located in Coastal Overlay Zone (City of San Diego 2020): "For areas in the Coastal Overlay Zone near the shoreline, major coastal access routes, regional public parks, beaches or Mission Bay the peak hours are during summer months (between Memorial Day and Labor Day, when public schools are not in session) and include weekdays and weekends</p>
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	<p>during heaviest coastal visitation hours (typically late morning and early afternoon), unless the project has no potential to affect public access and an alternate/additional study period is identified by City Staff.”</p> <p>As stated above, the objective of additional analysis for projects situated within the Coastal Overlay Zone is not to depict a worst-case limited scenario, but rather to ascertain that a project does not obstruct access to the coast. The El Camino Real project has no potential to affect public access to the coast. Accordingly, the counts and approach utilized in the access analysis satisfied the requirements outlined in the TSM. City staff’s concurrence with the methodology of the access analysis occurred when staff agreed it was adequate to be included in the project’s draft environmental document.</p> <p><b>O2-71</b> The commenter provides daily trip volumes based on the Institute of Transportation Engineers (ITE) Trip Generation Manual.</p> <p>As displayed in Appendix B of the City’s TSM, the screening criteria and substantial evidence supporting these criteria were created based on the SDMC Land Development Code: Trip Generation Manual. Within the City, projects carry out their trip generation calculations in line with the City’s standards or, in certain limited scenarios, the SANDAG Trip Generation Manual. These manuals have been developed and fine-tuned through a regional effort to establish a threshold that mirrors the socioeconomic patterns and travel behavior of the San</p>
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	<p>Diego region. Employing the City's trip generation rate allows for a direct comparison and is in agreement with the substantial evidence included in the City's TSM.</p> <p>Pursuant to CEQA Guidelines Section 15064.7, the lead agency is authorized to establish thresholds of significance for the purpose of evaluating a proposed project's potential environmental impacts based on substantial evidence. ITE rates are not relevant to the significance of a proposed project's traffic impacts as evaluated under the TSM except in the limited circumstance that the City's Trip Generation Manual does not provide rates for the project, which circumstance does not apply to the Assisted Living Facility Project. For the same reasons, the comment to the effect that the Assisted Living Facility project is not screened out from VMT analysis under the TSM because the ITE trip generation rate would yield a project average daily traffic that is above the 300-trip threshold in the TSM is inaccurate, since the 300-trip threshold is based on the City's trip generation rates, and the project would generate 234 trips under the City's rates.</p> <p>Using the City's trip generation rates, a detailed VMT analysis would not be required per the screening criteria threshold of 300 daily unadjusted driveway trips, as illustrated in the City's TSM guidelines flow chart on page 12 and VMT screening criteria on page 20 of the TSM. Similarly, a Local Mobility Analysis (LMA) would be required only if the project were inconsistent with the community plan/zoning and exceeded the City's screening criteria threshold of 500 daily unadjusted</p>
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	<p>trips, as noted in the City's TSM guidelines flowchart on page 12 and LMA screening criteria on page 33. Therefore, the comment letter's statement that a VMT CEQA Analysis and LMA are required is inaccurate.</p> <p><b>O2-72</b> Based on the SDMC, the project's parking requirements are as follows:</p> <ul style="list-style-type: none"><li>• Congregate Care (Assisted Living) – 1 parking space per 3 beds (SDMC Section 142.0525, Table 142-05G) – 102 beds = 34 parking spaces</li><li>• Convalescent/Nursing – 1 parking stall per 3 beds (SDMC Section 142.0525, Table 142-05C) – 20 beds = 7 parking spaces</li></ul> <p>Utilizing these parking requirements, the project would have a minimum requirement to provide 42 standard parking spaces. As described in SEIR Section 3.3.2.4, the project would provide 57 parking spaces, which is 15 more spaces than required by SDMC. Of those spaces, six spaces would be designated for carpool, four would be electric vehicle capable spaces, and three would be accessible parking spaces. Therefore, the project would provide sufficient parking, consistent with the City's requirement.</p> <p>Parking is not considered a CEQA impact. Nor does the SEIR for the Assisted Living Facility reopen the analysis of parking relating to the approved Church project, which is an existing permitted activity properly considered as part of the baseline under CEQA for purposes of analyzing the Assisted Living Facility. As</p>
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	<p>previously noted, under CEQA's guidelines for subsequent environmental review, the baseline includes the project described in the 2014 Church EIR, even if portions of the Church project have not yet been constructed, such as all of its required 175 parking spaces. As described above, the Assisted Living Facility would be consistent with the parking requirements under the SDMC for an Assisted Living Facility.</p> <p><b>O2-73</b> The comment incorrectly states that the project driveway was not previously evaluated as part of the 2014 Church EIR. Please refer to SEIR Section 5.8.3.3 for a summary of analysis of the Church component's impacts related to potentially hazardous traffic conditions. Church-related traffic is part of baseline existing conditions for the analysis of the Assisted Living Facility component and were therefore analyzed together. Please refer to SEIR Section 5.8.3.3.</p> <p><b>O2-74</b> An access analysis was performed and included as Appendix H.1 of the SEIR. As described in Appendix H.1, the access analysis included the addition of the Assisted Living Facility component to the previously approved Church project and the surrounding area. The incremental increase from the Assisted Living Facility at 234 trips did not exceed the City's VMT screening threshold.</p> <p><b>O2-75</b> The project does not propose a new driveway on El Camino Real. Instead, it plans to use the existing driveway that was already approved and currently constructed along El Camino Real. Comments relating</p>
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	<p>to the need for further analysis of traffic safety issues relating to the Church driveway similarly relate to baseline conditions. The Assisted Living Facility will utilize the approved Church driveway, the design of which was evaluated as part of that project, and which is not proposed to be modified as part of the Assisted Living Facility.</p> <p>As summarized in Section 5.8.3.3 from the 2014 Church EIR, the location of the driveway for the Church project along the curve of El Camino Real in combination with the adjacent roadway speed led to the conclusion that a full access driveway could not be provided. Therefore, as required by the City, the Church installed a raised median to prohibit left turns in and out of the Church and proposed a 960-foot-long acceleration lane with a 600-foot merge taper in the northbound direction to allow exiting right-turning vehicles to accelerate and merge into the through travel lane adequately. Additionally, as a condition of the project, the Church constructed a northbound, 140-foot-long exclusive right-turn lane with a 100-foot taper at the Church driveway entrance. With these improvements, which have already been completed, impacts related to traffic hazards were determined to be less than significant. This significance conclusion in the 2014 Church EIR cannot be reopened to explore whether the existing driveway design and the length of the acceleration and right-turn lane created significant safety impacts.</p>
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	<p>As concluded in the 2014 Church EIR and SEIR, the addition of the Assisted Living Facility component would not create a hazardous design, and impacts would be less than significant.</p> <p><b>O2-76</b> Per the City of San Diego Bicycle Master Plan (2013), El Camino Real along the project frontage is identified with existing Class II bicycle lane facilities, which are in place. The bicycle lane is configured to the left of the right turn lane to not conflict with the right turn movement into the project driveway.</p> <p><b>O2-77</b> The commenter is correct that some project traffic will likely make U-turns at the signalized intersections of El Camino Real/San Dieguito Road and El Camino Real/Sea Country Lane. This comment does not address the adequacy of the draft SEIR.</p> <p>See also RTC O2-75.</p> <p><b>O2-78</b> The Access Analysis has accurately taken into account the U-turns at both El Camino Real &amp; San Dieguito Road and El Camino Real &amp; Sea Country Lane. For further details, please refer to the graphics and Synchro reports included in the Access Analysis (included as Appendix H.1). Additionally, a queuing analysis, provided as Attachment 2 to these RTCs, using the SimTraffic Microsimulation model was conducted for the proposed project. This analysis confirms that the 95th percentile queue length during the study period does not exceed</p>
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	<p>the available storage length, ensuring it does not interfere with through traffic.</p> <p>The commenter mentions accepted engineering practices but does not provide specific design standards, accident history, or any other relevant engineering analysis. Therefore, this part of the comment is acknowledged for reference; however, the comment does not address the adequacy or accuracy of the Draft SEIR, and no further response is required.</p> <p><b>O2-79</b> Please see RTC O2-71.</p> <p><b>O2-80</b> Emergency access to the project site was addressed in SEIR Section 5.8.3.4. As discussed in the SEIR, access to the Assisted Living Facility parcel would be via one proposed right-in/right-out only driveway along El Camino Real, which was constructed as part of the church project. The fire access lane would start at the Church access point from El Camino Real and end at the Assisted Living Facility parking lot (Figure 3-3, Fire Access Plan). Additionally, the Assisted Living Facility would provide a hammerhead turnaround at the entrance to the facility as well as an alternate t-turn that would accommodate fire apparatuses. The proposed project's private access road and parking lot would be constructed in accordance with SDMC Sections 55.8701 and 55.8703, which outline the requirements for fire apparatus access roads and gates to ensure adequate emergency access within the project site. Any required fire access roads throughout the area are designed to meet County of</p>
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	<p>San Diego Consolidated Fire Code, including 24-foot-wide, unobstructed roadways, adequate parking, turning radius, grade maximums, and roadside fuel modification zones. As concluded in Section 5.8.3.4 of the SEIR, the Assisted Living Facility would have adequate emergency access.</p> <p>Please also refer to MR-2, Wildfire Hazards and Evacuation.</p> <p><b>O2-81</b> The comment is a conclusion stating that all issues and items disclosed in previous sections be reanalyzed and reevaluated. The comment does not raise an issue related to the adequacy of any specific section or analysis of the SEIR. No further response is required.</p> <p><b>O2-82</b> This comment includes the qualifications of the commenter and a copy of the City's TSM. The comment does not raise an issue related to the adequacy of any specific section or analysis of the SEIR. No further response is required.</p> <p><b>O2-83</b> This comment includes an article about wildfire. The comment does not raise an issue related to the adequacy of any specific section or analysis of the SEIR. No further response is required.</p> <p><b>O2-84</b> This comment includes a minute order for another project. The comment does not raise an issue related to the adequacy of any specific section or analysis of the SEIR. No further response is required.</p>
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<p style="text-align: right;"><b>Comment Letter 03</b></p>	<p style="text-align: center;"><b>Response to Comment Letter 03</b></p>
<p>June 26, 2023</p> <p>Email to DSDEAS@SanDiego.gov</p> <p>Sara Osborn                      City of San Diego Development Services Center                      1222 First Avenue, MS 501                      San Diego, CA 92101</p> <p>Subject: El Camino Real Assisted Living Facility Project Number 675732</p> <p>Thank you for the opportunity to comment on the Draft SEIR for the proposed El Camino Real Assisted Living Facility. The Friends is a non-profit organization that supports the San Dieguito River Park Concept Plan focusing on the River Valley's natural resources, rural character and visual quality. The site for the proposed project is in one of the Park's Focused Planning Areas (FPA): the Gonzales and La Zanja Canyons Landscape Unit, as well as in the North City Future Urbanizing Area Framework Plan (NCFUA). We understand the City will use this SEIR to consider the discretionary permits required to approve the Assisted Living Facility project because it does not meet the City's underlying AR 1-1 zone that allows only low density single family housing. We are concerned that the project also does not meet either the River Park's Concept Plan or the NCFUA Framework Plan "implementing Principles."</p> <p>Section 5.1 Land Use</p> <p>5.1-98 San Dieguito River Park Concept Plan</p> <p>The last paragraph in this section is inaccurate. It states that the "...development standards of the Concept Plan are provided in Table 5.1-3 for informational purposes only. Importantly where there is a substantive conflict between the provision of the Concept Plan and any City regulation or policy, the City regulation or policy shall take precedence over the Concept Plan (City of San Diego 2006)." The May 18, 2006 Report to City Council in fact states "The City's purpose of the addendum is to establish that the Concept Plan is to serve as a guiding document for regional park planning and park facilities in the FPA (Park's Focused Planning Area) and that its acknowledgement and acceptance by the City of San Diego does not result in any modification of existing jurisdictional boundaries, change existing zoning or land use plans or add new development regulations." In fact, approval of the Project depends on modifying the existing zoning and land use plans. Again, the underlying zone AR 1-1 allow only single family housing unless the City approves a Conditional Use Permit which we feel is evidently supported without sufficient justification by the Draft EIR.</p> <p>Table 5.1-3 Assisted Living Facility's Consistency with the San Dieguito River Park Concept Plan</p> <p>Page 5.1-99 The Analysis states that the proposed project would be "surrounded by existing development to the north, west and south..." This is not true. In fact the recently restored Lagoon</p>	<p style="text-align: center;"><b>Friends of the San Dieguito River Valley                      June 26, 2023</b></p> <p><b>03-1</b> The comment is an introduction and expresses general concerns to be described in more detail in comments to follow. Please refer to Responses to Comments (RTCs) below.</p> <p><b>03-2</b> As shown in SEIR Table 5.1-3, the project would be consistent with the policies and standards set forth in the San Dieguito River Park Concept Plan. Additionally, where there is a substantive conflict between the provisions of the Concept Plan and any City regulation or policy, the City regulation or policy shall take precedence over the Concept Plan (City of San Diego 2006). Please refer to MR-1, Land Use and Zoning Consistency, regarding what is allowed within the project's zoning.</p> <p><b>03-3</b> The comment disagrees with the description of the surrounding area. The comment does not raise an issue related to the adequacy of any specific section or analysis of the SEIR. No further response is required.</p> <p><b>03-4</b> Please refer to MR-1, Land Use and Zoning Consistency.</p> <p><b>03-5</b> As described in SEIR Section 5.1.3.1, the Assisted Living Facility would provide greater than the minimum 20-foot setback from adjacent properties in accordance with the zoning (AR-1-1). More specifically, the Assisted</p>



<p>landscape extending from the mouth of the San Dieguito Lagoon at the Pacific Ocean eastward to El Camino Real is directly to the west. This area provides hiking trails and views to the ocean: there is no development; it is considered the “western gateway to the river valley.” It includes a trail head with parking for visitors and information about the Park. To the north there are two churches: one is two stories tall and the second has a dome/steeple (not a third floor) that is outlined by views of and toward the San Dieguito River Valley. To the south there is ONLY low density single family housing. “Surrounded by existing development” is an inaccurate description of the area.</p>	 03-3 Cont.	<p>Living Facility is providing setbacks of 45 feet (north side yard), 187 feet 7 inches (back), 30 feet (south side yard), and 63 feet 9 inches (front), which would allow for the increased height of 40 feet per San Diego Municipal Code (SDMC) Section 131.0344. As further discussed in the SEIR, despite the identified inconsistency between the proposed project and the Concept Plan due to the height of the building, the City’s adopting resolution of the Concept Plan (Resolution Number R-301582) states that “where there is a substantive conflict between the provisions of the Concept Plan and any City regulation or policy, the City regulation or policy shall take precedence over the Concept Plan” (City of San Diego 2006).</p>
<p>Further, the statement that the project is “consistent with the underlying AR-1-1 Zone and is therefore consistent with existing development in the area” is not accurate. Development of a three story, 40 ft. high, 105,568 sf building with 105 rooms and supporting amenities is NOT consistent with either the zone or the existing adjacent 2-story low density single family housing. The San Diego Municipal Code reads: “The purpose of the AR (Agricultural—Residential Zones) is to accommodate a wide range of agricultural uses while also permitting the development of single dwelling unit homes at a very low density.” The project is ONLY possible if the City’s approves of a number of discretionary permits, e.g.: CUP Amendments, an Uncodified CUP Ordinance, SDP Amendment and NUP in order to override the provisions of the Concept Plan put in place by the City of San Diego “... that ensure the preservation of the San Dieguito River Valley’s sensitive resources, rural character and visual quality and to provide the concept or “framework” for the creation of future open space recreational amenities within the planning area.”</p>	 03-4	<p><b>03-6</b></p>
<p>Assisted Living Facility’s Consistency with the San Dieguito River Park Concept Plan Table 5.1-3, on page 5.1-108, the Recommended Standard column reads:</p>	 03-5	<p>The project is consistent with North City Future Urbanizing Area (NCFUA) Framework Plan development Alternative 3, which allows for development pursuant to Conditional Use Permit regulations “provided that the conditional uses are natural resource dependent, non-urban in character and scale, or are of an interim nature which would not result in an irrevocable commitment of the land precluding future uses” (City of San Diego 1992). The Assisted Living Facility has been designed to be non-urban in character and scale and is consistent with the applicable NCFUA Framework Plan policies. Please also see RTC 03-5 for discussion regarding SDMC precedence over the NCFUA Framework Plan.</p>
<p>“Structures located within the view of the FPA should be generally low in profile and utilize upper story setbacks so as not to be visually prominent as viewed from within the valley floor. In highly visible areas, the building height should not exceed a basic limit of 15 feet...except for an area limited to 20 percent of the total floor area which may exceed the basic height limit of 15 feet up to a maximum of 30 feet. Under no circumstances shall structures be greater than 30 feet in height at any point of the structure measured from natural existing grade.” The SEIR’s Analysis column admits that “The proposed project would have a height of 40 feet but also states that “the proposed structure is located behind churches and would not be highly visible from the valley floor” and is therefore consistent with the Concept Plan. This is not true. Further the SEIR claims that “where there is a substantive conflict between the provisions of the Concept Plan and any City regulation or policy shall take precedence...” This is an assumptive statement. ?????? In fact, we hope the City will consider the Concept Plan, the NCFUA Plan and the Municipal Code when it considering discretionary permits.</p>	 03-5	
<p>Page 5.1-113, Significance of Impact, line 7 reads</p>	 03-6	
<p>“The Assisted Living Facility is considered to be consistent with the General Plan and NCFUA Framework Plan and therefore, impacts as they relate to Issue 1. “Would the project result in a conflict with the environmental goals, objectives and recommendation of the community plan in which it is located? For</p>		
<p>Page 2 of 5 in Comment Letter 03</p>		

<p>this area, the NCFUA Framework Plan functions as the community plan. ...this plan is discussed below and the impacts are considered to be less than significant. " These statements are not accurate. First the Municipal Code for the A-1-1 zone limits the uses on this property to very low density housing and the NCFUA Framework Plan pages 71-72 states:</p> <p>"These regulations apply to development adjacent to significant natural areas such as the environmental tier, other significant topographic feature, and the San Dieguito River Valley Regional Open Space Park Focused Planning Area.</p> <p>Section 4.10e The development pattern in hillside areas should be designed so that structures do not stand out prominently when seen from a distance.</p> <p>Section 4.101 Structures located within view of the park, within 200 feet vertically and 50 feet horizontally of a ridgeline, shall be set back and be low in profile so as not to be visually prominent from the future park.</p> <p>4.10o Rooflines shall vary in angle and height to provide a changing profile."</p> <p>Again there is no validity that the Project takes precedence over the Concept Plan and is consistent with the NCFUA Framework Plan related to structure, height limitations or any other provisions of the Concept Plan. The City decision-makers will determine what is consistent, or not, with the Concept Plan and the Framework Plan. We feel this must be clarified in the SEIR.</p> <p>Page 5.1-113 SIGNIFIGANCE OF IMPACT</p> <p>This section says "with approval of the (various discretionary permits)...the Assisted Living Facility would be consistent with the underlying AR-1-1." Therefore, the SEIR continues, the impact of the project is considered to be "less than significant." The SEIR fails to inform readers of the project's impact even if the discretionary permits are approved. This is a serious omission and fails to meet the purpose of an EIR to identify the significant effects of a project on the environment. One of the more blatant sentences in this section, on page 5.1-20 is the statement "...the building design and site plan of the Assisted Living Facility would be consistent in bulk and scale to (the) surrounding development." In fact the surrounding development is low density single family housing, the San Dieguito River Park with restored wetlands and natural canyons for hiking and biking and a two-story church. The building of a three story, 105,568 sf facility (twice as big as the existing church building with the 90 foot dome) in this area would have a significant impact. And there are no other three story buildings in the planning area. The Assisted Living three-story project would be the first, setting a risky precedent for future development proposals in the River Park's 14 landscape units beginning at the Pacific Ocean going all the way east to Vulcan Mountain in the Julian area.</p> <p>On page 5.1-115</p> <p>The SEIR suggests that the project would allow for "a reasonable accommodation to afford disabled persons the equal opportunity to use and enjoy a dwelling." Neither the current zoning, the Concept</p> <p style="text-align: center;">Page 3 of 5 in Comment Letter 03</p>	<p><b>03-7</b> Please refer to Response to Comment MR-1, Land Use and Zoning Consistency and I1-10 regarding the project's consistency with the surrounding area.</p> <p><b>03-8</b> Please refer to MR-1, Land Use and Zoning Consistency. Regarding the statement that a two-story project would be possible, an Economic Alternatives Analysis was prepared to analyze the economic feasibility of the proposed alternatives, included as Attachment 1 of these responses to comments. As concluded in the review of the study, any alternative that would result in fewer units than what is proposed was considered financially infeasible. Therefore, the Reduced Height Alternative was rejected from further analysis as it is not economically feasible and would not reduce environmental impacts as the proposed Assisted Living Facility would not result in a significant impact under CEQA associated with height, through compliance with code (see Section 9.5.4 of the SEIR for details).</p> <p><b>03-9</b> The City's CEQA Significance Determination Thresholds for visual impacts are described under SEIR Section 5.9.3. For clarification, the Church project and the Assisted Living Facility component were both determined to have less-than-significant impacts related to obstruction of a public scenic vista. As described under SEIR Section 5.9.3.1, the NCFUA Framework Plan identifies the project site as an area of Medium Scenic Value, with the nearby San Dieguito Lagoon and Gonzales Canyon designated as High Scenic Value. Major public vantage points with views across the project site area to these scenic resources continue to</p>
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Plan nor the NCFUA Framework Plan eliminate that opportunity. For instance, a two story project would be possible. See Alternatives discussion further down.

5.9 Visual Effects and neighborhood Character

In the SEIR's Table ES-2 Public Scenic Vista Obstruction is determined to be Less than significant. The project site is surrounded on three sides by the River Park's walking, hiking and horseback riding trails. These include the Dust Devil Trail immediately to the west and the Gonzales Canyon and Los Penaquitos Canyon Reserve trails immediately to the East. The three story 100,000 square foot project would stand out in the landscape. To suggest in the same Table that "Due to the height of the Church dome (90 feet) impacts are considered to be significant and unavoidable" because it is shorter than the Church dome is meaningless. Church steeples/ domes are unique religious structures that do not obstruct vistas, certainly not in a way similar to large three story buildings. It is a flawed comparison. Are we to assume that all buildings on this property under 90 feet, e.g. four or five story buildings will now be considered a "less than significant impact"?

Figure 5.9-37 The graphic of the landscape with the project's outline at the far right (see below), is misleading. The Senior Assisted Living project appears blended into the background when in fact it is twice as large as the Church on the left and a story higher than the buildings on the lower right or the single family homes behind it. We feel this graphic is deceptive and inappropriately included as part of the Visual Effects and Neighborhood Character review process.



We would also point out that this project would be the first and only three story development in this Park's Focused Planning area. This would be a stunning departure from other buildings in the River

03-8  
Cont.

03-9

03-10

03-11

consist of Interstate 5, Overlook Park, El Camino Real, Gonzales Canyon trails, and San Dieguito Lagoon area trails (including the Dust Devil Loop trails). Potential impacts to the existing quality of views to and across the site were examined through the lens of key public views (i.e., Views 1 through 6; Figure 5.9-1). As concluded in SEIR Section 5.9.3.1, views of public scenic resources would not be significantly impacted due to distance, consistency of character with surrounding development, existing and proposed landscaping, and the height of the Church in proximity to the project. As described in SEIR Section 1, the SEIR evaluates the changes to the project with the addition of the Assisted Living Facility component, given that the Church project has already been approved. The significant visual impact from the Church project was addressed in the 2014 Church EIR and approved as part of the 2014 Church Project.

**03-10**

Information about the size and scale of the Assisted Living Facility are included in the SEIR. The Assisted Living Facility would be three stories and 40 feet tall. As discussed in Chapter 5.9.3 of the SEIR, the Assisted Living Facility is consistent with height and bulk regulations and would not create strong scale and mass contrasts with surrounding development. Please also refer to Figure 3-2, Project Rendering, for additional perspective renderings of the project.

**03-11**

Please refer to RTC 03-5.

**03-12**

As described in the SEIR, the CEQA Guidelines specify that an EIR should (1) identify alternatives that were

<p>Park's Gonzales and La Zanja Canyons Focused Planning Area and set a damaging precedent inconsistent with the River Park's goals, objectives and development standards in the River Valley Park as well as the North City Future Urbanizing Area Framework Plan.</p> <p>03-11 Cont.</p> <p>CHAPTER 9--ALTERNATIVES</p> <p>9.5.4 4<sup>th</sup> line: "Although various NOP comments expressed concern regarding the height of the proposed Assisted Living Facility, because the Assisted Living Facility would be consistent with the AR-1-1 zoning, which allows for an increase in height when setbacks are increased, the proposed Assisted Living Facility would not result in a significant impact under CEQA associated with height, through compliance with code. (and) due to highest of construction...the reduced number of units...the reduced number of units (developed) under the Reduced Height Alternative would not be feasible."</p> <p>This is a non-sequential statement. "CEQA requires state and local government agencies to inform decision makers and the public about potential environmental impacts of proposed project and to reduce those environment impacts to the extent feasible. Must make findings, where significant environmental effects remain after the adoption of mitigation measure, the Lead Agency must make detailed findings, based on substantial evidence, regarding the feasibility of alternatives that would avoid or substantially lessen the effects." The draft EIR has no analysis of why a reduced height was not feasible other than to say "would not be feasible" due to the high cost of construction and the reduced number of units under operation."</p> <p>03-12</p> <p>Further, the statement that Alternative 1- No project/No Build Alternative the project site would not be developed and...would remain in its present condition, consisting of a vacant graded pad and adjacent open space does not seem likely. Another project more suited to the area could certainly be suggested. A three story building that does not meet the City's Municipal Code requirements and violates the River Valley Concept Plan and the North City Urbanizing Area Framework Plan is not the only option.</p> <p>03-13</p> <p>Ann Gardner, Board Member</p> <p>Friends of the San Dieguito River Valley</p> <p>CC: City Council Member Joe LaCava (District One)</p> <p>City Council Member Marni vonWilpert (District Five)</p> <p style="text-align: center;">Page 5 of 5 in Comment Letter 03</p>	<p>considered by the lead agency but were eliminated from detailed consideration because they were determined to be infeasible during the scoping process, and (2) briefly explain the reasons underlying the lead agency's determination (14 CCR 15126.6[c]). Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are (1) failure to meet most of the basic project objectives; (2) infeasibility; or (3) inability to avoid significant environmental impacts. As described in SEIR Section 9.5.4, and the Economic Alternatives Analysis conducted for the project, the reduced height alternative would not only be economically infeasible due to the reduced number of units, but also would not substantially reduce a significant impact of the Assisted Living Facility because the Assisted Living Facility would not result in a significant environmental impact related to height.</p> <p><b>03-13</b> CEQA Guidelines, Section 15126.6(e), requires that an EIR evaluate a "no project" alternative. The SEIR did evaluate other options for the Assisted Living Facility parcel; however, these alternatives were rejected. Please refer to SEIR Section 9.5 for additional details.</p>
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**Comment Letter I1**

**From:** Szymanski, Jeffrey <JSzymanski@sanidiego.gov> on behalf of DSD EAS <DSDEAS@sanidiego.gov>  
**Sent:** Thursday, June 15, 2023 12:31 PM  
**To:** Szymanski, Jeffrey  
**Subject:** FW: [EXTERNAL] El Camino Real Assisted Living Facility/ 675732

**From:** Courtney Tanner <courtneyantanner@gmail.com>  
**Sent:** Thursday, May 25, 2023 1:38 PM  
**To:** DSD EAS <DSDEAS@sanidiego.gov>  
**Subject:** [EXTERNAL] El Camino Real Assisted Living Facility/ 675732

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

RE: Subsequent Environmental Impact Report for El Camino Real Assisted Living Facility/ Project No. 675732

Dear City of San Diego,

Based on the Subsequent Environmental Impact Report (EIR) for El Camino Real Assisted Living Facility/ Project No. 675732, I strongly urge you to vote **NO** on this development. This report clearly concludes this development **"would result in significant environmental impacts"**. No mitigation measures will stop this development from destroying our natural resources and community!

The City needs to consider the full impact this Assisted Living Facility will have on our community. This development WILL physically divide an established community.

Outlined below are the key reasons this development is not right for our community.

**PLEASE VOTE NO on PROJECT. 675732/EL CAMINO ASSISTED LIVING FACILITY**

Thanks for your time and review,

Courtney Tanner

858-531-1077

**TRAFFIC/TRANSPORTATION:**

- This Assisted Living development is being treated as a separate entity for the traffic category, conveniently, but multiple buildings are already approved for this church development, which are all being accessed by the **SAME entrance and exit, one way in, one way out**. The church can seat 350 people and three accessory buildings are also listed in plans to construct....where can all these cars park and enter/exit safely?
- The Assisted Living Facility parcel will only have 57 total parking spaces - what happens every Sunday during church service and parking for 350 people, plus the Assisted Living Facility residence, staff, and visitor?

I1-1

I1-2

**Response to Comment Letter I1**

**Courtney Tanner  
 May 25, 2023**

- I1-1** The comment expresses opposition for the proposed project and is an introduction to the comments that follow. The comment does not raise an issue related to the adequacy of any specific section or analysis of the SEIR. No further response is required.
- I1-2** Please see MR-2, Wildfire Hazards and Evacuation, and Responses to Comments (RTCs) O2-72 and O2-75.
- I1-3** Please see RTC O2-75.
- I1-4** It is correct that the project's right-in/right-out access would require vehicles to make U-turns at adjacent intersections. The access analysis (Appendix H.1 of the SEIR) analyzed the addition of project traffic to existing and forecasted traffic volumes at the El Camino Real/San Dieguito Road and El Camino Real/Sea Country Lane intersections, including the U-turns (see Figures 3.2, 3.3, 6.6, 6.7, 7.3, and 7.4 of the Access Analysis included as Appendix H.1). As shown in the intersection analysis of without and with project conditions in the Access Analysis, the intersections along El Camino Real operate at level of service D or better, which is considered an acceptable operating condition.
- I1-5** The project site is zoned as Agricultural Residential (AR-1-1) and designated in the General Plan as Residential and



<ul style="list-style-type: none"> <li>• Access to the Assisted Living Facility parcel would be provided via one right-in/right-out only driveway along El Camino Real and an ingress/egress access easement through the Church parcel to the north.</li> <li>• The Assisted Living Facility's emergency access route would be provided through the same site access as described above. Emergency vehicles would enter the site via El Camino Real and travel south to the Assisted Living Facility access point.</li> <li>• This entrance is at the bottom of the (El Camino Real) hill and in the middle of the blind curve. People that don't live here have no idea that this road is like a freeway. Cars are going an average speed of 60mph heading North and is dangerous for cars trying to enter/exit this Church campus on a blind curve.</li> <li>• There have been 13 collisions during the last five years, involving head-ons, high speeds, bicyclists, and influenced drivers, that's above average. El Camino Real along this downhill curve is used daily by bikers, who's safety risk will greatly increase with hundreds of cars trying to access this sharp entrance. Again, very dangerous for our community and safety of residents.</li> <li>• The other issue, there is NOWHERE to turn into this church/assisted living development if coming from the north (Via de La Valle). The ONLY WAY to get to their entrance is by making a U-TURN at our traffic light (Sea Country Rd), and if you are coming from the south, you will have to make a U-turn at the San Dieguito Rd/El Camino Real stop light to go southbound.</li> <li>• Emergency vehicles don't have direct access to this facility, being LANDLOCKED, again if coming from the north (Via de La Valle) they would have to U-turn at our entrance (Sea Country Rd intersection).</li> </ul> <p><b>AGRICULTURAL RESOURCES/ENVIRONMENTAL IMPACT:</b></p> <ul style="list-style-type: none"> <li>• This development is located in the sensitive San Dieguito River Valley, a natural ecological and wildlife preserve. This would disrupt the sensitive wildlife and environment that we live in. Our community has been zoned for LOW-DENSITY RESIDENTIAL USE ONLY... A 3-story, 40ft tall, 105 dwelling units with 122-beds, does NOT fall under "low density" residential use</li> <li>• The impacts would be devastating to our community, surrounding area, and goes against our community plan!</li> <li>• This land is used for a breeding ground for the California horned lark (Species of Special Concern), yellow warbler (Species of Special Concern), least Bell's vireo (Federal and State listed as endangered, MSCP-covered species), and white-tailed kite (CDFW Protected and Fully Protected Species)</li> <li>• Two special status bird species were directly observed within the study area during a field reconnaissance: California gnatcatcher and yellow warbler: both birds are a fully protected species</li> <li>• The Assisted Living Facility would result in significant indirect impacts (Impact BIO-1) to the following special- status birds: California horned lark (Species of Special Concern), yellow warbler (Species of Special Concern), least Bell's vireo (federally and state-listed as endangered, MSCP-covered species), and white-tailed kite (CDFW Protected and Fully Protected Species) nesting.</li> <li>• Possible archaeological/paleontological material may be buried on this land. Tribal cultural resources have been found in adjacent land plot.</li> </ul> <p><b>LAND USE/ ZONING:</b></p> <ul style="list-style-type: none"> <li>• They are proposing a 105,568 SF, three-story facility, 40ft tall that covers 70% of the parcel, which is well over the maximum allowable structure per the zoning requirements. The lot is zoned for AGRICULTURE -LOW DENSITY SINGLE DWELLING RESIDENTIAL ONLY. (AR-1-1)</li> <li>• They are trying to change the zoning on this parcel, which will require a zoning change and amendments</li> <li>• The project site is designated as Residential and Park, Open Space and Recreation in the General Plan's Land Use Element. In addition, the project is located within the northwestern extent of the North City Future Urbanizing Area (NCFUA) Framework Plan. The project site is located in Subarea II of the NCFUA Framework Plan and within the Coastal Zone Boundary (City of San Diego 1992). According to the Land Use element of the NCFUA Framework Plan, the site is designated as Very-Low Density Residential and Environmental Tier</li> </ul> <p style="text-align: center;">2</p> <p style="text-align: center;">Page 2 of 3 in Comment Letter I1</p>	<p style="text-align: center;">I1-2 Cont.</p> <p style="text-align: center;">I1-3</p> <p style="text-align: center;">I1-4</p> <p style="text-align: center;">I1-5</p> <p style="text-align: center;">I1-6</p> <p style="text-align: center;">I1-7</p> <p style="text-align: center;">I1-8</p> <p style="text-align: center;">I1-9</p> <p>Park, Open Space and Recreation. As discussed in SEIR Section 3.5, Discretionary Actions, a Conditional Use Permit (CUP) Amendment would allow the proposed Assisted Living Facility in the AR-1-1 zone, and an Uncodified CUP Ordinance would allow development of a nursing facility with a CUP in the AR-1-1 zone and within Proposition A lands Please also see MR-1, Land Use and Zoning Consistency.</p> <p>As described in Chapter 3, Project Description, and Section 5.4, Biological Resources, with implementation of Mitigation Measures, Project Design Features, and Compliance Measures, impacts to biological resources would be less than significant.</p> <p><b>I1-6</b> This comment raises concerns about the impacts to the following nesting special-status birds: California horned lark (<i>Eremophila alpestris actia</i>; Species of Special Concern), yellow warbler (<i>Setophaga petechia</i>; Species of Special Concern), least Bell's vireo (<i>Vireo bellii pusillus</i>; federally and state-listed as endangered, Multiple Species Conservation Plan [MSCP] covered species), and white-tailed kite (<i>Elanus leucurus</i>; California Department of Fish and Wildlife [CDFW] Protected and Fully Protected Species). As discussed in SEIR Section 5.4, Biological Resources, potentially significant indirect impacts (Impact BIO-1) to these nesting special-status birds would be mitigated to below a level of significance through MM-BIO-1, resource protections during construction, and MM-BIO-2, avoidance of special-status avian species.</p>
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<ul style="list-style-type: none"> <li>• Zoning for the project site is currently designated by the City as Agricultural-Residential (AR-1-1). <b>Staff determined that nursing facilities are not permitted in agricultural zones on Proposition A Lands pursuant to SDMC Section 141.0413(a).</b></li> <li>• This Assisted Living Facility is for PROFIT by a private medical company, this is NOT for Affordable Housing to help Seniors, unfortunately. The proposed 105 units would include 87 assisted living units and 18 memory care units. A total of 124 beds would be provided, including 104 assisted living beds and 20 memory care beds. The assisted living unit would include 15 studios, 55 one-bedroom units, and 17 two-bedroom units.</li> <li>• This Proposed Facility does NOT fit in our Community plan, and is too DENSE and OVERSIZED for this parcel of land</li> <li>• Zoning for the project site is currently designated by the City of San Diego's Municipal Code (SDMC) as AR-1-1. Under Section 131.0331 of SDMC (see Table 131-03C), the standard structure height limit within the AR-1-1 zone is 30 feet; however they want to build a 40ft tall structure</li> <li>• Develooppment will exceed the allowed height or bulk regulations, and this excess results in a substantial view blockage from a public viewing; "extensive" view blockage from neighboring residential community</li> </ul> <p><b><u>FIRE HAZARD/SAFETY:</u></b></p> <ul style="list-style-type: none"> <li>• This proposed development would be LANDLOCKED with only one way in and out, using the same entrance/exit of the church off El Camino Real. The oversized facility being proposed would be backed up to a canyon that is at extreme risk of WILDFIRE with only one way out.</li> </ul> <p><b><u>PROXIMITY:</u></b></p> <ul style="list-style-type: none"> <li>• 40ft height, looming over adjacent homes.</li> </ul> <p><b><u>NOISE/CONSTRUCTION:</u></b></p> <ul style="list-style-type: none"> <li>• To build this structure is going to be a significant impact for ALL, especially those living near this development. The construction noise dirt, dust, disturbing our community for the duration of construction. We would not have a quiet, peaceful community anymore.</li> <li>• Construction noise levels would exceed the City's adopted Noise Ordinance, San Diego Municipal Code, Section 5.9.5.0404</li> <li>• Ambient Noise Increase</li> <li>• Light pollution from the 24/7 parking lot lights.</li> <li>• Ambulance, emergency vehicles will be on the rise and more frequent with this development</li> </ul> <p style="text-align: center;">3</p> <p style="text-align: center;">Page 3 of 3 in Comment Letter I1</p>	<p><b>I1-7</b></p> <p>Paleontological monitoring is required by City regulations for projects that exceed certain thresholds. As described in SEIR Section 3.7, Paleontological Resources, the Assisted Living Facility's grading activity would exceed the 1,000 cubic yard threshold for excavation within a moderate resource potential geologic unit, the Assisted Living Facility is subject to the grading ordinance (San Diego Municipal Code Section 142.0151) and the requirement for paleontological monitoring, which would be made a condition of approval, per Compliance Measure (CM) PAL-1 Per CM-PAL-1, if paleontological resources are discovered during grading, all grading in the area of discovery shall cease until a qualified paleontological monitor has observed the discovery, and the discovery has been recovered in accordance with the General Grading Guidelines for Paleontological Resources.</p> <p>As described in SEIR Section 5.11, Tribal Cultural Resources, the Assisted Living Facility parcel area of potential effect does not contain any known resources that are considered a significant cultural resource under CEQA (C14 CCR 15064.5) or under cultural guidelines for the City. With implementation of MM-CUL-1, which requires a qualified archaeological monitor and Native American monitor to monitor areas with potential to yield subsurface archaeological resources, tribal cultural resource impacts would be less than significant. In addition, the City sent Assembly Bill 52 consultation notices on June 10, 2022, to tribes that are traditionally and culturally affiliated with the project area and have requested notifications. No response was received, and</p>
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	<p>consultation was closed on July 11, 2022. Overall, there are no known significant tribal cultural resources on the project site.</p> <p><b>I1-8</b> This comment asserts that the project is inconsistent with the existing zoning requirements. As described in SEIR Section 5.1, Land Use, the Assisted Living Facility would be consistent with the AR-1-1 zoning, which requires minimum 10-acre lots and establishes a maximum structure height of 30 feet, a minimum side yard setback of 20 feet, and a minimum rear yard setback of 25 feet. Included in these zoning regulations is an allowance to increase building height when setbacks are increased; this is not a discretionary action or a deviation, as it is allowed by the zoning ordinance. Because the project would provide greater than the minimum 20-foot setback from adjacent properties in accordance with the zoning (AR-1-1), the proposed structure is allowable per the zoning requirements.</p> <p>Additionally, the maximum lot coverage for AR-1-1 is 10%. As discussed in SEIR Section 5.1.3, the lot coverage of the project site would be 10%, consistent with the AR-1-1 zone.</p> <p>Adoption of the uncodified ordinance, a component of the project, would make the project consistent with the underlying zoning by exempting the project from San Diego Municipal Code (SDMC) Section 141.0413(a). Therefore, the Assisted Living Facility would be</p>
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	<p>consistent with the existing zoning framework and would not require a zone change.</p> <p><b>I1-9</b> This comment describes the existing land use designation of the project site. The comment states that the project site is designated as Residential and Park, Open Space and Recreation in the General Plan's Land Use Element and is designated as Very Low-Density Residential and Environmental Tier in the North City Future Urbanizing Area (NCFUA) Framework Plan. These designations are correct, and, as discussed in SEIR Section 5.1.3, the project would not conflict with the General Plan or the NCFUA Framework Plan (see SEIR Section 5.1.3.1 for details). The proposed Assisted Living Facility would be limited to the disturbed area of the site and the Multi-Habitat Planning Area (MHPA) (Environmental Tier) would be preserved by a Covenant of Easement. In addition, as shown in Table 5.1-1, the Assisted Living Facility would be consistent with all applicable goals and policies contained within the City's 2008 General Plan. This comment further states that nursing facilities are not permitted in agriculture zones on Proposition A lands pursuant to SDMC Section 141.0413(a). Please also see MR-1, Land Use and Zoning Consistency.</p> <p><b>I1-10</b> This comment argues that the proposed project is not affordable housing and would not fit in the Community Plan.</p> <p>The comment correctly describes the number of beds proposed under the project. As described in SEIR</p>
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	<p>Section 5.1.3, the Assisted Living Facility is consistent with the AR-1-1 zone. Per SEIR Section 3.3.2.1, the Assisted Living Facility would provide greater than the minimum 20-foot setback from adjacent properties in accordance with the zoning (AR-1-1). More specifically, the Assisted Living Facility is providing setbacks of 45 feet (north side yard), 187 feet 7 inches (back), 30 feet (south side yard), and 63 feet 9 inches (front), which would allow for the increased height of 40 feet per SDMC 131.0344. The Assisted Living Facility would not exceed 40 feet in height and would be consistent with the applicable AR-1-1 development regulations of the SDMC, given the increased setback of 20 feet. According to SDMC Section 131.0331, Table 131-03C, the maximum lot coverage for AR-1-1 is 10%. The lot coverage of the Assisted Living Facility would be 10%, consistent with the AR-1-1 zone. Through compliance with those AR-1-1 zone requirements, the building design and site plan of the Assisted Living Facility would be non-urban in character and consistent in bulk and scale to surrounding development. Lastly, as a clarification, the Assisted Living Facility is within an area that is not covered by a typical community plan but is located within the NCFUA Framework Plan. The Framework Plan does not require deed-restricted affordable units. As described in SEIR Section 5.1.3, the Assisted Living Facility would be consistent with the NCFUA Framework Plan because the project is non-urban in character and would not require a phase shift and a citywide vote.</p>
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	<p><b>I1-11</b> This comment raises concerns about the project exceeding the height for the existing AR-1-1 zone's standard height limit in the SDMC. The commenter expresses concerns relating to aesthetics and view blockage from the neighboring residential community. As discussed in SEIR Section 3.3.2.1, Building and Site Design, an additional 10 feet of building height is allowed per each 10 feet increase of setbacks per SDMC 131.0344. The project would provide greater than the minimum 20-foot setback from adjacent properties in accordance with the zoning (AR-1-1). The project is providing setbacks of 45 feet (north side yard), 187 feet 7 inches (back), 30 feet (south side yard), and 63 feet 9 inches (front), which would allow for the increased height of 40 feet per SDMC 131.0344. Private views from residential communities are not protected under CEQA and impacts to the same are not considered "environmental impacts" under CEQA. As described in SEIR Section 5.9, Visual Effects, the Assisted Living Facility would result in less-than-significant impacts related to public scenic vista obstructions.</p> <p><b>I1-12</b> This comment expresses concern with the wildfire hazard of having only one way in and out of the site. A Fire Fuel Loading Modeling Report (FFLMR) was prepared for the project, included in the SEIR as Appendix O. As described in the FFLMR, the entire Assisted Living Facility site will be maintained in a condition that will consist of an irrigated landscape area along with a paved hardscape development area surrounding all sides of the building to the property line/MHPA line or 100 feet from the structure. The</p>
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	<p>FFLMR provides both City and state fire and building code required elements for construction, as well as enhanced, City and state alternative compliance measures along the eastern side of the structure where non-conforming Brush Management Zones occur adjacent to the MHPA. With the implementation of the alternative compliance requirements outlined in the FFLMR, the Assisted Living Facility is expected to reduce risks to future occupants of the Assisted Living Facility and would not exacerbate wildfire risks.</p> <p>Additionally, project site access, including road widths and connectivity, will meet the City code requirements and be consistent with the 2022 CFC. The project access road will comply with all fire apparatus access road standards set forth in CFC Section 503. The access roads will be designed to accommodate a 75,000-pound minimum imposed load of fire apparatus and shall be surfaced to provide all-weather capabilities. The fire apparatus access road shall have an unobstructed width of no less than 20 feet exclusive of shoulders and have an unobstructed vertical clearance of 13 feet and 6 inches (CFC Section 503.2.1).</p> <p>With implementation of the requirements outlined in the FFLMR, wildfire impacts would be less than significant, and the project would have adequate emergency access. Please also see MR-2, Wildfire Hazards and Evacuation, and RTC O2-47.</p>
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	<p><b>I1-13</b> This comment states the building height and setbacks. Please refer to RTC I1-11.</p> <p><b>I1-14</b> This comment expresses concern with the proposed project's construction and noise impacts. The comment states that construction noise impacts would exceed the noise levels in the City's adopted Noise Ordinance, SDMC 59.5.0404. As described in SEIR Section 5.10, Noise, due to the proximity of the construction activities to nearby residences, construction noise levels would potentially exceed the City's construction noise threshold of 75 A-weighted decibel (dBA) equivalent noise level. However, implementation of MM-NOI-1 would yield a minimum of 10 dBA in construction noise reduction during the grading phase of the project. Per MM-NOI-1, construction noise impacts would be mitigated fully using a combination of the following measures: administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances to the nearest receiving occupied off-site property), engineering controls (change equipment operating parameters [speed, capacity, etc.] or install features or elements that otherwise reduce equipment noise emission [e.g., upgrade engine exhaust mufflers]), and installation noise abatement on the site's southern boundary fencing in the form of sound blankets having a minimum sound transmission class of 20 or comparably performing temporary solid barriers. To minimize dust impacts, CM-AIR-1 requires the project to comply with the San Diego Air Pollution Control District Rule 55, Fugitive Dust Control. This includes watering the site during</p>
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	<p>grading activities twice a day and reducing vehicle speed on unpaved roads to 15 miles per hour.</p> <p>In addition, no significant operational noise impacts are expected as a result of the project; the project is a low-intensity use. Project traffic to the roadway network would result in a noise increase of less than 3 decibels, which is not a noticeable change for the average healthy human ear. Operation of stationary sources (air-conditioning, rooftop HVAC units, and the on-site outdoor transformer) would result in less-than-significant noise impacts at Stallion's Crossing, the nearest residential receptor. As concluded in SEIR Section 5.10, Noise, noise impacts would be less than significant. Please also see RTC O2-42 regarding MM-NOI-1.</p> <p><b>I1-15</b> This comment notes concern for light pollution from the 24/7 parking lot lights. Potential impacts to light/glare associated with project lighting are addressed in SEIR Section 5.9, Visual Effects. All lighting would be directed downward, shielded, of the minimum intensity to ensure adequate illumination and safety, and would comply with the City's Outdoor Lighting Regulations. Additionally, development on the Assisted Living Facility parcel would be setback from the adjacent MHPA line and Stallion's Crossing residential development, and these uses would be buffered from developed facility features (e.g., pathways, gardens, courtyards) by landscaping. As such, impacts related to light generated by the Assisted Living Facility would be less than significant.</p>
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	<p><b>I1-16</b> This comment notes concern for the rise in frequency of emergency vehicles because of the project. The number of emergency vehicles anticipated with the project is not a CEQA issue. Additionally, the comment does not address an inadequacy or deficiency in the EIR analysis. As described in SEIR Section 7.8, Public Services and Utilities, the project would not result in a substantial increase in population, as the project serves residents already living in the region. These residents already generate emergency vehicle trips. Therefore, the project would not result in a significant increase in the frequency of emergency vehicle trips in the region. Additionally, the addition of the proposed Assisted Living Facility is not anticipated to result in the need for new or expanded fire, police, library, or other public service facilities.</p>
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**Comment Letter I2**

**From:** Szymanski, Jeffrey <JSzymanski@saniego.gov> on behalf of DSD EAS <DSDEAS@saniego.gov>  
**Sent:** Tuesday, June 20, 2023 1:15 PM  
**To:** Szymanski, Jeffrey  
**Subject:** FW: [EXTERNAL] SEIR

-----Original Message-----  
**From:** Brent Fouch <brentfouch@gmail.com>  
**Sent:** Sunday, June 18, 2023 7:37 PM  
**To:** DSD EAS <DSDEAS@saniego.gov>  
**Subject:** [EXTERNAL] SEIR

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

I am opposed to the proposed development of the assisted living facility planned off El Camino Real near Stallions Crossing neighborhood. We are located near horse parks and nature trails. This busy business would create too much noise with ambulances and sirens and traffic. Please find a more suitable location for this type of business.

Sincerely, Brent Fouch

Sent from my iPhone

I I2-1  
 I I2-2  
 I I2-3

**Response to Comment Letter I2**

**Brent Fouch  
 June 18, 2023**

- I2-1** Comment noted. The comment expresses general opposition to the project. The comment does not raise an issue related to the adequacy of any specific section or analysis of the SEIR. No further response is required.
- I2-2** The comment expresses concern over the project's noise impacts located near parks and trails. Noise impacts were discussed in Section 5.10, Noise, of the SEIR. With implementation of MM-NOI-1, the temporary construction-related noise impact of the Assisted Living Facility would be reduced to below the 75 A-weighted decibel equivalent noise level threshold. As discussed in Section 5.10, potential noise effects from vehicular traffic were assessed, and the effects were determined to be less than significant. In addition, implementation of MM-BIO-1 and MM-BIO-2 would reduce indirect impacts to wildlife associated with noise. As such, impacts to existing ambient noise levels would be less than significant after the implementation of mitigation.
- I2-3** The comment suggests finding a different location for the project. SEIR Chapter 9, Alternatives, describes that alternative locations were considered but were ultimately determined to be infeasible and were not analyzed further in the SEIR.

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Comment Letter I3

**From:** Katelyn Wang <katelynwang66@gmail.com>  
**Sent:** Thursday, June 22, 2023 4:48 PM  
**To:** DSD EA5  
**Cc:** Gloria, Todd [External]  
**Subject:** [EXTERNAL] Our HOME: Gonzales Canyon MUST Be Protected

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To my fellow community members:

As the golden wildflowers tilt their petals upwards, the birds rustle on the ground, the wind ruffling their feathers and lifting small rocks from holes in the dirt, the sun beams onto these ripples of life, electrifying the small animals and vibrant plants, all bundles of nature moving as quick as the universe—all of which pauses at a slow step.

An old man—bundled in a brown fleece jacket, long gray pants almost covering his black sneakers, white hairs streaming from his remaining hairline, clutching his cane—stumbles, light yet slow, into this jubilant clutter of nature. This is home. Well, it's the plot of nature next to his house.

See, this old man takes three walks per day: once in the morning at 5am, once after lunch, and once in the evening to catch the last slivers of light before the moon cloaks over his roof. Though he moves slower than the critters furrowing through the golden wildflowers, the joy and epiphany dashing through his veins sends flutters across his heart at speeds only describable by the tongues of youth. He is young again. He is alive. He is free. He is here—on his land, his open space, his home.

Just as much as the animals and flowers call this land their own, he claims it for himself. The flowers remind him of nectar and liveliness.

I watch this old man, suddenly envying him everytime he strolls past my study window. I often wonder how many years he has left on Earth—for how many more months would I witness him lap around my neighborhood scenery—but his aliveness every time when stepping into the fresh aura of infinitely blue sky and lushly never-ending wildflowers makes it feel that his heart is more full than mine own.

We are not all this abundant old man, the scurrying lizard playing tag over the dirt, nor are we the buzzing bird, not even the half plucked golden daisy, but THIS is our HOME. Rosecroft Way has always been a community defined by the wondrous, spacious nature around us. It embodies Gonzales Canyon.

To rid the Stallions Crossing's neighborhood of that space is to rid us of our heartbeat. It is to rid us of our happy breaths, happy moments, perhaps final moments. It is to hack off the beauty and joy that has carried the liveliness of so many of us, young and old, quick and slow, retired and studying, to show us what home truly means.

We are not all this legendary old wanderer of Stallions Crossing, but we are all encompassed by this nature and by its necessary sense of home. We all deserve safety, freedom, and space. We deserve our nature. This is our Gonzales Canyon.

Nothing should shatter this home for us. Not the El Camino Real Assisted Living Facility. Not the destruction of our wildlife corridor. Not the 105,588 square feet of profit.

I3-1

## Response to Comment Letter I3

**Katelyn Wang**  
**June 22, 2023**

I3-1

Comment noted. The comment does not raise an issue related to the adequacy of any specific section or analysis of the SEIR. No further response is required.

You've heard this countless times before, but money can NOT buy happiness. It can buy homes, but NOT our sense of home. And as I peer out my window to view my canyon, only to see the old grandfather trek along its nature, I may never know how many laps this man has left, nor when will be the final day he is able to experience its beauty...but I know one thing: Every. Single. Day. Counts. Besides the inevitable weight of age, his love for our home applies not just to him, but to me—and to you.

Best,  
Katelyn Wang

↑  
I3-1  
Cont.

**Comment Letter I4**

**From:** Elizabeth Nolan <eliznolan@sbcglobal.net>  
**Sent:** Thursday, June 22, 2023 7:02 PM  
**To:** DSD EAS  
**Subject:** [EXTERNAL] Project #675732 El Camino Real Assisted Living Facility

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RE: #675732 El Camino Real Assisted Living Facility

I just became aware of this planned Facility and was frankly surprised that it was even being considered. I felt strongly enough to send in my comments and appreciate the opportunity to express my opinion.

I4-1

We have Zoning for a reason and I cannot imagine how a CUP could be issued since it would need to ignore the impacts to the local natural environment, override existing zoning regulations and cause horrible accidents on El Camino Real. In my opinion, the entire concept of this Project is inappropriate for this location and should not be allowed to proceed. Besides the inherent environmental impacts, following are some specific concerns:

I4-2

El Camino Real Entrance - The Traffic on El Camino Real literally flies north down the hill at speeds well in excess of 50 MPH. The proposed driveway/access is on a blind curve and it is unfathomable to me how this could seriously be considered an allowable entrance for this proposed Project. How could all the staff/vendors/residents/visitors to this proposed Project safely navigate through this driveway? I am wondering if anyone from the City has actually driven this Road to fully appreciate the speed of the traffic on El Camino Real?

I4-3

In addition, any parties exiting this Project will need to turn right on El Camino Real. Many of these drivers will want to head south on El Camino Real, which will require either 1) doing a U-turn at the light at San Dieguito Road or 2) turning right on San Dieguito Road and then right on Old El Camino Real and wind through my neighborhood to Derby Downs to get back to El Camino Real. I live in the Venezia Del Mar project, which is off Old El Camino Real, and I am very concerned about this traffic increase to my Neighborhood.

I4-3

Proposed Parking - I see that only 57 parking spaces are proposed for this project. As a property manager of medical buildings for over fifteen years, I would have serious concerns about this being adequate for this proposed Project. These type of Facilities have a high staff component plus daily visits from Physical Therapists and other Medical Personnel, Vendor deliveries and the regular visitors and Resident vehicles.

I4-4

Summary - I do not believe that modifying the existing zoning to accommodate this Project would be appropriate for many, many reasons.

I4-5

Thank you for your time.

**Response to Comment Letter I4**

**Elizabeth Nolan  
 June 22, 2023**

- I4-1** Comment noted. The comment does not raise an issue related to the adequacy of any specific section or analysis of the SEIR. No further response is required.
- I4-2** Please refer to MR-1, Land Use and Zoning Consistency.
- I4-3** Please see Responses to Comments (RTCs) I1-43 and O2-75.
- I4-4** Please see RTC O2-72.
- I4-5** Comment noted. This comment is a summary of the commenter's opposition to the project.

ELIZABETH NOLAN  
(858) 554-8810

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Page 2 of 2 in Comment Letter I4

**Comment Letter 15**

June 26, 2023

From:

The John Family  
 Stallions Crossing Residents  
[kall70ach@san\\_rr.com](mailto:kall70ach@san_rr.com)

To:

Sara Osborn  
 City of San Diego Development Services Center  
 1222 First Avenue, MS 501  
 San Diego, CA 92101  
[DSDFAS@SANDIEGO.GOV](mailto:DSDFAS@SANDIEGO.GOV)

Subject: Our concerns about the El Camino Real Assisted Living Facility (No. 675732)  
 Subsequent Environmental Impact Report (SEIR)

Dear Ms. Osborn:

We are residents of Stallions Crossing, a community just south of the proposed El Camino Real Assisted Living Facility. Our home's back fence looks on to the wonderful Proposition A protected open space on which this monstrosity of a structure is proposed to be built.

We want to express our deep reservations about this project in this letter.

First of all, we love our neighbors. We have many elderly in our community at Stallions, who take advantage of the abundant open space all around us. Many of them moved into this area precisely because of the semi-rural nature of these surroundings.

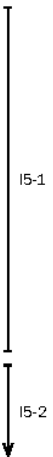
We also love our Church neighbors who are presently using the spaces behind us. The Formosan Church AND the Armenian Church. In fact, recently, as my family was considering attending a Church service near us, we considered attending either of these Churches.

Our issue is NOT with the Church or any of their parishioners. Our issue is with the destruction of the wonderful open space that characterizes this area which is inevitable with the construction of this behemoth of a building crammed into less than 20% of the Church property.

In our opinion, the City is being negligent in its environmental report for the reasons highlighted below.

A. This Assisted Living Home proposal seeks to allow a variance to the City's "Managed Growth Initiative" (also known as Proposition A, passed by the voters in 1985).

The Developer is seeking to allow the proposed project with a rarely used "uncodified Conditional Use Permit (CUP) ordinance".



**Response to Comment Letter 15**

**Johnny John  
 June 26, 2023**

**15-1**

The comment is an introduction and expresses general concerns to be described in more detail in comments to follow. Please refer to Responses to Comments (RTCs) below.

**15-2**

The comment states that the parcel of land is designated as open space in the City's General Plan, the North City Future Urbanizing Area (NCFUA) Framework Plan, the Multiple Species Conservation Plan (MSCP) and the San Dieguito River Park Concept Plan.

Please refer to Section 5.1, Land Use, of the SEIR for a land use analysis for the proposed Assisted Living Facility. The project site is designated as Residential and Park, Open Space and Recreation in the General Plan's Land Use Element. Additionally, according to the Land Use Element of the NCFUA Framework Plan, the site is designated as Very-Low Density Residential and Environmental Tier. NCFUA Framework Plan development Alternative 3 allows for development pursuant to Conditional Use Permit regulations "provided that the conditional uses are natural resource dependent, non-urban in character and scale, or are of an interim nature which would not result in an irrevocable commitment of the land precluding future uses" (City of San Diego 1992). The Assisted Living Facility has been designed to be non-urban in character

<p>Please note that the 1985 voter-approved "Proposition A" expressly forbids hospitals, intermediate care facilities and nursing homes on Prop A lands.)</p> <p>The parcel of land is in the San Dieguito River Park (SDRP)'s "Focused Planning Area" and the "North City Future Urbanizing Area (NCFUA)" subarea II. The City of San Diego General Plan, the NCFUA Framework Plan, the Multiple Species Conservation Plan (MSCP) and the SDRP Concept Plan, ALL designate this locale as open space. Given the major conversion of open space, a more thorough explanation and justification of this action is merited.</p> <p>It is significant that the Developer is attempting to process an "Uncodified Conditional Use Permit" amendment to city regulations (Council Policies 600-29 and 600-30) in order to exempt this development from Proposition A and other open space restrictions.</p> <p>Please do NOT justify the deviation from relevant land use policies regarding open space preservation, at a cost to the river park and other open space assured for the public, through City-wide ballot measures and City-approved actions, policies, and guidelines.</p> <p>This major change in land use to a large commercial facility in open space and surrounding low-density residential development would significantly impact the character of the area.</p> <p>This should be a decision by the electorate, and should be voted on by the people, not the City Council.</p> <p>Please preserve the semi-rural character of the river valley and upland area, which are there for voter approved reasons, for the preservation of the present tranquil fabric of this open space right here in Carmel Valley, kept here for us to enjoy and wildlife to flourish.</p> <p>B. This project is NOT looking at alternative options. Instead, the applicant is stating that the project must be accepted and approved as proposed.</p> <p>The applicant has stated this several times in their presentations over the past two months at the Carmel Valley Community Planning Board meetings.</p> <p>The applicant's narrowly written objectives (walking distance to adjacent Church, "under-utilized" site) do not allow for a reasonable range of alternatives.</p> <p>CEQA requires that project alternatives be explored! By writing up the objectives in such a narrow manner, the applicant is requiring us to believe that their hands are tied.</p> <p>The laws are clear on this issue. It is not that the applicant cannot build. They must only build within the clearly stated rules of how one may build on these protected open spaces.</p> <p style="text-align: center;">Page 2 of 4 in Comment Letter I5</p>	<p style="text-align: center;">15-2 Cont.</p> <p style="text-align: center;">15-3</p> <p style="text-align: center;"><b>15-3</b></p> <p>and scale and is consistent with the applicable NCFUA Framework Plan policies.</p> <p>The Assisted Living Facility would avoid developing within the Multi-Habitat Planning Area (MHPA) and would preserve that area in perpetuity as open space through a Covenant of Easement in accordance with the City's Environmentally Sensitive Lands regulations. The Assisted Living Facility would adhere to the LUAGs as identified in the City's MSCP Subarea Plan.</p> <p>Additionally, please refer to MR-1, Land Use and Zoning Consistency.</p> <p>The comment suggests that the SEIR does not adequately explore project alternatives. Alternatives are addressed in Chapter 9, Alternatives, of the SEIR. As stated in CEQA Guidelines Section 15126.6, an EIR need not consider every conceivable alternative to a project. The range of alternatives evaluated in an EIR is governed by the "rule of reason" that requires the EIR set forth only those alternatives necessary to permit a reasoned choice. Alternatives addressed in the SEIR include the No Project/No Build Alternative, the Sensitive Nesting Bird Construction Noise Impact Alternative, and the Construction Noise Impact Alternative. In developing the alternatives addressed in this SEIR, the potential alternatives were evaluated in terms of their ability to meet the objectives of the project, while reducing or avoiding the environmental impacts of the project identified in Chapter 5,</p>
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<p>The S.E.I.R does not adequately explore alternatives and is not convincing in its reasons for allowing the destruction of the open space in this parcel of land.</p> <p>The proposed project must therefore be REDESIGNED to comply with the existing zoning and land ordinances.</p> <p>C. The proposed project as designed fails to adequately consider the restoration of over 200 acres of San Dieguito Lagoon tidal wetland habitat immediately to the west of the project site and a critical part of the wildlife corridor and regional connectivity.</p> <p>Millions of dollars are being invested into this restoration project.</p> <p>The draft EIR fails to discuss the potential impacts that the building mass, combined with other recently constructed adjacent buildings, would create in limiting the movement of wildlife through this area.</p> <p>This project goes AGAINST all these improvements, by building a large MONSTROSITY that will block and scare away wildlife from this area.</p> <p>D. The DENSITY of the proposed construction is a cause for grave concern.</p> <p>The Church and its surrounding buildings spread &gt;50,000 square feet of building space over a space of ~13.4 acres.</p> <p>This proposed project crams in &gt;105,000 square feet of building space over a space of ~4 acres.</p> <p>How is this in anyone's wildest imaginations complying with zoning laws and Proposition - A mandated open space low density construction?</p> <p>How is this by any means keeping with the character of this neighborhood?</p> <p>The proposed development just does not fit with the neighborhood and would drastically change the overall character of this area. The visual impact of this monstrosity is obvious. This type of development does NOT fit with this area AT ALL.</p> <p>As all who live in this neighborhood know, this area is primarily OPEN SPACE, and any construction should be appropriately sized to keep with the LOW DENSITY of this area.</p> <p>E. Views.</p> <p>At the present time, our homes enjoy the open space views from our backyards. We have views to the northern hills, and the ocean to the west.</p> <p>This 3-story building as presently designed will completely destroy these views.</p> <p>In addition, this project also impacts views for wildlife that calls this space their home.</p>	<p>Environmental Analysis, of the SEIR. No further analysis is required.</p> <p>Project objectives are intended to describe the underlying purpose of the proposed project. The project objectives presented in Chapter 3 of the SEIR outline the purpose of the proposed project as intended by the project applicant. The objectives are used to assess whether the alternatives would achieve the underlying purpose that the proposed project would achieve.</p> <p><b>15-4</b></p> <p>As described in Section 5.4, Biological Resources, the Assisted Living Facility includes a 100-foot wetland buffer that would reduce indirect impacts in accordance with San Diego Municipal Code (SDMC) Section 143.0141 (b)(5). Standard construction measures proposed as part of the Assisted Living Facility would avoid indirect impacts to special-status plants potentially occurring in habitats adjacent to the Assisted Living Facility parcel. As concluded in Section 5.4, impacts to biological resources would be reduced to below a level of significance by the implementation of MM-BIO---1, which would avoid indirect impacts to sensitive vegetation communities and special-status plant and wildlife species (including California horned lark, [<i>Eremophila alpestris actia</i>] yellow warbler [<i>Setophaga petechia</i>], white-tailed kite [<i>Elanus leucurus</i>], and least Bell's vireo [<i>Vireo bellii pusillus</i>]), and MM-BIO-2, which would further avoid indirect impacts to California horned lark, yellow warbler, white-tailed kite, and least Bell's vireo, which could breed adjacent to the Assisted Living Facility footprint.</p>
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<p>F. Further about wildlife.</p> <p>This project combined with the adjacent buildings will harm the function and values of the wildlife corridor, and scare away and destroy the habitat for the fauna of this region.</p> <p>The proposed project's required narrow setback is insufficient to mitigate the impacts to the corridor's function and importance to needed wildlife linkages.</p> <p>G. This is a situation of death by a thousand cuts.</p> <p>Slowly but surely, the CUMULATIVE impacts of adding this project in combination with the other buildings approved on this mesa are destroying the very fabric of this community. The CUMULATIVE impacts are NOT sufficiently addressed or mitigated in the S.E.I.R.</p> <p>The site is NOT "underutilized" as purported, but merely zoned as appropriate for its location.</p> <p>Kindly re-evaluate this project and either come up with a new design that complies with the land use laws articulated above and properly mitigates the many issues outlined, or situate this project elsewhere. In our opinion, the project in its current form is a blatant violation of existing laws.</p> <p>Sincerely,</p> <p>Johnny John          Head of Household          The John Family          Residents at Stallions Crossing.</p> <p style="text-align: center;">Page 4 of 4 in Comment Letter I5</p>	<div style="text-align: center;"> </div> <p>The Assisted Living Facility footprint has historically been utilized for agriculture and is currently heavily disturbed with frequent mowing and heavy equipment storage. The Assisted Living Facility footprint area is unlikely to provide substantial refuge or cover for wildlife species and their movements. Although the City's MHPA is directly adjacent to the Assisted Living Facility footprint to the east, the Assisted Living Facility footprint and brush management zones (please refer to Figure 3-6) is not considered to be within a biological core or linkage area since the site is bounded by an active construction site, residential development, and parking lots and roads on three sides (please refer to Figure 5.4-1). The Assisted Living Facility would not interfere substantially with the movement of any species or impede the use of a wildlife nursery site, and the proposed Assisted Living Facility would avoid indirect impacts with inclusion of CM-BIO-4 (see Table 3-2 of the SEIR).</p> <p><b>15-5</b> The Assisted Living Facility would not result in an increase in density or intensity of use from what is allowed with a Conditional Use Permit in the AR-1-1 zone. Additionally, please refer to MR-1, Land Use and Zoning Consistency, for consistency with Proposition A.</p> <p><b>15-6</b> The building design and site plan of the Assisted Living Facility would be non-urban in character and consistent in bulk and scale to surrounding development. While surrounding development in the area lacks a consistent architectural theme, the Mediterranean style of the Assisted Living Facility would include design features that would be compatible with design features</p>
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	<p>(primarily multistory construction, light colored, stucco clad exteriors, red tiled roofs, and landscaped yards) displayed by development in the surrounding area, including the broad San Dieguito River Valley landscape.</p> <p>As concluded to Section 5.9.3.3 of the SEIR, impacts associated with architectural style and consistency/visual compatibility with surrounding development would be less than significant, and no mitigation would be required. In addition, the Assisted Living Facility's non-urban characteristics are addressed through its massing, scale, setbacks, and lot coverage, as discussed in Section 5.1, Land Use, of the SEIR.</p> <p><b>15-7</b> Private views, such as those from neighboring properties, are not protected under the City's Significance Determination Thresholds or CEQA. According to the City's CEQA Significance Thresholds, a project is considered to have a significant impact if it would block public views from designated open space areas, roads, or parks or to significant visual landmarks or scenic vistas (e.g., Pacific Ocean, downtown skyline, mountains, canyons, waterways).</p> <p>As stated in Section 5.9, Visual Effects, the Assisted Living Facility would not block any views from designated scenic corridors. Potential impacts to the existing quality of views to and across the site were examined through the lens of key public views. As concluded in Section 5.9.3.1, the project would not substantially obstruct any designated public corridors and would not substantially block an identified scenic</p>
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	<p>resource from view of the public. The project complies with the applicable height and bulk requirements of the SDMC and would have no impact related to view blockage due to height or bulk regulation exceedances.</p> <p><b>15-8</b> See RTC 15-4. The Assisted Living Facility footprint is not considered to be within a biological core or linkage area and is not expected to interfere with movement of migratory fish or wildlife. Section 5.4.3.3 of the SEIR concluded that impacts related to wildlife corridors and linkages are considered less than significant. While the project is adjacent to MHPA lands, the project is consistent with the City's significance thresholds and the appropriate LUAG have been addressed in the SEIR.</p> <p><b>15-9</b> Cumulative projects and impacts were addressed in Chapter 6 of the SEIR. Table 6-1 provides a list of cumulative projects that were included in the analysis. Refer to this section of the Final SEIR for a complete discussion of the cumulative impacts associated with the project. Please also see RTC O2-58 for information regarding the San Dieguito Lagoon Restoration Project.</p> <p><b>15-10</b> Comment noted. The comment does not raise an issue with the adequacy of the environmental impact analysis; therefore, no further response is required.</p>
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**Comment Letter I6**

**From:** [V.Phillips](#)  
**Sent:** Monday, June 26, 2023 7:26 AM  
**To:** [DSD EAS](#)  
**Subject:** [EXTERNAL] Please stop the proposed three-story facility development next to our residents at Stallion's Crossing

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

Hello,

I am a resident at Stallion's Crossing right next door to the development that is set to be built next door. The proposed three-story Assisted Living Development facility within 30 feet of our homes violates the rules which state that a building structure cannot be placed on a parcel this size. It would cover 70% of the parcel, which is way over the maximum for building a structure on parcel this size. Also, the lot is NOT ZONED for commercial developing, but is zoned for agriculture. This proposed three-story Assisted Living Development is not a LOW-DENSITY RESIDENTIAL DWELLING. Also this is not zoned for being a MULTI DWELLING COMMERCIAL facility.

Also, this development is located in the sensitive San Dieguito River Valley, natural ecological and wildlife preserve—especially the egret population. This would disrupt the sensitive wildlife and environment that we live in. Our community, has been zoned for LOW-DENSITY RESIDENTIAL USE ONLY... A 3-story, 105 dwelling units with 122-beds, does NOT fall under 'low density residential use.' This parcel is an AR-1-1 ZONE.

This is located in sensitive land of our 100-year floodplain. They're trying to get around this 3-story building by digging 10ft below the current land level. We, at Stallions Crossing, residents are not allowed to dig below 6 inches in our yards per the CC&R's for our community due to known native American Native artifacts that were found when SC was being developed.

They're erroneously trying to say they are considering our privacy by having a 30ft setback from our fence! This dense development does not belong in our single-residential community.. It's a MULTIPLE DWELLING COMMERCIAL structure with retail that is not consistent with our community plan. See in their proposal how close they are proposing to build this massive structure to our homes! Can you imagine having a three story facility built next door to you and blocks your view and privacy? We all choose to live here because of the low-density residential area with open space.

Our views of the hills and coast will be completely obstructed with this proposed 3-story facility. Again, the proximity being so close and towering over our 2nd story of homes will completely take away our views.

I6-1  
I6-2  
I6-3  
I6-4  
I6-5  
I6-6

**Response to Comment Letter I6**

**Vessa Rinehart-Phillips  
 June 26, 2023**

- I6-1** Please refer to MR-1, Land Use and Zoning Consistency.
- I6-2** As described in Section 5.4, Biological Resources, of the SEIR, impacts to special-status wildlife species would be reduced to below a level of significance by the implementation of MM-BIO---1, which would avoid indirect impacts to sensitive vegetation communities and special-status plant and wildlife species. The City recognizes that bird populations may utilize Multi-Habitat Planning Area (MHPA) lands. However, based on the analysis of the City's LUAGs, no direct impacts to wildlife movement in the MHPA would occur as a result of project activities.
- I6-3** Please refer to MR-1, Land Use and Zoning Consistency.
- I6-4** As shown in Figure 3-1, Site Plan, of the SEIR, the open space area beyond the MHPA line is within Federal Emergency Management Agency (FEMA) Flood Hazard Zone "A," with a 1% chance of annual flooding, and FEMA Flood Hazard Zone "X," with an annual flood risk between 1% and 0.2%. This area would be preserved as open space in accordance with the existing designated MHPA.
- I6-5** Cultural resources impacts are discussed in Section 5.6 and 5.11 of the SEIR. Section 5.6, Historical Resources,

The impacts would be devastating to our community, surrounding area, the environment, the rules of the city, the flood plan.

Please do not allow them to build this facility here. We would be willing to compromise to have a one-story facility which is at least 50 feet away from our homes. Please do not allow them to violate the laws and rules.

Thank you for hearing my concerns. I'm enclosing my contact information, should you want to contact me.

Sincerely,

Vessa Rinehart-Phillips  
1374 Rosecroft Way  
San Diego CA 92130  
858-254-2929

I6-7

Page 2 of 2 in Comment Letter I6

and Section 5.11, Tribal Cultural Resources, concluded that the Assisted Living Facility would impact no known significant cultural resources; however, there is a low potential to uncover unique artifacts, features, or human remains during grading for project development. Archaeological and Native American monitoring is required for all primary ground disturbance. With the implementation of MM-CR-1, which requires a qualified archaeological monitor and Native American monitor to monitor areas with potential to yield subsurface archaeological resources, potential impacts to historical resources would be reduced to below a level of significance.

I6-6

The project would provide greater than the minimum 20-foot setback from adjacent properties in accordance with the zoning (AR-1-1). In addition, private views, such as those from neighboring properties, are not protected under the City's Significance Determination Thresholds or CEQA. Visual resource impacts are analyzed in Section 5.9 and were determined to be less than significant.

I6-7

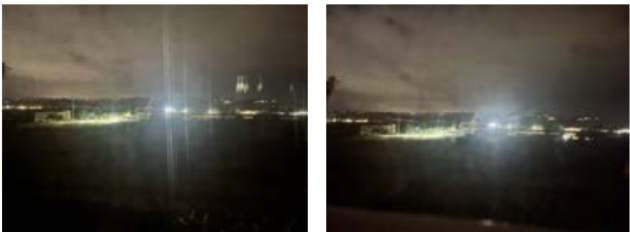
The comment expresses general concern over the impacts of the project and suggests an alternative to the project. Project alternatives are analyzed in Chapter 9 of the SEIR. In developing the alternatives addressed in this SEIR, the potential alternatives were evaluated in terms of their ability to meet the basic objectives of the project, while reducing or avoiding the environmental impacts of the project identified in Chapter 5, Environmental Analysis, of the SEIR. Chapter 9 describes

	<p>why the analyzed alternatives were unsuitable for the project and would not achieve the basic project objectives.</p>
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Comment Letter 17	Response to Comment Letter 17
Hello Ms. Osborn,	<b>Nina John June 26, 2023</b>
I am a resident of Stallion's Crossing neighborhood in the North Carmel Valley area. This project that is being proposed is on the north side of our neighborhood and right next to my backyard. This facility will be 30 feet from my property line.	<b>17-1</b> The comment is an introduction and expresses general opposition to the project.
I am writing to oppose this project as it is currently proposed. I have several reasons for this. My main concerns are the following:	
1. I would like to first talk about SAFETY in the unfortunate reality of wild fire. This location is LANDLOCKED. Consider the evacuation frenzy should there be a fire. As we all know, we live in fire territory in San Diego and this area is zoned as "VERY HIGH" risk. It does not make sense to build a 124-bed facility plus staff in this land locked area with just one entry and exit that is shared with the 350-seat Church, along with the already approved (but not built yet) 500 seat Multi-Purpose Hall, Cultural & Education Building with Classrooms, and Youth Center with Recreational Facilities. Our respected elderly community deserves better!	<b>17-2</b> Please Refer to MR-2, Wildfire Hazards and Evacuation.
2. PRIVACY-Our homes are designed with large windows on the back to allow natural lighting and enjoyment of the open space around us. If the proposed "motel" type of building is constructed, this changes the entire feel of the community, bringing in people from all over, which severely compromises the overall safety of the area. We will be looking into this building from our bedrooms, where we presently look out to the hills in the north. PMB says that they will change the facilities windows that are south facing to be frosted and have balconies removed. We appreciate that, but that is not sufficient mitigation.	<b>17-3</b> Private views, such as those from neighboring properties, are not protected under the City's Significance Determination Thresholds or CEQA. The comment does not raise an environmental issue within the meaning of CEQA. Therefore, no further response is required.
3. I am also concerned about how this project will increase TRAFFIC in the future which in turn will lead to a reduction in driving safety in this neighborhood. There is only ONE entrance in and out of this property. The entrance is in the middle of a blind curve. People who do not live here have no idea that this road is like a freeway. Cars are going on average at a speed of 60 mph heading north and this is very dangerous for cars trying to enter/exit this church campus on a blind curve. There have been 13 collisions during the last 5 years involving head-ons, high speed, bicyclists and influenced drivers and that's above average. El Camino Real is used daily by bikers whose safety risk will greatly increase with many cars trying to access this sharp entrance. This is VERY DANGEROUS for our community and the residents and the public at large.	<b>17-4</b> Please see Response to Comment (RTC) O2-75.
The other issue is that there is NOWHERE to turn into this church/assisted living development if coming from the north (Via de la Valle). The ONLY WAY to get to the entrance of the Church is making a U-TURN at our traffic light (Sea Country Rd). Additionally, for those exiting the Church, if they wish to go southbound, they will have to make a U-turn at the San Dieguito Rd/El Camino Real stop light. U-turns will abound on this street as a result, where presently, that is NOT an issue.	<b>17-5</b> Please see RTC I1-4.
I would like to note that the traffic study conducted in 2012 is based on projections and calculations to determine current levels of traffic and is not based on real data. A request was made to conduct a current COMPREHENSIVE traffic study, but the applicant has refused.	<b>17-6</b> Please see RTC O2-70.
	<b>17-7</b> Impacts related to wildlife, lighting, noise, and dust were analyzed as part of the SEIR. As concluded in the SEIR, all impacts would be less than significant with the incorporation of mitigation.
	<b>17-8</b> As described in Section 5.9, Visual Effects, all lighting would be directed downward, shielded, of the minimum intensity to ensure adequate illumination and safety, and would comply with the City's Outdoor Lighting Regulations. Section 5.9 concluded that due to installation of downward-directed and shielded lighting

<p>4. LIGHT and NOISE POLLUTION- The proximity of this large building to our residences is in itself a POLLUTION to our present neighborhood. We all chose to live here because this is a low-density residential area with open space. This structure is going to have a significant impact for ALL, especially those living near this development, including wildlife. The construction noise, vibrations, dirt, dust, debris, will all be disturbing our community for the duration of construction. We would not have a quiet, peaceful community anymore.</p>	<p>17-7</p>	<p>fixtures and buffering of adjacent established uses with proposed landscaping, the contribution of lighting emitted from the Assisted Living Facility would remain below a level of significance.</p>
<p>If the facility is completed, there will be light pollution from the 24/7 lighting planned for the safety of this facility. The applicant states that they plan to mitigate it somehow. I can speak from personal experience of the present church, that any mitigation is not going to be enough, light travels! Every night, currently, I have lights from the church's parking lot/building directly shining into my bedroom. I have to close my blinds to be able to sleep at night even though this light is quite far away. Now imagine the same light 50 feet from my home! (Please see an attached photo of a night view from my backyard)</p>	<p>17-8</p>	<p><b>17-9</b> Please refer to RTC I7-3.</p>
<p>5. VIEWS- Our views of the northern hills and the coast will be completely obstructed with this proposed 3-story facility. Again, the proximity being so close and towering over the adjacent 2nd story homes will completely take away views, sunlight, and blue sky. Please see attached photos of the view from my backyard. How can anyone deny the beauty of these views and claim that a 3-story building makes more sense in agricultural land? Can anyone guarantee that I will not lose sunshine and light because of this facility?</p>	<p>17-9</p>	<p><b>17-10</b> Comment noted. This comment is a summary of the concerns mentioned in the comment letter. No further response is required.</p>
<p>I would like to humbly request that you take a good deep look at this proposed project and evaluate it with regards to SAFETY, PRIVACY, TRAFFIC, LIGHT/NOISE POLLUTION and VIEW concerns. All of these will impact the visual landscape, neighborhood character and safety of MY neighborhood.</p>	<p>17-10</p>	<p><b>17-11</b> Comment noted. This comment contains photos corresponding to Comments I7-8 and I7-9. No further response is required.</p>
<p>Thank you for your time,</p>		
<p>Nina John</p>		
	<p>17-11</p>	
<p>Page 2 of 3 in Comment Letter I7</p>		



I7-11  
Cont.

Page 3 of 3 in Comment Letter I7

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Comment Letter 18

From: [Matthew Cunningham](#)  
To: [DSD\\_EAS](#)  
Cc: [Matthew Cunningham; Council Member Joe LaCava](#)  
Subject: INTERNAL El Camino Real Assisted Living Facility (No. 675732) | Subsequent Environmental Impact Report (S.E.I.R.) Public Comments and Responses  
Date: Monday, June 26, 2023 6:53:14 PM  
Attachments: [El Camino Real Assisted Living Facility with Encs 06-19-2023.pdf](#)  
[Stallions Crossings Prop. Red Blotch of the State of California.pdf](#)

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

From:

Matthew Cunningham  
Stallions Crossings  
San Diego Ca. 92130

To:

Sara Osborn  
City of San Diego Development Services Center  
1222 First Avenue, MS 501  
San Diego, CA 92101  
[DSDEAS@SANDIEGO.GOV](mailto:DSDEAS@SANDIEGO.GOV)

Subject: Our concerns about the El Camino Real Assisted Living Facility (No. 675732)

Re: Subsequent Environmental Impact Report (S.E.I.R.) Public Comments and Responses

Dear Ms. Osborn:

Hi, my name is Matthew Cunningham, and I would like it to be known that I'm not against development, but I am against this development, as it is currently

↓  
18-1

## Response to Comment Letter 18

Matthew Cunningham  
June 26, 2023

18-1

The comment is an introduction to comments that follow and expresses general opposition to the project.

18-2

Cumulative projects and impacts were addressed in Chapter 6 of the SEIR. Table 6-1 lists the cumulative projects that were included in the analysis. Refer to this chapter of the Final SEIR for a complete discussion of the cumulative impacts associated with the project. As described in SEIR Chapter 1, the SEIR tiers from the certified 2014 Church EIR (Project No. 240283/SCH No. 2013071043). The SEIR considers the issues discussed in the first-tier document and evaluates whether a significant effect of the proposed project has been adequately addressed or if there is an effect that was not addressed in the 2014 Church EIR. As needed, additional or updated mitigation is provided to address significant environmental impacts of the proposed Assisted Living Facility.

18-3

See Response to Comment (RTC) O2-70 regarding baseline traffic evaluation. The Access Analysis (Appendix H.1 of the SEIR) provides a comprehensive and informational analysis for both roadway and intersection level of service (LOS) operations, taking into consideration forecasted traffic for the project's opening year (2024) and the horizon year (2050). It should be noted that pursuant to Senate Bill 743 (adopted in 2013)

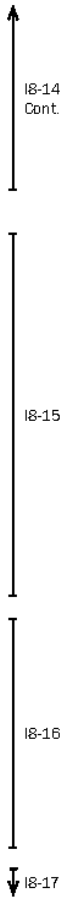
<p>proposed.</p> <p>I want to express the CUMULATIVE impact concerns again should this proposed facility get approved. Adding this project in combination with the other already approved buildings on this mesa has greater impacts than the developer and SEIR are describing. The CUMULATIVE impacts are NOT sufficiently addressed or mitigated in the SEIR.</p> <p>It would be irresponsible, reckless, and dangerous if a current comprehensive traffic study is not performed and evaluated. The devastating safety impacts to our community from the increased TRAFFIC should this development get approved, is an accident waiting to happen.</p> <p>The SEIR traffic report used “convenient calculations” in order to generate the daily trip totals, or I like to say “fuzzy math” was applied here to keep the daily trip numbers below the 300 daily trip threshold to avoid a current traffic study.</p> <p>I have personally observed and witnessed several near miss accidents, with both cars and bikes, and have nearly been hit by a car while riding my bike on El Camino Real. I even witnessed a SUV hit a bicyclist, at the El Camino Real / San Dieguito Road intersection, fortunately the gentleman only suffered scrapes and bruises.</p> <p><b>Traffic issues and concerns:</b></p> <ul style="list-style-type: none"> <li>• The SEIR’s traffic study failed to follow the requirements of the City’s Transportation Study Manual (“TSM”). The SEIR’s analysis improperly relied on estimated traffic volumes, factored from traffic counts taken in 2012 for the Church Project’s traffic study. In doing so, the SEIR violates the City’s own transportation study manual which requires new transportation data to be collected if the available data is older than two years.</li> <li>• The SEIR’s analysis relied on improperly factored estimates from data collected in the winter of 2012, despite the TSM’s requirement for traffic counts in areas near beaches to be taken during summer months or include adjustments to reflect summer conditions. The Project site is within the coastal zone.</li> <li>• The SEIR underestimated the Project’s trip generation. The SEIR</li> </ul> <p style="text-align: center;">Page 2 of 45 in Comment Letter I8</p>	<div style="text-align: right; margin-right: 10px;"> <p>▲ 18-1 Cont.</p> <p>18-2</p> <p>18-3</p> <p>18-4</p> <p>18-5</p> <p>18-6</p> <p>18-7</p> </div> <p>and the addition of Section 15064.3 to the CEQA Guidelines in December 2018 (effective July 1, 2020), vehicle miles traveled is the preferred metric for CEQA transportation analysis. Increase in vehicular delay or LOS at intersections is not considered a transportation impact under CEQA.</p> <p><b>18-4</b> Please see RTC O2-71.</p> <p><b>18-5</b> The comment does not address the adequacy or accuracy of the SEIR, and no response is required.</p> <p><b>18-6</b> Please see RTCs O2-70 and O2-71.</p> <p><b>18-7</b> Please see RTCs O2-70 and O2-71.</p> <p><b>18-8</b> Please see RTC O2-73.</p> <p><b>18-9</b> Please see RTCs O2-77 and I1-4.</p> <p><b>18-10</b> Please see RTC O2-19.</p> <p><b>18-11</b> The comment does not raise an issue with the adequacy of the environmental impact analysis; therefore, no further response is required.</p> <p><b>18-12</b> Please refer to SEIR Appendix H.2, the El Camino Real Senior Living Transportation Impact Threshold and VMT Screening Evaluation, prepared in March 2022. Because the comment does not raise an issue with the adequacy of the environmental impact analysis, no further response is required.</p>
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<p>estimated that the Project would generate 234 daily trips. This Project would generate 331 daily trips. The SEIR failed to prepare a study of the Project's vehicle miles traveled ("VMT"), claiming that the Project would not meet the required threshold of 300 daily trips. However, since the Project would exceed the 300-trip threshold, a VMT study is necessary and required.</p>	<p>↑ 18-7 Cont.</p>	<p><b>18-13</b> Please refer to MR-2, Wildfire Hazards and Evacuation.</p>
<ul style="list-style-type: none"> <li>• The SEIR improperly segments analysis of the Project's traffic and parking analysis by presenting analysis of only the assisted living facility without the Church Project. Both projects must be analyzed together.</li> </ul>	<p>↑ 18-8</p>	<p><b>18-14</b> The proposed Assisted Living Facility would be constructed in accordance with the AR-1-1 zoning, including height limits, density limits, and setbacks as detailed in Section 3.3.2 of the SEIR. Per Section 5.9, visual impacts were concluded to be less than significant.</p>
<ul style="list-style-type: none"> <li>• The SEIR must analyze and mitigate the Project's stopping sight distance at the Church driveway and El Camino Real, which is necessary given that the driveway's entrance is close to a superelevated horizontal curve on El Camino Real on which vehicles travel at high speeds.</li> </ul>	<p>↑ 18-9</p>	<p><b>18-15</b> The Assisted Living Facility would be consistent with the AR-1-1 zoning, which requires minimum 10-acre lots, establishes a maximum structure height of 30 feet, a minimum side yard setback of 20 feet, and a minimum rear yard setback of 25 feet. The Assisted Living Facility would provide greater than the minimum 20-foot setback from adjacent properties.</p>
<ul style="list-style-type: none"> <li>• Mitigation measures to remedy impacts to bicyclists and bicycle facilities are necessary given the Project's traffic safety impacts.</li> </ul>	<p>↑ 18-9</p>	<p>As discussed in Section 5.9.2 of the SEIR, the AR-1-1 zone allows the exceedance of the 30-foot structure height limit if setbacks beyond the minimum required are provided. The project is providing setbacks of 45, 187.5, 30, and 63.75 feet, which would allow for the proposed 40-foot-tall Assisted Living Facility buildings per San Diego Municipal Code Section 131.0344.</p>
<ul style="list-style-type: none"> <li>• Vehicle travel for the Project would require unsafe U-turns maneuvers involving vehicles and bicycles to merge across several lanes of fast-moving traffic.</li> </ul>	<p>↑ 18-10</p>	<p><b>18-16</b> Please refer to RTC I6-5.</p>
<ul style="list-style-type: none"> <li>• Left-turn and U-turn lane lengths at traffic signals are too short, which would result in overflow and rear-end collisions.</li> </ul>	<p>↑ 18-10</p>	<p><b>18-17</b> Please refer to MR-1, Land Use and Zoning Consistency.</p>
<ul style="list-style-type: none"> <li>• An emergency evacuation and service plan is required for the Project, which is located in a landlocked parcel. The plan must detail how the narrow 24-foot-wide, two-way aisle through the Church parking lot will accommodate emergency access vehicles to the Assisted Living Facility.</li> </ul>	<p>↑ 18-11</p>	<p><b>18-18</b> Chapter 9, Alternatives, describes why alternative locations and agricultural uses were unsuitable for the project and were not considered in the SEIR. As stated in</p>
<p>There is too much factual information to ignore. All these issues need to be considered, addressed, and or mitigated thoroughly and properly, and public safety needs to be a priority. Respectfully, the public deserves better.</p>	<p>↑ 18-11</p>	
<p>Please see meeting notes attached from the 6-14-2023 workshop meeting. This meeting was held at the bequest of the Carmel Valley Community Planning</p>	<p>↓ 18-12</p>	
<p>Page 3 of 45 in Comment Letter I8</p>		



<p>Board due to the developer had not consulted with the adjacent neighbors and has been designing and developing this facility in a vacuum. PMB has only met with Stallion's crossing residents 2 times in the last 3 years (one over zoom in 2020) and a couple weeks ago in-person after being compelled by the CVPB. The applicants came with a predetermined agenda and items to present without engaging in a discussion with the residents. PMB answered all our questions with minimal information and has shown no desire to negotiate such as redesigning the project, considering alternative layouts, making the project one or even two stories high or pushing it back further away from the Stallions Crossing property. They are not willing to do a current comprehensive traffic study for this development. We are opposing this development as it is proposed. We would like it to fit the current landscape and character of this community by considering our concerns.</p> <p>I want to express my safety concerns for the unfortunate reality of a WILDFIRE. As we all know, we live in fire territory in San Diego. This location is LANDLOCKED, and falls under a "VERY HIGH" risk zone. Consider the evacuation frenzy with 124 seniors should there be a fire.</p> <p>It does not make sense to build a 124-bed facility plus staff in this land locked area with just one entry and exit that is shared with the 350 seat Church, along with the already approved (but not built yet) 500 seat Multi-Purpose Hall, Cultural &amp; Education Building with Classrooms, and Youth Center with Recreational Facilities.</p> <p>Our respected elderly community deserves better!</p> <p>The DENSITY and MASSING of the planned facility is too large and does not fit in our neighborhood. This mesa includes not only the completed Church building, but also there are 3 approved additional buildings (not built yet), all totaling 51,680 square feet and are being built into 13.4 acres. In comparison, the proposed Assisted Living Facility is approximately 105,000 square feet and is being squeezed into less than 4 acres of land. This means they must build densely and TALL. The proposed development just does not fit with the neighborhood and would drastically change the overall character of this area. The visual impact of this monstrosity is obvious. This type of development does NOT fit with this area AT ALL.</p> <p style="text-align: center;">Page 4 of 45 in Comment Letter I8</p>	<p style="text-align: center;">I8-12 Cont.</p> <p style="text-align: center;">I8-13</p> <p style="text-align: center;">I8-14</p> <p><b>I8-19</b> Alternatives to the project are described in Chapter 9 of the SEIR. The comment does not raise an issue with the adequacy of the environmental impact analysis. No further response is required.</p> <p><b>I8-20</b> Please refer to MR-1, Land Use and Zoning Consistency.</p> <p><b>I8-21</b> As discussed in Section 5.4, Biological Resources, the City's LUAGs were analyzed, as required by CEQA. The LUAGs were developed to ensure minimization of indirect impacts, including developments of the type proposed for this project. The SEIR contains a point-by-</p> <p>CEQA Guidelines Section 15126.6, an EIR need not consider every conceivable alternative to a project. The range of alternatives evaluated in an EIR is governed by the "rule of reason" that requires the EIR set forth only those alternatives necessary to permit a reasoned choice. Alternatives addressed in the SEIR include the No Project/No Build Alternative, the Sensitive Nesting Bird Construction Noise Impact Alternative, and the Construction Noise Impact Alternative. In developing the alternatives addressed in this SEIR, the potential alternatives were evaluated in terms of their ability to meet the basic objectives of the project, while reducing or avoiding the environmental impacts of the project identified in Chapter 5, Environmental Analysis, of the SEIR. No further analysis is required.</p> <p>Additionally, please refer to RTC O2-59 regarding the basis of the project objectives and reasonableness of range of alternatives.</p>
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<p>As many of you know (particularly those of you who used to volunteer with the Dust Devils Trail), this area is primarily OPEN SPACE, and any construction should be appropriately sized to keep with the LOW DENSITY of this area.</p> <p>There have been attempts to compare Stallions Crossing (single family homes over a wider acreage) and this project (3-story dense construction in 3.97 acres) as being similar. This is like comparing grapes to a WATERMELON, and is just NOT comparable.</p> <p>I have SAFETY and PRIVACY concerns. Our homes are designed with large windows on the back to allow natural lighting and enjoyment of the open space around us. If the proposed commercial "motel" type of building is constructed, this changes the entire feel of the community, bringing in people from all over, which severely compromises the overall safety of the area. We will be looking into this building from our bedrooms, where we presently look out to the hills in the north. PMB says that they will change the facilities windows that are south facing to be frosted and have balconies removed. We appreciate that, but that is not sufficient mitigation. What would be sufficient mitigation? As suggested at our meeting with PMB, this massive structure needs to be setback at least 50ft from the southern border, and the height and density must be reduced. I would like to reiterate that safety and privacy concerns are being violated by the proposed presently designed direction of this project.</p> <p>This is <u>not</u> development, this is <u>over</u>-development that everyone in the community will wonder, 'how in the world did this get approved', if approved.</p> <p>There are known NATIVE AMERICAN Indian artifacts in this region (please see attached from the Department of Real Estate of the State of California, refer to page 8 of 13). We are prohibited from digging more than 6 inches in our yards. This is because of the concern that we might disturb Native American artifacts. Additionally, the development of our community was shut down and restricted to 47 homes because of Archeological architects found in the second phase of this development. How was it that our community was completely denied further development and this inappropriate structure is going to just monitor excavation activities to 'mitigate' any artifacts that are found in digging? How is it that this monstrosity can be allowed to dig down 14 feet, for a 3-story building, just a few feet away from our backyards?</p> <p>Why is PROPOSITION A being ignored? This proposal seeks to allow a</p> <p style="text-align: center;">Page 5 of 45 in Comment Letter I8</p>	<p>point consistency analysis with the LUAGs and the City's significance thresholds. Based on these standards, the project was deemed to have a less-than-significant impact on wildlife movement in the project area.</p> <p><b>18-22</b> As discussed in Section 5.4, the City's LUAGs were analyzed, as required by CEQA, and no significant impacts to wildlife movement and habitat connectivity would occur as a result of the project. The non-native, disturbed habitats that would be impacted by the project area are not composed of Multi-Habitat Planning Area lands, where the majority of wildlife movement occurs in the region. Connectivity between the lagoon, Gonzales Canyon, and San Dieguito River is not impacted by the proposed project.</p> <p><b>18-23</b> The comment raises concerns over construction noise, vibrations, dirt, dust, and debris. Section 5.3, Air Quality, of the SEIR addresses the air quality impacts of the project. To address dust, dirt, and debris impacts during construction, CM-AIR-1 requires the project comply with the San Diego Air Pollution Control District's Rule 55, Fugitive Dust Control. This includes watering the site during grading activities twice a day and reducing vehicle speed on unpaved roads to 15 miles per hour.</p> <p>Per Section 5.10, Noise, construction noise impacts would be mitigated to less than significant through MM-NOI-1, which requires the project to include one or more of the following measures: administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain</p>
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variance to the City's "Managed Growth Initiative" (also known as Proposition A, passed by the voters in 1985). The variance/exception that the Developer is seeking is to allow the proposed project with a rarely used "uncodified CUP ordinance". Please note that nursing facilities are PROHIBITED within Prop A lands. Given the major conversion of open space (General Plan; NCFUA (North County Future Urbanization Area) Framework Plan; MSCP and SDRP Concept Plan goals and objectives), a more thorough explanation and justification of this action is merited. Significantly, the Developer is attempting to process an "Uncodified Conditional Use Permit" amendment to city regulations (Council Policies 600-29 and 600-30) in order to exempt this development from Proposition A and other open space restrictions.

I8-17  
 Cont.

We MUST NOT justify the deviation from relevant land use policies regarding open space preservation, at a cost to the river park and other open space assured for the public, through City-wide ballot measures and City-approved actions, policies, and guidelines. This major change in land use to a large commercial facility in open space and surrounding low-density residential development would significantly impact the character of the area. This should be a decision by the electorate, and should be voted on by the people, not the City Council.

Why is this project is NOT looking at alternative options, such as redesigning the project. Instead, the applicant is stating that the project must be accepted and approved as proposed. The applicant's narrowly written objectives (walking distance to adjacent Church, "under-utilized" site) do not allow for a reasonable range of alternatives. CEQA requires that project alternatives be explored! Project alternatives such as (a) site the facility elsewhere and (b) comply with current zoning by building single-family residences. But the applicant is opposed to this option.

I8-18

Here's my opinion. If the applicant is really concerned about providing for the welfare of "disabled" people in the Armenian Church, to provide them a facility within "walking distance" of the Church, why not build 5-6 single family residences in this area? Mesh those residences with the presently existing homes at Stallions Crossing for look and feel? Of course, that will NOT work for them. It will most definitely work if the concern was really about our elderly. It most certainly does NOT work for a PROFIT DRIVEN organization.

I8-19

The project necessitates a long list of exemptions from the City's adopted planning policies and land use codes that govern the site to allow this inappropriate high-intensity project.

I8-20

Page 6 of 45 in Comment Letter I8

distances to the nearest receiving occupied off-site property), engineering controls (change equipment operating parameters [speed, capacity, etc.] or install features or elements that otherwise reduce equipment noise emission [e.g., upgrade engine exhaust mufflers]), and installation of noise abatement on the site's southern boundary fencing in the form of sound blankets having a minimum sound transmission class of 20 or comparably performing temporary solid barriers. Additionally, Section 5.10 concluded that the expected construction vibration impacts would be less than significant, and no mitigation was required.

The comment raises concerns over the light pollution of the project. As described in Section 5.9, Visual Effects, all lighting would be directed downward, shielded, of the minimum intensity to ensure adequate illumination and safety, and would comply with the City's Outdoor Lighting Regulations. Section 5.9 concluded that due to installation of downward-directed and shielded lighting fixtures and buffering of adjacent established uses with proposed landscaping, the contribution of lighting emitted from the Assisted Living Facility would remain below a level of significance.

The comment raises concerns over the views and proximity to the adjacent homes. Private views, such as those from neighboring properties, are not protected under the City's Significance Determination Thresholds or CEQA.

<p>The proposed project must therefore be REDESIGNED to comply with the existing zoning and land ordinances.</p> <p>SAN DIEGUITO RIVER VALLEY is precious and should preserved.</p> <p>The project site is within the San Dieguito River Park Focused Planning Area (FPA) and adjacent to the San Dieguito Lagoon and Multiple Habitat Planning Area (MHPA) and Gonzales Canyon wildlife corridor. Gonzales Canyon connects the San Dieguito River Valley to the Del Mar Mesa / Carmel Mountain and Los Penasquitos Canyon Preserve, as well as the Torrey Pines State Preserve. The project site is highly visible within the San Dieguito River Valley. Unfortunately, this entire mesa adjacent to the MHPA has been permitted to develop in a piecemeal fashion over the past 10 years with little regard for the surrounding resources and its regional connectivity. Entire campuses with multiple buildings are being permitted and now this project shoehorns a 40-foot tall 124 bed facility on less than 4 acres, completely out of character with the surrounding area.</p> <p>We are concerned about the impacts of the development on the adjacent wildlife corridor including noise, vibrations, human activity, lights, and the size/bulk of the project, although it is clearly incompatible with the surrounding area. The proposed project as designed fails to adequately consider the restoration of over 200 acres of San Dieguito Lagoon tidal wetland habitat immediately to the west of the project site and a critical part of the wildlife corridor and regional connectivity. The draft EIR fails to discuss the potential impacts that the building mass, combined with other recently constructed adjacent buildings, would create in limiting the movement of wildlife through this area.</p> <p>This project goes AGAINST all these improvements, by building a large MONSTROSITY that will block and scare away wildlife from this area.</p> <p>POLLUTION Impacts are concerning. The proximity of this MONSTROSITY itself is a POLLUTION to our present neighborhood. We all chose to live here because of the low-density residential area with open space. The building of this structure is going to have a significant impact for ALL, especially those living near this development, including wildlife. The construction noise,</p> <p style="text-align: center;">Page 7 of 45 in Comment Letter I8</p>	<p><b>18-24</b> This comment is the same as O2-65 through O2-82. Please see responses above.</p> <p><b>18-25</b> This comment does not raise an issue with the adequacy of the environmental impact analysis. No further response is required.</p> <p><b>18-26</b> This comment is a drawing of the project parcel. No further response is required.</p>
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vibrations, dirt, dust, debris, all disturbing our community for the duration of construction. We would not have a quiet, peaceful community anymore. If the facility is completed, there will be light pollution from the 24/7 lighting that is inevitably going to be present in this construction. I realize that PMB plans to mitigate it somehow. I can speak from personal experience of the present Church, that any mitigation is not going to be enough, light travels. Noise pollution is going to completely change the character of this community. Our views of the northern hills and the coast will be completely obstructed with this proposed 3-story facility. Again, the proximity being so close and towering over the adjacent 2nd story homes will completely take away views, sunlight and blue sky.

↑  
18-23  
Cont.

Respectfully,  
Matthew Cunningham

Page 8 of 45 in Comment Letter 18

## Tom Brohard and Associates

June 19, 2023

Mr. Doug Carstens  
Carstens, Black & Minter, LLP  
2200 Pacific Coast Highway, Ste. 318  
Hermosa Beach, CA 90254

**SUBJECT: El Camino Real Assisted Living Facility Draft Subsequent  
EIR – Transportation Issues and Deficiencies**

Dear Mr. Carstens:

Tom Brohard, P.E., has reviewed the transportation portions of the May 12, 2023, Draft Subsequent Environmental Impact Report (Draft SEIR) for the El Camino Real Assisted Living Facility Project in the City of San Diego. The proposed addition incorporates an assisted living facility into the St. John Garabed Armenian Church Project. The Project Description in the Draft SEIR states the assisted living facility proposes 104 assisted living beds and 20 memory care beds.

According to the September 15, 2014 Final EIR, the approved church project included a 350-seat church, a multi-purpose two-story hall with main assembly area to accommodate up to 500 persons, a two-story cultural and education facility with 10 classrooms for Sunday school, a youth center which includes an indoor basketball court, and 175 parking spaces for the Proposed Church Project. The Draft SEIR for the Assisted Living Facility indicates the Church has been constructed and it is operational. Current Google Earth photography indicates temporary buildings are in place for some church operations, and 95 parking spaces have been constructed (an additional 12 parking spaces exist but temporary buildings make these spaces unusable for vehicle parking).

Sections of the Draft SEIR for the Assisted Living Facility which I have reviewed include:

- ES - Executive Summary
- Chapter 1.0 - Introduction
- Chapter 3.0 - Project Description
- Chapter 5.8 – Transportation
- Appendix H.1 – Access Analysis (August 2021)
- Appendix H.2 – VMT Memo (November 10, 2022)

I have also reviewed portions of the September 15, 2014 Final EIR for the St. John Garabed Church Project including Chapter 3.0 – Project Description, and Chapter 5.8 – Transportation/Circulation and Parking.

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The following documents relating to the preparation of transportation studies in the City of San Diego have also been reviewed:

- February 20, 2020 Draft Transportation Study Manual (TSM)
- June 10, 2020 Draft Transportation Study Manual (TSM)
- September 19, 2022 Transportation Study Manual (TSM)

**Education and Experience**

Since receiving a Bachelor of Science in Engineering from Duke University in Durham, North Carolina in 1969, I have gained over 50 years of professional traffic engineering and transportation planning experience. I am licensed as a Professional Civil Engineer both in California and Hawaii and as a Professional Traffic Engineer in California. I formed Tom Brohard and Associates in 2000 and have served many diverse communities as the City Traffic Engineer and/or the Transportation Planner. During my career in both the public and private sectors, I have reviewed numerous environmental documents and traffic studies for various projects as shown in a brief summary of my experience in the enclosed resume.

**Transportation Issues and Deficiencies**

The May 12, 2023, the Draft Subsequent Environmental Impact Report (Draft SEIR) for the El Camino Real Assisted Living Facility Project requires revisions to correct several errors and omissions. Each of the following transportation issues must be fully addressed, analyzed, and revised before the City of San Diego acts on the Proposed Project:

**1) City's Transportation Study Manual (TSM) Requirements Not Followed**

Page 1 of Appendix H.1 Access Analysis August 2021 states "Based on the City of San Diego's new SB 743-compliant CEQA Significance Thresholds for Transportation implemented via the City of San Diego Transportation Study Manual (September 2020)..."

Draft TSM Reports dated February 20, 2020 and June 10, 2020 were issued by the City of San Diego, with the current final report dated September 19, 2022. I could not find any September 2020 TSM report issued by the City of San Diego as referenced in the Access Analysis.

Each of the three TSM Reports that I reviewed requires that the City of San Diego approve the Project Information Form (PIF), and that the approved PIF be included in the Project's Transportation Study Appendix. The PIF in the

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Appendix to the Access Analysis does not indicate that the City of San Diego reviewed and approved or required revisions. The PIF also was not signed and stamped as required by a Registered Traffic Engineer in California.

None of the three City TSM Reports indicate traffic counts made on Thursday, February 23, 2012, for the St. John Garabed Armenian Church traffic study could be factored up to estimate traffic volumes used in analyses of existing or future conditions. Instead of factoring, each of the City TSM Reports state:

- > "New transportation data is required if available data is older than two years..."

Counts used in the Access Analysis were made in 2012, 11 years ago

- > "For areas near beaches, counts should be taken during summer months (between Memorial Day and Labor Day when schools are not in session) or should be adjusted to reflect typical summer conditions."

Counts used in the Access Analysis were made in the winter in February, not during the summer months. Instead, The City's TSM requires traffic volumes to be collected when local traffic volumes are influenced by beach traffic. In addition, traffic to and from the San Diego County Fair at the Del Mar Fairgrounds (daily in 2023 from June 7 through July 4) or during the horseracing season on Thursdays through Sundays at the Del Mar Racetrack (in 2023 from July 21 through September 10) should also be considered.

- > "Any deviation should be discussed with City staff."

No evidence is presented to indicate if City staff knew or approved of the approach used in the Access Analysis in Appendix H-1 to factor up 11-year-old counts

The Access Analysis factored up traffic volumes measured in 2012 to forecast current traffic volumes and also factored up 2016 forecast traffic volumes to establish future volumes for analysis. If the City of San Diego approved of the factoring that was done, then formal concurrence of that approach should have been given and shown in Appendix H-1. Without proof of City concurrence, using factored volumes cannot be relied upon and/or utilized to reach engineering decisions in the Access Analysis.

**2) Trip Generation Forecasts for Assisted Living Are Unrealistically Low**

Page 8 of the Access Analysis relies upon trip generation developed by the City of San Diego prior to May 2003, more than 20 years ago. Table 3.1 in the

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Project Description in the Draft SEIR provides project trip generation forecasts for 87 dwelling units proposed for congregate care and for 20 beds for convalescent/nursing.

The trip generation rates used for congregate care in the Draft SEIR are incorrectly based on dwelling units rather than the number of beds. Page 3-3 of the Project Description states "The proposed 105 units would include 87 assisted living units and 18 memory care units. A total of 124 beds would be provided, including 104 assisted living beds and 20 memory care beds."

I have calculated weekday daily trips for the proposed project based upon data published by the Institute of Transportation Engineers (ITE) in their September 2021 Trip Generation Manual, 11<sup>th</sup> Edition. As shown on the enclosures, the average weekday trip generation rate per bed for Land Use 254, Assisted Living, is 2.60 trips per weekday. With 104 assisted living beds in the Proposed Project, 270 daily weekday trips will be generated. With 20 memory care beds in the Proposed Project, ITE Land Use 620, Nursing Home, is the closest comparable land use and would generate 3.06 weekday daily trips per bed, 61 weekday daily trips for the memory care portion of the Proposed Project. Using the most recently available data provided by ITE, the Proposed Project can be expected to generate 331 weekday daily trips.

With 331 weekday daily trips, the September 19, 2022 City of San Diego Transportation Study Manual (TSM) Transportation Analysis Scoping Flowchart on Page 12 requires both a Transportation VMT CEQA Analysis as well as a Local Mobility Analysis, with neither of these analyses being screened out. The Local Mobility Analysis in the Draft SEIR contains many errors as indicated throughout this letter, and Appendix H-2 (Transportation VMT CEQA) analysis was not conducted according to the City's TSM.

**3) Church and Assisted Living Project Parking Must Be Analyzed Together**

Table 5.8-12 on Page 5.8-11 of the Final EIR for the Church provides parking rates and peak parking demand individually for the Church, Assembly Hall, Church offices, cultural center classrooms, cultural center office, and youth center. With 500 portable seats and assuming three persons per vehicle for the Assembly Hall, the overall peak parking demand is shown as 165 vehicles on a Saturday afternoon. At the same time, Table 5.8-12 shows there will be no parking demand created by any of the other buildings or uses during Saturday afternoons.

It is unreasonable and illogical to assume that there will be no parking demand created by any of the other uses during Saturday afternoons. In addition, the Sunday parking totals for both the morning and the afternoon are incorrectly added – these should total 12 parking spaces used on Sunday

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morning and 158 parking spaces used on Sunday afternoon. Furthermore, the parking demands have not been accompanied by a schedule showing all of the planned events for the approved Church plus auxiliary buildings.

After correcting the existing errors in Table 5.8-12 to properly show the parking demand, it must be adjusted to match the schedule of events for each of the buildings including the Assembly Hall, Church offices, cultural center classrooms, cultural center office, and youth center. Parking calculations for the Assisted Living Project Facility result in the need for 57 parking spaces according to Page 3-4 of the SEIR. These spaces, together with the 175 parking spaces required for the Church Project FEIR, result in a total of 232 required parking spaces for the campus as planned but without consideration for schedule overlaps of the buildings.

Only 107 parking spaces have been built, and 12 of those parking spaces are currently occupied with temporary buildings (and unusable). The Church Project plus the proposed Assisted Living Facility must be evaluated with the planned schedules for the individual building uses to make sure the overall peak parking demand will be met.

**4) Church and Assisted Living Project Traffic Must Be Analyzed Together**

The Draft SEIR for the Assisted Living Project states the Access Analysis has been prepared to review conditions on El Camino Real at the church driveway, an intersection that was not evaluated in the 2014 Final EIR. This driveway provides a single right turn only lane from northbound El Camino Real into the church driveway after a short deceleration lane as well as a single right turn only exit lane from the Church into a single acceleration lane.

The existing continuous raised median on El Camino Real requires all traffic to enter the church from the south, with southbound traffic passing the church on El Camino Real, making a U-turn at the traffic signal at Sea Country Lane, and then traveling northbound on El Camino Real to the deceleration lane followed by a right turn into the church property. All traffic leaving the church property must always travel northbound on El Camino Real to the traffic signal at San Dieguito Road, with traffic heading south to the City of San Diego after making a U-turn there.

The Church Project approved in 2014 included a 350-seat church and three auxiliary buildings. The Draft SEIR for the Assisted Living Project indicates that the 350-seat church has been constructed and is operational. In my review of Google-Earth photography dated June 2023, I confirmed that the church building has been constructed together with 107 parking spaces. Three temporary buildings have also been constructed, with one of those buildings occupying 12 parking spaces in the parking lot for the church.

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The Transportation/Circulation and Parking chapter of the 2014 Final EIR provides limited information regarding trips and parking, and it lacks the detail needed to provide proper analyses of these topics. The listing of facilities in the Final EIR for the Church does not acknowledge that several buildings will be in use at the same time (i.e., Church, Sunday School, and children's programs). In fact, just the opposite assumptions have been made, particularly in regard to parking at the site where no overlapping attendance has been assumed. At this time, there are no limitations on concurrent use of traffic, parking, and loading/unloading facilities which may dramatically overload the driveway access as well as the parking facilities without even considering the incremental increase in traffic and parking for the Assisted Living Facility.

Details are needed from the Church to evaluate the traffic volumes and parking associated with the initial and future construction as well as the combined impacts of the 2014 Final EIR with the Draft SEIR on the access driveway and on the adjacent signalized intersections including these:

- Current and planned church schedules with gap time between services to facilitate reuse of parking stalls
- Concurrent planned activities with church services such as Bible study, Sunday school, children's programs, etc.
- Real data to support person and vehicle occupancy for the church services and other activities
- Number of drop-offs and pick-ups associated with the start and conclusion of regular worship services as well as other regular events
- Special events such as lunches, dinners, and other gatherings, together with attendance and schedules of these events

The Access Analysis must be revised to consider these factors for the Church as approved in 2014 together with the Proposed Assisted Living Project.

**4) Intersection Analyses Must Be Reanalyzed with Both Projects**

The Access Analysis must be expanded to include these additional topics and to analyze and mitigate them using accepted traffic engineering and transportation planning practices:

- a) **Stopping Sight Distance** - Stopping sight distance at the Church driveway and El Camino Real has not been reviewed or analyzed. The driveway is located within a northbound downgrade of about 2 percent on

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the inside of a superelevated horizontal curve between Sea Country Lane and the Church driveway. Adjacent embankments on both sides of the driveway further limit stopping sight distance at this intersection.

The 7<sup>th</sup> Edition of *A Policy on Geometric Design of Highways and Streets 2018 The Green Book* published by the American Association of State Highway and Transportation Officials (AASHTO) is the definitive resource of stopping sight distance. This publication is used by Caltrans as well as all local jurisdictions in California. Traffic engineers and transportation planners understand that stopping sight distance is based upon the design speed of the roadway under review, a speed which is typically 10 MPH higher than the posted speed limit. With a posted speed limit of 50 MPH, a design speed of 60 MPH must be used to evaluate the Church driveway for adequate stopping sight distance. Stopping sight distance for a 60 MPH design speed is 570 feet as shown in Table 3-1 on Page 3-4, Stopping Sight Distance on Level Roadways, in the Green Book.

Traffic speeds on northbound El Camino Real are higher than the posted 50 MPH speed limit for these reasons:

- Based on roadway elevations available from USGS National Map viewer (<https://apps.nationalmap.gov/viewer/>), northbound El Camino Real has a downgrade of about 6 percent between Derby Downs Road and Sea Country Road (the roadway elevation decreases by about 120 feet in the 2,000-foot distance). The roadway downgrade then decreases to about 2 percent between Sea Country Road and the Church driveway as the roadway elevation decreases by about 30 feet in this 1,600-foot distance.
- The horizontal curve on El Camino Real between Sea Country Road and the Church driveway is superelevated and banked like you would encounter on a vehicle racetrack. This design is commonly used on freeways and high-speed expressways, but is not usually used on City streets as it allows and encourages higher speeds
- Northbound motorists on El Camino Real approaching the church driveway typically exceed the posted 50 MPH speed limit with the roadway downslope of 6 percent transitioning into flatter 2 percent plus the superelevation. In one of the current Google Earth ground level photographs, a vehicle speed feedback sign was positioned in the raised median in the horizontal curve to remind motorists of their speeds, an indication that the City of San Diego recognized the issue of speeding downhill traffic. However, this temporary speed feedback sign will not decrease the speed of northbound vehicles as speeds tend to increase back to before the feedback sign after 600 feet

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beyond the sign. Hill warning symbol signs for vehicles and/or bicyclists at the beginning of the downgrade near Derby Downs Road should be considered and the wide vehicle lanes should be narrowed.

The 140-foot-long right turn lane constructed as required as a Project Design Feature in the 2014 FEIR on northbound El Camino Real for the Church driveway is not sufficient to provide proper deceleration out of the travel lanes as well as appropriate stopping sight distance for the 60 MPH design speed of the roadway. From Google Earth ground level photography, stopping sight distance of northbound traffic in the outside lane of El Camino Real from a driver's eye located 10 feet before the limit line on the Church driveway is about 380 feet. This distance equates to a speed of 45 MPH for northbound El Camino Real, a distance that is insufficient for the design speed of 60 MPH as well as for the posted speed limit of 50 MPH.

To correct these conditions and to accommodate vehicle/vehicle and vehicle/bicycle weaving, the right turn lane must be lengthened to accommodate deceleration out of the through travel lanes and the embankment on the south side of the Church driveway must be graded down and back to provide at least the required 570 feet of stopping sight distance at this location. Landscaping in the sight distance triangle must also be limited and restricted to no more than 24 inches in height.

Extension of the deceleration areas and transitions into the left turn lanes are required to address conflicting weaving movements between vehicles and bicyclists. With the identified improvements, rear-end and side-swipe collisions at high speeds between bicyclists and vehicles can be avoided.

**b) Bicycle Facilities on El Camino Real Should Be Enhanced** – The Draft SEIR requires that the Assisted Living Project contain twelve short term and four long term bicycle parking spaces. The residents of this facility will use bicycles to travel among the buildings within the Church site and on El Camino Real. I also understand that bicycle riders on El Camino Real often travel in groups at moderately high speeds of 35 MPH or more. Except where the deceleration and acceleration lanes have been constructed adjacent to the church, vehicle travel lanes are very wide on both sides of El Camino Real. These 12' to 16' wide vehicle lanes encourage excessive vehicle speeds, particularly on the downhill grade through the horizontal curve. To enhance safety for bicyclists, El Camino Real should be restriped to provide Class IV protected bicycle lanes with a 4' or wider painted buffer between the bicycle lanes and the outside vehicle travel lanes.

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**c) All Vehicle Travel for the Proposed Project Requires U-Turns –**

Vehicle and bicycle crossings from the Proposed Project to southbound El Camino Real require entering the northbound acceleration lane, crossing two high speed northbound through lanes, entering the northbound left turn lane at the traffic signal at San Dieguito Road, and making a U-turn with the green arrow. Similarly, southbound vehicle and bicycle traffic on El Camino Real is required to pass the church driveway, merge left across two high speed through lanes, enter the left turn lane at Sea Country Lane, make a U-turn, and travel northbound to reach the Church driveway. Each of these maneuvers requires extreme caution and care, particularly under the high speeds that will be encountered in both directions on El Camino Real to reach the inside left turn lanes for U-turns.

**d) Left Turn/U-Turn Lane Lengths at Traffic Signals Are Too Short –**

All vehicles accessing the church property are required to make a U-turn as described above to arrive at or leave the Church. The raised median on El Camino Real at San Dieguito Road has a 120-foot-long reverse taper that then enters into a 150-foot-long U-turn lane. The total distance required to stop from the posted 50 MPH speed limit is 425 feet which significantly exceeds the existing length available to slow and stop before U-turning. Accepted traffic engineering practice requires that all deceleration and stopping must occur within the left turn/U-turn lane rather than in the inside through lane, requiring an extension of the left turn/U-turn lane of a minimum of 275 feet. At the same time, the reverse taper leading into the turning lane should also be extended to 150 feet for smoother and safer entry at the posted 50 MPH speed limit. Without lengthening the reverse taper and the left turn/U-turn lane, vehicles will overflow into the inside through lane, resulting in an increase in rear end collisions.

Similar conditions exist and require correction on El Camino Real at Sea Country Lane that serves the Stallion's Crossing residential development. The raised median on El Camino Real at Sea Country Lane has a 90-foot-long reverse taper that enters into a 180-foot-long U-turn lane. The total distance required to stop from the posted 50 MPH speed limit is 425 feet which significantly exceeds the existing length available to slow and stop before U-turning. Accepted traffic engineering practice requires that all deceleration and stopping must occur within the left turn/U-turn lane rather than in the inside through lane, requiring an extension of the left turn/U-turn lane of a minimum of 245 feet. The reverse taper into the turning lane should also be extended to 150 feet for smoother and safer entry. Without lengthening the reverse taper and the left turn/U-turn lane, vehicles will overflow into the inside through lane, resulting in an increase in rear end collisions.

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**5) Transportation Vehicle Miles Traveled (VMT) CEQA Analysis Is Required**

Appendix H-2 provides a November 10, 2022 memorandum prepared by C R Associates regarding expected vehicle miles traveled (VMT) by the project. This memo and portions of the SEIR rely on trip generation of the project being less than 300 trips per day. As discussed above, I believe the Assisted Living Project daily trip generation will be at least 331 weekday daily trips.

The Transportation Analysis Scoping Flowchart on Page 12 of the September 19, 2022 City of San Diego Transportation Study Manual (published and effective about 2 months prior to Appendix H-2) requires that a Transportation VMT CEQA Analysis be prepared if more than 300 daily trips will be generated. As indicated above, the El Camino Real Assisted Living Project will generate at least 331 weekday daily trips and this analysis is required. Typically, mitigation measures must also be incorporated into the Proposed Project to reduce the vehicle miles traveled by at least 15 percent.

**6) Emergency Evacuation and Service Plan Is Required**

Legislation has been drafted (SB-571) to require evaluation of emergency evacuation and preparation of a supporting plan. This is a two-year Senate Bill and will be considered next year. With the Proposed Project site located in an extremely high fire area subject to high winds, an emergency evacuation plan must be prepared and monitored for the safety of the residents, guests, and employees of the El Camino Real Assisted Living Facility.

Details must be provided that demonstrate how the 24-foot-wide, two-way aisle through the parking lot at St. John Garabed Armenian Church will remain open and available during emergency conditions, and for paramedics and ambulance services at all times to the Assisted Living Facility.

**Conclusions**

There are significant deficiencies in the El Camino Real Assisted Living Facility Draft SEIR. These omissions and errors summarized and detailed throughout this letter require that each of these issues and items be reanalyzed and reevaluated through additional study before the Proposed Project is considered further by the City of San Diego.


If you have questions regarding these comments, please contact me at your convenience.

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Mr. Doug Carstens  
El Camino Real Assisted Living Facility Draft SEIR – Transportation Issues  
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Respectfully submitted,

Tom Brohard and Associates

  
Tom Brohard, PE  
Principal

Enclosures

- Resume
- Trip Generation Manual, 11<sup>th</sup> Edition, published by the Institute of Transportation Engineers (ITE), September 2021 – Land Uses
- A Policy on Geometric Design of Highways and Streets 2018 The Green Book, 7<sup>th</sup> Edition, published by the American Association of State Highway and Transportation Officials (AASHTO) – Table 3-1

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**Tom Brohard, PE**

**Licenses:** 1975 / Professional Engineer / California – Civil, No. 24577  
 1977 / Professional Engineer / California – Traffic, No. 724  
 2006 / Professional Engineer / Hawaii – Civil, No. 12321

**Education:** 1969 / BSE / Civil Engineering / Duke University

**Experience:** 50+ Years

**Memberships:** 1977 / Institute of Transportation Engineers – Fellow, Life  
 1978 / Orange County Traffic Engineers Council - Chair 1982-1983  
 1981 / American Public Works Association – Life Member

Tom is a recognized expert in the field of traffic engineering and transportation planning. His background also includes responsibility for leading and managing the delivery of various contract services to numerous cities in Southern California.

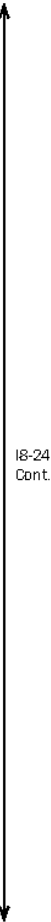
Tom has extensive experience in providing transportation planning and traffic engineering services to public agencies. In addition to conducting traffic engineering investigations for Los Angeles County from 1972 to 1978, he has previously served as City Traffic Engineer in the following communities:

- o Bellflower..... 1997 - 1998
- o Bell Gardens..... 1982 - 1995
- o Big Bear Lake..... 2006 - 2015
- o Indio..... 2005 - 2019
- o Huntington Beach..... 1998 - 2004
- o Lawndale..... 1973 - 1978
- o Los Alamitos..... 1981 - 1982
- o Oceanside..... 1981 - 1982
- o Paramount..... 1982 - 1988
- o Rancho Palos Verdes..... 1973 - 1978
- o Rolling Hills..... 1973 - 1978, 1985 - 1993
- o Rolling Hills Estates..... 1973 - 1978, 1984 - 1991
- o San Fernando..... 2004 - Present
- o San Marcos..... 1981
- o Santa Ana..... 1978 - 1981
- o Westlake Village..... 1983 - 1994

During these assignments, Tom has supervised City staff and directed other consultants including traffic engineers and transportation planners, traffic signal and street lighting personnel, and signing, striping, and marking crews. He has secured over \$10 million in grant funding for various improvements. He has managed and directed many traffic and transportation studies and projects. While serving these communities, he has personally conducted investigations of hundreds of citizen requests for various traffic control devices. Tom has also successfully presented numerous engineering reports at City Council, Planning Commission, and Traffic Commission meetings in these and other municipalities.

**Tom Brohard and Associates**

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***Tom Brohard, PE, Page 2***

In his 14 years of service to the City of Indio, Tom accomplished the following:

- ❖ Oversaw preparation and adoption of the 2008 Circulation Element Update of the General Plan including development of Year 2035 buildout traffic volumes, revised and simplified arterial roadway cross sections, and reduction in acceptable Level of Service criteria under certain conditions.
- ❖ Oversaw preparation of fact sheets/design exceptions to reduce shoulder widths on Jackson Street and on Monroe Street over I-10 as well as justifications for protected-permissive left turn phasing at I-10 on-ramps, the first such installations in Caltrans District 8 in Riverside County; reviewed plans and provided assistance during construction of both \$2 million projects to install traffic signals and widen three of four ramps at these two interchanges under Caltrans encroachment permits.
- ❖ Reviewed traffic signal, signing, striping, and work area traffic control plans for the County's \$45 million I-10 Interchange Improvement Project at Jefferson Street.
- ❖ Reviewed traffic impact analyses for Project Study Reports evaluating different alternatives for buildout improvements of the I-10 Interchanges at Jefferson Street, Monroe Street, Jackson Street and Golf Center Parkway.
- ❖ Oversaw preparation of plans, specifications, and contract documents and provided construction assistance for over 70 traffic signal installations and modifications.
- ❖ Reviewed and approved over 2,000 work area traffic control plans as well as signing and striping plans for all City and developer funded roadway improvement projects.
- ❖ Oversaw preparation of a City-wide traffic safety study of conditions at all schools.
- ❖ Obtained \$47,000 grant from the California Office of Traffic Safety and implemented the City's Traffic Collision Database System. Annually reviews "Top 25" collision locations and provides traffic engineering recommendations to reduce collisions.
- ❖ Prepared over 1,500 work orders directing City forces to install, modify, and/or remove traffic signs, pavement and curb markings, and roadway striping.
- ❖ Oversaw preparation of engineering and traffic surveys to establish enforceable speed limits on over 500 street segments.
- ❖ Reviewed and approved traffic impact studies for more than 35 major projects and special events including the annual Coachella and Stagecoach Music Festivals.
- ❖ Developed and implemented the City's Golf Cart Transportation Program.

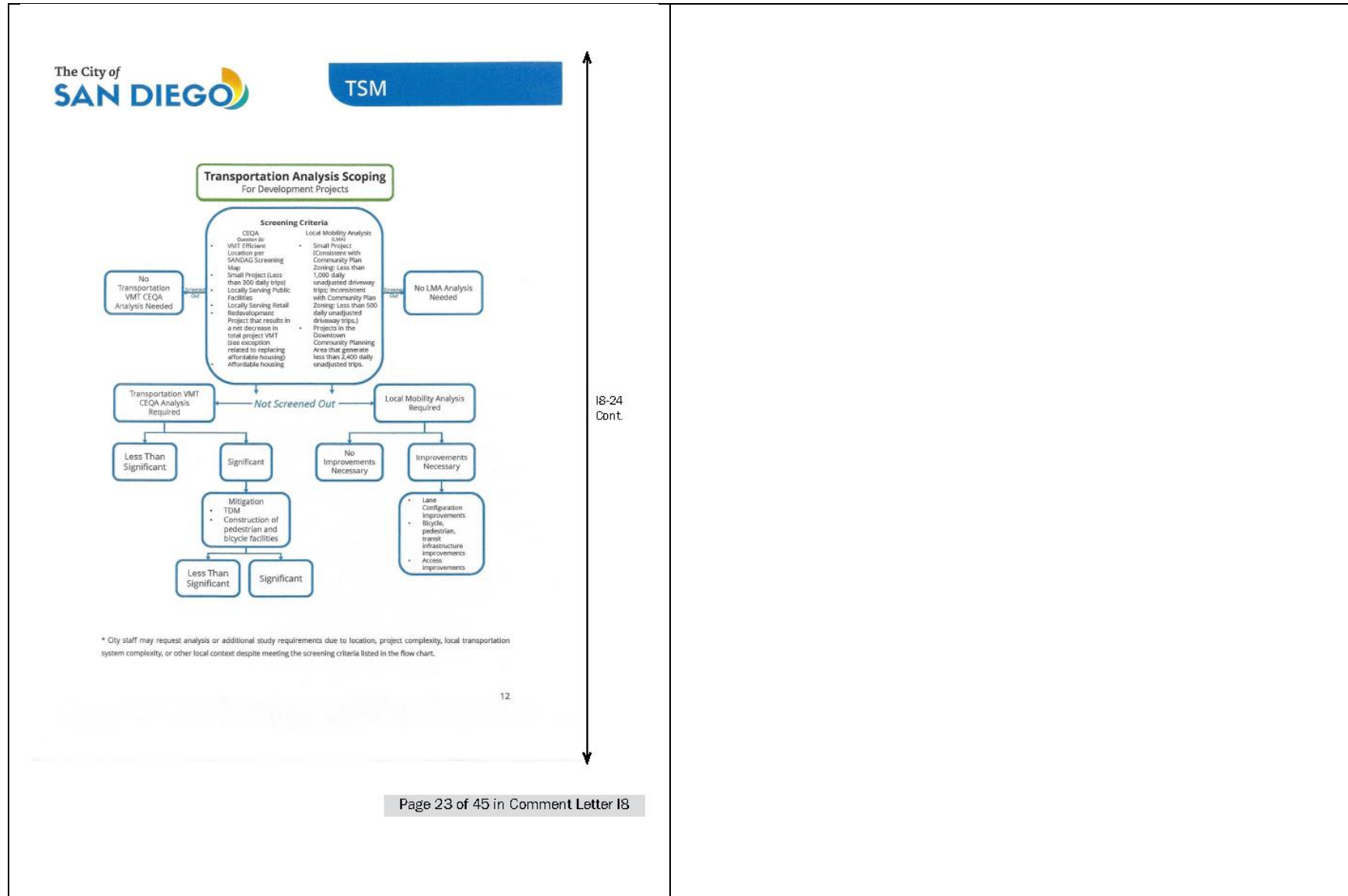
Since forming Tom Brohard and Associates in 2000, Tom has reviewed many traffic impact reports and environmental documents for various development projects. He has provided expert witness services and also prepared traffic studies for public agencies and private sector clients.

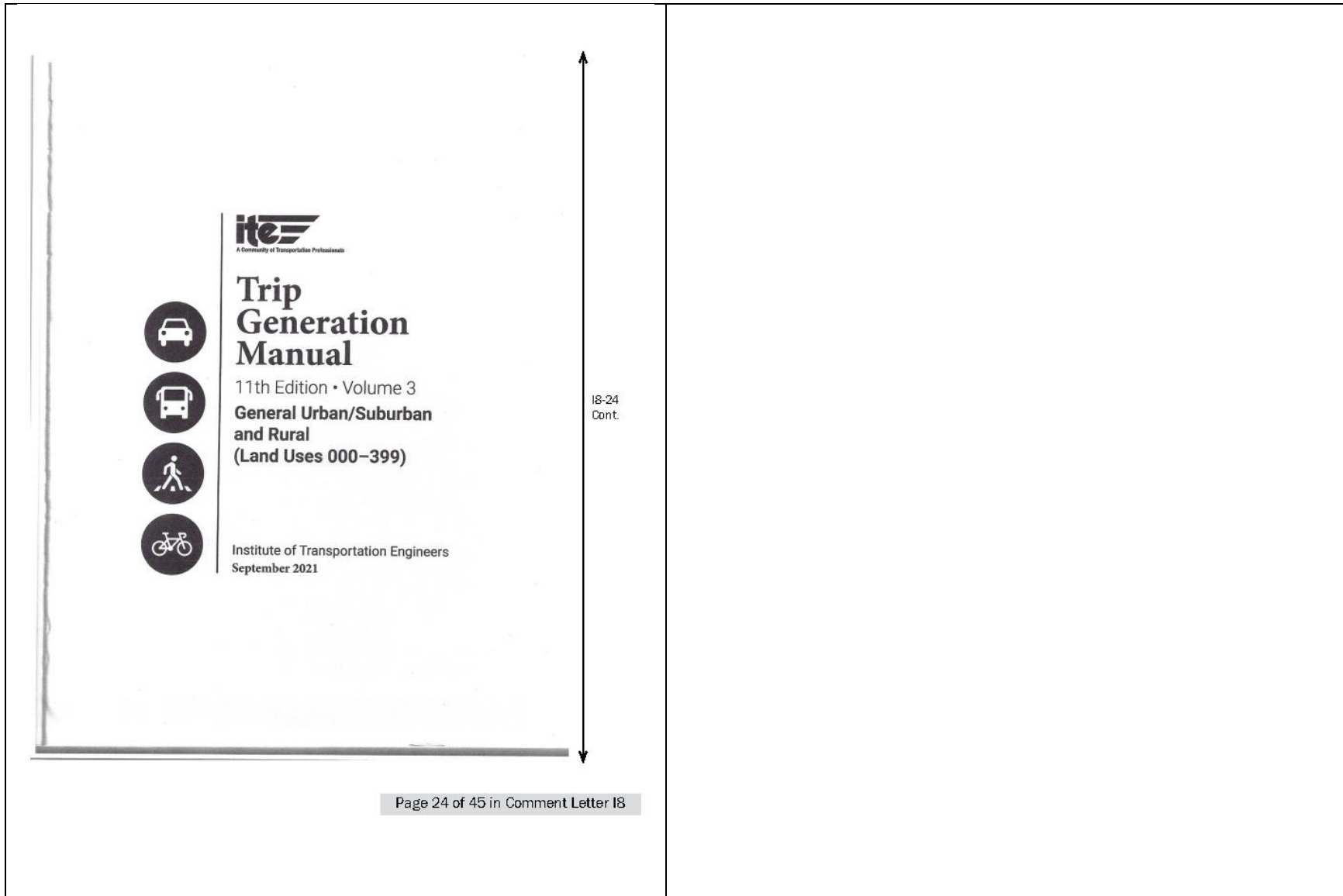
**Tom Brohard and Associates**

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<p>The City of <b>SAN DIEGO</b></p> <p><b>Transportation Study Manual (TSM)</b></p> <p>DATE: 09/19/2022</p> <p>18-24 Cont.</p> <p>Page 22 of 45 in Comment Letter IS</p>	
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## Land Use: 254 Assisted Living

### Description

An assisted living complex is a residential setting that provides either routine general protective oversight or assistance with activities necessary for independent living to persons with mental or physical limitations. The typical resident has difficulty managing in an independent living arrangement but does not require nursing home care. Its centralized services typically include dining, housekeeping, social and physical activities, medication administration, and communal transportation.

The complex commonly provides separate living quarters for each resident. Alzheimer's and ALS care are commonly offered at an assisted living facility. Living quarters for these patients may be located separately from the other residents.

Assisted care commonly bridges the gap between independent living and a nursing home. In some areas of the country, an assisted living residence may be called personal care, residential care, or domiciliary care. Staff may be available at an assisted care facility 24 hours a day, but skilled medical care—which is limited in nature—is not required. Congregate care facility (Land Use 253), continuing care retirement community (Land Use 255), and nursing home (Land Use 620) are related uses.

### Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITE TripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Connecticut, New Jersey, New York, Oregon, Pennsylvania, Tennessee, Texas, and Utah.

### Source Numbers

244, 573, 581, 611, 725, 876, 877, 912, 1016, 1029



General Urban/Suburban and Rural (Land Uses 000-399) 435

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### Assisted Living (254)

Vehicle Trip Ends vs: Beds  
On a: Weekday

Setting/Location: General Urban/Suburban  
 Number of Studies: 2  
 Avg. Num. of Beds: 135  
 Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Bed		
Average Rate	Range of Rates	Standard Deviation
2.60	1.86 - 4.14	***

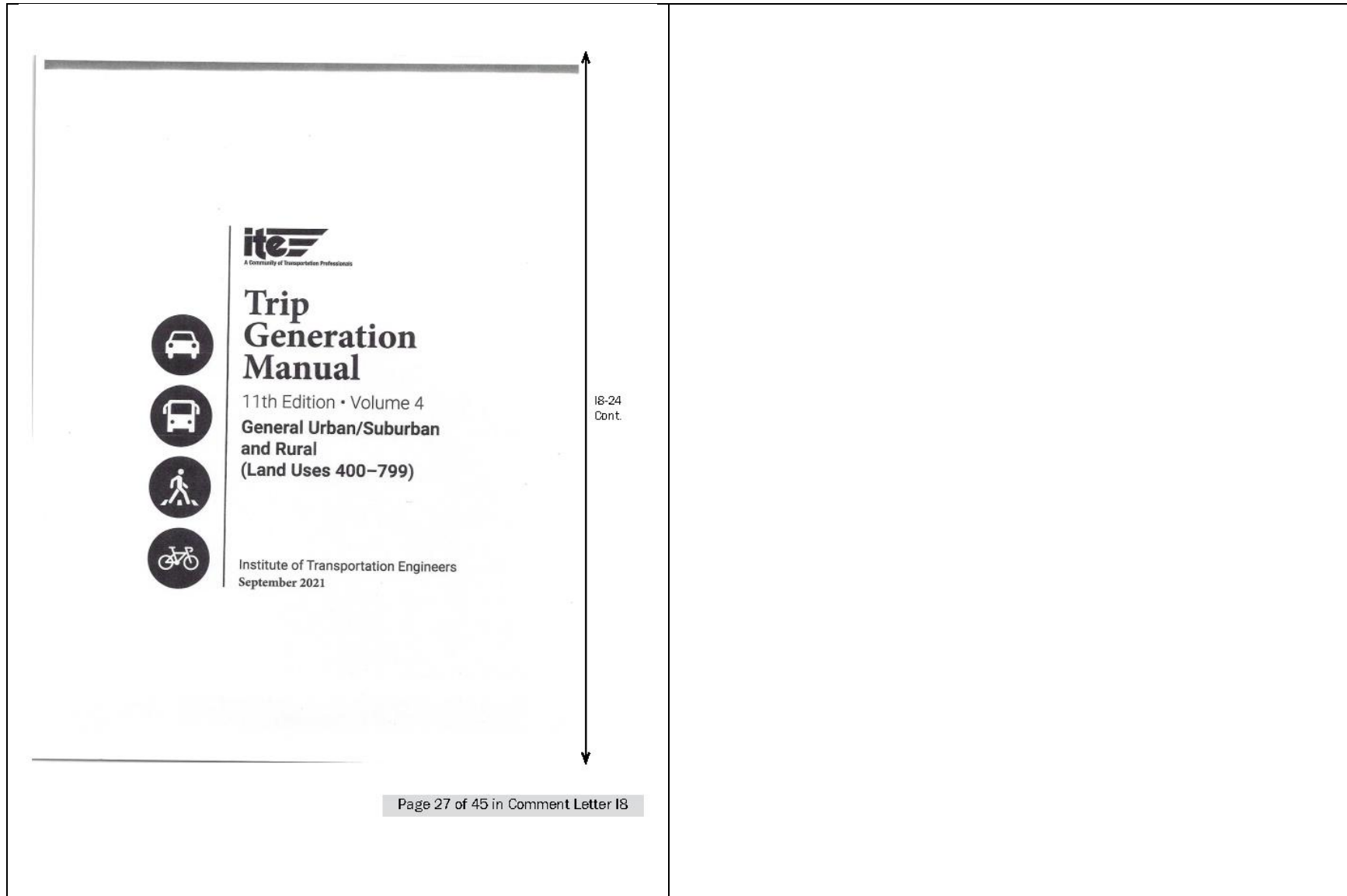
**Data Plot and Equation** Caution - Small Sample Size


X = Study Site  
 Fitted Curve Equation: Not Given  
 --- Average Rate  
 R<sup>2</sup> = \*\*\*

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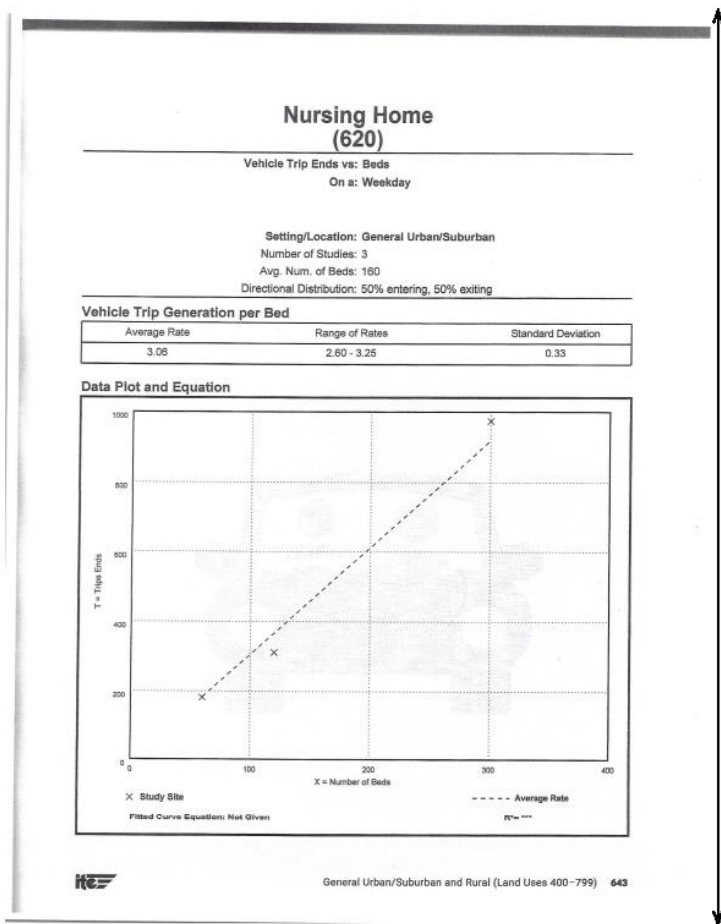
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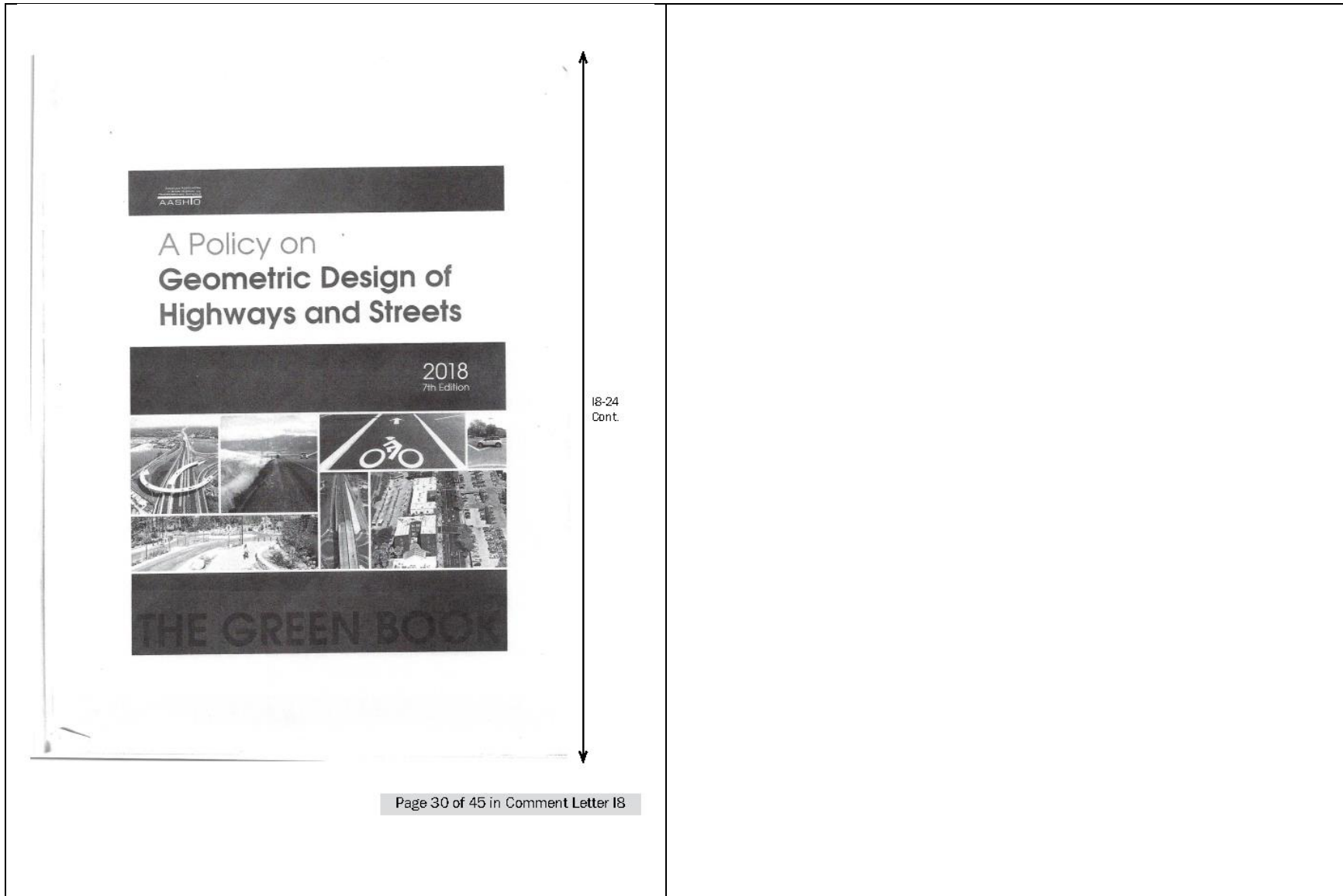
<p style="text-align: center;"><b>Land Use: 620 Nursing Home</b></p> <hr/> <p><b>Description</b></p> <p>A nursing home is a facility whose primary function is to provide care for persons who are unable to care for themselves. Examples include rest homes, chronic care, and convalescent homes. Skilled nurses and nursing aides are present 24 hours a day at these sites. Residents often require treatment from a registered healthcare professional for ongoing medical issues. A nursing home resident is not capable of operating a vehicle. Traffic is entirely generated by employees, visitors, and deliveries. Assisted living (Land Use 254) and continuing care retirement community (Land Use 255) are related uses.</p> <p><b>Additional Data</b></p> <p>The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<a href="https://www.ite.org/technical-resources/topics/trip-and-parking-generation/">https://www.ite.org/technical-resources/topics/trip-and-parking-generation/</a>).</p> <p>The average numbers of person trips per vehicle trip at the three general urban/suburban sites at which both person trip and vehicle trip data were collected were as follows:</p> <ul style="list-style-type: none"><li>• 1.0 during Weekday, Peak Hour of Adjacent Street Traffic, one hour between 7 and 9 a.m.</li><li>• 1.1 during Weekday, AM Peak Hour of Generator</li><li>• 1.5 during Weekday, PM Peak Hour of Generator</li></ul> <p>The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), Florida, New Hampshire, New Jersey, New York, Ontario, Canada, and Texas.</p> <p><b>Source Numbers</b></p> <p>436, 502, 598, 734, 878, 971, 972</p> <p style="font-size: small;">642 Trip Generation Manual 11th Edition • Volume 4</p> 	18-24 Cont.
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3-4 A Policy on Geometric Design of Highways and Streets

U.S. Customary	Metric
$d_b = 1.075 \frac{V^2}{a}$	$d_b = 0.039 \frac{V^2}{a}$
where: $d_b$ = braking distance, ft $V$ = design speed, mph $a$ = deceleration rate, ft/s <sup>2</sup>	where: $d_b$ = braking distance, m $V$ = design speed, km/h $a$ = deceleration rate, m/s <sup>2</sup>

(3-1)

Studies documented in the literature (19) show that most drivers decelerate at a rate greater than 14.8 ft/s<sup>2</sup> [4.5 m/s<sup>2</sup>] when confronted with the need to stop for an unexpected object in the roadway. Approximately 90 percent of all drivers decelerate at rates greater than 11.2 ft/s<sup>2</sup> [3.4 m/s<sup>2</sup>]. Such decelerations are within the driver's capability to stay within his or her lane and maintain steering control during the braking maneuver on wet surfaces. Therefore, 11.2 ft/s<sup>2</sup> [3.4 m/s<sup>2</sup>] (a comfortable deceleration for most drivers) is recommended as the deceleration threshold for determining stopping sight distance. Implicit in the choice of this deceleration threshold is the assessment that most vehicle braking systems and the tire-pavement friction levels of most roadways are capable of providing a deceleration rate of at least 11.2 ft/s<sup>2</sup> [3.4 m/s<sup>2</sup>]. The friction available on most wet pavement surfaces and the capabilities of most vehicle braking systems can provide braking friction that exceeds this deceleration rate.

Table 3-1. Stopping Sight Distance on Level Roadways

Design Speed (mph)	U.S. Customary				Design Speed (km/h)	Metric			
	Brake Reaction Distance (ft)	Braking Distance on Level (ft)	Stopping Sight Distance Calculated (ft)	Stopping Sight Distance Design (ft)		Brake Reaction Distance (m)	Braking Distance on Level (m)	Stopping Sight Distance Calculated (m)	Stopping Sight Distance Design (m)
15	55.1	21.6	76.7	80	20	13.9	4.6	18.5	20
20	73.5	38.4	111.9	115	30	20.9	10.3	31.2	35
25	91.9	60.0	151.9	155	40	27.8	18.4	46.2	50
30	110.3	86.4	196.7	200	50	34.8	28.7	63.5	65
35	128.6	117.6	246.2	250	60	41.7	41.3	83.0	85
40	147.0	153.6	300.6	305	70	48.7	56.2	104.9	105
45	165.4	194.4	359.8	360	80	55.6	73.4	129.0	130
50	183.8	240.0	423.8	425	90	62.6	92.9	155.5	160
55	202.1	290.5	492.4	495	100	69.5	114.7	184.2	185
60	220.5	345.5	566.0	570	110	76.5	138.8	215.3	220
65	238.9	405.5	644.4	645	120	83.4	165.2	248.6	250
70	257.3	470.3	727.6	730	130	90.4	193.8	284.2	285
75	275.6	539.9	815.5	820	140	97.3	224.8	322.1	325
80	294.0	614.3	908.3	910					
85	313.5	693.5	1007.0	1010					

Note: Brake reaction distance predicated on a time of 2.5 s; deceleration rate of 11.2 ft/s<sup>2</sup> [3.4 m/s<sup>2</sup>] used to determine calculated sight distance.

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 Cont.



*Department of Real Estate  
of the  
State of California*

**PLANNED DEVELOPMENT  
FINAL SUBDIVISION PUBLIC REPORT**

*In the matter of the application of*


CRV STALLIONS CROSSING, L.P.,  
A CALIFORNIA LIMITED PARTNERSHIP

FILE NO. 107139LA-F00  
ISSUED: JULY 03, 2002  
EXPIRES: JULY 02, 2007

*for a Final Subdivision Public Report on*

THE VILLAS AT STALLIONS CROSSING,  
MAP NO. 14299  
"VILLAS AT STALLIONS CROSSING" - PHASE 4  
SAN DIEGO COUNTY, CALIFORNIA

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

by   
Deputy Commissioner

**CONSUMER INFORMATION**

- ❖ This report is not a recommendation or endorsement of the subdivision; it is informative only.
- ❖ Buyer or lessee must sign that (s)he has received and read this report.
- ❖ A copy of this subdivision public report along with a statement advising that a copy of the public report may be obtained from the owner, subdivider, or agent at any time, upon oral or written request, *must* be posted in a conspicuous place at any office where sales or leases or offers to sell or lease interests in this subdivision are regularly made. [Reference Business and Professions (B & P) Code Section 11018.1(b)]

This report expires on the date shown above. All material changes must be reported to the Department of Real Estate. (Refer to Section 11012 of the B&P Code; and Chapter 6, Title 10 of the California Administrative Code, Regulation 2800.) Some material changes may require amendment of the Public Report; which Amendment must be obtained and used in lieu of this report.

Section 12920 of the California Government Code provides that the practice of discrimination in housing accommodations on the basis of race, color, religion, sex, marital status, national origin, physical handicap or ancestry, is against public policy.

Under Section 125.6 of the B&P Code, California real estate licensees are subject to disciplinary action by the Real Estate Commissioner if they discriminate or make any distinction or restriction in negotiating the sale or lease of real property because of the race, color, sex, religion, ancestry, national origin, or physical handicap of the client. If any prospective buyer or lessee believes that a licensee is guilty of such conduct, (s)he should contact the Department of Real Estate.

*Read the entire report on the following pages before contracting to buy or lease an interest in this subdivision.*

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**SPECIAL NOTES**

THIS REPORT COVERS ONLY RESIDENTIAL LOTS 1 THROUGH 15 AND COMMON AREA LOTS A, B, C, D, E, F AND G OF MAP NO. 14299.

IF YOU HAVE RECEIVED A PRELIMINARY PUBLIC REPORT FOR THIS SUBDIVISION, YOU ARE ADVISED TO CAREFULLY READ THIS FINAL PUBLIC REPORT SINCE IT CONTAINS INFORMATION THAT IS MORE CURRENT AND PROBABLY DIFFERENT THAN THAT INCLUDED IN THE PRELIMINARY REPORT.

THE RESIDENTIAL LOT YOU ARE PURCHASING IS SITUATED IN A PROJECT KNOWN AS "STALLIONS CROSSING" ("STALLIONS CROSSING" OR "PROJECT") WHICH IS BEING DEVELOPED BY CRV STALLION CROSSINGS, L.P., A CALIFORNIA LIMITED PARTNERSHIP ("DEVELOPER").

THIS PROJECT IS A COMMON-INTEREST SUBDIVISION OF THE TYPE REFERRED TO AS A PLANNED DEVELOPMENT. IT INCLUDES COMMON AREAS, AND COMMON AMENITIES WHICH WILL BE MAINTAINED BY AN INCORPORATED OWNERS ASSOCIATION, STALLIONS CROSSING HOMEOWNERS ASSOCIATION ("ASSOCIATION"). THE ASSOCIATION HAS BEEN FORMED PURSUANT TO THE TERMS AND PROVISIONS OF THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF STALLIONS CROSSING ("DECLARATION") RECORDED IN THE OFFICIAL RECORDS OF SAN DIEGO COUNTY. STALLIONS CROSSING IS ALSO GOVERNED AND ORGANIZED PURSUANT TO THE BYLAWS OF STALLIONS CROSSING HOMEOWNERS ASSOCIATION ("BYLAWS") AND THE ARTICLES OF INCORPORATION ("ARTICLES").

PURCHASERS OF RESIDENTIAL LOTS WITHIN STALLIONS CROSSING WILL BE MEMBERS OF THE ASSOCIATION AND SUBJECT TO ITS ASSESSMENTS IN ACCORDANCE WITH THE PROVISIONS OF THE DECLARATION. IN ADDITION, THE ASSOCIATION HAS THE RIGHT TO PROMULGATE ARCHITECTURAL GUIDELINES ("ARCHITECTURAL GUIDELINES") AND RULES AND REGULATIONS ("RULES AND REGULATIONS") FURTHER GOVERNING THE OWNERS WITHIN STALLIONS CROSSING (HEREIN THE DECLARATION, BYLAWS, ARTICLES AND ANY RULES AND REGULATIONS AND ARCHITECTURAL GUIDELINES PROMULGATED BY THE ASSOCIATION ARE REFERRED TO AS THE "GOVERNING DOCUMENTS"). YOU SHOULD REVIEW EACH OF THE GOVERNING DOCUMENTS CAREFULLY.

THE ASSOCIATION HAS THE RIGHT TO LEVY ASSESSMENTS AGAINST YOU FOR MAINTENANCE OF THE COMMON AREAS, AMENITIES AND FACILITIES, AND OTHER PURPOSES. YOUR CONTROL OF OPERATIONS AND EXPENSES IS LIMITED TO THE RIGHT OF YOUR ELECTED REPRESENTATIVES TO VOTE ON CERTAIN PROVISIONS AT MEETINGS.

SINCE THE COMMON AREA IMPROVEMENTS, AMENITIES AND FACILITIES WILL BE MAINTAINED BY THE ASSOCIATION, IT IS ESSENTIAL THAT THIS ASSOCIATION BE FORMED EARLY AND PROPERLY. THE ASSOCIATION MUST HOLD THE FIRST MEMBERSHIP MEETING AND ELECTION OF THE ASSOCIATION'S GOVERNING BODY WITHIN SIX MONTHS AFTER THE CLOSING OF THE SALE OF THE FIRST SUBDIVISION INTEREST UNDER THE FIRST PUBLIC REPORT FOR THE SUBDIVISION. HOWEVER, IN NO EVENT SHALL THE MEETING BE HELD LATER THAN SIX MONTHS AFTER THE CLOSING OF THE SALE OF THE FIRST SUBDIVISION INTEREST. (REGULATIONS 2792.17 AND 2792.19) THE ASSOCIATION MUST ALSO PREPARE AND DISTRIBUTE TO ALL HOMEOWNERS A BALANCE SHEET AND INCOME STATEMENT.

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THE DEVELOPER MUST PAY ASSESSMENTS TO THE ASSOCIATION FOR ALL UNSOLD RESIDENTIAL LOTS IN THIS PHASE. THE PAYMENTS MUST COMMENCE ON THE FIRST DAY OF THE MONTH AFTER DEVELOPER CONVEYS THE FIRST SUBDIVISION INTEREST IN THIS PHASE. (REGULATIONS 2792.9 AND 2792.16.)

THE DEVELOPER MUST MAINTAIN AND DELIVER TO THE ASSOCIATION THE SPECIFIC RECORDS AND MATERIALS LISTED IN REAL ESTATE COMMISSIONER'S REGULATION 2792.23 WITHIN THE STATED TIME PERIOD. THESE RECORDS AND MATERIALS DIRECTLY AFFECT THE ABILITY OF THE ASSOCIATION TO PERFORM ITS DUTIES AND RESPONSIBILITIES. (REFER TO SECTION 11018.5 OF THE BUSINESS AND PROFESSIONS CODE AND SECTION 1363 OF THE CIVIL CODE.)

THE DEVELOPER MUST PROVIDE YOU WITH A COPY OF THE ARTICLES OF INCORPORATION, BYLAWS, AND DECLARATION PRIOR TO CLOSE OF ESCROW. THESE DOCUMENTS CONTAIN NUMEROUS MATERIAL PROVISIONS THAT SUBSTANTIALLY AFFECT AND CONTROL YOUR RIGHTS, PRIVILEGES, USE, OBLIGATIONS, AND COSTS OF MAINTENANCE AND OPERATION. YOU SHOULD READ AND UNDERSTAND THESE DOCUMENTS BEFORE YOU OBLIGATE YOURSELF TO PURCHASE A RESIDENTIAL LOT. (SECTION 11018.6 OF THE BUSINESS AND PROFESSIONS CODE.)

THE DEVELOPER STATED HE OR SHE WILL FURNISH THE CURRENT BOARD OF OFFICERS OF THE ASSOCIATION AND EACH INDIVIDUAL PURCHASER WITH THE DEPARTMENT OF REAL ESTATE REVIEWED ASSOCIATION BUDGET.

DEVELOPER ESTIMATES ALL COMMON AREA IMPROVEMENTS AND AMENITIES IN THIS PHASE WILL BE COMPLETED BY APPROXIMATELY JANUARY 2003.

NO ESCROWS WILL CLOSE UNTIL ALL COMMON AREA IMPROVEMENTS, AMENITIES, LANDSCAPING AND RESIDENTIAL LOTS IN THIS PHASE HAVE BEEN COMPLETED AND A NOTICE OF COMPLETION HAS BEEN FILED AND ALL CLAIM OF LIENS HAS EXPIRED, OR A TITLE POLICY ISSUED TO EACH PURCHASER CONTAINING AN ENDORSEMENT AGAINST ALL CLAIMS OF LIENS. (SECTION 11018.5 OF THE BUSINESS AND PROFESSIONS CODE.)

THE DEVELOPER HAS INDICATED THAT HE OR SHE INTENDS TO SELL ALL OF THE RESIDENTIAL LOTS IN THIS PROJECT; HOWEVER, ANY OWNER, INCLUDING THE DEVELOPER, HAS A LEGAL RIGHT TO RENT OR LEASE THE RESIDENTIAL LOTS.

IF YOU PURCHASE FIVE OR MORE RESIDENTIAL LOTS FROM THE DEVELOPER, THE DEVELOPER IS REQUIRED TO NOTIFY THE REAL ESTATE COMMISSIONER OF THE SALE. IF YOU INTEND TO SELL YOUR INTERESTS OR LEASE THEM FOR TERMS LONGER THAN ONE YEAR, YOU ARE REQUIRED TO OBTAIN AN AMENDED SUBDIVISION PUBLIC REPORT BEFORE YOU CAN OFFER THE INTERESTS FOR SALE OR LEASE.

**WARNING:** WHEN YOU SELL YOUR RESIDENTIAL LOT TO SOMEONE ELSE, YOU MUST GIVE THAT PERSON A COPY OF THE DECLARATION, ARTICLES, BYLAWS AND A TRUE STATEMENT CONCERNING ANY DELINQUENT ASSESSMENTS, PENALTIES, ATTORNEYS' FEES OR OTHER CHARGES, PROVIDED BY THE DECLARATION OR OTHER MANAGEMENT DOCUMENTS ON THE RESIDENTIAL LOT AS OF THE DATE THE STATEMENT WAS ISSUED.

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**NOTE:** IF YOU FORGET TO DO THIS, IT MAY COST YOU A PENALTY OF \$500.00 -- PLUS ATTORNEY'S FEES AND DAMAGES (SEE CIVIL CODE SECTION 1368).

THE DEVELOPER MUST MAKE AVAILABLE TO YOU COPIES OF ASSOCIATION GOVERNING INSTRUMENTS, A STATEMENT CONCERNING ANY DELINQUENT ASSESSMENTS AND RELATED CHARGES AS PROVIDED BY THE GOVERNING INSTRUMENTS AND, IF AVAILABLE, CURRENT FINANCIAL AND RELATED STATEMENTS (SEE BUSINESS AND PROFESSIONS CODE SECTION 11018.6).

NOTWITHSTANDING ANY PROVISION IN THE PURCHASE CONTRACT TO THE CONTRARY, A PROSPECTIVE BUYER HAS THE RIGHT TO NEGOTIATE WITH THE DEVELOPER TO ALLOW AN INSPECTION OF THE PROPERTY BY THE BUYER OR THE BUYER'S DESIGNEE UNDER TERMS MUTUALLY AGREEABLE TO THE PROSPECTIVE BUYER AND DEVELOPER.

**INTERESTS TO BE CONVEYED**

You will receive fee title to a specified Residential Lot together with a membership in the "Stallions Crossing Homeowners Association" and rights to use the common area.

**LOCATION AND SIZE**

This subdivision is located at Del Mar Heights Road and Via De La Valle within the city limits of San Diego. Prospective purchasers should acquaint themselves with the kinds of city services available.

This is the fourth phase which consists of approximately 5.99 acres divided into 15 Residential Lots, each with an attached 2 or 3 car garage.

**MAINTENANCE AND OPERATIONAL EXPENSES**

The subdivider has submitted a budget for the management, maintenance and operation of the common areas and for long-term reserves. This budget was reviewed by the Department of Real Estate in August, 2001. You should obtain a copy of this budget from the subdivider. Under this budget, the monthly assessment against each subdivision interest will be \$122.00 of which \$23.88 is a monthly contribution to long-term reserves and is not to pay for current management, maintenance and operating expenses.

The utility rates used for the calculations within this budget are based on information available at the time of the budget review date (as shown above). Increases in regular assessments or special assessments may be required as a measure to provide adequate funds to compensate for potential utility rate increases. Purchasers should be aware of the possible affect these increases may have on their homeowner assessments.

IF THE BUDGET FURNISHED TO YOU BY THE DEVELOPER SHOWS A MONTHLY ASSESSMENT FIGURE WHICH IS AT LEAST 20% MORE OR AT LEAST 10% LESS THAN THE ASSESSMENT AMOUNT SHOWN IN THIS PUBLIC REPORT, YOU SHOULD CONTACT THE DEPARTMENT OF REAL ESTATE BEFORE ENTERING INTO AN AGREEMENT TO PURCHASE.

The Association may increase or decrease assessments at any time in accordance with the procedure prescribed in the Declaration or Bylaws. In considering the advisability of a decrease or a smaller increase, in assessments, care should be taken not to eliminate amounts attributable to reserves for replacement or major maintenance.

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THE BUDGET INFORMATION INCLUDED IN THIS PUBLIC REPORT IS APPLICABLE AS OF THE DATE OF BUDGET REVIEW AS SHOWN ABOVE. EXPENSES OF OPERATION ARE DIFFICULT TO PREDICT AND EVEN IF ACCURATELY ESTIMATED INITIALLY, MOST EXPENSES INCREASE WITH THE AGE OF FACILITIES AND WITH INCREASES IN THE COST OF LIVING.

Monthly assessments will commence on all Residential Lots in this phase on the first day of the month following the conveyance of the first subdivision interest.

The remedies available to the Association against Owners who are delinquent in the payment of assessments are set forth in the Declaration. These remedies are available against the Developer as well as against other Owners.

The Developer has posted a bond as partial security for his obligation to pay these assessments. The governing body of the Association should assure itself that the Developer has satisfied these obligations to the Association with respect to the payment of assessments before agreeing to a release or exoneration of the security.

**EASEMENTS**

Easements for utilities, drainage and other purposes are shown on the Title Report and Subdivision Map recorded in the Office of the San Diego County Recorder, as Map No. 14299.

**RESTRICTIONS**

This subdivision is subject to the Declaration recorded in the Office of the San Diego County Recorder, on January 10, 2002 as File No. 2002-0024402 and to a Supplementary Declaration recorded June 25, 2002 as Document No. 2002-0534212.

The Declaration contains numerous provisions relating to your use and occupancy of your Residential Lot including without limitation, provisions which give the Board the right to review and approve of all improvements constructed by an Owner. The Declaration also contains numerous use restrictions. You should carefully review all of the terms and provisions in the Governing Documents including the Declaration.

FOR INFORMATION AS TO YOUR OBLIGATIONS AND RIGHTS, YOU SHOULD READ THE DECLARATION. THE DEVELOPER MUST MAKE IT AVAILABLE TO YOU.

**USES, ZONING AND HAZARDS**

The Developer advises the following exist within or near this subdivision:

Property located north of this project is zoned civic (church).

Property located east of this project is zoned agricultural.

Property located west of this project is zoned farm.

A **Polo Club** located approximately 1 mile north of this project, is used as a polo field as well as a soccer field. As a result, your Residence may be subject to noise, lighting, traffic and flies and odors from the horses.

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The **Fairbanks Ranch Country Club** is located approximately 2 mile(s) east of this project and as a result, your Residence may be subject to greater levels of noise, lighting and traffic. Neither Developer nor the Association have any control over the operation of the Fairbanks Ranch Country Club.

The **San Dieguito River** is located approximately 1 mile northwest of this project. By living in such close proximity to the San Dieguito River you and your Residence may be subject to greater levels of mold, mildew, odors and rusting of wrought iron fencing or other iron type fixtures.

The **Interstate 5** is an 8 lane freeway located directly west approximately 1 mile. The I-5 freeway is planned to be widened and impacts of widening may affect the Project. The I-5 freeway is a major freeway that may create noise, odor, pollution and dirt that could affect the Project 24 hours a day.

**Adjacent Land Uses.** Developer makes no representation about future land uses on any adjacent or nearby properties. Because general and specific plans and zoning are subject to changes, we encourage you to check with the Planning Department or any other appropriate City department regarding proposed land use. There may be construction activity in the vicinity of the Project and that as a result, there may be noise, construction traffic and dust and other similar nuisances.

The Project is also located within the overflight pattern for **hot air balloons** departing from the Del Mar area. As a result, the Project may be subject to noise and other disturbances resulting therefrom.

**MCAS Miramar.** The Project is located in the vicinity of MCAS Miramar (formerly known as Naval Air Station (NAS) Miramar), an existing airport currently operated as a naval and marine facility.

The Project is under the Julian Departure Corridor which are currently utilized by all aircraft departing MCAS Miramar. Your Residence will be overflown by military, commercial or private aircraft of all types (both fixed wing and rotary), which will produce varying degrees of noise and vibration at any hour of the day or night. Overflights are intermittent and at times frequent.

MCAS Miramar normally operates between 7:00 a.m. and midnight, Monday through Friday, and 8:00 p.m. on weekends. On occasion, operations may be on a twenty-four hour basis. Neither the City nor Developer has control over, or responsibility for, MCAS Miramar or potential future commercial overflights, and any attendant aircraft noise.

Although the Project is not located within an "Accident Potential Zone" (where, historically approximately 75% of accidents near military air fields occur), the community is not necessarily free from the risk of an accident. Things can fall off aircraft whether or not they are flying in an Accident Potential Zone.

MCAS Miramar (formerly known as Naval Air Station (NAS) Miramar) has undergone a realignment to a Marine Corps Air Station. Personnel, aircraft and equipment currently stationed at MCAS El Toro (including squadrons of helicopters) have been relocated to Miramar. An "Environmental Impact Statement" relating to the realignment of NAS Miramar ("EIS") has been prepared and circulated. The EIS states that after the realignment, the number of daytime aircraft flights will increase from previous levels and the number of night flights will also increase.

According to the Marine Corps, after the realignment there will be more frequent and more intense aircraft noise. The Marine Corps has stated that present flight patterns to and from Miramar are expected to change during and after the conversion of the base to a Marine Corps Air Station, which will result in more flights to the north and east of the base.

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For further information, including current policy regarding time of operations, you may call MCAS Miramar directly. The telephone numbers are as follows: (858) 577-6000/Flight Path & Helicopter Info. – Community noise levels, flight paths, noise disclosures and Marine Helicopter operations. (858) 577-4277 – Noise Complaints. (858) 577-1011/General Information.

The Project is located in the vicinity of the Pacific Ocean. By living in such close proximity to the Pacific Ocean, your residence may be subject to greater levels of mold, mildew and rusting of wrought iron fencing or other iron type fixtures.

The Del Mar Fairgrounds/Race Track is located approximately 2 miles west of this project. As a result, your residence may be subject to greater levels of noise, lighting and traffic during certain times of the year.

Areas in the vicinity of the Project are currently being used for agricultural purposes. As a result, the Project may be subject to odors, dust, pesticides, insects, lights and noise.

Horse stables and an equestrian center are currently being operated in the vicinity of the Project. Neither Developer nor the Association have any control over the operation or use of the stables and equestrian center. As a result, the Project may be subject to noise, flies and odors generated by the horse stables and equestrian center.

There is a San Diego Gas and Electric easement located in the vicinity and within the Project in which there are high voltage transmission or distribution facilities. While there are differing opinions on the issue, and apparently no conclusive evidence at this time, there are certain people who believe that being in the vicinity of power lines such as those in the SDG&E easement may have impacts upon one's health. Developer has no control over such SDG&E easement, and that SDG&E or its successors reserve the right to expand, change or add additional facilities within the easement, and/or grant access and right of use to the easement to other parties. These power lines emit measurable forces known as electric magnetic fields (EMF'S). EMF's have attracted attention because some research studies have suggested there may be a link between EMF's and certain types of cancer. Other research has indicated no connection at all. At this time, no one knows for sure whether EMF's have any serious health risks. Research is ongoing but it could take years for science to provide definite answers. Developer, its real estate broker, and any of Developer's affiliated entities are released from any liability, claims, costs and expenses for damage, injury or death proven to have resulted from exposure to said power lines or other usage of the easement area. For further information, including information regarding possible health effects from high voltage lines you may wish to contact SDG&E.

There is an Indian camp ground that is located on the property and will be preserved per City of San Diego standards.

There is a detention basin located on the north/east portion of the property for collecting and managing the urban run off of the 47 homes.

A portion of the Association Park as defined in the Declaration has been designed as an "Archaeological Site" which the City of San Diego has imposed certain restrictions to prevent any artifacts from being disturbed or removed. The Association and any Owner of a Residential Lot are prohibited from planting, digging or excavating within the Archaeological Site to a depth of more than six (6) inches measured from the grade.

The Project includes and is surrounded by open space areas in which many forms of wildlife/plant life exist which could be dangerous including, coyotes, snakes, deer, poison ivy etc.

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The City has adopted a Mosquito Prevention Plan for the Project which is attached to the Declaration as Exhibit "F".

A certain portion of the Association Park shall contain a Habitat Restoration Area. Ideo-Nobel Research Center, LLC, a Delaware Limited Liability Company ("IDEC") which is the grantee by assignment under the Grant of Easement or any successors or assigns of grantee shall have the right to install and maintain a wetlands area to satisfy certain offsite obligations of the City. If IDEC and its assigns and successors or the City fail to maintain the Habitat Restoration Area, then the Association shall have the obligation for maintenance of such area. Upon IDEC or its assigns and the City's acceptance of the habitat restoration, the permanent maintenance of the area reverts back to the Association. If such wetlands are installed, it may increase humidity around the Project and algae or mold may grow. There may also be an increase in insects (including mosquitoes and gnats, etc.).

As part of the conditions, the City of San Diego has required certain sites within the vicinity of the Project to be rented to households with low income. There may be 24 apartment units constructed off Olde El Camino Real approximately 1/2 mile Northeast of the Project which is designated as affordable housing units. The Developer will not have control over the ownership or the operation of such areas or whether the areas will be constructed as planned. For more information, please contact the Housing Authority of the City of San Diego.

The Developer has advised that all or portions of the subdivision subject to this Public Report are located within a Special Flood Hazard Area as designated by the Federal Emergency Management Agency. Additionally, the Developer has advised that prospective purchasers within this Area will be provided a separate disclosure required under Government Code Section 8589.3.

If any disclosure, or any material amendment to any disclosure, required to be made by the Developer regarding this natural hazard is delivered after the execution of any offer to purchase, the purchaser shall have three days after delivery in person or five days after delivery by deposit in the mail to terminate the offer by delivery of a written notice of termination to the Developer or the Developer's agent.

Since all or portions of the subdivision subject to this Public Report are located within one or more natural hazard areas, your homeowner's insurance and/or insurance coverage for any association or commonly owned areas may be affected. You should contact your lender and insurance carrier for more information regarding types of insurance and costs to cover your property, as well as the owner's association or Developer regarding any assessment increases due to additional insurance costs.

At the time this public report was issued, information regarding whether all or portions of this subdivision are located within certain natural hazards areas was not yet available to the Developer. You should ask the Developer for updated information before obligating yourself to purchase.

**TAXES**

The maximum amount of any tax on real property that can be collected annually by counties is 1% of the full cash value of the property. With the addition of interest and redemption charges on any indebtedness, approved by voters prior to July 1, 1978, the total property tax rate in most counties is approximately 1.25% of the full cash value. In some counties, the total tax rate could be well above 1.25% of the full cash value. For example, an issue of general obligation bonds previously approved by the voters and sold by a county water district, a sanitation district or other such district could increase the tax rate.

For the purchaser of a Residential Lot in this subdivision, the "full cash value" of the Residential Lot will be the valuation, as reflected on the tax roll, determined by the county assessor as of the date of purchase of the Residential Lot or as of the date of completion of an improvement on the lot if that occurs after the date of purchase.

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**ASSESSMENTS**

This subdivision lies within the San Dieguito Union High School Community Facilities District No. 95-1 and is subject to any taxes, assessments and obligations thereof. The Developer must provide purchasers with a disclosure entitled, "Notice of Special Tax" prior to a purchaser entering into a contract to purchase. This Notice contains important information about district functions, purchaser's obligations, right of the district, and information on how to contact the district for additional materials. Purchasers should thoroughly understand the information contained in the Notice prior to entering into a contract to purchase. This special tax appears on the yearly property tax bill, and is in addition to the tax rate affecting the property described above in the section entitled "TAXES".

The buyer has five days after delivery of this Notice by deposit in the mail, or three days after delivery of any notice in person, to terminate the sales agreement by giving written notice of that termination to the owner, Developer, or agent selling the property.

**SEWAGE DISPOSAL**

The Developer advises there is currently a bi-monthly sewer service charge by the City of San Diego which is shown on the water bill. Please contact the City of San Diego for additional information.

**CONDITIONS OF SALE**

Pursuant to Civil Code Sections 2956 through 2967, inclusive, Developer and Purchasers must make certain written disclosures regarding financing terms and related information. The Developer will advise Purchasers of disclosures needed from them, if any.

If your purchase involves financing, a form of deed of trust and note will be used. The provisions of these documents may vary depending upon the lender selected. These documents may contain the following provision(s):

**Acceleration Clause:** This is a clause in a mortgage or deed of trust which provides that if the borrower (trustor) defaults in repaying the loan, the lender may declare the unpaid balance of the loan immediately due and payable.

**Due-on-Sale Clause:** If the loan instrument for financing your purchase of an interest in this subdivision includes a due-on-sale clause, the clause will be automatically enforceable by the lender when you sell the property. This means that the loan will not be assumable by a purchaser without the approval of the lender. If the lender does not declare the loan to be all due and payable on transfer of the property by you,

the lender is nevertheless likely to insist upon modification of the terms of the instrument as a condition to permitting assumption by the buyer. The lender will almost certainly insist upon an increase in the interest rate if the prevailing interest rate at the time of the proposed sale of the property is higher than the interest rate of your promissory note.

**A Balloon Payment:** This means that your monthly payments are not large enough to pay off the loan, with interest, during the period for which the loan is written and that at the end of the loan period, you must pay the entire remaining balance in one payment. If you are unable to pay the balance and the remaining balance is a sizeable one, you should be concerned with the possible difficulty in refinancing the balance. If you cannot refinance or sell your property, or pay off the balloon payment, you will lose your property.

**A Prepayment Penalty:** This means that if you wish to pay off your loan in whole or in part before it is due, you must, in addition pay a penalty.

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**A Late Charge:** This means that if you fail to make your installment payment a specified number of days after the due date, you, in addition, must pay a penalty.

BEFORE SIGNING, YOU SHOULD READ AND THOROUGHLY UNDERSTAND ALL LOAN DOCUMENTS.

**PURCHASE MONEY HANDLING**

The subdivider must impound all funds (purchase money) received from you in an escrow depository until legal title is delivered to you, except for such amount as the subdivider has covered by furnishing a bond in the State of California (Refer to Sections 11013, 11013.1, 11013.2(a) and 11013.2(c) of the Business and Professions Code.)

If the escrow has not closed on your Residential Lot within one (1) year of the date of your Contract, you may request the return of your purchase money deposit.

**NOTE:** Section 2995 of the Civil Code provides that: No real estate developer shall require as a condition precedent to the transfer of real property containing a single family residential dwelling that escrow services effectuating such transfer shall be provided by an escrow entity in which the developer owns or controls 5% or more of the escrow entity.

THE DEVELOPER HAS NO FINANCIAL INTEREST IN THE ESCROW COMPANY WHICH IS TO BE USED IN CONNECTION WITH THE SALE OR LEASE OF RESIDENTIAL LOTS IN THIS SUBDIVISION.

**SOILS CONDITIONS**

Soils and geologic information is available at: City of San Diego City Engineer, 202 C Street, 9<sup>th</sup> Floor, San Diego, CA 92101.

**Post Tension Slabs.** Developer, in consultation with its soils engineer, has elected to utilize a foundation system commonly known as a "post tension slab" for all Residences other than the model homes. In a post tension slab, the concrete is reinforced with steel cables which are mechanically stretched or tensioned after the concrete has cured. This tension reinforces the slab. The post-tensioned slabs have been designed and will be constructed in accordance with applicable building codes. Cutting into a post tension slab for any reason (e.g., to install a floor safe, to remodel plumbing, etc.) is very hazardous and may result in serious damage to the Residence and in personal injury. Additionally, extreme caution must be taken not to under-excavate the slab when installing landscaping or other improvements. You covenant and agree that: (1) you shall not cut into or otherwise tamper with the post tension slab; (2) you shall not knowingly permit or allow any other person to cut into or tamper with the post tension slab so long as you own any interest in your Residence; (3) you will disclose the existence of the post tension slab to any person who rents, leases or purchases your Residence from you; and (4) you will indemnify and hold Developer and its officers, directors, shareholders, employees, contractors, consultants and agents, free and harmless from and against any and all claims, damage, losses or other liability (including attorneys' fees) arising from any breach of this covenant by you.

**FILLED GROUND**

All Residential Lots will contain filled ground. The information concerning filled ground and soil conditions is available at: City of San Diego City Engineer, 202 C Street, 9<sup>th</sup> Floor, San Diego, CA 92101.

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**GEOLOGIC CONDITIONS**

THE UNIFORM BUILDING CODE, APPENDIX CHAPTER 33, PROVIDES FOR LOCAL BUILDING OFFICIALS TO EXERCISE PREVENTIVE MEASURES DURING GRADING TO ELIMINATE OR MINIMIZE DAMAGE FROM GEOLOGIC HAZARD SUCH AS LANDSLIDES, FAULT MOVEMENTS, EARTHQUAKE SHAKING, RAPID EROSION OR SUBSIDENCE. THIS SUBDIVISION IS LOCATED IN AN AREA WHERE SOME OF THESE HAZARDS MAY EXIST. SOME CALIFORNIA COUNTIES AND CITIES HAVE ADOPTED ORDINANCES THAT MAY OR MAY NOT BE AS EFFECTIVE IN THE CONTROL OF GRADING AND SITE PREPARATION.

PURCHASERS MAY CONTACT THE DEVELOPER, THE DEVELOPER'S ENGINEER, THE ENGINEERING GEOLOGIST AND THE LOCAL BUILDING OFFICIALS TO DETERMINE IF THE ABOVE-MENTIONED HAZARDS HAVE BEEN CONSIDERED AND IF THERE HAS BEEN ADEQUATE COMPLIANCE WITH APPENDIX CHAPTER 33 OR AN EQUIVALENT OR MORE STRINGENT GRADING ORDINANCE DURING THE CONSTRUCTION OF THIS SUBDIVISION.

**STREETS AND ROADS**

The Private Streets within this Project will be maintained by the Association. The costs of repair and maintenance of these private streets are included in the budget and are a part of your regular assessment.

**Entry Gates.** The project shall have entry gates. So long as Developer owns any Residential Lots within this Project, Developer shall have control over the entry gates which may be situated within the Association Property and shall be responsible for the maintenance and repair of the entry gates until all sales of all Residential Lots in the Project have been completed or until Developer, in its sole discretion, determines that the Association should take responsibility for control, maintenance and repair of some or all of the entry gates and gatehouses. The Association's obligation shall commence immediately upon receipt of written notice from the Developer identifying the entry gates and gatehouses to be thereafter controlled and maintained by the Association. Notwithstanding who has responsibility for the entry gates, Developer shall be entitled to have the entry gates remain open during regular business hours in order to conduct sales and construct the Project. The presence of entry gates on the Project is not a warranty or representation by Developer that any security is being provided to any Owner or to any Owner's Residence or personal property. Owner acknowledges and agrees that, notwithstanding the fact that certain entrances within the Property have restricted access through a gate, pursuant to the requirements of the Coastal Commission and the public are entitled to ingress and egress for pedestrian access over the Association Property. The Association shall not restrict pedestrian access to the public through the gates or place any physical barriers at these entrances without the approval of the Coastal Commission.

**SCHOOL**

This project lies within the Solana Beach School District, 309 North Rios Avenue, Solana Beach, CA 92075-1298, (858)794-3900 and the San Dieguito Union High School District, 710 Encinitas Boulevard, Encinitas, CA 92024-3357, (760)753-6491.

These Districts advise the schools initially available to this subdivision are:

Solana Highland Elementary School 352 Long Run Drive San Diego, CA 92130	K-6
Earl Warren Middle School 155 Stevens Avenue Solana Beach, CA 92075	7-8

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Torrey Pines High School 9-12  
3710 Del Mar Heights Road  
San Diego, CA 92130

This school information was provided prior to the date of issuance of this public report and is subject to change. For the most current information regarding school assignments, facilities and bus service, purchasers are encouraged to contact the above districts.

If you need clarification as to the statements in this Public Report or if you desire to make arrangements to review the documents submitted by the Developer which the Department of Real Estate used in preparing this Public Report you may contact:

Department of Real Estate  
Subdivisions South  
320 West Fourth Street  
Suite 350  
Los Angeles, CA 90013-1105  
(213) 576-6983

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**Comment Letter I9**

From: [Jonathan Cohen](#)  
To: [CSD EAS](#)  
Subject: [EXTERNAL] El Camino Real Assisted Living Facility (Project No. 675732)  
Date: Monday, June 26, 2023 8:10:55 PM  
Attachments: [Proposition A Text \(1985\).doc](#)

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

Please elaborate on the requirements of Proposition A (City of San Diego, November 1985 election), how Proposition A has restricted development on Proposition A Lands, and why approval in a city election would be necessary for this project. Would the city seek voter approval for a phase shift to allow new development for all of NCFUA Subareas II or only the project site?

I9-1

**Response to Comment Letter I9**

**Jonathan Cohen**  
**June 26, 2023**

**I9-1**

Please refer to SEIR Section 5.1.2 for an explanation of the General Plan goals for areas designated as Proposition A lands. As discussed in Section 5.1.3 of the SEIR, as the Assisted Living Facility would not result in an increase in intensity, it is consistent with the AR-1-1 zoning of the site, Council Policy 600-29, and the North City Future Urbanizing Area (NCFUA) Framework Plan. The NCFUA Framework Plan development Alternative 3 allows for development pursuant to Conditional Use Permit regulations “provided that the conditional uses are natural resource dependent, non-urban in character and scale, or are of an interim nature which would not result in an irrevocable commitment of the land precluding future uses” (City of San Diego 1992). The Assisted Living Facility has been designed to be non-urban in character and scale and is consistent with the applicable NCFUA Framework Plan policies. Although the NCFUA Framework Plan does not define non-urban in character and scale, the Assisted Living Facility’s non-urban characteristics are addressed through its massing, scale, setbacks, landscaping, and lot coverage (limited to 10%). Additionally, the project would be consistent in bulk and scale to surrounding development. The project design would be compatible with design displayed by development in the surrounding area, including the broad San Dieguito River Valley landscape. The Assisted Living Facility

	<p>includes the use of stucco walls, wood trellis, limestone, and terracotta tile roofs, which would relate to the surrounding rural character of the area (see SEIR Section 5.9.3 for additional discussion). Therefore, project implementation would not require a phase shift. A ballot measure to amend Proposition A for the project would not be required because the project would be able to meet the requirements for reasonable accommodations in Section 131.0466 of the San Diego Municipal Code. Please also see SEIR Section 5.1.3 and MR-1, Land Use and Zoning Consistency, for additional details.</p>
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**Comment Letter I10**

From: [ksdeas06@gmail.com](mailto:ksdeas06@gmail.com)  
 To: [KSDEAS; Council Member Joe LaCava](mailto:ksdeas06@gmail.com)  
 Cc: [ksdeas06@gmail.com](mailto:ksdeas06@gmail.com)  
 Subject: [EXTERNAL] El Camino Real Assisted Living Facility / Project No. 675732 / Draft Subsequent Environmental Impact Report  
 Date: Monday, June 26, 2023 10:12:29 PM

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

June 26, 2023

From:

Kristi Watts  
 Stallions Crossing Resident

To:

Sara Osborn  
 City of San Diego Development Services Center  
 1222 First Avenue, MS 501  
 San Diego, CA 92101

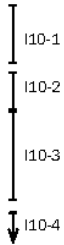
[DSDEAS@SANDIEGO.GOV](mailto:DSDEAS@SANDIEGO.GOV)

Subject: Our concerns about the El Camino Real Assisted Living Facility (No. 675732) Subsequent Environmental Impact Report (S.E.I.R)

Dear Ms. Osborn:

We are residents of Stallions Crossing, a community that borders the south side of proposed El Camino Real Assisted Living Facility. Our home is contiguous to the land on which the proposed Facility would be built. We would look out onto the back side of the Facility within 30 feet of our back property line. Our home would be directly impacted by this proposed commercial structure, the SCALE, MASSING, and DENSITY is incompatible with our neighborhood and surrounding community. This land falls under Proposition A, zoned in an effort to protect open spaces and sensitive lands from being overdeveloped. I feel the City has a responsibility to uphold these laws. Why else do we have such zoning and regulations on land, if they can be easily overturned by one-time exemption?

We bought our home and moved to this neighborhood to raise a family in area of nature and



**Response to Comment Letter I10**

**Kristi Watts  
 June 26, 2023**

- I10-1** The comment is an introduction to comments that follow.
- I10-2** Impacts from scale, massing, and density are discussed in Section 5.9, Visual Effects, of the SEIR. The Assisted Living Facility would be consistent with the regulations of the San Diego Municipal Code (SDMC). Additionally, the project would not result in strong contrast with the established character of the area, and impacts (specifically, those associated with architectural style and consistency/visual compatibility with surrounding development) would be less than significant. Further, private views, privacy, and property values are not protected under CEQA, and impacts to the same are not considered “environmental impacts” under CEQA.
- I10-3** Please refer to MR-1, Land Use and Zoning Consistency.
- I10-4** The Assisted Living Facility component’s consistency with the General Plan, North City Future Urbanizing Area (NCFUA) Framework Plan, San Dieguito River Park Concept Plan, and Proposition A lands were addressed in SEIR Section 5.1.3.1. Please also see MR-1, Land Use and Zoning Consistency. Further, the Assisted Living Facility component would be similar in scale to the surrounding uses, such as the St. John Garabed Armenian Church and Evangelical Formosan Church.

<p>open space. We trusted that Proposition A zoning would protect us from over development. We were told that this adjacent parcel of land could not be developed with the zoning and regulations in place, AR-1-1 Agriculture or Low Density Single Dwelling Residential.</p> <p>This proposed structure of over 105,000 SF is completely incompatible with our single family homes. As proposed this commercial building would dwarf our homes and INVADE OUR PRIVACY, being set back only 30 feet from our property. In order to preserve the quality of our neighborhood, I feel that, at a minimum, some compromise of the design of this proposed development should be considered, a design that would not be as invasive and would not impose dangers to our community. As it is proposed now, several problems are not adequately being addressed or mitigated in the S.E.I.R.</p> <p>In its charge to protect the health, safety, and well-being of its residents, the City would be remiss if it ignored the land use, wildfire, traffic, safety issues and concerns of the community.</p> <ol style="list-style-type: none"> <li>The applicant is proposing a structure that is LANDLOCKED, a &gt;105,000 SF building on a 3.97 acres parcel and only 2.29 acres is buildable land because of the MHPA zone. This massive structure is DOUBLE the size of the total of the existing church and 3 other additional buildings (not constructed yet). All to be built on the church property of 13.36 acres. ALL buildings would share one driveway entrance/exit off a dangerous BLIND CURVE of El Camino Real.</li> </ol> <p>The CUMULATIVE IMPACTS of the facility and 4 additional buildings, including the church, impose several dangers on the community and need to be thoroughly studied together: Traffic issues, dangers with this blind curve and accessing, wildfire safety concerns, and impacts to the wildlife and parks.</p> <ol style="list-style-type: none"> <li>This parcel of land falls under PROPOSITION A and land uses that restrict buildings, including nursing homes or other similar structures. The applicant is trying to use a one-time exemption called 'Uncodified Ordinance'. If this proposed structure were being built near other commercial buildings, we could understand, but this proposed MASSIVE development does NOT BLEND or CONFORM to the surrounding neighborhood or San Dieguito River Valley.</li> </ol> <p>Any deviation from relevant land use policies regarding open space preservation, at a cost to the San Dieguito River Park and other open space assured for the public, cannot be justified, and would not be lawful, in the absence of City-wide ballot measure. The Proposition A guidelines state, "No property shall be changed from the 'future urbanizing' land use designation in the Progress Guide and General Plan to any other land use designation and the provisions restricting development in the future urbanizing area shall not be amended except by majority vote of the people voting on the change or amendment at a City wide election thereon." Thus, any zoning change</p> <p style="text-align: center;">Page 2 of 4 in Comment Letter I10</p>	<div style="text-align: center;"> </div> <p><b>I10-5</b></p> <p>The comment does not address the adequacy or accuracy of the SEIR, and no response is required.</p> <p>The Assisted Living Facility would provide greater than the minimum 20-foot setback from adjacent properties in accordance with the zoning (AR-1-1). The Assisted Living Facility provides setbacks of 45 feet (north side yard), 187 feet 7 inches (back), 30 feet (south side yard), and 63 feet 9 inches (front), which would allow for the increased height of 40 feet per SDMC 131.0344. As described in Section 5.1, Land Use, the project would be compatible with the surrounding areas and development. Further, the Assisted Living Facility would be similar in scale to the surrounding uses, such as the St. John Garabed Armenian Church and Evangelical Formosan Church. As detailed in Chapter 3, Project Description, the proposed structures will feature stucco finish in earth-tone colors that would tend to recede into the colors of background vegetation and terrain. Further, private views, privacy, and property values are not protected under CEQA, and impacts to the same are not considered "environmental impacts" under CEQA.</p> <p>The comment incorrectly identifies the Assisted Living Facility of the project as a commercial facility. The Assisted Living Facility is an institutional use.</p> <p><b>I10-6</b></p> <p>Land use impacts were addressed in SEIR Section 5.1 of the SEIR, and transportation impacts were addressed in Section 5.8 of the SEIR. Wildfire impacts were found to be less than significant and are discussed in Chapter 7, Effects Found Not to be Significant. Safety issues and</p>
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<p>must be by a decision of the electorate on a City-wide basis, and not merely by the City Council, or any other authority.</p> <p>The parcel of land is in the San Dieguito River Park (SDRP)'s "Focused Planning Area" and the "North City Future Urbanizing Area (NCFUA)" subarea II. The City of San Diego General Plan, the NCFUA Framework Plan, the Multiple Species Conservation Plan (MSCP) and the SDRP Concept Plan - ALL designate this locale as open space. Given the major conversion of open space proposed by this project, a more thorough explanation and justification for its necessity is mandated.</p> <p>3. To satisfy public safety concerns, there must be a COMPREHENSIVE TRAFFIC study (NOT DURING THE SUPPRESSED TRAFFIC MONTHS OF COVID). The applicant is trying to avoid this comprehensive study because it will expose the DANGERS of the one entrance/exit located on high speed blind curve. The proposed development should NOT BE SEPARATED from the Church and the 3 additional buildings for traffic calculations and other impact studies.</p> <p>This entrance/exit is at the bottom of a hill (El Camino Real) and in the middle of the BLIND CURVE. This part of El Camino Real is either a speedway or bumper to bumper traffic. Bicyclists have not been properly accounted for in traffic study and this location proposes great dangers for bicyclists in navigating across deceleration and acceleration lane for the one entrance/exit of ALL FOUR buildings.</p> <p>The landlocked issue is problematic in emergency situations and wildfire threats are created by this project. This parcel of land extends into the sensitive land of Gonzales Canyon. Emergency vehicles can only access from one direction on El Camino Real, or have to U-turn at the Sea Country Ln and El Camino Real. If emergency vehicles cannot reach the facility and/or buildings due to high traffic, this could be fatal and devastating to those in this community.</p> <p>4. The applicant has not given any project ALTERNATIVES to the design, which is required by CEQA. The applicant has failed to present some alternative design layouts that would minimize the impacts of the community, surrounding lands, and wildlife habitats.</p> <p>The applicant has not shown any effort to engage the community in having a discussion about the proposed commercial project. One presentation was made back in January of 2021 over Zoom, where the developer made it known that this was the design and to deal with it. About two and half years later, June 2023, it was the Carmel Valley Community Planning Board that requested the applicant to meet with the Stallions Crossing community and discuss this proposed project and to work out some compromises. Unfortunately, at this meeting, they were not willing to entertain any design alternatives. Yet, they are required to explore these per CEQA.</p> <p style="text-align: center;">Page 3 of 4 in Comment Letter I10</p>	<p style="text-align: center;">I10-9 Cont.</p> <p style="text-align: center;">I10-10</p> <p style="text-align: center;">I10-11</p> <p style="text-align: center;">I10-12</p> <p style="text-align: center;">I10-13</p> <p style="text-align: center;">I10-14</p> <p><b>I10-7</b> concerns are discussed throughout the SEIR, in Sections 5.3, Air Quality, 5.5, Greenhouse Gas Emissions, and 5.8, Transportation, and throughout Chapter 7, Effects Found Not to be Significant, specifically Section 7.4, Health and Safety.</p> <p>This comment states the commentor's understanding of the proposed development and does not address the adequacy of the SEIR. No further response is required.</p> <p><b>I10-8</b> As described in SEIR Chapter 1, the SEIR tiers from the certified 2014 Church EIR (Project No. 240283/SCH No. 2013071043). The SEIR considers the issues discussed in the first-tier document and evaluates whether a significant effect has been adequately addressed or if there is an effect that was not addressed in the 2014 Church EIR. As needed, additional or updated mitigation is provided to address significant environmental impacts of the proposed Assisted Living Facility. Please also see Response to Comment (RTC) O2-10 for further detail.</p> <p><b>I10-9</b> The comment incorrectly states that the Assisted Living Facility site is designated as open space. Please refer to SEIR Section 2.4 for the project site's designation under each of the applicable land use plans. The Assisted Living Facility component's consistency with the General Plan, NCFUA Framework Plan, San Dieguito River Park Concept Plan, and Proposition A lands was addressed in SEIR Section 5.1.3.1. Please also see MR-1, Land Use and Zoning Consistency. Land Use analysis determined the project to be consistent with the listed plans.</p>
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<p>5. There are huge concerns for the neighboring residents with PROXIMITY and PRIVACY. As residents directly impacted by this proposed 3-story structure, our privacy would be VIOLATED with this egregious development. <b>105,568 SF, 40ft tall, only 30ft from our property!</b> How is this even being considered? There will be views from the proposed facility into our bedrooms and our outdoor living area, where our children play, completely INVADING our privacy.</p> <p>The construction impacts would not only greatly affect the residents but the wildlife and natural habitats would also suffer the consequences of this invasive development. The SEIR does not adequately explore the construction impacts of POLLUTION, noise, vibrations, dirt, debris, and light pollution that would forever change the natural habitats and our residential community. We would not have a quiet, peaceful community anymore.</p> <p>Respectfully,                  Kristi Watts</p> <p style="text-align: center;">Page 4 of 4 in Comment Letter I10</p>	<p><b>I10-10</b> Please refer to RTC O2-73 regarding the analysis of the Assisted Living Facility and Church components of the project.</p> <p><b>I10-11</b> Impacts to bicycle facilities were previously addressed as part of the 2014 Church EIR and were analyzed in the SEIR. As described in the SEIR, it was determined that the Assisted Living Facility would not interfere with the continued use of the bicycle lanes. Further, as described in SEIR Section 5.8.3.3, there would be no hazardous design features or incompatible uses introduced as a result of the Assisted Living Facility. Please also see RTC O2-76.</p> <p><b>I10-12</b> Please refer to MR-2, Wildfire Hazards and Evacuation.</p> <p><b>I10-13</b> Project alternatives were analyzed and included in Chapter 9 of the SEIR. In developing the alternatives addressed in this SEIR, the potential alternatives were evaluated in terms of their ability to meet the basic objectives of the project, while reducing or avoiding the environmental impacts of the project identified in Chapter 5, Environmental Analysis, of the SEIR. Alternatives addressed in the SEIR include the No Project/No Build Alternative, the Sensitive Nesting Bird Construction Noise Impact Alternative, and the Construction Noise Impact Alternative. Please refer to SEIR Chapter 9. Further, the comment incorrectly identifies the Assisted Living Facility component of the project as a commercial facility. The Assisted Living Facility is an institutional use.</p>
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	<p><b>I10-14</b> SEIR Chapter 1 discussed compliance with the CEQA public engagement process, including the issuing of the Notice of Preparation, the scoping meeting, and the public review period. Please also see RTC I10-13 regarding project alternatives.</p> <p><b>I10-15</b> The Assisted Living Facility would provide greater than the minimum 20-foot setback from adjacent properties in accordance with the zoning (AR-1-1). Additionally, private views, privacy, and property values are not protected under CEQA, and impacts to the same are not considered “environmental impacts” under CEQA.</p> <p><b>I10-16</b> Biological resource impacts are discussed in Section 5.4 of the SEIR. As concluded in Section 5.4, impacts to biological resources would be less than significant with the inclusion of MM-BIO-1, MM-BIO-2, CM-BIO-1 through CM-BIO-6, CM-NOI-2, and PDF-WQ-1. Pollution impacts are discussed in Section 5.5, Greenhouse Gas Emissions, of the SEIR. As concluded in Section 5.5, impacts regarding greenhouse gas emissions would be less than significant based on compliance with the preceding Climate Action Plan Consistency Checklist (CM-GHG-1) and project design features (PDF-GHG-1 through PDF-GHG-9; see Table 3-2 of the SEIR). Noise impacts are discussed in Section 5.10 of the SEIR. As concluded in Section 5.10, impacts to noise would be less than significant with the inclusion of MM-NOI-1, MM-BIO-1, MM-BIO-2, CM-NOI-1, CM-NOI-2, CM-BIO-1, and CM-BIO-2. Construction impacts of vibrations are addressed in Section 5.10 and were found to be less</p>
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	<p>than significant with no mitigation required.</p> <p>Construction dirt and debris impacts were discussed in Section 5.3, Air Quality, of the SEIR. As described in Section 5.3, fugitive dust impacts would be less than significant with the inclusion of CM-AIR-1. Light pollution impacts are addressed in Section 5.9, Visual Effects, of the SEIR. As concluded in Section 5.9, impacts regarding light and glare would be less than significant. Please also see MR-3, Indirect Impacts Relative to Multi-Habitat Planning Area (MHPA) Lands and Biological Resources.</p>
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**Comment Letter I11**

From: [Jeff DiToro](#)  
 To: [DSD\\_EAS](#)  
 Subject: [EXTERNAL] El Camino Real Assisted Living Facility/ 675732  
 Date: Monday, June 26, 2023 11:55:27 PM

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

I am a 20 year community resident and an original homeowner at Stallion's Crossing residential subdivision adjacent to the southern border to the proposed project property. I purchased my property for its rural, equestrian, and historical heritage known for this region within the North City Future Urbanizing Area (NCFUA) Framework Plan .

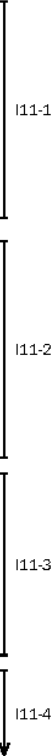
The proposed project would result in potential significant environmental effects in the following areas: **BIOLOGICAL RESOURCES, HISTORICAL RESOURCES, NOISE, AND TRIBAL CULTURAL RESOURCES.**

The San Dieguito River Park Joint Powers Authority, also agrees in a letter dated 4/9/2021. They also express similar concerns about the environmental impact of the development and the manipulation of the regional zoning and land uses.

This proposed development project is clearly out of context for the intended regional plan which is currently zoned for Agriculture and Open Space according to the North City Planning Map. This is a low density, open space, and equestrian part of the community plan. The project would include amending the Church's existing approvals to include the proposed Assisted Living Facility. Churches (houses of worship) were designated and zoned for this region and were fully disclosed for the past 20 years.. However in this case we are talking about a proposed commercially operated 'HOTEL' with 125+ rooms, occupants, and staff. This is a high density, high traffic producing, commercially operated facility. The proposed development is a 150,000 square foot, three-story structure jammed on a 3 acre land-locked parcel. The developer's effort to combine and spread the density with the additional 13 acre church parcel is manipulating the density metrics. This is ridiculous. This makes no viable sense to be beneficial to this part of the community or region.

All parties agree and are concerned that this portion of El Camino Real is a high speed and dangerous roadway. The approved church property utilizes a dangerous single entrance point to the property. The El Camino Real Assisted Living Facility proposes sharing the usages of the same single entrance driveway from this high traffic roadway. Adding further traffic to an already dangerous traffic area is a mistake. The matter will worsen with the approval of the Commercial Facility. We are relying on manipulated and outdated traffic models from 2012 instead of the actual truth as witnessed by those (like myself) who live, walk, and commute daily on the actual road and live adjacent to the property. Using the data and models from hired consultants from the developer's agenda is simply not enough to acceptably answer these questions. Sometimes common sense is required!

Landowners of Stallion Crossing residential subdivision are prohibited by the City of San Diego from digging six inches below the land surface because the land was deemed environmentally sensitive with archeology. Construction of a pool in the backyard is prohibited. Yet thirty feet away from this property, the developer intends to dig 30 feet below



**Response to Comment Letter I11**

**Jeff DiToro**  
**June 26, 2023**

- I11-1** Comment noted. The comment is an introduction to concerns regarding biological resources, historical resources, noise, and tribal cultural resources.
- I11-2** The Assisted Living Facility site is zoned as Agricultural Residential (AR-1-1). The comment incorrectly identifies the Assisted Living Facility component as a commercial hotel. Please refer to SEIR Chapter 3 for the project description. The Assisted Living Facility component's consistency with the General Plan, North City Future Urbanizing Area (NCFUA) Framework Plan, San Dieguito River Park Concept Plan, and Proposition A lands was addressed in SEIR Section 5.1.3.1. Please also see MR-1, Land Use and Zoning Consistency.
- I11-3** Access to the Church site was previously analyzed as part of the 2014 Church EIR. Please also see Responses to Comments (RTCs) O2-70, O2-73, and O2-75.  
  
Further, the comment incorrectly identifies the Assisted Living Facility component as a commercial facility. The Assisted Living Facility is an institutional use.
- I11-4** Please refer to RTC I6-5.
- I11-5** The comment incorrectly identifies the Assisted Living Facility component as a commercial facility. The Assisted

<p>the land surface. This oversight is also ridiculous and manipulated. The regional land has history and is very sensitive. It is not the place for a Hotel-Sized Commercial operation jammed into a land-locked parcel with a single shared entry access from a high speed roadway.</p> <p>These concerns and questions need to be addressed:</p> <ul style="list-style-type: none"> <li>• Does this commercial development justifiably conform to the adjacent surroundings?</li> <li>• Why does this massive money-driven facility belong in an agricultural and open space zone?</li> <li>• How can this ground excavation make sense given the haul placed on the adjacent land at Stallion Crossing given the archaeological sensitivity?</li> <li>• What is the real impact of a 150,000 commercially operated facility on the land sensitivity, wildlife, noise, pollution, urban conditions, and traffic?</li> <li>• How can the density be realistically justified as spread across 13 acres when the structure is built on a 3 acre independent parcel?</li> <li>• How will the existing road handle the increased amount of new traffic and conflicting movements from a single and shared entrance point?</li> <li>• What is the real impact of the shared parking availability among all the facilities sharing it.</li> </ul> <p>The proposed El Camino Real Assisted Living Facility should not receive endorsement or approval at all as it is out of context from the current Regional Plan which should not be amended. I cannot stress the importance of getting this right for the sake of the community and region.</p> <p>Thank you for your consideration.</p> <p>Jeff DiToro          (858) 480-1771  <a href="mailto:jeff_ditoro@gmail.com">jeff_ditoro@gmail.com</a></p> <p><i>The information contained in this electronic transmission is intended only for the use of the recipient and may be non-public, proprietary, confidential and/or legally privileged. Unauthorized use, disclosure, or reproduction is strictly prohibited, and may be unlawful. If you have received this electronic transmission in error, please notify the sender immediately by reply e-mail and delete the message and any attachments.</i></p> <p style="text-align: center;">Page 2 of 2 in Comment Letter I11</p>	<p style="text-align: right;">I11-4 Cont</p> <p><b>I11-6</b> Living Facility is an institutional use. Please also see RTC I11-2 and MR-1, Land Use and Zoning Consistency.</p> <p>The Assisted Living Facility's consistency with the General Plan, NCFUA Framework Plan, San Dieguito River Park Concept Plan, and Proposition A lands was addressed in SEIR Section 5.1.3.1. The comment does not address the adequacy or accuracy of the SEIR, and no response is required.</p> <p><b>I11-7</b> Please refer to RTC I6-5.</p> <p><b>I11-8</b> The comment incorrectly identifies the Assisted Living Facility component as a commercial facility. Impacts related to land use, wildfire, noise, pollution, and transportation were addressed in the SEIR.</p> <p><b>I11-9</b> The Assisted Living Facility component's consistency with the General Plan, NCFUA Framework Plan, San Dieguito River Park Concept Plan, and Proposition A lands, including lot coverage requirements, was addressed in SEIR Section 5.1.3.1.</p> <p><b>I11-10</b> Please refer to RTCs O2-73, O2-74, and O2-75.</p> <p><b>I11-11</b> Please refer to RTC O2-72.</p> <p><b>I11-12</b> Comment noted. The comment does not address the adequacy or accuracy of the SEIR, and no response is required.</p> <p style="text-align: right;">I11-5 I11-6 I11-7 I11-8 I11-9 I11-10 I11-11 I11-12</p>
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**Comment Letter I12**

**From:** E Dots  
**To:** DGD E&S  
**Subject:** [EXTERNAL] Project No. 675732  
**Date:** Monday, June 26, 2023 9:59:54 PM

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

(North City Future Urbanizing Area)  
 El Camino Real Assisted Living Facility  
 Project No. 675732

Comments regarding: Draft Subsequent Environmental Impact Report / SCH No. 2013071043

I am writing to share my concerns regarding the above project.

I12-1

**Biological Resources:**

Noise and Lighting impacts are significant and I am concerned regarding their effects on migratory birds and other fauna on a site adjacent to environmentally sensitive lands.

I12-2

The completed church, which is not an active 24 hour facility, currently has two very bright lights on the back side of the structure which are highly visible and can be seen from well over 1200ft away. The assisted living facility will need to be operational 24 hours a day and will require significant illumination, which will have an even greater impact on the surrounding area.

I12-3

The noise generated by the church is minimal and occurs mainly on Sunday, during daylight hours. The 24 hour nature of the assisted living facility means noise will be more pervasive since residents and staff will be onsite every day.

**Visual Effects and Neighborhood Character:**

The negative aesthetic and visual incompatibility of the project are significant. The design of the three story 105,568 sq ft facility is not cohesive with the surroundings given the size, layout, and color of the project. The zoning of the area is Agricultural (AR-1-1), which is why the project would require an uncodified conditional use permit.

I12-4

**Transportation/Traffic Circulation:**

The layout of El Camino Real relative to the assisted living facility raises many concerns.

Traffic into the site is only possible traveling north; anyone wishing to enter traveling south must drive past the facility and make a u-turn at Sea Country Lane. The left/u-turn lane at the intersection does not appear to be designed to support a lot of cars, during peak times traffic would likely back up into through traffic.

I12-5

Traffic out of the site is only possible traveling north; anyone wishing to travel south must drive past

**Response to Comment Letter I12**


**E Dots  
 June 26, 2023**

**I12-1** The comment is an introduction to comments that follow.

**I12-2** Impacts to migratory birds were addressed in Section 5.4, Biological Resources, of the SEIR. The project will comply with the Migratory Bird Treaty Act (MBTA) along with implementation of MM-BIO-1 and MM-BIO-2; therefore, Section 5.4 concluded that impacts to migratory birds would be less than significant.

Additionally, as determined in SEIR Section 5.4.3, potential construction-related noise and lighting impacts to sensitive habitats and species would be less than significant with the inclusion of MM-BIO-1, MM-BIO-2, CM-BIO-1, and CM-NOI-2. Similarly, according to the results of the LUAGs and significance threshold analysis, long-term significant impacts to biological resources from proposed lighting fixtures would be less than significant as all lighting near or facing Multi-Habitat Planning Area lands would be directed downward or would be appropriately shielded. Please also see MR-3, Indirect Impacts Relative to Multi-Habitat Planning Area (MHPA) Lands and Biological Resources.

**I12-3** As concluded in Section 5.9, Visual Effects, of the SEIR, because of the proximity and influence of existing nighttime lighting sources to the project site, installation of downward-directed and shielded lighting fixtures, and buffering of potential effects adjacent to

<p>the church and make a u-turn at San Dieguito Road. The u-turn lane at the intersection does not appear to be designed to support a lot of cars, during peak times traffic would likely back up into through traffic.</p> <p>Since all traffic into the site must enter traveling north the likelihood that the deceleration lane overflows into the blind turn on El Camino poses a serious safety risk to motorists, who are not expecting to encounter stopped cars in the road.</p> <p><b>Health Safety:</b>  <u>Access to the facility by emergency responders could pose serious risks to the safety of the responders and also motorists.</u> The traffic on El Camino Real exists in two primary states, a race track with cars speeding 10-20 mph above the posted speed limit, and a parking lot where cars barely move.</p> <div style="text-align: right; margin-right: 20px;">  </div>	<p>established uses with proposed landscaping, impacts related to lighting emitted from the Assisted Living Facility would remain less than significant. Furthermore, the project would comply with the City's Outdoor Lighting Regulations.</p> <p>Increased noise resulting from the Assisted Living Facility was analyzed in Section 5.10, Noise, of the SEIR. As concluded in the SEIR, impacts related to an increase in ambient noise level during construction would be less than significant with the incorporation of MM-NOI-1. Operational noise impacts were determined to be less than significant.</p> <p><b>I12-4</b> Section 5.9.3.3 of the SEIR addresses the potential visual incompatibility and concluded that the Assisted Living Facility would be consistent with the applicable AR-1-1 development regulations of San Diego Municipal Code and would not result in strong contrast with the established character of the area, and impacts (specifically, those associated with architectural style and consistency/visual compatibility with surrounding development) would be less than significant. Visual impacts were determined to be less than significant. Further, the project would comply with AR-1-1 zone requirements.</p> <p><b>I12-5</b> Please see Response to Comment (RTC) O2-75.</p> <p><b>I12-6</b> Please refer to MR-2, Wildfire Hazards and Evacuation, regarding access analysis for emergency responders and RTC O2-75 regarding safety along El Camino as it relates to the project driveway.</p>
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**Comment Letter I13**

June 26, 2023

From  
 Anu and Uday Delouri  
 13740 Rosecroft Way  
 San Diego, Ca 92130

To  
 Email Letter to DSDEAS@SanDiego.gov  
 Sara Osborn  
 City of San Diego Development Services Center  
 1222 First Avenue, MS 501  
 San Diego, CA 92101

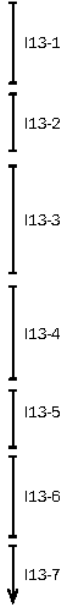
Subject: El Camino Real Assisted Living Facility/675732 Comment Letter on the Subsequent Environmental Impact Report

Upon review and consideration of the Subsequent EIR for the proposed El Camino Real Assisted Living Facility please see included my comments for where the document is lacking.

1. The premise under which the Subsequent Environmental Report (SEIR) has been prepared is not valid because the SEIR fails to provide substantial evidence that the project is "within the scope" of the previously certified EIR.
2. The purpose and legal authority of an EIR is to disclose the significant environmental effects of the project, alternatives to the project, and possible ways to reduce or avoid potential environmental damage (14 CCR 15002). The project site is described as "bordered by MSCP MHPA open space to the east, residential uses (Stallions Crossing Residential Development) to the south, and an existing church (Evangelical Formosan) to the west (Figure 2-2). The El Camino Real roadway is located along the northern project site boundary."

Yet, while within the legal authority to notify the Stallions Crossing community the SEIR and Notice of Preparation were not circulated and made available on the date of release to the residents of this single gated community who share a common fence, accessible trails, maintenance path, etc. This shows poor intent and being negligent towards following EIR legal requirements and therefore a new EIR that follows noticing requirements should be publicly circulated.

3. The North City Future Urbanizing Area (NCFUA) Framework Plan designates the site in a "Very Low Density Residential and Environment Tier." This project is not a low density project and should be evaluated as such.
4. The project objectives to provide an assisted living facility "in walking distance from the St. John Garabed Armenian Church. (Fundamental project objective)," suggests that the assisted living facility is not inclusive to all people and is seeking to gain approval on the basis of being a church amenity and a religious facility.
5. Although the project objective is for the design to be cohesive with the surroundings, including the neighboring homes in the Stallions Crossing development, St. John Garabed Armenian Church, and the City of San Diego's Multiple Habitat Planning Area (MHPA), the proposed development plan



**Response to Comment Letter I13**

**Anu and Uday Delouri**  
**June 26, 2023**

**I13-1** The comment provides an introduction to comments that follow.

**I13-2** As described in SEIR Chapter 1, Introduction, the certified 2014 Church EIR analyzed the development of the Church and three accessory buildings. Subsequent to the certification of the 2014 Church EIR, the Church congregation acquired an adjacent parcel for the development of the Assisted Living Facility. Due to this additional information, this SEIR is being prepared in accordance with CEQA Guidelines Section 15162(a)(2), which states a subsequent or supplemental EIR must be prepared if "[s]ubstantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects." This SEIR is prepared to address the substantial change in circumstances at the project site pursuant to Section 15162(a)(2) and to address the new information of substantial importance pursuant to Section 15162(a)(3). See also Response to Comment (RTC) O2-10.



<p>could be considered medium to high density and not befitting with the adjacent single-family homes and protected open space.</p> <p>6. Although the project states to include adequate parking to prevent overflow into the adjacent St. John Garabed Armenian Church and neighborhood parking areas, the project does not discuss the impact of traffic and circulation on site when the Church is in session and motorists drive in and out in search of parking.</p> <p>7. The SEIR does not adequately address Emergency Access and safety conditions for the residents of the assisted living facility. Given the siting of the facility on the Church campus with only a right turn in and right turn out the SEIR does not discuss that the disabled, elderly, memory care residents who would likely be trapped in and only be evacuated once the main church and ancillary buildings on the campus have been evacuated. It does not discuss the queuing of emergency vehicles and ambulances that will be needed during an emergency evacuation for the 124 residents.</p> <p>8. Traffic Issues: Although the site is approximately 0.65 miles east of Interstate (I) 5 and approximately 1.8 miles east of the coastline the traffic study does not address the impacts of traffic on coastal access. In addition, the Church EIR that was adopted in 2014 did not include the current site of 3.97 acres with an assisted facility. The project was analyzed for traffic impacts in 2021 during the COVID-19 pandemic. It is therefore incorrect to aggregate impacts of the assisted living with an old and outdated traffic study, also noting that traffic methodology has since changed from LOS to VMT. Traffic counts during a pandemic were substantially low and using a mere factor of escalation is unsubstantiated. A new traffic study that evaluates the entire generation of traffic from the site (Church, ancillary buildings and assisted living) is therefore required. Traffic studies are generally required to be updated every two years and using an escalation factor does not reflect real life scenarios.</p> <p>9. Sea Level Rise: Although the SEIR states that the "Site elevation within the Assisted Living Facility parcel ranges from approximately 15 feet to 60 feet above mean sea level" it fails to address the impacts of Sea Level Rise.</p> <p>10. Discretionary Approval: Although Nursing Facilities including assisted living facilities are not allowed in Proposition A lands, the SEIR fails to address why voter proposition is not needed, thus violating proposition A to allow for this use in the AR-1-1 zone. Given the major conversion of open space (General Plan; NCFUA Framework Plan; San Dieguito Lagoon) a thorough justification is required.</p> <p>In conclusion, the project appears to be approved as proposed lacking a thorough alternatives analysis and has a narrowly written SEIR with weak objectives and justification for the project at this location (walking distance to adjacent church, "underutilized" site) therefore it is recommended that the project be redesigned to comply with existing land use zoning and ordinances with adequate and standalone environmental analysis that is publicly circulated to include the neighboring residents who share a common fence.</p> <p>Sincerely,          Anu and Uday Delouri</p> <p style="text-align: center;">Page 2 of 2 in Comment Letter I13</p>	<p><b>I13-3</b> Comment noted. The comment does not address the adequacy or accuracy of the SEIR, and no response is required.</p> <p><b>I13-4</b> Please refer to SEIR Section 1.1.2 for information regarding the Notice of Preparation circulated for a 30-day public scoping period, which ended January 14, 2022. A distribution list for the Notice of Preparation is included in Appendix A of the SEIR. Please refer to SEIR Section 1.2 for information regarding public review of the Draft SEIR.</p> <p><b>I13-5</b> Consistency with the North City Future Urbanizing Area (NCFUA) Framework Plan is addressed in Section 5.1, Land Use, of the SEIR. The project is consistent with NCFUA Framework Plan development Alternative 3, which allows for development pursuant to Conditional Use Permit regulations "provided that the conditional uses are natural resource dependent, non-urban in character and scale, or are of an interim nature which would not result in an irrevocable commitment of the land precluding future uses" (City of San Diego 1992). The Assisted Living Facility has been designed to be non-urban in character and scale and is consistent with the applicable NCFUA Framework Plan policies.</p> <p><b>I13-6</b> Comment noted. Please see RTC O2-59 regarding Project Objective 3. The comment does not address the adequacy or accuracy of the SEIR, and no response is required.</p> <p><b>I13-7</b> Through compliance with AR-1-1 zone requirements, the building design and site plan of the Assisted Living Facility would be non-urban in character and would also</p>
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	<p>be consistent in bulk and scale to surrounding development. While surrounding development in the area lacks a consistent architectural theme, the Mediterranean style of the Assisted Living Facility would include design features that would be compatible with design features (primarily multistory construction, light colored, stucco clad exteriors, red tiled roofs, and landscaped yards) displayed by development in the surrounding area, including the broad San Dieguito River Valley landscape.</p> <p><b>I13-8</b> Please see RTC O2-71 regarding traffic impacts and RTC O2-72 regarding parking on site.</p> <p><b>I13-9</b> Please refer to RTC O2-19 and MR-2, Wildfire Hazards and Evacuation.</p> <p><b>I13-10</b> Please see RTC O2-70.</p> <p><b>I13-11</b> Sea level rise is not a CEQA issue and therefore was not analyzed as part of the SEIR. Further, impacts related to hydrology, including inundation due to flood, were determined to be less than significant. Finally, as the project is located approximately 1.8 miles from the ocean and complies with both the 2016 Climate Action Plan (CAP) Consistency Checklist and 2022 CAP updated regulations (which are in effect in the Coastal Zone since June 2023), the project would not exacerbate any existing hazard pertaining to sea level rise.</p> <p><b>I13-12</b> The project's consistency with the General Plan, NCFUA Framework Plan, San Dieguito River Park Concept Plan,</p>
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	<p>and Proposition A lands was addressed in SEIR Section 5.1.3.1. Please also see MR-1, Land Use and Zoning Consistency, regarding consistency with Proposition A.</p> <p><b>I13-13</b> The comment includes conclusionary remarks and expresses general opposition to the project. Comment noted.</p>
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**EL CAMINO REAL  
ASSISTED LIVING FACILITY  
SAN DIEGO, CALIFORNIA**

**FINAL SUBSEQUENT  
ENVIRONMENTAL IMPACT REPORT**

**Project Number 675732  
State Clearinghouse No. 2013071043**

**Lead Agency:**

**The City of San Diego  
Development Services Department  
Land Development Review Division  
1222 First Avenue  
San Diego, California 92101**

**October 2024**





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## APPENDICES

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C	Air Quality Modeling (January 2022)
D	Biological Technical Report (January 2022, Revised April 2023)
E	Climate Action Plan Consistency Checklist (November 2021)
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P Construction Noise Avoidance Alternative Calculation Worksheets  
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## EXECUTIVE SUMMARY

### **ES-1 INTRODUCTION**

This Final Subsequent Environmental Impact Report (FSEIR) has been prepared by the City of San Diego (City) as lead agency pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code 21000 et seq.) and the CEQA Guidelines (California Code of Regulations [CCR], Section 15000 et seq.). This FSEIR evaluates the change in environmental impacts associated with the incorporation of the El Camino Real Assisted Living Facility (Assisted Living Facility) into the St. John Garabed Armenian Church (Church) project (PTS #240283). The construction and operations of the Church were previously approved by the City in 2015 and included a 350-seat church and three accessory use buildings on a 13.36-acre site located at 13925 El Camino Real, San Diego. Subsequent to the certification of the 2014 St. John Garabed Armenian Church Project Final Environmental Impact Report (Project No. 240283/SCH No. 2013071043; 2014 Church EIR), the Church congregation acquired a 3.97-acre adjacent parcel to the Church site and are pursuing an amendment to their existing approvals to develop the Assisted Living Facility on that adjacent parcel.

The project site is approximately 17.33 acres in size and is located within the North City Future Urbanizing Area (NCFUA) Framework Plan boundary. The project site is located along El Camino Real between Sea Country Lane and San Dieguito Road and is approximately 0.65 miles east of Interstate (I) 5 and approximately 1.86 miles east of the coastline. The project site is bordered by open space to the north and east, residential uses to the south, and an existing church (Evangelical Formosan Church) to the west.

The Assisted Living Facility would require the approval of several discretionary actions: a Conditional Use Permit (CUP) Amendment; a Site Development Permit (SDP) Amendment; an Uncodified CUP Ordinance; a Neighborhood Use Permit (NUP); an amendment to Coastal Development Permit No. 6-15-0142 (CDP) (issued by the California Coastal Commission); and approval of the Final SEIR. The amendment to CUP No. 862494 is required to allow for the Assisted Living Facility on the parcel which is zoned as Agricultural Residential (AR-1-1). The CUP Amendment would amend the existing Church CUP, including a condition for a lot-tie agreement requiring the Church and Assisted Living Facility to be developed as one overall project. The amendment to SDP No. 862495 is required to allow development within Environmentally Sensitive Lands (approximately 10% of the site is located in the 100-year floodplain and 28% is located in the MHPA). The NUP is required to allow for a Comprehensive Sign plan and associated project signage. The Uncodified CUP Ordinance is required to allow development of a Residential Care Facility (Nursing Facility) with a CUP in the AR-1-1 zone through an uncodified ordinance. SDMC Section 141.0413 prohibits Nursing Facilities in

Proposition A Lands. The proposed use qualifies for reasonable accommodations pursuant to SDMC Section 131.0466 to allow a deviation to development regulations to afford disabled persons the equal opportunity to use and enjoy a dwelling. A deviation to the regulation prohibiting Nursing Facilities in Proposition A Lands was approved in accordance with SDMC Section 131.0466 via Process 1 review. The CDP Amendment, issued by the California Coastal Commission, is required to allow for development within the Coastal Overlay Zone. In addition to these discretionary actions, and as discussed above, a reasonable accommodations would be required for the proposed Assisted Living Facility to afford disabled persons an equal opportunity to use and enjoy housing accommodations or a dwelling, per the federal Fair Housing Act (42 USC 3601–3619) and the California Fair Housing and Employment Act (Govt Code 12900–12996). Lastly, the original Church site and the more recently acquired Assisted Living Facility parcel would be joined together by a Lot Tie Agreement as a condition of project approval.

The City would use this FSEIR and supporting documentation to consider the required discretionary permits. Additional agencies would use this FSEIR and supporting documentation in their decision-making process; these agencies include the California Coastal Commission.

## **ES-2 PROJECT DESCRIPTION AND BACKGROUND**

The project includes the previously approved Church, as well as the addition of the Assisted Living Facility. The entire project site is approximately 17.33 acres. Access to both components would be provided via the Church entrance off El Camino Real.

The Church includes a 350-seat church and three accessory use buildings on a 13.36-acre parcel. The total area of the Church is 51,680 square feet (sf) with a lot coverage of 40,960 sf. Refer to the 2014 Church EIR Chapter 3.0, Project Description, for figures and additional details regarding the Church. As indicated above, the Church was previously approved and the subject of this FSEIR is the addition of the Assisted Living Facility. The Church has been constructed and is now operational. The three accessory buildings that would be associated with the Church have not yet been constructed.

The Assisted Living Facility proposes 105 rooms and supporting amenities. The three-story Assisted Living Facility would be 105,568 sf and 40 feet tall. Additionally, the Assisted Living Facility would provide 57 surface parking spaces (a minimum of 42 parking spaces are required) and on-site landscaping. The Assisted Living Facility would retain 1.12 acres in the eastern area of the parcel as open space in accordance with the existing designated MHPA area. This area would be covered by a Covenant of Easement and maintained as open space in perpetuity. Additional detailed project description information is provided in Chapter 3.0, Project Description, of this SEIR.

### **ES-3 IMPACTS DETERMINED TO BE SIGNIFICANT**

Table ES-1 provides a summary of significant impacts of the project pursuant to the CEQA Guidelines, Section 15123(b)(1). Impacts associated with biological resources, historical resources, noise, and tribal cultural resources were identified as significant and mitigated to a level that is considered less than significant. No impacts were identified as significant and unavoidable.

The mitigation measures listed in Table ES-1 are also discussed within the relevant topical area in Chapter 5 and included in the Mitigation Monitoring and Reporting Program within Section 10.0 of this FSEIR.

**Table ES-1**  
**Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
<i>Biological Resources</i>		
<p>Development of the Assisted Living Facility would result in potentially significant indirect impacts to the following special-status birds: California horned lark (Species of Special Concern), yellow warbler (Species of Special Concern), least Bell's vireo (Federal and State listed as endangered, MSCP-covered species), and white-tailed kite (CDFW Protected and Fully Protected Species) nesting.</p>	<p><b>MM-BIO-1: Resource Protections During Construction</b></p> <p><b>I. Prior to Construction</b></p> <p>A. <b>Biologist Verification:</b> The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.</p> <p>B. <b>Preconstruction Meeting:</b> The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or</p>	<p>Biological resource impacts would be fully mitigated to below a level of significance with implementation of the mitigation measures listed at left.</p>

**Table ES-1**  
**Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>revegetation, and additional fauna/flora surveys/salvage.</p> <p>C. <b>Biological Documents:</b> The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (Environmentally Sensitive Lands), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.</p> <p>D. <b>BCME:</b> The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or</p>	

**Table ES-1**  
**Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project’s biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.</p> <p><b>E. Avian Protection Requirements:</b> To avoid any direct impacts to California horned lark, yellow warbler, and white-tailed kite and any avian species that is listed, candidate, sensitive, or special status in the MSCP, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the</p>	

**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within three (3) calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If California horned lark, yellow warbler, and white-tailed kite are detected, a letter report in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report shall be submitted to the City for review and approval and</p>	

**Table ES-1**  
**Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report are in place prior to and/or during construction.</p> <p><b>E. Resource Delineation:</b> Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora &amp; fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to <u>minimize attraction of nest predators to the site.</u></p> <p><b>G. Education:</b> Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site</p>	



**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).</p> <p><b>II. During Construction</b></p> <p>A. <b>Monitoring:</b> All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSVR). The</p>	

**Table ES-1**  
**Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>CSVR shall be e-mailed to MMC on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.</p> <p><b>B. Subsequent Resource Identification:</b>                      The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.</p> <p><del>A. Temporary Construction Noise (MM-NOI-1):</del> Prior to issuance of a grading permit, the grading plans shall be verified by the City to state the following:</p> <p style="padding-left: 40px;"><del>B. The proposed project applicant or its contractor will implement one or more of the following options for on-site</del></p>	

**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>noise control and sound abatement means that, in aggregate, would yield a minimum of approximately 10 dBA of construction noise reduction during the grading phase of the project.</p> <ul style="list-style-type: none"> <li>○ Administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances to a nearest receiving occupied off-site property);</li> <li>○ Engineering controls (change equipment operating parameters [speed, capacity, etc.], or install features or elements that otherwise reduce equipment noise emission [e.g., upgrade engine exhaust mufflers]);</li> <li>○ Install noise abatement on the site's southern boundary fencing (or within, as practical and appropriate) in the form of sound blankets having a</li> </ul>	

**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>minimum sound transmission class (STC) of 20 or comparably performing temporary solid barriers (e.g., plywood sheeting at least ½" thick, with no airgaps between adjacent vertical sheets) to occlude construction noise emission between the site (or specific equipment operation as the situation may define) and the noise sensitive receptor(s) of concern.</p> <p><b>III. Post Construction Measures</b></p> <p>A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, Environmentally Sensitive Lands and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.</p>	

**Table ES-1**  
**Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p><b>MM-BIO-2: Special-Status Avian Species (California horned lark, yellow warbler, and white-tailed kite)</b></p> <p>If California horned lark, yellow warbler or white-tailed kite are detected through the preconstruction survey, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable state and federal law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that the disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City DSD for review and approval and implemented to the satisfaction of the City's MMC Section. The City's MMC Section and qualified biologist, in concert with the City, shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction to ensure that take of any listed or non-listed species would not occur.</p>	

**Table ES-1**  
**Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>If California horned lark, yellow warbler or white-tailed kite nesting is detected, then an appropriate impact avoidance area (minimally typically a 300-foot buffer) shall be included in the mitigation plan and this buffer shall be established around the active nest using orange fencing or other clear demarcation method. The radius of this avoidance buffer shall be determined through coordination with the qualified project biologist and authorized by the City's project manager and DSD and shall use orange fencing or other clear demarcation method to define the approved buffer <u>which shall not be less than 300 feet.</u></p> <p><b>Least Bell's Vireo</b></p> <p>Construction within 300 feet of any sensitive coastal or riparian areas with suitable habitat may have adverse direct and indirect impacts on least Bell's vireo if construction occurs during the breeding season (March 15 through September 15) for this species. Given the federal protection of least Bell's vireo, specific mitigation would be required to prevent take of this species as outlined below:</p>	

**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>Prior to the preconstruction meeting, the Environmental Designee (ED)/MMC shall verify that MHPA boundaries and the requirements regarding the least Bell's vireo, as specified below, are shown on the biological monitoring exhibit and construction plans.</p> <p>No clearing, grubbing, grading, or other construction activities shall occur during least Bell's vireo breeding season (March 15 through September 15) until the following requirements have been met to the satisfaction of the ED/MMC:</p> <ol style="list-style-type: none"> <li>1. A Qualified Biologist (possessing a valid Endangered Species Act Section 10[a][1][a] Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the least Bell's vireo. Surveys for least Bell's vireo, shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of any construction. If least Bell's vireo are present, then the following conditions must be met:</li> </ol>	

**Table ES-1**  
**Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>a. March 15 through September 15 for least Bell's vireo, no clearing, grubbing, or grading of occupied habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and</p> <p>b. March 15 through September 15 for least Bell's vireo, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the ED/MMC at least 2 weeks prior to the commencement of construction</p>	



**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; or</p> <p>At least 2 weeks prior to the commencement of construction activities, under the direction of a Qualified Acoustician, attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities would not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented</p>	

**Table ES-1**  
**Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16). Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ED/MMC, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are</p>	

**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.</p> <p>2. If least Bell's vireo are not detected during the protocol surveys, the Qualified Biologist shall submit substantial evidence to the ED/MMC and applicable resource agencies that demonstrates whether or not mitigation measures such as noise walls are necessary from March 15 through September 15 for least Bell's vireo, adherence to the following is required:</p> <p>a. If this evidence indicates that the potential is high for least Bell's vireo to be present based on historical records or site conditions, then Condition 1(a) shall be adhered to as specified above.</p> <p>b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.</p>	
<i>Historical Resources</i>		

**Table ES-1  
 Summary of Significant Environmental Impacts**

<b>Impact</b>	<b>Mitigation Measures</b>	<b>Significance of Impact After Mitigation</b>
<p>In the event that an unknown, intact archaeological material or burial-related items are encountered during project construction, the potential disturbance to the site would be a potentially significant impact</p>	<p><b>MM-CR-1: The following shall be implemented to protect unknown archaeological resources and/or grave sites that may be identified during project construction phases.</b></p> <p><b>I. Prior to Permit Issuance</b></p> <p>A. Entitlements Plan Check</p> <p>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.</p>	<p>Impacts to historical resources would be fully mitigated to below a level of significance with implementation of the mitigation measures listed at left.</p>

**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>B. Letters of Qualification have been submitted to ADD</p> <ol style="list-style-type: none"> <li>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 Hazardous Waste Operations and Emergency Response Standard (HAZWOPER) training with certification documentation.</li> <li>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.</li> </ol>	

**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.</p> <p><b>II. Prior to Start of Construction</b></p> <p>A. Verification of Records Search</p> <ol style="list-style-type: none"> <li>1. The PI shall provide verification to MMC that a site specific records search (1/2 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.</li> <li>2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.</li> <li>3. The PI may submit a detailed letter to MMC requesting a reduction to the one-quarter mile radius.</li> </ol>	

**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>B. PI Shall Attend Precon Meetings</p> <ol style="list-style-type: none"> <li>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.                     <ol style="list-style-type: none"> <li>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</li> </ol> </li> </ol>	

**Table ES-1**  
**Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>start of any work that requires monitoring.</p> <p>2. Identify Areas to be Monitored</p> <p>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.</p> <p>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).</p> <p>3. When Monitoring Will Occur</p> <p>a. Prior to the start of any work, the PI shall also submit a construction</p>	



**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>schedule to MMC through the RE indicating when and where monitoring will occur.</p> <p>b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.</p> <p><b>III. During Construction</b></p> <p>A. Monitor(s) Shall be Present During Grading/Excavation/Trenching</p> <p>1. The Archaeological Monitor shall be present fulltime during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified</p>	

**Table ES-1**  
**Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>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 Occupational Safety and Health Administration (OSHA) safety requirements may necessitate modification of the AME.</p> <p>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.</p> <p>3. The PI may submit a detailed letter to MMC during construction requesting a</p>	

**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>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.</p> <p>4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.</p> <p>B. Discovery Notification Process</p> <p>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,</p>	

**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>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.</p> <ol style="list-style-type: none"> <li>2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.</li> <li>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.</li> <li>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.</li> </ol> <p>C. Determination of Significance</p> <ol style="list-style-type: none"> <li>1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the</li> </ol>	

**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>resource. If Human Remains are involved, follow protocol in Section IV below.</p> <ul style="list-style-type: none"> <li>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.</li> <li>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</li> </ul>	

**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.</p> <p>c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.</p> <p><b>IV. Discovery of Human Remains</b></p> <p>If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:</p> <p>A. Notification</p> <p>1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the</p>	

**Table ES-1  
 Summary of Significant Environmental Impacts**

<b>Impact</b>	<b>Mitigation Measures</b>	<b>Significance of Impact After Mitigation</b>
	<p>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.</p> <p>2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.</p> <p>B. Isolate discovery site</p> <p>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.</p> <p>2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.</p>	

**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<ul style="list-style-type: none"> <li>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.</li> <li>C. If Human Remains ARE determined to be Native American                             <ul style="list-style-type: none"> <li>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.</li> <li>2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.</li> <li>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 &amp; Safety Codes.</li> </ul> </li> </ul>	



**Table ES-1**  
**Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<ol style="list-style-type: none"> <li>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.</li> <li>5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:                             <ol style="list-style-type: none"> <li>a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;</li> <li>b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,</li> <li>c. In order to protect these sites, the Landowner shall do one or more of the following:</li> </ol> </li> </ol>	

**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>(1) Record the site with the NAHC;</p> <p>(2) Record an open space or conservation easement on the site;</p> <p>(3) Record a document with the County.</p> <p>d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with</p>	

**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.</p> <p>D. If Human Remains are NOT Native American</p> <ol style="list-style-type: none"> <li>1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.</li> <li>2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).</li> <li>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.</li> </ol> <p><b>V. Night and/or Weekend Work</b></p>	

**Table ES-1  
 Summary of Significant Environmental Impacts**

<b>Impact</b>	<b>Mitigation Measures</b>	<b>Significance of Impact After Mitigation</b>
	<p>A. If night and/or weekend work is included in the contract</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. The following procedures shall be followed.                             <ol style="list-style-type: none"> <li>a. No Discoveries                                      In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.</li> <li>b. Discoveries                                      All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.</li> </ol> </li> </ol>	

**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p align="center">c. Potentially Significant Discoveries</p> <p>If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.</p> <p align="center">d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.</p> <p>B. If night and/or weekend work becomes necessary during the course of construction</p> <p>1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.</p> <p>2. The RE, or BI, as appropriate, shall notify MMC immediately.</p> <p>C. All other procedures described above shall apply, as appropriate.</p>	

**Table ES-1**  
**Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p><b>VI. Post Construction</b></p> <p>A. Preparation and Submittal of Draft Monitoring Report</p> <p>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.</p>	

**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<ul style="list-style-type: none"> <li>a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.</li> <li>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.</li> </ul>	

**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<ol style="list-style-type: none"> <li>2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.</li> <li>3. The PI shall submit revised Draft Monitoring Report to MMC for approval.</li> <li>4. MMC shall provide written verification to the PI of the approved report.</li> <li>5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.</li> </ol> <p>B. Handling of Artifacts</p> <ol style="list-style-type: none"> <li>1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued</li> <li>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.</li> </ol>	



**Table ES-1**  
**Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>3. The cost for curation is the responsibility of the property owner.</p> <p>C. Curation of artifacts: Accession Agreement and Acceptance Verification</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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</li> </ol>	

**Table ES-1**  
**Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	<p>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.</p> <p>D. Final Monitoring Report(s)</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>	
<i>Noise</i>		

**Table ES-1  
 Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
<p>Due to the proximity of the construction activities to nearby residences, construction noise levels would potentially exceed the City's adopted Noise Ordinance, San Diego Municipal Code, Section 5.9.5.0404 (i.e., 75 dBA Leq12-hour at residences]). As such, construction noise impacts of the Assisted Living Facility would be potentially significant.</p>	<p><b>MM-NOI-1: Temporary Construction Noise</b></p> <p>Prior to issuance of a grading permit, the grading plans shall be verified by the City to state the following:</p> <p>The proposed project applicant or its contractor will implement one or more of the following options for onsite noise control and sound abatement means that, in aggregate, would yield a minimum of approximately 10 dBA of construction noise reduction during the grading phase of the Project.</p> <ul style="list-style-type: none"> <li>• Administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances to a nearest receiving occupied off-site property).</li> <li>• Engineering controls (change equipment operating parameters [speed, capacity, etc.], or install features or elements that otherwise reduce equipment noise emission [e.g., upgrade engine exhaust mufflers]).</li> <li>• Install noise abatement on the site's southern boundary fencing (or within, as practical and appropriate) in the form of sound blankets having a minimum sound transmission class</li> </ul>	<p>With the application of mitigation, project impacts related to noise would be reduced to below a level of significance.</p>

**Table ES-1**  
**Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Significance of Impact After Mitigation
	(STC) of 20 or comparably performing temporary solid barriers (e.g., plywood sheeting at least ½" thick, with no airgaps between adjacent vertical sheets) to occlude construction noise emission between the site (or specific equipment operation as the situation may define) and the noise-sensitive receptor(s) of concern.  <b>MM-BIO-1: (see above)</b> <b>MM-BIO-2: (see above)</b>	
<i>Tribal Cultural Resources</i>		
In the event that an unknown, intact archaeological material or burial-related item is encountered during project construction, the potential disturbance to the site would be a potentially significant impact	<b>MM-CR-1: (see above)</b>	With the application of mitigation, project impacts related to tribal cultural resources would be reduced to below a level of significance.

**Table ES-1**  
**Summary of Significant Environmental Impacts**

<b>Impact</b>	<b>Mitigation Measures</b>	<b>Significance of Impact After Mitigation</b>
	Waste Management Plan (.)	---

While Table ES-1 identifies the mitigation measures for the Assisted Living Facility, Table ES-2 compares the Assisted Living Facility impacts and mitigation with what was identified in the 2014 Church EIR.

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

Issue Area	2014 Church EIR			Assisted Living Facility FSEIR		
	Impact	Mitigation Measure	Significance of Impact After Mitigation	Change In Circumstance or Impact	New and/or Change in Mitigation	Significance of Impact
<i>5.1 Land Use</i>						
General Plan and Community Plan Consistency	Less than significant	NA	NA	NA	NA	Less than significant
Deviation or Variance	No impact	NA	NA	Although the Assisted Living Facility requires several discretionary actions, the Assisted Living Facility does not propose a variance or deviation that would lead to a significant physical impact on the environment.	NA	Less than significant

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

Issue Area	2014 Church EIR			Assisted Living Facility FSEIR		
	Impact	Mitigation Measure	Significance of Impact After Mitigation	Change In Circumstance or Impact	New and/or Change in Mitigation	Significance of Impact
				Impacts would be less than significant.		
MSCP Consistency (Direct Impacts)	Potentially significant direct impact to the MHPA	LU-1 (revegetation of temporarily impacted 0.10 acre area)	Less than significant with mitigation.	The Assisted Living Facility results in no direct impact to the MHPA, and the impact is less than significant. The Church impact to the MHPA remains the same as identified in the 2014 Church EIR. Mitigation Measure LU-1 from the 2014 Church EIR has been implemented.	2014 Church EIR Mitigation Measure LU-1 is not applicable to the Assisted Living Facility.	Less than significant

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

<b>Issue Area</b>	<b>2014 Church EIR</b>			<b>Assisted Living Facility FSEIR</b>		
	<i>Impact</i>	<i>Mitigation Measure</i>	<i>Significance of Impact After Mitigation</i>	<i>Change In Circumstance or Impact</i>	<i>New and/or Change in Mitigation</i>	<i>Significance of Impact</i>
MSCP Consistency (Indirect Impacts)	Potentially significant indirect impact to the MHPA	LU-2 (MHPA land use adjacency guidelines, including preconstruction surveys for California Gnatcatcher)	Less than significant with mitigation	The City now requires the Land Use Adjacency Guidelines as standard conditions. As such, the proposed Assisted Living Facility would include compliance with the Land Use Adjacency Guidelines as a standard condition (see CM-BIO-1). The Assisted Living Facility would have a less than significant	Mitigation measure LU-2 from the 2014 Church EIR is not included as mitigation but rather as CM-BIO-1.	Less than significant



**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

Issue Area	2014 Church EIR			Assisted Living Facility FSEIR		
	Impact	Mitigation Measure	Significance of Impact After Mitigation	Change In Circumstance or Impact	New and/or Change in Mitigation	Significance of Impact
				indirect impact to the MHPA.		
Divide an Established Community	Not previously evaluated	NA	NA	NA	NA	Less than significant
General Plan Noise Element	Not previously evaluated	NA	NA	NA	NA	Less than significant
<i>5.2 Agricultural Resources</i>						
Conversion of Farmland or Significant Farmland, Conflicts with Zoning for Agricultural Use or Williamson Act Contracts	Less than significant	NA	NA	NA	NA	Less than significant
<i>5.3 Air Quality</i>						
Air Quality Plan	Less than significant	NA	NA	NA	NA	Less than significant
Air Quality Violation	Less than significant	NA	NA	NA	NA	Less than significant

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

Issue Area	2014 Church EIR			Assisted Living Facility FSEIR		
	Impact	Mitigation Measure	Significance of Impact After Mitigation	Change In Circumstance or Impact	New and/or Change in Mitigation	Significance of Impact
Exposure to Pollutants	Less than significant	NA	NA	NA	NA	Less than significant
Odors	Less than significant	NA	NA	NA	NA	Less than significant
Air Movement	Not previously evaluated	NA	NA	NA	NA	Less than significant
<i>5.4 Biological Resources</i>						
Sensitive Habitats and Vegetation Communities	Potentially significant direct impact to 0.10 acre of sensitive vegetation communities in the MHPA	LU-1 (revegetation of temporarily impacted 0.10 acre area)	Less than significant	Mitigation Measure LU-1 from the 2014 Church EIR has been implemented. The Assisted Living Facility would have a less than significant impact to sensitive habitats and vegetation communities and MM LU-1 is not applicable to the	MM-LU-1 is not included as mitigation for the Assisted Living Facility.	Less than significant

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

Issue Area	2014 Church EIR			Assisted Living Facility FSEIR		
	Impact	Mitigation Measure	Significance of Impact After Mitigation	Change In Circumstance or Impact	New and/or Change in Mitigation	Significance of Impact
				Assisted Living Facility.		
Special-Status Plant and Wildlife Species	The Church would potentially impact nesting birds protected by the Migratory Bird Treaty Act (MBTA) and Fish and Game Code (FGC), which could be present on the site during the breeding season, including the California horned lark.	BIO-1 (Preconstruction surveys for nesting birds)	Less than significant	Projects must comply with state and federal regulations, including MBTA and FGC. In addition, the Assisted Living Facility would include compliance with the Land Use Adjacency Guidelines as a standard compliance measure (see CM-BIO-1). While the 2014 Church EIR identified	While Mitigation Measure BIO-1 was previously a mitigation measure in the 2014 Church EIR, this measure is now considered a compliance measure (see CM-BIO-1). Therefore, Mitigation measure BIO-1 from the 2014 Church	Less than significant with mitigation

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

Issue Area	2014 Church EIR			Assisted Living Facility FSEIR		
	Impact	Mitigation Measure	Significance of Impact After Mitigation	Change In Circumstance or Impact	New and/or Change in Mitigation	Significance of Impact
				potential impacts to nesting birds protected by the MBTA, including the California horned lark, it did not specifically identify impacts to nesting yellow warbler, least Bell's vireo, and white-tailed kite that are identified for the Assisted Living Facility herein.	EIR would not be required. Due to the additional potential impacts to sensitive nesting bird species, the Assisted Living Facility would require <b>MM-BIO-1</b> .	
Wetlands	Less than significant	NA	NA	NA	NA	Less than significant
Wildlife Movement and Nursery Site	Potentially significant impacts to nesting birds.	BIO-1 (Preconstruction surveys for nesting birds)	Less than significant	Projects must comply with state and federal regulations,	While Mitigation Measure BIO-1 was	Less than significant

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

Issue Area	2014 Church EIR			Assisted Living Facility FSEIR		
	Impact	Mitigation Measure	Significance of Impact After Mitigation	Change In Circumstance or Impact	New and/or Change in Mitigation	Significance of Impact
				including MBTA and FGC. In addition, the Assisted Living Facility would include compliance with the Land Use Adjacency Guidelines as a standard compliance measure (see CM-BIO-1).	previously a mitigation measure in the 2014 Church EIR, this measure is now considered a compliance measure (see CM-BIO-1). Therefore, Mitigation measure BIO-1 from the 2014 Church EIR would not be required.	
Habitat Conservation Plan and Local Biological	Potentially significant direct and indirect impact to the MHPA	LU-1 (revegetation of temporarily impacted 0.10-acre area)	Less than significant	Mitigation Measure LU-1 from the 2014 Church EIR has been	The Assisted Living Facility would have less than significant	No Impact

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

<b>Issue Area</b>	<b>2014 Church EIR</b>			<b>Assisted Living Facility FSEIR</b>		
	<i>Impact</i>	<i>Mitigation Measure</i>	<i>Significance of Impact After Mitigation</i>	<i>Change In Circumstance or Impact</i>	<i>New and/or Change in Mitigation</i>	<i>Significance of Impact</i>
Resource Policy Consistency		LU-2 (MHPA land use adjacency guidelines, including preconstruction surveys for California Gnatcatcher)		implemented and is not applicable to the Assisted Living Facility. The City now requires the Land Use Adjacency Guidelines be included as standard conditions instead of mitigation. As such, the proposed Assisted Living Facility would include compliance with the Land Use Adjacency Guidelines as a	impacts related to biological resource policy consistency. measure LU-1 of the 2014 Church EIR does not apply. Mitigation measure LU-2 from the 2014 Church EIR is not included as mitigation but rather as CM-BIO-1.	

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

Issue Area	2014 Church EIR			Assisted Living Facility FSEIR		
	Impact	Mitigation Measure	Significance of Impact After Mitigation	Change In Circumstance or Impact	New and/or Change in Mitigation	Significance of Impact
				standard condition (see CM-BIO-1) instead of as mitigation measure LU-2 of the 2014 Church EIR.		
Invasive Plant Species	Potentially significant indirect impact to the MHPA through disturbance adjacent to natural open space.	LU-1 (revegetation of temporarily impacted 0.10 acre area) LU-2 (MHPA land use adjacency guidelines, including preconstruction surveys for California Gnatcatcher)	Less than significant	Mitigation Measure LU-1 from the 2014 Church EIR has been implemented and is not applicable to the Assisted Living Facility. The City now requires the Land Use Adjacency Guidelines be included as	Mitigation Measure LU-1 does not apply. Mitigation Measure LU-2 is not included as mitigation but rather as CM-BIO-1.	Less than significant

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

Issue Area	2014 Church EIR			Assisted Living Facility FSEIR		
	Impact	Mitigation Measure	Significance of Impact After Mitigation	Change In Circumstance or Impact	New and/or Change in Mitigation	Significance of Impact
				standard conditions instead of mitigation. As such, the proposed Assisted Living Facility would include compliance with the Land Use Adjacency Guidelines as a standard condition (see CM-BIO-1).		
<i>5.5 Greenhouse Gas Emissions</i>						
Generate Significant Greenhouse Gas Emissions or Conflict with the City's Climate	Less than significant	NA	NA	The City adopted the Climate Action Plan in 2015. The current City CEQA Significance	NA	Less than significant



**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

<b>Issue Area</b>	<b>2014 Church EIR</b>			<b>Assisted Living Facility FSEIR</b>		
	<i>Impact</i>	<i>Mitigation Measure</i>	<i>Significance of Impact After Mitigation</i>	<i>Change In Circumstance or Impact</i>	<i>New and/or Change in Mitigation</i>	<i>Significance of Impact</i>
Action Plan or Another applicable Plan, Policy, or Regulation				Determination Thresholds (City of San Diego 2022) require the Assisted Living Facility to be analyzed per the City's CAP Consistency Checklist. Most recently, on August 2, 2022, the City Council adopted an update to the CAP (2022 CAP Update). The City also updated its GHG threshold, which included a project's compliance with the Climate		

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

<b>Issue Area</b>	<b>2014 Church EIR</b>			<b>Assisted Living Facility FSEIR</b>		
	<i>Impact</i>	<i>Mitigation Measure</i>	<i>Significance of Impact After Mitigation</i>	<i>Change In Circumstance or Impact</i>	<i>New and/or Change in Mitigation</i>	<i>Significance of Impact</i>
				Action Plan Consistency Regulations (CAP Consistency Regulations) as the new GHG threshold upon the applicable effective date of Ordinance O-21528 implementing the CAP Consistency Regulation. However, Regulatory requirements applicable to development projects pursuant to the CAP Consistency		

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

Issue Area	2014 Church EIR			Assisted Living Facility FSEIR		
	Impact	Mitigation Measure	Significance of Impact After Mitigation	Change In Circumstance or Impact	New and/or Change in Mitigation	Significance of Impact
				Regulations are not yet effective within the Coastal Zone and would only apply prospectively to projects with applications deemed complete after the CAP Consistency Regulations become effective in the Coastal Zone. However, Until the CAP Consistency Regulations go into effect in the Coastal Zone for new project applications, the		

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

<b>Issue Area</b>	<b>2014 Church EIR</b>			<b>Assisted Living Facility FSEIR</b>		
	<i>Impact</i>	<i>Mitigation Measure</i>	<i>Significance of Impact After Mitigation</i>	<i>Change In Circumstance or Impact</i>	<i>New and/or Change in Mitigation</i>	<i>Significance of Impact</i>
				2016 CAP Consistency Checklist remains the applicable GHG threshold in the Coastal Zone. (O-21528, Sections 7, 10, and 11.) Nevertheless, projects are permitted to implement the regulations as project design features to aid the City in meeting its accelerated GHG targets.		

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

Issue Area	2014 Church EIR			Assisted Living Facility FSEIR		
	Impact	Mitigation Measure	Significance of Impact After Mitigation	Change In Circumstance or Impact	New and/or Change in Mitigation	Significance of Impact
<i>5.6 Historical Resources</i>						
Prehistoric and Historic Resources	Potentially significant impact on unknown archaeological resources	CR-1 (Archeological Monitoring)	Less than significant.	NA	Mitigation Measure CR-1, from the 2014 Church EIR, would be applied to the Assisted Living Facility through <b>MM-CR-1</b> .	Less than significant with mitigation
<i>5.7 Paleontological Resources</i>						
Paleontological Resources	Potentially significant impact previously unrecorded paleontological material	PALEO-1 (Paleontological Monitoring)	Less than significant	Since the certification of the 2014 Church EIR, the City adopted San Diego Municipal Code Section 142.0151, which requires paleontological monitoring when	Mitigation Measure PALEO-1 is no longer applicable because paleontological monitoring is now required by an existing	Less than significant

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

Issue Area	2014 Church EIR			Assisted Living Facility FSEIR		
	Impact	Mitigation Measure	Significance of Impact After Mitigation	Change In Circumstance or Impact	New and/or Change in Mitigation	Significance of Impact
				this threshold is exceeded.	ordinance and is included as compliance Measure CM-PAL-1.	
<i>5.8 Transportation</i>						
Consistency with Applicable Transportation Programs and Regulations	Less than significant	NA	NA	NA	NA	Less than significant
VMT	Not previously analyzed	NA	NA	While SB 743 was signed into law on September 27, 2013 prior to the 2014 Church EIR certification, the implementing CEQA Guideline, 15063.4, effective December 28, 2018, set a	NA	Less than significant

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

<b>Issue Area</b>	<b>2014 Church EIR</b>			<b>Assisted Living Facility FSEIR</b>		
	<i>Impact</i>	<i>Mitigation Measure</i>	<i>Significance of Impact After Mitigation</i>	<i>Change In Circumstance or Impact</i>	<i>New and/or Change in Mitigation</i>	<i>Significance of Impact</i>
				deadline of July 1, 2020, for jurisdictions to transition from using LOS as a metric for determining transportation impacts to VMT. The City Significance Determination Guidelines were updated to include VMT in 2020 subsequent the 2014 Church EIR. The Assisted Living Facility would have a less than significant VMT impact.		

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

Issue Area	2014 Church EIR			Assisted Living Facility FSEIR		
	Impact	Mitigation Measure	Significance of Impact After Mitigation	Change In Circumstance or Impact	New and/or Change in Mitigation	Significance of Impact
Hazardous Design	Less than significant	NA	NA	NA	NA	Less than significant
Emergency Access	No Impact	NA	NA	NA	NA	Less than significant
<i>5.9 Visual Effects and Neighborhood Character</i>						
Public Scenic Vista Obstruction	Less than significant	NA	NA	NA	NA	Less than significant
Negative Aesthetic	Due to the proposed height of the Church dome (90 feet), impacts are considered to significant and unavoidable.	NA	Significant	The Assisted Living Facility would comply with the zoning code height limits. Visual impacts of the proposed Assisted Living Facility would be less than significant. The Church dome would continue to be significant and unavoidable.	NA	Less than significant



**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

<b>Issue Area</b>	<b>2014 Church EIR</b>			<b>Assisted Living Facility FSEIR</b>		
	<i>Impact</i>	<i>Mitigation Measure</i>	<i>Significance of Impact After Mitigation</i>	<i>Change In Circumstance or Impact</i>	<i>New and/or Change in Mitigation</i>	<i>Significance of Impact</i>
Visual Incompatibility	Due to the proposed height of the Church dome (90 feet), impacts are considered to significant and unavoidable. (same as above)	NA	Significant	The Assisted Living Facility would comply with the zoning code height limits. Visual impacts of the proposed Assisted Living Facility would be less than significant. The Church dome would continue to be significant and unavoidable (same as above).	NA	Less than significant
Landmark Tree	Less than significant	NA	NA	NA	NA	Less than significant
Changes in Existing Landform	Less than significant	NA	NA	NA	NA	Less than significant

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

Issue Area	2014 Church EIR			Assisted Living Facility FSEIR		
	Impact	Mitigation Measure	Significance of Impact After Mitigation	Change In Circumstance or Impact	New and/or Change in Mitigation	Significance of Impact
Light and Glare	Less than significant	NA	NA	NA	NA	Less than significant
<i>5.10 Noise</i>						
Ambient Noise Increase	Less than significant	NA	NA	The Assisted Living Facility construction would occur closer to sensitive receptors than the Church and would result in potentially significant construction noise impacts to residences.	The Assisted Living Facility would implement <b>MM-NOI-1</b> to reduce temporary construction noise.	Less than significant with Mitigation
Groundborne Vibration and Noise	Less than significant	NA	NA	NA	NA	Less than significant
Airport Noise	No Impact	NA	NA	NA	NA	Less than significant
<i>5.11 Tribal Cultural Resources</i>						
Tribal Cultural Resources	Not previously evaluated	NA	NA	At the time of the 2014 Church EIR,	The Assisted Living Facility	Less than significant with mitigation

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

Issue Area	2014 Church EIR			Assisted Living Facility FSEIR		
	Impact	Mitigation Measure	Significance of Impact After Mitigation	Change In Circumstance or Impact	New and/or Change in Mitigation	Significance of Impact
				tribal cultural resource thresholds were not included in the CEQA Guidelines. In 2014, Assembly Bill 52 updated Appendix G of the CEQA Guidelines to include impact thresholds related to impacts on tribal cultural resources.	would include <b>MM-CR-1</b> , which includes archaeological monitoring to reduce impacts to tribal cultural resources.	
<i>7.0 Effects Not Found to be Significant</i>						
Energy	Less than significant	NA	NA	NA	NA	Less than significant
Forestry Resources	Not previously evaluated	NA	NA	NA	NA	No Impact

**Table ES-2**  
**Impact Summary of the 2014 Church EIR and FSEIR**

Issue Area	2014 Church EIR			Assisted Living Facility FSEIR		
	Impact	Mitigation Measure	Significance of Impact After Mitigation	Change In Circumstance or Impact	New and/or Change in Mitigation	Significance of Impact
Geologic Conditions	Less than significant	NA	NA	NA	NA	Less than significant
Health and Safety	Less than significant	NA	NA	NA	NA	Less than significant
Hydrology/ Water Quality	Less than significant	NA	NA	NA	NA	Less than significant
Mineral Resources	No impact	NA	NA	NA	NA	No impact
Population and Housing	No impact	NA	NA	NA	NA	No impact
Public Services	Less than significant	NA	NA	NA	NA	Less than significant
Public Utilities	Less than significant	NA	NA	No	No	Less than significant with implementation of the project-specific WMP, included as Appendix M
Wildfire	Less than significant	NA	NA	No	No	Less than significant

#### **ES-4 EFFECTS NOT FOUND TO BE SIGNIFICANT**

Section 15128 of the CEQA Guidelines requires that an EIR briefly describe potential environmental effects that were determined not to be significant. The following environmental issues discussed in Chapter 7.0, Effects Not Found to be Significant, are not considered significant and are therefore not discussed in detail in the EIR: energy, forestry resources, geologic conditions, health and safety, hydrology/water quality, mineral resources, population and housing, public services and facilities, public utilities (with implementation of the project-specific Waste Management Plan), and wildfire.

#### **ES-5 AREAS OF KNOWN CONTROVERSY**

The City Development Services Department circulated the Notice of Preparation (NOP) and Scoping Letter for the proposed project on December 15, 2021, to interested agencies, groups, and individuals. The 30-day public scoping period ended January 14, 2021. Comments received during the NOP public scoping period were focused on the following primary issues: land use, agricultural resources, biological resources, transportation, visual effects and neighborhood character, noise, tribal cultural resources, and public services and facilities. Refer to Appendix A for additional details.

#### **ES-6 ISSUES TO BE RESOLVED BY THE CITY COUNCIL**

The issues to be resolved by the decision-making body are whether to adopt the proposed project and whether the significant impacts of the project with respect to biological resources, cultural resources, noise, and tribal cultural resources have been fully mitigated below a level of significance. Lastly, the City would determine whether any alternative might meet the key objectives of the project while reducing its environmental impact.

#### **ES-7 PROJECT ALTERNATIVES**

An analysis of alternatives has been provided in this document to provide decision makers with a reasonable range of possible alternatives to be considered. The discussion in this FSEIR focuses on three alternatives: the No Project/No Build Alternative, the Sensitive Nesting Bird Construction Noise Impact Avoidance Alternative, and the Construction Noise Impact Avoidance Alternative. A matrix displaying the major characteristics and significant environmental effects of alternatives is provided in Table ES-3 to summarize the comparison. The Sensitive Nesting Bird Construction Noise Impact Avoidance Alternative results in the least environmental impacts while still meeting some of the project objectives and would be the environmentally superior alternative.

**Table ES-3  
 Alternatives Summary**

<b>Environmental Issue</b>	<b>Project</b>	<b>No Project/No Build Alternative</b>	<b>Sensitive Nesting Bird Construction Noise Impact Avoidance Alternative</b>	<b>Construction Noise Impact Avoidance Alternative</b>
Land Use	Impacts would be less than significant.	Reduced Impacts	Similar Impacts	Similar Impacts
Agricultural Resources	Impacts would be less than significant.	Similar Impacts	Similar Impacts	Similar Impacts
Air Quality and Odor	Impacts would be less than significant.	Reduced Impacts	Similar Impacts	Similar Impacts
Biological Resources	Impacts would be less than significant with mitigation implemented.	Reduced Impacts	Reduced Impacts	Similar Impacts
Greenhouse Gas Emissions	Impacts would be less than significant.	Reduced Impacts	Similar Impacts	Similar Impacts
Historical Resources	Impacts would be less than significant with mitigation implemented.	Reduced Impacts	Similar Impacts	Similar Impacts
Paleontological Resources	Impacts would be less than significant.	Reduced Impacts	Similar Impacts	Similar Impacts
Transportation/Circulation and Parking	Impacts would be less than significant.	Reduced Impacts	Similar Impacts	Similar Impacts
Visual Effects and Neighborhood Character	Impacts would be less than significant.	Reduced Impacts	Similar Impacts	Similar Impacts
Noise	Impacts would be less than significant with mitigation implemented.	Reduced Impacts	Similar Impacts	Reduced Impacts

**Table ES-3  
Alternatives Summary**

<b>Environmental Issue</b>	<b>Project</b>	<b>No Project/No Build Alternative</b>	<b>Sensitive Nesting Bird Construction Noise Impact Avoidance Alternative</b>	<b>Construction Noise Impact Avoidance Alternative</b>
Tribal Cultural Resource	Impacts would be less than significant with mitigation implemented.	Reduced Impacts	Similar Impacts	Similar Impacts

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## ACRONYMS

Acronym	Definition
AB	Assembly Bill
ACC	Advanced Clean Cars
ACT	Advanced Clean Trucks
ADD	Assistant Deputy Director
ADRP	Archaeological Data Recovery Program
AHU	air handling unit
AME	Archaeological Monitoring Exhibit
APE	area of potential effect
APN	Assessor's Parcel Number
ATCM	Airborne Toxic Control Measure
BCME	Biological Construction Mitigation/Monitoring Exhibit
BI	Building Inspector
BMP	best management practice
BMZ	Brush Management Zone
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
CARB	California Air Resources Board
CCC	California Coastal Commission
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CDP	Coastal Development Permit
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFC	California Fire Code
CFGC	California Fish and Game Code
CH <sub>4</sub>	methane
CM	Compliance Measure
CNEL	Community Noise Equivalent Level
CNRA	California Natural Resources Agency
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
CO <sub>2</sub> e	carbon dioxide equivalent
CPUC	California Public Utilities Commission
CRHR	California Register of Historical Resources
CRPR	California Rare Plant Rank
CSS	coastal sage scrub

<b>Acronym</b>	<b>Definition</b>
CSV	Consultant Site Visit Record
CUP	Conditional Use Permit
dB	decibel
dBA	A-weighted decibel
DIF	Development Impact Fee
DOC	California Department of Conservation
DPM	diesel particulate matter
DSD	Development Services Department
EAS	Environmental Analysis Section
ED	Environmental Designee
EIR	Environmental Impact Report
EO	Executive Order
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
ESL	Environmentally Sensitive Lands
FAR	Floor Area Ratio
FFLMR	Fire Fuel Load Modeling Report
FHWA	Federal Highway Administration
FMMP	Farmland Mapping and Monitoring Program
FPA	Focused Planning Area
FSEIR	Final Subsequent Environmental Impact Report
GHG	greenhouse gas
GWP	global warming potential
HAZWOPER	Hazardous Waste Operations and Emergency Response
HCFC	hydrochlorofluorocarbon
HCP	Habitat Conservation Plan
HFC	hydrofluorocarbon
HRG	San Diego Historical Resources Guidelines
IPCC	Intergovernmental Panel on Climate Change
JPA	Joint Powers Authority
LCP	North City Local Coastal Program
LDC	Land Development Code
LUP	Land Use Plan
MBTA	Migratory Bird Treaty Act
MHPA	Multi-Habitat Planning Area
MLD	Most Likely Descendent
MM	Mitigation Measure
MMC	Mitigation Monitoring Coordination
MPO	metropolitan planning organization
MRZ	Mineral Resource Zone
MS4	Municipal Separate Storm Sewer System
MSCP	Multiple Species Conservation Program

<b>Acronym</b>	<b>Definition</b>
MT	metric ton
N <sub>2</sub> O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NCFUA	North City Future Urbanizing Area
NDP	Neighborhood Development Permit
NF <sub>3</sub>	nitrogen trifluoride
NHPA	National Historic Preservation Act
NHTSA	National Highway Traffic Safety Administration
NO <sub>2</sub>	nitrogen dioxide
NOP	Notice of Preparation
NO <sub>x</sub>	oxides of nitrogen
NPDES	National Pollution Discharge Elimination System
NPS	National Park Service
NRHP	National Register of Historic Places
NSLU	noise sensitive land uses
NUP	Neighborhood Use Permit
OHP	Office of Historic Preservation
OPLA-PRP	Omnibus Public Lands Act-Paleontological Resources Preservation
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Administration
PDF	Project Design Feature
PDP	Planned Development Permit
PFC	perfluorocarbons
PI	Principal Investigator
PM	Particulate Matter
PM <sub>10</sub>	particulate matter with a diameter less than or equal to 10 microns
PM <sub>2.5</sub>	particulate matter with a diameter less than or equal to 2.5 microns
PPV	peak particle velocity
PRC	California Public Resources Code
PRD	Planned Residential Development
PTAC	packaged terminal air-conditioning
RAQS	Regional Air Quality Strategy
RE	Resident Engineer
RHNA	Regional Housing Needs Assessment
RPS	Renewables Portfolio Standard
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Boards
SANDAG	San Diego Association of Governments
SB	Senate Bill
SCAQMD	South Coast Air Quality Management District
SCE	Southern California Edison

<b>Acronym</b>	<b>Definition</b>
SCIC	South Coastal Information Center
SCS	Sustainable Communities Strategy
SDAB	San Diego Air Basin
SDAPCD	San Diego Air Pollution Control District
SDFRD	San Diego Fire-Rescue Department
SDMC	San Diego Municipal Code
SDP	Site Development Permit
SEIR	Subsequent Environmental Impact Report
SF <sub>6</sub>	sulfur hexafluoride
SIP	State Implementation Plan
SLCP	short-lived climate pollutants
SLF	Sacred Lands File
SO <sub>2</sub>	sulfur dioxide
SO <sub>x</sub>	sulfur oxides
SPL	sound pressure level
SSC	Species of Special Concern
STC	sound transmission class
STP	shovel test pit
SWPPP	Stormwater Pollution Prevention Plan
TAC	toxic air contaminant
TCR	tribal cultural resource
TIS	Traffic Impact Study
TPA	Transit Priority Area
USFWS	U.S. Fish and Wildlife Service
VMT	vehicle miles traveled
VOC	volatile organic compound
WDM	waste diversion measure
WMP	Waste Management Plan
WPCP	Water Pollution Control Plan
ZEV	zero-emission vehicle

## **CHAPTER 1.0 INTRODUCTION**

This Final Subsequent Environmental Impact Report (FSEIR) evaluates the change in environmental impacts associated with the incorporation of the El Camino Real Assisted Living Facility (Assisted Living Facility) into the St. John Garabed Armenian Church (Church) project (PTS #240283). The construction and operations of the Church were previously approved by the City of San Diego (City) in 2015 and included a 350-seat church and three accessory use buildings on a 13.36-acre site located at 13925 El Camino Real, San Diego. The Church has been constructed and is now operational. The three accessory buildings that would be associated with the Church have not yet been constructed. Subsequent to the certification of the 2014 St. John Garabed Armenian Church Project Final Environmental Impact Report (Project No. 240283/SCH No. 2013071043; 2014 Church EIR), the Church congregation acquired a 3.97-acre adjacent parcel to the Church site and are pursuing an amendment to their existing approvals to develop the Assisted Living Facility on that adjacent parcel. The project consists of an expansion of the approved Church to include an Assisted Living Facility. Refer to Chapter 3 for the full project description.

This FSEIR is intended for use by decision makers in considering whether to approve or deny the proposed Assisted Living Facility. It provides relevant information concerning the potential environmental effects associated with the construction and operation of the Assisted Living Facility. Discretionary actions being considered by the makers to implement the Assisted Living Facility:

- Site Development Permit (SDP) Amendment
- Conditional Use Permit (CUP) Amendment
- Uncodified CUP Ordinance
- Neighborhood Use Permit (NUP)
- Coastal Development Permit (CDP) Amendment (issued by the California Coastal Commission)
- Final SEIR

### **1.1 CEQA REQUIREMENTS**

#### **1.1.1 CEQA COMPLIANCE**

The 2014 Church EIR was certified by the Planning Commission (Project No. 240283/SCH No. 2013071043) on October 20, 2014. The Church included 350-seat church and three accessory use buildings on the 13.36-acre site located at 13925 El Camino Real, San Diego. Subsequent to the certification of the 2014 Church EIR, the Church congregation acquired a 3.97-acre neighboring parcel to the Church parcel to pursue development of the Assisted Living Facility on the site.

When an EIR has been certified for a project, a subsequent or supplemental EIR must be prepared if one of the following conditions has been met (State CEQA Guidelines Section 15162[a]):

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
  - A. The project will have one or more significant effects not discussed in the previous EIR;
  - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Due to new information of substantial importance that was not known at the time the 2014 Church EIR was certified, this FSEIR is being prepared in accordance with CEQA Guidelines Section 15162. This FSEIR tiers from the certified 2014 Church EIR (Project No. 240283/SCH No. 2013071043). This FSEIR considers the issues discussed in the first-tier document and evaluates whether a significant effect has been adequately addressed or if there is an effect that was not addressed in the 2014 Church EIR. As needed, additional or updated mitigation is provided to address significant environmental impacts of the proposed Assisted Living Facility.

According to Section 21002.1(a) of the CEQA statutes, "The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided." CEQA also establishes mechanisms whereby the public and decision makers can be informed about the nature of the project being proposed, and the extent and types of impacts that the project and its

alternatives would have on the environment if they were to be implemented. This FSEIR has been prepared to comply with all criteria, standards, and procedures of the CEQA Guidelines (14 CCR 15000 et seq.). This FSEIR has also been prepared pursuant to the City's Significance Determination Thresholds (2022), and represents the independent judgment of the City as lead agency.

### **1.1.2 NOTICE OF PREPARATION AND SCOPING MEETING**

The scope of analysis for this FSEIR was determined by the City in a scoping letter dated December 2021, as well as a result of public responses to the Notice of Preparation (NOP). In compliance with Section 15082 of the CEQA Guidelines, the City Development Services Department circulated the NOP to interested agencies, groups, and individuals. The NOP has been included as Appendix A1 of this FSEIR. The 30-day public scoping period ended January 14, 2022. Consistent with Section 21083.9 of the CEQA Statutes, a public scoping meeting was held to solicit comments regarding the scope and analysis of the EIR. Consistent with the Office of Planning and Research guidance relating to the convening of scoping meetings in the State of California in response to the COVID-19 pandemic, the City of San Diego used technology tools available to engage members of the public and to solicit input on the scope of the environmental document. Therefore, in lieu of a public scoping meeting to be held in person, a pre-recorded presentation was made accessible to the public and available for viewing from December 15, 2021 to January 14, 2022. Comments received during the NOP public scoping period were considered during the preparation of this FSEIR. The NOP comments are included as Appendix A2 of this FSEIR. This FSEIR serves as a subsequent document to the previously certified 2014 Church EIR, as referenced above. All environmental issues analyzed in the 2014 Church EIR were considered during initial review of the project. Based on the NOP comment letters and the previously certified 2014 Church EIR, the following issues were determined to be potentially significant and are therefore addressed in Chapter 5.0, Environmental Analysis, of this document:

- Land Use
- Agricultural Resources
- Air Quality and Odor
- Biological Resources
- Greenhouse Gas Emissions
- Historical Resources
- Paleontological Resources
- Transportation/Traffic Circulation
- Visual Effects/Neighborhood Character

- Noise
- Tribal Cultural Resources

The analysis in this FSEIR evaluates the adequacy of the 2014 Church EIR relative to the approval of the project. The 2014 Church EIR indicates that significant impacts for the project site would be substantially lessened or avoided if the mitigation measures recommended in the 2014 Church EIR are implemented by future development for various environmental issues, as identified in Table ES-2. Tribal Cultural Resources were not addressed in the 2014 Church EIR; however, the FSEIR incorporates this additional issue area because there is potential for a significant impact to Tribal Cultural Resources. Noise was included in Chapter 7, Effects Not Found to be Significant, in the 2014 Church EIR. However, it has been included in Chapter 5 of this FSEIR, due to the potential of a significant impact associated with the Assisted Living Facility. A comparison of the FSEIR findings relative to the 2014 Church EIR findings is provided in Table ES-2. The project would implement applicable mitigation measures included in the 2014 Church EIR and/or this FSEIR, as indicated in Table ES-2. The remainder of the CEQA topic issues identified in the CEQA Guidelines Appendix G are addressed in Chapter 7.0, Effects Not Found to be Significant, of the FSEIR.

## **1.2 PURPOSE AND LEGAL AUTHORITY**

The purpose of an EIR is to disclose the significant environmental effects of the project, alternatives to the project, and possible ways to reduce or avoid potential environmental damage (14 CCR 15002). This FSEIR evaluates the potentially significant environmental effects that would result with implementation of the project in conjunction with the 2014 Church EIR. As this is a FSEIR, this analysis will identify if the additional development of the proposed Assisted Living Facility in conjunction with the Church would result in any substantial new information or new or substantially increased environmental impacts that were not known at the time of the certification of the 2014 Church EIR.

The SEIR review process occurs in two basic stages. The first stage is the Draft SEIR, which offers the public the opportunity to comment on the document, while the second stage is the Final SEIR, which provides the basis for approving the project.

### **Draft SEIR**

This SEIR would be made available for review by members of the public and public agencies for 45 days to provide comments “on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated” (14 CCR 15204). This SEIR would be available for review at:

City of San Diego, Development Services Department  
1222 First Avenue, Fifth Floor  
San Diego, California 92101-4153



Carmel Valley Branch of the San Diego Public Library  
3919 Townsgate Drive  
San Diego, California 92130

City of San Diego Website: <https://www.sandiego.gov/planning/work/ceqa>

The Notice of Availability of the SEIR was mailed as required by the CEQA Guidelines and the City.

### **Final SEIR**

The City will consider written comments received on the SEIR in making its decision whether to certify the SEIR as complete and in compliance with CEQA, and also whether to approve or deny the project. In the final review, environmental considerations and economic and social factors will be weighed to determine the most appropriate course of action. As the designated lead agency, the City has assumed responsibility for preparing this document. When deciding whether to approve the project, the City will use the information included in this SEIR to consider potential impacts on the physical environment associated with the project.

Subsequent to certification of the SEIR, agencies with permitting authority over all or portions of the project would use the SEIR as the basis for the SEIR evaluation of environmental effects of the project and approval or denial of applicable permits.

Additional information regarding City and agency permits and approvals is detailed in Chapter 3.0 of this FSEIR.

### **Lead Agency**

The City is the lead agency in preparing this FSEIR in accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000 et seq.) and CEQA Guidelines (14 CCR 15000 et seq.) As Lead Agency, the City of San Diego Development Services Department, Environmental Analysis Section conducted a preliminary review of the proposed development and determined that this FSEIR was required. The analysis and findings in this document reflect the independent, impartial conclusions of the City.

### **Responsible and Trustee Agencies**

State law requires that all EIRs be reviewed by responsible and trustee agencies. A Responsible Agency, defined pursuant to State CEQA Guidelines Section 15381, includes all public agencies other than the Lead Agency that have discretionary approval power over the project. A Trustee Agency is defined in Section 15386 of the CEQA Guidelines as a state agency having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the state of California.

Implementation of the project would require consultation with the following responsible and trustee agencies, as described below.

### ***California Coastal Commission***

The California Coastal Commission (CCC) was established by the California Coastal Act of 1976. The CCC has planning and regulation authority over land and water within the Coastal Zone, which is mapped by the state legislator. The CCC enforces policies set forth by the Coastal Act. The policies generally pertain to issues such as public access and recreation along the coastline, visitor accommodations, habitat protection, visual resources, landform alteration, agricultural lands, commercial fisheries, industrial uses, water quality, offshore oil and gas development, transportation, development design, power plants, ports, and public works (CCC 2019). The project site is within the Coastal Zone and would require a Coastal Development Permit from the CCC. The CCC is a Responsible Agency for the project, as the project requires discretionary approval from the CCC.

### ***California Department of Fish and Wildlife***

The California Department of Fish and Wildlife (CDFW) is a state agency that regulates wildlife, plants, and habitats within the state of California. CDFW administers the California Endangered Species Act (CESA) (CFGC Section 2050 et seq.), which prohibits the take of plant and animal species designated by the California Fish and Game Commission as endangered or threatened in California. CDFW also enforces the California Fish and Game Code. CDFW is a Trustee Agency for the project considering the presence of biological resources adjacent to the site.

## **1.3 EIR FORMAT**

The following is a list of the contents of this FSEIR.

- An executive summary of this FSEIR is provided at the beginning of this document. The summary includes the conclusions of the environmental analysis and a comparative summary of the project with the alternatives analyzed in this FSEIR.
- Chapter 1.0, Introduction, introduces the project in light of the required environmental review procedures.
- Chapter 2.0, Environmental Setting, describes the project location and physical environmental setting.
- Chapter 3.0, Project Description, provides a description of the project, the project's purpose and objectives, and required discretionary approvals.
- Chapter 4.0, History of Project Changes, contains a discussion of how the project has changed since its inception.

- Chapter 5.0 consists of the environmental analysis, which examines the potentially significant environmental issues. Specifically, Chapter 5.0 analysis will include a summary of the previous 2014 Church EIR analysis as well as the analysis of the proposed Assisted Living Facility.
- Chapter 6.0, Cumulative Impacts, addresses cumulative impacts.
- Chapter 7.0 addresses effects not found to be significant.
- Chapter 8.0, Mandatory Discussion Areas, describes significant effects which cannot be avoided, significant irreversible environmental changes, and growth-inducing impacts of the project.
- Chapter 9.0, Alternatives, addresses a reasonable range of project alternatives.
- Chapter 10.0, Mitigation, Monitoring, and Reporting Program, provides mitigation for significant impacts incurred by the project.
- Chapter 11.0, References Cited, contains a list of sources cited throughout the FSEIR organized by section.
- Chapter 12, FSEIR Preparers, contains a list of all agencies and private individuals consulted in preparing the FSEIR, and the persons, firms, or agency preparing the FSEIR.

The remaining FSEIR sections and appendices are provided as set forth in the table of contents.

### **Technical Appendices**

Technical appendices, used as a basis for much of the environmental analysis in the FSEIR, have been summarized in the FSEIR and are printed under separate cover as part of the FSEIR. The technical appendices are available for review at the City of San Diego Development Services Center, 1222 First Avenue, Fifth Floor, San Diego, California 92101.

### **Incorporation by Reference**

As permitted by CEQA Guidelines Section 15150, this FSEIR incorporates by reference previously certified 2014 Church EIR (Project No. 240283/SCH No. 2013071043) and approved plans, which provide supporting documentation used in the analysis for the project. This FSEIR also references several technical studies and reports. Information from these documents has been briefly summarized in this FSEIR, and their relationship to this FSEIR described. These documents are included in Chapter 11.0, References Cited, and are hereby incorporated by reference. They are available for review at the City of San Diego Development Services Center, 1222 First Avenue, Fifth Floor, San Diego, California 92101.

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## **CHAPTER 2.0 ENVIRONMENTAL SETTING**

This chapter provides a description of existing conditions on the 17.33-acre project site. The project site consists of the 13.36-acre St. John Armenian Garabed Church (Church) parcel and the 3.97-acre El Camino Real Assisted Living Facility (Assisted Living Facility) parcel. The 2014 St. John Garabed Armenian Church Project Final Environmental Impact Report (2014 Church EIR) discloses information regarding the Church parcel and surrounding conditions. The focus of the Final Subsequent EIR (FSEIR) is the inclusion of the El Camino Real Assisted Living Facility parcel within the project site and the analysis of constructing and operating an Assisted Living Facility on the site. The additional information provided below is intended to provide an update to the 2014 Church EIR, as well as more details regarding the Assisted Living Facility parcel. The section also provides an overview of the local and regional environmental setting of the project, per Section 15125 of the CEQA Guidelines. More details regarding the setting specifically pertaining to each environmental issue are provided at the beginning of each impact area addressed in Chapter 5.0, Environmental Analysis.

### **2.1 LOCATION**

The 17.33-acre project site is located within the northwestern corner of the City of San Diego, within the northwestern extent of the North City Future Urbanizing Area (NCFUA) Framework Plan (City of San Diego 1992) boundary (see Figure 2-1, Project Location). The site is located along El Camino Real between Sea Country Lane and San Dieguito Road. The Church that was previously analyzed in the 2014 Church EIR is specifically located at Assessor's Parcel Number (APN) 304-020-2400 at 13925 El Camino Real in the City of San Diego. Directly to the south of the Church parcel is the Assisted Living Facility parcel, which is APN 304-650-3700. The site is approximately 0.65 miles east of Interstate (I) 5 and approximately 1.8 miles east of the coastline. The City of San Diego Multiple Species Conservation Program (MSCP) (City of San Diego 1997) Multi-Habitat Planning Area (MHPA) open space is located to the east of the project site, residential uses are located to the south of the project site, and the Evangelical Formosan Church is located to the west of the project site (see Figure 2-2, Vicinity Map).

### **2.2 PHYSICAL CHARACTERISTICS**

The Church is currently under construction on a portion of the 13.36-acre northern parcel of the project site. The Church parcel has been graded, and currently includes the recently-constructed and operational 350-seat main church building. The three associated accessory buildings have not yet been constructed. Site access to the Church is via a right-in, right-out driveway on El Camino Real.

The 3.97-acre Assisted Living Facility parcel is currently vacant. The eastern portion of the parcel, approximately 1.12 acres or 28% of the site, is located within the City of San Diego MHPA. This

eastern portion of the parcel contains eucalyptus woodland and arroyo-dominated riparian habitat. The western portion of the site was previously used for agriculture and consists of disturbed habitat. The Assisted Living Facility parcel is only accessible through the Church parcel.

Site elevation within the Assisted Living Facility parcel ranges from approximately 15 feet to 60 feet above mean sea level. Topography is generally flat in the central and western portion of this parcel, but a short, steep hill is located along the eastern portion of the site where it drops into the MHPA and associated woodland, scrub, and wetland habitats to the east (Figure 2-2). According to the U.S. Department of Agriculture Web Soil Survey (USDA 2022), three soil types, including Las Flores loamy fine sand (5% to 9% slopes, eroded), Corralitos loamy sand (0% to 5% slopes), and Salinas clay loam (0% to 2% slopes) are mapped within the Assisted Living Facility parcel.

Descriptions of additional on-site physical features, such as biological, geologic, cultural, and water resources, are provided in their respective sections in Chapters 5.0 and 7.0.

### **2.3 SURROUNDING LAND USES**

The project site is bordered by MSCP MHPA open space to the east, residential uses (Stallions Crossing Residential Development) to the south, and an existing church (Evangelical Formosan) to the west (Figure 2-2). The El Camino Real roadway is located along the northern project site boundary.

Open space, including the San Dieguito River Park, is located to the north along the San Dieguito River. The MHPA open space area to the east includes Gonzales Canyon. This area includes a drainage and sensitive riparian habitat. Several dirt trails extend through this area. Further to the east of the canyon are single-family residences as well as equestrian centers.

The residential uses to the south are a part of the Stallions Crossing Residential Development, which was developed between 2002 and 2004. This development consists of 47 single-family homes with three to five bedrooms. This residential area is gated, with access provided to El Camino Real at Sea Country Lane, which is approximately 0.30 miles to the south of the project site's access driveway.

The Evangelical Formosan Church is located directly west of the project site. This church was constructed circa 2009 to 2010. El Camino Real access to this site is provided on the south side of the church parking lot, approximately 0.25 miles south of the project driveway. Further west of the adjacent church is open space associated with the San Dieguito River Park.

### **2.4 APPLICABLE LAND USE PLANS**

Section 15125(d) of the CEQA Guidelines requires that a discussion of the inconsistencies between the project and applicable general plans and regional plans be provided. The consistency analysis for the project with applicable plans, policies, and regulations is provided in Section 5.1, Land Use, of

this FSEIR. The following subsections describe the plans, policies, and regulations that are applicable to the project.

### **2.4.1 GENERAL PLAN**

The State of California requires each city to have a general plan to guide its future, and mandates that the plan be updated periodically to ensure relevance and utility. The City's General Plan was adopted by the City Council on March 10, 2008. Since then, the City has approved amendments to the General Plan in 2010, 2012, 2015, 2018, 2020 (Housing Element) and 2021. The City's General Plan is a comprehensive, long-term planning document that prescribes overall goals and policies for development within the City. The General Plan builds upon many of the goals and strategies of the previously adopted 1979 General Plan, in addition to offering new policy direction in the areas of urban form, neighborhood character, historic preservation, public facilities, recreation, conservation, mobility, housing affordability, economic prosperity, and equitable development. It recognizes and explains the critical role of the community planning program as the vehicle to tailor the "City of Villages" strategy for each neighborhood. It also outlines the plan amendment process, and other implementation strategies, and considers the continued growth of the City. The project site has a General Plan land use category of Residential and Park, Open Space and Recreation (Figure 2-3, General Plan Land Use).

### **2.4.2 NCFUA FRAMEWORK PLAN**

Adopted in September 1992 and as amended through 2014, the North City Future Urbanizing Area (NCFUA) Framework Plan seeks to preserve the natural features of the plan area, including scenic and biological resources, and incorporating these features in human landscapes. The goal of the Framework Plan is to prevent premature urbanization until it has been determined that it will accommodate the City's growth. By defining the built environment with an environmental component, and concentrating development in specific areas, the Framework Plan has proven to be a successful tool in reducing urban sprawl. A detailed analysis of the project's consistency in the context of the applicable elements of the General Plan and Framework Plan is provided in Section 5.1 of this FSEIR. In the NCFUA Framework Plan, the proposed project site is designated as Very Low Density Residential and Environment Tier.

### **2.4.3 ZONING**

Zoning for the project site is currently designated by the City's Municipal Code (SDMC) as Agricultural-Residential (AR-1-1; Figure 2-4, City of San Diego Zoning). The AR-1-1 zone requires minimum 10-acre lots and the maximum structure height allowed is 30 feet. Pursuant to Section 131.0344 of the SDMC, a structure in the AR-1-1 zone may exceed the 30-foot structure height limit if the front, side, and rear setbacks are each increased by 10 feet for each 10 feet, or portion thereof, of structure height above 30 feet, except as limited by the regulations in Chapter 13, Article 2

(Overlay Zones). In addition to agricultural uses and single-family residential development, Section 131.0322 of the SDMC establishes that assisted living facilities are allowed on AR-1-1 lands with a Conditional Use Permit. A Conditional Use Permit Amendment is proposed to add the Assisted Living Facility use to the site.

The project is also located within several other overlay zones. The applicable overlay zones include the Fire Hazard Severity Zone and Parking Impact. The site is also located within the Coastal Zone and is subject to California Coastal Commission approval. For more information see Section 5.1, Land Use, of this FSEIR.

#### **2.4.4 MULTIPLE SPECIES CONSERVATION PROGRAM**

The MSCP is part of a comprehensive habitat conservation planning program for southwestern San Diego County (County). A goal of the MSCP is to preserve a network of habitat and open space, protecting biodiversity while allowing development of less sensitive lands. Local jurisdictions, including the City, implement their portions of the MSCP through subarea plans, which describe specific implementing mechanisms.

The City's MSCP subarea plan was adopted in March 1997. The MSCP subarea plan is a plan and process for the City to issue permits under the federal and state Endangered Species Acts and the California Natural Communities Conservation Planning Act of 1991. The primary goal of the MSCP subarea plan is to conserve viable populations of sensitive species and to conserve biodiversity while allowing for reasonable economic growth.

The MHPA consists of areas within which the permanent MSCP preserve would be assembled and managed for biological resources. Areas not located within the MHPA would be available for development proposals. The MSCP identifies a MHPA in the City for preservation of core biological resource areas and corridors targeted for preservation. Lands within the City of San Diego MHPA are proposed to be conserved by one of the following five methods: 1) conservation of existing public lands; 2) land use restrictions of property within the MHPA through zoning regulations; 3) open space exactions directed toward building the MHPA imposed on new development outside the MHPA; 4) open space previously set aside on private lands for conservation as part of the development process; and 5) public acquisition of private lands.

The eastern area of the Assisted Living Facility parcel includes MHPA (Figure 2-5, MSCP MHPA). The Assisted Living Facility proposes to preserve that MHPA area as open space. Section 5.1, Land Use, addresses the consistency with the MSCP goals and policies and the MSCP Land Use Adjacency Guidelines.



## 2.4.5 SAN DIEGUITO RIVER PARK CONCEPT PLAN

The San Dieguito River Park Concept Plan establishes the vision and goals for the future use of the San Dieguito River Valley as determined by the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) its member agencies, and the JPA citizens advisory committee. The overarching goal of the concept plan is to create a greenway and open space park system linking Anza Borrego Desert State Park to the Pacific Ocean and to “ensure the preservation and protection of the sensitive resources within the San Dieguito River Valley Regional Open Space Park’s Focused Planning Area (FPA)” (JPA 2002). Also, the plan notes that in order to achieve this goal “all future proposals within the planning area should be consistent with the goals, objectives, and development standards set forth in this plan” (JPA 2002). The FPA for the San Dieguito River Park extends along a 55-mile corridor stretching from the just east of Volcan Mountain and ending at the mouth of the San Dieguito River in Del Mar, encompassing approximately 80,000 acres of relatively open land that corresponds to the viewshed of the San Dieguito River Valley. The concept plan contains park objectives, park plan concepts regarding the preservation of the existing character of the valley, preservation of sensitive biological resources and cultural resources, and design and development standards and also discussed proposed park facilities including the Coast to Crest Trail, a proposed linear trail system traversing the entire length of the FPA. The proposed alignment of the Coast to Crest Trail is located in the vicinity of the project site, north of the San Dieguito River, and traverses the SCE Wetlands Restoration Project site. Further, the concept plan provides generalized land use and design recommendations for areas within the FPA, but notes that “the JPA itself does not have land use authority over the properties within the FPA” and therefore looks to the JPA member agencies to incorporate the goals and recommendation of the concept plan into general plans or “appropriate planning documents” (JPA 2002).

The project site is located in the San Dieguito River Park Concept Plan western units and, more specifically, within the western extent of Landscape Unit B, Gonzales and La Zanja Canyons. Landscape Unit B is noted for its drainages that provide important habitat links and open space connections to landscapes to the south including the Los Peñasquitos Canyon Preserve. The concept plan notes that the preservation of the various finger canyons of the landscape units would “maintain habitat potential and the natural scenic character of the area as viewed from the valley floor” and that “the mesas and upland slopes of these drainages...are a very important frame to the view of the valley as it narrows” (JPA 2002). Special design considerations for Landscape Unit B include the dedication of space corridors in La Zanja and Gonzales Canyons in future development proposals, development setbacks from the top of slope on adjacent ridgelines to reduce its visibility from the FPA and provide an upland transition area, architectural treatments and landscaping sensitive to the views from the park, and the construction of canyon overlooks/viewpoints in future development proposals (JPA 2002). Refer to Section 5.1, Land Use, for further discussion on the project’s consistency with the San Dieguito River Park Concept Plan guidelines.

## **2.4.6 REGIONAL AIR QUALITY PLAN**

The San Diego Air Pollution Control District and San Diego Association of Governments (SANDAG) jointly developed the San Diego Regional Air Quality Strategy (RAQS) to identify feasible emissions control measures to achieve compliance with the state ozone standard. The RAQS addresses volatile organic compounds and oxides of nitrogen, which are the precursors to the photochemical formation of ozone. The current RAQS was initially adopted in 1991 and most recently revised in 2016 (SDAPCD 2016). The San Diego Air Pollution Control District has also developed the San Diego Air Basin's input to the State Implementation Plan, which is required under the federal Clean Air Act for areas that are in nonattainment of air quality standards. The RAQS relies on information from the California Air Resource Board and SANDAG, including mobile area source emissions and information regarding projected growth in the county to project future emissions. The RAQS then determines the strategies necessary for reduction of emissions through regulatory controls. See Section 5.3, Air Quality and Odor, for further details.

## **2.4.7 WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO BASIN**

The U.S. Environmental Protection Agency has delegated responsibility for implementation of portions of the Clean Water Act to the State Water Resources Control Board and the Regional Water Quality Control Boards (RWQCBs), including water quality control planning and control programs, such as the National Pollutant Discharge Elimination System program. The National Pollutant Discharge Elimination System program is a set of permits designed to implement the Clean Water Act that apply to various activities that generate pollutants with potential to impact water quality.

The RWQCB adopted a Water Quality Control Plan (Basin Plan) for the San Diego Basin. This Basin Plan sets forth water quality objectives for constituents that could potentially cause an adverse impact on the beneficial uses of water. The Basin Plan is designed to preserve and enhance the quality of water resources in the San Diego region. The purpose of the Basin Plan is to designate beneficial uses of the region's surface waters and groundwater, designate water quality objectives for the reasonable protection of those uses, and establish an implementation plan to achieve the objectives. The Basin Plan incorporates by reference all applicable State Water Resources Control Board and RWQCB plans and policies (RWQCB 2021).

Projects resulting in discharges, whether to land or water, are subject to Section 13263 of the California Water Code and are required to obtain approval of Waste Discharge Requirements from RWQCB. During construction and operation, private and public development projects are required to include stormwater best management practices to reduce pollutants discharged from the project site. See Chapter 7, Effects Not Found To Be Significant, for further details.

## **2.4.8 SAN DIEGO FORWARD – REGIONAL PLAN**

Every 4 years, SANDAG prepares a Regional Plan in collaboration with the 18 cities located in San Diego County and the County itself, along with regional, state, and federal partners. This is a broad-based community effort that plans for how our region will grow and how we will get around. The Regional Plan addresses many important issues, including using land more wisely, building an efficient and more accessible transportation system, protecting the environment, improving public health, promoting a strong regional economy, better managing our access to energy, incorporating equity into the planning process, addressing pressing needs on tribal lands, and supporting a vibrant international border.

## **2.4.9 CLIMATE ACTION PLAN**

Pursuant to Executive Order S-3-05 and Assembly Bill 32, which set greenhouse gas reduction targets, as well as the California Air Resources Board Scoping Plan, the City adopted a Climate Action Plan (CAP) (City of San Diego 2015). Pursuant to implementing the CAP, the City also adopted the use of a CAP Checklist to be implemented by development projects on a project-by-project basis. Projects that are consistent with the CAP and associated assumptions may rely on the CAP to address cumulative greenhouse gas impacts. Projects that are inconsistent with the CAP require a comprehensive project-specific analysis of greenhouse gas emissions and the incorporation of measures to reduce potential impacts to the extent feasible. Cumulative greenhouse gas impacts would be significant for any project that is not consistent with the CAP. The CAP land use assumptions were based on the SANDAG Series 12 growth projections, which assumed the site would be developed in accordance with the applicable zone. Most recently, on August 2, 2022, the City Council adopted an update to the CAP (2022 CAP Update; City of San Diego 2022). The City also updated its GHG threshold, which included a project's compliance with the Climate Action Plan Consistency Regulations (CAP Consistency Regulations) as the new GHG threshold upon the applicable effective date of Ordinance O-21528 implementing the CAP Consistency Regulation. The CAP Consistency Regulations establish measures that could be implemented on a project-by-project basis to demonstrate consistency with the 2022 CAP pursuant to CEQA Guidelines Section 15183.5(b)(1)(D). Refer to Section 5.5, Greenhouse Gas Emissions, for additional analysis.

## **2.4.10 COMPLETE COMMUNITIES**

Complete Communities includes planning strategies that work together to create incentives to build homes near transit, provide more mobility choices and enhance opportunities for places to walk, bike, relax, and play. These efforts ensure that all residents have access to the resources and opportunities necessary to improve the quality of their lives. The City's Complete Communities plan includes the following components: Housing Solutions, Mobility Choices, Play Everywhere, and Infrastructure Now.

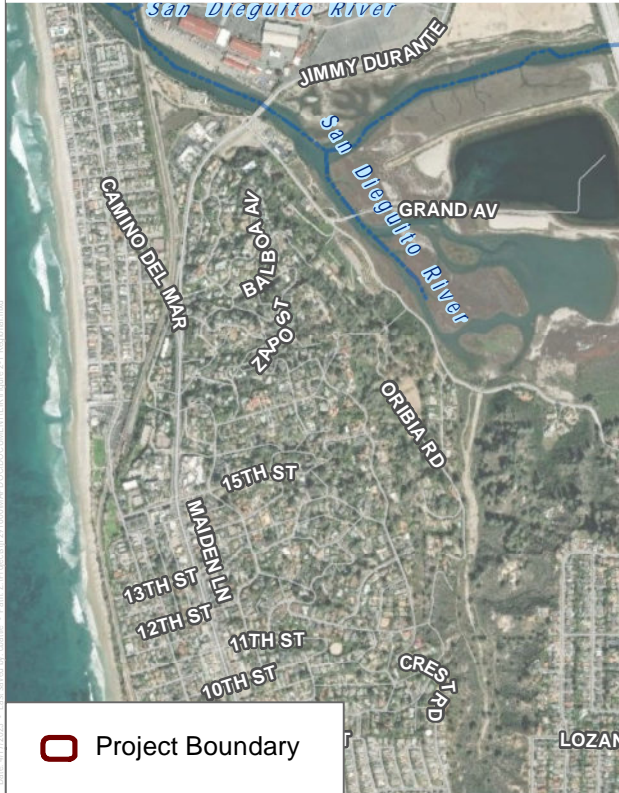
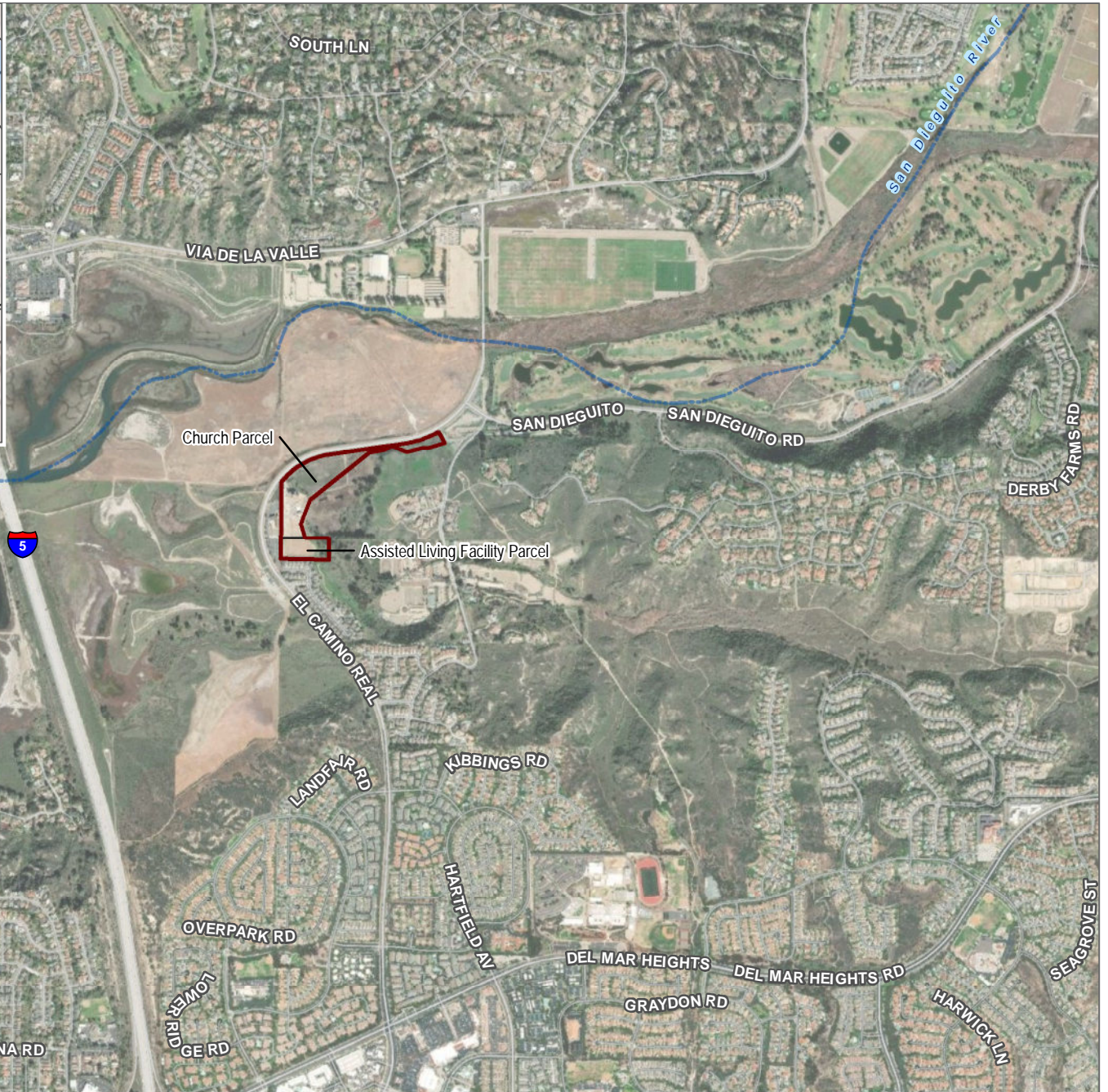
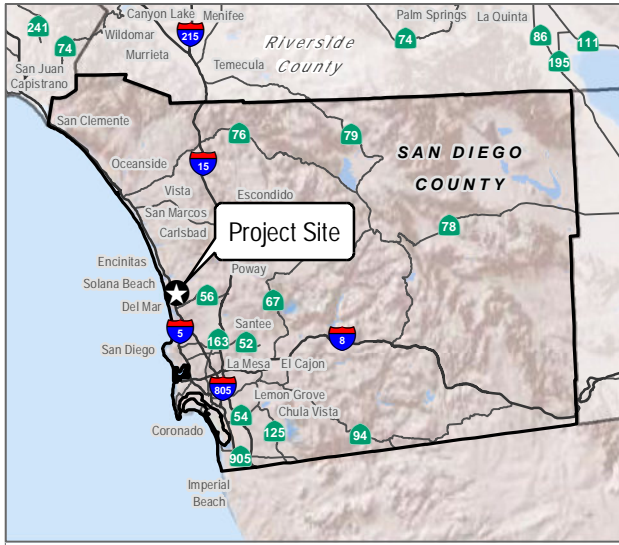
Regulations for Complete Communities: Mobility Choices can be found in SDMC Chapter 14, Article 3, Division 11. As a part of this effort, the City has designated Mobility Zones to identify the average vehicle miles traveled in different areas, as well as an Active Transportation In-Lieu Fee program that collects fees from development projects to provide for mobility improvements. This information is tied into the City's Transportation Study Manual and updated City CEQA transportation significance thresholds. Refer to Section 5.8, Transportation, for additional details.


#### **2.4.11 ENVIRONMENTALLY SENSITIVE LANDS**

The purpose of the environmental sensitive lands regulations is to protect, preserve and, where damaged, restore, the environmentally sensitive lands of San Diego and the viability of the species supported by those lands. These regulations are intended to assure that development, including, but not limited to coastal development in the Coastal Overlay Zone, occurs in a manner that protects the overall quality of the resources and the natural and topographic character of the area, encourages a sensitive form of development, retains biodiversity and interconnected habitats, maximizes physical and visual public access to and along the shoreline, and reduces hazards due to flooding in specific areas while minimizing the need for construction of flood control facilities. These regulations are intended to protect the public health, safety, and welfare while employing regulations that are consistent with sound resource conservation principles and the rights of private property owners.

The Environmentally Sensitive Lands regulations and Beaches Guidelines and accompanying Biology, Steep Hillside, and Coastal Bluffs and Beaches Guidelines are intended to serve as standards for the determination of impacts and mitigation under the CEQA and the California Coastal Act. These standards serve to implement the MSCP by placing priority on the preservation of biological resources within the MHPA, as identified in the City of San Diego MSCP Subarea Plan and Vernal Pool Habitat Conservation Plan. The habitat-based level of protection which will result through implementation of the MHPA is intended to meet the mitigation obligations of the Covered Species addressed. Refer to Section 5.4, Biological Resources, for additional details.





 Project Boundary

SOURCE: DigitalGlobe 2017



FIGURE 2-1  
Project Location  
El Camino Real Assisted Living Facility SEIR



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SOURCE: BING 2021

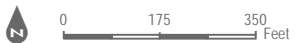
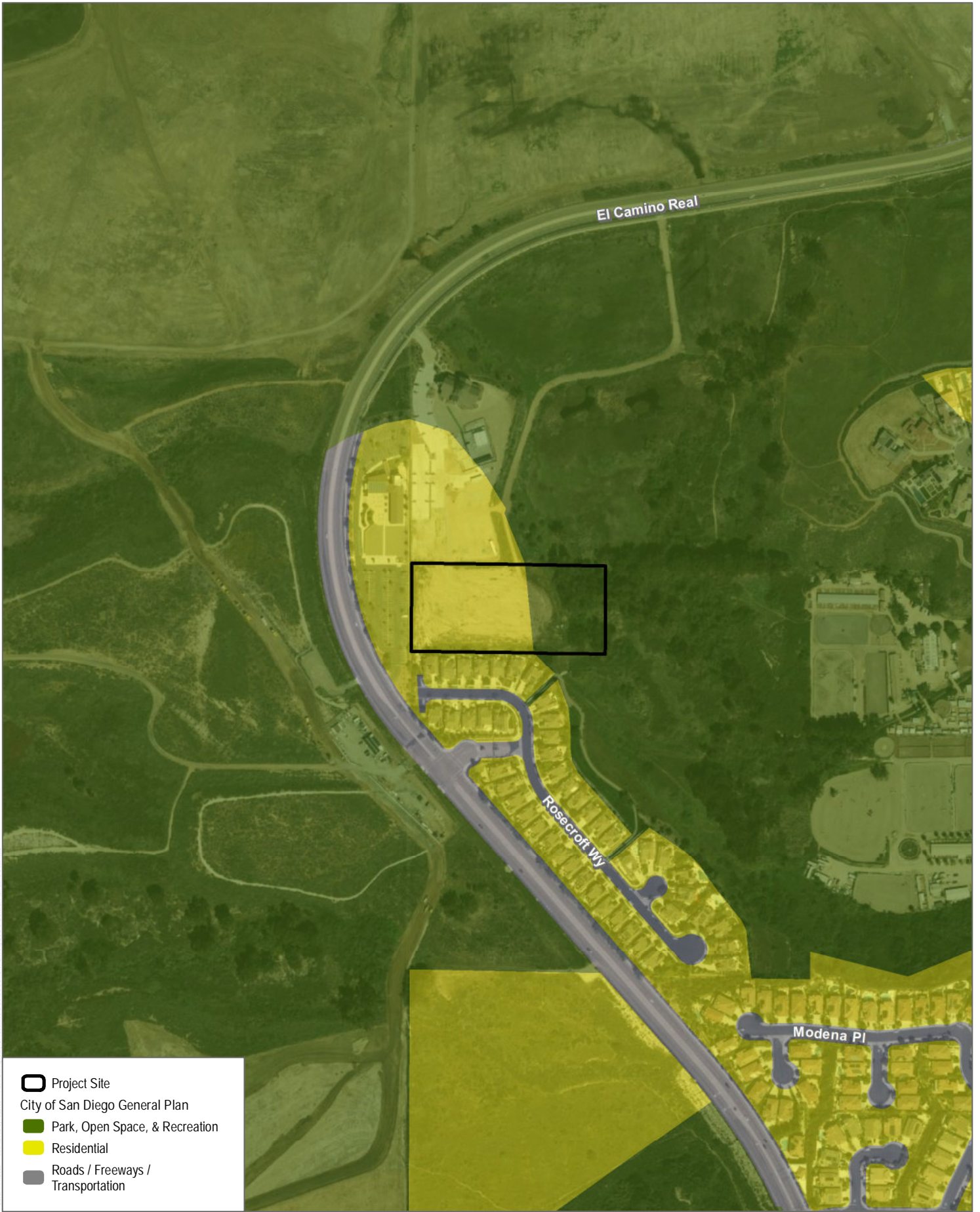


FIGURE 2-2  
Vicinity Map

El Camino Real Assisted Living Facility SEIR

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SOURCE: SANGIS 2021, BING 2021

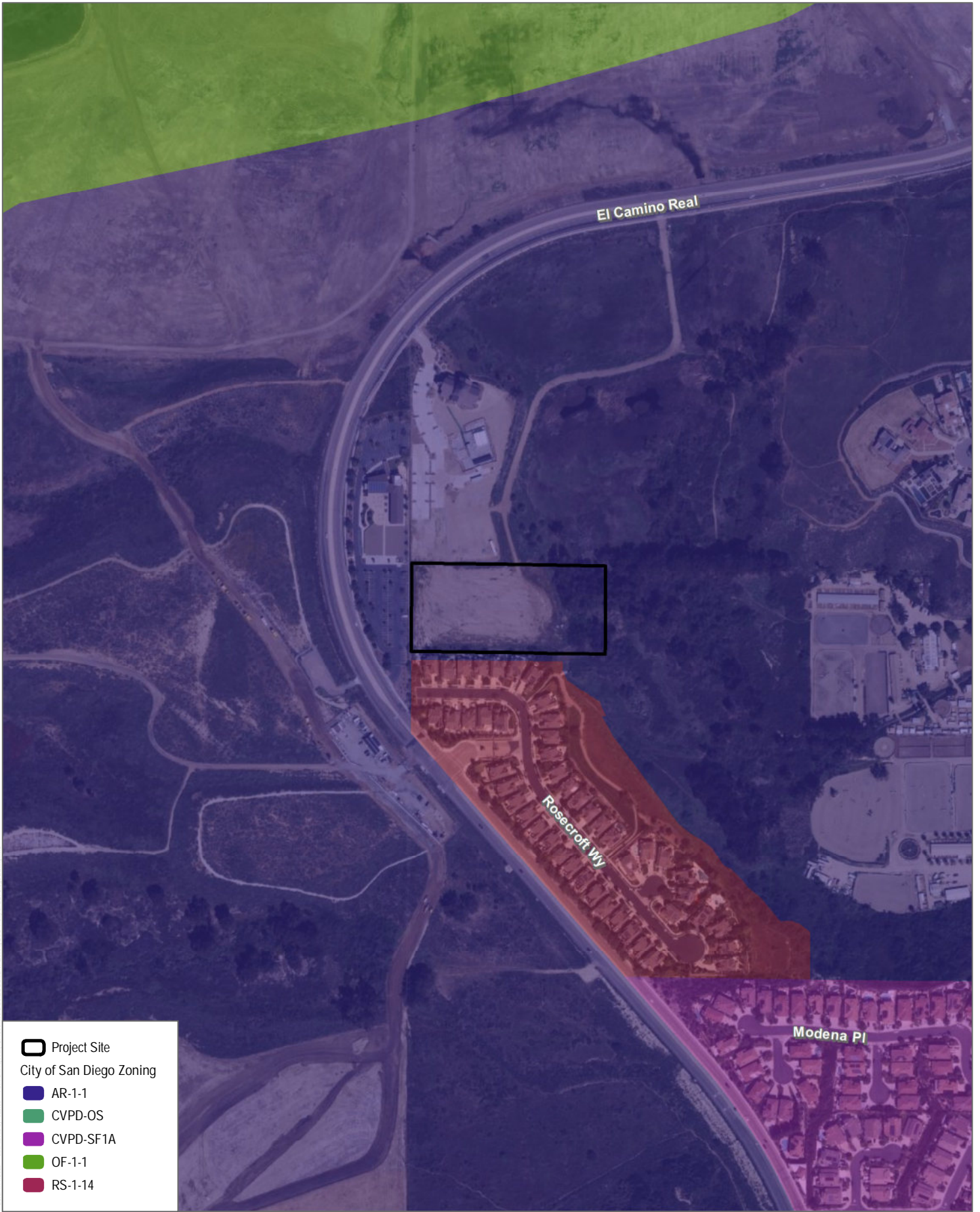
FIGURE 2-3

General Plan Land Use

El Camino Real Assisted Living Facility SEIR

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SOURCE: SANGIS 2021, BING 2021



FIGURE 2-4  
 City of San Diego Zoning  
 El Camino Real Assisted Living Facility SEIR

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▭ Project Site  
▭ Impact Area  
▭ MHPA boundary

SOURCE: SANGIS 2017



FIGURE 2-5  
MSCP MHPA



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## **CHAPTER 3.0 PROJECT DESCRIPTION**

This chapter describes the objectives of the project and provides a detailed description of project characteristics. This chapter also discusses the discretionary actions required and gives a brief description of the environmental effects that are evaluated in Chapters 5.0 through 7.0 of this FSEIR.

### **3.1 PROJECT BACKGROUND**

In November 2008, the St. John Garabed Armenian Church (Church) congregation began planning for new church facilities that would follow Armenian tradition at the project site. The Church included a 350-seat church and three accessory use buildings on the approximately 13.36-acre site located at 13925 El Camino Real, San Diego (Assessor's Parcel Number [APN] 304-020-2400). A Final Environmental Impact Report (EIR) was certified by the Planning Commission for the St. John Armenian Garabed Church project (2014 Church EIR) (Project No. 240283) on October 20, 2014. Subsequently the California Coastal Commission approved the Coastal Development Permit for the Church on January 14, 2016. Construction of the Church was initiated in 2018 and has been constructed and is currently operational. The three accessory buildings that would be associated with the Church have not yet been constructed.

Subsequent to the certification of the 2014 Church EIR, the Church congregation acquired an adjacent parcel to the church (APN 304-650-3700). The Church site and the more recently acquired 3.97-acre El Camino Real Assisted Living Facility (Assisted Living Facility) site would be joined together by a Lot Tie Agreement as a condition of project approval. In addition, a request for reasonable accommodations would be required for the proposed Assisted Living Facility to afford disabled persons an equal opportunity to use and enjoy housing accommodations or a dwelling, per the federal Fair Housing Act (42 USC 3601–3619) and the California Fair Housing and Employment Act (Govt Code 12900–12996). PMB Healthcare is proposed to have a long-term lease of the Assisted Living Facility site. Due to this change in the original Church project, this FSEIR is being prepared in accordance with CEQA Guidelines Section 15162(a)(2) to address amending the Church's existing approvals to include the proposed Assisted Living Facility.

### **3.2 PROJECT OBJECTIVES**

The objectives of the Assisted Living Facility are as follows:

1. Develop the underutilized site adjacent to the St. John Garabed Armenian Church. (Fundamental project objective)
2. Provide a development complementary to the St. John Garabed Armenian Church that assists the congregation with meeting their core values of a strong community and caring for the

elderly and disabled by providing an assisted living facility that maximizes the number of beds. (Fundamental project objective)

3. Provide an assisted living facility in walking distance from the St. John Garabed Armenian Church. (Fundamental project objective)
4. Include amenities to specifically support individuals needing memory care and include supporting amenities for basic-needs nursing care, housekeeping service, and meal service.
5. Include recreational amenities to improve quality of life and encourage residents to socialize and be active.
6. Provide a design cohesive with the surroundings, including the neighboring homes in the Stallions Crossing development, St. John Garabed Armenian Church, and the City of San Diego's Multiple Habitat Planning Area (MHPA).
7. Include adequate parking to prevent overflow into the adjacent St. John Garabed Armenian Church and neighborhood parking areas.
8. Afford disabled persons an equal opportunity to use and enjoy housing accommodations or dwellings in an assisted living environment.

### **3.3 PROJECT COMPONENTS**

The project consists of an expansion of the approved Church to include an Assisted Living Facility, as described below.

#### **3.3.1 APPROVED CHURCH**

The approved Church includes a 350-seat church and three accessory use buildings on a 13.36-acre parcel. The total area of the Church is 51,680 sf with a lot coverage of 40,960 sf. Refer to the 2014 Church EIR Chapter 3.0, Project Description, for figures and additional details regarding the Church. While this approved Church is a part of the overall project, the associated discretionary actions are already approved. The Church has been constructed and is currently operational. The three accessory buildings that would be associated with the Church have not yet been constructed. ~~although the~~ Thus, the focus of this FSEIR is on the addition of the Assisted Living Facility, as described below.

#### **3.3.2 ASSISTED LIVING FACILITY**

The Assisted Living Facility is proposed south of the approved Church. More specifically, the Assisted Living Facility would add a 105,568-sf building with 105 rooms and supporting amenities on the 3.97-acre parcel to the south of the Church, as shown in Figure 3-1, Site Plan. The Assisted Living Facility would be regulated as a Nursing Facility per San Diego Municipal Code (SDMC) Section 141.0413. Because the 2014 Church EIR did not include the proposed Assisted Living Facility, the



additional information provided below is intended to provide a project description update to the 2014 Church EIR Chapter 3.0, Project Description.

### **3.3.2.1 Building and Site Design**

The proposed three-story facility would be a “m” shaped building that includes four courtyard areas. The total area would be 105,568 sf with a lot coverage of 34,525 sf. The building architectural style would be Mediterranean, with light-colored, adobe-like walls, and dark wood details (Figure 3-2, Project Rendering). Wood details includes trellises and shutters. A varied roofline is proposed, with some areas including terracotta tiled roofs. The proposed balcony insets and pop-outs would also provide building articulation and visual interest.

The proposed Assisted Living Facility building would be 40 feet tall, which would exceed the baseline 30-foot height limit. An additional 10 feet of building height is allowed per each 10 feet increase of setbacks per SDMC 131.0344. The project would provide greater than the minimum 20-foot setback from adjacent properties in accordance with the zoning (AR-1-1). The project is providing setbacks of 45 feet 0 inches (north side yard), 187 feet 7 inches (back), 30 feet 0 inches (south side yard), and 63 feet 9 inches (front), which would allow for the increased height of 40 feet per SDMC 131.0344.

### **3.3.2.2 Assisted Living Units**

The proposed 105 units would include 87 assisted living units and 18 memory care units. A total of 124 beds would be provided, including 104 assisted living beds and 20 memory care beds. The assisted living unit would include 15 studios, 55 one-bedroom units, and 17 two-bedroom units.

### **3.3.2.3 Recreational and Supporting Uses**

The Assisted Living Facility would include interior and exterior common recreational and supporting uses for the residents of the facility. The interior common facilities would include a salon, dining room, kitchen, laundry room, staff room, offices, mail room, housekeeping room, and storage. The recreational amenities within the building would include a fitness center and multi-purpose room. Exterior recreational uses would include a cutting and memory care garden to the west, an outdoor seating courtyard to the south, a spa and pool to the southwest, and a pet area to the northwest. These recreational and supporting amenities would only be for residents. The memory care garden would be approximately 2,182 square feet and buffered from the MHPA by a landscaped slope. No invasive plant species would be allowed within the project’s landscape plan, including the proposed memory care garden per the Multiple Species Conservation Program (MSCP) Land Use Adjacency Guidelines.

#### **3.3.2.4 Site Access and Parking**

Access to the Assisted Living Facility parcel would be provided via one right-in/right-out only driveway along El Camino Real and an ingress/egress access easement through the Church parcel to the north. The Church internal access would be extended to the south and would include a vehicle turnaround at the entrance to the Assisted Living Facility. The turnaround would include enhanced pavement with concentric circles to direct traffic flow. A drop-off area would be provided at the southern side of the turnaround.

The Assisted Living Facility's emergency access route would be provided through the same site access as described above. Emergency vehicles would enter the site via El Camino Real and travel south to the Assisted Living Facility access point. The site includes two, 26-foot-wide turnaround areas adequate for a fire truck; one at the entrance area and one at the loading dock. Designated fire lanes (a.k.a., red curb) with aerial fire access would be located on the north and east sides of the building. As shown on Figure 3-3, Fire Access Plan, all areas of the Assisted Living Facility would be accessible from the proposed hydrant and associated planned hose pulls.

The Assisted Living Facility provides an accessible path from El Camino Real, through the Church, along the turnaround to the main building entrance. Internally, an exterior walkway would be located around the perimeter of the building. This internal walkway would connect to building access points and each of the exterior amenity areas.

Parking areas would be located to the south and east of the main site access entrance point. A total of 57 parking spaces would be provided, which exceeds the 42 spaces required by SDMC. Of those spaces, six spaces would be designated for carpool, four would be electric vehicle capable spaces, and three would be accessible parking spaces. The project would also include 12 short-term and 4 long-term bicycle parking spaces. In addition, a loading area would be provided adjacent to the proposed kitchen.

#### **3.3.2.5 Landscaping and Brush Management**

A total of 29,967 sf of landscaped area is proposed within the Assisted Living Facility parcel. This landscaping would be throughout the facility, but focuses heavy landscaping along the southern and eastern boundaries adjacent to the Villas at Stallions Crossing development and MHPA (Figure 3-4a, Landscape Plan – Shrub Plan). The heavily landscaped area would include species such as California sagebrush, coyote brush, toyon, coast golden brush, sticky monkey-flower, deergrass, prickly pear cactus, and lemonade berry. A variety of trees would also be located within this heavy landscaped area, including evergreens, Torrey pines, and strawberry trees (Figure 3-4b, Landscape Plan – Trees). The Assisted Living Facility also includes low water-use plant mix within the parking lot, medium-low plant mix along the building perimeter, and medium-low enhanced shrub mix within the

recreational amenity areas and entrance. Refer to Figures 3-4a and 3-4b for details regarding the species included in those plant mixes.

Brush Management is required for premises that are within 100-feet of a structure and contain native or naturalized vegetation. The Assisted Living Facility is bounded by development to the west in the form of an existing parking lot, and to the south in the form of an existing single family residence community. The wildland/urban interface occurs only towards the east and north. As shown in Figure 3-6, the project will not consist of ~~typical standard~~ San Diego Fire-Rescue Department (SDFRD) Brush Management Zones (BMZ) 1 and 2 and alternative compliance would be required. Based on the project's site, land ownership, adjacency to mapped MHPA and wetland buffer areas, and grading plans, the project would not achieve the City's standard BMZ widths at the wildland-/urban interface. As such, the entire Assisted Living Facility site will ~~be maintained in a BMZ 1 condition that will consist of~~ include paved hardscape with an irrigated landscape area consistent with PDF-FIRE 2 along with a paved hardscape development, area surrounding all sides of the building to the property line/MHPA Line or 100 feet from the structure. Specifically, BMZ 1, at the wildland/urban interface, extends from the exterior of the structure to between 65 and 100 feet from the northern side of the structure and consists of irrigated landscape areas and BMZ-equivalent hardscape areas. The project is within the Coastal Overlay Zone, which limits the maximum reduction of 30 feet if Zone 2. On the east side of the Assisted Living Facility Structure, BMZ 1 extends from the exterior of the structure up to 35 feet to the MHPA line, with no BMZ 2. Alternative compliance measures for the reduced BMZs meet the purpose and intent of Section 142.0412 of the City Code (SDMC 142.0412(i)), thereby minimizing the impacts to undisturbed native and/or naturalized vegetation and avoiding encroachment into the MHPA. Alternative compliance measures would include the following: (1) all windows on the north and east sides of the structure are required to provide exterior glazing in windows (and sliding glass doors) to be dual pane with both panes tempered glass; (2) the entire eastern side of the structure is also required to include 5/8-inch Type X fire rated gypsum sheathing applied behind the exterior covering or cladding (stucco or exterior siding) on the exterior side of the framing, from the foundation to the roof for a facade facing the MHPA open space and naturally vegetated areas. Furthermore, the entire development site will be required to be maintained as an all-irrigated low fuel BMZ 1 condition landscape with drought-tolerant, fire resistive plants. A Fire Fuel Load Modeling Report (FFLMR) has been prepared for the project and is provided as Appendix O. The FFLMR provides both City and State fire and building code required elements for construction, as well as enhanced, City and state code-exceeding measures along the eastern side of the structure where non-conforming BMZs occur adjacent to the MHPA.

### 3.3.2.6 Open Space

The eastern 1.12 acres of the Assisted Living Facility parcel would be retained as open space in accordance with the existing designated MHPA. This area would be covered by a Covenant of

Easement in conformance with the City's Environmentally Sensitive Lands (ESL) regulations, and maintained as open space in perpetuity. Considering the proposed development is adjacent to the MHPA, the Assisted Living Facility would be subject to the Land Use Adjacency Guidelines (City of San Diego 1997). The Land Use Agency Guidelines include specific restriction and design of drainage, toxics/project staging areas/equipment storage, lighting, noise control, barriers, invasives, brush management, and grading/land development to protect adjacent sensitive biological resources.

### **3.3.2.7 Utilities**

The proposed utilities and utility connections are illustrated on Figure 3-5, Utility Plan. As shown, existing water, sewer, sewer force main, potable water, and fire lines are located in El Camino Real. These lines are extended through the project site and up to the Church parcel to the north. The existing sewer line loops through the Church parcel to the north back into the El Camino Real line. The Assisted Living Facility would connect to the sewer and fire existing lines at the northwestern area of the project site, as well as make connections to the existing fire and domestic water lines in the southwestern area of the project site. In addition, a private water main will be installed at the southwest portion of the Assisted Living Facility parcel which would connect to an existing water main along El Camino Real at the southern portion of the project site. This will provide irrigation water and domestic water to the site. Refer to Figure 3-5 for further details.

The existing overhead electrical lines would be retained as overhead lines. The Assisted Living Facility would include an emergency generator, emergency electrical equipment and other electrical equipment to ensure continued electrical service to the site considering the potential need for medical equipment. The emergency generator would be similar to the Cummins model 300DQDAC and would be tested for 1 hour each month to ensure adequate operations.

### **3.3.2.8 Grading and Construction**

The Assisted Living Facility involves grading 2.84 acres of the 3.97-acre site (71% of the site). The proposed grading would involve 26,435 cubic yards of cut with 125 cubic yards of fill, for an export of 26,310 cubic yards. The proposed maximum depth of cut is expected to be 12.4 feet, with the maximum depth of fill at approximately 1 foot. The maximum cut and fill slopes would be at a two to one ratio. The Assisted Living Facility requires three retaining walls to reduce grading. Two retaining walls are proposed along the southern boundary and one retaining wall is proposed along the eastern boundary. The maximum retaining wall length is 30 linear feet and the maximum height is 5 feet.

Grading and construction for the Assisted Living Facility is expected to begin in January 2023<sup>1</sup> and take approximately 14 months to complete. The proposed grading phase would last approximately 2 months. Grading equipment would include dozers, scrapers, loaders, backhoes, and excavators.

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<sup>1</sup> The analysis assumes a construction start date of January 2023, which represents the earliest date construction would initiate. Assuming the earliest start date for construction represents the worst-case scenario for criteria air pollutant emissions because equipment and vehicle emission factors for later years would be slightly less due to more stringent standards for in-use off-road equipment and heavy-duty trucks, as well as fleet turnover replacing older equipment and vehicles in later years.

Standard construction equipment is expected to be utilized, including cranes, forklifts, generator sets, tractors, loaders, backhoes, welders, and bobcats. Paving would take approximately 2 months, and would involve pavers, paving equipment, and rollers. Architectural coatings would take approximately 3 months to apply. Construction of the Assisted Living Facility is expected to be completed in March 2024. Refer to Table 3-1 for further details.

**Table 3-1  
 Assisted Living Facility Construction Phases**

Construction Phase	Average Daily Worker Trips	Average Daily Vendor Truck Trips	Total Haul Truck Trips	Equipment	Quantity	Usage Hours	Start Date	Finish Date
Site Preparation	18	0	0	Rubber-Tired Dozers	3	8	1/1/2023	1/13/2023
				Tractors/Loaders/Backhoes	4	8		
Grading	20	0	0	Graders	1	8	1/14/2023	3/1/2023
				Rubber-Tired Dozers	1	8		
				Excavators	2	8		
				Scrapers	2	8		
				Tractors/Loaders/Backhoes	2	8		
Building Construction	74	12	0	Crane	1	7	3/1/2023	3/1/2024
				Forklifts	3	8		
				Generators Sets	1	8		
				Tractors/Loaders/Backhoes	3	7		
				Welders	1	8		
Paving	16	0	0	Pavers	2	8	11/1/2023	1/1/2024
				Paving Equipment	2	8		
				Rollers	2	8		
Architectural Coating	16	0	0	Air Compressor	1	6	9/1/2023	1/1/2024

### 3.4 PROJECT DESIGN FEATURES AND COMPLIANCE MEASURES

The project would be designed in accordance with the State of California Building Code and SDMC requirements, as applicable. Construction would be performed by qualified contractors, and contract documents, plans, and specifications would incorporate stipulations regarding standard legal requirements and acceptable construction practices, including, but not limited to, traffic control during construction activities, noise, geologic conditions, drainage and water quality improvements, water quality protection and erosion and sedimentation control, construction-related solid waste, and water supply. The project design features, in addition to the compliance measures, are incorporated to reduce the potential for environmental impacts. These measures are included in Table 3-32, which is included at the end of this chapter due to its length. The Assisted Living Facility shall adhere to and implement all mandatory and non-mandatory measures contained in Table 3-3. The Assisted Living Facility and all design features and compliance measures in Table 3-32 will be made conditions of the Assisted Living Facility approval.

### 3.5 DISCRETIONARY ACTIONS

As previously indicated, the Church was approved and is presently under construction. No discretionary actions are currently being requested for the Church. The discretionary approvals for the Assisted Living Facility are discussed and identified in Table 3-32.

**Table 3-2  
 Discretionary Actions**

<b>Discretionary Approval/Permit</b>	<b>Approving Agency</b>	<b>Purpose</b>
Site Development Permit (SDP) Amendment	City of San Diego	Allow development within Environmentally Sensitive Lands (approximately 10% of the site is located in the 100-year floodplain and 28% is located in the MHPA).
Conditional Use Permit (CUP) Amendment	City of San Diego	Amendment to the existing Church CUP, including a condition for a lot-tie agreement requiring the Church and Assisted Living Facility to be developed as one overall project and to allow the proposed Assisted Living Facility in the AR-1-1 zone.
Uncodified Conditional Use Permit (CUP) Ordinance	City of San Diego	Allow development of a Residential Care Facility (Nursing Facility) with a CUP in the AR-1-1 zone through an uncodified ordinance. SDMC Section 141.0413 prohibits Nursing Facilities

**Table 3-2  
 Discretionary Actions**

Discretionary Approval/Permit	Approving Agency	Purpose
		in Proposition A Lands. The proposed use qualifies for reasonable accommodations pursuant to SDMC Section 131.0466 to allow a <del>deviation</del> <u>waiver</u> to development regulations to afford disabled persons the equal opportunity to use and enjoy a dwelling. A <del>deviation</del> <u>waiver</u> to the regulation prohibiting Nursing Facilities in Proposition A Lands was approved in accordance with SDMC Section 131.0466 via Process 1 review.
Neighborhood Use Permit (NUP)	City of San Diego	Allow for a Comprehensive Sign plan and associated project signage.
Coastal Development Permit (CDP) Amendment	California Coastal Commission	Allow for development within the Coastal Overlay Zone.
Final SEIR	City of San Diego	Approval of the Final SEIR to allow development of the Assisted Living Facility.

**Table 3-3  
 Summary of Assisted Living Facility  
 Project Design Features and Compliance Measures**

Subject Area	Design Feature or Construction Measure
Air Quality	<p><b>PDF-AIR-1:</b> The project will use architectural coatings with a low-Volatile Organic Compound (VOC) content of 5 grams per liter for internal reapplication, and exterior architectural coatings would have a VOC content of 50 grams per liter for any application during construction.</p> <p><b>PDF-AIR-2:</b> The project will not include woodburning fireplaces or hearths within the Assisted Living Facility units.</p> <p><b>CM-AIR-1:</b> The project will comply with the San Diego Air Pollution Control District Rule 55, Fugitive Dust Control. This includes watering the</p>



**Table 3-3  
 Summary of Assisted Living Facility  
 Project Design Features and Compliance Measures**

Subject Area	Design Feature or Construction Measure
	<p>site during grading activities twice a day and reducing vehicle speed on unpaved roads to 15 miles per hour.</p> <p><b>CM-AIR-2:</b> The project will use construction equipment fleet that meets an average Environmental Protection Agency Tier 4 Interim emission standard or better.</p>
Biological Resources	<p><b>CM-BIO-1:</b> The Assisted Living Facility shall adhere to <u>and implement the following mandatory and non-mandatory measures contained in the</u> MHPA Land Use Adjacency Guidelines (City of San Diego 1997).</p> <ul style="list-style-type: none"> <li>• Drainage: The proposed parking lots and developed areas in and adjacent to the preserve must not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. These systems should be maintained approximately once a year, or as often as needed, to ensure proper functioning. Maintenance should include dredging out sediments if needed, removing exotic plant materials, and adding chemical-neutralizing compounds (e.g., clay compounds) when necessary and appropriate.</li> <li>• Toxics/Project Staging Areas/Equipment Storage: Land uses, such as recreation and agriculture, that use chemicals or generate by-products such as manure, that are potentially toxic or impactful to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. Such measures should include drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials. Regular maintenance should be provided. Where applicable, this requirement should be incorporated into leases on publicly owned property as leases come up for renewal.</li> </ul>

**Table 3-3  
 Summary of Assisted Living Facility  
 Project Design Features and Compliance Measures**

Subject Area	Design Feature or Construction Measure
	<ul style="list-style-type: none"> <li>• Lighting: Lighting of all developed areas adjacent to the MHPA should be directed away from the MHPA. Where necessary, development should provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting.</li> <li>• Noise: Uses in or adjacent to the MHPA should be designed to minimize noise impacts. Berms or walls should be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA. Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species. Adequate noise reduction measures should also be incorporated for the remainder of the year.</li> </ul> <p>Construction noise that exceeds the maximum levels allowed (60 decibels [dB(a)] or greater at the beginning edge of the habitat) shall be avoided during the breeding seasons for the following: coastal California gnatcatcher (March 1 and August 15). If construction is proposed during the breeding season for the species the following measures are required:  <u>Coastal California Gnatcatcher (Federally Threatened)</u>                      Prior to the issuance of any grading permit for the Assisted Living Facility, the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:</p> <p>No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of the coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the city manager:</p> <p>A qualified biologist (possessing a valid endangered species act section 10(a)(1)(a) recovery permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 dB(a) hourly average for the presence of the coastal California gnatcatcher. Surveys for the coastal</p>

**Table 3-3  
 Summary of Assisted Living Facility  
 Project Design Features and Compliance Measures**

Subject Area	Design Feature or Construction Measure
	<p>California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service (USFWS) within the breeding season prior to the commencement of any construction. If gnatcatchers are present, then the following conditions must be met:</p> <ul style="list-style-type: none"> <li>i. Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and</li> <li>ii. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB (a) hourly average at the edge of occupied gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB (a) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the city manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or</li> <li>iii. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(a) hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB (a) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the</li> </ul>

**Table 3-3  
 Summary of Assisted Living Facility  
 Project Design Features and Compliance Measures**

Subject Area	Design Feature or Construction Measure
	<p>end of the breeding season (August 16).</p> <p>Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.</p> <p>If coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the city manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:</p> <p>If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.</p> <p>If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary. Once project construction is complete, the assisted living facility is not expected to produce noise at levels that could indirectly impact MSCP-covered and special-status species within the habitats adjacent to the project footprint.</p> <ul style="list-style-type: none"> <li>• Barriers: New development adjacent to the MHPA may be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.</li> <li>• Invasives: No invasive non-native plant species shall be introduced into areas adjacent to the MHPA. Brush Management: Brush management zones will not be greater</li> </ul>

**Table 3-3  
 Summary of Assisted Living Facility  
 Project Design Features and Compliance Measures**

Subject Area	Design Feature or Construction Measure
	<p>in size than is currently required by the City's regulations (this includes use of approved alternative compliance).</p> <ul style="list-style-type: none"> <li>• Grading/Land Development: Manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA.</li> </ul> <p><b>CM-BIO-2:</b> Adherence with MHPA Area Specific Management Directives for certain Covered Species:</p> <ul style="list-style-type: none"> <li>• Coastal California gnatcatcher: Edge effects and disturbance to this species would be reduced and minimized through compliance with the Land Use Adjacency Guidelines, as described above. A 35-foot Zone 1 brush management area extending from the edge of the proposed structure to the MHPA boundary on the eastern side of the project footprint will reduce the potential for habitat degradation due to unplanned fire. In addition, since the project impact footprint would not overlap with the City's MHPA, no clearing of occupied habitat within the MHPA would occur as a result of the project.</li> <li>• Least Bell's Vireo: An upland buffer (wetland buffer) of approximately 100 feet will be established between the project impact footprint and adjacent suitable habitat for least Bell's vireo. This species is assumed present in suitable southern willow scrub and mulefat scrub habitat in the study area. The project impact footprint has been sited outside of all riparian habitat within the study area, therefore no clearing of occupied habitat would occur as part of the project.</li> <li>• Cooper's Hawk: To avoid any indirect impacts to Cooper's hawk, construction within 300 feet of suitable habitat, including brush management activities, shall occur outside of the breeding season for this species (February 1 to September 15). If construction/brush management must occur during the breeding season, a qualified biologist shall conduct a pre-construction survey within suitable habitat to determine the presence or absence of nesting birds within any portion of the potentially occupied habitat within 300 of the project footprint. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities. The applicant shall submit the results of the</li> </ul>

**Table 3-3  
 Summary of Assisted Living Facility  
 Project Design Features and Compliance Measures**

Subject Area	Design Feature or Construction Measure
	<p>preconstruction survey to the City of San Diego’s (City’s) Development Services Department (DSD) for review and approval prior to initiating any construction activities. If Cooper’s hawk is detected, then an appropriate impact avoidance area (a 300-foot buffer) shall be established around the active nest using orange fencing or other clear demarcation method. The radius of this avoidance buffer shall be determined through coordination with the project biologist and authorized by the City’s project manager and DSD and shall use orange fencing or other clear demarcation method to define the approved buffer.</p> <p><b>CM-BIO-3:</b> Adherence to MSCP Subarea Plan General Management Directives regarding mitigation, restoration, public access, litter/trash, adjacency management, invasives, and flood control.</p> <p><b>CM-BIO-4:</b> The project must comply with the Migratory Bird Treaty Act and California Fish and Game Code.</p> <p><b>CM-BIO-5: Water Pollution Control Plan</b></p> <p>The City’s Stormwater Standards require the development of a Water Pollution Control Plan (WPCP) that outlines the BMPs and pollution prevention measures that will be implemented prior to and during construction activities. A project-specific WPCP will be developed prior to construction, which will be tailored to address project-specific water quality conditions and BMP requirements, based on the actual construction activities that will be performed. The BMP categories that will be addressed in the WPCP include the following:</p> <ul style="list-style-type: none"> <li>• Project planning</li> <li>• Good site management “housekeeping”</li> <li>• Non-storm-water management</li> <li>• Erosion control</li> <li>• Sediment control</li> <li>• Run-on and run-off control</li> </ul> <p>Consistent with the Stormwater Standards and regulatory requirements, the WPCP shall include objectives, responsibilities, maintenance and inspection standards to ensure adherence to pollution prevention standards.</p>

**Table 3-3  
 Summary of Assisted Living Facility  
 Project Design Features and Compliance Measures**

Subject Area	Design Feature or Construction Measure
	<p>The project will be required to meet National Pollution Discharge Elimination System regulations. During construction, silt fencing should be placed around the project boundary to prevent runoff from construction activities from entering the adjacent canyon and drainage. Spill prevention and clean-up measures shall be practiced on site. Fuel and equipment shall be stored at least 100 feet from jurisdictional resources.</p> <p>Prior to construction mobilization, the project contractor will prepare a Stormwater Pollution Prevention Plan (SWPPP, in accordance with the state’s General Construction Stormwater Permit – 99-08-DWQ) and implement the plan during construction. Specific measures to be incorporated into the SWPPP include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>a. All equipment will be maintained in accordance with manufacturer’s recommendations and requirements.</li> <li>b. Equipment and containers will be inspected daily for leaks.</li> <li>c. Contractor will utilize off-site maintenance and repair shops as much as possible for maintenance and repair of equipment.</li> <li>d. If maintenance of equipment occurs on site, within all areas, fuel/oil pans, absorbent pads, or appropriate containment will be used to capture spills/leaks.</li> </ul> <p>This measure is in accordance with the City’s MSCP Subarea Plan and pursuant to the San Diego RWQCB Municipal Permit and the City’s Stormwater Standards Manual.</p> <p><b>PDFCM-BIO-61:</b> The project includes a Covenant of Easement over the on-site MHPA area.</p>
Greenhouse Gas	<p><b>CM-GHG-1:</b> Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading “Climate Action Plan Requirements” and shall be enforced and implemented to the satisfaction of the Development Services Department.</p> <p><b>CM-GHG-2:</b> Owner/Permittee shall comply with the 2022 Climate Action Plan (CAP) Update and associated regulations, adopted on July 26, 2022 Consistency Checklist stamped as Exhibit "A." Prior to</p>

**Table 3-3  
 Summary of Assisted Living Facility  
 Project Design Features and Compliance Measures**

Subject Area	Design Feature or Construction Measure
	<p>issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading “Climate Action Plan Requirements” and shall be enforced and implemented to the satisfaction of the Development Services Department.</p>
<b>PDF-GHG-1:</b>	The Assisted Living Facility shall implement cool roof material with a minimum of 3-year aged solar reflection and thermal emittance or solar reflection index equal to or greater than the values specified in the voluntary measures as applicable under California Green Building Standards Code.
<b>PDF-GHG-2:</b>	The Assisted Living Facility shall implement plumbing fixtures and fittings that do not exceed the maximum flow rate in the California Green Building Standards Code, as applicable.
<b>PDF-GHG-3:</b>	The Assisted Living Facility shall include the installation of 50% of total required listed cabinets, boxes, or enclosures on the Assisted Living Facility parcel to provide active electric vehicle charging stations ready for use.
<b>PDF-GHG-4:</b>	The Assisted Living Facility shall implement 12 short-term bicycle parking spaces (11 short-term parking spaces required) and 4 long-term bicycle parking spaces (2 long-term parking spaces required) within the Assisted Living Facility.
<b>PDF-GHG-5:</b>	The Assisted Living Facility shall implement 1 shower stall and 3 lockers for use by employees within the Assisted Living Facility.
<b>PDF-GHG-6:</b>	<p>The Assisted Living Facility shall implement a Traffic Demand Management program for the Assisted Living Facility, with:</p> <ul style="list-style-type: none"> <li>• Parking management plan that includes charging employees market-rate for single-occupancy vehicle parking and providing reserved, discounted, or free spaces for registered carpools or vanpools.</li> <li>• Flexible or alternative work hours - Stage employee work hours to avoid all employees arriving at peak travel times.</li> <li>• Provide pick-up and drop-off to the Solana Beach AMTRAK station, with the frequency of 6:30 am, 9:00 a.m., 2:00 p.m., 4:30 p.m., and 7:15 p.m.</li> <li>• Access to services that reduce the need to drive, including access to on-site cafe and meal programs, and gym.</li> </ul>



**Table 3-3  
 Summary of Assisted Living Facility  
 Project Design Features and Compliance Measures**

Subject Area	Design Feature or Construction Measure
	<p><b>PDF-GHG-7:</b> The applicant shall pay an Urban Tree Canopy Fee of \$7,250.</p> <p><b>PDF-GHG-8:</b> The applicant shall provide individual outlets for electric charging at 8 of the 16 bicycle spaces proposed.</p> <p><b>PDF-GHG-9:</b> The applicant shall plant 215 trees on-site.</p>
Hydrology and Water Quality	<p><b>CM-WQ-1:</b> After construction, operation of the project will include a Stormwater Pollution Prevention Program (SPPP) that outlines spill prevention plans and avoidance measures.</p> <p><b>CM-WQ-2:</b> The Assisted Living Facility would also be required to comply with all of the City's stormwater standards, including SDMC Sections 43.0301 to 43.0312, which prohibits non-stormwater discharges, including spills, dumping, and disposal of materials other than stormwater to the MS4, and reduces pollutants in discharges from the MS4 to receiving waters, to the maximum extent practicable, in a manner consistent with the Clean Water Act.</p> <p><b>PDF-WQ-1:</b> The site design of the proposed project shall be reviewed prior to the issuance of a building permit and shall include Best Management Practices (BMPs) consistent with the Storm Water Quality Management Plan prepared for the project and found in Appendix L. These BMPs shall include biofiltration for pollutant control. Source control BMPs would include on-site storm drain inlets, landscaping/outdoor pesticide use, and refuse areas. Site design BMPs would include implementing trees; conserving natural areas, soils, and vegetation; minimizing impervious areas and soil compaction; and landscaping with native or drought tolerant species.</p>
Transportation	<p><b>CM-TRF-1:</b> Provide a traffic control plan that would specifically address construction traffic within the City's public rights-of-way, satisfactory to the City Engineer. The traffic control plan would include provisions for construction times, control plans for allowance of bicyclists, pedestrians, and bus access throughout construction. This traffic control plan would also include provisions to ensure emergency vehicle passage at all times.</p>
Noise	<p><b>CM-NOI-1:</b> Construction hours will comply with the San Diego Municipal Code 59.5.0404 (Noise Ordinance), Construction Noise.</p> <p><b>CM-NOI-2:</b> Should the grading phase of the proposed project occur during the California gnatcatcher (CAGN) breeding season (see <b>CM-BIO-1</b>), and with respect to the Coastal Sage Scrub (CSS) portion of the Multiple Habitat Planning Area (MHPA) located southeast of the</p>

**Table 3-3  
 Summary of Assisted Living Facility  
 Project Design Features and Compliance Measures**

Subject Area	Design Feature or Construction Measure
	<p>project site, the proposed project applicant or its contractor shall implement 8'-tall to 12'-tall sound blankets or comparable temporary solid barriers (e.g., overlapping plywood sheeting) along site boundary fencing (or within, as practical and appropriate) to occlude construction noise emission between this CSS area and the southeastern region of the construction site.</p>
<p>Paleontological Resources</p>	<p><b>CM-PAL-1:</b> In accordance with Land Development Code section 142.0151, the Assisted Living Facility construction will include paleontological monitoring by a Qualified Paleontologist where grading is to occur within previously undisturbed Old Paralic Deposits as detailed in Land Development Manual Appendix P.</p> <p>If paleontological resources, as defined in the General Grading Guidelines for Paleontological Resources, are discovered during grading, notwithstanding [San Diego Municipal Code] Section 142.0151(a), all grading in the area of discovery shall cease until a qualified paleontological monitor has observed the discovery, and the discovery has been recovered in accordance with the General Grading Guidelines for Paleontological Resources.</p>
<p>Fire Protection</p>	<p><b>PDF-FIRE-1:</b> <del>The Assisted Living Facility's structures include the latest ignition-resistant codes for designated high fire severity zones, including reduced occurrence of windows and other openings, and interior sprinklers in all occupancies, significantly reducing the potential for ember penetration and interior fire, the leading causes for structure loss from wildfires.</del></p> <p><b>PDF-FIRE-2:</b> <del>The Assisted Living Facility includes fire apparatus and emergency vehicle access pursuant to local and state codes.</del></p> <p><b>PDF-FIRE-3:</b> <del>The Assisted Living Facility will provide consistent water capacity, delivery and availability in accordance with all applicable code requirements.</del></p> <p><b>PDF-FIRE-14:</b> The Assisted Living Facility will provide an alternative approach. The entire Assisted Living Facility site will be maintained in a Zone 1 condition that will consist of an irrigated landscape area along with a paved hardscape development area surrounding all sides of the building to the property line/MHPA Line or 100 feet from the structure (as possible). There will be no Zone 2 <u>with a modified</u></p>

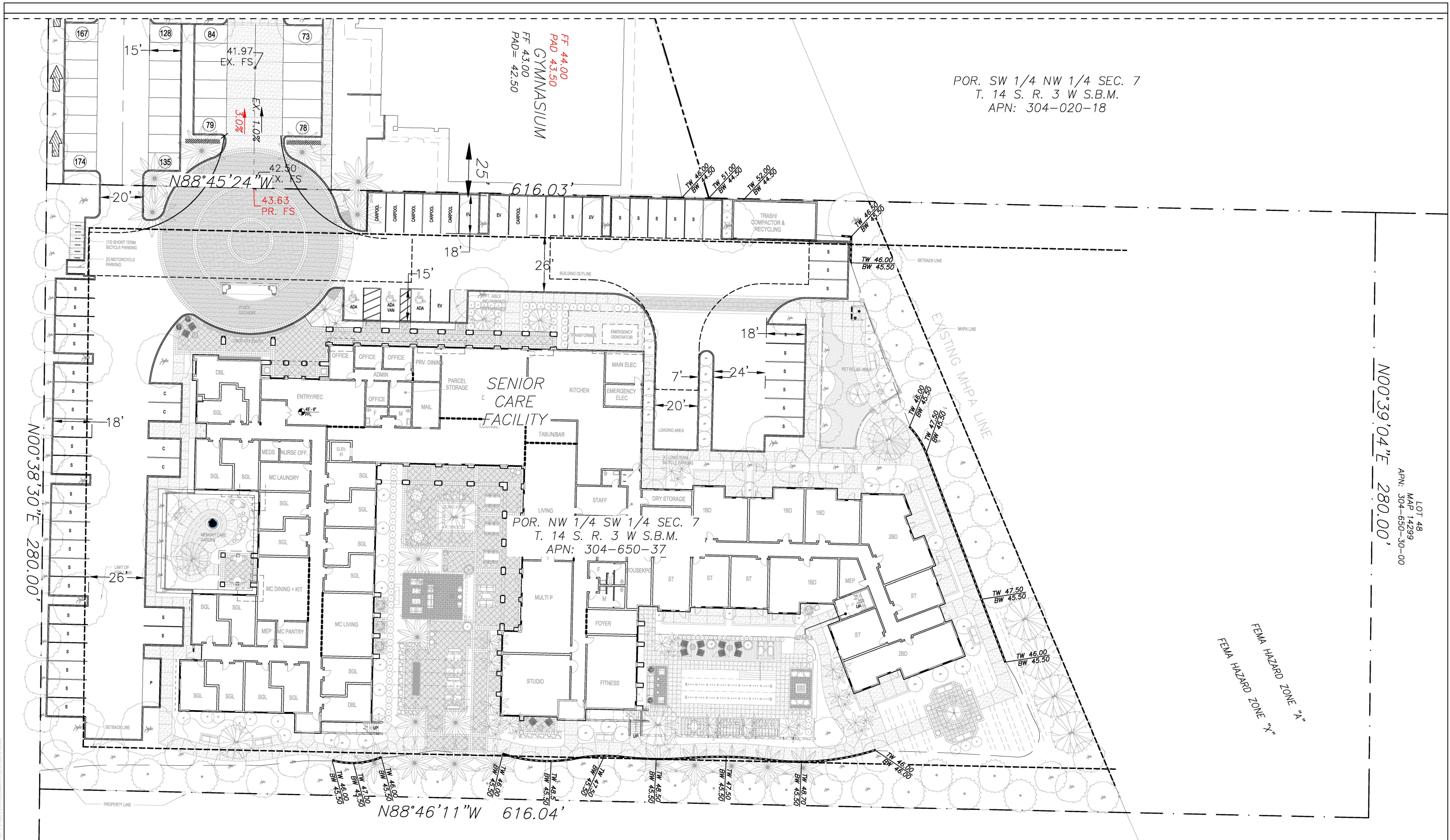
**Table 3-3  
 Summary of Assisted Living Facility  
 Project Design Features and Compliance Measures**

Subject Area	Design Feature or Construction Measure
	<p>and Zone 1 is reduced on the eastern side as a typical BMZ will encroach into open space belonging to the State or the MHPA.</p> <p><b>PDF-FIRE-25:</b> Due to the inability to provide a full 100 feet of on-site brush management around the exterior of the Assisted Living Facility structure, the entire development site will be required to be maintained as an all-irrigated low fuel Zone 1 BMZ landscape with drought-tolerant, fire resistive plants. The irrigated Zone 1 landscape will include no undesirable, highly flammable plant species. Plants within this zone will be routinely maintained and watered by an automatic irrigation system that will maintain healthy vegetation with high moisture contents that would prevent ignition by embers from a wildfire.</p> <p><b>PDF-FIRE-36:</b> Due to the inability of the northern and eastern side of the structure to provide a full 100 feet of on-site brush management due to the MHPA and 100-foot wetland buffer areas, all windows on the north and east side of the structure are required to provide exterior glazing in windows (and sliding glass doors) to be dual pane with both panes tempered glass.</p> <p><b>PDF-FIRE-47:</b> Due to the inability of the entire eastern side of the structure to provide a full 100 feet of on-site brush management due to the MHPA and 100-foot wetland buffer areas, the entire east side of the structure is also required to include 5/8-inch Type X fire rated gypsum sheathing applied behind the exterior covering or cladding (stucco or exterior siding) on the exterior side of the framing, from the foundation to the roof for a facade facing the MHPA open space and naturally vegetated areas. 5/8-inch Type X fire rated gypsum sheathing is required to be manufactured in accordance with established ASTM standards defining type X wallboard sheathing as that which provides not less than one-hour fire resistance when tested in specified building assemblies and has been tested and certified as acceptable for use in a one-hour fire rated system.</p> <p><b>CM-FIRE-1:</b> The Assisted Living Facility applicant fund ongoing, maintenance and inspections of brush management zones and other fire protection features.</p> <p><b>CM-FIRE-2:</b> The Assisted Living Facility's structures include the latest ignition-resistant codes for designated high fire severity zones, including</p>

**Table 3-3**  
**Summary of Assisted Living Facility**  
**Project Design Features and Compliance Measures**

Subject Area	Design Feature or Construction Measure
	<p><u>reduced occurrence of windows and other openings and interior sprinklers in all occupancies, significantly reducing the potential for ember penetration and interior fire, the leading causes for structure loss from wildfires.</u></p> <p><b>PDFCM-FIRE-3:</b> <u>The Assisted Living Facility includes fire apparatus and emergency vehicle access pursuant to local and state codes.</u></p> <p><b>PDFCM-FIRE-4:</b> <u>————The Assisted Living Facility will provide consistent water capacity, delivery and availability in accordance with all applicable code requirements.</u></p>
Solid Waste	<p><b>CM-PUB-1:</b> <u>The project will demonstrate compliance with the project-specific Conceptual Waste Management Plan.</u></p>

**Notes:** dB = decibel; DSD = Development Services Department; MHPA = Multiple Habitat Planning Area; MMC = Mitigation Monitoring Coordination; QMB = Qualified Monitoring Biologist; SWPPP = Stormwater Pollution Prevention Program; VOC = volatile organic compound.



SOURCE: Leppert Engineering 2020

FIGURE 3-1  
 Site Plan  
 El Camino Real Assisted Living Facility SEIR

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Aerial View from Southwest

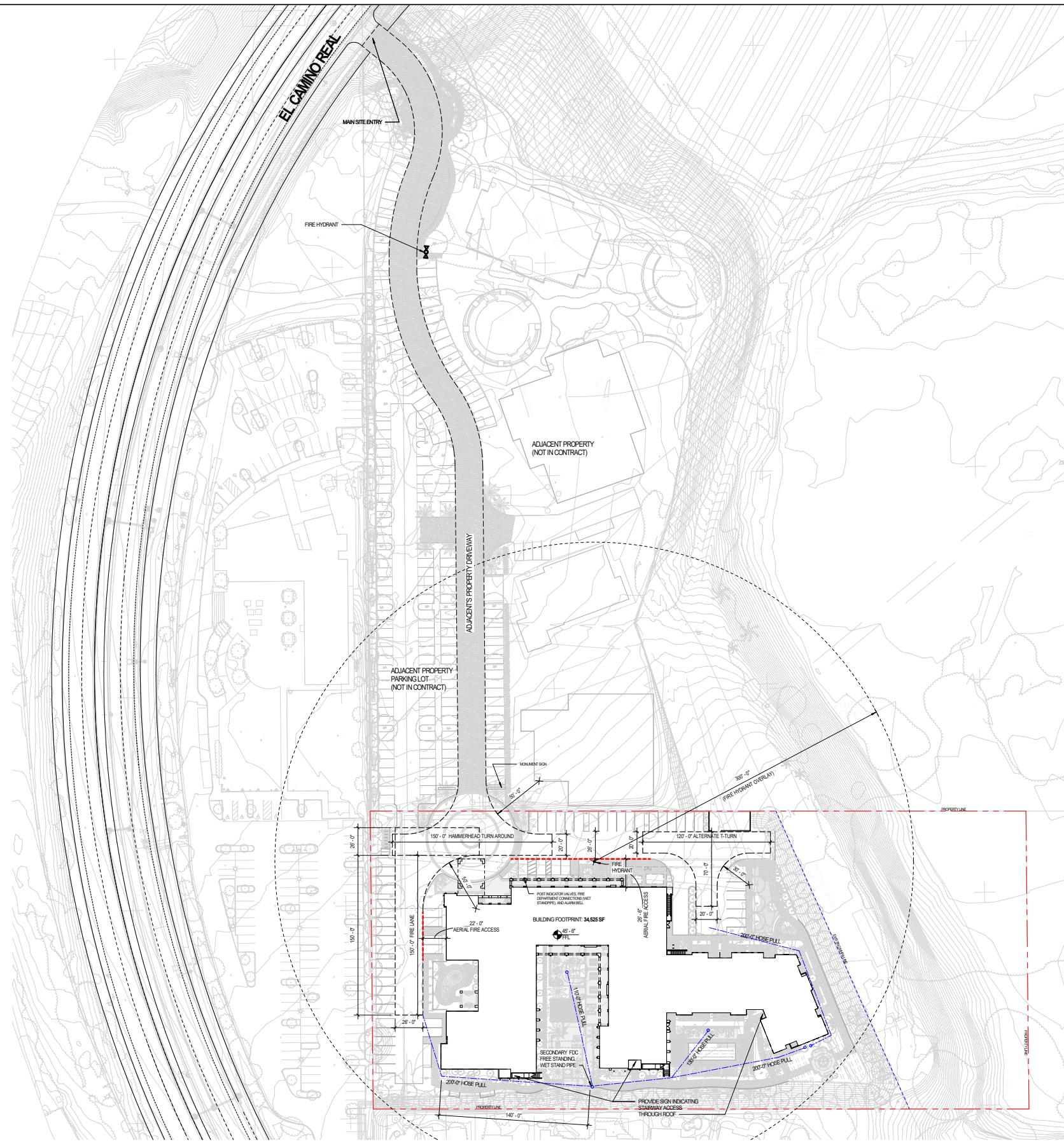


Aerial View from Northwest



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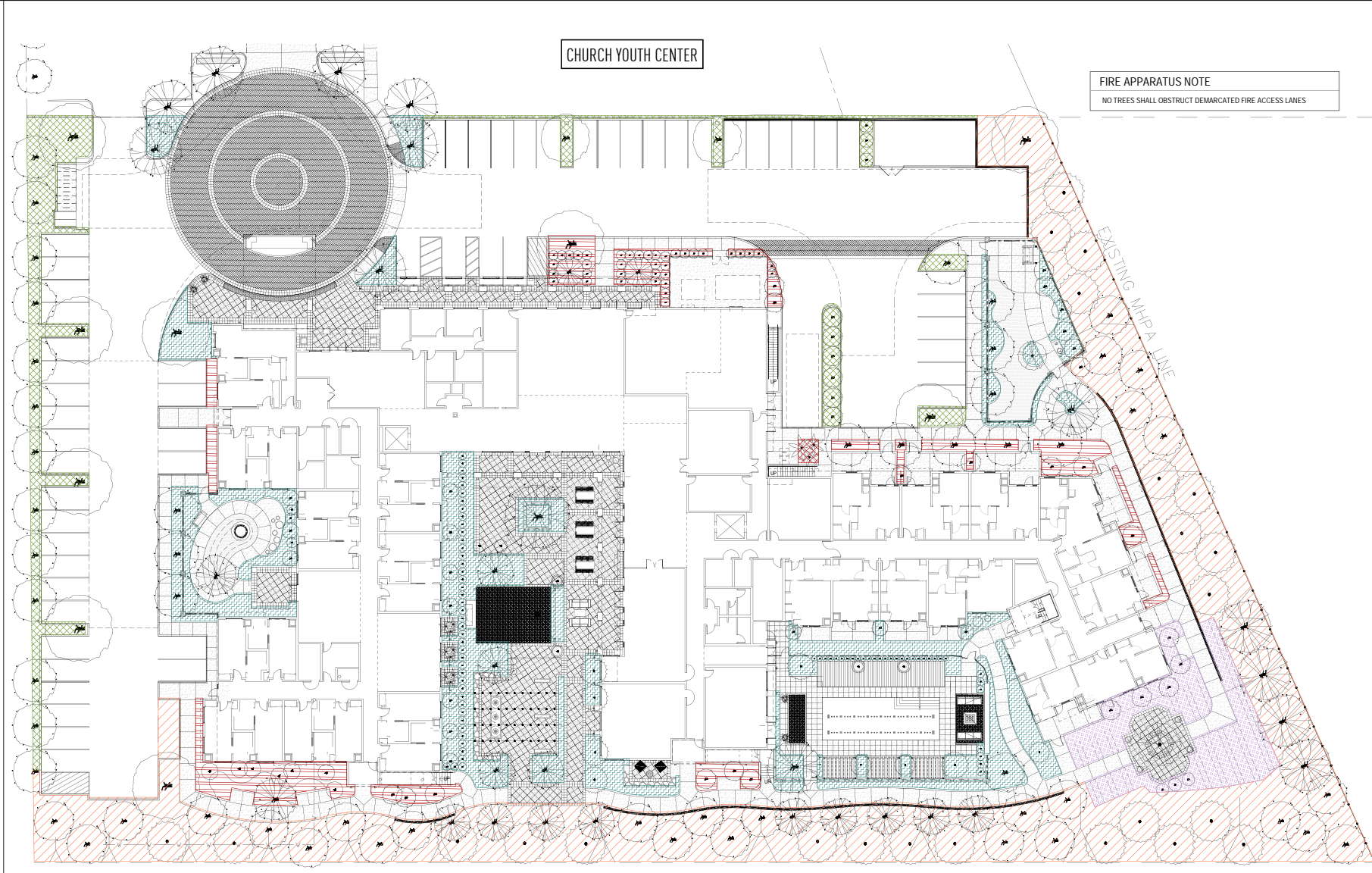


**FIRE ACCESS PLAN NOTES:**

<b>AERIAL FIRE ACCESS ROAD</b>
<p>--- AERIAL FIRE ACCESS ROAD</p> <ul style="list-style-type: none"> <li>- AERIAL FIRE ACCESS ROADS ADJACENT TO BUILDINGS THAT ARE GREATER THAN 30 FEET IN HEIGHT FROM GRADE PLANE, SHALL HAVE A MINIMUM WIDTH OF 26 FEET. THE PROXIMAL EDGE OF AERIAL FIRE ACCESS SHALL BE A MINIMUM OF 15.0 FEET FROM THE BUILDING FACE(S) AND/OR PLUMB LINE OF EAVES(S). AERIAL ACCESS SHALL BE PROVIDED ALONG ONE (THE LONG SIDES) OF THE BUILDINGS. (CFC APPENDIX D/FIRE POLICY A-14-1)</li> </ul>
<b>HAMMER-HEAD/TURNAROUND</b>
<p>□ HAMMER-HEAD/TURNAROUND</p> <ul style="list-style-type: none"> <li>- ANY HAMMER-HEAD/TURNAROUND/CUL-DE-SAC SHALL BE PROVIDED IN ACCORDANCE WITH APPENDIX D/CFC FIGURE D.03.1.1. ALL DIMENSIONS HAVE BEEN SHOWN ON THE FIRE ACCESS PLAN. TURN RADIIUS 30' INSIDE / 50' OUTSIDE. (SDPFD FIRE POLICY A-14-1)</li> </ul>
<b>FIRE HYDRANTS</b>
<ul style="list-style-type: none"> <li>- ALL EXISTING AND/OR PROPOSED FIRE HYDRANTS WITHIN 600' OF THE PROJECT SITE AND A 300' RADIUS OVERLAY SHALL BE SHOWN TO ENCOMPASS ALL PORTIONS OF ALL STRUCTURES AS PART OF SUBMITTED PROJECT. (SD ORDINANCE 17927)</li> <li>- CLEAR SPACE AROUND HYDRANTS: A 3-FEET RADIUS CLEAR SPACE SHALL BE MAINTAINED AROUND ALL FIRE HYDRANTS, EXCEPT AS OTHERWISE REQUIRED OR APPROVED. (CFC 307.5.5)</li> <li>- HYDRANT LOCATIONS SHALL BE IDENTIFIED BY THE INSTALLATION OF REFLECTIVE BLUE COLORED MARKERS. SUCH MARKERS SHALL BE AFFIXED TO THE ROADWAY SURFACE, APPROXIMATELY CENTERED IN RADIUS AND BETWEEN CURBS. THE MARKERS SHALL BE AT A RIGHT ANGLE TO THE HYDRANT. (SDMC SECTION 955.0207 ITEM (C))</li> </ul>
<b>HOSE PULLS</b>
<ul style="list-style-type: none"> <li>- ALL REQUIRED HOSE PULLS ARE SHOWN TO REACH ALL PORTIONS OF THE EXTERIOR OF THE BUILDING(S) PER POLICY A-14-1. HOSE PULL IS MEASURED FROM THE FIRE APPARATUS (ENGINE) WHEN THE FIRE ENGINE IS IN A FIRE ACCESS ROAD/LANE. HOSE PULL CAN BE MEASURED FROM MULTIPLE LOCATIONS WITHIN THE ACCESS ROAD/LANE. THE HOSE PULLS MUST CONNECT OR OVERLAP TO SHOW COMPLETE COVERAGE. FOR A SPRINKLERED BUILDING(S), THE MINIMUM HOSE PULL IS 200'. FOR NON-SPRINKLERED BUILDING(S), THE MINIMUM HOSE PULL IS 150'. CHANGE IN VERTICAL ELEVATION MUST ALSO BE ACCOUNTED FOR.*</li> </ul>
<b>FIRE DEPARTMENT CONNECTIONS</b>
<ul style="list-style-type: none"> <li>- POST INDICATOR VALVES, FIRE DEPARTMENT CONNECTIONS AND ALARM BELL ARE TO BE LOCATED ON THE ADDRESS SIDE OF THE STRUCTURE. (CFC 912.2.1)</li> </ul>
<b>STARWAY ROOF ACCESS</b>
<ul style="list-style-type: none"> <li>- NEW BUILDINGS FOUR OR MORE STORES ABOVE GRADE PLANE, EXCEPT THOSE WITH A ROOF SLOPE GREATER THAN FOUR UNITS VERTICAL IN 12 UNITS HORIZONTAL, SHALL BE PROVIDED WITH A STARWAY TO THE ROOF IN ACCORDANCE WITH 101.12. SUCH STARWAYS SHALL BE MARKED AT STREET AND FLOOR LEVELS WITH A SIGN INDICATING THAT THE STARWAY CONTINUES TO THE ROOF. (CFC 504.5)</li> </ul>
<b>RED CURB</b>
<p>— RED CURB / NO PARKING SIGN AREAS</p> <ul style="list-style-type: none"> <li>- ALL RED CURB/NO PARKING SIGN AREAS HAVE BEEN SHOWN WITH A KEY INDICATOR. ALL REQUIRED ACCESS ROADWAYS SHALL NOT PROVIDE LESS THAN THE REQUIRED PARKING WIDTH AND/OR BE OBSTRUCTED IN ANY MANNER, INCLUDING THE PARKING OF VEHICLES, WHERE INADEQUATE WIDTH HAS NOT PROVIDED FOR PARKING ALONG ACCESS ROADWAYS, THEN SUCH ACCESS SHALL BE KEPT CLEAR BY THE POSTING OF SIGNS OR THE PAINTING OF CURBS PER POLICY A-14-1.</li> </ul>

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**CHURCH YOUTH CENTER**

**FIRE APPARATUS NOTE**  
NO TREES SHALL OBSTRUCT DEMARCATED FIRE ACCESS LANES

**VILLAS AT STALLIONS CROSSING**

**PROPOSED PLANT MATERIAL NOTE**  
ALL PLANTS ARE CALC-IPC NON-INVASIVE and WUCOLS LOW WATER CONSUMPTIVE (REGION 3 - SOUTH COASTAL) VARIETIES FOR THEIR PROPOSED GROWING CONDITIONS. THESE PLANTS ARE DROUGHT TOLERANT AND USED FOR THEIR DEEP ROOT SYSTEMS WHICH STABILIZES SOIL AND MINIMIZE EROSION

**SCHEMATIC SHRUB LEGEND**

SHRUBS (shall be maintained at 4ft height or less):

**LOW WATER CONSERVING PLANTING AREAS (Parking Lot):**

BOTANICAL NAME	COMMON NAME	SIZE	H x W	WUCOLS
ECHVERIA GLAUCA	HENS & CHICKS	1 GAL	2 x 2	LOW
ECHVERIA PEACOCKII	PEACOCK ECHVERIA	5 GAL	2 x 2	LOW
AEONIUM ARBOREUM 'SCHWARZKOPF'	AEONIUM	5 GAL	2 x 2	LOW
AGAVE AMERICANA	CENTURY PLANT	15 GAL	5 x 5	VERY LOW
ALOE STRIATA	CORAL ALOE	5 GAL	3 x 3	LOW
DASYLIRION WHEELERI	DESERT SPOON	15 GAL	4 x 5	VERY LOW
HESPERALOE PARVIFLORA	RED YUCCA	5 GAL	4 x 3	VERY LOW
HETEROMELES ARBUTIFOLIA	TOYON	15 GAL	8 x 6	VERY LOW
KALANCHOE BEHARENSIS	FELT PLANT	15 GAL	4 x 4	LOW
MUHLBERGIA CAPILLARIS (1)	PINK MUHLY	5 GAL	4 x 3	MEDIUM
SENECIO MANDRALISCAE	SENECIO	1 GAL	LOW	LOW
WESTRINGIA FLORIBUNDA	COAST ROSEMARY	5 GAL	2 x 4	LOW

TOTAL AREA: 2,817  
MIN. 36" O.C. SPACING  
TOTAL MIN. PLANTS: 361  
25% 1 GAL.  
55% 5 GAL.  
20% 15 GAL.

**MEDIUM / LOW TRANSITION PLANTING AREAS (Building Perimeter):**

BOTANICAL NAME	COMMON NAME	SIZE	H x W	WUCOLS
AEONIUM 'URBICUM' 'SALAD BOWL'	AEONIUM	5 GAL	2 x 2	LOW
ALOE BARSISII	TREE ALOE	24" BOX	8 x 5	LOW
ALOE STRIATA	CORAL ALOE	5 GAL	3 x 3	LOW
ARBUTUS 'COMPACTA'	DWARF STRAWBERRY	5 GAL	5 x 5	LOW
BOUGAINVILLEA ROSENKA	SHRUB BOUGAINVILLEA	5 GAL	3 x 4	LOW
CALLISTEMON 'LITTLE JOHN' (1)	DWARF CALLISTEMON	5 GAL	4 x 4	LOW
CAREX DIVULSA	BERKELEY SEDGE	5 GAL	4 x 3	LOW
CHONDROPETALUM 'TECTORUM'	SMALL CAPE RUSH	5 GAL	3 x 3	LOW
DIANELLA REVOLUTA	LITTLE REV	5 GAL	4 x 4	LOW
DRAECAENA DRACO	DRAGON TREE	24" BOX	6 x 6	VERY LOW
FESTUCA MAIREI	ATLAS FESCUE	1 GAL	2 x 2	LOW
FESTUCA OVINA GLAUCA	BLUE FESCUE	5 GAL	2 x 2	LOW
LOMANDRA LONGIFOLIA 'BREEZE'	SPINY-HEADED MAT RUSH	5 GAL	2 x 2	LOW
ROSMARINUS PROSTRATUS (1)	DWARF ROSEMARY	5 GAL	2 x 4	LOW
SALVA CLEVELANDII (1)	CA BLUE SAGE	5 GAL	4 x 4	VERY LOW
TEUCRIUM CHAMAEDRYS	GERMANDER	5 GAL	2 x 2	LOW

TOTAL AREA: 3,015 SF  
MIN. 36" O.C. SPACING  
TOTAL MIN. PLANTS: 387  
25% 1 GAL.  
65% 5 GAL.

**MEDIUM / LOW ENHANCED SHRUBS (Entry Drive & Amenity Courtyards):**

BOTANICAL NAME	COMMON NAME	SIZE	H x W	WUCOLS
AGAVE ATTENUATA 'MOONGLOW'	FOXTAIL AGAVE	15 GAL	5' x 5'	LOW
ALYOGYNE HUEGELII	BLUE HIBISCUS	15 GAL	8' x 6'	LOW
BOUGAINVILLEA 'LA JOLLA'	BOUGAINVILLEA	5 GAL	4' x 3'	LOW
CARISSA M. 'HORIZONTALIS'	NATAL PLUM	5 GAL	2' x 4'	LOW
CRASSULA OVATA	JADE PLANT	15 GAL	4' x 4'	LOW
FURCRAECA FOETIDA 'MEDIOPICTA'	MAURITILUS HEMP	15 GAL	4' x 4'	LOW
PRUNUS ILICIFOLIA SPP. LYONII	CATALINA CHERRY	24" BOX	10' x 6'	LOW

TOTAL AREA: 7,125 SF  
MIN. 24" O.C. SPACING  
TOTAL MIN. PLANTS: 2,057  
65% 5 GAL.  
35% 15 GAL.

**SLOPE ADJACENT TO MHPA BOUNDARY**

BOTANICAL NAME	COMMON NAME	SIZE	H x W	WUCOLS
ARTEMISIA CALIFORNICA (1)	CALIFORNIA SAGEBRUSH	1 GAL	4' x 4'	VERY LOW
BACCHARIS PILULARIS	COYOTE BRUSH	1 GAL	5' x 4'	LOW
ELYMIUS CONDENSATUS	GIANT WILDRYE	1 GAL	2' x 2'	LOW
HETEROMELES ARBUTIFOLIA	TOYON	1 GAL	10' x 8'	VERY LOW
ISOCOMA MENZIESII var. MENZIESII	COAST GOLDEN BUSH	1 GAL	3' x 3'	VERY LOW
MIMULUS AURANTIACUS	STICKY MONKEY-FLOWER	1 GAL	2' x 2'	VERY LOW
MUHLBERGIA RIGENS (1)	DEERGRASS	1 GAL	3' x 3'	LOW
OPUNTIA LITTORALIS	PRICKLY PEAR CACTUS	1 GAL	3' x 4'	VERY LOW
RHUS INTEGRIFOLIA	LEMONADE BERRY	1 GAL	8' x 6'	VERY LOW
SAMBUCUS NIGRA CAERULEA	BLUE ELDERBERRY	1 GAL	6' x 6'	LOW

TOTAL AREA: 17,094 SF  
MIN. 48" O.C. SPACING  
TOTAL MIN. PLANTS: 1,234  
100% 1 GAL.

**RESIDENTIAL CUTTING GARDEN**  
SEASONAL AND TO BE SPECIFIED BY PROPERTY MANAGEMENT COMPANY

TOTAL AREA: 2,182 SF

**ORGANIC MULCHES:**  
3" THICK SHREDDED BARK MULCH (SHRUB AREAS - ALL HYDROZONES)

**NOTE**  
(1) INDICATES PLANTS THAT ARE PROPOSED IN LIMITED QUANTITIES

**NON-INVASIVE and WATER CONSERVING PLANT SELECTIONS**

- ALL LANDSCAPING SHALL CONSIST OF NATIVE OR NON-NATIVE ADAPTED DROUGHT TOLERANT NON-INVASIVE PLANT SPECIES
- NO PLANT SPECIES LISTED AS PROBLEMATIC AND/OR INVASIVE BY THE CALIFORNIA NATIVE PLANT SOCIETY, THE CALIFORNIA INVASIVE PLANT COUNCIL.
- NO PLANT SPECIES LISTED AS A "NOXIOUS WEED" BY THE STATE OF CALIFORNIA OR THE U.S. FEDERAL GOVERNMENT SHALL BE UTILIZED WITHIN THE PROPERTY.
- A MAJORITY OF PLANTS SHALL BE LOW WATER USE PLANTS IDENTIFIED BY CALIFORNIA DEPARTMENT OF WATER RESOURCES.
- ALL PLANTING SHALL PROVIDE 90 PERCENT COVERAGE WITHIN 90 DAYS AND SHALL BE REPEATED IF NECESSARY TO PROVIDE SUCH COVERAGE; AND
- ALL PLANTINGS SHALL BE MAINTAINED IN GOOD GROWING CONDITION THROUGHOUT THE LIFE OF THE PROJECT, AND WHENEVER NECESSARY, SHALL BE REPLACED WITH NEW PLANT MATERIALS TO ENSURE CONTINUED COMPLIANCE WITH THE LANDSCAPE PLAN.

**ZONE 1 BMZ MAINTENANCE NOTE**  
ALL VEGETATION WILL BE MAINTAINED TO AVOID ACCUMULATION OF DEAD OR DYING MATERIAL

**IRRIGATION CONCEPT NOTES**

- IRRIGATION SHALL BE PROVIDED TO ALL PLANTING AREAS AS SHOWN.
- IRRIGATION INSTALLATION SHALL CONFORM WITH THE SAN DIEGO MUNICIPAL CODE / LAND DEVELOPMENT CODE AND LAND DEVELOPMENT MANUAL - LANDSCAPE STANDARDS.
- THE FOLLOWING DESIGN FEATURES SHALL BE INCLUDED:  
AN APPROVED BACKFLOW PREVENTION DEVICE.  
AN AUTOMATIC CONTROLLER WITH WATER BUDGETING FEATURES.  
SEPARATED VALVES FOR DIFFERENT HYDROZONES AND MATERIALS.  
RAIN SHUT-OFF AND WATER CONSERVATION DEVICES.
- ALL IRRIGATION SHALL BE METERED THROUGH THE OWNER'S METER.

**PHOTOMETRICS NOTE**  
PHOTOMETRICS TO BE PROVIDED BY ELECTRICAL ENGINEER CONSULTANT AT FINAL DRAWING STAGE.

**EXISTING VEGETATION NOTE**  
NO EXISTING VEGETATION WITHIN LIMITS OF PROPOSED DEVELOPMENT. SITE PREVIOUSLY GRADED.

**LANDSCAPE MAINTENANCE NOTES**

- MAINTENANCE SHALL BE PROVIDED BY THE PROPERTY MANAGEMENT COMPANY FOR ALL NEW LANDSCAPE AND BRUSH MANAGEMENT AREAS AS SHOWN ON AN ONGOING BASIS.
- ALL LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER. ALL PLANTER MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION, DISEASED OR DEAD MATERIAL SHALL BE TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT.
- ALL SHRUBS WITHIN BMZ ZONE 1 ARE EITHER TO HAVE A MATURITY HEIGHT OF NO MORE THAN 4FT OR SHALL BE MAINTAINED AT 4-FT HEIGHT OR LESS.

**LIGHTING NOTES**

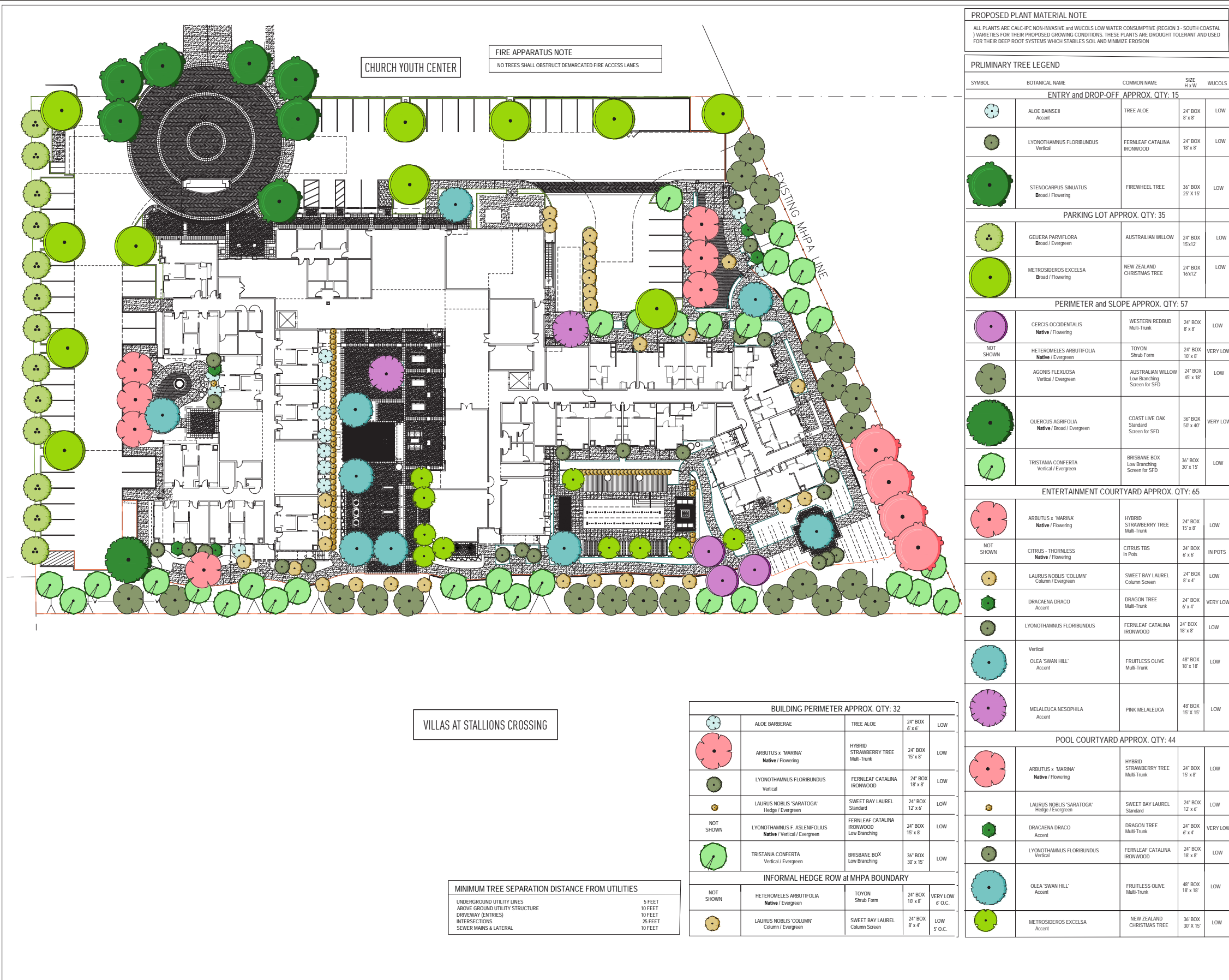
- LIGHTING OF ALL DEVELOPED AREAS ADJACENT TO THE MHPA SHOULD BE DIRECTED AWAY FROM THE MHPA WHERE NECESSARY. DEVELOPMENT SHOULD PROVIDE ADEQUATE SHIELDING WITH NON-INVASIVE PLANT MATERIALS (PREFERABLY NATIVE), BERMING, AND/OR OTHER METHODS TO PROTECT THE MHPA AND SENSITIVE SPECIES FROM NIGHT LIGHTING.
- LIGHTING SOURCES FOR THE LANDSCAPE AND PAVED AREAS WILL BE CONCEALED AND THE LIGHTING INDIRECT NOT VISIBLE FROM A PUBLIC VIEWPOINT. LIGHT SOURCES SHOULD BE DIRECTED SO THAT IT DOES NOT FALL OUTSIDE THE AREA TO BE LIGHTED.
- ALL EXTERIOR SURFACE AND ABOVE-GROUND MOUNTED FIXTURES WILL BE SYMPATHETIC AND COMPLIMENTARY TO THE ARCHITECTURAL THEME.
- EXTERIOR LIGHTING, EXCEPT STREET LIGHTS, SHALL BE DIFFUSED OR CONCEALED IN ORDER TO PREVENT ILLUMINATION OF ADJOINING PROPERTIES OR THE CREATION OF OBJECTIONAL VISUAL IMPACTS ON OTHER PROPERTIES.
- ALL LIGHTING, INCLUDING SECURITY LIGHTING, SHALL BE SHIELDED TO MINIMIZE GLARE UPON NEIGHBORING PROPERTY AND PUBLIC RIGHT-OF-WAY. PRIOR TO ISSUANCE OF A BUILDING PERMIT, A PHOTOMETRIC LIGHTING PLAN SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR. FIXTURES SHOULD BE OF A TYPE OR ADEQUATELY SHIELDED SO AS TO PREVENT GLARE FROM NORMAL VIEWING ANGLES. SAID PLANS SHALL INCLUDE SPECIFICATION OF THE PROPOSED LIGHTING FIXTURES AND DEMONSTRATE THE ADEQUATE SHIELDING OF LIGHTING FIXTURES TO MINIMIZE GLARE OR LIGHT SPILLAGE OFFSITE.

**GENERAL LANDSCAPE NOTES**

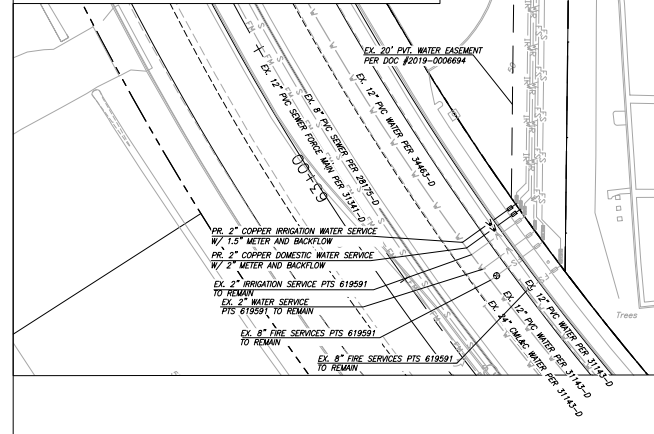
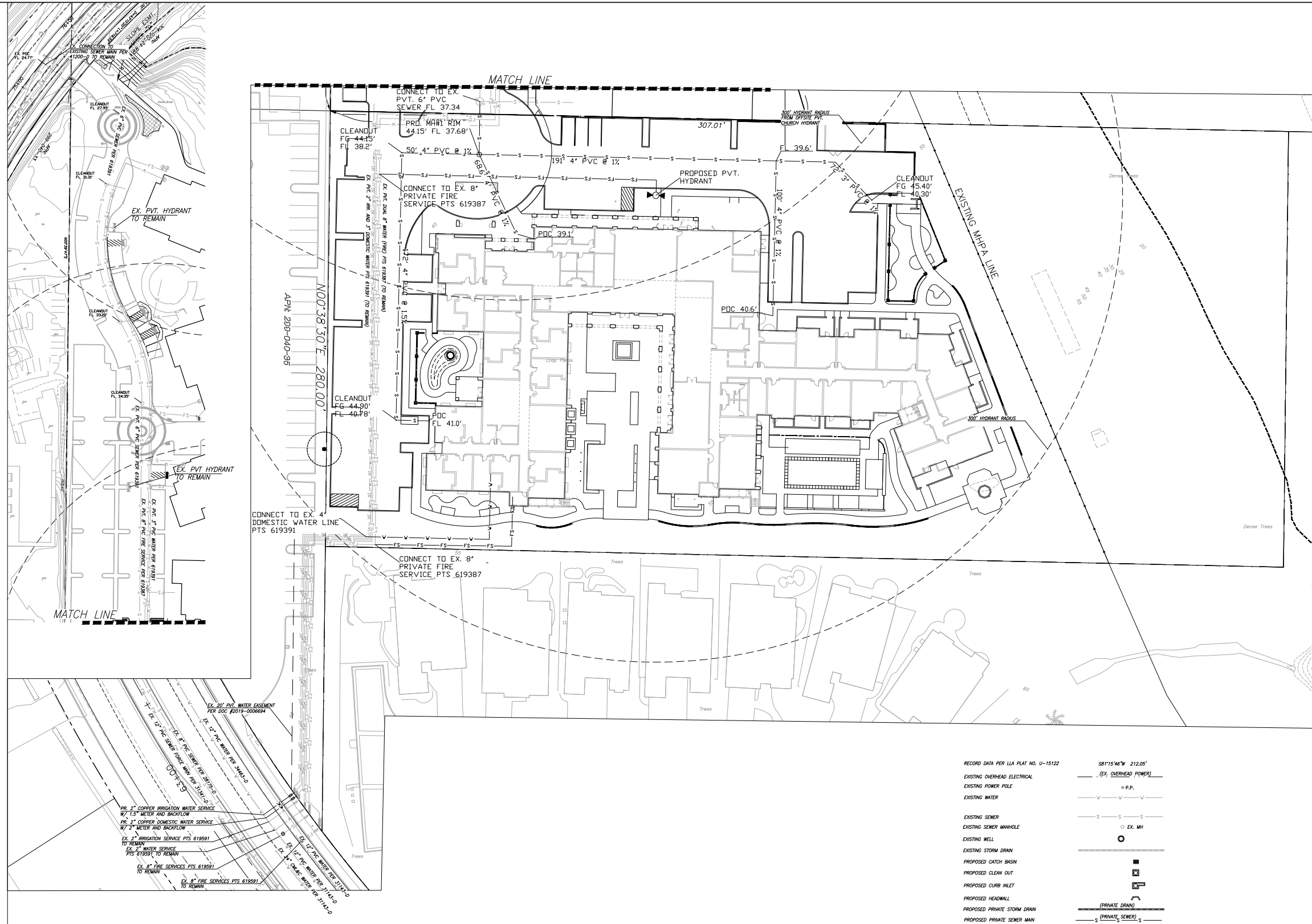
- THE LANDSCAPE DESIGN WILL PROVIDE A LOW and MODERATE WATER USE PALETTE, SCREEN PARKING AND UTILITY AREAS AS MUCH AS POSSIBLE FROM SURROUNDING LAND USE, AND PROVIDE OUTDOOR AMENITY AREAS IN THE PRIVATE RESIDENT COURTYARDS.
- A MINIMUM ROOT ZONE OF 40 SQUARE FEET IN AREA SHALL BE PROVIDED FOR ALL TREES. THE MINIMUM DIMENSION FOR THIS AREA SHALL BE 5 FEET. THIS MINIMUM DIMENSION AND ROOT ZONE AREA MAY BE REDUCED WITH THE USE OF STRUCTURAL SOIL OR WHERE THE COMBINATION OF SOIL CONDITIONS, ROOT ZONE AREA, ADJACENT IMPROVEMENTS, AND SELECTED TREE SPECIES CAN BE DEMONSTRATED TO PROVIDE CONDITIONS FOR HEALTHY TREE GROWTH THAT WILL NOT DAMAGE ADJACENT IMPROVEMENTS. SDMG 142.0462 (B)(5).
- ALL TREES AND SHRUBS SHALL BE ALLOWED TO TAKE ON THEIR NATURAL SIZE, SHAPE AND CHARACTER. IT IS THE INTENT OF THIS DESIGN TO MINIMIZE THE NEED FOR PRUNING AND EXTENSIVE MAINTENANCE. TREES SHALL BE LOCATED SIX FEET MINIMUM AWAY FROM BUILDINGS.
- ALL REQUIRED VEGETATION AND EROSION CONTROL SHALL BE COMPLETED WITHIN 90 CALENDAR DAYS OF THE COMPLETION OF GRADING DISTURBANCE.
- MULCH: ALL REQUIRED PLANTING AREAS SHALL BE COVERED WITH MULCH TO A DEPTH OF 3 INCHES, EXCLUDING SLOPES REQUIRING REVEGETATION AND AREAS PLANTED WITH GROUNDCOVER. ALL EXPOSED SOIL AREAS WITHOUT VEGETATION SHOULD ALSO BE MULCHED TO THIS MINIMUM DEPTH.
- ALL NEW LANDSCAPE SHALL CONFORM TO CITY OF SAN DIEGO DEVELOPMENT AND DISTRICT LANDSCAPE REQUIREMENTS AND LAND DEVELOPMENT CODE LANDSCAPE REQUIREMENTS.

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EXIST. UTILITY STATUS TABLE

TYPE	OVERHEAD	UNDERGROUND
ELECTRIC	X	
TELEPHONE		X

SCALE: P=30'



- RECORD DATA PER LIA PLAN NO. U-15122
- 88'11"46"W 212.05'  
(EX. OVERHEAD POWER)
- EXISTING OVERHEAD ELECTRICAL
  - EXISTING POWER POLE
  - EXISTING WATER
  - EXISTING SEWER
  - EXISTING SEWER MANHOLE
  - EXISTING WELL
  - EXISTING STORM DRAIN
  - PROPOSED CATCH BASIN
  - PROPOSED CLEAN OUT
  - PROPOSED CURB INLET
  - PROPOSED HEADWALL
  - PROPOSED PRIVATE STORM DRAIN
  - PROPOSED PRIVATE SEWER MAIN
  - PROPOSED SEWER MANHOLE (PRIVATE)
  - PROPOSED WATER MAIN
  - PROPOSED FIRE HYDRANT (PRIVATE)
  - PROPOSED FIRE SERVICE BACKFLOW DEVICE
  - PROPOSED MASTER WATER METER & BACKFLOW
  - PROPOSED SEWER LATERAL (PRIVATE)
  - PROPOSED PAVEMENT (SEE L.S. PLANS)

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## **CHAPTER 4.0 HISTORY OF PROJECT CHANGES**

The St. John Garabed Armenian Church (Church) project was originally submitted to the City of San Diego in June 2011 and was comprised of a 350-seat church and three accessory buildings on the 13.36-acre site located at 13925 El Camino Real, San Diego (Assessor's Parcel Number 304-020-2400). Refer to 2014 St. John Garabed Armenian Church Final Environmental Impact Report (2014 Church EIR) for the history of the project changes from 2011 through to the certification of the 2014 Church EIR. The 2014 Church EIR was certified by the Planning Commission for the Church on October 20, 2014. Subsequently, the California Coastal Commission approved the Church on January 14, 2016. Construction of the Church was initiated in 2018 and the Church is currently operational. The three accessory buildings that would be associated with the Church have not yet been constructed.

Subsequent to the certification of the 2014 Church EIR, members of the Church congregation acquired a neighboring parcel to the Church (Assessor's Parcel Number 304-650-3700). The El Camino Real Assisted Living Facility (Assisted Living Facility) was first submitted to the City of San Diego on October 15, 2020. Since that time, numerous modifications and revisions have been made to the project design, including the addition of landscape buffers to the eastern and southern boundaries and the addition of a third-floor building step-back from the southern boundary. The remaining Assisted Living Facility changes were within the internal building layouts and designs, and do not affect the environmental analysis included herein.

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## CHAPTER 5.0 ENVIRONMENTAL ANALYSIS

This chapter analyzes the potential environmental impacts that may occur as a result of project implementation. Because this is a Subsequent EIR (SEIR), this chapter includes a section for each issue topic included in the 2014 St. John Garabed Armenian Church Final Environmental Impact Report (2014 Church EIR) plus additional topics found necessary to address due to changes in circumstances. The topics included in this chapter are as follows:

1. Land Use
2. Agricultural Resources
3. Air Quality and Odor
4. Biological Resources
5. Greenhouse Gas Emissions
6. Historical Resources
7. Paleontological Resources
8. Transportation
9. Visual Effects and Neighborhood Character
10. Noise
11. Tribal Cultural Resources

Each of these sections includes a summary of existing conditions; regulatory framework; evaluation of potential project impacts; a list of required mitigation measures if applicable; and conclusion of significance after mitigation if there are impacts requiring mitigation. The impact analysis includes a summary of the 2014 Church EIR impact analysis under the “Previous EIR” heading and subsequently the “Changes in Circumstances/New Information” analysis is provided to assess any change in circumstance or new information resulting from the proposed El Camino Real Assisted Living Facility (Assisted Living Facility), changes to conditions, or other new information since the certification of the 2014 Church EIR. All potential direct and indirect impacts are evaluated in relation to applicable City, state, and federal standards, as reflected in the City’s 2022 Significance Determination Thresholds and include City goals and standards in compliance with the City General Plan (2008). Accordingly, the issue questions identified in the Scoping Letter prepared for the Assisted Living Facility and utilized herein were based on the City’s 2022 Significance Determination Thresholds. The “Significance of Impact” section provides the conclusion of the Assisted Living Facility impact analysis and also identifies if that impact is a new significant impact or a change in impact from that disclosed in the previously certified 2014 Church EIR. As applicable, the previous 2014 Church EIR mitigation is carried forward to the Assisted Living Facility, or new or modified mitigation is identified herein as needed to address mitigating significant impacts to the extent feasible.

## **5.1 LAND USE**

Chapter 5.1, Land Use, of the 2014 St. John Garabed Armenian Church Final Environmental Impact Report (2014 Church EIR) discloses information regarding the approved St. John Garabed Armenian Church (Church) and associated land use analysis. A summary of that analysis is included for each land use issue in Section 5.1.3 below for the convenience of the reader. However, refer to the 2014 Church EIR Chapter 5.1 for details.

Because the focus of the analysis within this FSEIR is the addition of the El Camino Real Assisted Living Facility (Assisted Living Facility), the additional information provided below is intended to provide a land use analysis update to the 2014 Church EIR for the proposed Assisted Living Facility. The following land use discussion analyzes the existing conditions related to land use, planning, and zoning in the vicinity of the project.

### **5.1.1 EXISTING CONDITIONS**

#### **On-Site Land Uses**

The 13.36-acre Church parcel has been graded, and currently includes the 350-seat main church building, which has been constructed and is now operational. The three accessory buildings that would be associated with the Church have not yet been constructed.

The 3.97-acre Assisted Living Facility parcel is currently undeveloped; however, in the past, the property was used for agriculture. Due to the previous agricultural uses, the subject property primarily consists of disturbed habitat. The eastern portion of the site is within the City of San Diego's Multi-Habitat Planning Area (MHPA) and includes Environmentally Sensitive Lands. In total, 1.12 acres of the 3.97-acre property are designated MHPA.

#### **Surrounding Land Uses**

Existing land uses in the vicinity of the project site are depicted in Figure 2-2, Vicinity Map. The project's immediate surrounding land uses include El Camino Real roadway and the San Dieguito lagoon open space to the north, undeveloped lands to the east, residential uses to the south, and an existing church (Evangelical Formosan Church) to the west.

North of the project site and west of El Camino Real, the Southern California Edison San Dieguito Lagoon Wetlands Restoration Project occupies a large swath of land stretching from Interstate (I) 5 east to El Camino Real and from commercial development and equestrian uses along Via de la Valle south to sloping terrain and single-family residences in the City of Del Mar. The San Dieguito River runs through the wetland restoration project and empties into the San Dieguito Lagoon to the west. Unpaved pedestrian trails provide access to scenic vantage points within the restoration

project area and a longer trail traverses the northern portion of the area, passes beneath I-5, and follows the San Dieguito River to Jimmy Durante Boulevard.

Stallion's Crossing, a 47-unit single-family residential development, is located immediately south of the project site and two equestrian centers (Ridgemar Equestrian Center and Rancho El Camino Riding School) are located to the southeast. A single-family residential project is also located on the mesa overlooking Gonzales Canyon to the east of the project.

Gonzales Canyon is located to the east and includes the MHPA. Past the MHPA area, there are equestrian centers and large lot single-family residences. Pedestrian and equestrian trails traverse Gonzales Canyon, the project site, and undeveloped lands to the east.

Other notable land use features in the area include the Del Mar Racetrack/Del Mar Fairgrounds located approximately 1 mile northwest of the project site. In addition, the Fairbanks Ranch Country Club (1.6 miles northeast of the project site) and the Del Mar Polo Fields (1.15 miles northeast of the project site) are nearby. Nearby commercial uses include the Del Mar Center (0.75 miles northwest of the project site), Flower Hill Mall (0.80 miles to the northwest of the project site), and Del Mar Highlands Town Center and One Paseo (1.2 miles to the south).

### **Site Land Use Designations**

The project site is designated as Residential and Park, Open Space and Recreation in the General Plan's Land Use Element. In addition, the project is located within the northwestern extent of the North City Future Urbanizing Area (NCFUA) Framework Plan. The project site is located in Subarea II of the NCFUA Framework Plan and within the Coastal Zone Boundary (City of San Diego 1992). According to the Land Use element of the NCFUA Framework Plan, the site is designated as Very-Low Density Residential and Environmental Tier (Figure 5.1-2, North City Future Urbanizing Area – Subarea II). The General Plan also identifies the project site as within Proposition A Lands. The site is subject to Council Policy 600-29 "Maintenance of Future Urbanizing Area as an Urban Reserve," which was originally adopted by Resolution R-254647 on July 20, 1981 and expresses the City Council's policy concerning the maintenance of Future Urbanizing Areas as an Urban Reserve, and followed with four development alternatives for properties in the NCFUA Framework Plan that are designated A-1 (in 1992, A-1 zoning applied to the entire NCFUA, which are described in Section 5.1.2, below).

### **Site Zoning**

Zoning for the project site is Agricultural-Residential (AR-1-1). AR-1-1 regulations allow private stables, commercial riding, training or boarding horse stables, and most agricultural uses. The AR-1 regulations also allow several other uses, such as hospitals, Intermediate Care Facilities & Nursing

Facilities, and churches, with an Uncodified Conditional Use Permit (CUP) Ordinance. ~~The AR-1-1 regulations also allow several other uses, such as hospitals, Intermediate Care Facilities & Nursing Facilities, and churches, with an Uncodified Conditional Use Permit (CUP) Ordinance.~~ However, Hospitals, Intermediate Care Facilities & Nursing Facilities are not permitted within Proposition A Lands per the Separately Regulated Use Regulations of the Municipal Code. Additional information about regulatory framework is provided in Section 5.1.2, Regulatory Framework, below.

## 5.1.2 REGULATORY FRAMEWORK

### State

#### *California Coastal Act*

The California Coastal Act, Public Resources Code Sections 30000 et seq, regulates development within the Coastal Act Coastal Zone. Chapter 3 of the Coastal Act, Public Resources Code Sections 30200, et seq, sets forth Coastal Resources Planning and Management Policies. These code sections provide specific regulations for public access, recreation, marine environment protection, protection and development of land resources, industrial development and sea level rise.

The project site is located in the NCFUA, which is an area of deferred certification in the City of San Diego's Local Coastal Program. The NCFUA is divided into five subareas. The Coastal Commission certified the Framework Plan for the NCFUA in 1993. This document established general conceptual circulation patterns and open space areas, but was intended to be implemented through specific plans for each of the subareas prior to the Coastal Commission transferring permit authority to the City for those portions of the NCFUA in the coastal zone. Subareas I and IV are located entirely outside the coastal zone, and the Coastal Commission has certified specific plans for the coastal zone portions of Subareas III and V. The subject site is located within Subarea II. Since the vast majority of Subarea II is comprised of area planned for the San Dieguito wetlands restoration project, a specific plan has not been prepared for this subarea. Thus, the Coastal Commission continues to use the certified NCFUA Framework Plan as guidance for the area. The City's Land Development Code (LDC) constitutes the certified Implementation Plan for the entire City, and is also used as guidance here.

There is also a certified Land Use Plan (LUP) for the area, the North City Local Coastal Program Land Use Plan, which the Coastal Commission uses for guidance. However, this document does not contain any policies with respect to this area, because the NCFUA Framework Plan and subsequent subarea plans were intended to govern development in the NCFUA. Therefore, the Coastal Commission retains coastal development permit authority over Subarea II at this time and the Chapter 3 policies of the Coastal Act are the standard of review.



## Local

### ***City of San Diego General Plan***

The City's General Plan is a comprehensive, long-term document that sets out a long-range vision and policy framework for how the City could grow and develop, provide public services and maintain the qualities that define San Diego. Accordingly, the General Plan "provides policy guidance to balance the needs of a growing city while enhancing quality of life for current and future San Diegans." The General Plan is comprised of a Strategic Framework section and ten elements including: Land Use and Community Planning; Mobility; Urban Design; Economic Prosperity; Public Facilities, Services and Safety; Recreation; Conservation; Historic Preservation; Noise; and Housing. The following discussion summarizes each element that is relevant to the proposed project.

The project is within an area that is not covered by a typical community plan, but is located within the NCFUA Framework Plan. The NCFUA Framework Plan is discussed further under a separate heading below.

The project site has a General Plan Land Use Category designation of Residential and Park, Open Space and Recreation. Environmental goals and policies relevant to the project are contained within the General Plan's Land Use and Community Planning, Mobility, Urban Design, Economic Prosperity, Conservation and Noise Elements. Each of these elements are summarized below.

**Land Use and Community Planning Element:** The purpose of this element is to guide future growth and implement the City of Villages Strategy within the context of San Diego's community planning program. The Land Use and Community Planning Element includes policy direction to govern the preparation of community plans and also provides policy direction in areas including zoning and policy consistency, the plan amendment process, coastal planning, airport land use planning, annexation policies, balanced communities, equitable development, environmental justice, and Proposition A – The Managed Growth Initiative. General Plan goals for coastal resources include the certification of Local Coastal Program Land Use Plans from the City of San Diego community plans, and the preservation and enhancement of coastal resources. Policies emphasize consistency between planning documents and the incorporation of policies that protect biological resources, geologic stability, circulation, parking, beach impact area, public access, recreational opportunities, visitor serving, and visual resources (City of San Diego 2015).

The purpose of the Land Use and Community Planning Element (Land Use Element) is "to guide future growth and development into a sustainable citywide development pattern, while maintaining or enhancing quality of life in our communities." The Land Use Element addresses land use issues that apply to the City as a whole, and identifies the community planning program as the mechanism to designate land uses, identify site-specific recommendations, and refine citywide policies, as

needed. This Element establishes a structure that respects the diversity of each community, and includes policies that govern the preparation of community plans. In addition, the Land Use Element addresses zoning and policy consistency, the plan amendment process, airport land use planning, annexation policies, balanced communities, equitable development, environmental justice and Proposition A – The Managed Growth Initiative.

### **Proposition A Lands**

The project site is designated as “Proposition A Lands” in the General Plan (Figure LU-4) which includes lands characterized by very low-density, residential, open space, natural resource-based park and agricultural uses. Proposition A Lands have the same meaning as the former Future Urbanizing Area designation, and are subject to Proposition A, the Managed Growth Initiative of 1985.

Section J of the Land Use Element establishes the following goals for areas designated as Proposition A Lands:

- Future growth and development that is consistent with current land use intensity or that is subject to a “phase shift” process to approve increased intensity; and
- Continued adherence to NCFUA Framework Plan and other adopted subarea plans.

Policies pertaining to designated Proposition A Lands contained in Section J of the Land Use Element include:

- Identify non-phase shifted lands as Proposition A lands and no longer refer to them as Future Urbanizing Area (LU-J.1);
- Follow a public planning and voter approval process consistent with the provisions of this Land Use Element for reuse planning of additional military lands identified as Proposition A lands, and other areas if and when they become subject to the City’s jurisdiction (LU-J.2); and
- Continue to implement Proposition A –The Managed Growth Initiative of 1985 (LU-J.3).

### **Proposition A - background**

The Proposition A Lands designation originated in 1985 when the City-wide electorate approved Proposition A, which amended the 1979 Progress Guide and General Plan (1979 General Plan) to state that: “no property shall be changed from the ‘future urbanizing’ land use designation in the Progress Guide and General Plan to any other land use designation, and the provisions restricting development in the Future Urbanizing Area shall not be amended except by majority vote of the people”. The Proposition A Lands designation limits development until a phase shift has been approved by the City Council pursuant to a Subarea Plan defining how the land would be developed.

In addition to restrictions on land use designation changes, Proposition A (Section 3, Implementation) directed the City to implement the proposition by taking actions “including but to [sic] limited to adoption and implementation on any amendments to the General Plan and zoning ordinance or citywide reasonably necessary to carry out the intent and purpose of this initiative measure.” A comprehensive package of legislative and regulatory actions implementing Proposition A was adopted by the City Council in 1990, including (a) amendments to: the 1979 General Plan Guidelines for Future Development; (b) Council Policy 600-29 “Maintenance of Future Urbanizing Area as an Urban Reserve”; (c) City Council Policy 600-30, “General Plan Amendments to Shift Land from Future Urbanizing to Planned Urbanizing Area”; and (d) zoning regulations for Planned Residential Developments, A-1 zones, and Conditional Use Permits.

Council Policy 600-29 “Maintenance of Future Urbanizing Area as an Urban Reserve,” which was originally adopted by Resolution R-254647 on July 20, 1981 expresses the City Council’s policy concerning the maintenance of Future Urbanizing Areas as an Urban Reserve, and followed with four development alternatives for properties in the NCFUA that are designated A-1 (in 1992, A-1 zoning applied to the entire NCFUA). These are: (i) development pursuant to the A-1 zone regulations (e.g., one dwelling unit per 10 acres in most of the plan area), (ii) rural clustering at the density permitted by the A-1 zone, (iii) clustered residential development at a density of one dwelling unit per 4 acres, or (iv) development pursuant to conditional use permit regulations which are “natural resource dependent, non-urban in character and scale, or are of an interim nature which would result in an irrevocable commitment of the land precluding future uses non-urban in character.

City Council Policy 600-30, “General Plan Amendments to Shift Land from Future Urbanizing to Planned Urbanizing Area,” which was originally adopted by Resolution R-254648 on July 20, 1981 specifies the guidelines and requirements for effecting a shift of land from Future Urbanizing to the Planned Urbanizing area in accordance with the 1979 General Plan. This policy applies only to urban scale projects that require a public vote. Specifically, the City or a private property owner can apply for a “threshold determination” which is a determination by the City Council of whether there is a reasonable basis for applying a substantive review of the application to the land in question, without prejudice to the City Council’s ability to grant or deny an application upon final substantive review (City 2014). This decision is to be based on the following findings. Only one finding is required to meet the threshold determination:

1. The amendment is needed to provide additional land for development, based on City monitoring of the amount, rate, character and location of growth and development or in order to maintain a viable market.
2. The amendment may be responsive to population and growth rates which demand increased land availability.

3. Due to the limited size of the area in question and the nature of the proposed development, the amendment may not contribute to, encourage or induce urban sprawl, leapfrog development or premature development of the land.
4. The amendment may provide the City with substantial and unique public benefit.

Following the threshold determination approval, a community, specific, or precise plan for the area shall be prepared to be adopted concurrently with the General Plan amendment. The application and associated land use plan shall be evaluated by staff, and be subject to environmental review. Upon considering the recommendation of the Planning Commission, the City Council could approve or deny a General Plan amendment shifting the land from the future urbanizing to the planned urbanizing tier. If approved by the City Council, the amendment could then be brought to the voters in a city-wide election for final action.

**Mobility Element:** This element strives to improve mobility in the City by providing policies that support a balanced, multimodal transportation network, while minimizing environmental and neighborhood impacts.

**Urban Design Element:** “Urban design” describes the physical features that define the character or image of a street, neighborhood, community, or the City as a whole. Further, urban design provides the visual and sensory relationship between people and the built and natural environments. Citywide urban design recommendations are necessary to ensure that the built environment continues to contribute to the qualities that distinguish the City as a unique living environment.

**Economic Prosperity Element:** The Economic Prosperity Element includes policies intended to ensure that the economy grows in ways that strengthen the City’s industries. The Economic Prosperity Element also provides policies that are intended to improve economic prosperity by ensuring that the economy grows in ways that strengthen industries, retain and create good jobs with self-sufficient wages, increase average income, and stimulate economic investment in communities.

**Public Facilities, Services, and Safety Element:** The Public Facilities, Services, and Safety (Public Facilities) Element addresses facilities and services that are publicly managed, and have a direct influence on the location of land uses. These include Fire-Rescue, Police, Wastewater, Stormwater, Water Infrastructure, Waste Management, Libraries, Schools, Information Infrastructure, Disaster Preparedness, and Seismic Safety.

**Recreation Element:** The Recreational Element designates areas for neighborhood parks, community parks, resource-based parks and open space. The City of San Diego has over 38,930 acres of park and open space lands that offer a diverse range of recreational opportunities. The project site is partially identified as open space lands in the Recreational Element.

**Conservation Element:** The Conservation Element contains policies to guide the conservation of resources that are fundamental components of San Diego’s environment, that help define the City’s identity, and that are relied upon for continued economic prosperity. Resources that are discussed in this Element include: water, land, air, biodiversity, mineral, natural materials, recyclables, topography, views, energy, and agriculture.

**Noise Element:** The Noise Element provides goals and policies to guide compatible land uses and incorporates noise attenuation measures for new uses to protect people living and working in the City from an excessive noise environment. This purpose becomes more relevant as the City continues to grow with infill and mixed-use development consistent with the Land Use Element.

**Historic Preservation Element:** The Historic Preservation Element addresses both historical and cultural resources within the City. The intent of this element is to guide preservation, protection and rehabilitation of such resources in order to maintain the City’s history and culture.

**Housing Element:** The Housing Element is updated every 8 years based on the Regional Housing Needs Assessment (RHNA) issued for San Diego County. The City of San Diego’s portion of the County’s RHNA target for the 2021–2029 Housing Element period is 108,036 homes. The Housing Element demonstrates how the City will achieve the RHNA, including housing goals for each income group. Seniors are one of the population groups specifically addressed in the Housing Element.

### **North City Future Urbanizing Area Framework Plan**

In 1992, the City Council adopted the NCFUA Framework Plan to address the growth management strategy from the 1979 General Plan through comprehensive planning of this portion of the Future Urbanizing Area. As explained in the City of San Diego Planning Department website, there is no “typical” community plan for this area. Planning and land use policies for this area are contained in the NCFUA Framework Plan and the City’s General Plan.

The NCFUA Framework Plan identifies five planning subareas for preparation of comprehensive Subarea Plans. The proposed project site is located within Subarea II. At one time, Subarea II consisted of mostly privately owned land with multiple property owners that was being used as agriculture or remained undeveloped. Currently, much of Subarea II is within public ownership as open space. Accordingly, a Subarea Plan was never prepared for Subarea II unlike the other subareas. The NCFUA Framework Plan provides guidance on permitted development within the NCFUA without need for a phase shift and subsequent vote of the electorate. Per Council Policy 600-29, The Framework Plan refers to four development alternatives for projects within the NCFUA and zoned A-1:

1. Development pursuant to A-1 regulations. In most of the NCFUA Framework Plan, this could result in a maximum development intensity of one housing unit per ten acres. Other allowable uses are

churches, private stables, commercial riding, training or boarding horse stables, and most agricultural uses;

2. Development pursuant to Rural Cluster Development regulation at the density permitted by the A-1 zone, which would result in the same maximum development intensity, but with development clustered to promote retention of open space and future development opportunities;
3. Development pursuant to conditional use permit regulations “provided that the conditional uses are natural resource dependent, non-urban in character and scale, or are of an interim nature which would not result in an irrevocable commitment of the land precluding future uses.”
4. Development pursuant to the Planned Residential Development (PRD) regulations at a density not to exceed one dwelling unit per four acres.

The project is located within the northwestern extent of the NCFUA Framework Plan boundary and the NCFUA Framework Plan provides a vision for development of the future urbanizing area. Figure 5.1-1, City of San Diego Community Plan Area, depicts the boundary of the project site and NCFUA community. The NCFUA Framework Plan seeks to preserve the natural features of the plan area including scenic and biological resources and incorporating these features in human landscapes (City of San Diego 1992). The goal of the NCFUA Framework Plan is to prevent premature urbanization until it has been determined that development will accommodate the City’s growth. By defining the built environment, with an environmental component, and concentrating development in specific areas, the NCFUA Framework Plan has proven to be a successful tool in reducing urban sprawl. The NCFUA Framework Plan includes the following chapters: Framework Plan Overview, NCFUA Framework Plan Implementation, Land Use, Urban Design, Open Space, Transportation, Affordable Housing and Housing for Persons with Special Needs, and Public Facilities Needs and Financing. The goals and objectives of each of the elements that are relevant to the project are identified below.

**Land Use Element:** According to the Land Use element of the NCFUA Framework Plan, the site is designated as Very-Low Density Residential and Environmental Tier (Figure 5.1-2). Per the overall planning concept, higher intensity uses, including mixed-use community cores and employment centers, cover a relatively small land area but are important in the ultimate identity and function of the NCFUA Framework Plan (City of San Diego 1992). A guiding principle of the Land Use Element is to create a pattern of land use and conservation that is clearly distinguishable from surrounding neighborhoods and that fosters appealing and enjoyable neighborhoods and business districts. Additional guiding principles include limiting adverse impacts on surrounding communities by providing needed public facilities within the NCFUA Framework Plan and including public facilities in the NCFUA Framework Plan that meet the needs of residents and provide for convenience and community identity. Included in the Land Use Element are allowable residential densities, appropriate housing types and compatible activities, intensities and allowable uses in commercial

development areas, and development programs for mixed-use community cores. The project site's designated land use is Very Low-Density Residential 0.8 dwelling unit/gross acre average and Environmental Tier (see Figure 5.1-2). Compatible activities within the Very Low-Density Residential land use category include (among other activities) group housing and the Environmental tier consists of "open space lands with high natural resource value that function as natural habitat, form connections to surrounding open spaces, and give shape and definition to surrounding built areas" (City of San Diego 1992).

Relevant policies of the Land Use Element specific to Subarea II include Policy 3.4h, which states that "sites located along Via de la Valle and El Camino Real are less suitable for residential uses than for public and semi-public uses that are also allowed" and that "along El Camino Real public and semi-public activities would ideally be uses that take up a relatively small portion of the site and where architecture can be in harmony with surrounding open space" (City of San Diego 1992). Policy 3.4k is also relevant to the project and states that "the subarea plan for this area shall incorporate the policies in the North City Local Coastal Program (LCP) to limit filling and development of the 100-year floodplain of the San Dieguito River and the grading of scenic slopes on the southern end of the valley" and "the subarea plan shall also address buffering wetlands adjacent to development, the maintenance of viable habitats in this area."

**Urban Design Element:** The urban design principles build on citywide policies of the General Plan, as well as the City's Land Guidance System. The goal of this element to develop communities with densities that promote pedestrian activity, transit use, urban character, mixed use development, and accessible public places. The planning and design of all development strives to create a high-quality pedestrian environment, follow design principles for local mixed-use centers, and open up public view corridors.

**Open Space Element:** Open space areas separate and give form to developed areas, providing a visual break and opportunity for recreational pursuits. The NCFUA Framework Plan remained largely undeveloped while surrounding areas became urbanized due to its irregular and varied topography and high natural resource value. Retention of these qualities is a key objective of the Open Space Element. The Open Space Element identifies lands to be retained in permanent open space and establishes principles for sensitive treatment of natural features in development areas. Relevant guiding principles of the Open Space Element include the following:

- 5.1a ("create an environmental tier, an interconnected, viable system of natural open space that serves to protect and conserve cultural resources")
- 5.1c ("preserve floodplains and significant topographic features such as canyons, ridges and hillsides"), 5.1e ("provide for refinement of the environmental tier as shown on the Framework Plan diagram based on field assessment of resources and detailed land use Planning")

- 5.1f (“Within the environmental tier, provide for some low-impact forms of recreation such as walking, bicycling and nature watching”)
- 5.2a (“the environmental tier shown in the Framework Plan diagram may be refined during subarea and project planning provided such refinements are consistent with the principles of this section”)
- 5.2d ( “Because of the importance of continuous open space that provides for plant and animal movement, portions of the environmental tier may not be eliminated based solely on an absence of sensitive resources within the area designated. Function as an open space corridor or groundwater recharge area may be sufficient to warrant inclusion in the environmental tier” ) (City of San Diego 1992)

**Transportation Element:** Design of a multimodal transportation system has been one of the primary purposes of the NCFUA Framework Plan process. Despite the location of NCFUA between two major north-south freeways, road connections in and out of the NCFUA Framework Plan are limited, and existing congestion in surrounding communities limits the intensity of development. Two transportation objectives have strongly influenced the design of the Framework Plan: the need to limit traffic impacts in adjoining neighborhoods and the need to accommodate densities and land use patterns supportive of transit usage and walking and bicycle usage.

### **City of San Diego Municipal Code and Zoning**

Zoning for the project site is currently designated by the City as Agricultural-Residential (AR-1-1) (Figure 2-4, City of San Diego Zoning) and the site is located within the Coastal Act Coastal Zone. According to San Diego Municipal Code (SDMC) 131.0301, the purpose of the AR zone is to accommodate a wide range of agricultural uses while also permitting residential development opportunities of varying densities with the Planned Development Permit (City of San Diego 2021a). The AR-1-1 zone requires minimum 10-acre lots and a maximum structure height of 30 feet. Pursuant to Section 131.0344 of the SDMC, a structure in the AR-1-1 zone may exceed the 30-foot structure height limit if the front, side, and rear setbacks are each increased by 10 feet for each 10 feet, or portion thereof, of structure height above 30 feet, except as limited by the regulations in Chapter 13, Article 2 (Overlay Zones) (City of San Diego 2021a). Section 131.0322, Use Regulations Table for Agricultural Zones (see Table 11-03B) of SDMC establishes that Hospitals, Intermediate Care Facilities & Nursing Facilities are typically allowed on AR-1-1 lands with a CUP.

Hospitals, Intermediate Care Facilities & Nursing Facilities are subject to Supplemental Regulations found in SDMC 141.0413. The supplemental regulations include requirements for architectural elements reducing building bulk, minimizing impacts on surrounding development, access, parking, storage, service areas, and repair areas. In addition, the supplemental



regulations prohibit Hospitals, Intermediate Care Facilities & Nursing Facilities on Proposition A lands (SDMC 141.0413[a]). The project site is located on Proposition A lands.

Staff determined that nursing facilities are not permitted in agricultural zones on Proposition A Lands pursuant to SDMC Section 141.0413(a). Subsequently, staff determined that the proposed use qualifies for reasonable accommodations pursuant to SDMC Section 131.0466 to allow a deviation to the regulation prohibiting Nursing Facilities in Proposition A Lands in accordance with SDMC Section 131.0466 via Process 1 review. The federal Fair Housing Act (42 USC 3601–3619) and the California Fair Housing and Employment Act (Govt Code 12900–12996) require local jurisdictions to make reasonable accommodations to afford disabled persons an equal opportunity to use and enjoy housing accommodations or a dwelling. San Diego’s procedures for implementing reasonable accommodation are found in SDMC 131.0466. The adoption of an Uncodified Conditional Use Permit (CUP) Ordinance would allow for development of the Assisted Living Facility with a CUP and would be consistent with the federal, state and local statutory requirements to reasonably accommodate a Hospitals, Intermediate Care Facilities & Nursing Facilities within Proposition A lands.

### **Multiple Species Conservation Program**

The MSCP is part of a comprehensive habitat conservation planning program for southwestern San Diego County. A goal of the MSCP is to preserve a network of habitat and open space, protecting biodiversity while allowing development of less sensitive lands. Local jurisdictions, including the City, implement their portions of the MSCP through subarea plans, which describe specific implementing mechanisms.

The City’s MSCP subarea plan was adopted in March 1997. The MSCP subarea plan is a plan and process for the City to issue permits under the federal and state Endangered Species Acts and the California Natural Communities Conservation Planning Act of 1992. The primary goal of the MSCP subarea plan is to conserve viable populations of sensitive species and to conserve biodiversity while allowing for reasonable economic growth.

“MSCP Covered” refers to species covered by the City’s Federal Incidental Take Permit issued pursuant to Section 10(a) of the federal Endangered Species Act (16 USC 1539[a][2][A]). Under the federal Endangered Species Act, an incidental take permit is required when non-Federal activities would result in “take” of a threatened or endangered species. A Habitat Conservation Plan (HCP) must accompany an application for a Federal Incidental Take Permit. Take authorization for federally listed wildlife species covered in the HCP shall generally be effective upon approval of the HCP.

## Multi-Habitat Planning Area

The MHPA consists of areas within which the permanent MSCP preserve would be assembled and managed for biological resources. Lands within the City of San Diego MHPA are proposed to be conserved by one of the following five methods: 1) conservation of existing public lands; 2) land use restrictions of property within the MHPA through zoning regulations; 3) open space exactions directed toward building the MHPA imposed on new development outside the MHPA; 4) open space previously set aside on private lands for conservation as part of the development process; and 5) public acquisition of private lands.

## Land Use Adjacency Guidelines

The City's MSCP Subarea Plan (City of San Diego 1997) provides Land Use Adjacency Guidelines in Section 1.4.3 to avoid or reduce significant indirect impacts to MHPAs from adjacent land uses. The Land Use Adjacency Guidelines include drainage, lighting, noise, and slope grading recommendations for adjacent development, as well as recommendations for avoiding or redirecting toxic chemicals (e.g., from landscape or agricultural fertilization) and prohibition of the planting of invasive species. Considering the Assisted Living Facility parcel location, the project is subject to the MHPA Land Use Adjacency Guidelines. As such, the following guidelines are applicable:

- **Drainage.** All new and proposed parking lots and developed areas in and adjacent to the preserve must not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. These systems should be maintained approximately once a year, or as often as needed, to ensure proper functioning. Maintenance should include dredging out sediments if needed, removing exotic plant materials, and adding chemical-neutralizing compounds (e.g., clay compounds) when necessary and appropriate.
- **Toxics.** Land uses, such as recreation and agriculture, that use chemicals or generate by-products such as manure, that are potentially toxic or impactful to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. Such measures should include drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials. Regular maintenance should be provided. Where applicable, this requirement should be incorporated into leases on publicly owned property as leases come up for renewal.
- **Lighting.** Lighting of all developed areas adjacent to the MHPA should be directed away from the MHPA. Where necessary, development should provide adequate shielding with non-

invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting.

- **Noise.** Uses in or adjacent to the MHPA should be designed to minimize noise impacts. Berms or walls should be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA. Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species. Adequate noise reduction measures should also be incorporated for the remainder of the year.
- **Barriers.** New development adjacent to the MHPA may be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.
- **Invasives.** No invasive non-native plant species shall be introduced into areas adjacent to the MHPA.
- **Brush Management.** Brush management zones will not be greater in size than is currently required by the City's regulations (this includes use of approved alternative compliance). Within Zone 2 the amount of woody vegetation clearing shall not exceed 50% of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the Zone 2 area will be the responsibility of a home-owner's association or other private party.
- **Grading/ Land Use Development.** Manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA.

### ***San Dieguito River Park Concept Plan***

The San Dieguito River Park Concept Plan establishes the vision and goals for the future use of the San Dieguito River Valley as determined by the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA), its member agencies, and the JPA citizens advisory committee (JPA 2002). The overarching goal of the concept plan is to create a greenway and open space park system linking Anza Borrego Desert State Park to the Pacific Ocean and to "ensure the preservation and protection of the sensitive resources within the San Dieguito River Valley Regional Open Space Park's Focused Planning Area (FPA)" (JPA 2002). Also, the plan notes that in order to achieve this goal "all future proposals within the planning area should be consistent with the goals, objectives, and development standards set forth in this plan" (JPA 2002). The FPA for the San Dieguito River Park extends along a 55-mile corridor stretching from the just east of Volcan Mountain and ending at the mouth of the San Dieguito River in Del Mar, encompassing approximately 80,000 acres of relatively open land that corresponds to the viewshed of the San Dieguito River Valley. The concept plan

contains park objectives, park plan concepts regarding the preservation of the existing character of the valley, preservation of sensitive biological resources and cultural resources, and design and development standards and also discussed proposed park facilities including the Coast to Crest Trail, a proposed linear trail system traversing the entire length of the FPA. In the vicinity of the project site the proposed alignment of the Coast to Crest Trail is located north of the San Dieguito River and traverses the Southern California Edison Wetlands Restoration Project site. Further, the concept plan provides generalized land use and design recommendations for areas within the FPA but notes that “the JPA itself does not have land use authority over the properties within the FPA” and therefore looks to the JPA member agencies to incorporate the goals and recommendation of the concept plan into general plans or “appropriate planning documents” (JPA 2002).

The project site is located in the San Dieguito River Park Concept Plan western units and more specifically, within the western extent of Landscape Unit B, Gonzales and La Zanja Canyons. Landscape Unit B is noted for its drainages that provide important habitat links and open space connections to landscapes to the south including the Los Peñasquitos Canyon Preserve. The concept plan notes that the preservation of the various finger canyons of the landscape units would “maintain habitat potential and the natural scenic character of the area as viewed from the valley floor” and that “the mesas and upland slopes of these drainages...are a very important frame to the view of the valley as it narrows” (JPA 2002). Special design considerations for Landscape Unit B include the dedication of space corridors in La Zanja and Gonzales Canyons in future development proposals, development setbacks from the top of slope on adjacent ridgelines to reduce its visibility from the FPA and provide an upland transition area, architectural treatments and landscaping sensitive to the views from the park, and the construction of canyon overlooks/viewpoints in future development proposals (JPA 2002).

### **5.1.3 IMPACT ANALYSIS**

#### **5.1.3.1 Issue 1: General Plan and Community Plan Consistency**

***Issue 1: Would the project result in a conflict with the environmental goals, objectives, and recommendations of the community plan in which it is located?***

#### **Threshold**

According to the City's CEQA Significance Determination Thresholds (City of San Diego 2022), land use compatibility impacts may be significant if the project would:

- Conflict with the environmental goals, objectives, or guidelines of a community or general plan.

For this area, the NCFUA Framework Plan functions as the community plan. Thus, this plan is discussed below.

## **Impact**

### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.1, the project is consistent with the policies contained in the City's adopted General Plan and NCFUA Framework Plan with approval of the CUP, Site Development Permit (SDP), and PDP for the project, as well as with the approval of the MHPA boundary line adjustment. The project is considered to be consistent with the applicable goals and policies contained within the existing General Plan and NCFUA Framework Plan. However, the height of the Church dome exceeds the height limit outlined in the San Dieguito River Park Concept Plan (30 feet) and therefore is inconsistent with one of the objectives of the Concept Plan, which states that Structures located within the view of the San Dieguito River Valley Regional Open Space Park's Focused Planning Area generally low in profile and utilize upper story setbacks so as not to be visually prominent as viewed from within the valley floor. Despite the identified inconsistency between the proposed project and the Concept Plan, the City's adopting resolution of the Concept Plan (Resolution Number R-301582) states that "where there is a substantive conflict between the provisions of the Concept Plan and any City regulation or policy, the City regulation or policy shall take precedence over the Concept Plan" (City of San Diego 2006). With the increased setback of the Church building and multipurpose hall, deviations from the maximum permitted height of structures associated with the underlying AR-1-1 zone and height increases were permitted by SDMC 131.0344, and the Municipal Code took precedence over the Concept Plan. Therefore, the project was determined to be consistent with the applicable goals and policies contained within the existing General Plan and NCFUA Framework Plan.

As such, the 2014 Church EIR determined land use impacts as they relate to Issue 1 were less than significant. Refer to 2014 Church EIR Chapter 5.1 for additional details.

### ***Changes in Circumstances/New Information***

#### **City of San Diego General Plan/NCFUA Framework Plan**

The Assisted Living Facility parcel is designated as Residential and Park, Open Space and Recreation in the General Plan's Land Use Element. While this is the same existing land use and zoning as previously identified in the 2014 Church EIR, this project proposes a new land use on the site: a Nursing Facility.

Since the 2014 Church EIR was certified, there have been various updates to the City of San Diego General Plan including: the Land Use and Community Planning Element updates (June 29, 2015, text updates and Land Use and Street System Map updated September 10, 2020); Mobility Element update (June 29, 2015); Economic Prosperity Element (updated June 29, 2015); Public Facilities, Services, and Safety Element (updated December 14, 2021); Recreation Element (updated August 3, 2021); Noise Element (updated June 29, 2015); and the Housing Element (updated June 2021). The Assisted Living Facility's consistency with pertinent goals, policies, and recommendations with the current City of San Diego General Plan are provided in Table 5.1-1. Overall, as shown in the consistency table, the Assisted Living Facility would be consistent with all of the applicable goals and policies contained within the existing General Plan.

The General Plan includes Agricultural Resources Goal L, which concerns the "retention of productive agricultural lands." Development of the Assisted Living Facility parcel would result in the loss of approximately 2.85 acres of land that have been designated as potential locally important agricultural lands. The designated land, however, does not qualify as "productive" agricultural lands. Efforts to farm the land have not been productive, in large part because the high cost of water has made it unprofitable to farm the land. Efforts to address the high cost of water resulted in the installation of a water tank in 2014 on the site and the use of well water for agriculture, but that water was unacceptable for most crops because of a high concentration of particulates. More recent efforts have included the installation of a water filtration system in an effort to address the problem with the well water. Although efforts to farm the land have been recently made, the land is not productive, is adjacent to biologically sensitive MHPA land, and is also adjacent to residential and church uses that limits the ability to farm the land. Thus, the project does not result in the loss of productive agricultural lands, and the project does not conflict with Agricultural Resources Goal L. The Assisted Living Facility is located within Proposition A lands, characterized by very low density residential, open space, natural resource-based park, and agricultural uses and is a system to address future growth and development outlined in the Land Use Element of the General Plan. The majority of the land within the NCFUA Framework Plan Subarea II is under public ownership as open space; the few remaining undeveloped privately owned-sites are constrained by their small size and/or the presence of environmentally sensitive lands. Subarea II remains subject to the restrictions of Proposition A. Nearly half (43%, 580 acres) of the estimated 830 acres which comprise Subarea II lie within the Environmental Tier and are intended for protection as open space and would be restricted from future development. This area is the location of the San Dieguito Lagoon Wetland Restoration Project Phase II which will establish coastal salt marsh wetlands and associated habitats within the lagoon. SANDAG, Caltrans, and the San Dieguito River Park JPA are overseeing the restoration; it is also serving as mitigation for the City of San Diego's El Camino Real Bridge Replacement Project. The San Dieguito Lagoon Wetland Restoration Project encompasses approximately 154 acres of land east of Interstate 5 and adjacent to the San Dieguito River. This

project will create and restore wetland upland habitat, supplementing restoration efforts completed within the San Dieguito Lagoon in 2012.

The balance of the area (250 acres) is designated for very-low or estate residential development. Future development at these intensities would also require a General Plan Amendment and phase shift to remove these areas from Proposition A Lands. Also, much of this area is constrained by the presence of environmentally sensitive lands. The development area within the southwest quadrant of the intersection of San Dieguito Road and El Camino Real lies adjacent to the Environmental Tier, while the area on the west side of El Camino Real is dominated by steep slopes covered by sensitive vegetation. The project site is one of several sites remaining in private ownership within Subarea II. The project would located proposed development to avoid environmentally sensitive lands and would conserve Environmental Tier lands onsite as open space.

The project would be consistent with Proposition A - The Managed Growth Initiative Goal, which states "Future growth and development that is consistent with current land use intensity or that is subject to a "phase-shift" process to approve increased intensity. Continued adherence to the NCFUA Framework Plan and other adopted subarea plans." The NCFUA Framework Plan refers to four development alternatives for projects within the NCFUA Framework Element and zoned A-1, outlined in Section 5.1.2, above. Of those four development alternatives, which are part of both the NCFUA Framework Element and Council Policy 600-29 "Maintenance of Future Urbanizing Area as an Urban Reserve," three development alternatives (alternatives 1, 2, and 4) are not applicable to the project.

The project is consistent with NCFUA Framework Plan development alternative 3, which allows for development pursuant to conditional use permit regulations "provided that the conditional uses are natural resource dependent, non-urban in character and scale, or are of an interim nature which would not result in an irrevocable commitment of the land precluding future uses." The Assisted Living Facility has been designed to be non-urban in character and scale and is consistent with the applicable NCFUA Framework Plan policies (refer to Table 5.1-2). Although the NCFUA Framework Plan does not define non-urban in character and scale, the Assisted Living Facility's non-urban characteristics are addressed through its massing, scale, setbacks, and lot coverage, as discussed below.

The Church site is 13.36 acres, with 2.35 developable acres, as explained in the 2014 Church EIR. The Assisted Living Facility is 3.97 acres, with 2.84 developable acres as explained in Chapter 3, Project Description. As such, only approximately 30 percent of the project site would be developable. The total 5.23 developable acres of the combined sites represents six-tenths of one percent of the total area of Subarea II, and two percent of the developable area. As described in Section 3.3.2.1, the proposed Church would have a lot coverage of 40,960 sf while the proposed structures associated with the Assisted Living Facility would have a lot coverage of 34,525 sf. Therefore, only approximately 10 percent of the project site would be covered by structures.

Further, the Assisted Living Facility would be consistent with the AR-1-1 zoning, which requires minimum 10-acre lots, establishes a maximum structure height of 30 feet, a minimum side yard setback of 20 feet, and a minimum rear yard setback of 25 feet. Included in these zoning regulations is an allowance to increase building height when setbacks are increased; this is not a discretionary action or a deviation, as it is allowed by the zoning ordinance. While the underlying AR-1-1 zone accommodates a wide range of agricultural uses and the development of single dwelling unit homes at a very-low density, Hospitals, Intermediate Care Facilities & Nursing Facilities are also permitted but subject to a CUP. Per Section 3.3.2.1, the Assisted Living Facility would provide greater than the minimum 20-foot setback from adjacent properties in accordance with the zoning (AR-1-1). More specifically, the Assisted Living Facility is providing setbacks of 45 feet 0 inches (north side yard), 187 feet 7 inches (back), 30 feet 0 inches (south side yard), and 63 feet 9 inches (front), which would allow for the increased height of 40 feet per SDMC 131.0344. The Assisted Living Facility would not exceed 40 feet in height and would be consistent with the applicable AR-1-1 development regulations of SDMC, given the increased setback of 20 feet. According to Section 131.0331, Table 131-03C, the maximum lot coverage for AR-1-1 is 10%. As discussed above, the lot coverage of the Assisted Living Facility project site would be 10%, consistent with the AR-1-1 zone. Through compliance with those AR-1-1 zone requirements, the building design and site plan of the Assisted Living Facility would be non-urban in character and would also be consistent in bulk and scale to surrounding development. While surrounding development in the area lacks a consistent architectural theme, the Mediterranean style of the Assisted Living Facility would include design features that would be compatible with design features (primarily, multistory construction, light colored, stucco clad exteriors, red tiled roofs, and landscaped yards), displayed by development in the surrounding area, including the broad San Dieguito River Valley landscape. More specifically, the Assisted Living Facility would feature a light, adobe-like exterior that would display earth-tone colors which would tend to recede into the background landscape with distance. The Assisted Living Facility includes the use of terra cotta tile roofs and the landscape plan specifies the planting of native and non-invasive exotic shrubs and groundcover, grasses, lawn, evergreen accent trees, and large and small canopy trees. The Assisted Living Facility includes the use of stucco walls, wood trellis, limestone, and terracotta tile roofs, which would relate to the surrounding rural character of the area (see Section 5.9.3 for additional discussion).

In addition, the development would be limited to the disturbed area of the site and the MHPA (Environmental Tier) area would be preserved. More specifically, the open, natural, non-urban character of the site would be retained in the eastern portion of the site, where 1.12 acres of the Assisted Living Facility parcel would be retained as open space in accordance with the existing designated MHPA. This area would be covered by a Covenant of Easement in conformance with the City's Environmentally Sensitive Lands regulations and maintained as open space in perpetuity. In addition, per Section 3.3.2.5, a total of 29,967 sf of landscaped area is proposed within the Assisted Living Facility site. This landscaping would be provided throughout the Assisted Living Facility but



focuses heavy landscaping along the southern and eastern boundaries adjacent to the Villas at Stallions Crossing development and MHPA (Figure 3-4a, Landscape Plan – Shrub Plan). The open space and landscaped areas would comprise approximately 45.6 percent of the Assisted Living Facility site, consistent with the generally natural character of the site and the surrounding area. Further, the Assisted Living Facility includes interior site landscaping and landscaping along the structure and site perimeter to visually screen and soften the building and gradually transition development to the natural environment of adjacent natural open space to the east.

In addition, operationally, Intermediate Care and Nursing Facilities are ideally located within non-urban areas because, they are developed with low intensity uses which result in less traffic and noise, and allow for safe areas for occupants to walk nearby, and provide access and connection to nature and quiet outdoor areas. Such locations tend to promote better health outcomes for recuperating and aging populations.

In addition, as described in Section 5.9.3.3, Subarea II of the NCFUA consists primarily of undeveloped open space, much of which is programmed for natural resource preservation for the purpose of mitigation. Existing development (i.e., church, single-family residential, and equestrian uses) are focused in the eastern extent of the subarea, east of El Camino Real, and in the immediate vicinity of the project site. Development potential in the vicinity of the project site is limited to the eastern side of El Camino Real, which has gradually developed with residential, public, and semi-public uses, consistent with the NCFUA Framework Plan. The remaining developable, privately-owned parcels on the eastern side of El Camino Real include the Assisted Living Facility site, and the parcel adjacent to the northeastern-most portion of the Church site, at the intersection of El Camino Real and San Dieguito Road. The western side of El Camino Real is publicly-owned by the City and the San Dieguito River Park Joint Powers Authority, and consists of natural open space and mitigation land that will remain as such. Therefore, siting the Assisted Living Facility on the east side of El Camino Real, within an area that has been previously disturbed and located nearest to existing development is consistent with the development pattern envisioned in NCFUA Framework Plan. Furthermore, road access and public utilities are currently available which could already encourage urban forms of development on the remaining few unencumbered parcels within Subarea II absent project implementation.

In addition, the Assisted Living Facility proposes the adoption of an Uncodified CUP Ordinance to permit the development of a Residential Care Facility (Nursing Facility), pursuant to SDMC Section 131.0466 to allow a deviation to development regulations to afford disabled persons the equal opportunity to use and enjoy a dwelling. Adoption of the uncodified ordinance would make the project consistent with the underlying zoning by exempting the project from SDMC Section 141.0413(a). The uncodified ordinance will apply only to the project site and would not allow the use elsewhere within Prop A lands. The project site's unique circumstances with respect to the

minimal availability of developable land in Subarea II justifies adoption of an uncodified ordinance, which would allow for development of the Assisted Living Facility with a CUP. Nursing facilities were a conditional permitted use through the processing of a CUP at the time of Proposition A passage (The Growth Management Initiative). The prohibition of nursing facilities within the AR-1-1 agriculture zone of Proposition A lands was added to the Municipal Code after Proposition A was approved. However, the Federal Fair Housing Act (42 USC 3601–3619) and the California Fair Housing and Employment Act (Govt Code 12900–12996) require local jurisdictions to make reasonable accommodations so that disabled persons can enjoy housing accommodations and dwellings. The SDMC implements the federal and state requirements for reasonable accommodations in SDMC Section 131.0466. The City may approve a request for reasonable accommodation for the Assisted Living Facility based on its compliance with the SDMC findings for reasonable accommodations.

The Assisted Living Facility would not result in an increase in density or intensity of use from what is allowed with a CUP Amendment in the zone. The Assisted Living Facility would be consistent with the existing zoning framework, General Plan, Council Policy 600-29, and the NCFUA Framework Plan, specifically development Alternative 3, as discussed above, and would require a Proposition A Phase Shift, which would remove these areas from Proposition A Lands with the vote of the electorate.

### ***NCFUA Framework Plan***

The Assisted Living Facility parcel is designated as Very Low-Density Residential and Environmental Tier in the NCFUA Framework Plan. The Assisted Living Facility's consistency with goals, policies, and recommendations from the NCFUA Framework Plan are provided in Table 5.1-2. As demonstrated in Table 5.1-2, the Assisted Living Facility would be consistent with all of the applicable goals and policies contained in the NCFUA Framework Plan. The site is located within Subarea II, which in addition to Very Low-Density Residential development, allows for neighborhood or community parks, public and private schools (all levels), places of religious assembly, daycare, group housing, commercial recreation and accessory hotel accommodations, park-and-ride lots, agriculture and other compatible activities identified in subarea plans and in the applicable zoning. In addition, as discussed above and in Table 5.1-2, according to Figure 3-3 of the NCFUA Framework Plan, the Assisted Living Facility site is designated as Very Low Density residential and Environmental Tier. The NCFUA Framework Plan applied the land use designation, but implementation of the Very Low-Density Residential designation requires preparation of a subarea plan, a rezone, and a phase shift. The Assisted Living Facility does not propose to implement the Very Low-Density Residential designation but rather a CUP Amendment for development of a nursing home, consistent with the site's zoning. Development associated with the Assisted Living Facility would, however, occur on the western mesa portion of the parcel intended for low density residential development and would avoid development in the Environmental Tier. As discussed in Section 3.3, the eastern 1.12 acres of

the Assisted Living Facility site that is in the Environmental Tier and would be covered by a Covenant of Easement. In addition, the project would include on-site buffers between the proposed Assisted Living facility building, and adjacent residential uses and Environmental Tier. Thus, the Assisted Living Facility would contribute to the City's implementation of the MSCP and would be consistent with the Environmental Tier designation of the site.

The goal of the NCFUA Framework Plan is to prevent premature urbanization until it has been determined that development will accommodate the City's growth. By defining the built environment, with an environmental component, and concentrating development in specific areas, the NCFUA Framework Plan has proven to be a successful tool in reducing urban sprawl. Development within the NCFUA has historically been low intensity. As discussed above and in Section 5.9.3.3, Subarea II of the NCFUA consists primarily of undeveloped open space, including land acquired by agencies for natural resource preservation and mitigation. Existing development (i.e., church, single-family residential, and equestrian uses) is focused in the eastern extent of the subarea, east of El Camino Real, and in the immediate vicinity of the project site. Further, residential development in the adjacent communities of Pacific Highlands Ranch and Carmel Valley, commercial development along Via de la Valle, and recreational and residential development in the Fairbanks Ranch Country Club area contribute urban and suburban characteristics to the surrounding area. Locating the Assisted Living Facility on the east side of El Camino Real, within a site that has been currently undeveloped but previously disturbed, and adjacent to existing development is consistent with the NCFUA Framework Plan development alternative number 3.

Therefore, as discussed herein, the proposed Assisted Living Facility would be consistent with the Nursing Facility use which is allowed in the zone with a CUP Amendment adopted via an Uncodified CUP Ordinance.

### **Conclusion**

With approval of the CUP Amendment with an Uncodified CUP Ordinance, SDP Amendment, and a Neighborhood Use Permit (NUP) to allow for a Comprehensive Sign plan and associated project signage, the Assisted Living Facility would not conflict with the policies contained in the City's adopted General Plan and NCFUA Framework Plan and no conflict with the General Plan or the NCFUA Framework Plan, functioning as the community plan, would occur.

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

<b>Goal/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
<i>Land Use and Community Planning Element- Updated 2015</i>			
General Plan Land Use Category Goal	Land use categories and designations that remain consistent with the general plan land use categories as community plans are updated and/or amended.	The Assisted Living Facility site is designated “Residential” and “Parks, Open Space and Recreation.” As indicated in the General Plan Land Use Element (page LU-3), “Planned land uses are the recommended land use designations as identified in the adopted community plans.” As discussed in the NCFUA Framework Plan analysis in Table 5.1-2, the proposed land uses would be consistent with the NCFUA Framework Plan with the adoption of the Uncodified CUP Ordinance to allow development of a Residential Care Facility (Nursing Facility) with a CUP in the AR-1-1 zone through an uncodified ordinance.	Consistent
Policy LU-C.1b	Rely on community plans for site-specific land use density designations and recommendations.	The site is not located within a typical community plan. The site is within the NCFUA Framework Plan, which designates the site as Very Low-Density Residential and Environmental Tier.	Consistent
Policy LU-H.1f	Provide a full range of senior housing from active adult to convalescent care in an environment conducive to the specific needs of the senior population.	This project would provide an Assisted Living Facility that would assist in providing such care in the City of San Diego. The Assisted Living Facility would provide specific amenities to support seniors including on-site memory care, nursing facilities, housekeeping service, and meal service.	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

<b>Goal/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
Policy LU-H.7	Provide a variety of different types of land uses within a community in order to offer opportunities for a diverse mix of uses and to help create a balance of land uses within a community.	This Assisted Living Facility would be adjacent to two churches, single-family residential development, and open space. The project would integrate the proposed Assisted Living Facility into the community. As such, the project would contribute to creating a diverse land use pattern capable of accommodating the diverse people of the City of San Diego.	Consistent
Policy LU-I.1	Ensure environmental justice in the planning process through meaningful public involvement. <ul style="list-style-type: none"> <li>a. Assure potentially affected community residents that they have opportunities to participate in decisions that affect their environment and health and that the concerns of all participants involved will be considered in the decision-making process.</li> <li>b. Increase public outreach to all segments of the community so that it is informative and detailed in terms of process</li> </ul>	Community residents and the Native American Heritage Commission have been included in the public review process and were solicited for review and comments on the SEIR for this project. The City of San Diego Planning Commission acts as the community-planning group for Subarea II of the NCFUA Framework Plan.	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	<p>and options available to the community.</p> <p>c. Consult with California Native American tribes to provide them with an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting or mitigating impacts to cultural places.</p>		
<p>Proposition A - The Managed Growth Initiative Goal</p>	<p>Future growth and development that is consistent with current land use intensity or that is subject to a “phase-shift” process to approve increased intensity.</p> <p>Continued adherence to the North City Future Urbanizing Area (NCFUA) Framework Plan and other adopted subarea plans.</p>	<p>As depicted on Figure LU-4 of the City of San Diego General Plan Land Use Element, the Assisted Living Facility site is identified as Proposition A lands. As explained in Section 5.1.3.1, development of the site as a Nursing Facility is consistent with the AR-1 zone which allows for Nursing Facilities as a conditional use. The project is designed to be non-urban in character and scale through it’s consistency with the AR-1-1 zoning requirements, minimal lot coverage, and through providing landscaping and open space, including a 1.12-acre Covenant of Easement, to be located in the eastern portion of the Assisted Living Facility site. In addition, per Table 5.1-2, the project is consistent</p>	<p>Consistent</p>

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
		with the applicable NCFUA Framework Plan policies. Additionally, the project site’s unique circumstances with respect to the minimal availability of developable land in Subarea II and reasonable accommodation justifies adoption of an Uncodified CUP Ordinance approving a CUP Amendment for a nursing facility. As the Assisted Living Facility would not result in an increase in intensity, is consistent with the AR-1-1 zoning of the site, Council Policy 600-29, and the NCFUA Framework Plan (more particularly development Alternative 3 of the NCFUA Framework Plan, further described under Issue 1, above), project implementation would not require a Phase Shift.	
Policy LU-J.3	Continue to implement Proposition A –The Managed Growth Initiative of 1985 (see Appendix B).	See response above (Proposition A - The Managed Growth Initiative Goal).	Consistent
<i>Mobility Element- Updated 2015</i>			
G. Parking Management Goal	New development with adequate parking through the application of innovative citywide parking regulations.	The Assisted Living Facility proposes 44 standard, 6 carpool spaces, 4 electric vehicle capable spaces, and 3 accessible handicap parking spaces (57 total parking spaces), which is 15 spaces more than required by Chapter 14, Article 2, Division 5, parking Requirements, of the City of San Diego	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
		Municipal Code. According to Table 142-05G, Parking Ratios for Specified Non-Residential Use of the City Municipal Code, Intermediate care facilities and nursing facilities are required to provide 1 parking space per 3 beds. As proposed, the Assisted Living Facility would provide 124 beds and therefore, a minimum of 42 parking spaces are required (City of San Diego 2021b).	
<i>Urban Design Element (2008)</i>			
A.1 General Urban Design Goal	A built environment that respects San Diego’s natural environment and climate.	Of the 3.97-acre property, 1.12 acres or 28% of the site is designated MHPA. The Assisted Living Facility would avoid development within the MHPA. The portion of the site in the MHPA would be covered by a Covenant of Easement and would be maintained as open space in perpetuity.	Consistent
A.6 General Urban Design Goal	Utilization of landscape as an important aesthetic and unifying element throughout the City.	The Assisted Living Facility has incorporated a landscape plan (Refer to Figure 3-4a) into the Assisted Living Facility design (refer to Section 5.9 of this FSEIR). In addition, the Assisted Living Facility has included landscape areas between the Assisted Living Facility and adjacent residential and open space uses to provide a visual buffer.	Consistent
A.3 General Urban Design Goal	A pattern and scale of development that provides visual diversity, choice	The introduction of an Assisted Living Facility with Mediterranean architecture in the City of San	Consistent



**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	of lifestyle, opportunities for social interaction, and that respects desirable community character and context.	Diego would provide visual diversity along El Camino Real. The design includes recreational space that promotes social interaction. The Mediterranean architecture style would be consistent with the neighborhood character of the residential development to the south. The Assisted Living Facility would also include a landscape plan with appropriate landscaped buffers.	
Policy UD-A.1	Preserve and protect natural landforms and features. Protect the integrity of community plan designated open spaces. Continue to implement the Multiple Species Conservation Program to conserve San Diego’s natural environment and create a linked open space system. Preserve and enhance remaining naturally occurring features such as wetlands, riparian zones, canyons, and ridgelines.	The site is not located within a community plan, but is partially designated as MHPA. The Assisted Living Facility site is designated Very Low-Density Residential and Environmental Tier in the NCFUA Framework Plan. The MHPA area would be preserved in perpetuity as open space via a conservation easement. Thus, the Assisted Living Facility would contribute to the City’s implementation of the MSCP.	Consistent
Policy UD-A.3	Design development adjacent to natural features in a sensitive	a. The Assisted Living Facility development is not located on a hillside parcel.	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	<p>manner to highlight and compliment the natural environment in areas designated for development.</p> <ul style="list-style-type: none"> <li>a. Integrate development on hillside parcels with the natural environment to preserve and enhance views, and protect areas of unique topography.</li> <li>b. Minimize grading to maintain the natural topography, while contouring any landform alterations to blend into the natural terrain.</li> <li>c. Utilize a clustered development pattern, single-story structures or single-story roof elements, or roofs sloped toward the open space system or natural features, to ensure that the visibility of new developments from natural features and open space areas are minimized.</li> </ul>	<ul style="list-style-type: none"> <li>b. On-site grading would be limited to the previously disturbed areas of the site and outside the MHPA.</li> <li>c. The Assisted Living Facility would be concentrated on the western portion of the parcel on disturbed habitat, and would be adjacent to existing development. Although Assisted Living Facility would be greater than a single story in height and would be visible from adjacent low-lying areas within Gonzales Canyon, the height proposed for the Assisted Living Facility, 40 feet, is permitted by the City of San Diego Land Development Code (see Section 131.0344). The Assisted Living Facility would also include a landscaped buffer between the development and the canyon.</li> <li>d. The Assisted Living Facility would avoid development on the eastern portion of the property and would be setback from Gonzales Canyon. The Assisted Living Facility also includes a landscape buffer between the development and the canyon.</li> <li>e. See above response.</li> </ul>	

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	<p>d. Provide increased setbacks from canyon rims or open space areas to ensure that the visibility of new development is minimized.</p> <p>e. Screen development adjacent to natural features as appropriate so that development does not appear visually intrusive, or interfere with the experience within the open space system. The provision of enhanced landscaping adjacent to natural features could be used to soften the appearance of or buffer development from the natural features.</p> <p>f. Use building and landscape materials that blend with and do not create visual or other conflicts with the natural environment in instances where new buildings abut natural areas. This guideline must be</p>	<p>f. As stated in Section 5.9, Visual Effects and Neighborhood Character, the Assisted Living Facility would feature a light, adobe-like exterior that would display earth-tone colors which would tend to recede into the background landscape with distance. The Assisted Living Facility includes the use of terra cotta tile roofs and the landscape plan specifies the planting of native and non-invasive exotic shrubs and groundcover, grasses, lawn, evergreen accent trees, and large and small canopy trees. The development would be limited to the disturbed area of the site and the MHPA area would be preserved. Additionally, the Assisted Living Facility would include two brush management zones to help reduce fire risk on the site. The design does not conflict with the natural environment.</p> <p>g. As stated in Section 5.9, Visual Effects and Neighborhood Character, recreationists from trails within Gonzales Canyon would have a minimal view of the Assisted Living Facility site. Overall, though portions of the Assisted Living Facility buildings would be visible from nearby</p>	

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	<p>balanced with a need to clear natural vegetation for fire protection to ensure public safety in some areas.</p> <p>g. Ensure that the visibility of new development from natural features and open space areas is minimized to preserve the landforms and ridgelines that provide a natural backdrop to the open space systems. For example, development should not be visible from canyon trails at the point the trail is located nearest to proposed development. Lines-of-sight from trails or the open space system could be used to determine compliance with this policy.</p> <p>h. Protect views from public roadways and parklands to natural canyons, resource areas, and scenic vistas.</p>	<p>trails, the Assisted Living Facility would minimize impacts to views from nearby trails with landscaping that would include occasional plantings of large canopy trees and a pallet of natural building materials and colors. The Assisted Living Facility is also set back and includes landscape buffers.</p> <p>h. The site is not located directly adjacent to a public roadway, and views from El Camino Real across the Assisted Living Facility site towards open space is blocked by the intervening church structures. The Assisted Living Facility would have a less-than-significant impact to public views of open space areas. Refer to Chapter 5.9 for additional details regarding view blockage.</p> <p>i. As stated in Chapter 3.0, Project Description, the Assisted Living Facility site would avoid development in the MHPA. All MHPA area on site would be preserved. No roadways are proposed within open space.</p>	

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	i. Provide special consideration to the sensitive environmental design of roadways that traverse natural open space systems to ensure an integrated aesthetic design that respects open space resources. This could include the use of alternative materials such as “quiet pavement” in noise sensitive locations, and bridge or roadway designs that respect the natural environment.		
UD-A.4. Sustainable Development	Use sustainable building methods in accordance with the sustainable development policies in the Conservation Element.	As outlined in the Waste Management Plan, which can be found in Appendix M, the Assisted Living Facility will implement a target of 20% recycled material for construction materials.	Consistent
Policy UD-A.5	Design buildings that contribute to a positive neighborhood character and relate to neighborhood and community context.  a. Relate architecture to San Diego's unique climate and topography.	a) The Assisted Living Facility consists of a Mediterranean style architecture and would be consistent with the architectural style of the residential community to the south. The Assisted Living Facility includes the use of stucco walls, wood trellis, limestone, and terracotta tile roofs, which would relate to the surrounding rural character of the area and	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	<p>b. Encourage designs that are sensitive to the scale, form, rhythm, proportions, and materials proximate to commercial areas and residential neighborhoods that have a well-established, distinctive character.</p> <p>c. Provide architectural features that establish and define a building’s appeal and enhance the neighborhood character.</p> <p>d. Encourage the use of materials and finishes that reinforce a sense of quality and permanence.</p> <p>e. Provide architectural interest to discourage the appearance of blank walls for development. This would include not only building walls, but fencing bordering the pedestrian network, where some form of architectural variation should</p>	<p>nearby residential and church development. The proposed landscape plan would include native shrubs and groundcover, grasses, accent trees, large and small canopy trees, and vines.</p> <p>b,c) The Assisted Living Facility would be consistent with existing neighborhood character. The Assisted Living Facility has a Mediterranean architecture style, similar to the residential neighborhood to the south. The Assisted Living Facility would act as a transition from the Mediterranean style neighborhood to the Church architecture to the north. The Assisted Living Facility and Church would both consist of natural tones and stucco in finishes. These finishes would blend into the surrounding development. Additionally, the proposed development would have a Floor Area Ratio (FAR) of 0.61, which is in compliance with the zoning code.</p> <p>d-h) Please see response to Policy UD-A.5.a, above, for information about how the Assisted Living Facility would relate to the surrounding neighborhood character. The Assisted Living</p>	

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	<p>be provided to add interest to the streetscape and enhance the pedestrian experience. For example, walls could protrude, recess, or change in color, height, or texture to provide visual interest.</p> <p>f. Design building wall planes to have shadow relief, where pop-outs, offsetting planes, overhangs, and recessed doorways are used to provide visual interest at the pedestrian level.</p> <p>g. Design rear elevations of buildings to be as well-detailed and visually interesting as the front elevation, if they will be visible from a public right-of-way or accessible public place or street.</p> <p>h. Acknowledge the positive aspects of nearby existing buildings by incorporating</p>	<p>Facility does not front directly on El Camino Real. Nonetheless, the Mediterranean architecture style would be visually consistent with the surrounding area and the site has been developed to promote internal pedestrian connectivity.</p>	

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	compatible features in new developments.		
Policy UD-A.6	Create street frontages with architectural and landscape interest to provide visual appeal to the streetscape and enhance the pedestrian experience. <ul style="list-style-type: none"> <li>a) Locate buildings on the site so that they reinforce street frontages.</li> <li>b) Relate buildings to existing and planned adjacent uses.</li> <li>c) Ensure that building entries are prominent, visible, and well-located.</li> <li>d) Maintain existing setback patterns, except where community plans call for a change to the existing pattern.</li> <li>e) Minimize the visual impact of garages, parking and parking portals to the pedestrian and street façades.</li> </ul>	The intent of the landscape design for the Assisted Living Facility is to enhance the architectural style and provide a comfortable pedestrian scale <ul style="list-style-type: none"> <li>a) Proposed building entries will be behind the Church. The frontage of the Assisted Living Facility would be facing the Church to the north. The site does not front on a street.</li> <li>b) The Assisted Living Facility has similar Mediterranean architecture style to that of the surrounding community. Additionally, the Mediterranean architecture style matches the residential development to the south, with the institutional land uses to the west and north of the project site, as it is surrounded by two churches. The Assisted Living Facility would be 40 feet tall, which would exceed the baseline 30-foot height, but would provide the minimum 20- foot setback from adjacent property. The Church, which is currently under construction, is expected to have a 45-foot-high structural component, so the Assisted Living</li> </ul>	Consistent



**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
		Facility would not be the only structure in the surrounding development to be exceeding the baseline height requirement. c) Building entries would be prominent, visible, and easily accessible from the Church parcel. d) The Assisted Living Facility would maintain existing setback patterns, with the exception of adding additional setback because of the increased building height. The Assisted Living Facility would comply with the minimum 20-foot setback required for the increase in building height, which is 10 feet above the baseline 30-foot height baseline. e) The Assisted Living Facility site does not front on a public roadway. Nonetheless, the site design includes landscaping to screen the parking lot areas from surrounding uses and pedestrian areas.	
Policy UD-A.8	Landscape materials and design should enhance structures, create and define public and private spaces, and provide shade, aesthetic appeal, and environmental benefits.	a) The proposed landscape plan would enhance the existing site. The plant palette includes species native to the San Dieguito River Valley as well as non-invasive exotic species.	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	<ul style="list-style-type: none"> <li>a. Maximize the planting of new trees, street trees, and other plants for their shading, air quality, and livability benefits (See also Urban Forestry section of Conservation Element, Policies CE-A.11, CE-A.12, and Section J).</li> <li>b. Encourage water conservation through the use of drought-tolerant landscape.</li> <li>c. Use landscape to support stormwater management goals for filtration, percolation, and erosion control.</li> <li>d. Use landscape to provide unique identities within neighborhoods, villages, and other developed areas.</li> <li>e. Landscape materials and design should complement and build upon the existing character of the neighborhood (See also</li> </ul>	<ul style="list-style-type: none"> <li>b) The planting palette for the site includes trees, shrubs, vines, and groundcover that are water conserving and native to the area.</li> <li>c) As stated in Section 7.4 Hydrology/Water Quality, the Assisted Living Facility proposes Site Design Best Management Practices (BMPs), Source Control BMPs, and Structural Pollutant Control BMPs for the filtration and treatment of runoff. Refer to Appendix L.</li> <li>d) The proposed landscape plan would be used to highlight area of the site as well as provide visual screening from adjacent areas.</li> <li>e) The landscape design would complement the character of the surrounding area (the plant palette includes species native to the San Dieguito River Valley).</li> <li>f) The pedestrian access point to the site would include large canopy trees. Additionally, the walking path surrounding the Assisted Living Facility would include a variety of large canopy trees as well as groundcover and grasses, and both native and non-invasive exotic low-growing ornamental shrubs. Proposed plantings would add interest to the</li> </ul>	

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

<b>Goal/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	<p>Conservation Element, Section J).</p> <p>f. Design landscape bordering the pedestrian network with new elements, such as a new plant form or material, at a scale and at intervals appropriate to the site. This is not intended to discourage a uniform street tree or landscape theme, but to add interest to the streetscape and enhance the pedestrian experience.</p> <p>g. Establish or maintain tree-lined residential and commercial streets. Neighborhoods and commercial corridors in the City that contain tree-lined streets present a streetscape that creates a distinctive character.</p> <p>1. Identify and plant trees that complement and expand on the surrounding street tree fabric.</p>	<p>streetscape and enhance the pedestrian experience.</p> <p>g) (1-3) The Assisted Living Facility is not located on public residential or commercial streets. The Assisted Living Facility site is accessed through the Church and would not be street facing.</p> <p>h) As shown in Figure 3-4b, trees would be located throughout the proposed parking area and throughout the Assisted Living Facility.</p> <p>j) As shown in the proposed landscape plan (Figures 3-4a and 3-4b), the Assisted Living Facility would be landscaped to enhance proper entrances and would direct pedestrians throughout the Assisted Living Facility site.</p>	

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	2. Unify communities by using street trees to link residential areas. 3. Locate street trees in a manner that does not obstruct ground illumination from streetlights. h. Shade paved areas, especially parking lots. j. Use landscaped walkways to direct people to proper entrances and away from private areas.		
Policy UD-A.11	Encourage the use of underground or aboveground parking structures, rather than surface parking lots, to reduce land area devoted to parking.	The Assisted Living Facility proposes a surface parking lot that would accommodate the number of stalls required by the City of San Diego Land Development Code. Parking structures are not currently located in the surrounding area and do not serve the Church or residential development to the south and southeast.	Consistent
Policy UD-A.12	Reduce the amount and visual impact of surface parking lots	a) As shown on Figure 3-1, the Assisted Living Facility does not include street-oriented	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

<b>Goal/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	<ul style="list-style-type: none"> <li>a) Encourage placement of parking along the rear and sides of street-oriented buildings.</li> <li>b) Design clear and attractive pedestrian paseos/pathways and signs that link parking and destinations.</li> <li>c) Use trees and other landscape to provide shade, screening, and filtering of storm water runoff in parking lots</li> </ul>	<ul style="list-style-type: none"> <li>buildings and the site does not front on a public street.</li> <li>b) Pathways between the proposed Assisted Living Facility and outdoor spaces would be easily identifiable and attractively landscaped with by trees, shrubs, groundcovers, and grasses (see Figures 3-4a and 3-4b).</li> <li>c) As shown on Figures 3-4a and 3-4b, trees, native shrubs, and groundcover would be located throughout the parking area. In addition, as stated in Section 7.5, Hydrology/Water Quality, the Assisted Living Facility proposes Site Design BMPs, Source Control BMPs, and Structural Pollutant Control BMPs for the filtration and treatment of runoff.</li> </ul>	
Policy UD-A.13.	<ul style="list-style-type: none"> <li>Provide lighting from a variety of sources at appropriate intensities and qualities for safety.</li> <li>a. Provide pedestrian-scaled lighting for pedestrian circulation and visibility</li> <li>b. Use effective lighting for vehicular traffic while not</li> </ul>	<ul style="list-style-type: none"> <li>a) Pedestrian lighting would be provided on site to ensure safe pedestrian circulation and visibility.</li> <li>b) The proposed vehicular lighting would not overwhelm the quality of pedestrian lighting.</li> <li>c) Security lighting would be provided within the parking areas and structures. In addition, lighting would be provided throughout the</li> </ul>	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	<p>overwhelming the quality of pedestrian lighting.</p> <p>c. Use lighting to convey a sense of safety while minimizing glare and contrast.</p> <p>d. Use vandal-resistant light fixtures that complement the neighborhood and character.</p> <p>e. Focus lighting to eliminate spillover so that lighting is directed and only the intended use is illuminated.</p>	<p>Assisted Living Facility, especially along pedestrian paths.</p> <p>d) All outdoor light fixtures would be shielded and consist of vandal-resistant features.</p> <p>e) Outdoor lighting would be shielded to prevent spillover and glare to sensitive land uses.</p>	
Policy UD-A.14.	<p>Provide comprehensive project sign plans to effectively utilize sign area.</p> <p>a. Design signs as a means to communicate a unified theme and identity for the project.</p> <p>b. Include pedestrian-oriented signs to acquaint users with various aspects of a development. Place signs to direct vehicular and pedestrian circulation.</p>	<p>The Assisted Living Facility includes a NUP for a signage plan.</p> <p>a) Assisted Living Facility proposes signage harmonious with the project design.</p> <p>b) Signs would be incorporated throughout the Assisted Living Facility to provide clear direction.</p> <p>c) Proposed signs would also direct pedestrian and vehicular circulation.</p> <p>d) Signage would be designed to be harmonious with the project design.</p>	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	c. Post signs to provide directions and rules of conduct where appropriate behavior control is necessary. d. Design signs to minimize negative visual impacts.		
Policy UD-A.17.	Incorporate crime prevention through environmental design measures, as necessary, to reduce incidences of fear and crime, and design safer environments. a. Design projects to encourage visible space and “eyes on the street” security that will serve as a means to discourage and deter crime through the location of physical features, activities, and people to maximize visibility. b. Define clear boundaries between public, semi-public/private, and private spaces.	a) Due to the Assisted Living Facility location, the site is not visible from the street. Internally, the site would include public spaces near windows and doors that maximize visibility. b) The boundary of the Assisted Living Facility would be clearly defined through project design features including proposed landscaping and fencing. The boundary would also be partially defined by existing fencing along a portion of the western site limits associated with the adjacent Evangelical Formosan Church.	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
<i>Public Facilities, Services, and Safety Element- Updated 2021</i>			
Policy PF-C.1	Require development proposals to fully address impacts to public facilities and services: <ul style="list-style-type: none"> <li>a. Identify the demand for public facilities and services resulting from discretionary projects.</li> <li>b. Identify specific improvements and financing which would be provided by the project, including but not limited to sewer, water, storm drain, solid waste, fire, police, libraries, parks, open space, and transportation projects.</li> <li>c. Subject projects, as a condition of approval, to exactions that are reasonably related and in rough proportionality to the impacts resulting from the proposed development.</li> <li>d. Provide public facilities and services to assure that current levels of service are maintained</li> </ul>	<ul style="list-style-type: none"> <li>a) Adequate infrastructure and services exist to serve the Assisted Living Facility (Refer to Section 7.8, Public Services and Facilities, and Section 7.9, Public Utilities).</li> <li>b) The NCFUA Framework Plan states that, “any development which proceeds prior to the completion of the public facilities financing plan...must pay their estimated share of facilities costs”. The Assisted Living Facility would provide payment of all applicable Development Impact Fees (DIFs).</li> <li>c) The payment of DIFs fees shall be made conditions of approval prior to the issuance of building permits.</li> <li>d) No new facilities would be required to service the Assisted Living Facility (Refer to Section 7.8 Public Services and Facilities, and Section 7.9, Public Utilities).</li> </ul>	Consistent



**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	or improved by new development within a reasonable time period.		
PF-D.13.	Incorporate fire safe design into development within very high fire hazard severity zones to have fire-resistant building and site design, materials, and landscaping as part of the development review process <ul style="list-style-type: none"> <li>a. Locate, design and construct development to provide adequate defensibility and minimize the risk of structural loss from wildland fires.</li> <li>b. Design development on hillsides and canyons to reduce the increased risk of fires from topography features (i.e., steep slopes, ridge saddles).</li> <li>c. Minimize flammable vegetation and implement brush management best practices in accordance with the Land Development Code.</li> </ul>	a-c) While the Assisted Living Facility is located in a VHFHSZ, the Assisted Living Facility site is located on the western portion of the project parcel. Based on the project’s site, land ownership, adjacent to mapped MHPA and wetland buffer areas, and grading plans, the project would not achieve the City’s standard Brush Management Zone (BMZ) widths along the project’s perimeter boundaries. As such, the entire Assisted Living Facility site will be maintained as a BMZ 1 condition that will consist of an irrigated landscape area along with a paved hardscape development area <u>consistent with PDF-FIRE-2</u> and will include all sides of the building to the property line/MHPA Line or 100 feet from the structure. Specifically, BMZ 1, at the wildland/urban interface, extends from the exterior of the structure to between 65 and 100 feet from the northern side of the structure and consists of irrigated landscape areas and BMZ-equivalent hardscape areas. The project is	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	<p>d. Design and maintain public and private streets for adequate fire apparatus vehicles access (ingress and egress), and install visible street signs and necessary water supply and flow for structural fire suppression. e. Coordinate with the Fire-Rescue Department to provide and maintain adequate fire breaks where feasible or identify other methods to slow the movement of a wildfire in very high fire hazard severity zones.</p>	<p>within the Coastal Overlay Zone, <u>which limits the maximum reduction of 30 feet if Zone 2.</u> On the east side of the Assisted Living Facility, BMZ 1 extends from the exterior of the structure up to 35 feet to the MHPA line, with no BMZ 2. Alternative compliance measures for the <del>reduced</del> <u>modified</u> BMZs meet the purpose and intent of Section 142.0412 of the City Code (SDMC 142.0412(i)), thereby minimizing the impacts to undisturbed native and/or naturalized vegetation and avoiding encroachment into the MHPA. Alternative compliance measures would include the following: (1) all windows on the north and east sides of the structure are required to provide exterior glazing in windows (and sliding glass doors) to be dual pane with both panes tempered glass; (2) the entire eastern side of the structure is also required to include 5/8-inch Type X fire rated gypsum sheathing applied behind the exterior covering or cladding (stucco or exterior siding) on the exterior side of the framing, from the foundation to the roof for a facade facing the</p>	

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
		<p>MHPA open space and naturally vegetated areas. Furthermore, the entire development site will be required to be maintained as an all-irrigated low fuel <del>BMZ-1 condition landscape</del> with drought-tolerant, fire resistive plants. See PDF-FIRE-14 through PDF-FIRE-47 in Table 3-2. A Fire Fuel Load Modeling Report (FFLMR) has been prepared for the project and is provided as Appendix O. The FFLMR provides both City and State fire and building code required elements for construction, as well as enhanced, City and state code-exceeding measures along the eastern side of the structure where <del>non-conforming</del><u>modified</u> BMZs occur adjacent to the MHPA. (</p> <p>d) As concluded in Section 5.8, the Assisted Living Facility would have adequate emergency access through the Church. Additionally, the Assisted Living Facility would have signage in the entry to the project site as well as signage visible from the entrance to Church from El Camino Real. Finally, the Assisted Living Facility site would have adequate water supply and flow for fire suppression.</p>	

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
		e) As stated above, the Assisted Living Facility would include alternative brush management zones as well as construction alternatives along the entire eastern side of the Assisted Living Facility, including dual pane dual tempered windows and the installation of an additional layer of 5/8-inch Type X fire rated gypsum sheathing applied behind the exterior covering or cladding (stucco or exterior siding) on the exterior side of the framing, from the foundation to the roof (see PDF-FIRE-36 and PDF-FIRE-47).	
F. Wastewater Goal	Implement environmentally sound collection, treatment, reuse, disposal, and monitoring of wastewater.	As concluded in the Sewer Study for the El Camino Real Assisted Living Facility, adequate wastewater service levels are available for the implementation of the Church and the proposed Assisted Living Facility. Based on the nature and size of the project, the City will have adequate wastewater infrastructure to serve the Church and associated buildings, and the Assisted Living Facility.	Consistent
Policy PF-F.6	Coordinate land use planning and wastewater infrastructure planning to provide for future development	As concluded in the Sewer Study for the El Camino Real Assisted Living Facility, adequate wastewater service levels are available for the implementation of the Church and the proposed Assisted Living	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

<b>Goal/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	and maintain adequate service levels.	Facility. Based on the nature and size of the Assisted Living Facility, the City would have adequate wastewater infrastructure to serve the Church and associated buildings, and the Assisted Living Facility.	
G. Stormwater Infrastructure Goals	Protect beneficial water resources through pollution prevention and interception efforts.	As stated in Section 7.5, Hydrology/Water Quality, the Assisted Living Facility includes Site Design BMPs, Source Control BMPs, and Structural Pollutant Control BMPs for the filtration and treatment of runoff.	Consistent
Policy PF-G.2	Install infrastructure that, where feasible, includes components to capture, minimize, and prevent pollutants in urban runoff from reaching receiving waters and our potable water supplies.	As stated in Section 7.5, Hydrology/Water Quality, the Assisted Living Facility includes Site Design BMPs, Source Control BMPs, and Structural Pollutant Control BMPs for the filtration and treatment of runoff.	Consistent
Policy PF-G.5	Identify and implement BMPs for projects that repair, replace, extend, or otherwise affect the stormwater conveyance system. These projects should also include design considerations for maintenance, inspection, and, as applicable, water quality monitoring.	As stated in Section 7.5, Hydrology/Water Quality, the Assisted Living Facility includes Site Design BMPs, Source Control BMPs, and Structural Pollutant Control BMPs for the filtration and treatment of runoff.	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

<b>Goal/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
H. Water Infrastructure Goal	Ensure a safe, reliable, and cost-effective water supply for San Diego.	Based on the nature and size of the Assisted Living Facility, the Assisted Living Facility is not required to prepare a Water Supply Assessment. The City would have adequate water supplies to serve the Assisted Living Facility.	Consistent
Policy PF-H.3	Coordinate land use planning and water infrastructure planning with local, state, and regional agencies to provide for future development, maintain adequate service levels, and ensure adequate water supply during emergency situations.	Based upon its nature and size, the Assisted Living Facility is not required to prepare a Water Supply Assessment. The City would have adequate water supplies to serve the Assisted Living Facility.	Consistent
I. Waste Management Goals	Maximize diversion of materials from disposal through the reduction, reuse, and recycling of wastes to the highest and best use.	The Assisted Living Facility would comply with all state and local laws regarding solid waste and recycling, as documented in the Waste Management Plan included in Appendix M of this FSEIR.	Consistent
Policy PF-I.2	Maximize waste reduction and diversion (see also Conservation Element, Policy CE-A.8).	The Assisted Living Facility would comply with all state and local laws regarding solid waste and recycling, as documented in the Waste Management Plan included in Appendix M of this FSEIR.	Consistent
Policy PF-I.2.b	Operate public and private facilities that collect and transport waste	The transport of waste and recycled material would be conducted in accordance with federal,	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

<b>Goal/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	and recyclable materials in accordance with the highest environmental standards.	state, and local laws and regulations, as documented in the Waste Management Plan included in Appendix M of this FSEIR.	
Policy PF-I.2.f	Reduce and recycle construction and demolition (C&D) debris to the extent feasible.	The Assisted Living Facility would reduce and recycle construction and demolition debris to the extent feasible, as documented in the Waste Management Plan included in Appendix M of this FSEIR.	Consistent
Q. Seismic Safety Goals	Protection of public health and safety through abated structural hazards and mitigated risks posed by seismic conditions.  Development that avoids inappropriate land uses in identified seismic risk areas.	Refer to Section 7.3, Geologic Conditions. No known faults cross the project or are in the immediate vicinity of the project. Seismic hazards that were considered and deemed less than significant: dynamic settlement, liquefaction, surface fault rupture, ground lurching/ shallow ground rupture, and seiche. The site is at risk of ground shaking from an earthquake in the San Diego area. With adherence to the Update Geotechnical Investigation, Assisted Living Facility, 13860 El Camino Real, City of San Diego California, prepared by GeoSoils, Inc. September 17, 2020, and included in Appendix G, and adherence to applicable Uniform Building Codes, the risk of hazards to the public from seismic conditions would be adequately reduced.	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

<b>Goal/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
Policy PF-Q.1	Protect public health and safety through the application of effective seismic, geologic, and structural considerations.  a. Ensure that current and future community planning and other specific land use planning studies continue to include consideration of seismic and other geologic hazards. This information should be disclosed, when applicable, in the CEQA document accompanying a discretionary action.  c. Require the submission of geologic and seismic reports, as well as soils engineering reports, in relation to applications for land development permits whenever seismic or geologic problems are suspected.	a, c) See above. With adherence to the Update Geotechnical Investigation, Assisted Living Facility, 13860 El Camino Real, City of San Diego California, prepared by GeoSoils, Inc. September 17, 2020, and included in Appendix G, and adherence to applicable Uniform Building Codes, the risk of hazards to the public from seismic conditions would be adequately reduced.	Consistent
Policy PF-Q.2	Maintain or improve integrity of structures to protect residents and preserve communities.	b. See above. With adherence to the Update Geotechnical Investigation, Assisted Living Facility, 13860 El Camino Real, City of San Diego	Consistent



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 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

<b>Goal/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	b. Continue to consult with qualified geologists and seismologists to review geologic and seismic studies submitted to the City as project requirements.	California, prepared by GeoSoils, Inc. September 17, 2020, and included in Appendix G, and adherence to applicable Uniform Building Codes, the risk of hazards to the public from seismic conditions would be adequately reduced.	
<i>Recreation Element (2021)</i>			
Policy RE-A.10.	Encourage private development to include recreation facilities, such as children’s play areas, rooftop parks and courts, useable public plazas, and mini-parks. (see also Urban Design Policies, UD-B.8 and UD-C.5) a. Consider private recreation facilities when evaluating development park needs when it is clearly identified that the facilities and programs provide a public benefit and are bound by easements and agreements that remain in effect in perpetuity according to adopted policies (see also RE-C.6.).	The Assisted Living Facility includes recreational amenities for residents but would not include areas for use by the public.	Consistent

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<b>Goal/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
Policy RE-C.1	Protect existing parklands and open space from unauthorized encroachment by adjacent development through appropriate enforcement measures.	The eastern portion of the Assisted Living Facility site is designated Parks, Open Space, and Recreation by the General Plan. The majority of Assisted Living Facility development would occur on the mesa located west of Gonzales Canyon (the Parks, Open Space, and Recreation land use designation encompasses the low-lying areas of the canyon). The Assisted Living Facility footprint would avoid development into the MHPA.	Consistent
<i>Conservation Element (2008)</i>			
Policy CE-A.5	Employ sustainable or “green” building techniques for the construction and operation of buildings.  a. Develop and implement sustainable building standards for new and significant remodels of residential and commercial buildings to maximize energy efficiency, and achieve overall net zero consumption by 2020 for new residential buildings and 2030 for new commercial buildings.	a) The Assisted Living Facility would be required to meet California Green Building Code standards, which includes requirements that implements water and energy conservation in new buildings.	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	This can be accomplished through factors including, but not limited to: <ul style="list-style-type: none"> <li>• Minimize energy use through innovative site design and building orientation that addresses factors such as sun-shade patterns, prevailing winds, landscape, and sun-screens;</li> <li>• Employing self generation of energy using renewable technologies;</li> <li>• Combing energy efficient measures that have longer payback periods;</li> <li>• Reducing levels of non-essential lighting, heating and cooling; and</li> <li>• Using energy efficient appliances and lighting.</li> </ul>		
CE-A.7	Construct and operate buildings using materials, methods, and mechanical and electrical systems	a-b) As concluded in Section 7.4, Health and Safety, development of the proposed Assisted Living Facility would not result in significant	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

<b>Goal/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	<p>that ensure a healthful indoor air quality. Avoid contamination by carcinogens, volatile organic compounds, fungi, molds, bacteria, and other known toxins.</p> <p>a. Eliminate the use of chlorofluorocarbon- based refrigerants in newly constructed facilities and major building renovations and retrofits for all heating, ventilation, air conditioning, and refrigerant-based building systems.</p> <p>b. Reduce the quantity of indoor air contaminant that are odorous or potentially irritating to protect installers and occupants’ health and comfort. Where feasible, select low-emitting adhesives, paints, coating, carpet systems, composite wood, agri-fiber products, and others.</p>	<p>impacts related to exposure to toxic air quality standards.</p>	

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

<b>Goal/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
Policy CE-A.8	Reduce construction and demolition waste in accordance with Public Facilities Element, Policy PF-I-2, or by renovating or adding on to existing buildings, rather than constructing new buildings where feasible.	The Assisted Living Facility would comply with applicable regulations concerning construction and demolition waste as described in the Conceptual Waste Management Plan for the El Camino Real Assisted Living Facility included in Appendix M of this FSEIR.	Consistent
Policy CE-A.9	Reuse building materials, use materials that have recycled content, or use materials that are derived from sustainable or rapidly renewable sources to the extent possible, through factors including: <ul style="list-style-type: none"> <li>• Scheduling time for deconstruction and recycling activities to take place during project demolition and construction phases;</li> <li>• Using life cycle costing in decision-making for materials and construction techniques. Life cycle costing analyzes the costs and benefits over the life</li> </ul>	As outlined in the Waste Management Plan, which can be found in Appendix M, the Assisted Living Facility would implement a target of 20% recycled material for construction materials.	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	of a particular product, technology, or system;		
Policy CE-A.10	Include features in buildings to facilitate recycling of waste generated by building occupants and associated refuse storage areas. a. Provide permanent, adequate, and convenient space for individual building occupants to collect refuse and recyclable material. b. Provide a recyclables collection area that serves the entire building or project. The space should allow for the separation, collection, and storage of paper, glass, plastic, metals, yard waste, and other materials as needed.	Refuse and recycled waste areas would be provided and clearly identified throughout the Assisted Living Facility site and in project buildings (Refer to the Waste Management Plan for the El Camino Real Assisted Living Facility included in Appendix M of this FSEIR).	Consistent
Policy CE-A.11	Implement sustainable landscape design and maintenance, where feasible.	a) As stated in Section 7.5 and concluded in the drainage study, which can be found in Appendix K, the Assisted Living Facility would maintain pervious surfaces on 26% of the	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	a. Decrease the amount of impervious surfaces in developments, especially where public places, plazas and amenities are proposed to serve recreation opportunities. b. Strategically plant deciduous shade trees, evergreen trees, and drought-tolerant native vegetation, as appropriate, to contribute to sustainable development goals. c. Reduce the use of lawn types that require high levels of irrigation. d. Strive to incorporate existing mature trees and native vegetation into site designs. e. Implement water conservation measures in site/building design and landscaping.	parcel, in addition to the area that is within MHPA that would not have development. b-e) The Assisted Living Facility landscaping plan includes the planting of evergreens, Torrey pines, strawberry trees, and date palms. Additionally, the Assisted Living Facility would also plant native species and water conserving planting areas in the parking lot. The Assisted Living Facility does not include lawn in the landscaping plan	
Policy CE-A.12	Develop and adopt an urban heat island mitigation policy. Reduce the	The landscape plan includes large canopy trees, native screening shrubs and groundcover, grasses, and ornamental shrubs located	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	San Diego Urban Heat Island through actions such as: <ul style="list-style-type: none"> <li>• Planting trees and developing other measures to increase vegetation, particularly shade trees, to provide shade and cool air temperatures. In particular, properly position trees to shade buildings, air conditioning units, and parking lots.</li> <li>• Reducing heat build-up in parking lots through increased shading or use of cool paving materials as feasible.</li> <li>• Minimize the development of, and where possible retrofit, large surface parking lots.</li> </ul>	throughout the parking area and site. Canopy trees, screening shrubs, small, evergreen accent trees, and vertical accent trees would shade proposed buildings and parking areas and reduce heat build-up in parking lots.	
B. Open Space and Landform Preservation Goal	Preservation and long-term management of the natural landforms and open spaces that help make San Diego unique.	The Assisted Living Facility would be located on the western portion of the parcel outside of the MHPA. The MHPA would be preserved in perpetuity via a Covenant of Easement.	Consistent
Policy CE-B.1	Protect and conserve the landforms, canyon lands, and open spaces that: define the City’s urban	a) As stated above, the Assisted Living Facility would be located on the western portion of the parcel outside the MHPA.	Consistent



**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	form, provide views/vistas; serve as core biological areas and wildlife linkages; are wetland habitats; provide buffers within and between communities; or provide outdoor recreation opportunities.  a) Support the preservation of rural lands and open spaces throughout the region.		
Policy CE-B.2	Apply the appropriate zoning and Environmentally Sensitive Lands (ESL) regulations to limit development of floodplains, sensitive biological areas including wetlands, steep hillsides, canyons, and coastal lands.  b) Limit grading and alterations of steep hillsides, cliffs and shoreline to prevent increased erosion and landform impacts.	As stated in Chapter 3.0, Project Description, the project is processing an SDP Amendment with the City to address development on a site containing Environmental Sensitive Lands. As stated above, the Assisted Living Facility would be located on the western portion of the parcel. The Assisted Living Facility would avoid development within the MHPA and would be located on the top of the mesa amongst existing development. Additionally, as discussed in Section 5.1.3.3, the project would comply with the MHPA LUAGs. Further, potential erosion impacts would be addressed via BMPs implemented during construction and operation of the Assisted Living Facility and according to the landscape plan specific areas of the site will be	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
		designed to collect, cleanse, and reuse stormwater (Refer to Section 7.5, Hydrology/Water Quality for more information).	
Policy CE-B.4	Limit and control runoff, sedimentation, and erosion both during and after construction activity.	As stated above, BMPs have been incorporated as Assisted Living Facility design to limit and control runoff, sedimentation erosion (Refer to Section 7.5, Hydrology/Water Quality for more information). Additionally, as discussed in Section 5.1.3.3, the project would comply with the MHPA LUAGs, which directly addresses erosion as part of compliance with the guidelines.	Consistent
Policy CE-B.6	Provide an appropriate defensible space between open space and urban areas through the management of brush, the use of transitional landscaping, and the design of structures. Continue to implement a citywide brush management system.	Based on the project’s site, land ownership, adjacent to mapped MHPA and wetland buffer areas, and grading plans, it is not feasible to achieve the City’s standard BMZ widths at the wildland-/urban interface. <del>Specifically, BMZ 1, at the wildland-/urban interface,</del> extends from the exterior of the structure to between 65 and 100 feet from the northern side of the structure and consists of irrigated landscape areas and BMZ-equivalent hardscape areas. The project is within the Coastal Overlay Zone, which limits the maximum reduction of 30 feet if Zone 2. On the east side of the Assisted Living Facility, BMZ 1 extends from	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
		<p>the exterior of the structure up to 35 feet to the MHPA line, with no BMZ 2. Alternative compliance measures for the <del>modified</del>reduced BMZs meet the purpose and intent of Section 142.0412 of the City Code (SDMC 142.0412(i)), thereby minimizing the impacts to undisturbed native and/or naturalized vegetation and avoiding encroachment into the MHPA. Alternative compliance measures would include the following: (1) all windows on the north and east sides of the structure are required to provide exterior glazing in windows (and sliding glass doors) to be dual pane with both panes tempered glass; (2) the entire eastern side of the structure is also required to include 5/8-inch Type X fire rated gypsum sheathing applied behind the exterior covering or cladding (stucco or exterior siding) on the exterior side of the framing, from the foundation to the roof for a facade facing the MHPA open space and naturally vegetated areas. Furthermore, the entire development site will <del>be</del> required to be maintained as an all-irrigated low fuel BMZ 1 condition landscape with drought-tolerant, fire resistive plants. (see PDF-FIRE-14</p>	

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
		through PDF-FIRE-47 in Table 3-2). An FFLMR has been prepared for the project and is provided as Appendix O. The FFLMR provides both City and State fire and building code required elements for construction, as well as enhanced, City and state code-exceeding measures along the eastern side of the structure where <del>non-conforming</del> <u>modified</u> BMZs occur adjacent to the MHPA.	
Policy CE-D.4	Coordinate local land use planning with state and regional water resource planning to help ensure that the citizens of San Diego have a safe and adequate water supply that meets existing needs and accommodates future needs.	Based upon its nature and size, the Assisted Living Facility is not required to prepare a Water Supply Assessment. The City would have adequate water supplies to serve the Assisted Living Facility. Please refer to Section 7.9, Public Utilities, for additional information.	Consistent
E. Urban Runoff Management Goals	Protection and restoration of water bodies, including reservoirs, coastal waters, creeks, bays, and wetlands. Preservation of natural attributes of both the floodplain and floodway without endangering life and property.	The Assisted Living Facility would include standard BMPs to ensure that impacts to water bodies would be reduced (Refer to Section 7.5, Hydrology/Water Quality, for more information). While approximately 10% of the property is located in the 100-year floodplain, the proposed Assisted Living Facility would be located on the mesa portion of the site, immediately west of the low-lying areas of Gonzales Canyon. The higher	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
		elevation mesa portion of the project site is located outside of the 100-year floodplain.	
Policy CE-E.2	<p>Apply water quality protection measures to land development projects early in the process-during project design, permitting, construction, and operations-in order to minimize the quantity of runoff generated on-site, the disruption of natural water flows and the contamination of storm water runoff.</p> <p>a) Integrate on-site infiltration, and preserve, restore or incorporate natural drainage systems into site design.</p> <p>b) Direct concentrated drainage flows away from MHPA and open space areas. If not possible, drainages should be directed into sedimentation basins, grassy swales or mechanical trapping devices</p>	<p>a, b) As stated in Section 7.5, Hydrology/Water Quality, BMPs would be implemented to address site runoff prior to entering the municipal storm drain system. In addition, and as described in the Drainage Study for the El Camino Real Assisted Living Facility prepared by Leppert Engineering Corporation, dated January 2021, and included as Appendix K, runoff from the Assisted Living Facility site will drain to the storm drain facilities through the Church and before entering the two existing outfalls along El Camino Real to the west of the project site, away from the MHPA and compliant with LUAG.</p> <p>c) The use of impervious surfaces would be reduced to the extent practicable. As stated in Section 7.5 and concluded in the drainage study, which can be found in Appendix K, the project would maintain pervious surfaces on 26% of the Assisted Living Facility, in addition to the area that is within MHPA that would not have development.</p>	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	<p>prior to draining into the MHPA or open space areas.</p> <p>c) Reduce the amount of impervious surfaces through selection of materials, site planning, and street design where possible.</p> <p>d) Increase the use of vegetation in drainage design.</p> <p>e) Avoid development of areas particularly susceptible to erosion and sediment loss (e.g.; steep slopes) and where impacts are unavoidable, enforce regulations that minimize their impacts.</p>	<p>d) The proposed landscape plan includes large canopy trees, small evergreen canopy trees, evergreen vertical accent trees, groundcovers, grasses, and shrubs and vegetated buffer strips would be incorporated in the project design.</p> <p>e) Assisted Living Facility development would be concentrated on the western, mesa portion of the parcel and construction and operation BMPs would be implemented to address water quality concerns including erosion and sedimentation.</p>	
Policy CE-G.1	Preserve natural habitats pursuant to the MSCP, preserve rare plants and animals to the maximum extent practicable, and manage all City-owned native habitats to ensure their long-term biological viability,	The Assisted Living Facility would be located on the western portion of the parcel outside the MHPA. As stated in Section 5.4, no invasive non-native plant species shall be introduced into the project area. Additionally, the contractor shall permanently revegetate any graded, disturbed, or eroded areas within the project footprint that will not be permanently covered by structures, impervious	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

<b>Goal/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	b. Remove, avoid, or discourage the planting of invasive plant species.	surfaces, or landscaping with native species appropriate for the region. The Assisted Living Facility would comply with the MSCP MHPA Land Use Adjacency Guidelines.	
H. Wetlands Goal	Preservation of all wetlands in San Diego through a “no net loss” approach.	As discussed in Section 5.4.6 of this FSEIR, there are no jurisdictional wetlands within the proposed Assisted Living Facility development footprint. The nearest jurisdictional wetlands are located a minimum of 100 feet from the proposed development on the site. Additionally, impacts to wetlands were determined to be less than significant.	Consistent
L. Agricultural Resources Goal	Retention of productive agricultural lands. Retention of the rural agricultural character of river valleys.	As stated in Section 5.2, the site is mapped as “Farmland of Local Importance” by DOC’s Farmland Mapping and Monitoring Program (DOC 2016). As such, development of the Assisted Living Facility parcel to non-agricultural uses would result in the loss of approximately 2.85 acres of locally important agricultural lands. The parcel, however, does not qualify as “productive” agricultural lands. Efforts to farm the land have not been productive in large part because the high cost of water has made it unprofitable to farm the land. As stated in the environmental site assessment for the	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
		property (located in Appendix B), the last time the Assisted Living Facility parcel was used for agriculture was 2016. Additionally, as stated in Section 5.2 Agricultural Resources, the Assisted Living Facility would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, and would not involve other changes in the existing environment which due to their location or nature, could result in conversion of nearby Farmland, to non-agricultural use.	
<i>Noise Element (2015)</i>			
Goal A. Noise and Land Use Compatibility Goal	Consider existing and future noise levels when making land use planning decisions to minimize people’s exposure to excessive noise.	The primary existing and future noise sources at the site is vehicular traffic on El Camino Real. Traffic noise is not anticipated to generate excessive noise at Assisted Living Facility buildings given the distance from the roadway and intervening buildings and the project would not generate a significant amount of vehicle trips. The project would have less-than-significant impacts related to exposure of Assisted Living Facility residents to noise.  The Assisted Living Facility would generate potentially significant noise during construction,	Consistent



**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
		but such noise would be minimized to below a level of significance via proposed mitigation consistent with the City’s policies. Refer to Section 5.10, Noise, for additional details.	
Policy NE-A.1	Separate excessive noise-generating uses from residential and other noise-sensitive land uses with sufficient spatial buffer of less sensitive uses.	See response to Noise Element Goal A above.	Consistent
Policy NE-A.2	Assure the appropriateness of proposed developments relative to existing and future noise levels by consulting the guidelines for noise-compatible land use (shown on Table NE-3) to minimize the effects on noise-sensitive land uses.	See response to Noise Element Goal A above.	Consistent
Policy NE-A.3	Limit future residential and other noise-sensitive land uses in areas exposed to high levels of noise.	See response to Noise Element Goal A above.	Consistent
Policy NE-A.4	Require an acoustical study consistent with acoustical study guidelines (Table NE-4) for proposed developments in areas where the existing or future noise level exceeds	Included as Appendix J is a Noise Technical Report prepared for the proposed Assisted Living Facility and analyzed in Section 5.10. The Assisted Living Facility would not exceed the City’s land use- noise compatibility guidelines.	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	or would exceed the “compatible” noise level thresholds as indicated on the land use–noise compatibility guidelines (Table NE-3), so that noise mitigation measures can be included in the project design to meet the noise guidelines.		
B. Motor Vehicle Traffic Noise Goal	Create minimal excessive motor vehicle traffic noise on residential and other noise-sensitive land uses.	As indicated in Section 5.10.3 and Table 5.10-7, the Assisted Living Facility would not increase traffic noise levels more than 3 decibels (dB) from the existing traffic noise levels. Project traffic noise level changes would be less than significant.	Consistent
NE-B.2	Consider traffic calming design, traffic control measures, and low-noise pavement surfaces that minimize motor vehicle traffic noise (see also Mobility Element, Policy ME-C.5 regarding traffic calming).	As concluded in Section 5.10, the Assisted Living Facility would not increase traffic noise levels more than 3 decibels (dB) from the existing traffic noise levels. Additionally, with Assisted Living Facility implementation, some areas will experience less traffic noise because of the new structure blocking the sound path. In conclusion, the Assisted Living Facility would have less-than-significant noise impacts from increased traffic.	Consistent
NE-B.3.	Require noise reducing site design, and/or traffic control measures for	As concluded in Section 5.10, the Assisted Living Facility would not increase traffic noise levels	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

<b>Goal/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	new development in areas of high noise to ensure that the mitigated levels meet acceptable decibel limits.	more than 3 dB from the existing traffic noise levels. Additionally, with project implementation, some areas would experience less traffic noise because of the new structure blocking the sound path. In conclusion, the Assisted Living Facility would have less than significant noise impacts from traffic.	
NE-B.4.	Require new development to provide facilities which support the use of alternative transportation modes such as walking, bicycling, carpooling and, where applicable, transit to reduce peak-hour traffic.	As stated in Section 5.8, the project area is not served by the San Diego Metropolitan Transit System. The Assisted Living Facility would provide bike paths and bicycle amenities such as bicycle parking and storage, a shuttle to the Solana Beach Station. Additionally, the project would connect pedestrian access from the Assisted Living Facility site to the Church’s access to El Camino Real.	Consistent
Policy NE-B.7	Promote the use of berms, landscaping, setbacks, and architectural design where appropriate and effective, rather than conventional wall barriers to enhance aesthetics.	The Assisted Living Facility setbacks and intervening structures provide noise attenuation.	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
Goal G	Minimal exposure of residential and other noise-sensitive land uses to excessive construction, refuse vehicles, parking lot sweeper-related noise and public noise.	As stated in Section 5.10, the would noise impacts from construction impacts associated with the Assisted Living Facility would be reduced to less-than-significant with the implementation of <b>MM-NOI-1</b> .	Consistent
Policy NE-G.1	Implement limits on the hours of operation for non-emergency construction and refuse vehicle and parking lot sweeper activity in residential areas and areas abutting residential areas.	As stated in Section 5.10, construction activities associated with the Assisted Living Facility would comply with established City of SDMC regarding hours of operation for non-emergency construction.	Consistent
Policy NE-G.2	Implement limits on excessive public noises that a person could reasonably consider disturbing and/or annoying, in residential areas and areas abutting residential areas.	The Assisted Living Facility would comply with the requirements set forth in the City’s noise ordinance.	Consistent
I. Typical Noise Attenuation Methods Goal	Attenuate the effect of noise on future residential and other noise-sensitive land uses by applying feasible noise mitigation measures.	As stated above, the Assisted Living Facility setbacks and intervening terrain and structures provide noise attenuation.	Consistent
Policy NE-I.1	Require noise attenuation measures to reduce the noise to an acceptable noise level for proposed	The Assisted Living Facility would be consistent with California’s noise insulation standards (CCR Title 24). The project site is not located within an	Consistent

**Table 5.1-1  
 Assisted Living Facility’s Consistency with City of San Diego 2008 General Plan**

Goal/Policy Number	Goal/Policy	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	developments to ensure an acceptable interior noise level, as appropriate, in accordance with California’s noise insulation standards (California Code of Regulations (CCR) Title 24) and airport land use compatibility plans.	airport influence area. As stated in Section 5.10.3, the Assisted Living Facility would have less-than-significant impacts related to interior noise levels. Interior noise levels from traffic noise exposure are expected to be 27 dB, which is below the City’s threshold of 45 dB.	
Policy NE-I.2	Apply CCR Title 24 noise attenuation measures requirements to reduce the noise to an acceptable noise level for proposed single-family, mobile homes, senior housing, and all other types of residential uses not addressed by CCR Title 24 to ensure an acceptable interior noise level, as appropriate.	As stated above, the Assisted Living Facility would be consistent with California’s noise insulation standards (CCR Title 24). As stated in Section 5.10.3, the project would have less-than-significant impacts related to interior noise levels. Interior noise levels from traffic noise exposure are expected to be 27 dB, which is below the City’s threshold of 45 dB.	Consistent
Policy NE-I.3	Consider noise attenuation measures and techniques addressed by the Noise Element, as well as other feasible attenuation measures not addressed as potential mitigation measures, to reduce the effect of noise on future	The proposed Assisted Living Facility includes a buffer from adjacent residential uses, and would not result in operational noise impacts to adjacent uses. Potential construction noise impacts would be potentially significant but reduced to less-than-significant, with implementation of mitigation, as detailed in Section 5.10.3, Noise.	Consistent

**Table 5.1-1**  
**Assisted Living Facility's Consistency with City of San Diego 2008 General Plan**

<b>Goal/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	residential and other noise-sensitive land uses to an acceptable noise level.		

**Table 5.1-2  
 Assisted Living Facility’s Consistency with the City of San Diego NCFUA Framework Plan**

<b>Principle/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
<i>Land Use Element</i>			
Principle 2.3e	Land use designations in the Framework Plan that permit greater intensities of land use than existing zoning require a phase shift and voter approval in order to become effective.	As discussed in Section 5.1.3.1 (Issue 1), the Assisted Living Facility would not require a Phase Shift as it can be approved consistent with the existing zoning framework, Council Policy 600-29, and the NCFUA Framework Plan, specifically development Alternative 3, as discussed above, and would not result in an increase in intensity.	Consistent
Principle 2.4b	A phase shift of all the subareas delineated on the Framework Plan diagram (Figure 3-3) from Future Urbanizing to Planned Urbanizing may occur without subarea plans having been adopted for any subarea	As discussed above, under Principle 2.3e, the Assisted Living Facility would not require a Phase Shift.	Consistent
Principle 3.1b	Incorporate into the NCFUA a permanent environmental tier of open space lands with high natural resource values that function as natural habitat, form connection to surrounding open spaces, and give shape and definition to surrounding built areas. Use natural resources as a	According to Figure 3-3 of the NCFUA Framework Plan, the Assisted Living Facility site is designated as Very Low-Density Residential and Environmental Tier. The development associated with the Assisted Living Facility would occur on the western mesa portion of the parcel designated as low density residential and would avoid development in the Environmental Tier. As discussed in Section 3.3, the eastern 1.12 acres of the Assisted Living Facility site that is in the Environmental Tier and would be covered by a Covenant of Easement.	Consistent

**Table 5.1-2  
 Assisted Living Facility’s Consistency with the City of San Diego NCFUA Framework Plan**

<b>Principle/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	foundation for designing in the area’s land use plan.		
Policy 3.2f	Provide significant public open space and very low-density development as breaks between the compact communities.	The Assisted Living Facility would be located on the western portion of the parcel. The Assisted Living Facility would avoid development within the Environmental Tier. The project would include on-site buffers between the proposed Assisted Living facility building, and adjacent residential uses and Environmental Tier.	Consistent
Policy 3.2g	Designate most of the developable land area within the NCFUA for very low-density residential neighborhoods which will create the interface between development and sensitive lands. Very low-density and estate residential neighborhoods are located in areas with the following characteristics: sloping terrain, locations where construction of roads would be difficult without disruption of natural features or major grading of hillsides, and areas where a visual break is	The project does not involve changing the site’s NCFUA Framework Plan designation. The NCFUA Framework Plan requires a phase shift to remove these areas from Proposition A Lands. However, the Assisted Living Facility would not require a Phase Shift as it can be approved consistent with the existing zoning framework, Council Policy 600-29, and the NCFUA Framework Plan, specifically development Alternative 3, as discussed in Section 5.1.3.1 (Issue 1), above, and would not result in an increase in intensity. In addition, the project would be consistent with the NCFUA Framework Plan designations by preserving the Environmental Tier area on the site and focusing development within the area identified as Very Low-Density Residential, identified for development	Consistent



**Table 5.1-2  
 Assisted Living Facility’s Consistency with the City of San Diego NCFUA Framework Plan**

<b>Principle/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	needed between higher-density compact communities.		
Policy 3.4h	Outside the compact community, a variety of low-intensity uses are envisioned. Along El Camino Real and Via de la Valle, very low-density residential development is shown on the Framework Plan diagram. However, sites in these locations are less suitable for residential use than for public and semi-public uses that are also allowed. The developable area on the south side of Via de la Valle east of El Camino Real may be considered for other uses during subarea planning. Along El Camino Real, public and semi-public activities would ideally be uses where buildings take up a relatively small portion of the site, and where	The proposed Assisted Living Facility is a semi-public institutional Nursing Facility use along El Camino Real. It is proximate to assembly uses. Further, all proposed buildings would be consistent with the Mediterranean architectural style of the surrounding uses. The overall Church and Assisted Living Facility would result in an approximately 10% lot coverage, and would take up a relatively small portion of the site.	Consistent

**Table 5.1-2  
 Assisted Living Facility’s Consistency with the City of San Diego NCFUA Framework Plan**

<b>Principle/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	architecture can be in harmony with surrounding open space.		
Policy 3.4k	The majority of Subarea II is located within the coastal zone, and the subarea plan for this area shall incorporate the policies in the North City Local Coastal Program (LCP) to limit filling and development of the 100-year floodplain of the San Dieguito River and the grading of scenic slopes on the southern end of the valley. The subarea plan shall also address buffering wetlands adjacent to development, the maintenance of viable habitats in this area and other issues consistent with the LCP.	No Subarea Plan has been prepared for Subarea II. The Coastal Commission uses the NCFUA Framework Plan for policy guidance because no policies of the North City LCP apply to Subarea II. The project site lies within the original jurisdiction of the California Coastal Commission. While approximately 10% of the property is located in the 100-year floodplain, the proposed Assisted Living Facility would be located on the mesa portion of the site, immediately west of the low-lying areas of Gonzales Canyon. The higher elevation mesa portion of the parcel is located outside of the 100-year floodplain. Therefore, development in the floodplain and grading activities on sloping terrain would be avoided. The project would also comply with the MSCP Land Use Adjacency Guidelines and would include a wetland buffer, as described further in Section 5.4, Biological Resources.	Consistent
<i>Urban Design Element</i>			
Policy 4.8a	Very low-density and estate neighborhoods are normally organized in one of two ways:	The proposed Assisted Living Facility would cover a small portion of the site, and would be clustered on the western mesa portion of the parcel adjacent to existing development.	Consistent

**Table 5.1-2  
 Assisted Living Facility’s Consistency with the City of San Diego NCFUA Framework Plan**

<b>Principle/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	<ul style="list-style-type: none"> <li>The second organization, more appropriate for hillsides and areas adjacent to protected habitat areas, is clusters of smaller individual lots that preserve significant canyons, hillsides, ridges and other natural features.</li> </ul>	Proposed structures would avoid development in the Environmental Tier and located within the MHPA boundary.	
Policy 4.8b	Lot configuration and site design should emphasize canyons, hillsides and ridges as the visual focus points of neighborhoods. The layout of lots in these neighborhoods should adapt to existing topography and natural features, avoiding standard repetitive lot sizes and shapes.	The project would not involve lot configurations. As the proposed Assisted Living Facility site design would focus development on the western flat portion of the parcel, and development would be located outside of the Environmental Tier adjacent Gonzales Canyon. As shown on the landscape plan (see Figures 3-4a and 3-4b), the proposed limits of work associated with the Assisted Living Facility would avoid sloping terrain to the east and would include a buffer between the building and adjacent natural area.	Consistent
Policy 4.8c	Lot lines shall not enter, infringe upon, or be made part of any portion of the environmental tier. In addition, a landscaped transition area of 25-50 feet in width shall be placed behind lots adjacent to the protected open	According to Figure 3-3 of the NCFUA Framework Plan, the Assisted Living Facility site is designated as Very Low-Density Residential and Environmental Tier. The development of the Assisted Living Facility would occur on the western portion of the parcel and avoids development within the Environmental Tier. As the project is not creating or adjusting lot lines and this policy is regarding the creation of lots, this policy is not	Consistent

**Table 5.1-2  
 Assisted Living Facility’s Consistency with the City of San Diego NCFUA Framework Plan**

<b>Principle/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	space system, and include berming and dense vegetation to deter people from entering the habitat areas. Signage shall direct people to access points for the open space system.	applicable to the project. None-the-less, it is noted that the Assisted Living Facility structure would be located 35 feet from the MHPA boundary. Consistent with the City’s MSCP adjacency guidelines, the project design includes a combination of fences, hedges, and berms in the landscaped transition area to deter people from entering the habitat area in the Environmental Tier. Signage would be provided, as required. Additionally, the portion of the Assisted Living Facility parcel that is within the MHPA (1.12 acres) would be protected has a Covenant of Easement in conformance with Environmentally Sensitive Lands regulations. Environmentally Sensitive Lands regulations specifically prohibit access to these areas within the Covenant of Easement.	
Policy 4.8g	Streets, drives, parking and emergency vehicle access should be aligned to conform, as closely as possible, to existing grades and minimize the need for the grading of slopes. Streets and other built improvements should not greatly alter the physical and visual character of the hillside.	The proposed Assisted Living Facility would have site access through the Church and would only include the construction of a parking lot. The Assisted Living Facility is not located on a hillside.	Consistent

**Table 5.1-2  
 Assisted Living Facility’s Consistency with the City of San Diego NCFUA Framework Plan**

<b>Principle/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
Policy 4.9b	Development should give special attention to the design of street edge conditions, strengthening the landscape character of buildings and open spaces as viewed from the street.	The Assisted Living Facility is not located along a street edge, and is not highly visible from the street due to the intervening development.	Consistent
Policy 4.10b	Protect existing drainageways from encroachment that might affect drainage patterns or water quality through the use of setbacks/buffers.	The project includes wetland buffers (see Section 5.4, Biological Resources) and does not significantly alter drainage patterns (see Section 7.5). As stated in Section 7.5, Hydrology/Water Quality, BMPs would be implemented to address site runoff prior to entering the municipal storm drain system. In addition, and as described in the Drainage Study for the El Camino Real Assisted Living Facility prepared by Leppert Engineering Corporation dated January 2021 and included as Appendix K, runoff from the Assisted Living Facility parcel would drain to the storm drain facilities through the Church and before entering the two existing outfalls along El Camino Real to the west of the project site, away from the MHPA. Assisted Living Facility development would be concentrated on the western, mesa portion of the project site, and construction and operation BMPs would be implemented to address water quality concerns including erosion and sedimentation.	Consistent
Policy 4.10c	Development in hillside areas should conform to the unique	Assisted Living Facility development is not located within a hillside area and does not impact slopes of 25% grade or more.	Consistent

**Table 5.1-2  
 Assisted Living Facility’s Consistency with the City of San Diego NCFUA Framework Plan**

<b>Principle/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	<p>natural setting of each area and site, retaining the character of existing landforms and preserving significant native vegetation.</p> <p>Within the coastal zone, the grading of landforms that consist of slopes of 25% grade or more shall be strictly limited and shall only occur if the applicant demonstrates consistency with the applicable policies in the North City Local Coastal Program (LCP). Runoff and erosion control procedures shall be utilized during all phases of project development.</p>	<p>The project also focuses development within the disturbed portion of the site, and avoids impacts to native vegetation. Construction and operation BMPs would be implemented to address water quality concerns including erosion and sedimentation.</p> <p>The project area is located in Subarea II of the NCFUA Framework Plan and the LCP for area has not been certified by the California Coastal Commission.</p>	
Policy 4.10e	The development pattern in hillside areas should be designed so that structures do not stand out prominently when seen from a distance.	As stated in Section 5.9, the proposed Assisted Living Facility development would occur on the western flat portion of the site and would not result in structures that stand out prominently when seen from distant public vantage points. Additionally, impacts related to visual resources were determined to be less than significant.	Consistent

**Table 5.1-2  
 Assisted Living Facility’s Consistency with the City of San Diego NCFUA Framework Plan**

<b>Principle/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
Policy 4.10f	Development should not obstruct public views.	As concluded in Section 5.9, impacts to public views would be less than significant.	Consistent
Policy 4.10g	In conjunction with project proposals, disturbed areas on a site which are to be retained as open space shall be contoured to blend in with natural slopes and shall be revegetated with native plants.	As noted in the landscape plan, all graded, disturbed, or eroded areas that would not be permanently paved or covered by structures shall be permanently revegetated and irrigated in accordance with the standards of the Land Development Code.	Consistent
Policy 4.10h	Mass grading shall be avoided. Grading will be limited to the building footprint, accessory uses, and access corridors essential to the development of the site.	Grading on the Assisted Living Facility site would be limited to areas necessary for development of building footprints and landscape areas.	Consistent
Policy 4.10i	Development adjacent to ridges and bluffs shall minimize visual impacts to these topographic features through setbacks and landscaping, especially near major canyons or valleys.	As stated in Section 5.9, the proposed Assisted Living Facility development is not located on a ridge or bluff, and development would occur on the flat area of the site. Additionally, the Assisted Living Facility would include a landscaping plan (Figures 3.4a and 3.4b), which would provide a visual transition from the Assisted Living Facility to Gonzales Canyon. Finally, impacts related to visual resources were determined to be less than significant.	Consistent

**Table 5.1-2  
 Assisted Living Facility’s Consistency with the City of San Diego NCFUA Framework Plan**

<b>Principle/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
Policy 4.10j	New development shall be required to minimize erosion.	As stated in Section 7.5, Hydrology/Water Quality, the potential for erosion would be minimized through implementation of the Assisted Living Facility includes Site Design BMPs, Source Control BMPs, and Structural Pollutant Control BMPs for the filtration and treatment of runoff as required by the City of San Diego.	Consistent
Policy 4.10k	New development shall not cause an increase in the peak runoff rate when compared with storm runoff under existing conditions.	As stated in Section 7.5, Hydrology/Water Quality, BMPs would be implemented to address site runoff prior to entering the municipal storm drain system. In addition, and as described in the Drainage Study for the El Camino Real Assisted Living Facility prepared by Leppert Engineering Corporation, dated January 2021, and included as Appendix K, runoff from the Assisted Living Facility would drain to the storm drain facilities through the Church and before entering the two existing outfalls along El Camino Real to the west, away from the MHPA. The Drainage Study concluded that existing drainage pipeline capacity would be sufficient with the addition of the Assisted Living Facility.	Consistent
Policy 4.10l	Structures located within the view of the [San Dieguito River Valley Regional Open Space] park, if within 200 feet vertically and 50 feet horizontally of a ridgeline, shall be set back and	The Assisted Living Facility site is located within Landscape Unit B of the San Dieguito River Park Concept Plan and is located adjacent to the westernmost extent of Gonzales Canyon. Proposed Assisted Living Facility structures would comply with the minimum rear yard setback requirement of the AR-1-1 zone. Additionally, the facility will be screened with landscaping (refer to	Consistent



**Table 5.1-2  
 Assisted Living Facility’s Consistency with the City of San Diego NCFUA Framework Plan**

<b>Principle/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	be low in profile so as not to be visually prominent from the future park.	Figures 3-4a and 3-4b) that would include native shrubs and groundcover, grasses, lawn, evergreen accent trees, large and small canopy trees, and vines, and the proposed facility would feature an exterior stucco finish that would display earth-tone colors which would tend to recede into the background landscape with distance. Though portions of the proposed Assisted Living Facility would be visible from trails in the adjacent canyon, the facility itself has been set back from the property line to the extent possible, consistent with this policy.	
Policy 4.10m	The facades of structures shall be angled at varying degrees to follow the natural topography of the site.	The portion of the Assisted Living Facility parcel that would be developed would be on the western mesa portion of the site, which is relatively flat. Rooflines would be relatively flat or angled mildly, consistent with the mesa top that these structures would be built on (see Figure 3-2, which provides elevations of the proposed structure).	Consistent
Policy 4.10n	All exterior lighting shall be a low-sodium type with horizontal cut-off and shall be shielded downward such that the light would not be visible to the adjacent properties and the proposed park	Exterior lighting installed at the Assisted Living Facility would conform to applicable regulations established in Chapter 14, Article 2, Division 7 (Off-Site Development Impact Regulations) of the City of San Diego Municipal Code.	Consistent

**Table 5.1-2  
 Assisted Living Facility’s Consistency with the City of San Diego NCFUA Framework Plan**

<b>Principle/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
Policy 4.10o	Rooflines shall vary in angle and height to provide a changing profile.	As depicted on Figure 3-2 of this FSEIR, the proposed Assisted Living Facility would feature rooflines of varying angles and heights that would provide a changing profile across the Assisted Living Facility and Environmental Tier.	Consistent
<i>Open Space Element</i>			
Policy 5.1a	Create the environmental tier, an interconnected, viable system of natural open space that serves to protect and conserve cultural resources, flora and fauna that occur in the NCFUA.	According to Figure 3-3 of the NCFUA Framework Plan, the Assisted Living Facility site is designated as Very Low-Density Residential and Environmental Tier. The development associated with the Assisted Living Facility would occur on the western mesa portion of the parcel designated as low density residential and would avoid development in the Environmental Tier. The delineation of Environmental Tier lands across the Assisted Living Facility and in the immediate vicinity of relatively consistent with the existing MHPA boundary. As stated above, the Assisted Living Facility would avoid development within the MHPA and Environmental Tier.	Consistent
Policy 5.1c	Preserve floodplains and significant topographic features such as canyons, ridges and hillsides	The Assisted Living Facility would occur on the western flat portion of the parcel and would avoid development into Gonzales Canyon and the portion that is within the 100-year floodplain.	Consistent
Policy 5.2a	The environmental tier shown in the Framework Plan diagram may be reformed during subarea and project planning provided	The proposed Assisted Living Facility development would avoid development in the Environmental Tier and the MHPA.	Consistent

**Table 5.1-2  
 Assisted Living Facility’s Consistency with the City of San Diego NCFUA Framework Plan**

<b>Principle/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	such refinements are consistent with the principles of this section.		
Policy 5.2e	Whenever possible, preserve 100-year flood zones as open space. Where it is necessary to floodproof a property, require the least possible alteration of the natural drainage pattern, and minimize impacts to downstream properties.	The Assisted Living Facility would avoid development in the portion of the site that is within the 100-year floodplain.	Consistent
Policy 5.2f	Where feasible, “additional sensitive lands” shown on Figure 5-1 should be preserved as open space through the site planning process. If preservation is not possible, uses permitted in transition areas would be appropriate (see Table 5.4-A).	There are not any “additional sensitive lands” on the project site.	Consistent
Policy 5.3a	Secure the environmental tier as permanent open space through purchase and conveyance to a public agency or non-profit land	As discussed in Chapter 3.0, Project Description, the Environmental Tier area would be conserved via a Covenant of Easement that provides for land use restrictions and ensures preservation in perpetuity. In addition, the proposed Assisted	Consistent

**Table 5.1-2  
 Assisted Living Facility’s Consistency with the City of San Diego NCFUA Framework Plan**

<b>Principle/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	trust, or deed restrictions that limit uses. A variety of mechanisms are to be used including the following: Requirements that projects within the NCFUA dedicate lands shown within the environmental tier on the Framework Plan diagram. Implementation of current regulations regarding development of sensitive lands.	Living Facility development would comply with Section 143.0140 (General Development Regulations for all Environmentally Sensitive Lands), Section 143.0141 (Development Regulations for Sensitive Biological Resources), and Section 143.0145 (Development Regulations for Special Flood Hazard Areas) of the San Diego Municipal Code.	
Policy 5.3e	Development should be clustered on the less sensitive portions of the site.	Development of the Assisted Living Facility would avoid the MHPA, Environmental Tier, and hillsides within the project site.	Consistent
Policy 5.4a	As part of subarea and project planning, environmental tier lands are to be divided into management zones. The zones are defined as follows, with allowable and prohibited uses identified in Table 5.4-A. The open space management zone	A portion of the Assisted Living Facility site is designated Environmental Tier in the NCFUA Framework Plan. The delineation of Environmental Tier lands across the Assisted Living Facility and in the immediate vicinity of relatively consistent with the existing MHPA boundary. The proposed Assisted Living Facility would avoid development within the MHPA on the project site. The remaining portion of the Assisted Living Facility site would be preserved through a Covenant of Easement. The project would also include a	Consistent

**Table 5.1-2  
 Assisted Living Facility’s Consistency with the City of San Diego NCFUA Framework Plan**

<b>Principle/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	<p>concept is illustrated in Figure 5-2.</p> <p><b>Habitat Protection Areas.</b> These areas serve to protect and preserve natural resources throughout the NCFUA, providing for habitat and movement needs of the native plants and animals. The environmental tier lands shown on the Framework Plan diagram are, for the most part, expected to be designated as habitat protection areas (see policies in Section 5.2 relative to changes in environmental tier delineation). No non-local native vegetation shall be allowed to be planted within these areas. Local native vegetation, if unavailable from on-site, can be obtained from sites with similar soils, slope, aspect, meso- or micro-climates as those on-site, preferably from</p>	<p>landscape buffer that acts as a transition area to Gonzales Canyon and larger MHPA. Ultimately the project would comply with the Land Use Adjacency Guidelines that provide protection of MHPA biological resources from indirect impacts of adjacent development.</p>	

**Table 5.1-2  
 Assisted Living Facility’s Consistency with the City of San Diego NCFUA Framework Plan**

<b>Principle/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	<p>nearby local sites within a ten-mile radius of the site.</p> <p><b>Biological Buffer Areas.</b> These are areas of native habitat where low-impact forms of recreation can occur (such as trails), but which primarily function to provide distance and protection to the habitat protection area from lights, noise, activity, exotic plants and other potential forms of disturbance. Buffer areas will generally be created at the perimeter of development areas shown on the Framework Plan diagram, and shall be a minimum of 100 feet wide. No non-local native vegetation shall be allowed to be planted within these areas. Local native vegetation, if unavailable from on-site, can be obtained from sites with similar soils, slope, aspect, meso- or micro-climates</p>		

**Table 5.1-2  
 Assisted Living Facility’s Consistency with the City of San Diego NCFUA Framework Plan**

<b>Principle/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	<p>as those on-site, preferably from nearby local sites within a ten-mile radius of the site.</p> <p><b>Transition Areas.</b> These are areas outside of the Buffer and Habitat Protection areas, used for landscaped transitions to developed areas. These areas should generally add an additional 25-50 feet of distance between the open space system and developed areas, in order to provide for the transition from native habitat to the generally non-native, developed areas. Local native vegetation should be used as much as possible; introduced drought-tolerant species may also be acceptable. These areas can provide for trails for pedestrian, bicycle, or equestrian uses.</p> <p>Transition areas shall use native or drought-tolerant, locally adapted plant species that serve to provide</p>		

**Table 5.1-2  
 Assisted Living Facility’s Consistency with the City of San Diego NCFUA Framework Plan**

<b>Principle/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	a smooth visual and functional transition between the native buffer zone and landscaped areas. Transition areas should prevent detrimental animal and plant species from invading the buffer and habitat areas, and to additionally protect those areas from the impacts of lighting or noise (especially if the buffer zone is sage scrub). Transition areas shall not be planted with non-native species invasive to the habitat or buffer zones.		
Policy 5.4d	Development projects subject to the Resource Protection Ordinance will be required to conform to the ordinance and to subarea plans. When strict compliance with the ordinance is infeasible, mitigation will be required. - - 83 Subarea plans must describe how mitigation will be accomplished. The	As indicated previously, the proposed Assisted Living Facility would be subject to the City’s Environmentally Sensitive Lands Regulations (SDMC 143.0141) that replaced the former Resource Protection Ordinance. The proposed Assisted Living Facility would avoid development on portions of the site which contain, a wetland buffer, floodplains, steep slopes, and sensitive habitat lands. With the avoidance of these areas, the Assisted Living Facility would be in compliance with this policy.	Consistent



**Table 5.1-2  
 Assisted Living Facility’s Consistency with the City of San Diego NCFUA Framework Plan**

<b>Principle/Policy Number</b>	<b>Goal/Policy</b>	<b>Assisted Living Facility</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	<p>preferred form of mitigation will be the purchase and dedication of land on Del Mar Mesa. Purchase of land shall occur at the project approval stage, and purchases will be market transactions between property owners.</p>		
<p>Policy 5.4f</p>	<p>No concrete, asphalt, riprap, or other channelization structures will be allowed within the open space system’s drainage areas or floodplains. Floodplain banks will be revegetated with appropriate native species (riparian scrub or woodland, chaparral, or sage scrub), restoring drainage areas and floodplains to fully functional ecosystems.</p>	<p>The Assisted Living Facility would completely avoid development within the floodplain area.</p>	<p>Consistent</p>
<p>Policy 5.5f</p>	<p>Roads which cross the 100-year flood plain shall be constructed above grade, using bridge or causeway structures.</p>	<p>The Assisted Living Facility would not include the construction of roads that would cross the 100-year floodplain.</p>	<p>Consistent</p>

### San Dieguito River Park Concept Plan

According to the City’s CEQA Significance Determination Thresholds (City of San Diego 2022), land use compatibility impacts may be significant if the project would conflict with the environmental goals, objectives, or guidelines of a community or general plan. The San Dieguito River Park Concept Plan (Concept Plan) is not a community plan or general plan, but is addressed herein for informational purposes. The Concept Plan provides generalized land use and design recommendations for the areas within the Park’s FPA.

As stated in Section 5.1.1, Existing Conditions, the project site is located in the western extent of Landscape Unit B, Gonzales and La Zanja Canyons, of the Concept Plan. The Concept Plan was adopted by the San Dieguito River Valley Regional Open Space Park JPA, consisting of the County of San Diego and the Cities of San Diego, Del Mar, Escondido, Poway, and Solana Beach. The Concept Plan contains park objectives, location-specific special design considerations, and general recommended design and development standards for development within the FPA. Recommended design and development standards identified for development within the San Dieguito River Park FPA are included in Appendix D to the Concept Plan (see Part II, Design and Development Standards Recommended for Private and Other Public Proposals Within the FPA). While the San Dieguito River Valley Regional Open Space Park JPA does not have land use authority over properties within the FPA, the City’s adopting resolution of the Concept Plan states that “Subject to the City’s General Plan, zoning, policies and land use regulations, which shall take precedence, City staff and City decision makers shall strongly endeavor to make land use decisions affecting land within the River Park FPA that are consistent with the River Park Concept Plan” (City of San Diego 2006).

The Assisted Living Facility consistency with pertinent objectives, special design considerations, and recommended design and development standards of the Concept Plan are provided in Table 5.1-3 for informational purposes only. Importantly, where there is a substantive conflict between the provisions of the Concept Plan and any City regulation or policy, the City regulation or policy shall take precedence over the Concept Plan (City of San Diego 2006).

**Table 5.1-3  
 Assisted Living Facility’s Consistency with the San Dieguito River Park  
 Concept Plan**

Objective/Special Design Consideration/ Recommended Standard	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
<i>Park Objectives</i>		
Establish a continuous open space corridor throughout the length of the Focused Planning Area that	Development of the Assisted Living Facility would largely occur on the mesa top landform located	Consistent

**Table 5.1-3  
 Assisted Living Facility’s Consistency with the San Dieguito River Park  
 Concept Plan**

<b>Objective/Special Design Consideration/ Recommended Standard</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
<p>preserves natural habitats, protects linkages for wildlife movement and provides compatible areas for recreation opportunities.</p>	<p>immediately west of the west rim of Gonzalez Canyon. By focusing development on the higher elevation mesa tops of the landscape as opposed to the valley floors, the natural habitat and functionality of valley floors as wildlife linkages would be maintained. Additionally, the Assisted Living Facility site would avoid development in the MHPA. Therefore, because proposed structures would be located on the mesa landforms located west of Gonzalez Canyon and adjacent to an existing church and residential development, the existing open space corridor consisting of the valley floor of Gonzalez Canyon and open space areas to the north would be maintained.</p>	
<p>Preserve the existing natural character, visual quality, and sensitive resources of the open space corridor, including the preservation, enhancement, and protection of sensitive coastal wetlands, hillsides, riparian and other freshwater habitat, native vegetation and historical and cultural resources.</p>	<p>The Assisted Living Facility would be located on a mesa top landform located immediately west of Gonzalez Canyon. As proposed, the Assisted Living Facility would be surrounded by existing development to the north, west, and south. Therefore, because the Assisted Living Facility would be located in the immediate vicinity of existing development and because the project will be consistent with the underlying Agricultural-Residential (AR-1-1) zoning, which permits the development of nursing</p>	<p>Consistent</p>

**Table 5.1-3  
 Assisted Living Facility’s Consistency with the San Dieguito River Park  
 Concept Plan**

<b>Objective/Special Design Consideration/ Recommended Standard</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	<p>facilities with a CUP, development of the site would be consistent with existing development patterns in the area. Additionally, the proposed Assisted Living Facility, will be screened with landscaping (refer to Figures 3-4a and 3-4b) that will include native shrubs and groundcover, grasses, lawn, evergreen accent trees, large and small canopy trees, and vines to recede into the background landscape with distance. The Assisted Living Facility would also cluster on the western portion of the site to increase the distance from Gonzales Canyon. As concluded in Section 5.9, the Assisted Living Facility would not result in a significant alteration to the existing visual character of an area.</p>	
<p>Optimize the water quality and quantity of all groundwater resources and surface water bodies within the planning area through water conservation, erosion control, pollution control and restoration.</p>	<p>Assisted Living Facility would be concentrated on the western, mesa portion of the parcel and construction and operation BMPs would be implemented to address water quality concerns including erosion and sedimentation. As stated in Section 7.5, Hydrology/Water Quality, BMPs would be implemented to address site runoff prior to entering the municipal storm drain system. The Assisted Living Facility includes Site Design BMPs, Source Control BMPs, and Structural Pollutant Control</p>	<p>Consistent</p>

**Table 5.1-3  
 Assisted Living Facility’s Consistency with the San Dieguito River Park  
 Concept Plan**

<b>Objective/Special Design Consideration/ Recommended Standard</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	<p>BMPs for the filtration and treatment of runoff. In addition, and as described in the Drainage Study for the El Camino Real Assisted Living Facility prepared by Leppert Engineering Corporation, dated January 2021, and included as Appendix K, runoff from the Assisted Living Facility site will drain to the stormdrain facilities through the Church and before entering the two existing outfalls along El Camino Real to the west of the project site, away from the MHPA. The use of impervious surfaces would be reduced to the extent practicable. The Assisted Living Facility would maintain pervious surfaces on 26% of the Assisted Living Facility site, in addition to the area that is within MHPA that would not have development.</p>	
<p>Maintain the 100-year floodplain and sheetflow areas within the planning area in an open configuration with a natural channel and provide adequate area for the normal stream waters to meander through the floodplain. The 100-year floodplain and sheetflow areas will be preserved for open space uses such as recreation, wildlife habitat or agriculture.</p>	<p>While approximately 10% of the property is located in the 100-year floodplain, the proposed Assisted Living Facility would be located on the mesa portion of the site, immediately west of the low-lying areas of Gonzales Canyon. The higher elevation mesa portion of the Assisted Living Facility site is located outside of the 100-year floodplain. Therefore, the floodplain mapped area on the property would remain undeveloped.</p>	<p>Consistent</p>
<p>Retain and encourage responsible agriculture in appropriate areas.</p>	<p>As stated in Section 5.2, the site is mapped as “Farmland of Local</p>	<p>Consistent</p>

**Table 5.1-3  
 Assisted Living Facility’s Consistency with the San Dieguito River Park  
 Concept Plan**

<b>Objective/Special Design Consideration/ Recommended Standard</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	<p>Importance” by DOC’s Farmland Mapping and Monitoring Program (DOC 2016). As such, development of the Assisted Living Facility site to non-agricultural uses would result in the loss of approximately 2.85 acres of locally important agricultural lands. The site, however, does not qualify as “productive” agricultural lands. Efforts to farm the land have not been productive in large part because the high cost of water has made it unprofitable to farm the land. As stated in the environmental site assessment for the property (located in Appendix B), the last time the project site was used for agriculture was 2016. Additionally, as stated in Section 5.2 Agricultural Resources, the Assisted Living Facility would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, and would not involve other changes in the existing environment which due to their location or nature, could result in conversion of nearby Farmland, to non-agricultural use.</p>	

**Table 5.1-3  
 Assisted Living Facility’s Consistency with the San Dieguito River Park  
 Concept Plan**

<b>Objective/Special Design Consideration/ Recommended Standard</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
<i>Special Design Considerations – Landscape Unit B, Gonzalez and La Zanja Canyons</i>		
<p>Future development proposals within this area shall include the dedication of open space corridors consistent with the intent of the San Dieguito River Park. These open space corridors, which would be provided within La Zanja and Gonzales Canyons, should be of adequate size to accommodate both wildlife and human movement. This will provide for the preservation of viable wildlife corridors, while still permitting the development of a regional trail system connecting Carmel Valley, Los Penasquitos Canyon, and the San Dieguito River Valley. Wildlife corridor connections should include improvements to El Camino Real to allow adequate wildlife movement between Gonzales Canyon and the San Dieguito River Valley. Prior to dedication, adequate measures should be taken by the developer to ensure the preservation of existing sensitive habitat or where necessary, native habitat within these areas should be restored in order to ensure functional open space linkages between the San Dieguito River Park and open space areas to the south.</p>	<p>The Assisted Living Facility would be located on the flat, mesa top landform of the parcel and would avoid development into the MHPA. The preservation of this portion of the Assisted Living Facility site would help create a buffer between the Assisted Living Facility and the adjacent open space to the east.</p>	<p>Consistent</p>
<p>Development on the adjacent ridges should be set back from the top of slope in order to reduce its</p>	<p>As stated in Section 5.9, the proposed development would occur on the western mesa portion</p>	<p>Consistent</p>

**Table 5.1-3  
 Assisted Living Facility’s Consistency with the San Dieguito River Park  
 Concept Plan**

<b>Objective/Special Design Consideration/ Recommended Standard</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
visibility from the FPA, as well as to provide for an upland transition area that will serve to buffer the development from the adjoining natural habitat. Architectural treatment should be sensitive to the views from the Park, and appropriate landscaping should be provided within a transition buffer area to help screen the development.	of the site to mimic the existing landform of the site. Additionally, the Assisted Living Facility would include a landscaping plan which can be seen in Figures 3.4a and 3.4b, which would help provide a visual transition from the Assisted Living Facility site to Gonzales Canyon. Finally, impacts related to visual resources were determined to be less than significant.	
Encourage the construction of canyon overlooks or viewpoints within future development proposals that will provide visual access to interested park visitors. These overlooks should not be located in or immediately adjacent to sensitive habitats, and provisions to preclude vehicular access or dumping into open space areas should be incorporated into the design of the overlook	The Assisted Living Facility proposes the construction of garden and pet relief areas and a pedestrian trail along the eastern extent of the site which would frame views of the valley.	Consistent
<i>Recommended Design and Development Standard – Grading</i>		
Grading within the FPA should be limited to the extent possible and where grading is proposed, it should be designed so as to retain the natural shape of the landform and reflect the topographic constraints of the terrain. In all cases mass grading shall be avoided.	Grading associated with development of the Assisted Living Facility site would be limited to the extent possible. The Assisted Living Facility site is primarily located atop a mesa landform and grading would not substantially alter the natural shape and form of the existing mesa terrain.	Consistent
Building pads should be designed to conform to the site topography, including the creation of smaller terraced pads rather than large	The Assisted Living Facility site is located atop a mesa landform and development of building pads upon which the Assisted Living Facility	Consistent



**Table 5.1-3  
 Assisted Living Facility’s Consistency with the San Dieguito River Park  
 Concept Plan**

<b>Objective/Special Design Consideration/ Recommended Standard</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
<p>graded pad areas. In addition, building pads should not be created on the most visible portions of both the ridgelines and the valley floor. The environmental documents prepared for all proposals within the FPA should include a visual impact analysis which will assist decision-makers in determining the most suitable location(s) for buildings on a lot.</p>	<p>would be located would not substantially alter the natural shape and form of the existing terrain. A manufactured slope would be required at the northern extent of the project site for the construction of an access road off of El Camino Real; however, according to the geotechnical report, the existing slope is manufactured and therefore project grading would not substantially alter the existing terrain. Proposed buildings would be located within approximately 25 feet of the southern rim of Gonzalez Canyon and the Assisted Living Facility would be visible from the valley floor however, the proposed setbacks would ensure that the proposed structure would not located on the most visible portion of the southern rim of Gonzalez Canyon (i.e., directly adjacent to the canyon). A visual impact analysis has been prepared for the Assisted Living Facility (see Chapter 5.9, Visual Effects and Neighborhood Character, of this FSEIR).</p>	
<p>Where feasible, no structures or construction activity should occur within the 100-year floodplain.</p>	<p>While approximately 10% of the property is located in the 100-year floodplain, this area is located within the MHPA portion of the Assisted Living Facility site. Development within the MHPA and 100-year floodplain would be avoided. The proposed Assisted</p>	<p>Consistent</p>

**Table 5.1-3  
 Assisted Living Facility’s Consistency with the San Dieguito River Park  
 Concept Plan**

<b>Objective/Special Design Consideration/ Recommended Standard</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	Living Facility would be located on the mesa portion of the site, immediately west of the low-lying areas of Gonzales Canyon. The higher elevation mesa portion of the Assisted Living Facility site is located outside of the 100-year floodplain.	
Roadways should be designed to minimize grading and visual impacts. The use of non-typical standards for roadway design should be examined as necessary to accomplish this. Roadways and driveways should be located in areas with the least visual and environmental impacts on the Park. Landscaping should be provided to buffer roadways and driveways as viewed from the FPA. This landscaping shall be indigenous to the maximum extent possible.	The Assisted Living Facility would not include the construction of roadways.	Consistent
<i>Structural Design</i>		
Within the FPA, the form, mass and profile of the individual structures and architectural features should be designed to blend with the natural terrain.	As stated in Section 5.9, the proposed development would occur on the western mesa portion of the site to mimic the existing landform of the site. Additionally, the Assisted Living Facility would include a landscaping plan which can be seen in Figures 3.4a and 3.4b, which would help provide a visual transition from the Assisted Living Facility site to Gonzales Canyon and would include a pallet of	Consistent

**Table 5.1-3  
 Assisted Living Facility’s Consistency with the San Dieguito River Park  
 Concept Plan**

<b>Objective/Special Design Consideration/ Recommended Standard</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	natural building materials and colors.	
Structures should be set back from ridges and bluffs throughout the FPA to reduce their visual impact. Where development on hillsides cannot be avoided due to existing ownership patterns, the proposed design should preserve the character and profile of the natural slope.	Proposed buildings would be setback a minimum of 35 feet from the MHPA and an additional 65 feet from the eastern property line that is adjacent to Gonzalez Canyon. While the Assisted Living Facility would be visible from the valley floor, the proposed setbacks would ensure that proposed structure would not be located on the most visible portion of the area adjacent to Gonzalez Canyon (i.e., directly adjacent to the canyon).	Consistent
Materials, finishes, and colors for all buildings, accessory structures, walls and fences should be compatible with the intent of minimizing the visual impact on the FPA. Colors should be limited to subtle earthtone hues, with style and texture that reflects the traditional/rural character of the FPA. Colors should not be bright, reflective, metallic or otherwise visually out of character with the natural setting. In addition, colors such as white or pink that contrast with the landscape should be avoided. The use of natural materials is encouraged. The use of red tile roofs along ridgelines should also be discouraged.	As detailed in Chapter 3.0, Project Description, the proposed structures will feature stucco finish that would display earth-tone colors that would tend to recede into the colors of background vegetation and terrain.	Consistent
The visible area of the buildings and uses should be minimized through a combined use of	While proposed buildings would be visible from the FPA due to their location atop an elevated mesa	Consistent

**Table 5.1-3  
 Assisted Living Facility’s Consistency with the San Dieguito River Park  
 Concept Plan**

<b>Objective/Special Design Consideration/ Recommended Standard</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
<p>regrading and landscaping techniques</p>	<p>landform, evergreen accent trees and large and small canopy trees would be planted as part of the landscape plan and would partially screen views of the Assisted Living Facility from off-site areas. While landscaping would be unable to fully screen all available views of the Assisted Living Facility from within the FPA, visibility of the Assisted Living Facility would be minimized to the extent feasible through implementation of the landscape plan.</p>	
<p>Structures located within the view of the FPA should be generally low in profile and utilize upper story setbacks so as not to be visually prominent as viewed from within the valley floor. In highly visible areas, the building height should not exceed a basic limit of 15 feet above the finished grade, except for an area limited to 20 percent of the total floor area which may exceed the basic height limit of 15 feet up to a maximum of 30 feet. Under no circumstances shall structures be greater than 30 feet in height at any point of the structure measured from natural existing grade.</p>	<p>The proposed structure would have a height of approximately 40 feet above finished floor elevation. While this exceeds the limit identified in the Concept Plan, the additional height is allowed by the zoning code with the inclusion of appropriate setbacks. The project includes the appropriate setbacks in order to gain the 10 foot height limit increase to 40 feet. In addition, the proposed structure is located behind churches, and would not be highly visible from the valley floor. The City’s adopting resolution of the Concept Plan states that “where there is a substantive conflict between the provisions of the Concept Plan and any City regulation or policy, the City regulation or policy shall take precedence over the Concept Plan” (City of San Diego 2006).</p>	<p>Consistent</p>

**Table 5.1-3  
 Assisted Living Facility’s Consistency with the San Dieguito River Park  
 Concept Plan**

<b>Objective/Special Design Consideration/ Recommended Standard</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	<p>Section 131.0344 of the San Diego Municipal Code establishes that structures may exceed the 30-foot height limit with the inclusion of additional setbacks (City of San Diego 2021a). As proposed, the side yard setback associated with the Assisted Living Facility building will be 20 feet. Therefore, pursuant to Section 131.0344 of the City of San Diego Municipal Code, the maximum permitted structure height on the Assisted Living Facility site is 40 feet. Therefore, the height of the Assisted Living Facility is allowed in the underlying AR-1-1 zone.</p>	
<p>The use of stem walls should be avoided.</p>	<p>Stem walls will be avoided.</p>	<p>Consistent</p>
<p>The facades of structures should be angled at varying degrees as required to follow the natural topography of the site.</p>	<p>The portion of the Assisted Living Facility site that will be developed will be on the western mesa portion of the site, which is relatively flat. Rooflines would be relatively flat or angled mildly, consistent with the mesa top that these structures would be built on (see Figure 3-2 which provides elevations of the proposed structure).</p>	<p>Consistent</p>
<p>Rooflines of structures should vary in angle and height to provide a changing profile. Rooflines shall emphasize the natural land forms and help blend the structures into the natural open space environment</p>	<p>As depicted on Figure 3-3 of this FSEIR, the proposed Assisted Living Facility would feature rooflines of varying angles and heights that would provide a changing profile across the Assisted Living Facility site.</p>	<p>Consistent</p>

**Table 5.1-3  
 Assisted Living Facility’s Consistency with the San Dieguito River Park  
 Concept Plan**

<b>Objective/Special Design Consideration/ Recommended Standard</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
<p>The use of exterior lighting should be limited to that needed for security purposes. If proposed, lighting should be a low-sodium type with horizontal cut-off and shall be shielded downward such that the light would not be visible to adjacent properties. A site lighting footcandle diagram may be required to demonstrate conformance with this guideline</p>	<p>There would be no night lighting of the construction area; however, low intensity safety lighting may be located along sidewalks and at the entrances of proposed buildings. All lighting would be shielded, directed downward and subject to City Outdoor Lighting Regulations per Land Development Code Section 142.0740 and the Lighting section of the Land Use Adjacency Guidelines.</p>	<p>Consistent</p>
<i>Landscaping</i>		
<p>Drought tolerant and native species should be used wherever possible to minimize water usage and maintain the natural shape and rural character of the environment. Landscaping should make a gradual transition from ornamental to native vegetation.</p>	<p>The plant palette includes species native to the San Dieguito River Valley, as well as non-invasive exotic species. The planting palette for the site includes trees, shrubs, vines, and groundcover that are water conserving and native to the area. The mesa top portion of the site is mapped as disturbed habitat and through implementation of the landscape plan the Assisted Living Facility will reintroduce native species to the site.</p>	<p>Consistent</p>
<p>Existing mature, native trees and shrubs, natural rock outcroppings and riparian areas should be preserved, and special measures should be taken during any grading and construction activity to ensure that no unanticipated impacts will occur.</p>	<p>The Assisted Living Facility would develop the portion of the site consisting of disturbed habitat, and would avoid development in the portion of the property that is located in the Environmental Tier and MHPA. As concluded in Section 5.4.5, the Assisted Living Facility would implement CM-BIO-1 (Land Use Adjacency Guidelines) to reduce direct and indirect impacts</p>	<p>Consistent</p>

**Table 5.1-3  
 Assisted Living Facility’s Consistency with the San Dieguito River Park  
 Concept Plan**

<b>Objective/Special Design Consideration/ Recommended Standard</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
	to biological resources before, during, and after construction.	
Planting along the slope side of development should be designed to allow controlled views out, yet partially screen and soften the architecture. Tree species selection and placement should be designed to be capable of exceeding the height of the top of the slope.	As stated in Section 5.9, the proposed development would include a landscaping plan (Figures 3.4a and 3.4b) that include a landscape buffer between the proposed structure and adjacent residential and Gonzales Canyon. The landscape plan includes large canopy trees, native screening shrubs and groundcover, grasses, and ornamental shrubs. At maturity and depending on the species selected, large canopy trees along the slope side of development would reach a height of 15 feet to 45 feet and would exceed the height of the top of slope.	Consistent
<ul style="list-style-type: none"> <li>• Clearing for firebreaks and planting of non-native, fire retardant vegetation should occur so that the area is not within the viewshed of the FPA. Sensitive fire suppression landscape designs to provide necessary protection while striving to maintain the visual and biological integrity of the native plant communities should be utilized in accordance with the following:                             <ul style="list-style-type: none"> <li>• Maintain adequate building setback</li> <li>• Locate irrigation at top of slope</li> <li>• Thin out high and moderately flammable species</li> </ul> </li> </ul>	The Assisted Living Facility will not consist of typical San Diego Fire-Rescue Department (SDFRD) Brush Management Zones (BMZ) 1 and 2 and alternative compliance would be required. Based on the project’s site, land ownership, adjacency to mapped MHPA and wetland buffer areas, and grading plans, the project would not achieve the City’s standard BMZ widths at the wildland-/urban interface. As such, the entire Assisted Living Facility site will be maintained in a BMZ 1 condition that will consist of an irrigated landscape area along with a paved hardscape development area surrounding all sides of the building	Consistent

**Table 5.1-3  
 Assisted Living Facility’s Consistency with the San Dieguito River Park  
 Concept Plan**

<b>Objective/Special Design Consideration/ Recommended Standard</b>	<b>Assisted Living Facility Analysis</b>	<b>Assisted Living Facility Consistency/ Inconsistency</b>
<ul style="list-style-type: none"> <li>• Remove dead branches, foliage and other debris</li> <li>• Remove limbs touching the ground</li> <li>• Separate plant groupings and avoid dense plantings of tall species, maintain existing plants in random</li> <li>• Prune selectively to maintain natural appearance</li> <li>• Hydroseed with native, low growing plants and grasses</li> <li>• Landscaping should make a gradual transition from private yard to native vegetation.</li> <li>• Landscaped areas within the viewshed of the FPA should use vegetation native to the San Dieguito River Park FPA in the landscape design.</li> </ul>	<p>to the property line/MHPA Line or 100 feet from the structure, <u>consistent with PDF-FIRE-2.</u> Specifically, <del>BMZ 1, at the wildland/urban interface,</del> extends from the exterior of the structure to between 65 and 100 feet from the northern side of the structure and consists of irrigated landscape areas and BMZ-equivalent hardscape areas. The project is within the Coastal Overlay Zone. On the east side of the Assisted Living Facility, BMZ 1 extends from the exterior of the structure up to 35 feet to the MHPA line, with no BMZ 2. Alternative compliance measures for the <del>reduced</del> <u>modified</u> BMZs meet the purpose and intent of Section 142.0412 of the City Code (SDMC 142.0412(i)), thereby minimizing the impacts to undisturbed native and/or naturalized vegetation and avoiding encroachment into the MHPA. Alternative compliance measures would include the following: (1) all windows on the north and east sides of the structure are required to provide exterior glazing in windows (and sliding glass doors) to be dual pane with both panes tempered glass; (2) the entire eastern side of the structure is also required to include 5/8-inch Type X fire rated gypsum sheathing applied behind the exterior covering or</p>	



**Table 5.1-3  
 Assisted Living Facility’s Consistency with the San Dieguito River Park  
 Concept Plan**

Objective/Special Design Consideration/ Recommended Standard	Assisted Living Facility Analysis	Assisted Living Facility Consistency/ Inconsistency
	cladding (stucco or exterior siding) on the exterior side of the framing, from the foundation to the roof for a facade facing the MHPA open space and naturally vegetated areas. Furthermore, the entire development site will be required to be maintained as an all-irrigated low fuel BMZ <del>1 condition</del> landscape with drought-tolerant, fire resistive plants. An FFLMR has been prepared for the project and is provided as Appendix O. The FFLMR provides both City and State fire and building code required elements for construction, as well as enhanced, City and state code-exceeding measures along the eastern side of the structure where non-conforming BMZs occur adjacent to the MHPA. See PDF-FIRE-14 through PDF-FIRE-47	

**Significance of Impact**

With approval of the CUP Amendment, an Uncodified CUP Ordinance, SDP Amendment, and NUP, the Assisted Living Facility would be consistent with the General Plan, NCFUA Framework Plan and SDMC zone. Section §131.0344 of the SDMC establishes that structures may exceed the 30-foot height limit with the inclusion of an additional setback (City of San Diego 2022). As proposed, the setback associated with the Assisted Living Facility would be 20 feet. Therefore, pursuant to Section §131.0344 of the City of San Diego Municipal Code, the maximum permitted structure height on the Assisted Living Facility parcel is 40 feet. Therefore, the height of the Assisted Living Facility is consistent with the underlying AR-1-1 zone. The project is implemented by the Municipal Code which takes precedence over the Concept Plan related to structure height limitations. Therefore, the Assisted Living Facility is considered to be

consistent with the General Plan and NCFUA Framework Plan and therefore, land use impacts as they relate to Issue 1 are considered to be **less than significant**.

Based on the above, no new significant land use impacts or substantial increases in previously identified land use impacts analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Mitigation**

No mitigation measures would be required.

#### **5.1.3.2 Issue 2: Deviation or Variance**

***Issue 2: Would the proposal require a deviation or variance, and the deviation or variance would in turn result in a physical impact on the environment?***

### **Thresholds**

According to the City's CEQA Significance Determination Thresholds (City of San Diego 2022), land use compatibility impacts may be significant if the project would:

- Conflict with an adopted land use designation or intensity causing indirect or secondary environmental impacts occur (for example, development of a designated school or park site with a more intensive land use could result in traffic impacts).

### **Impact**

#### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.1, it was determined that the project deviations would not result in a physical impact on the environment. As such, the 2014 Church EIR determined land use impacts as they relate to Issue 2 were less than significant. Refer to 2014 Church EIR Chapter 5.1 for additional details.

#### ***Changes in Circumstances/New Information***

As identified in the 2014 Church EIR for the Church parcel, the Assisted Living Facility parcel is zoned AR-1-1 and is located within Proposition A land. As discussed under Issue 1, above, and as listed in Table 3-3, Discretionary Actions, the project requires several discretionary actions. An SDP Amendment is required due to the presence of Environmentally Sensitive Lands within the Assisted Living Facility parcel. The project proposes monument signs that require an NUP. In addition, the project proposes an Uncodified CUP Ordinance, which would allow for development of the Assisted

Living Facility through an Uncodified CUP Ordinance as a reasonable accommodation to allow a deviation to development regulations to afford disabled persons the equal opportunity to use and enjoy a dwelling. The Assisted Living Facility site's unique circumstances with respect to the minimal availability of developable land in Subarea II justifies adoption of an Uncodified CUP Ordinance for a nursing facility. However, as discussed under Issue 1, the Assisted Living Facility would be consistent with the AR-1-1 zone, and therefore no deviations or variances are proposed by the Assisted Living Facility. As discussed above, the Comprehensive Sign Plan proposed for the Assisted Living Facility would require an NUP, but does not require a deviation or variance.

### ***Significance of Impact***

With approvals, the Assisted Living Facility would be in accordance with the policy framework established for Proposition A lands as well as the applicable zoning code, including reasonable accommodations for disabled persons and would not result in a significant physical impact on the environment.

The project is proposing adoption of an Uncodified CUP Ordinance to allow for development of the Assisted Living Facility with a CUP in the AR-1-1 zone. The CUP Amendment is consistent with the plans and regulations and the proposed intensity would not cause indirect or secondary significant environmental impacts. Impacts would be **less than significant**.

Based on the above, no new significant land use impacts or substantial increases in previously identified land use impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### ***Mitigation***

No mitigation measures would be required.

#### **5.1.3.3 Issue 3: MSCP Subarea Plan**

***Issue 3: Would the project result in a conflict with the provisions of the City's MSCP Subarea Plan or other approved local, regional, or state habitat conservation plan?***

#### **Threshold**

According to the City's CEQA Significance Determination Thresholds (City of San Diego 2022), land use compatibility impacts may be significant if the project would:

- Be inconsistent or conflict with adopted environmental plans for an area. For example, a use incompatible with MSCP for development within the MHPA would fall into this category.

## **Impact**

### ***Previous EIR***

The Church included a MHPA boundary line adjustment and habitat resource mitigation for direct impacts. As indicated in the 2014 Church EIR Chapter 5.1, the functional equivalency analysis determined that proposed boundary adjustment provides for increased habitat acreage within the MHPA by restoring or enhancing a total of 1.76 acres of wetlands and upland/wetland transitional buffer. With implementation of the Conceptual Restoration Plan for the Church the MHPA boundary adjustment met the requirements of the MSCP Subregional Plan for adjustments to the boundary of the MHPA under the “like or equivalent” exchange concept, and the direct and permanent impacts to the MSCP were determined to be less than significant.

The 0.10 acres (0.08 acres of disturbed land and 0.02 acres of coastal sage scrub habitat) of temporary direct impacts would occur within the MHPA with the boundary line adjustment approval and were determined to be a significant impact. Additionally, potential short-term and long-term indirect impacts on vegetation and sensitive plant and animal species within the MHPA were determined to be significant if they did occur. It was determined that with implementation of the proposed Conceptual Restoration Plan and the MHPA boundary line adjustment, as well as Mitigation Measure LU-1 (revegetation of a temporarily impacted 0.10-acre area) and LU-2 (consistency with MHPA land use adjacency guidelines, including preconstruction surveys for California Gnatcatcher), the project would be consistent with the City of San Diego MSCP and impacts would be less than significant. Refer to 2014 Church EIR Chapter 5.1 for additional details.

### ***Changes in Circumstances/New Information***

The eastern portion of the Assisted Living Facility parcel is located within the MHPA. More specifically, a total of 1.12 acres of the 3.97-acre parcel are designated MHPA. The Assisted Living Facility would avoid developing within the MHPA and would preserve that area in perpetuity as open space through a Covenant of Easement in accordance with the City’s Environmentally Sensitive Lands regulations. In contrast to the significant direct MHPA impacts identified in the 2014 Church EIR, the Assisted Living Facility would not result in any direct impacts to the MHPA nor would it require any MHPA boundary line adjustment.

In addition, the Assisted Living Facility would adhere to the Land Use Adjacency Guidelines as identified in the City of San Diego MSCP Subarea Plan (City of San Diego 1997), as detailed in Appendix D (Biological Technical Report), included in Compliance Measure (CM) BIO-1 (see Table 3-2) and explained below.

### ***Drainage***

According to the City's Land Use Adjacency Guidelines, all new and proposed parking lots and developed areas in and adjacent to the MHPA must not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials, and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA.

The project would include the construction of an Assisted Living Facility with a parking lot. As described in the Drainage Study for the El Camino Real Assisted Living Facility (Appendix K), runoff from the Assisted Living Facility parcel would drain to the storm drain facilities through the Church and before entering the two existing outfalls along El Camino Real to the west of the project site, away from the MHPA. As stated in Section 7.5, Hydrology/Water Quality, best management practices (BMPs) would be implemented to address site runoff prior to entering the municipal storm drain system. The Assisted Living Facility would be consistent with this guideline.

### ***Toxics***

According to the City's Land Use Adjacency Guidelines, land uses such as recreation and agriculture, that use chemicals or generate by-products such as manure, that are potentially toxic or impactful to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. Such measures should include drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials.

As part of the Assisted Living Facility design, no hazardous construction materials storage methods would be allowed which could impact adjacent MHPA (including fuel) areas and any drainage from the construction site must be clear of such materials. As shown on Figures 3-4a and 3-4b, trees, native shrubs, and groundcover would be located throughout the parking area. In addition, as stated in Section 7.5, Hydrology/Water Quality, the Assisted Living Facility includes Site Design BMPs, Source Control BMPs, and Structural Pollutant Control BMPs for the filtration and treatment of runoff and drainage from the Assisted Living Facility site would be directed away from the MHPA. The contractor would ensure all areas for staging, storage of equipment and materials, trash, equipment maintenance, and other construction related activities are located within the limits of the Assisted Living Facility site. After construction, operation of the Assisted Living Facility would include a Stormwater Pollution Prevention Plan that outlines spill prevention plans and avoidance measures. The Assisted Living Facility would be consistent with this guideline.

### **Lighting**

According to the City's Land Use Adjacency Guidelines, lighting of all developed areas adjacent to the MHPA should be directed away from the MHPA. Where necessary, development should provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting. Low intensity safety lighting may be located along sidewalks and at the entrances of proposed buildings. All lighting would be shielded, directed downward, away from the MHPA, and subject to City Outdoor Lighting Regulations per LCD Section 142.0740. Additionally, with the implementation of the Landscaping Plan, which can be seen in Figures 3-4a and 3-4b, vegetation would further shield the MHPA from lighting from the Assisted Living Facility. The Assisted Living Facility would be consistent with this guideline.

### **Noise**

According to the City's Land Use Adjacency Guidelines, land uses in or adjacent to the MHPA should be designed to minimize noise impacts. Berms or walls should be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA. Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species. Adequate noise reduction measures should also be incorporated for the remainder of the year.

Noise attenuation measures that have been incorporated into the Assisted Living Facility design are described in Section 5.10.3 and include setback buffers, screening walls around air handling units and sound enclosures for generators. As described in Section 5.10, the Assisted Living Facility would not result in significant increases to noise in the surrounding area during operation. Additionally, through **Mitigation Measure (MM) BIO-1** and standard conditions of approval for projects adjacent to the MHPA (CM-BIO-1; see Table 3-2), the Assisted Living Facility would control construction noise to prevent impacts to sensitive species covered by the MSCP. The Assisted Living Facility would be consistent with this guideline.

### **Barriers**

According to the City's Land Use Adjacency Guidelines, new development adjacent to the MHPA may be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.

The proposed Assisted Living Facility impact area would run along the MHPA boundary. The proposed Assisted Living Facility would include the landscape plan which would create a vegetation

barrier between the MHPA and the Assisted Living Facility. The landscaping would create a clear boundary between the developed area and the undeveloped natural landscape in the MHPA. The Assisted Living Facility would be consistent with this guideline.

### ***Invasive Species***

According to the City's Land Use Adjacency Guidelines, no invasive non-native plant species shall be introduced into areas adjacent to the MHPA.

The landscape plan for the Assisted Living Facility and no invasive non-native plant species would be included in the landscaping. Additionally, as noted in the landscape plan, all graded, disturbed or eroded areas that would not be permanently paved or covered by structures shall be permanently revegetated and irrigated in accordance with the standards of the Land Development Code. The Assisted Living Facility would be consistent with this guideline.

### ***Brush Management***

According to the City's Land Use Adjacency Guidelines, new residential development located adjacent to and topographically above the MHPA (e.g., along canyon edges) must be set back from slope edges to incorporate Zone 1 brush management areas on the development pad and outside of the MHPA.

Based on the project's site, land ownership, adjacency to mapped MHPA and wetland buffer areas, and grading plans, the project would not achieve the City's standard BMZ widths at the wildland-/urban interface. As such, the entire Assisted Living Facility site will be maintained in a Zone 1 condition that will consist of an irrigated landscape area along with a paved hardscape development area surrounding all sides of the building to the property line/MHPA Line or 100 feet from the structure (see Project Design Feature [PDF] FIRE-14, in Section 3.4). Specifically, BMZ 1, at the wildland/urban interface, extends from the exterior of the structure to between 65 and 100 feet from the northern side of the structure, consisting of irrigated landscape areas and BMZ-equivalent hardscape areas. The project is within the Coastal Overlay Zone. On the east side of the Assisted Living Facility, BMZ 1 extends from the exterior of the structure up to 35 feet to the MHPA line, with no BMZ 2. Alternative compliance measures for the ~~reduced~~ modified BMZs meet the purpose and intent of Section 142.0412 of the City Code (SDMC 142.0412(i)), thereby minimizing the impacts to undisturbed native and/or naturalized vegetation and avoiding encroachment into the MHPA. Alternative compliance measures would include the following: (1) all windows on the north and east sides of the structure are required to provide exterior glazing in windows (and sliding glass doors) to be dual pane with both panes tempered glass; (2) the entire eastern side of the structure is also required to include 5/8-inch Type X fire rated gypsum sheathing applied behind the exterior covering or cladding (stucco or exterior siding) on the exterior side of the framing, from the foundation to the roof for a facade

facing the MHPA open space and naturally vegetated areas. Furthermore, the entire development site will be required to be maintained as an all-irrigated low fuel ~~BMZ-1 condition~~ landscape with drought-tolerant, fire resistive plants. (see PDF-FIRE-14 through PDF-FIRE-47 in Table 3-2 and Appendix O, Fire Fuel Load Modeling Report).

### **Grading/Land Development**

According to the City's Land Use Adjacency Guidelines, manufactured slopes associated with site development shall be included within the development footprint for Assisted Living Facility within or adjacent to the MHPA. Manufactured slopes associated with the proposed development are not proposed under the Assisted Living Facility and therefore this guideline would not apply.

### **Significance of Impact**

The proposed Assisted Living Facility would focus development within the disturbed portion of the site and would avoid development of the on-site and adjacent MHPA area. The areas designated for MHPA would be included as a Covenant of Easement. In addition, the project would comply with the MHPA Land Use Adjacency Guidelines as conditions of project approval (see CM-BIO-1 in Table 3-2) to avoid indirect impacts to sensitive biological resources protected and covered by the MSCP. Overall, the project would not impact the goals and objectives of the City's Subarea Plan and it would be consistent with the guidelines and policies of the City's MSCP. The project would not conflict with the City's MSCP or an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan, or any local policies or ordinances. Impacts would be **less than significant**.

Based on the above, no new significant MSCP Plan inconsistency impact or substantial increases in previously identified impacts analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Mitigation**

No mitigation would be required for the proposed Assisted Living Facility. The mitigation measures LU-1 and LU-2 identified in the 2014 Church EIR would not be applicable to the proposed Assisted Living Facility, as the Assisted Living Facility results in no direct or indirect impacts to the MHPA.



#### **5.1.3.4 Issue 4: Divide an Established Community**

##### ***Issue 4: Would the project physically divide an established community?***

##### **Threshold**

According to the City's Significance Determination Thresholds (2020), land use impacts may be significant if a project would:

- Physically divide an established community.

##### **Impact**

##### ***Previous EIR***

The previous EIR did not identify any significant impacts related to the physical division of an established community for the Church.

##### ***Changes in Circumstances/New Information***

The proposed project would consist of an Assisted Living Facility surrounded by a church (Evangelical Formosan Church) to the west, residential development to the south, and open space to the east. The project would be surrounded by existing development and would not prevent access to or divide an established community.

##### **Significance of Impact**

The overall Assisted Living Facility would not physically divide an established community; therefore, impacts would be **less than significant**.

Based on the above, no new significant impact to an established community or substantial increases in previously identified land use impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

##### **Mitigation**

No mitigation measures would be required.

### **5.1.3.5 Issue 5: General Plan Noise Element**

***Issue 5: Would the proposal result in the exposure of sensitive receptors to current or future noise levels that would exceed standards established in the Noise Element of the General Plan?***

#### **Threshold**

The project would be significant if it was determined that the project would exceed standards established by the Noise Element of the General Plan.

#### **Impact**

##### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.1, it was determined that the Church would be consistent with the Noise Element of the General Plan under Issue 1. Additionally, as indicated in the 2014 Church EIR Section 7.6, Noise, the Church was determined to have less than significant impacts related to exposure of sensitive receptors.

##### ***Changes in Circumstances/New Information***

Traffic on El Camino Real is the primary generator of noise in the immediate project area. Due to the distance from the roadway and intervening structures and topography, it is not anticipated that traffic noise would be excessive at the exterior of the Assisted Living Facility. As detailed in Appendix J, Noise Report, the roadway noise at the proposed building façade would be a maximum of 63 dBA CNEL. Based on the use of standard construction materials pursuant to Title 24 requirements, the building and windows would attenuate interior noise levels to less than 45 dBA CNEL. Thus, the City's threshold of 45 dB CNEL within habitable rooms would not be exceeded. In addition, the Assisted Living Facility would not increase traffic noise levels over 3 decibels, and the change in traffic noise generated by the Assisted Living Facility would not be audible to the typical human ear (Appendix J). The Assisted Living Facility on-site stationary noise sources, including the emergency generator and HVAC equipment, would also not result in any City Noise Ordinance (Municipal Code Table 59.5.0401) property line noise limit exceedances. The proposed construction activities of the Assisted Living Facility would potentially exceed the residential limit of 75 dBA 12-hour Leq, but mitigation is proposed to bring the construction activities into compliance with SDMC 59.5.0404(c). While not in the Noise Element, the project would also be required to comply with the City's Land Use Adjacency Guidelines that include noise limitations for to coastal California gnatcatcher habitat located within the MHPA per the City's Biology Guidelines (see CM-BIO-1 and CM-NOI-2 in Table 3-2). Overall, the project would comply with the City's Noise Element standards, as well as the SDMC. As

concluded in Table 5.1-1, the project would be consistent with all applicable goals and policies of the Noise Element within the General Plan. Refer to Section 5.10, Noise, for additional details.

### **Significance of Impact**

The Assisted Living Facility would be in compliance with the City's Noise Element, and impacts would be **less than significant**.

Based on the above, no new significant General Plan inconsistency noise impacts or substantial increases in previously identified land use impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Mitigation**

No mitigation is required.

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SOURCE: SANGIS 2021, BING 2021



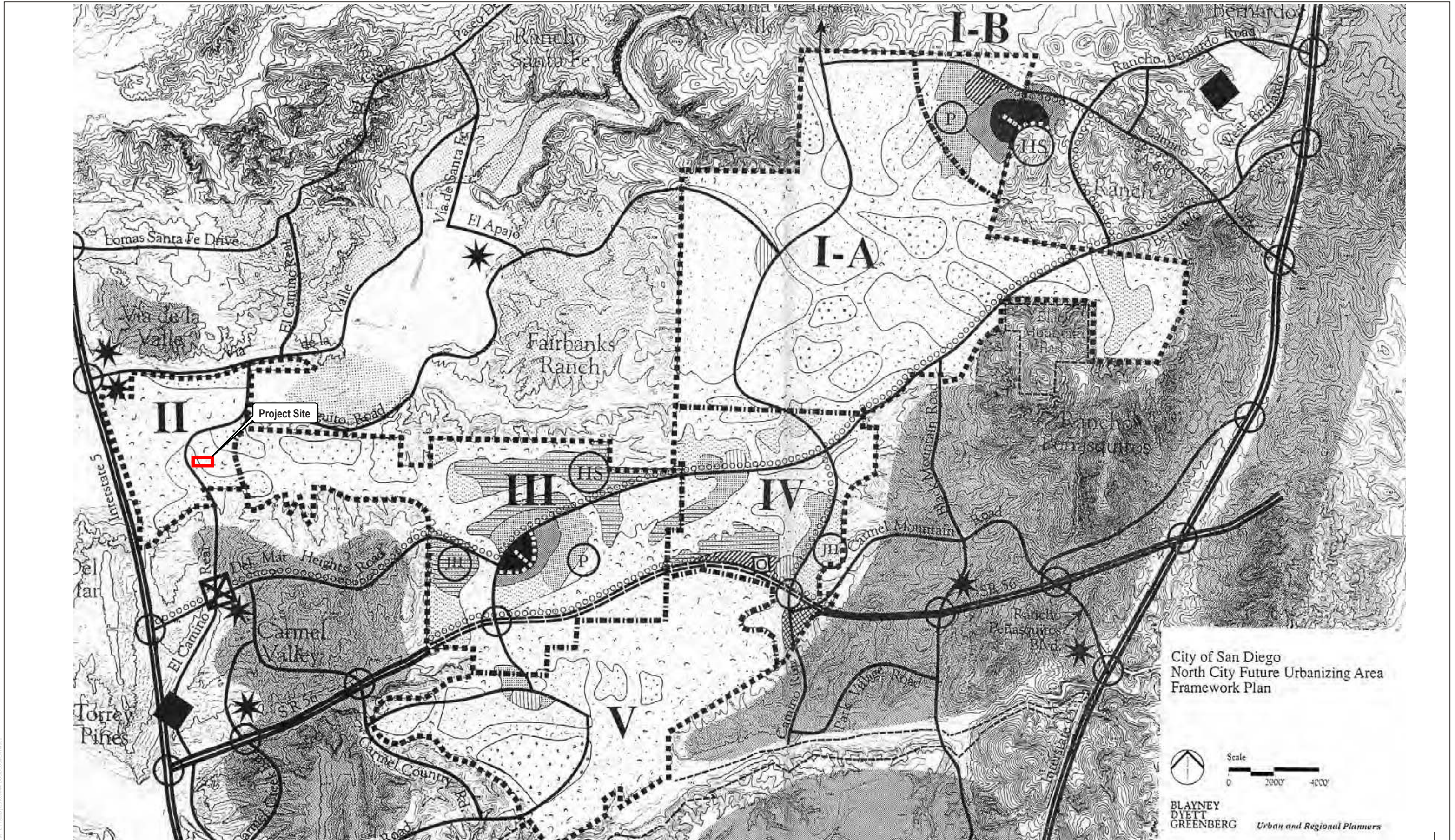
**FIGURE 5.1-1**

**City of San Diego Community Plan Area**

El Camino Real Assisted Living Facility SEIR

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SOURCE: Leppert Engineering 2020

FIGURE 5.1-2

North City Future Urbanizing Area - Subarea II

El Camino Real Assisted Living Facility SEIR



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## **5.2 AGRICULTURAL RESOURCES**

Chapter 5.2, Agricultural Resources, of the 2014 St. John Garabed Armenian Church Project Final Environmental Impact Report (2014 Church EIR) discloses information regarding the approved St. John Garabed Armenian Church (Church) and associated agricultural resources analysis. A summary of that analysis is included in Section 5.2.3 for the convenience of the reader. However, refer to the 2014 Church EIR, Chapter 5.2, for details.

As the focus of the analysis within this FSEIR is the addition of the El Camino Real Assisted Living Facility (Assisted Living Facility), the additional information below is intended to provide an agricultural resource analysis update to the 2014 Church EIR for the proposed Assisted Living Facility. The analysis herein is based on knowledge of site history, site visits, and research associated with the California Department of Conservation (DOC) Farmland Mapping and Monitoring Program.

### **5.2.1 EXISTING CONDITIONS**

Per the Phase I Environmental Site Assessment (Appendix B), the “subject property was used for agriculture from at least 1949 until approximately 1953 and from 2014 to 2016.” As documented in the Biological Technical Report (Appendix D), 3.11 acres of the Assisted Living Facility parcel were observed as being plowed within the last 5 years. However, as detailed in the 2014 Church EIR Chapter 5.2, farming on the site has ceased due to water costs. The high cost of water has made it unprofitable to farm the land. Efforts to address the high cost of water resulted in the installation of a water tank in 2014 on the Assisted Living Facility parcel and the use of well water for agriculture, but that water was unacceptable for most crops because of a high concentration of particulates. In addition, there are limitations to farming activities due to the site location and adjacent uses. More specifically, there is biologically sensitive MHPA land on the eastern portion of the Assisted Living Facility parcel. In addition, the location adjacent to residential, MHPA, and church uses limits the ability to farm the site due to the potential to generate dust and other indirect impacts, as well as limitations on the application of pesticides commonly used for agriculture due to the adjacency.

### **5.2.2 REGULATORY FRAMEWORK**

#### **Williamson Act Land**

The Williamson Act, also known as the California Land Conservation Act of 1965, allows local governments to contract with private landowners to restrict the site’s use to agricultural and open space uses in exchange for lower property tax assessments based on agricultural value. The project site and surrounding sites are not designated as Williamson Act Land.

## **Zoning**

The proposed project site is zoned Agricultural-Residential (AR-1-1), which allows for agricultural use of the land. More specifically, Zoning Code Section 131.0303(a) states the following is the purpose of the AR zones:

The purpose of the AR zones is to accommodate a wide range of agricultural uses while also permitting the development of single dwelling unit homes at a very low density. The agricultural uses are limited to those of low intensity to minimize the potential conflicts with residential uses. This zone is applied to lands that are in agricultural use or that are undeveloped and not appropriate for more intense zoning. Residential development opportunities are permitted with a Planned Development Permit at various densities that will preserve land for open space or future development at urban intensities when and where appropriate.

Related to agriculture, this zone permits agricultural processing, aquaculture facilities, dairies, horticulture nurseries and greenhouses, raising and harvesting of crops, and raising and keeping of animals.

## **Farmland Mapping and Monitoring Program Designation**

The DOC Farmland Mapping and Monitoring Program produces maps and statistical data used to analyze impacts on California's agricultural resources. Agricultural land is rated by the DOC Farmland Mapping and Monitoring Program according to soil quality and irrigation status; land that has the best combination of physical and chemical characteristics for the production of crops are designated Prime Farmland. Lands with a good combination of physical and chemical characteristics for the production of crops are designated Farmland of Statewide Importance, and Unique Farmlands are lands other than prime or statewide importance that have been used for the production of specific high economic value crops at some time. Lastly, Farmlands of Local Importance are lands either currently producing crops, land with the capability of crop production, or land used for the production of confined livestock.

As shown on Figure 5.2-1, Farmland Mapping and Monitoring Program (FMMP), the entire Assisted Living Facility parcel is designated as Farmlands of Local Importance. The MHPA area to the east is also designated as Farmlands of Local Importance, but notably would not be able to be used for agriculture unless mitigation is provided for impacts to sensitive biological resources in accordance with the City of San Diego's Biology Guidelines (City of San Diego 2018) and other regulations protecting biological resources as described in Section 5.4, Biological Resources. The area to the west that is developed with the Evangelical Formosan Church and the area to the south that is developed with single-family homes are both mapped by the FMMP as Urban and Built-Up Land (DOC 2016).

## 5.2.3 IMPACT ANALYSIS

### 5.2.3.1 Issues 1, 2 and 3: Conversion of Farmland or Significant Farmland, Conflicts with Zoning for Agricultural Use or Williamson Act Contracts

***Issue 1: Would the project convert a substantial amount of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural uses?***

***Issue 2: Would the project conflict with existing zoning for agricultural use, or Williamson Act contract?***

***Issue 3: Would the project change the existing environment, which, due to their location or nature could result in conversion of farmland to non-agricultural use?***

#### **Threshold**

According to the City's Significance Determination Thresholds (City of San Diego 2022), impacts to agricultural resources should take into consideration the economic viability of agricultural activities at the site, as well as whether the proposed use would potentially interfere with continued adjacent agricultural activities.

#### **Impact**

##### **Previous EIR**

As indicated in the 2014 Church EIR Chapter 5.2, Agricultural Resources, the Church was determined to be consistent with the existing Agricultural-Residential (AR-1-1) zoning and to have no conflict with a Williamson Act contract. The Church parcel was identified as Farmland of Local Importance in the previous EIR, but the Church was determined to have no direct or indirect impact to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance considering no such farmland existed on or adjacent to the Church parcel. As such, the 2014 Church EIR identified impacts to farmland as less than significant. Refer to 2014 Church EIR Chapter 5.2, Agricultural Resources, for additional details.

##### **Changes in Circumstances/New Information**

As with the Church parcel previously analyzed in the 2014 Church EIR, the Assisted Living Facility parcel is zoned Agricultural-Residential (AR-1-1). While this zone is titled "Agricultural-Residential," this zone does allow for other uses besides agricultural and residential uses. Relevant to this project, this zone allows for "Hospitals, Intermediate Care Facilities and Nursing Facilities" with a Conditional Use Permit (CUP). With the proposed amendment to the Church Project CUP for the addition of the

proposed Assisted Living Facility, the project would be consistent with the applicable AR-1-1 zone and would not conflict with an agricultural zone. Refer to Chapter 5.1, Land Use, for additional details regarding zoning consistency. In conclusion, the project would not conflict with an agricultural zone as previously disclosed in the 2014 Church EIR.

The project site and surrounding sites are designated as non-Williamson Act Land (specifically non-enrolled land, defined as land that has not been enrolled in the Williamson Act and not mapped by the Farmland Mapping and Monitoring Program as urban and built-up land or water) on the San Diego County Williamson Act 2012/2013 map (DOC 2013). Therefore, the project as amended would not conflict with a Williamson Act contract as identified previously in the 2014 Church EIR.

The Assisted Living Facility parcel is designated as Farmlands of Local Importance by the DOC Farmland Mapping and Monitoring Program (Figure 5.2-1). While the project site is designated as “Farmland of Local Importance” by the Department of Conservation’s Farmland Mapping and Monitoring Program (DOC 2016), productive agricultural efforts are no longer possible on the Assisted Living Facility parcel due to high costs of water and the well water quality issues. More specifically, as discussed in in 2014 Church EIR, efforts to farm the Church parcel have not been productive in large part because the high cost of water has made it unprofitable. Efforts to address the high cost of water resulted in the refurbishment of an existing on-site well, but that water was unacceptable for most crops because of a high concentration of particulates. More recent efforts have included the installation of a water filtration system in an effort to address the problem with the well water. Therefore, the areas has not historically been productive agricultural land. Additionally, agricultural use of the Assisted Living Facility parcel is limited under the existing conditions, as the surrounding development and the MHPA is sensitive to agricultural operations. In addition, 1.12 acres of the Assisted Living Facility parcel is located in the MHPA and agricultural use of that 1.12-acre area of the Assisted Living Facility parcel is restricted. Further, the agricultural operations would be limited due to the need to adhere to the City’s Land Use Adjacency Guidelines (see CM-BIO-1). Additionally, the Assisted Living Facility site is only accessible through the Church parcel to allow agricultural activities, further restricting agricultural operations. No adjacent areas are presently in agricultural use or designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Due to these site conditions, the site is no longer in agricultural use and is not considered a significant agricultural resource. Overall, the development of the Assisted Living Facility parcel would not result in the conversion of Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or otherwise significant agricultural resource to non-agricultural use as previously identified in the 2014 Church EIR.

### **Significance of Impact**

The proposed Assisted Living Facility would not conflict with existing zoning or conflict with a Williamson Act contract. The Assisted Living Facility would also not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, nor

would the project involve other changes in the existing environment that could result in conversion of such farmland, to non-agricultural use. Considering this, the Assisted Living Facility impacts to farmland would be **less than significant**.

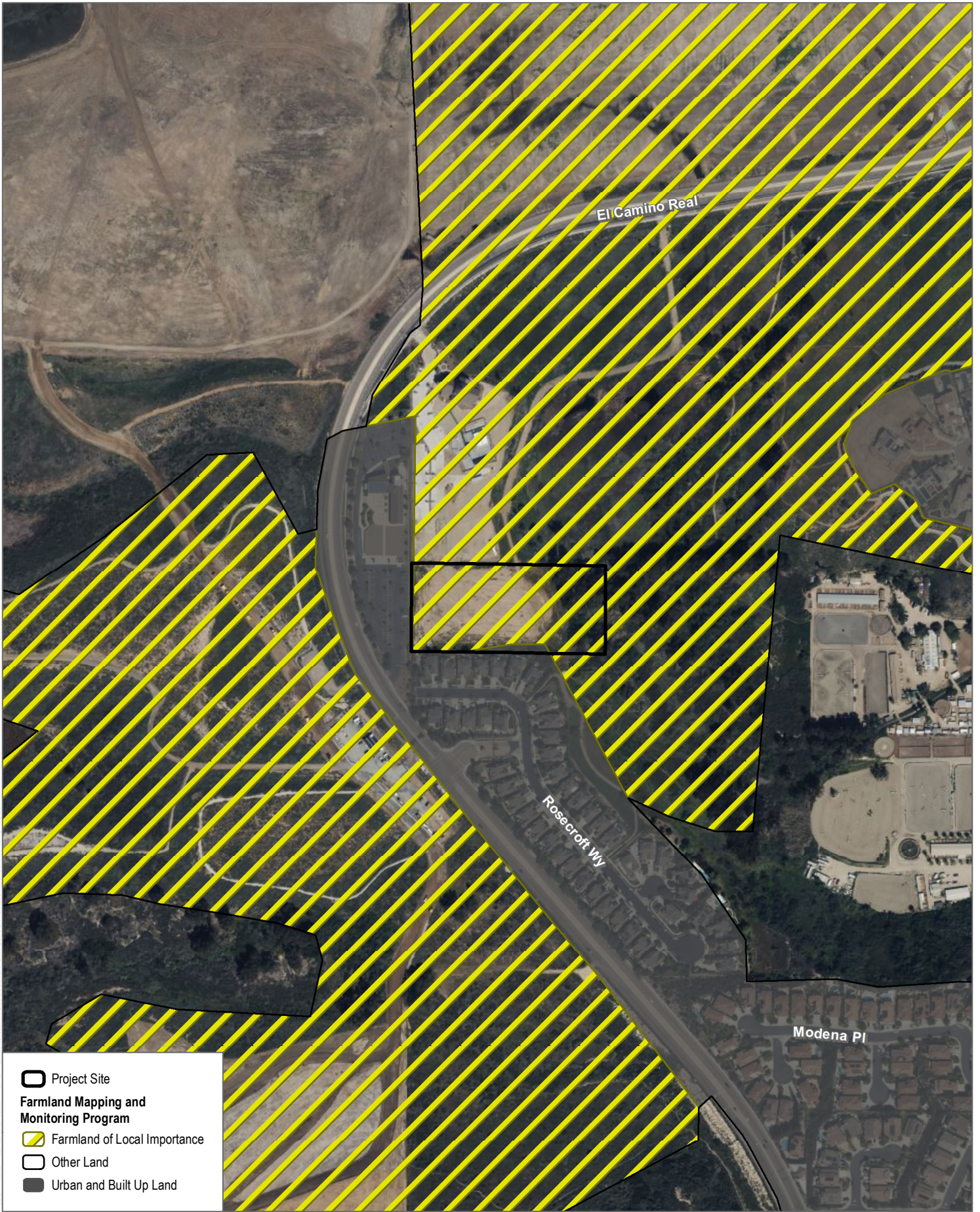
Based on the above, no new significant agricultural resource impacts or substantial increases in a previously identified agricultural resource impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Mitigation**

No mitigation would be required.

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SOURCE: SANGIS 2021, BING 2021



**FIGURE 5.2-1**  
**Farmland Mapping and Monitoring Program**  
 El Camino Real Assisted Living Facility SEIR

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## **5.3 AIR QUALITY AND ODOR**

Chapter 5.3, Air Quality and Odor, of the 2014 St. John Garabed Armenian Church Project Final Environmental Impact Report (2014 Church EIR) discloses information regarding the approved St. John Garabed Armenian Church (Church) and associated air quality analysis. A summary of that analysis is included within each air quality issue in Section 5.3.3 for the convenience of the reader. However, refer to the 2014 Church EIR, Chapter 5.3, for details.

As the focus of the analysis within this FSEIR is the addition of the El Camino Real Assisted Living Facility (Assisted Living Facility), the additional information provided below is intended to provide an air quality analysis update to the 2014 Church EIR for the proposed Assisted Living Facility. This section describes the existing air quality conditions of the proposed Assisted Living Facility site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures, if applicable, related to implementation of the Assisted Living Facility. The analysis below relies on air quality modeling. This modeling is included as Appendix C, as follows:

- California Emissions Estimator Model (CalEEMod) Version 2020.4.0 completed for the El Camino Real Assisted Living Facility Project, prepared by Dudek in January 2022

### **5.3.1 EXISTING CONDITIONS**

#### **Regional Setting**

The project site is located within the San Diego Air Basin (SDAB) and is subject to the San Diego Air Pollution Control District (SDAPCD) guidelines and regulations. The SDAB is one of 15 air basins that geographically divide the State of California. The weather of the San Diego region, as in most of Southern California, is influenced by the Pacific Ocean and its semi-permanent high-pressure systems that result in dry, warm summers and mild, occasionally wet winters. The average temperature ranges (in °F) from the mid-40s to the high 90s. Most of the region's precipitation falls from November to April with infrequent (approximately 10%) precipitation during the summer. The average seasonal precipitation along the coast is approximately 10 inches; the amount increases with elevation as moist air is lifted over the mountains to the east.

The topography in the San Diego region varies greatly, from beaches on the west to mountains and desert on the east. Along with local meteorology, the topography influences the dispersal and movement of pollutants in the SDAB. The mountains to the east prohibit dispersal of pollutants in that direction and help trap them in inversion layers as described in the next section.

The interaction of ocean, land, and the Pacific High Pressure Zone maintains clear skies for much of the year and influences the direction of prevailing winds (westerly to northwesterly). Local terrain is

often the dominant factor inland, and winds in inland mountainous areas tend to blow through the valleys during the day and down the hills and valleys at night.

### **Meteorological and Topographical Conditions**

The SDAB lies in the southwest corner of California, makes up the entire San Diego region (covering approximately 4,260 square miles), and is an area of high air pollution potential. The SDAB experiences warm summers, mild winters, infrequent rainfalls, light winds, and moderate humidity. This usually mild climatological pattern is interrupted infrequently by periods of extremely hot weather, winter storms, or Santa Ana winds.

The climate also drives the pollutant levels. The climate of San Diego is classified as Mediterranean, but it is incredibly diverse due to the topography. The climate is dominated by the Pacific High-pressure system that results in warm, dry summers and mild, wet winters. The Pacific High drives the prevailing winds in the SDAB. The winds tend to blow onshore during the daytime and offshore at night. In the fall months, the SDAB is often impacted by Santa Ana winds. These winds are the result of a high-pressure system over the Nevada–Utah region that overcomes the westerly wind pattern and forces hot, dry winds from the east to the Pacific Ocean (SDAPCD 2015a). The winds blow the air basin's pollutants out to sea. However, a weak Santa Ana can transport air pollution from the South Coast Air Basin and greatly increase San Diego ozone ( $O_3$ ) concentrations. A strong Santa Ana also primes the vegetation for firestorm conditions.

The SDAB experiences frequent temperature inversions. Subsidence inversions occur during the warmer months as descending air associated with the Pacific High Pressure Zone meets cool marine air. The boundary between the two layers of air creates a temperature inversion that traps pollutants. Another type of inversion, a radiation inversion, develops on winter nights when air near the ground cools by heat radiation and air aloft remains warm. The shallow inversion layer formed between these two air masses can also trap pollutants. As the pollutants become more concentrated in the atmosphere, photochemical reactions occur that produce  $O_3$ , commonly known as smog.

Light daytime winds, predominantly from the west, further aggravate the condition by driving air pollutants inland, toward the mountains. During the fall and winter, air quality problems are created due to emissions of carbon monoxide (CO) and oxides of nitrogen ( $NO_x$ ). CO concentrations are generally higher in the morning and late evening. In the morning, CO levels are elevated due to cold temperatures and the large number of motor vehicles traveling. Higher CO levels during the late evenings are a result of stagnant atmospheric conditions trapping CO in the area. Since CO is produced almost entirely from automobiles, the highest CO concentrations in the basin are associated with heavy traffic. Nitrogen dioxide ( $NO_2$ ) levels are also generally higher during fall and winter days when  $O_3$  concentrations are lower.

## Criteria Pollutants

Criteria air pollutants are defined as pollutants for which the federal and state governments have established ambient air quality standards (criteria) for outdoor concentrations to protect public health. The federal and state standards have been set, with an adequate margin of safety, at levels above which concentrations could be harmful to human health and welfare. These standards are designed to protect the most sensitive persons from illness or discomfort. Pollutants of concern include O<sub>3</sub>, NO<sub>2</sub>, CO, sulfur dioxide (SO<sub>2</sub>), particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM<sub>10</sub>), particulate matter with an aerodynamic diameter less than or equal to 2.5 microns (PM<sub>2.5</sub>), and lead. These pollutants, as well as toxic air contaminants (TACs), are discussed in the following paragraphs.<sup>1</sup> In California, sulfates, vinyl chloride, hydrogen sulfide, and visibility-reducing particles are also regulated as criteria air pollutants.

**Ozone.** O<sub>3</sub> is a strong-smelling, pale blue, reactive, toxic chemical gas consisting of three oxygen atoms. It is a secondary pollutant formed in the atmosphere by a photochemical process involving the sun's energy and O<sub>3</sub> precursors. These precursors are mainly NO<sub>x</sub> and volatile organic compounds (VOCs). The maximum effects of precursor emissions on O<sub>3</sub> concentrations usually occur several hours after they are emitted and many miles from the source. Meteorology and terrain play major roles in O<sub>3</sub> formation, and ideal conditions occur during summer and early autumn on days with low wind speeds or stagnant air, warm temperatures, and cloudless skies. O<sub>3</sub> exists in the upper atmosphere O<sub>3</sub> layer (stratospheric ozone) and at the Earth's surface in the troposphere (ozone).<sup>2</sup> The O<sub>3</sub> that the U.S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) regulate as a criteria air pollutant is produced close to the ground level, where people live, exercise, and breathe. Ground-level O<sub>3</sub> is a harmful air pollutant that causes numerous adverse health effects and is, thus, considered "bad" O<sub>3</sub>. Stratospheric, or "good," O<sub>3</sub> occurs naturally in the upper atmosphere, where it reduces the amount of ultraviolet light (i.e., solar radiation) entering the Earth's atmosphere. Without the protection of the beneficial stratospheric O<sub>3</sub> layer, plant and animal life would be seriously harmed.

O<sub>3</sub> in the troposphere causes numerous adverse health effects; short-term exposures (lasting for a few hours) to O<sub>3</sub> at levels typically observed in Southern California can result in breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of the lung tissue, and some immunological changes (EPA 2013). These health problems are particularly acute in sensitive receptors such as the sick, the elderly, and young children.

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<sup>1</sup> The descriptions of each of the criteria air pollutants and associated health effects are based on the EPA's (2021a) Criteria Air Pollutants and the CARB (2022a) Glossary of Air Pollutant Terms.

<sup>2</sup> The troposphere is the layer of the Earth's atmosphere nearest to the surface of the Earth. The troposphere extends outward about 5 miles at the poles and about 10 miles at the equator.

**Nitrogen Dioxide and Oxides of Nitrogen.** NO<sub>2</sub> is a brownish, highly reactive gas that is present in all urban atmospheres. The major mechanism for the formation of NO<sub>2</sub> in the atmosphere is the oxidation of the primary air pollutant nitric oxide, which is a colorless, odorless gas. NO<sub>2</sub> can irritate the lungs, cause bronchitis and pneumonia, and lower resistance to respiratory infections (EPA 2021a).

NO<sub>x</sub> plays a major role, together with VOCs, in the atmospheric reactions that produce O<sub>3</sub>. NO<sub>x</sub> is formed from fuel combustion under high temperature or pressure. In addition, NO<sub>x</sub> is an important precursor to acid rain and may affect both terrestrial and aquatic ecosystems. The two major emissions sources of NO<sub>x</sub> are transportation and stationary fuel combustion sources, such as electric utility and industrial boilers.

**Carbon Monoxide.** CO is a colorless, odorless gas formed by the incomplete combustion of hydrocarbon, or fossil fuels. CO is emitted almost exclusively from motor vehicles, power plants, refineries, industrial boilers, ships, aircraft, and trains. In urban areas, automobile exhaust accounts for the majority of CO emissions. CO is a nonreactive air pollutant that dissipates relatively quickly; therefore, ambient CO concentrations generally follow the spatial and temporal distributions of vehicular traffic. CO concentrations are influenced by local meteorological conditions—primarily wind speed, topography, and atmospheric stability. CO from motor vehicle exhaust can become locally concentrated when surface-based temperature inversions are combined with calm atmospheric conditions, which is a typical situation at dusk in urban areas from November to February. The highest levels of CO typically occur during the colder months of the year, when inversion conditions are more frequent.

In terms of adverse health effects, CO competes with oxygen, often replacing it in the blood, reducing the blood's ability to transport oxygen to vital organs. The results of excess CO exposure can include dizziness, fatigue, and impairment of central nervous system functions.

**Sulfur Dioxide.** SO<sub>2</sub> is a colorless, pungent gas formed primarily from incomplete combustion of sulfur-containing fossil fuels. The main sources of SO<sub>2</sub> are coal and oil used in power plants and industries; as such, the highest levels of SO<sub>2</sub> are generally found near large industrial complexes. In recent years, SO<sub>2</sub> concentrations have been reduced by the increasingly stringent controls placed on stationary source emissions of SO<sub>2</sub> and limits on the sulfur content of fuels.

SO<sub>2</sub> is an irritant gas that attacks the throat and lungs and can cause acute respiratory symptoms and diminished ventilator function in children. When combined with particulate matter, SO<sub>2</sub> can injure lung tissue and reduce visibility and the level of sunlight. SO<sub>2</sub> can also yellow plant leaves and erode iron and steel.

**Particulate Matter.** Particulate matter pollution consists of very small liquid and solid particles floating in the air, which can include smoke, soot, dust, salts, acids, and metals. Particulate matter can form when gases emitted from industries and motor vehicles undergo chemical reactions in the atmosphere.  $PM_{2.5}$  and  $PM_{10}$  represent fractions of particulate matter. Coarse particulate matter ( $PM_{10}$ ) consists of particulate matter that is 10 microns or less in diameter (about 1/7 the thickness of a human hair). Major sources of  $PM_{10}$  include crushing or grinding operations; dust stirred up by vehicles traveling on roads; wood-burning stoves and fireplaces; dust from construction, landfills, and agriculture; wildfires and brush/waste burning; industrial sources; windblown dust from open lands; and atmospheric chemical and photochemical reactions. Fine particulate matter ( $PM_{2.5}$ ) consists of particulate matter that is 2.5 microns or less in diameter (roughly 1/28 the diameter of a human hair).  $PM_{2.5}$  results from fuel combustion (e.g., from motor vehicles and power generation and industrial facilities), residential fireplaces, and woodstoves. In addition,  $PM_{2.5}$  can be formed in the atmosphere from gases such as sulfur oxides ( $SO_x$ ),  $NO_x$ , and VOCs.

$PM_{2.5}$  and  $PM_{10}$  pose a greater health risk than larger-size particles. When inhaled, these tiny particles can penetrate the human respiratory system's natural defenses and damage the respiratory tract.  $PM_{2.5}$  and  $PM_{10}$  can increase the number and severity of asthma attacks, cause or aggravate bronchitis and other lung diseases, and reduce the body's ability to fight infections. Very small particles of substances such as lead, sulfates, and nitrates can cause lung damage directly or be absorbed into the blood stream, causing damage elsewhere in the body. Additionally, these substances can transport adsorbed gases such as chlorides or ammonium into the lungs, also causing injury. Whereas  $PM_{10}$  tends to collect in the upper portion of the respiratory system,  $PM_{2.5}$  is so tiny that it can penetrate deeper into the lungs and damage lung tissue. Suspended particulates also damage and discolor surfaces on which they settle and produce haze and reduce regional visibility.

People with influenza, people with chronic respiratory and cardiovascular diseases, and the elderly may suffer worsening illness and premature death as a result of breathing particulate matter. People with bronchitis can expect aggravated symptoms from breathing in particulate matter. Children may experience a decline in lung function due to breathing in  $PM_{10}$  and  $PM_{2.5}$  (EPA 2009).

**Lead.** Lead in the atmosphere occurs as particulate matter. Sources of lead include leaded gasoline; the manufacturing of batteries, paints, ink, ceramics, and ammunition; and secondary lead smelters. Prior to 1978, mobile emissions were the primary source of atmospheric lead. Between 1978 and 1987, the phaseout of leaded gasoline reduced the overall inventory of airborne lead by nearly 95%. With the phaseout of leaded gasoline, secondary lead smelters, battery recycling, and manufacturing facilities are becoming lead-emissions sources of greater concern.

Prolonged exposure to atmospheric lead poses a serious threat to human health. Health effects associated with exposure to lead include gastrointestinal disturbances, anemia, kidney disease, and

in severe cases, neuromuscular and neurological dysfunction. Of particular concern are low-level lead exposures during infancy and childhood. Such exposures are associated with decrements in neurobehavioral performance, including intelligence quotient performance, psychomotor performance, reaction time, and growth. Children are highly susceptible to the effects of lead.

**Volatile Organic Compounds.** Hydrocarbons are organic gases that are formed from hydrogen and carbon and sometimes other elements. Hydrocarbons that contribute to formation of O<sub>3</sub> are referred to and regulated as VOCs (also referred to as reactive organic gases). Combustion engine exhaust, oil refineries, and fossil-fueled power plants are the primary sources of hydrocarbons. Other sources of hydrocarbons include evaporation from petroleum fuels, solvents, dry cleaning solutions, and paint.

The primary health effects of VOCs result from the formation of O<sub>3</sub> and its related health effects. High levels of VOCs in the atmosphere can interfere with oxygen intake by reducing the amount of available oxygen through displacement. Carcinogenic forms of hydrocarbons, such as benzene, are considered TACs. There are no separate health standards for VOCs as a group.

**Sulfates.** Sulfates are the fully oxidized form of sulfur, which typically occur in combination with metals or hydrogen ions. Sulfates are produced from reactions of SO<sub>2</sub> in the atmosphere. Sulfates can result in respiratory impairment and reduced visibility.

**Vinyl Chloride.** Vinyl chloride is a colorless gas with a mild, sweet odor that has been detected near landfills, sewage plants, and hazardous waste sites, due to the microbial breakdown of chlorinated solvents. Short-term exposure to high levels of vinyl chloride in the air can cause nervous system effects such as dizziness, drowsiness, and headaches. Long-term exposure through inhalation can cause liver damage, including liver cancer.

**Hydrogen Sulfide.** Hydrogen sulfide is a colorless and flammable gas that has a characteristic odor of rotten eggs. Sources of hydrogen sulfide include geothermal power plants, petroleum refineries, sewers, and sewage treatment plants. Exposure to hydrogen sulfide can result in nuisance odors, as well as headaches and breathing difficulties at higher concentrations.

**Visibility-Reducing Particles.** Visibility-reducing particles are any particles in the air that obstruct the range of visibility. Effects of reduced visibility can include obscuring the viewshed of natural scenery, reducing airport safety, and discouraging tourism. Sources of visibility-reducing particles are the same as for PM<sub>2.5</sub>, described above.

## Non-Criteria Pollutants

**Toxic Air Contaminants.** A substance is considered toxic if it has the potential to cause adverse health effects in humans, including increasing the risk of cancer upon exposure, or acute and/or chronic non-cancer health effects. A toxic substance released into the air is considered a TAC. TACs are identified by federal and state agencies based on a review of available scientific evidence. In the State of California, TACs are identified through a two-step process that was established in 1983 under the Toxic Air Contaminant Identification and Control Act. This two-step process of risk identification and risk management and reduction was designed to protect residents from the health effects of toxic substances in the air. In addition, the California Air Toxics “Hot Spots” Information and Assessment Act, Assembly Bill (AB) 2588, was enacted by the legislature in 1987 to address public concern over the release of TACs into the atmosphere. The law requires facilities emitting toxic substances to provide local air pollution control districts with information that will allow an assessment of the air toxics problem, identification of air toxics emissions sources, location of resulting hotspots, notification of the public exposed to significant risk, and development of effective strategies to reduce potential risks to the public over 5 years.

Examples include certain aromatic and chlorinated hydrocarbons, certain metals, and asbestos. TACs are generated by a number of sources, including stationary sources, such as dry cleaners, gas stations, combustion sources, and laboratories; mobile sources, such as automobiles; and area sources, such as landfills. Adverse health effects associated with exposure to TACs may include carcinogenic (i.e., cancer-causing) and noncarcinogenic effects. Noncarcinogenic effects typically affect one or more target organ systems and may be experienced on either short-term (acute) or long-term (chronic) exposure to a given TAC.

**Diesel Particulate Matter.** Diesel particulate matter (DPM) is part of a complex mixture that makes up diesel exhaust. Diesel exhaust is composed of two phases, gas and particle, both of which contribute to health risks. More than 90% of DPM is less than one micrometer in diameter (about 1/70th the diameter of a human hair) and, thus, is a subset of PM<sub>2.5</sub> (CARB 2022a). DPM is typically composed of carbon particles (“soot,” also called black carbon) and numerous organic compounds, including over 40 known cancer-causing organic substances. Examples of these chemicals include polycyclic aromatic hydrocarbons, benzene, formaldehyde, acetaldehyde, acrolein, and 1,3-butadiene (CARB 2022a). CARB classified “particulate emissions from diesel-fueled engines” (i.e., DPM) (17 CCR 93000) as a TAC in August 1998. DPM is emitted from a broad range of diesel engines, including on-road diesel engines from trucks, buses, and cars; and off-road diesel engines from locomotives, marine vessels, and heavy-duty construction equipment, among others. Approximately 70% of all airborne cancer risk in California is associated with DPM (CARB 2000). To reduce the cancer risk associated with DPM, CARB adopted a diesel risk reduction plan in 2000 (CARB 2000). Because it is part of PM<sub>2.5</sub>, DPM also contributes to the same non-cancer health effects as PM<sub>2.5</sub> exposure. These effects

include premature death; hospitalizations and emergency department visits for exacerbated chronic heart and lung disease, including asthma; increased respiratory symptoms; and decreased lung function in children. Several studies suggest that exposure to DPM may also facilitate development of new allergies (CARB 2022b). Those most vulnerable to non-cancer health effects are children whose lungs are still developing and the elderly who often have chronic health problems.

**Odorous Compounds.** Odors are generally regarded as an annoyance rather than a health hazard. Manifestations of a person's reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). The ability to detect odors varies considerably among the population and, overall, is quite subjective. People may have different reactions to the same odor. An odor that is offensive to one person may be perfectly acceptable to another (e.g., coffee roaster). An unfamiliar odor is more easily detected and is more likely to cause complaints than a familiar one. In a phenomenon known as odor fatigue, a person can become desensitized to almost any odor, and recognition may only occur with an alteration in the intensity. The occurrence and severity of odor impacts depend on the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of receptors.

**Valley Fever.** Coccidioidomycosis, more commonly known as "Valley Fever," is an infection caused by inhalation of the spores of the *Coccidioides immitis* fungus, which grows in the soils of the southwestern United States. The fungus is very prevalent in the soils of California's San Joaquin Valley, particularly in Kern County. Kern County is considered a highly endemic county (i.e., more than 20 cases annually of Valley Fever per 100,000 people) based on the incidence rates reported through 2016 (California Department of Public Health 2017). The ecologic factors that appear to be most conducive to survival and replication of the spores are high summer temperatures, mild winters, sparse rainfall, and alkaline, sandy soils.

San Diego County is not considered a highly endemic region for Valley Fever, as the California Department of Public Health indicated the County has 4.4 cases per 100,000 people (California Department of Public Health 2017). Similarly, among the total reported incidents of Valley Fever from 2008 through 2017, only 0.4% of the cases reported in the County were in the project area's zip code (92130) (County of San Diego 2018).

### **Sensitive Receptors**

Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. People most likely to be affected by air pollution include children, the elderly, athletes, and people with cardiovascular and chronic respiratory diseases. Facilities and structures where these air pollution-sensitive people live or spend considerable amounts of time are known as sensitive receptors. Land uses where air pollution-sensitive individuals are most likely to spend time include schools and schoolyards, parks and



playgrounds, daycare centers, nursing homes, hospitals, and residential communities (sensitive sites or sensitive land uses) (CARB 2005). The SDAPCD identifies sensitive receptors as those who are especially susceptible to adverse health effects from exposure to TACs, such as children, the elderly, and the ill. Sensitive receptors include schools (grades Kindergarten through 12), day care centers, nursing homes, retirement homes, health clinics, and hospitals within 2 kilometers of the facility (SDAPCD 2022). The nearest sensitive receptors to the project site are residential receptors located adjacent to the southern project boundary. In addition, the neighboring and on-site churches are considered a sensitive receptor, as they host youth programs and Sunday School.

### San Diego Air Basin Attainment Designation

Pursuant to the 1990 federal Clean Air Act (CAA) amendments, the EPA classifies air basins (or portions thereof) as “attainment” or “nonattainment” for each criteria air pollutant, based on whether the National Ambient Air Quality Standards (NAAQS) have been achieved. Generally, if the recorded concentrations of a pollutant are lower than the standard, the area is classified as “attainment” for that pollutant. If an area exceeds the standard, the area is classified as “nonattainment” for that pollutant. If there is not enough data available to determine whether the standard is exceeded in an area, the area is designated as “unclassified” or “unclassifiable.” The designation of “unclassifiable/attainment” means that the area meets the standard or is expected to be meet the standard despite a lack of monitoring data. Areas that achieve the standards after a nonattainment designation are redesignated as maintenance areas and must have approved maintenance plans to ensure continued attainment of the standards. The California CAA, like its federal counterpart, called for the designation of areas as “attainment” or “nonattainment,” but based on California Ambient Air Quality Standards (CAAQS) rather than the NAAQS. Table 5.3-1 depicts the current attainment status of the SDAB with respect to the NAAQS and CAAQS.

**Table 5.3-1  
 San Diego Air Basin Attainment Classification**

Pollutant	Designation/Classification	
	Federal Standards	State Standards
Ozone (O <sub>3</sub> ) – 1 hour	Attainment	<b>Nonattainment</b>
O <sub>3</sub> - (8 hour)	<b>Nonattainment (moderate)</b>	<b>Nonattainment</b>
Nitrogen Dioxide (NO <sub>2</sub> )	Unclassifiable/attainment	Attainment
Carbon Monoxide (CO)	Attainment/maintenance	Attainment
Sulfur Dioxide (SO <sub>2</sub> )	Unclassifiable/attainment	Attainment
Coarse Particulate Matter (PM <sub>10</sub> )	Unclassifiable/attainment	<b>Nonattainment</b>
Fine Particulate Matter (PM <sub>2.5</sub> )	Unclassifiable/attainment	<b>Nonattainment</b>
Lead	Unclassifiable/attainment	Attainment
Hydrogen Sulfide	No federal standard	Attainment
Sulfates	No federal standard	Unclassified

**Table 5.3-1  
 San Diego Air Basin Attainment Classification**

Pollutant	Designation/Classification	
	Federal Standards	State Standards
Visibility-Reducing Particles	No federal standard	Unclassified
Vinyl Chloride	No federal standard	No designation

**Sources:** EPA 2022 (federal); CARB 2016a (state).

**Notes:** Attainment = meets the standards; Attainment/maintenance = achieve the standards after a nonattainment designation; Nonattainment = does not meet the standards; Unclassified or Unclassifiable = insufficient data to classify; Unclassifiable/attainment = meets the standard or is expected to be meet the standard despite a lack of monitoring data.

If nonattainment for federal standards, a clarifying classification will be provided indicating the severity of the nonattainment status.

In summary, the SDAB is designated as an attainment area for the 1997 8-hour O<sub>3</sub> NAAQS and as a nonattainment area for the 2008 8-hour O<sub>3</sub> NAAQS. The SDAB is designated as a nonattainment area for O<sub>3</sub>, particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM<sub>10</sub>), and particulate matter with an aerodynamic diameter less than or equal to 2.5 microns (PM<sub>2.5</sub>) CAAQS. The portion of the SDAB where the proposed project would be located is designated as attainment or unclassifiable/unclassified for all other criteria pollutants under the NAAQS and CAAQS.

### Local Ambient Air Quality

The CARB, air districts, and other agencies monitor ambient air quality at approximately 250 air quality monitoring stations across the state. Local ambient air quality is monitored by SDAPCD. SDAPCD operates a network of ambient air monitoring stations throughout the County that measure ambient concentrations of pollutants and determine whether the ambient air quality meets the CAAQS and the NAAQS. The nearest SDAPCD-operated monitoring station to the proposed project is the Kearny Villa Road monitoring station, which is located approximately 11 miles southeast of the project site. This Kearny Villa Road monitoring station was used to show the background ambient air quality for O<sub>3</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and NO<sub>2</sub> for the project site. The monitoring station located on First Street was the closest to the proposed project that monitored CO and sulfur dioxide (SO<sub>2</sub>) (16 miles southeast of the project site). Table 5.3-2 presents the most recent background ambient air quality data and number of days exceeding the ambient air quality standards from 2018 to 2020.

**Table 5.3-2  
 Local Ambient Air Quality Data**

Averaging Time	Unit	Agency/ Method	Ambient Air Quality Standard	Measured Concentration by Year			Exceedances by Year		
				2018	2019	2020	2018	2019	2020
<i>Ozone (O<sub>3</sub>) – Kearny Villa Road</i>									
Maximum 1-hour Concentration	ppm	State	0.09	0.102	0.083	0.123	1	0	2
Maximum 8-hour Concentration	ppm	State	0.070	0.077	0.076	0.102	5	1	10
		Federal	0.070	0.077	0.075	0.102	5	1	12
<i>Nitrogen Dioxide (NO<sub>2</sub>) – Kearny Villa Road</i>									
Maximum 1-hour Concentration	ppm	State	0.18	0.045	0.046	0.052	0	0	0
		Federal	0.100	0.045	0.046	0.052	0	0	0
Annual Concentration	ppm	State	0.030	0.008	0.008	0.007	0	0	0
		Federal	0.053	0.008	0.008	0.007	0	0	0
<i>Carbon Monoxide (CO) – First Street</i>									
Maximum 1-hour Concentration	ppm	State	20	1.4	1.3	1.5	0	0	0
		Federal	35	1.4	1.3	1.5	0	0	0
Maximum 8-hour Concentration	ppm	State	9.0	1.1	1.0	1.4	0	0	0
		Federal	9	1.1	1.0	1.4	0	0	0
<i>Sulfur Dioxide (SO<sub>2</sub>) – First Street</i>									
Maximum 1-hour Concentration	ppm	Federal	0.075	0.004	0.001	0.002	0	0	0
Maximum 24-hour Concentration	ppm	State	0.04	0.000	0.000	0.000	0	0	0
	ppm	Federal	0.140	0.000	0.000	0.000	0	0	0
Annual Concentration	ppm	Federal	0.030	0.000	0.000	0.000	0	0	0
<i>Coarse Particulate Matter (PM<sub>10</sub>)<sup>a</sup> – Kearny Villa Road</i>									
Maximum 24-hour Concentration	µg/m <sup>3</sup>	State	50	38.0	—	—	0	—	—
		Federal	150	38.0	—	—	0	—	—
Annual Concentration	µg/m <sup>3</sup>	State	20	18.4	—	—	0	—	—

**Table 5.3-2  
 Local Ambient Air Quality Data**

Averaging Time	Unit	Agency/ Method	Ambient Air Quality Standard	Measured Concentration by Year			Exceedances by Year		
				2018	2019	2020	2018	2019	2020
<i>Fine Particulate Matter (PM<sub>2.5</sub>)<sup>a</sup> - Kearny Villa Road</i>									
Maximum 24-hour Concentration	µg/m <sup>3</sup>	Federal	35	32.2	16.2	47.5	0	0	5.8
Annual Concentration	µg/m <sup>3</sup>	State	12	8.3	—	—	0	—	—
		Federal	12.0	8.3	7.0	8.7	0	0	0

**Sources:** CARB 2022c; EPA 2021b.

**Notes:** ppm = parts per million; µg/m<sup>3</sup> = micrograms per cubic meter; — = not available.

Data taken from CARB iADAM (<http://www.arb.ca.gov/adam>) and Environmental Protection Agency AirData (<http://www.epa.gov/airdata/>) represent the highest concentrations experienced over a given year.

Daily exceedances for particulate matter are estimated days because PM<sub>10</sub> and PM<sub>2.5</sub> are not monitored daily. All other criteria pollutants did not exceed federal or state standards during the years shown. There is no federal standard for 1-hour O<sub>3</sub>, annual PM<sub>10</sub>, or 24-hour SO<sub>2</sub>, nor is there a state 24-hour standard for PM<sub>2.5</sub>.

<sup>a</sup> Measurements of PM<sub>10</sub> and PM<sub>2.5</sub> are usually collected every 6 days and every 1 to 3 days, respectively. Number of days exceeding the standards is a mathematical estimate of the number of days concentrations would have been greater than the level of the standard had each day been monitored.

### 5.3.2 REGULATORY FRAMEWORK

#### Federal

##### **Criteria Air Pollutants**

The federal CAA, passed in 1970 and last amended in 1990, forms the basis for the national air pollution control effort. The EPA is responsible for implementing most aspects of the CAA, including the setting of the NAAQS for major air pollutants, hazardous air pollutant standards, approval of state attainment plans, motor vehicle emission standards, stationary source emission standards and permits, acid rain control measures, stratospheric O<sub>3</sub> protection, and enforcement provisions.

Under the CAA, NAAQS are established for the following criteria pollutants: O<sub>3</sub>, CO, NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and lead. The NAAQS describe acceptable air quality conditions designed to protect the health and welfare of the citizens of the nation. The CAA requires the EPA to reassess the NAAQS at least every 5 years to determine whether adopted standards are adequate to protect public

health based on current scientific evidence. States with areas that exceed the NAAQS must prepare a State Implementation Plan (SIP) that demonstrates how those areas will attain the standards within mandated time frames.

**Hazardous Air Pollutants**

The 1977 federal CAA amendments required the EPA to identify national emission standards for hazardous air pollutants to protect public health and welfare. Hazardous air pollutants include certain VOCs, pesticides, herbicides, and radionuclides that present a tangible hazard, based on scientific studies of exposure to humans and other mammals. Under the 1990 CAA amendments, which expanded the control program for hazardous air pollutants, 189 substances and chemical families were identified as hazardous air pollutants.

**State**

**California Clean Air Act/California Ambient Air Quality Standards**

The federal CAA delegates the regulation of air pollution control and the enforcement of the NAAQS to the states. In California, the task of air quality management and regulation has been legislatively granted to CARB, with subsidiary responsibilities assigned to air quality management districts and air pollution control districts at the regional and county levels. CARB, which became part of the California Environmental Protection Agency in 1991, is responsible for ensuring implementation of the California Clean Air Act of 1988, responding to the CAA and regulating emissions from motor vehicles and consumer products.

CARB has established CAAQS, which are generally more restrictive than the NAAQS. The CAAQS describe adverse conditions; that is, pollution levels must be below these standards before a basin can attain the standard. Air quality is considered “in attainment” if pollutant levels are continuously below the CAAQS and violate the standards no more than once each year. The CAAQS for O<sub>3</sub>, CO, SO<sub>2</sub> (1-hour and 24-hour), NO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. The NAAQS and CAAQS are presented in Table 5.3-3.

**Table 5.3-3  
 Ambient Air Quality Standards**

Pollutant	Averaging Time	California Standards <sup>a</sup>	National Standards <sup>b</sup>	
		Concentration <sup>c</sup>	Primary <sup>c,d</sup>	Secondary <sup>c,e</sup>
O <sub>3</sub>	1 hour	0.09 ppm (180 µg/m <sup>3</sup> )	—	Same as Primary Standard <sup>f</sup>
	8 hours	0.070 ppm (137 µg/m <sup>3</sup> )	0.070 ppm (137 µg/m <sup>3</sup> ) <sup>f</sup>	

**Table 5.3-3  
 Ambient Air Quality Standards**

Pollutant	Averaging Time	California Standards <sup>a</sup>	National Standards <sup>b</sup>	
		Concentration <sup>c</sup>	Primary <sup>c,d</sup>	Secondary <sup>c,e</sup>
NO <sub>2</sub> <sup>g</sup>	1 hour	0.18 ppm (339 µg/m <sup>3</sup> )	0.100 ppm (188 µg/m <sup>3</sup> )	Same as Primary Standard
	Annual Arithmetic Mean	0.030 ppm (57 µg/m <sup>3</sup> )	0.053 ppm (100 µg/m <sup>3</sup> )	
CO	1 hour	20 ppm (23 mg/m <sup>3</sup> )	35 ppm (40 mg/m <sup>3</sup> )	None
	8 hours	9.0 ppm (10 mg/m <sup>3</sup> )	9 ppm (10 mg/m <sup>3</sup> )	
SO <sub>2</sub> <sup>h</sup>	1 hour	0.25 ppm (655 µg/m <sup>3</sup> )	0.075 ppm (196 µg/m <sup>3</sup> )	—
	3 hours	—	—	0.5 ppm (1,300 µg/m <sup>3</sup> )
	24 hours	0.04 ppm (105 µg/m <sup>3</sup> )	0.14 ppm (for certain areas) <sup>g</sup>	—
	Annual	—	0.030 ppm (for certain areas) <sup>g</sup>	—
PM <sub>10</sub> <sup>i</sup>	24 hours	50 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>	Same as Primary Standard
	Annual Arithmetic Mean	20 µg/m <sup>3</sup>	—	
PM <sub>2.5</sub> <sup>i</sup>	24 hours	—	35 µg/m <sup>3</sup>	Same as Primary Standard
	Annual Arithmetic Mean	12 µg/m <sup>3</sup>	12.0 µg/m <sup>3</sup>	15.0 µg/m <sup>3</sup>
Lead <sup>i,k</sup>	30-day Average	1.5 µg/m <sup>3</sup>	—	—
	Calendar Quarter	—	1.5 µg/m <sup>3</sup> (for certain areas) <sup>k</sup>	Same as Primary Standard
	Rolling 3-Month Average	—	0.15 µg/m <sup>3</sup>	
Hydrogen sulfide	1 hour	0.03 ppm (42 µg/m <sup>3</sup> )	—	—
Vinyl chloride <sup>j</sup>	24 hours	0.01 ppm (26 µg/m <sup>3</sup> )	—	—
Sulfates	24 hours	25 µg/m <sup>3</sup>	—	—
Visibility reducing particles	8 hour (10:00 a.m. to 6:00 p.m. PST)	Insufficient amount to produce an extinction coefficient of 0.23 per kilometer due to the number of particles when the relative	—	—

**Table 5.3-3  
 Ambient Air Quality Standards**

Pollutant	Averaging Time	California Standards <sup>a</sup>	National Standards <sup>b</sup>	
		Concentration <sup>c</sup>	Primary <sup>c,d</sup>	Secondary <sup>c,e</sup>
		humidity is less than 70%		

**Source:** CARB 2016b.

**Notes:** O<sub>3</sub> = ozone; ppm = parts per million by volume; µg/m<sup>3</sup> = micrograms per cubic meter; NO<sub>2</sub> = nitrogen dioxide; CO = carbon monoxide; mg/m<sup>3</sup> = milligrams per cubic meter; SO<sub>2</sub> = sulfur dioxide; PM<sub>10</sub> = particulate matter with an aerodynamic diameter less than or equal to 10 microns; PM<sub>2.5</sub> = particulate matter with an aerodynamic diameter less than or equal to 2.5 microns.

- <sup>a</sup> California standards for O<sub>3</sub>, CO, SO<sub>2</sub> (1-hour and 24-hour), NO<sub>2</sub>, suspended particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>), and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. California Ambient Air Quality Standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
- <sup>b</sup> National standards (other than O<sub>3</sub>, NO<sub>2</sub>, SO<sub>2</sub>, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once per year. The O<sub>3</sub> standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over 3 years, is equal to or less than the standard. For PM<sub>10</sub>, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m<sup>3</sup> is equal to or less than one. For PM<sub>2.5</sub>, the 24-hour standard is attained when 98% of the daily concentrations, averaged over 3 years, are equal to or less than the standard.
- <sup>c</sup> Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based on a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
- <sup>d</sup> National Primary Standards: The levels of air quality necessary, with an adequate margin of safety, to protect the public health.
- <sup>e</sup> National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
- <sup>f</sup> On October 1, 2015, the national 8-hour O<sub>3</sub> primary and secondary standards were lowered from 0.075 to 0.070 ppm.
- <sup>g</sup> To attain the national 1-hour standard, the 3-year average of the annual 98th percentile of the 1 hour daily maximum concentrations at each site must not exceed 100 parts per billion (ppb). Note that the national 1-hour standard is in units of ppb. California standards are in units of ppm. To directly compare the national 1-hour standard to the California standards, the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
- <sup>h</sup> On June 2, 2010, a new 1-hour SO<sub>2</sub> standard was established, and the existing 24-hour and annual primary standards were revoked. To attain the national 1-hour standard, the three-year average of the annual 99th percentile of the one-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO<sub>2</sub> national standards (24-hour and annual) remain in effect until one

year after an area is designated for the 2010 standard, except that in areas designated nonattainment of the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.

- i On December 14, 2012, the national annual PM<sub>2.5</sub> primary standard was lowered from 15 µg/m<sup>3</sup> to 12 µg/m<sup>3</sup>. The existing national 24-hour PM<sub>2.5</sub> standards (primary and secondary) were retained at 35 µg/m<sup>3</sup>, as was the annual secondary standard of 15 µg/m<sup>3</sup>. The existing 24-hour PM<sub>10</sub> standards (primary and secondary) of 150 µg/m<sup>3</sup> were also retained. The form of the annual primary and secondary standards is the annual mean averaged over 3 years.
- j California Air Resources Board has identified lead and vinyl chloride as toxic air contaminants with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
- k The national standard for lead was revised on October 15, 2008, to a rolling 3-month average. The 1978 lead standard (1.5 µg/m<sup>3</sup> as a quarterly average) remains in effect until 1 year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.

### ***Toxic Air Contaminants***

A TAC is defined by California law (Section 39655 of the California Health and Safety Code) as an air pollutant that may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health. Federal laws use the hazardous air pollutants to refer to the same types of compounds that are referred to as TACs under state law. California regulates TACs primarily through the Tanner Air Toxics Act (AB 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588).

AB 1807 sets forth a formal procedure for CARB to designate substances as TACs. This includes research, public participation, and scientific peer review before CARB can designate a substance as a TAC. Pursuant to AB 2588, existing facilities that emit air pollutants above specified levels were required to (1) prepare a TAC emission inventory plan and report; (2) prepare a risk assessment if TAC emissions were significant; (3) notify the public of significant risk levels; and (4) if health impacts were above specified levels, prepare and implement risk reduction measures.

The following regulatory measures pertain to the reduction of DPM and criteria pollutant emissions from off-road equipment and diesel-fueled vehicles.

### ***Idling of Commercial Heavy Duty Trucks (13 CCR 2485)***

In July 2004, CARB adopted an Airborne Toxic Control Measure (ATCM) to control emissions from idling trucks. The ATCM prohibits idling for more than 5 minutes for all commercial trucks with a gross



vehicle weight rating over 10,000 pounds. The ATCM contains an exception that allows trucks to idle while queuing or involved in operational activities.

***In-Use Off-Road Diesel-Fueled Fleets (13 CCR 2449 et seq.)***

In July 2007, CARB adopted an ATCM for in-use off-road diesel vehicles. This regulation requires that specific fleet average requirements are met for NO<sub>x</sub> emissions and for particulate matter emissions. Where average requirements cannot be met, best available control technology requirements apply. The regulation also includes several recordkeeping and reporting requirements.

In response to AB 8 2X, the regulations were revised in July 2009 (effective December 3, 2009) to allow a partial postponement of the compliance schedule in 2011 and 2012 for existing fleets. On December 17, 2010, CARB adopted additional revisions to further delay the deadlines reflecting reductions in diesel emissions due to the poor economy and overestimates of diesel emissions in California. The revisions delayed the first compliance date until no earlier than January 1, 2014, for large fleets, with final compliance by January 1, 2023. The compliance dates for medium fleets were delayed until an initial date of January 1, 2017, and final compliance date of January 1, 2023. The compliance dates for small fleets were delayed until an initial date of January 1, 2019, and final compliance date of January 1, 2028. Correspondingly, the fleet average targets were made more stringent in future compliance years. The revisions also accelerated the phaseout of older equipment with newer equipment added to existing large and medium fleets over time, requiring the addition of Tier 2 or higher engines starting on March 1, 2011, with some exceptions: Tier 2 or higher engines on January 1, 2013, without exception; and Tier 3 or higher engines on January 1, 2018 (January 1, 2023, for small fleets).

On October 28, 2011 (effective December 14, 2011), the executive officer of CARB approved amendments to the regulation. The amendments included revisions to the applicability section and additions and revisions to the definition. The initial date for requiring the addition of Tier 2 or higher engines for large and medium fleets, with some exceptions, was revised to January 1, 2012. New provisions also allow for the removal of emission control devices for safety or visibility purposes. The regulation also was amended to combine the particulate matter and NO<sub>x</sub> fleet average targets under one, instead of two, sections. The amended fleet average targets are based on the fleet's NO<sub>x</sub> average, and the previous section regarding particulate matter performance requirements was deleted completely. The best available control technology requirements, if a fleet cannot comply with the fleet average requirements, were restructured and clarified. Other amendments to the regulations included minor administrative changes to the regulatory text.

### ***In-Use On-Road Diesel-Fueled Vehicles (13 CCR 2025)***

On December 12, 2008, CARB adopted an ATCM to reduce NO<sub>x</sub> and particulate matter emissions from most in-use on-road diesel trucks and buses with a gross vehicle weight rating greater than 14,000 pounds. The original ATCM regulation required fleets of on-road trucks to limit their NO<sub>x</sub> and particulate matter emissions through a combination of exhaust retrofit equipment and new vehicles. The regulation limited particulate matter emissions for most fleets by 2011, and limited NO<sub>x</sub> emissions for most fleets by 2013. The regulation did not require any vehicle to be replaced before 2012 and never required all vehicles in a fleet be replaced.

In December 2009, the CARB Governing Board directed staff to evaluate amendments that would provide additional flexibility for fleets adversely affected by the struggling California economy. On December 17, 2010, CARB revised this ATCM to delay its implementation along with limited relaxation of its requirements. Starting on January 1, 2015, lighter trucks with a gross vehicle weight rating of 14,001 to 26,000 pounds with 20-year-old or older engines need to be replaced with newer trucks (2010 model year emissions equivalent as defined in the regulation). Trucks with a gross vehicle weight rating greater than 26,000 pounds with 1995 model year or older engines needed to be replaced as of January 1, 2015. Trucks with 1996 to 2006 model year engines must install a Level 3 (85% control) diesel particulate filter starting on January 1, 2012, to January 1, 2014, depending on the model year, and then must be replaced after 8 years. Trucks with 2007 to 2009 model year engines have no requirements until 2023, at which time they must be replaced with 2010 model year emissions-equivalent engines, as defined in the regulation. Trucks with 2010 model year engines would meet the final compliance requirements. The ATCM provides a phase-in option under which a fleet operator would equip a percentage of trucks in the fleet with diesel particulate filters, starting at 30% as of January 1, 2012, with 100% by January 1, 2016. Under each option, delayed compliance is granted to fleet operators who have or will comply with requirements before the required deadlines.

On September 19, 2011 (effective December 14, 2011), the executive officer of CARB approved amendments to the regulations, including revisions to the compliance schedule for vehicles with a gross vehicle weight rating of 26,000 pounds or less to clarify that *all* vehicles must be equipped with 2010 model year emissions equivalent engines by 2023. The amendments included revised and additional credits for fleets that downsize; implement early particulate matter retrofits; incorporate hybrid vehicles, alternative-fueled vehicles, and vehicles with heavy-duty pilot ignition engines; and implement early addition of newer vehicles. The amendments included provisions for additional flexibility, such as for low-usage construction trucks, and revisions to previous exemptions, delays, and extensions. Other amendments to the regulations included minor administrative changes to the regulatory text, such as recordkeeping and reporting requirements related to other revisions.

### ***California Health and Safety Code Section 41700***

Section 41700 of the California Health and Safety Code states that a person shall not discharge from any source whatsoever quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property. This section also applies to sources of objectionable odors.

### **Local**

#### ***San Diego Air Pollution Control District***

While CARB is responsible for the regulation of mobile emission sources within the state, local air quality management districts and air pollution control districts are responsible for enforcing standards and regulating stationary sources. The project site is located within the SDAB and is subject to the guidelines and regulations of the SDAPCD.

In the County, O<sub>3</sub> and particulate matter are the pollutants of main concern, since exceedances of state ambient air quality standards for those pollutants have been observed in most years. For this reason, the SDAB has been designated as a nonattainment area for the state PM<sub>10</sub>, PM<sub>2.5</sub>, and O<sub>3</sub> standards. The SDAB is also a federal O<sub>3</sub> attainment (maintenance) area for 1997 8-hour O<sub>3</sub> standard, an O<sub>3</sub> nonattainment area for the 2008 8-hour O<sub>3</sub> standard, and a CO maintenance area (western and central part of the SDAB only, including the project site).

#### ***Federal Attainment Plans***

In December 2016, the SDAPCD adopted an update to the Eight-Hour Ozone Attainment Plan for San Diego County (2008 O<sub>3</sub> NAAQS), which indicated that local controls and state programs would allow the region to reach attainment of the federal 8-hour O<sub>3</sub> standard (1997 O<sub>3</sub> NAAQS) by 2018 (SDAPCD 2016a). In this plan, SDAPCD relies on the Regional Air Quality Strategy (RAQS) to demonstrate how the region will comply with the federal O<sub>3</sub> standard. The RAQS details how the region will manage and reduce O<sub>3</sub> precursors (NO<sub>x</sub> and VOCs) by identifying measures and regulations intended to reduce these pollutants. The control measures identified in the RAQS generally focus on stationary sources; however, the emissions inventories and projections in the RAQS address all potential sources, including those under the authority of CARB and the EPA. Incentive programs for reduction of emissions from heavy-duty diesel vehicles, off-road equipment, and school buses are also established in the RAQS.

Currently, the County is designated as moderate nonattainment for the 2008 NAAQS and maintenance for the 1997 NAAQS. As documented in the 2016 8-Hour Ozone Attainment Plan for San Diego County, the County has a likely chance of obtaining attainment due to the transition to low-emission cars, stricter new source review rules, and continuing the requirement of general conformity for military growth and the San Diego International Airport. The County will also continue emission control measures, including ongoing implementation of existing regulations in O<sub>3</sub> precursor reduction to stationary and area-wide sources, subsequent inspections of facilities and sources, and the adoption of laws requiring best available retrofit control technology for control of emissions (SDAPCD 2016a).

### ***State Attainment Plans***

The SDAPCD and the San Diego Association of Governments (SANDAG) are responsible for developing and implementing the clean air plan for attainment and maintenance of the ambient air quality standards in the SDAB. The RAQS for the SDAB was initially adopted in 1991 and is updated on a triennial basis, most recently in 2016 (SDAPCD 2016b). The RAQS outlines SDAPCD's plans and control measures designed to attain the state air quality standards for O<sub>3</sub>. The RAQS relies on information from CARB and SANDAG, including mobile and area source emissions, as well as information regarding projected growth in the County and the cities in the County, to forecast 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, vehicle trends, and land use plans developed by the County and the cities in the County as part of the development of their general plans (SANDAG 2017a, 2017b).

In December 2016, the SDAPCD adopted the revised RAQS for the County. Since 2007, the San Diego region has reduced daily VOC emissions and NO<sub>x</sub> emissions by 3.9% and 7.0%, respectively; the SDAPCD expects to continue reductions through 2035 (SDAPCD 2016b). These reductions were achieved through implementation of six VOC control measures and three NO<sub>x</sub> control measures adopted in the SDAPCD's 2009 RAQS (SDAPCD 2009a); in addition, the SDAPCD is considering additional measures, including three VOC measures and four control measures to reduce 0.3 daily tons of VOC and 1.2 daily tons of NO<sub>x</sub>, provided they are found to be feasible region-wide. In addition, SDAPCD has implemented nine incentive-based programs, has worked with SANDAG to implement regional transportation control measures, and has reaffirmed the state emission offset repeal.

In regards to particulate matter emissions-reduction efforts, in December 2005, the SDAPCD prepared a report titled Measures to Reduce Particulate Matter in San Diego County to address implementation of Senate Bill 656 in the County (Senate Bill 656 required additional controls to reduce ambient concentrations of PM<sub>10</sub> and PM<sub>2.5</sub>) (SDAPCD 2005). In the report, SDAPCD evaluated

implementation of source-control measures that would reduce particulate matter emissions associated with residential wood combustion; various construction activities including earthmoving, demolition, and grading; bulk material storage and handling; carry-out and track-out removal and cleanup methods; inactive disturbed land; disturbed open areas; unpaved parking lots/staging areas; unpaved roads; and windblown dust (SDAPCD 2005).

### ***SDAPCD Rules and Regulations***

As stated above, the SDAPCD is responsible for planning, implementing, and enforcing federal and state ambient standards in the SDAB. The following rules and regulations apply to all sources in the jurisdiction of SDAPCD and would apply to the proposed project.

#### **SDAPCD Regulation II: Permits; Rule 20.2: New Source Review Non-Major Stationary Sources**

This rule requires new or modified stationary source units (that are not major stationary sources) with the potential to emit 10 pounds per day or more of VOC, NO<sub>x</sub>, SO<sub>x</sub>, or PM<sub>10</sub> to be equipped with best available control technology. For those units with a potential to emit above Air Quality Impact Assessments Trigger Levels, the units must demonstrate that such emissions would not violate or interfere with the attainment of any national air quality standard (SDAPCD 2016b).

The proposed project includes an emergency diesel generator, which would be subject to Rule 20.2 and would require appropriate operating permits from the SDAPCD. Because the SDAPCD has not adopted specific criteria air pollutant thresholds for California Environmental Quality Act (CEQA) analyses, the thresholds identified in Rule 20.2 are utilized in this analysis as screening-level thresholds to evaluate project-level impacts, as discussed in Section 5.3.3, Impact Analysis.

#### **SDAPCD Regulation IV: Prohibitions; Rule 50: Visible Emissions**

This rule prohibits discharge into the atmosphere from any single source of emissions whatsoever any air contaminant for a period or periods aggregating more than 3 minutes in any period of 60 consecutive minutes, which is darker in shade than that designated as Number 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or of such opacity as to obscure an observer's view to a degree greater than does smoke of a shade designated as Number 1 on the Ringelmann Chart (SDAPCD 1997).

Construction of the proposed project may result in visible emissions, primarily during earth-disturbing activities, which would be subject to SDAPCD Rule 50. Although visible emissions are less likely to occur during operation of the proposed project, compliance with SDAPCD Rule 50 would be required during both construction and operational phases.

#### **SDAPCD Regulation IV: Prohibitions; Rule 51: Nuisance**

This rule prohibits the discharge, from any source, of such quantities of air contaminants or other materials that cause or have a tendency to cause injury, detriment, nuisance, annoyance to people and/or the public, or damage to any business or property (SDAPCD 1969).

Any criteria air pollutant emissions, TAC emissions, or odors that would be generated during construction or operation of the proposed project would be subject to SDAPCD Rule 51. Violations can be reported to the SDAPCD in the form of an air quality complaint by telephone, email, and online form. Complaints are investigated by the SDAPCD as soon as possible.

#### **SDAPCD Regulation IV: Prohibitions; Rule 55: Fugitive Dust**

This rule regulates fugitive dust emissions from any commercial construction or demolition activity capable of generating fugitive dust emissions, including active operations, open storage piles, and inactive disturbed areas, as well as track-out and carry-out onto paved roads beyond a project area (SDAPCD 2009b).

Construction of the proposed project, primarily during earth-disturbing activities, may result in fugitive dust emissions that would be subject to SDAPCD Rule 55. Fugitive dust emissions are not anticipated during operation of the proposed project.

#### **SDAPCD Regulation IV: Prohibitions; Rule 67.0.1: Architectural Coatings**

This rule requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce VOC emissions from the use of these coatings, primarily by placing limits on the VOC content of various coating categories (SDAPCD 2015b). Construction and operation of the proposed project would include application of architectural coatings (e.g., paint and other finishes), which are subject to SDAPCD Rule 67.0.1. Architectural coatings used in the reapplication of coatings during operation of the proposed project would be subject to the VOC content limits identified in SDAPCD Rule 67.0.1, which applies to coatings manufactured, sold, or distributed within the County.

#### **SDAPCD Regulation XII: Toxic Air Contaminants; Rule 1200: Toxic Air Contaminants - New Source Review**

This rule requires new or modified stationary source units with the potential to emit TACs above rule threshold levels to either demonstrate that they will not increase the maximum incremental cancer risk above one in 1 million at every receptor location, demonstrate that toxics best available control technology will be employed if maximum incremental cancer risk is equal to or less than 10 in 1 million, or demonstrate compliance with the SDAPCD's protocol for those sources with an increase

in maximum incremental cancer risk at any receptor location of greater than 10 in 1 million but less than 100 in 1 million (SDAPCD 2017a).

The proposed project includes an emergency diesel generator, which would be subject to SDAPCD Rule 1200, and would be subject to new source review requirements.

**SDAPCD Regulation XII: Toxic Air Contaminants; Rule 1210: Toxic Air Contaminant Public Health Risks – Public Notification and Risk Reduction**

This rule requires each stationary source required to prepare a public risk assessment to provide written public notice of risks at or above the following levels: maximum incremental cancer risks equal to or greater than 10 in 1 million, cancer burden equal to or greater than 1.0, total acute non-cancer health hazard index equal to or greater than 1.0, or total chronic non-cancer health hazard index equal to or greater than 1.0 (SDAPCD 2017b).

The proposed project includes an emergency diesel generator, which would be subject to SDAPCD Rule 1210 and would be subject to public notification and risk reduction requirements.

***San Diego Association of Governments***

SANDAG is the regional planning agency for the County and serves as a forum for regional issues relating to transportation, the economy, community development, and the environment. SANDAG serves as the federally designated metropolitan planning organization for the County. With respect to air quality planning and other regional issues, SANDAG has prepared San Diego Forward: The Regional Plan (Regional Plan) for the San Diego region (SANDAG 2015). The Regional Plan combines the big-picture vision for how the region will grow over the next 35 years with an implementation program to help make that vision a reality. The Regional Plan, including its Sustainable Communities Strategy, is built on an integrated set of public policies, strategies, and investments to maintain, manage, and improve the transportation system so that it meets the diverse needs of the San Diego region through 2050. The Regional Plan was updated in 2021, which was the result of years of planning, data analysis, and community engagement to reimagine the San Diego region with a transformative transportation system, a sustainable pattern of growth and development, and innovative demand and management strategies (SANDAG 2021). The Regional Plan identifies reduction in the reliance of automobiles as the primary strategy for reducing air quality impacts in the region.

***City of San Diego Municipal Code***

The San Diego Municipal Code addresses air quality and odor impacts in Section 142.0710, Air Contaminant Regulations, which states that air contaminants including smoke, charred paper, dust,

soot, grime, carbon, noxious acids, toxic fumes, gases, odors, and particulate matter, or any emissions that endanger human health, cause damage to vegetation or property, or cause soiling shall not be permitted to emanate beyond the boundaries of the premises upon which the use emitting the contaminants is located (City of San Diego 2021).

### **5.3.3 IMPACT ANALYSIS**

#### **5.3.3.1 Issue 1: Air Quality Plan**

***Issue 1: Would the project conflict with or obstruct implementation of the applicable air quality plan?***

##### **Threshold**

To determine the significance of the proposed project's emissions on the environment, the City of San Diego (City) CEQA Significance Determination Thresholds (City of San Diego 2022) were used. Per the City's thresholds, the project would have a significant impact on air quality if the project would: Conflict with or obstruct implementation of the applicable air quality plan.

##### **Impact**

##### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.3, the Church was determined consistent at a regional level with the underlying growth forecasts in the RAQS because the land use intensity and associated vehicle trips were anticipated in local air quality plans. Impacts related to the conflicting of the applicable air quality plan were determined to be less than significant. Refer to the 2014 Church EIR Chapter 5. 3 for additional details.

##### ***Changes in Circumstances/New Information***

SDAPCD and SANDAG are responsible for developing and implementing the clean air plans for attainment and maintenance of the ambient air quality standards in the SDAB; specifically, the SIP and RAQS. The federal O<sub>3</sub> maintenance plan, which is part of the SIP, was adopted in 2016.<sup>3</sup> The SIP includes a demonstration that current strategies and tactics will maintain acceptable air quality in the SDAB based on the NAAQS. The RAQS was initially adopted in 1991 and is updated on a triennial basis (most recently in 2016). The RAQS outlines SDAPCD's plans and control measures designed to attain the state air quality standards for O<sub>3</sub>. The SIP and RAQS rely on information from CARB and SANDAG, including mobile and area source emissions, as well as

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<sup>3</sup> For the purpose of this discussion, the relevant federal air quality plan is the ozone maintenance plan (SDAPCD 2012). The RAQS is the applicable plan for purposes of state air quality planning. Both plans reflect growth projections in the SDAB.



information regarding projected growth in the County as a whole and the cities in the County, to project future emissions and determine the strategies necessary for the reduction of emissions through regulatory controls. CARB mobile source emission projections and SANDAG growth projections are based on population, vehicle trends, and land use plans developed by the County and the cities in the County as part of the development of their general plans.

If a project propose development that is greater than that anticipated in the local plan and SANDAG's growth projections, the project might be in conflict with the SIP and RAQS and may contribute to a potentially significant cumulative impact on air quality. As with the Church parcel previously analyzed in the 2014 Church EIR, the Assisted Living Facility is designated as Residential and Park, Open Space and Recreation in the General Plan Land Use Element, and as Very Low Density Residential and Environment Tier in the North City Future Urbanizing Area Framework Plan. As with the Church parcel previously analyzed in the 2014 Church EIR, the Assisted Living Facility parcel is zoned as AR-1-1. The zone conditionally allows for "Hospitals, Intermediate Care Facilities & Nursing Facilities" with a CUP. Additionally, as discussed in Section 5.1.3, the Assisted Living Facility would be consistent with the AR-1-1 zoning of the site. Therefore, the Assisted Living Facility does not propose a more intensive land use than what is allowed under the existing zone and it is reasonable to assume that the trip generation and development was anticipated in the RAQs. With approval of the CUP amendment via an Uncodified Ordinance, Site Development Permit (SDP) Amendment, and a Neighborhood Use Permit (NUP) for Comprehensive Sign Program, the Assisted Living Facility would not result in an inconsistency or conflict with the General Plan, NCFUA Framework Plan, and would conform to applicable policies and standards of the General Plan, NCFUA Framework Plan, and SDMC. Furthermore, as detailed in Section 5.3.3.2, below, the project would not result in a significant air quality impact with respect to construction- and operational-related emissions of ozone precursors or criteria air pollutants. The project would also comply with all existing and new rules and regulations as they are implemented by the SDAPCD, CARB, and/or USEPA related to emissions generated during construction.

### **Significance of Impact**

Because the proposed land use intensity has been anticipated in local air quality plans, the Assisted Living Facility would be consistent at a regional level with the underlying growth forecasts in the RAQS. Impacts would be **less than significant**.

Based on the above, no new significant air quality impacts related to conflict with an air quality plan or substantial increases in previously identified air quality impacts analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

**Mitigation**

No mitigation measures would be required.

**5.3.3.2 Issues 2 and 5: Air Quality Violation**

***Issue 2: Would the project result in a violation of any air quality standard or contribute substantially to an existing or projected air quality violation?***

***Issue 5: Would the project exceed 100 pounds per day of Particulate Matter (PM) dust?***

**Threshold**

According to the City’s CEQA Significance Determination Thresholds (City of San Diego 2022), air quality plan inconsistency impacts may be significant if the project would exceed the SDAPCD screening criteria thresholds for stationary sources, or, if there are sensitive receptors involved, the national and state ambient air quality standards (see Section 5.3.2, Regulatory Setting). More specifically, the project would have a significant impact on air quality if the project would:

- Violate any air quality standard or contribute substantially to an existing or projected air quality violation
- 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 (including release emissions which exceed quantitative thresholds for ozone precursors)

As part of its air quality permitting process, the SDAPCD has established thresholds in Rule 20.2 requiring the preparation of air quality impact assessments for permitted stationary sources (SDAPCD 2016c). The SDAPCD sets forth quantitative emissions thresholds below which a stationary source would not have a significant impact on ambient air quality. Project-related air quality impacts estimated in this environmental analysis would be considered significant if any of the applicable significance thresholds presented in Table 5.3-4 are exceeded.

**Table 5.3-4  
 San Diego Air Pollution Control District Air Quality  
 Significance Thresholds**

<b>Construction Emissions</b>	
<i>Pollutant</i>	<i>Total Emissions (Pounds per Day)</i>
Respirable Particulate Matter (PM <sub>10</sub> )	100
Fine Particulate Matter (PM <sub>2.5</sub> )	55
Oxides of Nitrogen (NO <sub>x</sub> )	250

**Table 5.3-4  
 San Diego Air Pollution Control District Air Quality  
 Significance Thresholds**

Oxides of Sulfur (SO <sub>x</sub> )	250		
Carbon Monoxide (CO)	550		
Volatile Organic Compounds (VOCs)	137 <sup>a</sup>		
Operational Emissions			
Pollutant	Total Emissions		
	Pounds per Hour	Pounds per Day	Tons per Year
PM <sub>10</sub>	—	100	15
PM <sub>2.5</sub>	—	55	10
NO <sub>x</sub>	25	250	40
SO <sub>x</sub>	25	250	40
CO	100	550	100
Operational Emissions			
Pollutant	Total Emissions		
	Pounds per Hour	Pounds per Day	Tons per Year
Lead and Lead Compounds	—	3.2	0.6
VOCs	—	137 <sup>a</sup>	15

**Sources:** City of San Diego 2022; SDAPCD 2016b.

**Notes:** — = not available.

<sup>a</sup> VOC threshold based on the threshold of significance for VOCs from the South Coast Air Quality Management District and the Monterey Bay Air Pollution Control District as stated in the City of San Diego’s Guidelines for Determining Significance.

The thresholds listed in Table 5.3-4 represent screening-level thresholds that can be used to evaluate whether project-related emissions could cause a significant impact on air quality. Emissions below the screening-level thresholds would not cause a significant impact. The SDAPCD Air Quality Significance Thresholds shown in Table 5.3-4 were used to determine significance of proposed project-generated construction and operational criteria air pollutants; specifically, the proposed project’s potential to violate any air quality standard or contribute substantially to an existing or projected air quality violation. For nonattainment pollutants, if emissions exceed the thresholds shown in Table 5.3-4, the proposed project could have the potential to result in a cumulatively considerable net increase in these pollutants and, thus, could have a significant impact on the ambient air quality.

With respect to odors, SDAPCD Rule 51 (Public Nuisance) prohibits emission of any material that causes nuisance to a considerable number of persons or endangers the comfort, health, or safety of any person. A project that proposes a use that would produce objectionable odors would be deemed to have a significant odor impact if it would affect a considerable number of off-site receptors.

## Impact

### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.3, the Church was determined to not exceed City's significance thresholds for VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub> for daily construction and operational emissions. Impacts related to an environmental impact from an air quality violation were determined to be less than significant. Refer to the 2014 Church EIR Chapter 5.3 for additional details.

### **Changes in Circumstances/New Information**

#### **Construction Assumptions**

For the purposes of modeling, it was assumed that construction of the Assisted Living Facility would commence in January 2023<sup>4</sup> and would last approximately 14 months, ending in March 2024. For the analysis, it was assumed that heavy construction equipment would be operating 5 days per week (22 days per month) during the construction of the Assisted Living Facility. Construction of the Assisted Living Facility would include 26,435 cubic yards of cut and 125 cubic yards of fill as represented in the grading phase, which would require 26,310 cubic yards of export. In addition, it a construction equipment fleet that meets an average EPA Tier 4 Interim emission standard or better (Compliance Measure [CM] AIR-2), as discussed in Table 3-2, Summary of Project Design Features and Compliance Measures, in Chapter 3.0, Project Description, would be made a condition of approval.<sup>5,6</sup> The Church is currently under construction and is expected to be completed prior to construction of the Assisted Living Facility.

The construction phasing schedule and duration, vehicle trip assumptions, and construction equipment mix used for estimating the project-generated construction emissions are summarized in Table 5.3-5. Detailed construction equipment and vehicle modeling assumptions are provided in Appendix C of this FSEIR.

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<sup>4</sup> The analysis assumes a construction start date of January 2023, which represents the earliest date construction would initiate. Assuming the earliest start date for construction represents the worst-case scenario for criteria air pollutant emissions because equipment and vehicle emission factors for later years would be slightly less due to more stringent standards for in-use off-road equipment and heavy-duty trucks, as well as fleet turnover replacing older equipment and vehicles in later years.

<sup>5</sup> For example, if a Tier 4 Interim piece of equipment is not reasonably available at the time of construction and a lower tier equipment is used instead (e.g., Tier 3), another piece of equipment could be upgraded from a Tier 4 Interim to a higher tier (i.e., Tier 4 Final) or replaced with an alternative-fueled (not diesel-fueled) equipment to offset the emissions associated with using a piece of equipment that does not meet Tier 4 Interim standards.

<sup>6</sup> Tier 4 equipment was conservatively not incorporated into the emissions inventory. As such, the criteria air pollutants presented herein for construction equipment would be greater than expected.

**Table 5.3-5  
 Construction Scenario Assumptions**

Construction Phase	Average Daily Worker Trips (One-Way)	Average Daily Vendor Truck Trips (One-Way)	Total Haul Truck Trips (One-Way)	Equipment	Quantity	Daily Usage Hours	Start Date	Finish Date
Site Preparation	18	0	0	Rubber Tired Dozers	3	8	1/1/2023	1/13/2023
				Tractors/ Loaders/ Backhoes	4	8		
Grading	20	0	3,289	Graders	1	8	1/14/2023	3/1/2023
				Rubber-Tired Dozers	1	8		
				Excavators	2	8		
				Scrapers	2	8		
				Tractors/Loaders/ Backhoes	2	8		
Building Construction	74	12	0	Crane	1	7	3/2/2023	3/4/2024
				Forklifts	3	8		
				Generators Sets	1	8		
				Tractors/Loaders/ Backhoes	3	7		
				Welders	1	8		
Paving	16	0	0	Pavers	2	8	11/1/2023	1/1/2024
				Paving Equipment	2	8		
				Rollers	2	8		
Architectural Coating	16	0	0	Air Compressor	1	6	9/1/2023	1/1/2024

Source: Appendix C

The Assisted Living Facility is subject to SDAPCD Rule 55, Fugitive Dust Control. This rule requires that the Assisted Living Facility take steps to restrict visible emissions of fugitive dust beyond the property line. Compliance with Rule 55 would limit fugitive dust (PM<sub>10</sub> and PM<sub>2.5</sub>) generated during grading and construction activities (see Table 3-2, measure CM-AIR-1). To account for dust control measures in the calculations, it is required that the active sites would be watered at least two times daily, resulting in an approximately 55% reduction of particulate matter, and reducing vehicle speed on unpaved roads to 15 miles per hour. Architectural coatings with a low-VOC content of 5 grams per liter for internal reapplication, and exterior architectural coatings would have a VOC content of 50 grams per liter would be used for any application during construction (see Table 3-2, Project Design Feature [PDF] AIR-1). This would be a condition of approval.

**Construction Emissions**

Construction of the Assisted Living Facility would result in the temporary addition of pollutants to the local airshed caused by on-site sources (i.e., off-road construction equipment, soil disturbance, and VOC off-gassing) and off-site sources (i.e., haul trucks, vendor trucks, and worker vehicle trips). Specifically, implementation of the Assisted Living Facility would generate air pollutant emissions from entrained dust, off-road equipment, vehicle emissions, architectural coating, and asphalt pavement application. Entrained dust results from the exposure of earth surfaces to wind from the direct disturbance and movement of soil, resulting in PM<sub>10</sub> and PM<sub>2.5</sub> emissions. Exhaust from internal combustion engines used by construction equipment and on-road vehicles would result in emissions of VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. The application of architectural coatings and asphalt pavement would also produce VOC emissions. Construction emissions can vary substantially day to day, depending on the level of activity, the specific type of operation, and for dust, the prevailing weather conditions.

Criteria air pollutant emissions associated with construction activities were quantified using CalEEMod. Table 5.3-6 shows the estimated maximum daily construction emissions associated with the construction of the Assisted Living Facility. Complete details of the emissions calculations are provided in Appendix C.

**Table 5.3-6  
 Estimated Maximum Daily Construction Criteria Air Pollutant Emissions**

Year	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
	<i>Pounds per day</i>					
2023	5.75	48.12	35.37	0.12	10.26	5.75
2024	5.58	24.90	35.16	0.06	2.10	1.33
<b>Maximum</b>	<b>5.75</b>	<b>48.12</b>	<b>35.37</b>	<b>0.12</b>	<b>10.25</b>	<b>5.74</b>
<i>City Threshold</i>	<i>137</i>	<i>250</i>	<i>550</i>	<i>250</i>	<i>100</i>	<i>55</i>
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

**Source:** Appendix C

**Notes:** VOC = volatile organic compound; NO<sub>x</sub> = oxides of nitrogen; CO = carbon monoxide; SO<sub>x</sub> = sulfur oxides; PM<sub>10</sub> = coarse particulate matter; PM<sub>2.5</sub> = fine particulate matter; CalEEMod = California Emissions Estimator Model.

The values shown are the maximum summer or winter daily emissions results from CalEEMod. Although not considered mitigation, these emissions reflect the CalEEMod “mitigated” output, which accounts for the required compliance with SDAPCD Rule 55 (Fugitive Dust) and Rule 67.0.1 (Architectural Coatings).

As shown in Table 5.3-6, daily construction emissions would not exceed the significance thresholds for any criteria air pollutant. Particulate matter emissions would also not exceed 100 pounds per day.

### **Operation Assumptions**

#### ***Area Sources***

CalEEMod was used to estimate operational emissions from area sources, including emissions from consumer product use, architectural coatings, and landscape maintenance equipment. Emissions associated with natural gas usage in space heating and water heating are calculated in the building energy use module of CalEEMod, as described in the following text.

Consumer products are chemically formulated products used by household and institutional consumers, including detergents; cleaning compounds; polishes; floor finishes; cosmetics; personal care products; home, lawn, and garden products; disinfectants; sanitizers; aerosol paints; and automotive specialty products. Other paint products, furniture coatings, or architectural coatings are not considered consumer products (CAPCOA 2021). Consumer product VOC emissions for the buildings are estimated in CalEEMod based on the floor area of buildings and on the default factor of pounds of VOC per building square foot per day. Consumer products associated with the parking lot and other asphalt surfaces include degreasers, which were estimated based on the square footage of the parking lot and the default factor of pounds of VOC per square foot per day. The CalEEMod default values for consumer products were assumed.

VOC off-gassing emissions result from evaporation of solvents contained in surface coatings, such as in paints and primers used during building maintenance. CalEEMod calculates the VOC evaporative emissions from the application of surface coatings based on the VOC emission factor, the building square footage, the assumed fraction of surface area, and the reapplication rate. The VOC emissions factor is based on the VOC content of the surface coatings, and SDAPCD’s Rule 67.0.1 (Architectural Coatings) governs the VOC content for interior and exterior coatings. This rule requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce VOC emissions from the use of these coatings, primarily by placing limits on the VOC content of various coating categories (SDAPCD 2015b). The applicant will use architectural coatings with a

low-VOC content of 5 grams per liter for internal reapplication, and exterior architectural coatings would have a VOC content of 50 grams per liter. The model default reapplication rate of 10% of area per year is assumed. Consistent with CalEEMod defaults, it is assumed that the surface area for painting equals 2.7 times the floor square footage, with 75% assumed for interior coating and 25% assumed for exterior surface coating (CAPCOA 2021).

Landscape maintenance includes fuel combustion emissions from equipment such as lawn mowers, rototillers, shredders/grinders, blowers, trimmers, chainsaws, and hedge trimmers. The emissions associated with landscape equipment use are estimated based on CalEEMod default values for emission factors (grams per square foot of building space per day) and number of summer days (when landscape maintenance would generally be performed) and winter days. Consistent with PDF-AIR-2, outlined in Table 3-2 of the EIR, woodburning fireplaces or hearths would not be allowed as part of the Assisted Living Facility.

### ***Energy Sources***

As represented in CalEEMod, energy sources include emissions associated with building electricity and natural gas usage. Electricity use would contribute indirectly to criteria air pollutant emissions; however, the emissions from electricity use are only quantified for greenhouse gases in CalEEMod, since criteria pollutant emissions occur at the site of the power plant, which is typically off site.

### ***Mobile Sources***

Following the completion of construction activities, the Assisted Living Facility would generate criteria pollutant emissions from mobile sources (vehicular traffic) as a result of the residents and staff of the Assisted Living Facility. Assisted Living Facility specific trip generation of 234 daily weekday trips was assumed and weekend trip rates were adjusted based on CalEEMod default trip rates. CalEEMod default data, including trip characteristics and emissions factors, were used for the model inputs. Assisted Living Facility related traffic was assumed to include a mixture of vehicles in accordance with the associated use, as modeled within CalEEMod. Emission factors representing the vehicle mix and emissions for 2024 were used to estimate emissions associated with vehicular sources.

### ***Stationary Sources***

The Assisted Living Facility would install and operate a Cummins Model 300DWDAC 455 horsepower emergency diesel generator. While use of the generator during an emergency is not included in the emissions inventory as they are speculative, emissions associated with testing and maintenance of the generator are included. The generator was assumed to be tested for



maximum of 1 hour per day and up to a total of 12 hours per year. CalEEMod was used to estimate emissions from emergency generator testing and maintenance.

**Operational Emissions**

Operation of the Assisted Living Facility would generate VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions from mobile sources (vehicular traffic), area sources (consumer products, architectural coatings, landscaping equipment), energy sources (natural gas appliances, space and water heating), and routine testing and maintenance of the diesel emergency generator stationary source. Pollutant emissions associated with long-term operations were quantified using CalEEMod.

Table 5.3-7 presents the maximum daily area, energy, mobile, and stationary source emissions associated with operation (Year 2024) of the Assisted Living Facility without mitigation. The values shown are the maximum summer or winter daily emissions results from CalEEMod. Details of the emission calculations are provided in Appendix C.

**Table 5.3-7  
 Estimated Maximum Daily Operational Criteria Air Pollutant Emissions**

Emission Source	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
	<i>Pounds per day</i>					
Area	2.59	0.10	8.67	<0.01	0.05	0.05
Energy	0.02	0.19	0.08	<0.01	0.02	0.02
Mobile	0.82	0.90	7.52	0.01	1.72	0.47
Stationary Source - Generator	0.75	2.09	1.90	<0.01	0.11	0.11
<b>Total</b>	<b>4.18</b>	<b>3.28</b>	<b>18.17</b>	<b>0.02</b>	<b>1.89</b>	<b>0.64</b>
<i>City Threshold</i>	<i>137</i>	<i>250</i>	<i>550</i>	<i>250</i>	<i>100</i>	<i>55</i>
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

**Source:** Appendix C

**Notes:** VOC = volatile organic compound; NO<sub>x</sub> = oxides of nitrogen; CO = carbon monoxide; SO<sub>x</sub> = sulfur oxides; PM<sub>10</sub> = coarse particulate matter; PM<sub>2.5</sub> = fine particulate matter; CalEEMod = California Emissions Estimator Model.

The values shown are the maximum summer or winter daily emissions results from CalEEMod. Values of “<0.01” indicate that the estimated emissions are less than two decimals. These emissions reflect the CalEEMod “mitigated” output, which accounts for compliance with SDAPCD Rule 67.0.1 (Architectural Coatings). Totals may not sum due to rounding.

The project would implement PDF-AIR-1 and PDF-AIR-2 and CM-AIR-1 and CM-AIR-2 as detailed in Table 3-2. As shown in Table 5.3-7, the combined daily area, energy, and mobile source emissions would not exceed the City’s operational thresholds for VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Particulate matter emissions would also not exceed 100 pounds per day.

## Significance of Impact

As required through the design and as regulatory compliance for the Assisted Living Facility, daily construction and operational emissions of the Assisted Living Facility would not exceed the City's significance thresholds for VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub> or PM<sub>2.5</sub>. with the inclusion of PDF-AIR-1 and PDF AIR-2 and CM-AIR-1 and CM-AIR-2 as detailed in Table 3-2. Particulate matter emissions would also not exceed 100 pounds per day. Impacts would be **less than significant**.

Based on the above, no new significant air quality impacts from construction and operational emissions or substantial increases in previously identified air quality impacts analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## Mitigation

No mitigation measures would be required.

### 5.3.3.3 Issue 3: Exposure to Pollutants

#### ***Issue 3: Would the project expose sensitive receptors to substantial pollutant concentrations?***

## Threshold

To determine the significance of the proposed project's emissions on the environment, the City's CEQA Significance Determination Thresholds (City of San Diego 2022) were used. Per the City's thresholds, the project would have a significant impact on air quality if the project would:

- Expose sensitive receptors to substantial pollutant concentration including air toxics such as diesel particulates... As adopted by the South Coast Air Quality Management District (SCAQMD) in their CEQA Air Quality Handbook (Chapter 4), a sensitive receptor is a person in the population who is particularly susceptible to health effects due to exposure to an air contaminant than is the population at large. Sensitive receptors (and the facilities that house them) in proximity to localized CO sources, toxic air contaminants or odors are of particular concern. Examples include: long-term health care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools, playground, child care centers, and athletic facilities.

## **Impact**

### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.3, construction of the Church was determined to not result in a long-term exposure of sensitive receptors to substantial concentration of TACs. Impacts would be less than significant regarding sensitive receptors. Impacts related to exposure of sensitive receptors were determined to be less than significant. Refer to the 2014 Church EIR Chapter 5.3 for additional details.

### ***Changes in Circumstances/New Information***

Air quality varies as a direct function of the amount of pollutants emitted into the atmosphere, the size and topography of the air basin, and the prevailing meteorological conditions. Air quality problems arise when the rate of pollutant emissions exceeds the rate of dispersion. Reduced visibility, eye irritation, and adverse health impacts upon those persons termed sensitive receptors are the most serious hazards of existing air quality conditions in the area. Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. People most likely to be affected by air pollution, as identified by the City (City of San Diego 2022), include children, the elderly, athletes, and people with cardiovascular and chronic respiratory diseases. As such, sensitive receptors include residences, schools, playgrounds, childcare centers, athletic facilities, long-term healthcare facilities, rehabilitation centers, convalescent centers, and retirement homes. As with the Church parcel previously analyzed in the 2014 Church EIR, the nearest sensitive receptors to the Assisted Living Facility are residential receptors to the south and the adjacent church. The Assisted Living Facility would bring the project closer to the residences on the southern portion of the project site by approximately 290 feet. Additionally, the Assisted Living Facility would also introduce new on-site sensitive receptors (Assisted Living Facility) to the area.

### **Health Impacts of Toxic Air Contaminants**

“Incremental cancer risk” is the net increased likelihood that a person continuously exposed to concentrations of TACs resulting from a project over a 9-, 30-, and 70-year exposure period would contract cancer based on the use of standard Office of Environmental Health Hazard Assessment risk-assessment methodology (OEHHA 2015). In addition, some TACs have non-carcinogenic effects. TACs that would potentially be emitted during construction activities would be DPM, emitted from heavy-duty construction equipment and heavy-duty trucks. Heavy-duty construction equipment and diesel trucks are subject to the CARB Airborne Toxic Control Measures to reduce DPM emissions. According to the Office of Environmental Health Hazard Assessment, health risk assessments, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 30-year

exposure period for the maximally exposed individual resident; however, such assessments should be limited to the period/duration of activities associated with the Assisted Living Facility (OEHHA 2015). Thus, the duration of Assisted Living Facility construction activities (approximately 14 months) would only constitute a small percentage of the total long-term exposure period and would not result in exposure of proximate sensitive receptors to substantial TACs. In addition, as a condition of approval, a construction equipment fleet that meets an average EPA Tier 4 Interim emission standard or better would be used, which would substantially reduce the generation of DPM from on-site diesel construction equipment.

The Assisted Living Facility would operate an emergency diesel generator, and the generator would be located 200 feet from the nearest sensitive receptor, the residential neighborhood to the south. The generator would operate 12 hours per year for testing, which would be a much shorter duration than the 30-year, continuously exposed, exposure duration. Furthermore, the emergency generator would be subject to SDAPCD rules and permitting requirements, which would include compliance with SDAPCD's Best Available Control Technology requirements. Finally, according to the representative Del Mar meteorological station, the predominant wind direction at the site is towards the east and, thus, away from the residential receptors to the south of the Assisted Living Facility parcel. Therefore, the project as amended would not result in the exposure of sensitive receptors to a substantial amount of TAC emissions as previously identified in the 2014 Church EIR.

### **Health Impacts of Carbon Monoxide**

Mobile-source impacts occur on two basic scales of motion. Regionally, Assisted Living Facility related travel would add to regional trip generation and increase the vehicle miles traveled within the local airshed and the SDAB. Locally, traffic from the Assisted Living Facility will be added to the City's roadway system. If such traffic occurs during periods of poor atmospheric ventilation, consists of a large number of vehicles "cold-started" and operating at pollution-inefficient speeds, and operating on roadways already crowded with non-project traffic, there is a potential for the formation of microscale CO "hotspots" in the area immediately around points of congested traffic.

The Assisted Living Facility's daily trips were determined to not exceed the City's daily trip screening thresholds; thus, a transportation Impact Analysis and a Local Mobility Analysis was determined to not be required (City of San Diego 2022). The Assisted Living Facility would generate 234 daily trips, 10 peak hourly AM vehicle trips, and 18 peak hourly PM trips. Because the Assisted Living Facility would not increase the daily traffic volumes or the peak hourly traffic volumes by a substantial amount, a CO hotspot is not anticipated to occur.

### ***Health Impacts of Other Criteria Air Pollutants***

As indicated in Tables 5.3-6 and 5.3-7, construction and operation of the Assisted Living Facility would not result in emissions that exceed the City's emission thresholds for any criteria air pollutants.

Some VOCs would be associated with motor vehicles and construction equipment, while others would be associated with architectural coatings, the emissions of which would not result in the exceedances of the City's thresholds. Generally, the VOCs in architectural coatings are of relatively low toxicity. Additionally, SDAPCD Rule 67.0.1 restricts the VOC content of coatings for both construction and operational applications. Furthermore, as required by PDF-AIR-1, architectural coatings with a low-VOC content of 5 grams per liter for internal reapplication will be used, and exterior architectural coatings would have a maximum VOC content of 50 grams per liter for any application during construction and operation.

In addition, VOCs and  $\text{NO}_x$  are precursors to  $\text{O}_3$ , for which the SDAB is designated as nonattainment with respect to the NAAQS and CAAQS. (The SDAB is designated by the EPA as an attainment area for the 1-hour  $\text{O}_3$  NAAQS standard and 1997 8-hour NAAQS standard.) The health effects associated with  $\text{O}_3$  are generally associated with reduced lung function. The contribution of VOCs and  $\text{NO}_x$  to regional ambient  $\text{O}_3$  concentrations is the result of complex photochemistry. The increases in  $\text{O}_3$  concentrations in the SDAB due to  $\text{O}_3$  precursor emissions tend to be found downwind from the source location to allow time for the photochemical reactions to occur. However, the potential for exacerbating excessive  $\text{O}_3$  concentrations would also depend on the time of year that the VOC emissions would occur because exceedances of the  $\text{O}_3$  ambient air quality standards tend to occur between April and October when solar radiation is highest. The overall effect of a single project's emissions of  $\text{O}_3$  precursors is speculative due to the lack of reliable methods to meaningfully assess this impact. Nonetheless, the VOC and  $\text{NO}_x$  emissions associated with the construction of the Assisted Living Facility could minimally contribute to regional  $\text{O}_3$  concentrations and the associated health impacts. Due to the minimal contribution during construction and operation, health impacts would not be significant.

Similar to  $\text{O}_3$ , construction of the Assisted Living Facility would not exceed thresholds for  $\text{PM}_{10}$  or  $\text{PM}_{2.5}$  and would not contribute to exceedances of the NAAQS and CAAQS for particulate matter. The Assisted Living Facility would also not result in substantial DPM emissions during construction and operation, and therefore, would not result in significant health effects related to DPM exposure. As with the Church analyzed in the 2014 Church EIR, the Assisted Living Facility would be required to comply with SDAPCD Rule 55, which limits the amount of fugitive dust generated during construction. As such, the project would result in a minimal contribution of particulate matter during construction and operation.

Regarding NO<sub>2</sub>, according to the construction emissions analysis, construction of the Assisted Living Facility would not contribute to exceedances of the NAAQS and CAAQS for NO<sub>2</sub>. NO<sub>2</sub> (which is a constituent of NO<sub>x</sub>) health impacts are associated with respiratory irritation, which may be experienced by nearby receptors during the periods of heaviest use of off-road construction equipment. However, these operations would be relatively short term and off-road construction equipment would be operating at various portions of the Assisted Living Facility parcel and would not be concentrated in one portion of the Assisted Living Facility parcel at any one time.

The VOC and NO<sub>x</sub> emissions, as described previously, would minimally contribute to regional O<sub>3</sub> concentrations and its associated health effects. In addition to O<sub>3</sub>, NO<sub>x</sub> emissions would not contribute to potential exceedances of the NAAQS and CAAQS for NO<sub>2</sub>. As shown in Table 5.3-2, the existing NO<sub>2</sub> concentrations in the area are well below the NAAQS and CAAQS standards. Thus, it is not expected that the Assisted Living Facility's operational NO<sub>x</sub> emissions would result in exceedances of the NO<sub>2</sub> standards or contribute to the associated health effects. CO tends to be a localized impact associated with congested intersections. The associated CO "hotspots" were discussed previously as a less-than-significant impact. Thus, the Assisted Living Facility's CO emissions would not contribute to significant health effects associated with this pollutant. Likewise, PM<sub>10</sub> and PM<sub>2.5</sub> would not contribute to potential exceedances of the NAAQS and CAAQS for particulate matter, would not obstruct the SDAB from coming into attainment for these pollutants, and would not contribute to significant health effects associated with particulates.

### **Significance of Impact**

The Assisted Living Facility would not expose sensitive receptors to substantial pollutant concentrations of TACs or criteria air pollutants during short-term construction and long-term operations. This impact would be **less than significant**.

Based on the above, no new significant air quality impacts related to exposure of sensitive receptors or substantial increases in previously identified air quality impacts analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Mitigation**

No mitigation measures would be required.

#### **5.3.3.4 Issue 4: Odors**

##### ***Issue 4: Would the project create objectionable odors affecting a substantial number of people?***

#### **Threshold**

To determine the significance of the proposed project's emissions on the environment, the City's CEQA Significance Determination Thresholds (City of San Diego 2022) were used. Per the City's thresholds, the project would have a significant impact on air quality if the project would:

- Create objectionable odors affecting a substantial number of people. The City also states that the significance of potential odor impacts should be determined based on what is known about the quantity of the odor compound(s) that would result from the project's proposed use(s), the types of neighboring uses potentially affected, the distance(s) between the project's point source(s) and the neighboring uses such as sensitive receptors, and the resultant concentration(s) at the receptors.

#### **Impact**

##### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.3, construction and operation of the Church was determined to not result in the creation of a land use that is commonly associated with odors. Impacts would be less than significant regarding sensitive receptors. Impacts related to odor were determined to be less than significant. Refer to the 2014 Church EIR Chapter 5.3 for additional details.

##### ***Changes in Circumstances/New Information***

Section 41700 of the California Health and Safety Code and SDAPCD Rule 51 (Public Nuisance) prohibit emissions from any source whatsoever in such quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to the public health or damage to property. Projects required to obtain permits from SDAPCD are evaluated by SDAPCD staff for potential odor nuisance, and conditions may be applied (or control equipment required) where necessary to prevent occurrence of public nuisance. As this regulation was enacted January 1, 2014, it does not represent a change in circumstances.

SDAPCD Rule 51 (Public Nuisance) also prohibits emission of any material that causes nuisance to a considerable number of persons or endangers the comfort, health, or safety of any person. A project that proposes a use that would produce objectionable odors would be deemed to have a significant odor impact if it would affect a considerable number of off-site receptors. Odor issues are very subjective by the nature of odors themselves and due to the fact that their

measurements are difficult to quantify. As a result, this guideline is qualitative and will focus on the existing and potential surrounding uses and location of sensitive receptors.

The occurrence and severity of potential odor impacts depends on numerous factors: the nature, frequency, and intensity of the source; the wind speeds and direction; and the sensitivity of receiving location each contribute to the intensity of the impact. Although offensive odors seldom cause physical harm, they can be annoying, cause distress among the public, and generate citizen complaints.

### **Construction**

As with the construction of the Church previously analyzed in the 2014 Church EIR, odors would be potentially generated from vehicles and equipment exhaust emissions during construction of the proposed Assisted Living Facility. Potential odors produced during proposed construction would be attributable to concentrations of unburned hydrocarbons from tailpipes of construction equipment, architectural coatings, and asphalt pavement application. Such odors would disperse rapidly from the Assisted Living Facility parcel and generally occur at magnitudes that would not affect substantial numbers of people. In conclusion, construction of the project would not result in creation of objectionable odors affecting a substantial number of people as previously disclosed in the 2014 Church EIR.

### **Operation**

Land uses and industrial operations associated with odor complaints include agricultural uses, wastewater treatment plants, food-processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding (SCAQMD 1993). Neither the Church nor the Assisted Living Facility includes any of the land uses typically associated with odor complaints. In conclusion, operation of the project would not result in creation of objectionable odors affecting a substantial number of people as previously disclosed in the 2014 Church EIR.

### **Significance of Impact**

Impacts associated with odors during construction and/or operation for the Assisted Living Facility would be **less than significant**.

Based on the above, no new significant air quality impacts related to odor or substantial increases in previously identified odor impacts analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Mitigation**

No mitigation measures would be required.



### 5.3.3.5 Issue 6: Air Movement

#### ***Issue 6: Would the project result in substantial alteration of air movement in the area of the project?***

#### **Threshold**

Impacts would be significant if the project results in a substantial alteration of air movement in the area of the project.

#### **Impact**

#### ***Previous EIR***

The previous 2014 Church EIR did not identify any significant impacts related to the substantial alteration of air movement in the area of the Church parcel.

#### ***Changes in Circumstances/New Information***

The issue of air movement in an area is usually associated with placement of high structures in proximity to one-another that can result in tunneling of air movement in an area that was previously unobstructed. As with the Church previously analyzed in the 2014 Church EIR, the Assisted Living Facility would exceed the baseline 30-foot height limit because the proposed height of the Assisted Living Facility would be 40 feet tall. However, an additional 10 feet of building height is allowed per each 10 feet increase of setbacks per San Diego Municipal Code Section 131.0344. The Assisted Living Facility would be required to provide a minimum of 20-foot setback. Surrounding land uses include residential development to the south, a church to the west, and open space to the east. The Assisted Living Facility proposes landscaping throughout the site, but focuses heavy landscaping along the southern and eastern boundaries adjacent to the Villas at Stallions Crossing development and Multi-Habitat Planning Area (MHPA). The Assisted Living Facility would also retain 1.12 acres in the eastern area of the site as open space in accordance with the existing designated MHPA. These areas retain general air flow patterns travelling unobstructed predominantly from the west. All of these considerations result in air flow continuing to follow geographic cues in this area and winding through and around project related built structures. Although localized effects would vary from the existing condition of the open area, substantial alteration of air movement would not occur.

#### **Significance of Impact**

Based on the above, no new significant impacts to air movement would occur as a result of the project modifications. Impacts relating to substantial alternations of air movement would be **less than significant**.

Based on the above, no new significant air movement impacts would occur relative to the previously certified 2014 Church EIR as a result of the project modifications.

**Mitigation**

No mitigation measures would be required.

## **5.4 BIOLOGICAL RESOURCES**

Chapter 5.4, Biological Resources, of the 2014 St. John Garabed Armenian Church Final Environmental Impact Report (2014 Church EIR) discloses information regarding the approved St. John Garabed Armenian Church (Church) and associated biological resource impacts. A summary of that analysis is included in for each biological resource issue in Section 5.4.3 below for the convenience of the reader. However, refer to the 2014 Church EIR Chapter 5.4 for details.

As the focus of the analysis within this FSEIR is the addition of the El Camino Real Assisted Living Facility (Assisted Living Facility), the additional information provided below is intended to provide a biological resource analysis update to the 2014 Church EIR for the proposed Assisted Living Facility. This section describes existing biological resources on the Assisted Living Facility parcel and discusses potential project impacts to these resources. The analysis is based on the following technical analysis, which is included as Appendix D to this FSEIR:

- Biological Technical Report for the El Camino Real Assisted Living Facility Project, City of San Diego Project Number 666165, prepared by Dudek in January 2022.

A review of pertinent literature and online database searches was completed by an expert biologist to assist with the biological resource and informal jurisdictional delineation efforts. In addition, biological surveys of the Assisted Living Facility parcel were conducted by biologists in 2020 including a general biological survey and vegetation mapping. An additional site visit was conducted in April 2023 and confirmed that the existing conditions are consistent with the results of the 2020 survey. The methods identified in the City's Biology Guidelines (City of San Diego 2018a) were utilized to prepare the Biological Technical Report (Appendix D) and the following analysis.

### **5.4.1 EXISTING CONDITIONS**

#### **Vegetation Communities**

The study area is defined as the Assisted Living Facility's impact footprint and a surrounding 300-foot survey area. Four non-native vegetation communities/ land cover types and one wetland community were identified within the Assisted Living Facility parcel: eucalyptus woodland, disturbed habitat, non-native woodland, urban/developed, and arundo-dominated riparian. Additional communities mapped within the larger 300-foot survey area, located outside the limits of work, included Diegan coastal sage scrub, non-native grassland (broadleaf-dominated), land, mule fat scrub, southern willow scrub, disturbed herbaceous wetland, and disturbed cismontane alkali marsh. These communities or land cover types are described below, their acreages are presented in Table 5.4-1, and their locations are shown in Figure 5.4-1, Existing Biological Resources. Also included in Table 5.4-1 are the sensitivity designations of each vegetation community according to the Tiers described

in the City's Biology Guidelines (City of San Diego 2018a). Tiers I through IIIb, in addition to all wetlands, are considered sensitive habitat, while Tier IV is not considered sensitive. As described in further detail below, the Assisted Living Facility parcel contains one wetland habitat but no other sensitive habitat; the study area contains several sensitive habitat types consisting of Tier II coastal sage scrub, Tier IIIb non-native grassland and several wetland habitat types.

**Table 5.4-1  
 Vegetation Communities and Land Cover Types**

<b>Vegetation Community/ Land Cover Type</b>	<b>City of San Diego Biology Guidelines Vegetation Community</b>	<b>MSCP Subarea Plan Tier</b>	<b>ALF Parcel (acres)</b>	<b>Buffer Area (acres)</b>	<b>Total Study Area (Acres)</b>
<i>Native Vegetation Communities</i>					
Coastal Sage Scrub	Coastal Sage Scrub	II	—	0.94	0.94
<i>Non-Native Vegetation Communities and Land Covers</i>					
Disturbed Habitat	Disturbed Land	IV	3.11	2.80	5.91
Eucalyptus Woodland	Eucalyptus Woodland	IV	0.79	0.93	1.72
Non-Native Woodland	Ornamental Plantings	IV	0.01	0.20	0.21
Non-Native Grassland: Broadleaf-Dominated	Non-Native Grassland	IIIB	—	0.82	0.82
Urban/Developed Land	N/A	N/A	0.02	7.75	7.77
<i>Wetlands</i>					
Mule Fat Scrub	Riparian Scrub	Wetland	—	0.18	0.18
Sothorn Willow Scrub	Riparian Scrub	Wetland	—	0.38	0.38
Disturbed Herbaceous Wetland	Disturbed Wetland	Wetland	—	0.11	0.11
Disturbed Cismontane Alkali Marsh	Freshwater Marsh	Wetland	—	1.10	1.10
Arundo-dominated Riparian	Disturbed Wetland	Wetland	0.03	0.10	0.13
<b>Total*</b>			<b>3.96</b>	<b>15.30</b>	<b>19.27</b>

**Source:** Appendix D.

**Notes:** ALF= Assisted Living Facility

\* Some numbers may not sum due to rounding.

### **Coastal Sage Scrub; Tier II**

Coastal sage scrub is a native vegetation community that is composed of a variety of soft, low, aromatic shrubs, characteristically dominated by drought-deciduous species—such as California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), and sages (*Salvia* spp.)—with scattered evergreen shrubs, including lemonadeberry (*Rhus integrifolia*) and laurel sumac (*Malosma laurina*) (Oberbauer et al. 2008).

Coastal sage scrub is present in a small patch just southeast of the Assisted Living Facility parcel and on the western side of El Camino Real; this community is not present on the Assisted Living Facility parcel or within the Assisted Living Facility footprint, but occurs in the study area. Coastal sage scrub in the study area consists of California sagebrush, black sage (*Salvia mellifera*), coyote brush (*Baccharis pilularis*), broom baccharis (*Baccharis sarothroides*), and mule fat (*Baccharis salicifolia* ssp. *salicifolia*). This vegetation community is considered a Tier II habitat by the City's Biology Guidelines (City of San Diego 2018a).

### **Disturbed Habitat/Land; Tier IV**

Disturbed lands are areas which have been subject to extensive physical anthropogenic disturbance and as a result cannot be identified as a native or naturalized vegetation association. However, these areas typically still have a recognizable soil substrate. The existing vegetation is typically composed of non-native ornamental or exotic species (Oberbauer et al. 2008).

Disturbed land comprises majority of the Assisted Living Facility parcel site, the active construction site to the north of the Assisted Living Facility parcel, and small strips of land around the existing development to the south. Although some stands of non-native vegetation occur within the disturbed land in the study area, historical aerial imagery shows that the Assisted Living Facility footprint and most of the land to the north has been used as active agricultural land within the past 5 years (Google Earth 2020). Most of the disturbed land within the study area has been recently mowed, graded, or used to store heavy machinery and equipment associated with the construction of the Church on the parcel to the north. This land cover is ranked as Tier IV and is not considered sensitive under the City's Biology Guidelines (City of San Diego 2018a).

### **Eucalyptus Woodland; Tier IV**

Eucalyptus Woodland includes eucalyptus species (*Eucalyptus globulus*, *E. camaldulensis*, or *E.* spp.) planted as trees, groves, and windbreaks that form thickets with minimal shrubby understory to scattered trees with a well-developed understory (Oberbauer et al. 2008). In most cases however, eucalyptus trees form dense stands with closed canopies where the understory is either depauperate or absent owing to shade and the possible allelopathic (toxic) properties of the

eucalyptus leaf litter. Although eucalyptus woodlands are of limited value to most native plants and animals, they frequently provide nesting and perching sites for several raptor species.

Eucalyptus Woodland occurs in the far eastern portion of the Assisted Living Facility parcel, outside of the Assisted Living Facility footprint, and is contiguous with eucalyptus woodland in the larger study area. The understory of the eucalyptus woodland in the study area is quite mixed and consists of poison oak (*Toxicodendron diversilobum*), tree tobacco (*Nicotiana glauca*), lemonadeberry, blue elderberry (*Sambucus nigra* ssp. *caerulea*), Canary Island date palm (*Phoenix canariensis*), and hottentot-fig (*Carpobrotus edulis*). Eucalyptus woodland is classified as a Tier IV vegetation community under the City's Biology Guidelines (City of San Diego 2018a).

### **Non-native Woodland**

This vegetation community refers to areas of exotic trees, usually intentionally planted, that are not maintained or artificially irrigated (Oberbauer et al. 2008).

Non-native woodland occurs in a small portion on the northeastern edge of the Assisted Living Facility parcel and extends north of the site into the larger study area. There are scattered olive (*Olea europaea*) and Mexican fan palm (*Washingtonia robusta*) trees in this community with an understory of non-native weedy species like black mustard (*Brassica nigra*). This vegetation community is not listed in the City's Biology Guidelines (City of San Diego 2018a), but most closely matches ornamental plantings that are ranked as Tier IV.

### **Non-Native Grassland: Broadleaf Dominated**

Non-native grassland (broadleaf dominated) is a subset of non-native grassland that is dominated by one or several non-native, invasive broadleaf species like black mustard, short-pod mustard (*Hirschfeldia incana*) and fennel (*Foeniculum vulgare*) (Oberbauer et al. 2008).

Non-native grassland (broadleaf-dominated) occurs northeast and southeast of the Assisted Living Facility parcel (in the larger study area) on slopes adjacent to historical dirt roads and development; this community is not present on site and only occurs in the study area. Within the study area, this vegetation community is dominated by black mustard, fennel, and tree tobacco. The City's Biology Guidelines (City of San Diego 2018a) do not distinguish between this variety and general non-native grassland; therefore, it is considered synonymous with non-native grassland, a Tier IIB habitat.

### **Disturbed Herbaceous Wetland**

Herbaceous wetland is a seasonal wetland habitat that supports a variety of herbaceous annual species like annual beard grass (*Polypogon monspeliensis*) (Oberbauer et al. 2008).

Herbaceous wetland is present within the southern portion of the Multi-Habitat Planning Area (MHPA) open space to the east of the Assisted Living Facility parcel within the larger study area. Disturbed herbaceous wetland in the study area is dominated by one non-native, hydrophytic plant species: bristly ox-tongue (*Helminthotheca echioides*). The complete lack of native plant species in this community implies that this area should be classified as disturbed wetland according to the City's Biology Guidelines (City of San Diego 2018a).

### ***Disturbed Cismontane Alkali Marsh***

Cismontane alkali marsh is a wetland habitat dominated by low, perennial, herbaceous plants adapted to places where standing water or saturated soils are present for a considerable portion of the year (Oberbauer et al. 2008). High evaporation and low input of freshwater render these marshes somewhat alkaline, especially during the summer. Plant species composition within this community tends to consist of halophytes such as southwestern spiny rush (*Juncus acutus* ssp. *leopoldii*), and certain sedges over the typical cattail-bulrush mix of freshwater marsh.

Cismontane alkali marsh is present in the northeastern corner of the study area to the east of the Assisted Living Facility parcel within the larger study area and the MHPA. This habitat is considered disturbed in the study area since it is dominated by non-native wetland species like prostrate spearscale (*Atriplex prostrata*), bristly ox-tongue, broad-leaf peppergrass (*Lepidium latifolium*), curly dock (*Rumex crispus*), and annual beard grass. Several native wetland species like Pacific pickleweed (*Salicornia pacifica*), alkali mallow (*Malvella leprosa*), cocklebur (*Xanthium strumarium*), California bulrush (*Schoenoplectus californicus*), and salt grass (*Distichlis spicata*) are present within this community as well. Many of these species are salt-loving and the overall composition of this community suggests a mix between coastal salt marsh and freshwater marsh; cismontane alkali marsh was considered the best classification for this area since this marsh does not physically connect to the San Dieguito River/Lagoon to the north. Despite moderate disturbance, the presence of several native wetland species and the lack of human modification in the area since 2003 (Google Earth 2020) implies that this community should be classified as freshwater marsh in the City's Biology Guidelines (City of San Diego 2018a); it is considered a wetland community.

### ***Arundo-Dominated Riparian/ Disturbed Wetland***

Arundo-dominated riparian comprises one dense stand of giant reed (*Arundo donax*) south of the Eucalyptus woodland in the far eastern portion of the Assisted Living Facility parcel and the larger study area. Arundo-dominated riparian is composed of monotypic or nearly monotypic stands of giant reed that are fairly widespread in Southern California. Typically, it occurs on moist soils and in streambeds and may be related directly to soil disturbance or the introduction of propagates by grading or flooding. This land cover is considered synonymous with disturbed wetland according to the City's Biology Guidelines (City of San Diego 2018a).

## Plants and Animals

A total of 63 species of vascular plants, 28 native (44%) and 35 non-native (56%), were recorded during the biological reconnaissance survey for the Assisted Living Facility. A cumulative list of all common and sensitive plant species observed in the study area are provided in Appendix D.

The study area supports habitat primarily for coastal sage scrub, woodland, grassland and riparian/wetland wildlife species within coastal sage scrub, eucalyptus woodland, non-native grassland, cismontane alkali marsh, disturbed wetland, and riparian scrub (southern willow scrub and mule fat scrub) located east of the Assisted Living Facility footprint within the MHPA (Figure 5.4-1). These habitats provide foraging and nesting habitat for migratory and resident bird species and other wildlife species, including sensitive riparian species. Areas of these vegetated communities within the study area also likely to provide cover and foraging opportunities for small reptiles and other mammal species.

A total of nine wildlife species were recorded during the biological reconnaissance surveys in the study area. Of the nine wildlife species observed during field surveys, two are considered special status and are described in further detail below. A list of wildlife species observed in the study area during field surveys is provided in Appendix D.

### Special-Status Plants

No naturally-occurring special-status plant species were observed on the site during the 2020<sup>1</sup> field reconnaissance; none have moderate or high potential to occur on the Assisted Living Facility parcel since it lacks suitable habitat. In the adjacent study area, however, sensitive plant species with a moderate potential to occur in coastal sage scrub or the disturbed cismontane alkali marsh include sand-loving wallflower (*Erysimum ammophilum*; AKA coast wallflower), beach goldenaster (*Heterotheca sessiliflora* ssp. *sessiliflora*) and Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*). Sand-loving wallflower is listed as California Rare Plant Rank (CRPR) 1B.2, beach goldenaster is listed as CRPR 1B.1, and Coulter's goldfields is listed as CRPR 1B.1. Beach goldenaster and Coulter's goldfields are not San Diego Multiple Species Conservation Program (MSCP)-covered species, while sand-loving wallflower is a MSCP-covered species. These species are described in further detail in Appendix D.

Several ornamental Torrey pine individuals were observed within the study area in the parking lot of Evangelical Formosan Church, immediately to the west of the Assisted Living Facility footprint. These individuals were artificially planted as ornamental landscaping and are not considered to be natural occurrences that deem coverage as special-status plants.

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<sup>1</sup> An additional site visit was conducted in 2023 and confirmed that existing conditions are consistent with the 2020 surveys.



## Special-Status Animals

Two special status bird species were directly observed within the study area during field reconnaissance in 2020,<sup>2</sup> including coastal California gnatcatcher (*Polioptila californica californica*) and yellow warbler (*Setophaga petechia*). These two bird species are discussed below.

One coastal California gnatcatcher (*Polioptila californica californica*) individual was observed within the study area (outside of the Assisted Living Facility parcel) in the coastal sage scrub to the southeast of the Assisted Living Facility footprint. This individual is likely a resident of this small patch of sage scrub and utilizes the area for foraging and potentially breeding. A second California gnatcatcher individual was observed to the west of the study area in coastal sage scrub associated with the San Dieguito River Park.

One yellow warbler (*Setophaga petechia*) individual was heard calling within the eucalyptus woodland on the far eastern boundary of the study area. This individual is likely associated with the riparian habitat that exists just south of the eucalyptus woodland and utilizes the woodland, wetland, and riparian areas east of the Assisted Living Facility parcel for foraging and breeding.

Other sensitive wildlife species determined to have moderate potential to occur within the study area, outside the Assisted Living Facility parcel, include western spadefoot (*Spea hammondi*), southern California legless lizard (*Anniella stebbinsi*), orange-throated whiptail (*Aspidoscelis hyperythra beldingi*), red diamondback rattlesnake (*Crotalus ruber*), and least Bell's vireo (*Vireo bellii pusillus*). Sensitive wildlife species determined to have moderate to high potential to occur within the Assisted Living Facility parcel and study area include Cooper's hawk (*Accipiter cooperii*) and white-tailed kite (*Elanus leucurus*). California horned lark (*Eremophila alpestris actia*) is the only sensitive wildlife species with moderate potential to occur within the Assisted Living Facility footprint. These species are described in further detail in Appendix D. No sensitive wildlife species were determined to have high potential to occur within the study area or Assisted Living Facility parcel.

## Regulatory Resource Planning

The Assisted Living Facility study area is partially located within the MHPA of the MSCP. The MSCP is a long-term regional conservation plan established to protect sensitive species and habitats in San Diego County pursuant to the federal and California Endangered Species Acts and the California Natural Community Conservation Planning Act. The MSCP is divided into subarea plans that are implemented separately from one another. The entire project site is within the City of San Diego MSCP Subarea Plan (City of San Diego 1997). The MHPA is a "hard line" preserve developed by the City in cooperation with the wildlife agencies, property owners,

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<sup>2</sup> An additional site visit was conducted in 2023 and confirmed that existing conditions are consistent with the 2020 surveys.

developers, and environmental groups. The MHPA identifies biological core resource areas and corridors targeted for conservation, in which only limited development may occur.

The site is a partially within the MHPA and is connected to the local MHPA system. The local MHPA system encompasses the San Dieguito Lagoon area, Gonzales Canyon, and most of the area lying between the communities of Carmel Valley and Rancho Peñasquitos. The existing MHPA boundary in this area is consistent with the open space configuration of the NCFUA Framework Plan, and contains wetlands including the San Dieguito River, limited coastal sage scrub, chaparral, grasslands, and agriculturally disturbed lands.

MSCP Figure 5, Conserved Vegetation Communities in Northern Area, identifies the location of area-specific MHPA Guidelines for the project vicinity. Guidelines C15 to C-19 cover specific areas of the nearby San Dieguito Lagoon, San Dieguito River corridor, and Gonzales Canyon. However, none of these area-specific MHPA Guidelines apply to the project site given the project's location.

There are also Specific Management Policies and Directives for the Northern Area which include the following:

- Clear the mouth of Gonzales Canyon between the new and old El Camino Real Roads of obstructions in the floodplain and low-lying areas. New development should occur in the least sensitive portions of this area, and adjacent to other developed areas, considering existing on site or adjacent habitat, wildlife movement, and water flow.

## 5.4.2 REGULATORY FRAMEWORK

### Federal

#### ***Federal Endangered Species Act***

Under the federal Endangered Species Act of 1973 (ESA), the Secretary of the Interior and the Secretary of Commerce jointly have the authority to list a species as threatened or endangered (16 USC 1533[c]). Pursuant to the requirements of the federal ESA, an agency reviewing a project within its jurisdiction must determine whether any federally listed threatened or endangered species may be present in the planning area, and determine whether the project would have a potentially significant impact on such species. In addition, the agency is required to determine whether the project is likely to jeopardize the continued existence of any species proposed to be listed under the federal ESA or result in the destruction or adverse modification of critical habitat proposed to be designated for such species (16 USC 1536[3][4]). The U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration National Marine Fisheries Service are responsible for implementation of the federal ESA.

USFWS also publishes a list of candidate species. Species on this list receive special attention from federal agencies during environmental review, although they are not protected otherwise under the federal ESA. The candidate species are those for which USFWS has sufficient biological information to support a proposal to list them as endangered or threatened.

### ***Migratory Bird Treaty Act***

The Migratory Bird Treaty Act (MBTA) prohibits the take of any migratory bird or any part, nest, or eggs of any such bird. Under the MBTA, “take” is defined as “pursue, hunt, shoot, wound, kill trap, capture, or collect, or any attempt to carry out these activities” (16 USC 703 et seq.). Additionally, Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds, requires that any project with federal involvement address impacts of federal actions on migratory birds with the purpose of promoting conservation of migratory bird populations (66 FR 3853–3856). Executive Order 13186 requires federal agencies to work with USFWS to develop a memorandum of understanding. USFWS reviews actions that might affect these species. Currently, birds are considered to be nesting under the MBTA only when there are eggs or chicks that are dependent on the nest.

The project will comply with the MBTA.

### **State**

#### ***California Endangered Species Act***

The California Department of Fish and Wildlife (CDFW) administers the California Endangered Species Act (CESA) (CFGF Section 2050 et seq.), which prohibits the take of plant and animal species designated by the California Fish and Game Commission as endangered or threatened in California. Under CESA Section 86, “take” is defined as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” CESA Section 2053 stipulates that state agencies may not approve projects that will “jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat essential to the continued existence of those species, if there are reasonable and prudent alternatives available consistent with conserving the species or its habitat which would prevent jeopardy.”

Sections 3511, 4700, and 5515 of the California Fish and Game Code (CFGF) designate certain birds, mammals, and fish as “fully protected” species. These species may not be taken or possessed without a permit from the California Fish and Game Commission, and such take may only occur pursuant to scientific research or in connection with an authorized Natural Communities Conservation Plan. No incidental take of fully protected species is allowed.

CESA Sections 2080 through 2085 address the taking of threatened, endangered, or candidate species by stating, “No person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the Commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided in this chapter, the Native Plant Protection Act (CFGF Sections 1900–1913), or the California Desert Native Plants Act (Food and Agricultural Code, Section 80001).

Sections 2081(b) and 2081(c) of the CFGF authorize take of endangered, threatened, or candidate species if take is incidental to otherwise lawful activity and if specific criteria are met. In such cases, CDFW issues the applicant an incidental take permit, which functions much like an incidental take statement in the federal context. Sections 2081(b) and 2081(c) also require CDFW to coordinate consultations with USFWS for actions involving federally listed species that are also state-listed species. In certain circumstances, Section 2080.1 of the CESA allows CDFW to adopt a federal incidental take statement or a 10(a) permit as its own, based on its findings that the federal permit adequately protects the species and is consistent with state law. As mentioned above, CDFW may not issue a Section 2081(b) incidental take permit for take of fully protected species. The CFGF lists the fully protected species in Section 3511 (birds), Section 4700 (mammals), Section 5050 (reptiles and amphibians), and Section 5515 (fish).

### ***California Fish and Game Code***

#### **Streambed Alteration Agreement**

Pursuant to Section 1602 of the CFGF, CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake that supports fish or wildlife. A Streambed Alteration Agreement (CFGF Section 1602 et seq.) is required for impacts on jurisdictional resources, including streambeds and associated riparian habitat.

#### **Birds and Mammals**

According to Sections 3511 and 4700 of the CFGF, which regulate birds and mammals, a fully protected species may not be taken or possessed. CDFW may not authorize the take of such species except for necessary scientific research, for the protection of livestock, and when the take occurs for fully protected species within an approved Natural Communities Conservation Plan such as the City’s MSCP.

#### **Resident and Migratory Birds**

The CFGF provides protection for wildlife species. It states that no mammal, bird, reptile, amphibian, or fish species listed as fully protected can be “taken or possessed at any time.” In addition, CDFW affords

protection over the destruction of nests or eggs of native bird species (CFGC Section 3503), and it states that no birds in the orders of Falconiformes or Strigiformes (birds of prey) can be taken, possessed, or destroyed (CFGC Section 3503.5). CDFW cannot issue permits or licenses that authorize the take of any fully protected species, except under certain circumstances such as scientific research and live capture and relocation of such species pursuant to a permit for the protection of livestock (CFGC Section 3511). Separate from federal and state designations of species, CDFW designates certain vertebrate species as a California Species of Special Concern based on declining population levels, limited ranges, and/or continuing threats that have made them vulnerable to extinction.

### **California Native Plant Protection Act**

The Native Plant Protection Act of 1977 (CFGC Sections 1900–1913) directed CDFW to carry out the legislature’s intent to “preserve, protect and enhance rare and endangered plants in this State.” The Native Plant Protection Act gave the California Fish and Game Commission the power to designate native plants as “endangered” or “rare,” and to protect endangered and rare plants from take. When CESA was passed in 1984, it expanded on the original Native Plant Protection Act, enhanced legal protection for plants, and created the categories of “threatened” and “endangered” species to parallel the federal ESA. CESA categorized all rare animals as threatened species under CESA, but did not do so for rare plants, which resulted in three listing categories for plants in California: rare, threatened, and endangered. The Native Plant Protection Act remains part of the CFGC, and mitigation measures for impacts on rare plants are specified in a formal agreement between CDFW and project proponents.

The project will comply with the California Fish and Game Code.

### ***Porter-Cologne Water Quality Control Act***

The Porter–Cologne Water Quality Control Act (Porter–Cologne Act) protects water quality and the beneficial uses of water. It applies to surface water and groundwater. Under this law, the State Water Resources Control Board develops statewide water quality plans, and the Regional Water Quality Control Boards (RWQCBs) develop regional basin plans that identify beneficial uses, water quality objectives, and implementation plans. The RWQCBs have the primary responsibility to implement the provisions of statewide plans and basin plans. Waters regulated under the Porter–Cologne Act include isolated waters that are not regulated by the U.S. Army Corps of Engineers. Developments with impacts on jurisdictional waters must demonstrate compliance with the goals of the Porter–Cologne Act by developing Stormwater Pollution Prevention Plans, Standard Urban Stormwater Mitigation Plans, and other measures to obtain a Clean Water Act Section 401 certification.

## Local

### ***San Diego Municipal Code Environmentally Sensitive Lands Regulations***

The purpose of the environmental sensitive lands regulations is to protect, preserve and, where damaged, restore, the environmentally sensitive lands of San Diego and the viability of the species supported by those lands. These regulations are intended to assure that development, including, but not limited to coastal development in the Coastal Overlay Zone, occurs in a manner that protects the overall quality of the resources and the natural and topographic character of the area, encourages a sensitive form of development, retains biodiversity and interconnected habitats, maximizes physical and visual public access to and along the shoreline, and reduces hazards due to flooding in specific areas while minimizing the need for construction of flood control facilities. These regulations are intended to protect the public health, safety, and welfare while employing regulations that are consistent with sound resource conservation principles and the rights of private property owners.

The Environmentally Sensitive Lands regulations and Beaches Guidelines and accompanying Biology, Steep Hillside, and Coastal Bluffs and Beaches Guidelines are intended to serve as standards for the determination of impacts and mitigation under the California Environmental Quality Act and the California Coastal Act. These standards serve to implement the Multiple Species Conservation Program by placing priority on the preservation of biological resources within the MHPA, as identified in the City of San Diego MSCP Subarea Plan and Vernal Pool Habitat Conservation Plan. The habitat-based level of protection which will result through implementation of the MHPA is intended to meet the mitigation obligations of the Covered Species addressed.

The eastern portion of site contains environmentally sensitive lands, and environmentally sensitive lands are located adjacent to the eastern site boundary. These adjacent resources include lands designated as MHPA, as well as City wetlands. Related to adjacent wetlands, the San Diego Municipal Code Section 143.0141 (b)(5) states:

(5) Impacts to wetlands shall be avoided, except where permitted in accordance with Section 143.0141(b)(6). A wetland buffer shall be maintained around all wetlands as appropriate to protect the functions and values of the wetlands. In the Coastal Overlay Zone the applicant shall provide a minimum 100-foot buffer, unless a lesser or greater buffer is warranted as determined through the process described in this section.

### ***Multiple Species Conservation Program***

The City is a participant in the San Diego MSCP Plan, a comprehensive, regional, long-term habitat conservation program designed to provide permit issuance authority for take of Covered Species to

the local regulatory agencies. The MSCP Plan addresses habitat and species conservation within approximately 900 square miles in the southwestern portion of San Diego County (County of San Diego 1998). It serves as an approved habitat conservation plan pursuant to an approved Natural Communities Conservation Plan in accordance with the state Natural Communities Conservation Planning Act (County of San Diego 1998).

The MSCP Plan establishes a preserve system designed to conserve large blocks of interconnected habitat having high biological value that are delineated into MHPAs. The City's MHPA is a "hard line" preserve developed by the City in cooperation with the wildlife agencies, property owners, developers, and environmental groups. The MHPA identifies biological core resource areas and corridors targeted for conservation, in which only limited development may occur (City of San Diego 1997).

The MSCP Plan identifies 85 plants and animals to be covered under the plan ("Covered Species"). Many of these Covered Species are subject to one or more protective designations under state and/or federal law, and some are endemic to San Diego. The MSCP Plan seeks to provide adequate habitat in the preserve to maintain ecosystem functions and persistence of extant populations of the 85 Covered Species while also allowing participating landowners take of Covered Species on lands located outside of the preserve. The purpose of the MSCP Plan is to address species conservation on a regional level and thereby avoid project-by-project biological mitigation, which tends to fragment habitat.

### **City of San Diego MSCP Subarea Plan**

The City's Subarea Plan (City of San Diego 1997) encompasses 206,124 acres within the MSCP Plan area. The project is located within the Northern Area of the Subarea Plan (City of San Diego 1997). The Subarea Plan is characterized by urban land uses with approximately three-quarters either built out or retained as open space/park system. As mentioned previously, the City MHPA is a hardline preserve developed by the City in cooperation with the wildlife agencies, property owners, developers, and environmental groups. The MHPA identifies biological core resource areas and corridors targeted for conservation, in which only limited development may occur (City of San Diego 1997). The MHPA is considered an urban preserve that is constrained by existing or approved development and is comprised of habitat linkages connecting several large core areas of habitat. The criteria used to define core and linkage areas involves maintaining ecosystem function and processes, including large animal movement. Each core area is connected to other core areas or to habitat areas outside of the MSCP area either through common boundaries or through linkages. Core areas have multiple connections to help ensure that the balance in the ecosystem will be maintained (City of San Diego 1997). Critical habitat linkages between core areas are conserved in a functional manner, with a minimum of 75% of the habitat within identified linkages conserved (City of San Diego 1997). The project area includes area within the MHPA and is also adjacent to MHPA areas.

### ***City of San Diego Biology Guidelines***

The City's Development Services Department developed the Biology Guidelines presented in the Land Development Manual "to aid in the implementation and interpretation of the Environmentally Sensitive Lands Regulations, San Diego Land Development Code, Chapter 14, Division 1, Section 143.0101 et seq., and the Open Space Residential (OR-1-2) Zone, Chapter 13, Division 2, Section 131.0201 et seq." (City of San Diego 2018a). The guidelines also provide standards for the determination of impacts and mitigation under CEQA and the California Coastal Act. Sensitive biological resources, as defined by the Environmentally Sensitive Lands (ESL) regulations, include lands within the MHPA and other lands outside of the MHPA that contain wetlands; vegetation communities classifiable as Tier I, II, IIIA, or IIIB; habitat for rare, endangered, or threatened species; and narrow endemic species. The most sensitive habitats are classified as Tier I with the least sensitive classified as Tier IV, and varying mitigation ratios and requirements that mitigation be in tier or in kind are based on the sensitivity of the habitat being affected.

In addition, the location of impacts inside or outside of the City's MHPA also determines where and how much mitigation is required, with the highest ratios being required for mitigation outside of the MHPA when project impacts occur within the MHPA (City of San Diego 2018a). Habitat mitigation requirements, along with seasonal grading restrictions, provide protections for sensitive species, with additional species-specific mitigation required for significant impacts to narrow endemic species. Limitations on development in the MHPA also protect wildlife movement corridors (e.g., linear areas of the MHPA less than 1,000 feet wide) (City of San Diego 2018a).

### ***City of San Diego Biological Resources General Requirements***

The City of San Diego Biological Resources General Requirements includes various measures that shall be included on project plans to ensure compliance with the City's MSCP/MHPA and ESL regulations. They are considered project features. This includes the following measure. The rest of the measures have been included as **Mitigation Measure (MM) BIO-1** (see Section 5.4.3.1, below).

**Water Pollution Control Plan:** The City's Storm Water Standards require the development of a *Water Pollution Control Plan* (WPCP) that outlines the BMPs and pollution prevention measures that will be implemented prior to and during construction activities (City of San Diego 2018b). A project-specific WPCP will be developed prior to construction, which will be tailored to address project-specific water quality conditions and BMP requirements, based on the actual construction activities that will be performed. The BMP categories that will be addressed in the WPCP include the following:

- Project planning
- Good site management "housekeeping"



- Non-storm-water management
- Erosion control
- Sediment control
- Run-on and run-off control

Consistent with the Storm Water Standards and regulatory requirements, the WPCP shall include objectives, responsibilities, maintenance and inspection standards to ensure adherence to pollution prevention standards.

The project will be required to meet National Pollution Discharge Elimination System (NPDES) regulations. During construction, silt fencing should be placed around the project boundary to prevent runoff from construction activities from entering the adjacent canyon and drainage. Spill prevention and clean-up measures shall be practiced on site. Fuel and equipment shall be stored at least 100 feet from jurisdictional resources.

Prior to construction mobilization, the project contractor will prepare a Stormwater Pollution Prevention Plan (SWPPP, in accordance with the state's General Construction Stormwater Permit – 99-08-DWQ) and implement the plan during construction. Specific measures to be incorporated into the SWPPP include but are not limited to the following:

- a. All equipment will be maintained in accordance with manufacturer's recommendations and requirements.
- b. Equipment and containers will be inspected daily for leaks.
- c. Contractor will utilize off-site maintenance and repair shops as much as possible for maintenance and repair of equipment.
- d. If maintenance of equipment occurs on site, within all areas, fuel/oil pans, absorbent pads, or appropriate containment will be used to capture spills/leaks.

This measure is in accordance with the City's Subarea Plan and pursuant to the San Diego RWQCB Municipal Permit and the City's Storm Water Standards Manual (City of San Diego 2018b).

### **5.4.3 IMPACT ANALYSIS**

#### **5.4.3.1 Issues 1 and 2: Sensitive Habitats and Species**

***Issue 1: Would the project result in a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in the***

***MSCP or other local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?***

***Issue 2: Would the project 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, regulations, or by the CDFW or USFWS?***

**Threshold**

According to the City's Significance Determination Thresholds (City of San Diego 2022), biological impacts may be significant if the project would cause a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies, or regulations, or by CDFW or USFWS.

**Impact**

***Previous EIR***

As indicated in 2014 Church EIR Chapter 5.4, the Church was determined to result in direct permanent impacts to 0.01 acres of sensitive upland habitat. This impact occurs within the 25% allowable development area and was determined to be less than significant. Church development was determined to result in direct temporary impacts to 0.08 acres of disturbed land and 0.02 acres of coastal sage scrub habitat. The combined 0.10 acres of temporary direct impacts would occur within the MHPA and was determined to be less than significant.

The California horned lark, as well as other ground nesting birds protected under the federal MBTA and California Code 3503, could be present on the site during the breeding season. Significant direct impacts to the California horned lark and other ground nesting birds could occur if such birds are disturbed by construction related activities during nesting season. The 2014 Church EIR included Mitigation Measure BIO-1 to reduce potential impacts to nesting birds to below a level of significance.

As indicated in 2014 Church EIR Chapter 5.4, Mitigation Measure LU-1 shall be implemented to reduce impacts to 0.08 acres of disturbed land and 0.02 acres of coastal sage scrub habitat within the MHPA boundary by requiring that these areas be revegetated with coastal sage scrub. With mitigation implemented impacts were determined to be less than significant.

Potential short-term and long-term indirect impacts on vegetation and sensitive plant and animal species are considered to be significant. As indicated in 2014 Church EIR Chapter 5.4, Mitigation Measure LU-2 shall be implemented to reduce potential long-term indirect impacts on vegetation and sensitive plant and animal species in the MHPA by requiring that the Church incorporate several features directing

potential impacts away from the MHPA, use native plants on the site, limit construction noise. With mitigation implemented potential impacts on sensitive species within the MHPA would be below a level of significance. Refer to the 2014 Church EIR Chapter 5.4 for additional details.

### ***Changes in Circumstances/New Information***

#### **Direct Impacts**

##### **Vegetation Communities**

The Assisted Living Facility would result in impacts to 2.84 acres of disturbed land (Tier IV). As Tier IV habitats are not sensitive and do not provide significant biological value, no direct impact to sensitive habitat would occur as a result of the implementation of the Assisted Living Facility. The development of the Assisted Living Facility would not result in the addition of any impacts to vegetation communities beyond those already analyzed in the 2014 Church EIR.

##### **Special-Status Plants**

As with the Church parcel previously analyzed in the 2014 Church EIR, no naturally occurring special-status plant species were observed on the Assisted Living Facility parcel. No special-status plant species are expected to occur within the Assisted Living Facility parcel due to its heavily disturbed condition. In conclusion, no direct impact to special-status plants would occur as a result of the implementation of the Assisted Living Facility. No special-status plants are known to occur within the Assisted Living Facility development area.

##### **Special-Status Wildlife**

California horned lark is the only special-status wildlife species identified as having moderate potential to occur within the Assisted Living Facility development area, similar to the Church parcel analyzed in the 2014 Church EIR. While Mitigation Measure (BIO-1) was previously a mitigation measure in the 2014 Church EIR, this measure is now considered regulatory compliance listed in this FSEIR as Compliance Measure (CM) BIO-4. As such, the Assisted Living Facility direct impacts to this species would be avoided through compliance with state and federal regulations, including MBTA and CFGC (see CM-BIO-4 in Table 3-32 in Chapter 3.0, Project Description); this would ensure avoidance of direct take. All other special-status wildlife species identified as having moderate potential to occur in the study area (i.e., western spadefoot, southern California legless lizard, orange-throated whiptail, red diamondback rattlesnake, Cooper's hawk, white-tailed kite, coastal California gnatcatcher, least Bell's vireo, and yellow warbler) are expected to occur outside of the Assisted Living Facility footprint due to the lack of suitable habitat within the Assisted Living Facility footprint. Thus, no direct impacts to these species are expected.

## **Indirect Impacts**

### **Vegetation Communities**

There are native vegetation communities and wetlands adjacent to the Assisted Living Facility parcel consisting of coastal sage scrub, southern willow scrub, mule fat scrub, and disturbed cismontane alkali marsh. Typical short-term indirect impacts from construction activities include dust, erosion, invasive plant species, temporary access impacts, and increased human presence. The Assisted Living Facility includes design measures to avoid these indirect impacts, as described below.

The Assisted Living Facility includes a 100-foot wetland buffer that would reduce these indirect impacts in accordance with City Municipal Code Section 143.0141 (b)(5). In addition, the Assisted Living Facility includes water quality control design features to reduce potential dust generation, erosion and other potential water quality impacts to downstream waters as detailed in the Drainage Study (Appendix K) and Storm Water Quality Management Plan (Appendix L). In accordance with City requirements, all drainage and stormwater runoff associated with the proposed development would include biofiltration for pollutant control before flowing into the off-site MHPA west of El Camino Real, far outside of the 100-foot wetland buffer to the east of the Assisted Living Facility footprint (see Project Design Feature [PDF] WQ-1 in Table 3-32). As discussed further in Section 7.5, Hydrology/Water Quality, the Assisted Living Facility would also include the preparation and adherence to a Stormwater Pollution Prevention Plan (SWPPP) for construction activities, which would reduce potential dust and water quality impacts to these adjacent biological resources.

The Assisted Living Facility would comply with the MHPA Land Use Adjacency Guidelines (City of San Diego 1997) through conditions of approval, which include directions to monitor and remove invasive plant species, so they do not indirectly impact vegetation communities adjacent to the Assisted Living Facility parcel. See CM-BIO-1 in Table 3-32.

Indirect impacts would also be avoided through the standard construction measures (City of San Diego Biological Resources General Requirements), proposed as part of the Assisted Living Facility, including delineation of the Assisted Living Facility footprint with silt fencing, pre-construction meetings/environmental education, and biological monitoring (see **MM-BIO-1**, below) and through protection measures associated with special-status avian species (see **MM-BIO-2**, below).

The Assisted Living Facility would include access controls to prevent residents and site visitors from entering the adjacent MHPA open space. This includes the topography difference between the proposed development area and the MHPA boundary. The Assisted Living Facility includes a retaining wall and hedge along that boundary to prevent access down the slope. A cable rail fence is also proposed along the MHPA boundary to discourage access. The pet area would have a 36-inch-high pet fence to keep pets contained within the Assisted Living Facility development area. To

address the construction phase, the SWPPP would include standard measures that prevent workers from bringing their pets to the site and prevent trespass into the MHPA open space area. Overall, these project features would minimize temporary access impacts and avoid increased human presence in the MHPA area.

Since the Assisted Living Facility footprint is already heavily disturbed and adjacent to existing residential development and churches, unlike the previously analyzed Church, no additional long-term indirect impacts are anticipated.

### ***Special-Status Plants***

Sensitive plant species with a moderate to high potential to occur adjacent to the site include sand-loving wallflower, beach goldenaster, and Coulter's goldfields. Similar to the potential impacts to special-status plant species identified in the 2014 Church EIR, potential indirect impacts to off-site sensitive plant species would include dust, erosion, invasive plant species, temporary access impacts, and increased human presence as previously described. Refer to the above discussion of these indirect impacts; a 100-foot wetland buffer, adherence with the MHPA Land Use Adjacency Guidelines (City of San Diego 1997), and standard construction measures proposed as part of the Assisted Living Facility would avoid indirect impacts to special-status plants potentially occurring in habitats adjacent to the Assisted Living Facility parcel. Since the Assisted Living Facility footprint is already heavily disturbed and adjacent to existing residential development and a church, no additional long-term indirect impacts to special-status plants are anticipated.

### ***Special-Status Wildlife***

Special-status wildlife species identified as having moderate to high potential to occur adjacent to the proposed development include western spadefoot, southern California legless lizard, orange-throated whiptail, red diamondback rattlesnake, coastal California gnatcatcher, least Bell's vireo, yellow warbler, hoary bat, and Yuma myotis. Cooper's hawk and white-tailed kite have moderate potential to occur in eucalyptus woodland on the Assisted Living Facility parcel adjacent to the proposed development area. Similar to the potential impacts to special-status plant species identified in the 2014 Church EIR, potential indirect impacts to these special-status wildlife species would include noise, dust, erosion, invasive plant species, temporary access impacts, and increased human presence.

Project features include general construction measures like delineation of Assisted Living Facility's impact footprint, installation of silt fencing, pre-construction meetings/education and biological monitoring. The 100-foot wetland buffer and proposed biofiltration for pollutant control would also ensure that the habitats adjacent to the Assisted Living Facility parcel are not indirectly impacted by the Assisted Living Facility activities. Indirect impacts to western spadefoot, southern California legless lizard, orange-throated whiptail, and red diamondback rattlesnake would be avoided and no

significant indirect impact to these species would result since indirect impacts to the habitats adjacent to the Assisted Living Facility parcel would be avoided as described for vegetation communities above.

Avian species may be indirectly affected in the short-term by construction-related noise, which can disrupt normal activities and subject wildlife to higher predation risks. Indirect impacts to Cooper's hawk would be avoided through compliance with project Area Specific Management Directives (Section 4.1.9 of Appendix D) for the species which are a project feature and necessitate pre-construction surveys within suitable habitat to determine the presence or absence of nesting Cooper's hawk within any portion of the potentially occupied habitat within 300 feet of the Assisted Living Facility's footprint (see CM-BIO-2 in Table 3-32). Indirect impacts to coastal California gnatcatcher would be avoided via adherence to the MSCP Land Use Adjacency Guidelines (Section 4.1.4 of Appendix D), consistent with CM-BIO-1 and CM-NOI-2, which include construction restrictions and measures related to noise that could indirectly impact breeding (see Table 3-32).

However, breeding California horned lark, yellow warbler, least Bell's vireo, and white-tailed kite can be significantly affected by short-term construction-related noise, which can result in the disruption of foraging, nesting, and reproductive activities.

As with the Church previously analyzed in the 2014 Church EIR, indirect impacts from construction-related noise may occur to breeding wildlife if construction occurs during the breeding season (i.e., February 1 through September 15). Wildlife that would be significantly affected by noise, based on suitable habitat in the project vicinity and in accordance with the City Biology Guidelines (City of San Diego 2018a), may occur up to 500 feet from the project work areas. Species whose breeding/nesting may be significantly impacted by noise include white-tailed kite, California horned lark, yellow warbler, and least Bell's vireo.

## **Significance of Impact**

### ***Direct Impacts***

The Assisted Living Facility would not result in direct impacts to sensitive vegetation communities or special-status species within the Assisted Living Facility footprint; therefore, direct impacts are considered **less than significant**. No additional significant impacts beyond those identified in the 2014 Church EIR would result with the addition of the Assisted Living Facility.

### ***Indirect Impacts***

### **Vegetation Communities**

The Assisted Living Facility is located adjacent to sensitive vegetation communities, including sensitive vegetation communities per the City's MSCP and habitats protected by the CDFW. The

area to the east of the Assisted Living Facility parcel is located in the MHPA. The adjacent sensitive habitats are also protected by the RWQCB and the California Coastal Commission. Project features would ensure the construction and operations of the Assisted Living Facility would not result in potentially significant direct or indirect impacts to these adjacent sensitive habitats. Impacts would be **less than significant**. As such, no new or change in circumstance relative to the 2014 Church EIR would occur related to vegetation communities.

### **Special-Status Plant Species**

Project features would ensure that the Assisted Living Facility construction and operations would not result in potentially significant indirect impacts to the following sensitive plant species have a moderate to high potential to occur: sand-loving wallflower (CRPR 1B.2 and MSCP-covered), beach goldenaster (CRPR 1B.1), and Coulter's goldfields (CRPR 1B.1). Impacts would be **less than significant**. No additional significant impacts beyond those identified in the 2014 Church EIR would result with the addition of the Assisted Living Facility.

### **Special-Status Wildlife Species**

Indirect impacts to Cooper's hawk and coastal California gnatcatcher would be avoided through compliance with Area Specific Management Directives and MSCP Land Use Adjacency Guidelines (see CM-BIO-1 and CM-NOI-2). However, the Assisted Living Facility would result in **potentially significant indirect impacts (Impact BIO-1)** to the following special- status birds: California horned lark (Species of Special Concern), yellow warbler (Species of Special Concern), least Bell's vireo (federally and state-listed as endangered, MSCP-covered species), and white-tailed kite (CDFW Protected and Fully Protected Species) nesting. While the 2014 Church EIR identified potential impacts to nesting birds protected by the MBTA, including the California horned lark, it did not specifically identify impacts to nesting yellow warbler, least Bell's vireo, and white-tailed kite. Thus, the addition of the Assisted Living Facility would increase impacts to special-status wildlife species.

### **Mitigation**

As no direct impacts would result from the Assisted Living Facility, no mitigation for direct impacts to biological resources would be required. Mitigation Measure LU-1 from the 2014 Church EIR has been implemented and is not applicable to the Assisted Living Facility because the Assisted Living Facility would not directly impact any additional sensitive vegetation communities.

The following mitigation shall be implemented to reduce potential indirect impacts to special status wildlife species (**Impact BIO-1**) to below a level of significance:

#### **MM-BIO-1: Resource Protections During Construction**

## I. Prior to Construction

- A. **Biologist Verification:** The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Preconstruction Meeting:** The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. **Biological Documents:** The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (Environmentally Sensitive Lands), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- D. **BCME:** The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. **Avian Protection Requirements:** To avoid any direct impacts to California horned lark, yellow warbler, and white-tailed kite and any avian species that is listed, candidate, sensitive, or special status in the MSCP, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within three (3) calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If California horned lark, yellow warbler, and white-tailed kite are detected, a letter report in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and



noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report are in place prior to and/or during construction.

- F. **Resource Delineation:** Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- G. **Education:** Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

## II. During Construction

- A. **Monitoring:** All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to MMC on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.
- B. **Subsequent Resource Identification:** The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

~~— **Temporary Construction Noise (MM-NOI-1):** Prior to issuance of a grading permit, the grading plans shall be verified by the City to state the following:~~

~~The proposed project applicant or its contractor will implement one or more of the following options for on-site noise control and sound abatement means that, in aggregate, would yield a minimum of approximately 10 dBA of construction noise reduction during the grading phase of the project.~~

- ~~— Administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances to a nearest receiving occupied off-site property).~~
- ~~— Engineering controls (change equipment operating parameters [speed, capacity, etc.], or install features or elements that otherwise reduce equipment noise emission [e.g., upgrade engine exhaust mufflers]).~~
- ~~○ Install noise abatement on the site's southern boundary fencing (or within, as practical and appropriate) in the form of sound blankets having a minimum sound transmission class (STC) of 20 or comparably performing temporary solid barriers (e.g., plywood sheeting at least ½" thick, with no airgaps between adjacent vertical sheets) to occlude construction noise emission between the site (or specific equipment operation as the situation may define) and the noise-sensitive receptor(s) of concern.~~

### III. Post Construction Measures

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, Environmentally Sensitive Lands and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

#### **MM-BIO-2: Special-Status Avian Species** (California horned lark, yellow warbler, and white-tailed kite)

If California horned lark, yellow warbler or white-tailed kite are detected through the preconstruction survey, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable state and federal law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that the disturbance of breeding activities is avoided. The report or ~~mitigation plan~~ shall be submitted to the City ~~DSD~~ for review and approval and implemented to the satisfaction of the City's MMC Section. The City's MMC Section and qualified bBiologist, in concert with the City, shall verify and approve that all measures identified in the report are in place prior to and/or during construction to

~~ensure that take of any listed or non-listed species would not occur, or mitigation plan are in place prior to and/or during construction.~~

If California horned lark, yellow warbler or white-tailed kite nesting is detected, then an appropriate impact avoidance area (~~typically minimally~~ a 300-foot buffer) shall be included in the mitigation plan and this buffer shall be established around the active nest using orange fencing or other clear demarcation method. The radius of this avoidance buffer shall be determined through coordination with the qualified project biologist and authorized by the City's project manager and DSD and shall use orange fencing or other clear demarcation method to define the approved buffer which shall not be less than 300 feet.

### **Least Bell's Vireo**

Construction within 300 feet of any sensitive coastal or riparian areas with suitable habitat may have adverse direct and indirect impacts on least Bell's vireo if construction occurs during the breeding season (March 15 through September 15) for this species. Given the federal protection of least Bell's vireo, specific mitigation would be required to prevent take of this species as outlined below:

Prior to the preconstruction meeting, the Environmental Designee (ED)/MMC shall verify that MHPA boundaries and the requirements regarding the least Bell's vireo, as specified below, are shown on the biological monitoring exhibit and construction plans.

No clearing, grubbing, grading, or other construction activities shall occur during least Bell's vireo breeding season (March 15 through September 15) until the following requirements have been met to the satisfaction of the ED/MMC:

1. A Qualified Biologist (possessing a valid Endangered Species Act Section 10[a][1][a] Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the least Bell's vireo. Surveys for least Bell's vireo, shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of any construction. If least Bell's vireo are present, then the following conditions must be met:
  - a. March 15 through September 15 for least Bell's vireo, no clearing, grubbing, or grading of occupied habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and

- b. March 15 through September 15 for least Bell's vireo, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the ED/MMC at least 2 weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; or

At least 2 weeks prior to the commencement of construction activities, under the direction of a Qualified Acoustician, attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities would not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16). Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ED/MMC, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

2. If least Bell's vireo are not detected during the protocol surveys, the Qualified Biologist shall submit substantial evidence to the ED/MMC and applicable resource agencies that demonstrates whether or not mitigation measures such as noise walls

are necessary from March 15 through September 15 for least Bell's vireo, adherence to the following is required:

- a. If this evidence indicates that the potential is high for least Bell's vireo to be present based on historical records or site conditions, then Condition 1(a) shall be adhered to as specified above.
- b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

### **Significance of Impact After Mitigation**

**Impact BIO-1** would be reduced to below a level of significance by the implementation of **MM-BIO-1**, which would avoid indirect impacts to sensitive vegetation communities and special-status plant and wildlife species (including California horned lark, yellow warbler, white-tailed kite, and least Bell's vireo), and **MM-BIO-2**, which would further avoid indirect impacts to California horned lark, yellow warbler, white-tailed kite, and least Bell's vireo which could breed adjacent to the Assisted Living Facility footprint. Therefore, impacts would be **less than significant with mitigation**.

With the addition of **MM-BIO-1** and **MM-BIO-2**, no new significant direct impacts to sensitive vegetation communities or special-status species within or substantial increases in previously identified sensitive vegetation community or special-status species impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

#### **5.4.3.2 Issue 3: Wetlands**

***Issue 3: Would the project result in a substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pool, riparian, etc.) through direct removal, filling, hydrological interruption, or other means?***

#### **Threshold**

According to the City's Significance Determination Thresholds (City of San Diego 2022), biological impacts may be significant if the project would cause a substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pool, riparian, etc.) through direct removal, filling, hydrological interruption, or other means.

#### **Impact**

##### ***Previous EIR***

As indicated in 2014 Church EIR Chapter 5.4, there was no jurisdictional wetland within the Church development footprint. The nearest jurisdictional wetlands are located a minimum of 650 feet from

the proposed Church. It was determined that there would be no impacts to wetlands as a result of the development. Refer to the 2014 Church EIR Chapter 5.4 for additional details.

### ***Changes in Circumstances/New Information***

As with the Church previously analyzed in the 2014 Church EIR, implementation of the Assisted Living Facility would not result in any direct impacts to City wetlands or potential waters of the U.S. or state, including wetlands, as none exist within the Assisted Living Facility footprint.

As described above in Section 5.4.2, the nearest wetland resource is more than 100 feet east of the Assisted Living Facility impact area (Figure 5.4-2, Potential Jurisdictional Waters). These adjacent wetland habitats include mule fat scrub, southern willow scrub, disturbed cismontane alkali marsh, disturbed herbaceous wetland, and arundo-dominated riparian. These habitats are City wetlands and would potentially be regulated by the RWQCB, CDFW, and California Coastal Commission as wetland waters of the state. Waters of the state and City wetlands are typically affected in the short-term by dust, invasive plant species, increased human presence and in the long-term by changes in the velocity of runoff during and following construction, which could adversely affect the integrity of downstream resources causing erosion and sedimentation. The Assisted Living Facility includes features that would avoid potential indirect impacts to wetlands, as detailed below.

The Assisted Living Facility would include a 100-foot wetland buffer in accordance with the San Diego Municipal Code Section 143.0141 (b)(5), thereby preserving the current wetland functions and values defined by the City's Biology Guidelines (City of San Diego 2018a). The Assisted Living Facility includes design measures to protect downstream waters, as described in Section 5.4.3.1. In accordance with City requirements, all drainage and stormwater runoff associated with the proposed development would be directed into a bioswale filtration basin before flowing into the off-site MHPA west of El Camino Real, far outside of the 100-foot wetland buffer to the east of the Assisted Living Facility footprint. Indirect impacts would also be avoided through the standard construction measures (Water Pollution Control Plan (WPCP) (see CM-BIO-5 in Table 3-32) proposed as part of the Assisted Living Facility. To further reduce indirect impacts, delineation of the Assisted Living Facility's footprint with silt fencing, pre-construction meetings/environmental education, and biological monitoring would be provided, as required under **MM-BIO-1**.

### **Significance of Impact**

The Assisted Living Facility would have no direct impact to wetlands, as there are no wetlands located within the Assisted Living Facility footprint. The Assisted Living Facility would include standard features (refer to Table 3-32) in accordance with City regulations that would avoid significant indirect impacts to adjacent wetlands. Therefore, impacts to wetlands associated with the Assisted Living Facility would be **less than significant**.

Based on the above, no new significant wetland impacts or substantial increases in previously identified wetland impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Mitigation**

No mitigation would be required.

#### **5.4.3.3 Issue 4: Wildlife Movement and Nursery Sites**

***Issue 4: Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP Plan, or impede the use of native wildlife nursery sites?***

### **Thresholds**

According to the City's Significance Determination Thresholds (City of San Diego 2022), biological impacts may be significant if the project would cause substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP Plan, or impede the use of native wildlife nursery sites.

### **Impact**

#### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.4, it was determined that the habitat on the Church parcel provides relatively few resources for wildlife due to the lack of cover and structural diversity. Additionally, it was determined that the implementation of Conceptual Restoration Plan for the Church would compensate for the Church's proposed MSCP boundary line adjustment, and the Church would have a beneficial impact on the habitat linkage within Gonzales Canyon. However, it was determined that significant direct impacts could occur if migratory birds were disturbed by construction related activities during nesting season. These potentially significant direct impacts were previously analyzed in the 2014 Church EIR and were mitigated through Mitigation Measure BIO-1. Refer to the 2014 Church EIR Chapter 5.4 for additional details.

#### ***Changes in Circumstances/New Information***

As with the Church parcel previously analyzed in the 2014 Church EIR, the Assisted Living Facility footprint has historically been utilized for agriculture (between at least 2003–2016) (Google Earth 2020)

and is currently heavily disturbed with frequent mowing and heavy equipment storage. The Assisted Living Facility footprint area is unlikely to provide substantial refuge or cover for wildlife species and their movements. Although the City's MHPA is directly adjacent to the Assisted Living Facility footprint to the east, the Assisted Living Facility footprint and brush management zones (see Figure 3-6) is not considered to be within a biological core or linkage area since the site is bounded by an active construction site, residential development, and parking lots and roads on three sides (Figure 5.4-1). The Assisted Living Facility would not interfere substantially with the movement of any species or impede the use of a wildlife nursery site and compliance measure for the proposed Assisted Living Facility (see CM-BIO-4 in Table 3-32) would avoid indirect impacts. In addition, the project must comply with the MBTA, and Fish and Game Code. No additional significant impacts beyond those identified in the 2014 Church EIR would result with the addition of the Assisted Living Facility.

### **Significance of Impact**

The Assisted Living Facility footprint is not considered to be within a biological core or linkage area and is not expected to interfere with movement of migratory fish or wildlife. Impacts related to wildlife corridors and linkages are considered **less than significant**.

Based on the above, no new significant impacts to wildlife movement and nursery sites or substantial increases in previously identified impacts to wildlife movement and nursery analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Mitigation**

No additional mitigation would be required. While Mitigation Measure BIO-1 was previously identified in the 2014 Church EIR to comply with the MBTA and Fish and Game Code, this measure is now considered a compliance measure for the proposed Assisted Living Facility (see CM-BIO-4 in Table 3-32).



#### **5.4.3.4 Issues 5, 6, and 7: Habitat Conservation Plan and Local Biological Resource Policy Consistency**

***Issue 5: Would the project result in a conflict with provisions of adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan, either within the MSCP plan area or in the surrounding region?***

***Issue 6: Would the project introduce a land use within an area adjacent to the MHPA that would result in adverse edge effects?***

***Issue 7: Would the project conflict with any local policies or ordinances protecting biological resources?***

#### **Threshold**

According to the City's Significance Determination Thresholds (City of San Diego 2022), biological impacts may be significant if the project would cause a conflict with provisions of adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan, either within the MSCP plan area or in the surrounding region; would introduce a land use within an area adjacent to the MHPA that would result in adverse edge effects; or conflict with any local policies or ordinances protecting biological resources.

#### **Impact**

##### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.4, it was determined that the Church would not conflict with provisions of the adopted MSCP or local ordinances that protect biological resources with the implementation of the Conceptual Restoration Plan for the Church and Mitigation Measures LU-1 and LU-2. It was determined that the MHPA boundary adjustment would meet the requirements of the MSCP Subregional Plan for adjustments to the boundary of the MHPA under the "like or equivalent" exchange concept and the direct permanent impacts to the MHCP would be less than significant.

Direct impacts to 0.10 acres of lands associated with grading activities were determined to be significant and would be mitigated to less than significant with implementation of Mitigation Measure LU-1, which will ensure that the Church restore this area to native habitat. Overall, implementation of the Church was determined to not conflict with the provisions of the MSCP with implementation of Mitigation Measure LU-2.

Additionally, because of the proximity of the Church to the MHPA, short-term and long-term indirect impacts on vegetation and sensitive plant and animal species were determined to be potentially significant. Through the implementation of Mitigation Measure LU-2, the Church incorporated several features directing potential impacts away from MHPA. Use of native plants on the site and limiting construction noise and potential long-term indirect impacts on vegetation and sensitive plant and animal species in the MHPA were determined to be less than significant. Refer to the 2014 Church EIR Chapter 5.4 for additional details.

### ***Changes in Circumstances/New Information***

The City has adopted the City of San Diego MSCP Subarea Plan to protect biological resources. In addition, the San Diego Municipal Code Environmentally Sensitive Lands Regulations and City of San Diego Biology Guidelines have been adopted to also protect biological resources within the City. As discussed in Section 5.4.3.1, the Assisted Living Facility would result in no direct impacts to biological resources protected by the City's MSCP or supporting Environmentally Sensitive Lands regulations or Biology Guidelines. While the Assisted Living Facility parcel contains 1.12 acres of MHPA and is located adjacent to MHPA, the Assisted Living Facility development footprint and brush management zones would be located outside of the MHPA. Accordingly, no direct impacts to the MHPA would result from the Assisted Living Facility. The on-site MHPA area would be preserved in perpetuity via a conservation easement in accordance with the City's ESL regulations (see PDF~~CM~~-BIO-16).

The Assisted Living Facility would adhere to the MHPA Land Use Adjacency Guidelines (City of San Diego 1997) (CM-BIO-1). These guidelines ensure that the Assisted Living Facility indirect impacts would be minimized during both construction and operations. Measures relating to drainage, toxics/project staging areas/equipment, lighting, noise, barriers, invasives, brush management, grading/land development, and area specific management directives would be adhered to such that no significant indirect impacts to the adjacent MHPA, short- or long-term, would result. CM-BIO-5 requires compliance with WPCP and SWPPP during construction. Compliance with these City's standard requirements would avoid indirect impacts to the MHPA.

### **Significance of Impact**

The Assisted Living Facility development would avoid impacts to the on-site MHPA (CM-BIO-1). In addition, the Assisted Living Facility would comply with the City's standard MHPA Land Use Adjacency Guidelines (CM-BIO-1) and WPCP (CM-BIO-5) as conditions of approval. As such, the Assisted Living Facility development would comply with the MSCP and **no biological resource impact** related to an MHPA inconsistency would occur.

Based on the above, no new significant biological resource impacts due to inconsistencies with local planning documents or substantial increases in previously identified biological resource impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Mitigation**

No mitigation would be required. The City now requires the Land Use Adjacency Guidelines be included as standard conditions instead of mitigation. As such, the proposed Assisted Living Facility would include compliance with the Land Use Adjacency Guidelines as a standard condition (see CM-BIO-1) instead of as mitigation. Therefore, Mitigation Measure LU-2 would not be applicable to the Assisted Living Facility.

#### **5.4.3.5 Issue 8: Invasive Plant Species**

***Issue 8: Would the project introduce invasive species of plants into natural open space area?***

### **Threshold**

According to the City's Significance Determination Thresholds (City of San Diego 2022), biological impacts may be significant if the project would cause introduction of invasive species of plants into natural open space area.

### **Impact**

#### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.4, all related landscaping and revegetation for the Church would be limited to native species in areas adjacent to the MHPA with implementation of Mitigation Measures LU-1 and LU-2. Thus, no invasive non-native plant species will be used in areas adjacent to natural open space and impacts would be less than significant. Refer to 2014 Church EIR Chapter 5.4 for additional details.

#### ***Changes in Circumstances/New Information***

As with the Church previously analyzed in the 2014 Church EIR, the Assisted Living Facility would incorporate landscaping around the proposed structure and parking lot as well as a landscape buffer between the development and areas to the west and south (refer to Section 3.3.5, Landscaping). Per the MHPA Land Use Adjacency Guidelines (City of San Diego 1997), no invasive non-native plant species shall be introduced into the Assisted Living Facility area (CM-BIO-1).

Where Assisted Living Facility activities involve impacts to non-native invasive plant species (as identified by the California Invasive Plant Council), the project features require non-native, invasive plants to be entirely removed where feasible, and the removal shall be monitored by a Qualified Monitoring Biologist, as defined in the City's Biology Guidelines (City of San Diego 2018a), to ensure that dispersal of propagules (e.g., seeds, stems) are avoided or minimized (see CM-BIO-1). If aboveground plant material cannot be removed (e.g., due to limited access), herbicides shall be applied by a licensed applicator, using chemicals permitted as safe within aquatic environments.

### **Significance of Impact**

Assisted Living Facility features include adherence with the MHPA Land Use Adjacency Guidelines (City of San Diego 1997) and associated requirements to avoid the introduction of invasive plants into the Assisted Living Facility parcel or adjacent MHPA (CM-BIO-1). The Assisted Living Facility development impacts related to introduction of invasive species would be **less than significant**. No additional significant impacts beyond those identified in the 2014 Church EIR would result with the addition of the Assisted Living Facility.

Based on the above, no new significant biological resource impacts from invasive species or substantial increases in previously identified biological resource impact from invasive species analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Mitigation**

No mitigation would be required. Mitigation Measure LU-1 from the 2014 Church EIR, requiring revegetation of temporarily impacted 0.10-acre area of the Church parcel, would not be required for the Assisted Living Facility because the MHPA on the Assisted Living Facility parcel would be avoided and preserved through a Covenant of Easement. Additionally, Mitigation Measure LU-2 from the 2014 Church EIR is now required through compliance with the Land Use Adjacency Guidelines as a standard condition (see CM-BIO-1).





SOURCE: SANGIS 2017

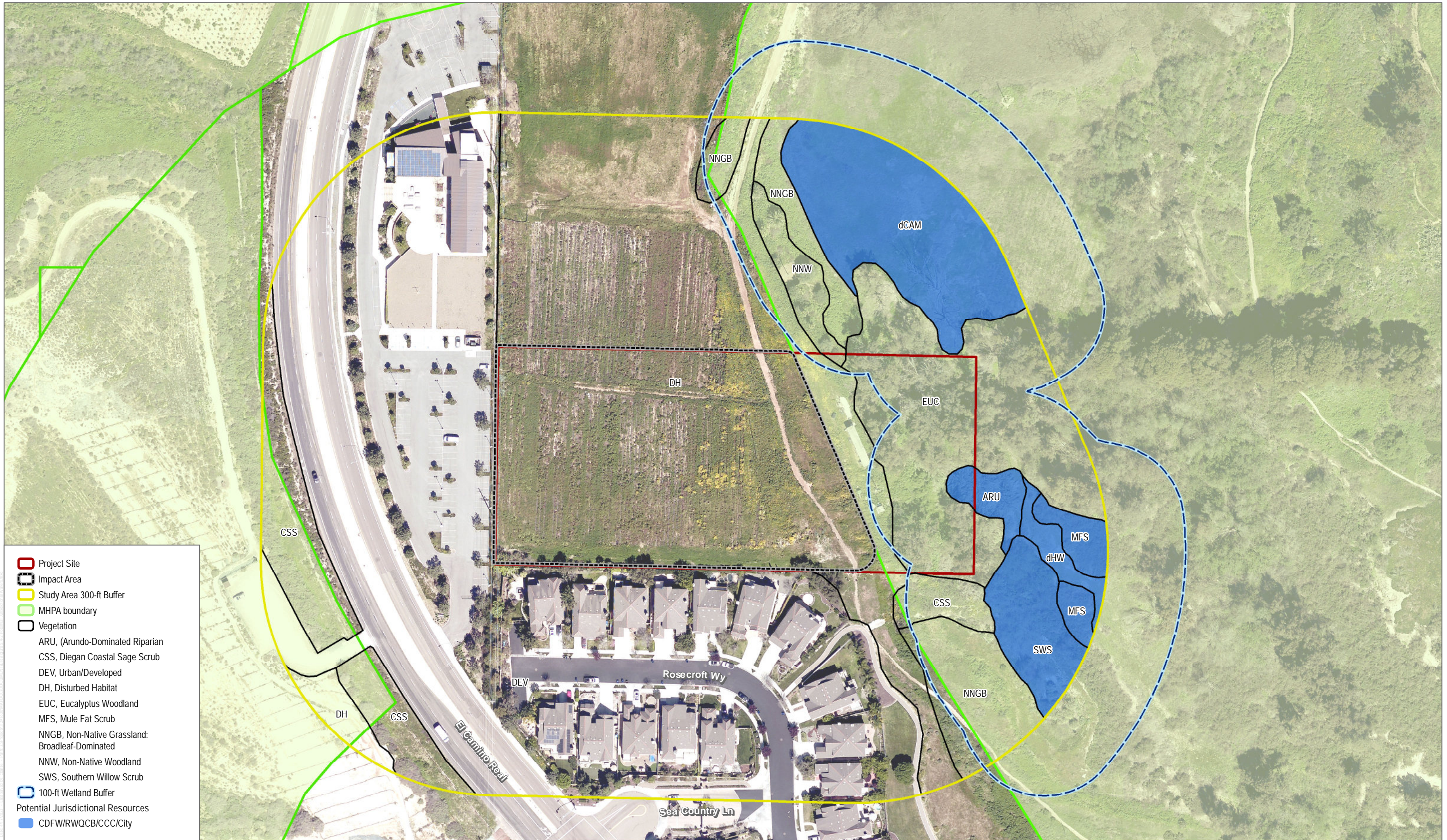


FIGURE 5.4-1  
Existing Biological Resources  
El Camino Real Assisted Living Facility SEIR



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SOURCE: SANGIS 2017



FIGURE 5.4-2  
 Potential Jurisdictional Waters  
 El Camino Real Assisted Living Facility SEIR



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## **5.5 GREENHOUSE GAS EMISSIONS**

Chapter 5.5, Greenhouse Gas Emissions, of the 2014 St. John Garabed Armenian Church Project Final Environmental Impact Report (2014 Church EIR) discloses information regarding the approved St. John Garabed Armenian Church (Church) and associated greenhouse gas (GHG) emissions analysis. A summary of that analysis is included in for each GHG issue in Section 5.5.3, below, for the convenience of the reader. However, refer to the 2014 Church EIR, Chapter 5.5, for details, which are incorporated by reference herein.

As the focus of the analysis within this Final Subsequent EIR is the addition of the El Camino Real Assisted Living Facility (Assisted Living Facility), the additional information provided in the following discussion is intended to provide a GHG analysis update to the 2014 Church EIR for the proposed Assisted Living Facility. This section discusses potential impacts related to GHG emissions resulting from implementation of the Assisted Living Facility, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures, if applicable, related to implementation. This analysis is based on the 2015 Climate Action Plan (CAP) Program EIR and related addendum and includes the following:

- Climate Action Plan Consistency Checklist completed for the El Camino Real Assisted Living Facility Project prepared by Dudek in November 2021 (Appendix E).
- Project Design Features demonstrating consistency with the City's recently updated CAP, as included in San Diego's Municipal Code Chapter 14, Article 3 (Supplemental Development Regulations), Division 14 (Climate Action Plan Consistency Regulations).

### **5.5.1 EXISTING CONDITIONS**

#### **Climate Change Overview**

Climate change refers to any significant change in measures of climate, such as temperature, precipitation, or wind patterns, that lasts for an extended period of time (typically decades or longer). The Earth's temperature depends on the balance between energy entering and leaving the planet's system. Many factors, both natural and human, can cause changes in Earth's energy balance, including variations in the Sun's energy reaching Earth, changes in the reflectivity of Earth's atmosphere and surface, and changes in the greenhouse effect, which affects the amount of heat retained by Earth's atmosphere (EPA 2022).

The greenhouse effect is the trapping and buildup of heat in the atmosphere near the Earth's surface (troposphere). The greenhouse effect traps heat in the troposphere through a threefold process as follows: short-wave radiation emitted by the Sun is absorbed by the Earth; the Earth emits a portion of this energy in the form of long-wave radiation; and GHGs in the upper

atmosphere absorb this long-wave radiation and emit it into space and toward the Earth. The greenhouse effect is a natural process that contributes to regulating the Earth's temperature and creates a pleasant, livable environment on Earth. Human activities that emit additional GHGs to the atmosphere increase the amount of infrared radiation that gets absorbed before escaping into space, thus enhancing the greenhouse effect and causing the Earth's surface temperature to rise.

The scientific record of the Earth's climate shows that the climate system varies naturally over a wide range of time scales and that, in general, climate changes prior to the Industrial Revolution in the 1700s can be explained by natural causes, such as changes in solar energy, volcanic eruptions, and natural changes in GHG concentrations. Recent climate changes, in particular the warming observed over the past century, however, cannot be explained by natural causes alone. Rather, it is extremely likely that human activities have been the dominant cause of that warming since the mid-20th century and are the most significant driver of observed climate change (EPA 2022; IPCC 2013). Human influence on the climate system is evident from the increasing GHG concentrations in the atmosphere, positive radiative forcing, observed warming, and improved understanding of the climate system (IPCC 2013). The atmospheric concentrations of GHGs have increased to levels unprecedented in the last 800,000 years, primarily from fossil fuel emissions and secondarily from emissions associated with land use changes (IPCC 2013).

### **Greenhouse Gases**

A GHG is any gas that absorbs infrared radiation in the atmosphere; in other words, GHGs trap heat in the atmosphere. As defined in California Health and Safety Code Section 38505(g), for purposes of administering many of the State's primary GHG emissions reduction programs, GHGs include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF<sub>6</sub>), and nitrogen trifluoride (see also California Code Regulations Title 14, Section 15364.5).<sup>1</sup> Some GHGs, such as CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O, occur naturally and are emitted into the atmosphere through natural processes and human activities. Of these gases, CO<sub>2</sub> and CH<sub>4</sub> are the predominant GHGs emitted from human activities. The following paragraphs provide a summary of the GHGs associated with the Assisted Living Facility and their sources.<sup>2</sup>

**Carbon Dioxide.** CO<sub>2</sub> is a naturally occurring gas and a by-product of human activities, and is the principal anthropogenic GHG that affects the Earth's radiative balance. Natural sources of CO<sub>2</sub> include respiration of bacteria, plants, animals, and fungus; evaporation from oceans; volcanic out-

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<sup>1</sup> Climate-forcing substances include GHGs and other substances, such as black carbon and aerosols.

<sup>2</sup> The descriptions of GHGs are summarized from the Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report (IPCC 2007), CARB's "Glossary of Terms Used in GHG Inventories" (CARB 2018), and EPA's "Climate Change" (EPA 2022).

gassing; and decomposition of dead organic matter. Human activities that generate CO<sub>2</sub> are the combustion of fuels such as coal, oil, natural gas, and wood, and changes in land use.

**Methane.** CH<sub>4</sub> is produced through both natural and human activities. CH<sub>4</sub> is a flammable gas and is the main component of natural gas. CH<sub>4</sub> is produced through anaerobic (without oxygen) decomposition of waste in landfills, flooded rice fields, animal digestion, decomposition of animal waste, production and distribution of natural gas and petroleum, coal production, and incomplete fossil fuel combustion.

**Nitrous Oxide.** N<sub>2</sub>O is produced through natural and human activities, mainly through agricultural activities and natural biological processes, although fuel burning and other processes also create N<sub>2</sub>O. Sources of N<sub>2</sub>O include soil cultivation practices (microbial processes in soil and water), especially the use of commercial and organic fertilizers, manure management, industrial processes (such as in nitric acid production, nylon production, and fossil-fuel-fired power plants), vehicle emissions, and using N<sub>2</sub>O as a propellant (such as in rockets, racecars, and aerosol sprays).

**Fluorinated Gases.** Fluorinated gases (also referred to as F-gases) are powerful synthetic GHGs emitted from many industrial processes. Fluorinated gases are commonly used as substitutes for stratospheric ozone-depleting substances (e.g., chlorofluorocarbons [CFCs], hydrochlorofluorocarbons (HCFCs), and halons). The most prevalent fluorinated gases are the following:

- **Hydrofluorocarbons (HFCs)** are compounds containing only hydrogen, fluorine, and carbon atoms. HFCs are synthetic chemicals used as alternatives to ozone-depleting substances in serving many industrial, commercial, and personal needs. HFCs are emitted as by-products of industrial processes and are used in manufacturing.
- **Perfluorocarbons (PFCs)** are a group of human-made chemicals composed of carbon and fluorine only. These chemicals were introduced as alternatives, with HFCs, to the ozone-depleting substances. The two main sources of PFCs are primary aluminum production and semiconductor manufacturing. Since PFCs have stable molecular structures and do not break down through the chemical processes in the lower atmosphere, these chemicals have long lifetimes, ranging between 10,000 and 50,000 years.
- **Sulfur Hexafluoride (SF<sub>6</sub>)** is a colorless gas soluble in alcohol and ether and slightly soluble in water. SF<sub>6</sub> is used for insulation in electric power transmission and distribution equipment, semiconductor manufacturing, the magnesium industry, and as a tracer gas for leak detection.
- **Nitrogen Trifluoride (NF<sub>3</sub>)** is used in the manufacture of a variety of electronics, including semiconductors and flat panel displays.

**Chlorofluorocarbons.** CFCs are synthetic chemicals that have been used as cleaning solvents, refrigerants, and aerosol propellants. CFCs are chemically unreactive in the lower atmosphere

(troposphere), and the production of CFCs was prohibited beginning in 1987 due to the chemical destruction of stratospheric O<sub>3</sub>.

**Hydrochlorofluorocarbons.** HCFCs are a large group of compounds whose structure is very close to that of CFCs—containing hydrogen, fluorine, chlorine, and carbon atoms—but including one or more hydrogen atoms. Like HFCs, HCFCs are used in refrigerants and propellants. HCFCs were also used in place of CFCs for some applications; however, their use is being phased out.

**Black Carbon.** Black carbon is a component of fine particulate matter, which has been identified as a leading environmental risk factor for premature death. It is produced from the incomplete combustion of fossil fuels and biomass burning, particularly from older diesel engines and wildfires. Black carbon warms the atmosphere by absorbing solar radiation, influences cloud formation, and darkens the surface of snow and ice, which accelerates heat absorption and melting. Black carbon is a short-lived species that varies spatially, which makes it difficult to quantify its global warming potential. DPM emissions are a major source of black carbon and are TACs that have been regulated and controlled in California for several decades to protect public health. In relation to declining DPM from the California Air Resources Board (CARB) regulations pertaining to diesel engines, diesel fuels, and burning activities, CARB estimates that annual black carbon emissions in California have been reduced by 70% between 1990 and 2010, with 95% control expected by 2020 (CARB 2014).

**Water Vapor.** The primary source of water vapor is evaporation from the ocean, with additional vapor generated by sublimation (change from solid to gas) from ice and snow, evaporation from other water bodies, and transpiration from plant leaves. Water vapor is the most important, abundant, and variable GHG in the atmosphere and maintains a climate necessary for life.

**Ozone.** Tropospheric O<sub>3</sub>, which is created by photochemical reactions involving gases from natural sources and human activities, acts as a GHG. Stratospheric O<sub>3</sub>, which is created by the interaction between solar ultraviolet radiation and molecular oxygen (O<sub>2</sub>), plays a decisive role in the stratospheric radiative balance. Depletion of stratospheric O<sub>3</sub>, due to chemical reactions that may be enhanced by climate change, results in an increased ground-level flux of ultraviolet-B radiation.

**Aerosols.** Aerosols are suspensions of PM in a gas emitted into the air through burning biomass (plant material) and fossil fuels. Aerosols can warm the atmosphere by absorbing and emitting heat, and can cool the atmosphere by reflecting light.

### **Global Warming Potential**

Gases in the atmosphere can contribute to climate change both directly and indirectly. Direct effects occur when the gas itself absorbs radiation. Indirect radiative forcing occurs when chemical transformations of the substance produce other GHGs, when a gas influences the atmospheric lifetimes of other gases, and/or when a gas affects atmospheric processes that alter the radiative

balance of the Earth (EPA 2022). The Intergovernmental Panel on Climate Change (IPCC) developed the global warming potential (GWP) concept to compare the ability of each GHG to trap heat in the atmosphere relative to another gas. The GWP of a GHG is defined as the ratio of the time-integrated radiative forcing from the instantaneous release of 1 kilogram of a trace substance relative to that of 1 kilogram of a reference gas (IPCC 2014). The reference gas used is CO<sub>2</sub>; therefore, GWP-weighted emissions are measured in metric tons (MT) of carbon dioxide equivalent (CO<sub>2</sub>e). The current version of California Emissions Estimator Model (CalEEMod) (Version 2020.4.0) assumes that the GWP for CH<sub>4</sub> is 25 (so emissions of 1 MT of CH<sub>4</sub> are equivalent to emissions of 25 MT of CO<sub>2</sub>), and the GWP for N<sub>2</sub>O is 298, based on the IPCC Fourth Assessment Report (IPCC 2007). The GWP values identified in CalEEMod were applied to the Assisted Living Facility.

**Greenhouse Gas Inventories**

**State Inventory.** According to California’s 2000–2019 GHG emissions inventory (2021 edition), California emitted approximately 418 MMT CO<sub>2</sub>e in 2019, including emissions resulting from out-of-state electrical generation (CARB 2021a). The sources of GHG emissions in California include transportation, industry, electric power production from both in-state and out-of-state sources, residential and commercial activities, agriculture, high-GWP substances, and recycling and waste. Table 5.5-1 presents California GHG emission source categories and their relative contributions to the emissions inventory in 2019.

Between 2000 and 2019, per-capita GHG emissions in California have dropped from a peak of 14.0 MT per person in 2001 to 10.5 MT per person in 2019, representing an approximate 25% decrease. In addition, total GHG emissions in 2019 were approximately 7 MMT CO<sub>2</sub>e lower than 2018 emissions (CARB 2021a).

**Table 5.5-1  
 Greenhouse Gas Emission Sources in California**

Source Category	Annual GHG Emissions (MMT CO <sub>2</sub> e)	% of Total <sup>a</sup>
Transportation	166.1	39.7%
Industrial	88.2	21.1%
Electric power	58.8	14.1%
Commercial and residential	43.8	10.5%
Agriculture	31.8	7.6%
High global-warming potential substances	20.6	4.9%
Recycling and waste	8.9	2.1%
<b>Total</b>	<b>418.2</b>	<b>100%</b>

**Source:** CARB 2021a.

**Notes:** GHG = greenhouse gas; MMT CO<sub>2</sub>e = million metric tons of carbon dioxide equivalent; GWP = global warming potential.

Emissions reflect 2018 California GHG inventory.

<sup>a</sup> Percentage of total has been rounded, and total does not sum due to rounding.

Between 2000 and 2019, per-capita GHG emissions in California have dropped from a peak of 14.0 MT per person in 2001 to 10.5 MT per person in 2019, representing an approximate 25% decrease. In addition, total GHG emissions in 2019 were approximately 7 MMT CO<sub>2</sub>e lower than 2018 emissions (CARB 2021a).

**Local Inventory.** The City provided an update to their GHG emission inventory in their 2020 CAP Annual Report Appendix (City of San Diego 2020). The City's GHG emissions for 2019 are presented in Table 5.5-2 below.

**Table 5.5-2  
 Greenhouse Gas Emission Sources in the City of San Diego**

Source Category	Annual GHG Emissions (MT CO <sub>2</sub> e)	% of Total <sup>a</sup>
Transportation	5,296,000	54.90%
Electricity	2,069,000	21.45%
Natural Gas	1,911,000	19.81%
Wastewater and Solid Waste	303,000	3.14%
Water	67,000	0.69%
<b>Totals</b>	<b>9,646,000</b>	<b>100%</b>

**Source:** City of San Diego 2020.

**Notes:** GHG = greenhouse gas; MT CO<sub>2</sub>e = metric tons of carbon dioxide equivalent per year.

<sup>a</sup> Percentage of total has been rounded, and total may not sum due to rounding.

**Potential Effects of Climate Change**

Globally, climate change has the potential to affect numerous environmental resources through uncertain impacts related to future air temperatures and precipitation patterns. The 2014 IPCC Synthesis Report (IPCC 2014) indicated that warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. Signs that global climate change has occurred include warming of the atmosphere and ocean, diminished amounts of snow and ice, rising sea levels, and ocean acidification (IPCC 2014).

In California, climate change impacts have the potential to affect sea-level rise, agriculture, snowpack and water supply, forestry, wildfire risk, public health, frequency of severe weather events, and electricity demand and supply. The primary effect of global climate change has been a rise in average global tropospheric temperature. Reflecting the long-term warming trend since pre-industrial times, observed global mean surface temperature for the decade 2006–2015 was 0.87°C (1.6°F) (likely between 0.75°C [1.4°F] and 0.99°C [1.8°F]) higher than the average over the

1850–1900 period (IPCC 2018). Scientific modeling predicts that continued emissions of GHGs at or above current rates would induce more extreme climate changes during the twenty-first century than were observed during the twentieth century. Human activities are estimated to have caused approximately 1.0°C (1.8°F) of global warming above pre-industrial levels, with a likely range of 0.8°C to 1.2°C (1.4°F to 2.2°F) (IPCC 2018). Global warming is likely to reach 1.5°C (2.7°F) between 2030 and 2052 if it continues to increase at the current rate (IPCC 2018).

Although climate change is driven by global atmospheric conditions, climate change impacts are felt locally. A scientific consensus confirms that climate change is already affecting California. The Office of Environmental Health Hazard Assessment identified various indicators of climate change in California, which are scientifically based measurements that track trends in various aspects of climate change. Many indicators reveal discernible evidence that climate change is occurring in California and is having significant, measurable impacts in the state. Changes in the state’s climate have been observed, including an increase in annual average air temperature with record warmth from 2012 to 2016, more frequent extreme heat events, more extreme drought, a decline in winter chill, an increase in cooling degree days and a decrease in heating degree days, and an increase in variability of statewide precipitation (OEHHA 2018).

Warming temperatures and changing precipitation patterns have altered California’s physical systems—the ocean, lakes, rivers, and snowpack—upon which the state depends. Winter snowpack and spring snowmelt runoff from the Sierra Nevada and southern Cascade Mountains provide approximately one-third of the state’s annual water supply. Impacts of climate on physical systems have been observed such as high variability of snow-water content (i.e., amount of water stored in snowpack), decrease in snowmelt runoff, glacier change (loss in area), rise in sea levels, increase in average lake water temperature and coastal ocean temperature, and a decrease in dissolved oxygen in coastal waters (OEHHA 2018).

Impacts of climate change on biological systems, including humans, wildlife, and vegetation, have also been observed, including climate change impacts on terrestrial, marine, and freshwater ecosystems. As with global observations, species responses include those consistent with warming: elevational or latitudinal shifts in range, changes in the timing of key plant and animal life cycle events, and changes in the abundance of species and in community composition. Humans are better able to adapt to a changing climate than plants and animals in natural ecosystems. Nevertheless, climate change poses a threat to public health as warming temperatures and changes in precipitation can affect vector-borne pathogen transmission and disease patterns in California, as well as the variability of heat-related deaths and illnesses. In addition, since 1950, the area burned by wildfires each year has followed an increasing trend overall.

The California Natural Resources Agency (CNRA) has released four California Climate Change Assessments (2006, 2009, 2012, and 2018) that have addressed the following: acceleration of warming across the state, more intense and frequent heat waves, greater riverine flows, accelerating sea level rise, more intense and frequent drought, more severe and frequent wildfires, more severe storms and extreme weather events, shrinking snowpack and less overall precipitation, and ocean acidification, hypoxia, and warming. To address local and regional governments' need for information to support action in their communities, the Fourth Assessment (2018) includes reports for nine regions of the state. Key projected climate changes for the San Diego Region include the following (CNRA 2019):

- Temperature is projected to increase substantially, by 5°F to 10°F, by the end of the twenty-first century. Along with mean temperature, heat wave frequency will increase, with more intensity and longer duration. Marine layer clouds can help to mitigate the impacts of temperature change in the coastal regions, though these clouds are not well represented in climate models requiring further research.
- Precipitation will remain highly variable but will change in character, with wetter winters, drier springs, and more frequent and severe droughts punctuated by more intense individual precipitation events. Effects of an alter precipitation regime on ecosystems, water demand and supply, water quality, and flooding emergencies are incompletely known and will benefit from cross-disciplinary investigation.
- Broadly, wildfire risk will likely increase in the future as climate warms. The risk for large catastrophic wildfires driven by Santa Ana wind events will also likely increase as a result of a drier autumns leading to low antecedent precipitation before the height of the Santa Ana wind season (December and January).
- Sea level along the San Diego County coast is expected to rise approximately 1 foot by mid-twenty-first century, and 3 feet or potentially much higher by 2100. For the next several decades, high tides combined with elevated shoreline water levels produced by both locally and distantly generated wind-driven waves will drive extreme events. Longer-term sea level will increase rapidly in the second half of the century and will be punctuated by short periods of storm-driven extreme sea levels that will imperil existing infrastructure, structures, and ecosystems with increasing frequency. San Diego is testing adaptation approaches, but sustained and improved observations in combination with physics based modeling are needed to evaluate these adaptations measures and guide future planning.
- Development in San Diego County is concentrated in the western one-third of the County, with approximately 60% of the land remaining undeveloped. Climate change, along with development and fragmentation, will act as significant stressors to San Diego's natural lands, which are some of the most biodiverse in the United States. San Diego Association of



Governments' (SANDAG) regional planning emphasis on smart growth to concentrate urban development near city and transit centers supports conservation while using mitigating GHG emissions.

- The San Diego County Water Authority, the region's water wholesaler, continues to diversify its supply by developing and negotiating local and nearby imported sources, developing more recycled water, and encouraging greater water conservation. There are several coordinated efforts in the region to build resilience to climate, and holistic water management adaptations are becoming more prevalent throughout communities. Continued science and regional coordination to evaluate climate change impacts on future water supply, demand, and quality are needed to inform adaptation to future climate changes.
- San Diego's energy supply is rapidly changing with renewable energy sources, mostly photovoltaic arrays, increasing by more than 30% since 2010, which introduces novel sensitivities to weather variation and evolving vulnerability to climate changes. San Diego Gas & Electric has installed a high-density weather station network that provides a more detailed, real time awareness of weather conditions that could damage the energy system and/or produce unusual supply or demand.
- Recent work in San Diego showed that heat-related health impacts are observed at lower temperatures in the coastal region than in the inland and desert regions. This is in part due to coastal residents being less acclimated to heat and less likely to have air conditioning.
- Climate changes felt by San Diego County will also occur in northern Baja, Mexico. Binational coordination of climate adaptation measures present potential for significant benefit to communities on both sides of the border. However, to be effective, the approaches must navigate the complexity posed by different governance and community structures.

## 5.5.2 REGULATORY FRAMEWORK

### Federal

**Massachusetts vs. EPA.** On April 2, 2007, in *Massachusetts v. EPA*, the Supreme Court directed the U.S. EPA Administrator to determine whether GHG emissions from new motor vehicles cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. In making these decisions, the EPA Administrator was required to follow the language of Section 202(a) of the federal Clean Air Act. On December 7, 2009, the Administrator signed a final rule with two distinct findings regarding GHGs under Section 202(a) of the Clean Air Act:

- The Administrator found that elevated concentrations of GHGs—CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, HFCs, PFCs, and SF<sub>6</sub>—in the atmosphere threaten the public health and welfare of current and future generations. This is referred to as the “endangerment finding.”

- The Administrator further found the combined emissions of GHGs—CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, and HFCs—from new motor vehicles and new motor vehicle engines contribute to the GHG air pollution that endangers public health and welfare. This is referred to as the “cause or contribute finding.”

These two findings were necessary to establish the foundation for regulation of GHGs from new motor vehicles as air pollutants under the Clean Air Act.

**Energy Independence and Security Act.** On December 19, 2007, President Bush signed the Energy Independence and Security Act of 2007. Among other key measures, the Act would do the following, which would aid in the reduction of national GHG emissions:

1. Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
2. Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020 and directs National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
3. Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

**Federal Vehicle Standards.** In *Massachusetts v. EPA* (April 2007), the U.S. Supreme Court directed the U.S. EPA Administrator to determine whether GHG emissions from new motor vehicles cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. In December 2009, the administrator signed a final rule with the following two distinct findings regarding GHGs under section 202(a) of the federal Clean Air Act:

- The administrator found that elevated concentrations of GHGs—CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, HFCs, PFCs, and SF<sub>6</sub>—in the atmosphere threaten the public health and welfare of current and future generations. This is the “endangerment finding.”
- The administrator further found that the combined emissions of GHGs—CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, and HFCs—from new motor vehicles and new motor vehicle engines contribute to the GHG air pollution that endangers public health and welfare. This is the “cause or contribute finding.”

These two findings were necessary to establish the foundation for regulation of GHGs from new motor vehicles as air pollutants under the Clean Air Act (42 USC 7401).

In 2007, in response to the *Massachusetts v. EPA* U.S. Supreme Court ruling, the Bush Administration issued Executive Order (EO) 13432 directing the EPA, the Department of Transportation, and the Department of Energy to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011; and, in 2010, the EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012 through 2016 (75 FR 25324–25728).

In 2010, President Obama issued a memorandum directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the EPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017 through 2025 light-duty vehicles. The proposed standards projected to achieve 163 grams per mile of CO<sub>2</sub> in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017 through 2021 (77 FR 62624–63200). On January 12, 2017, the EPA finalized its decision to maintain the current GHG emissions standards for model years 2022–2025 cars and light trucks.

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014 through 2018. The standards for CO<sub>2</sub> emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6% to 23% over the 2010 baselines (76 FR 57106–57513).

In August 2016, the EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018 through 2027 for certain trailers, and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all sizes of buses and work trucks. The final standards are expected to lower CO<sub>2</sub> emissions by approximately 1.1 billion MT and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program (EPA and NHTSA 2016).

On April 2, 2018, the EPA, under Administrator Scott Pruitt, reconsidered the final determination for light-duty vehicles and withdrew its previous 2017 determination, stating that the current standards may be too stringent and therefore should be revised as appropriate (EPA 2019).

In August 2018, EPA and NHTSA proposed to amend certain fuel economy and GHG standards for passenger cars and light trucks and establish new standards for model years 2021 through 2026.

Compared to maintaining the post-2020 standards then in place, the 2018 proposal would increase U.S. fuel consumption by about half a million barrels per day (2% to 3% of total daily consumption, according to the Energy Information Administration) and would impact the global climate by 3/1000th of 1°C by 2100 (EPA and NHTSA 2018). California and other states have stated their intent to challenge federal actions that would delay or eliminate GHG reduction measures and have committed to cooperating with other countries to implement global climate change initiatives.

On September 27, 2019, the EPA and NHTSA published the SAFE Vehicles Rule Part One: One National Program (84 FR 51310), which became effective November 26, 2019. The Part One Rule revokes California’s authority to set its own GHG emissions standards and set zero-emission vehicle mandates in California. On March 31, 2020, the EPA and NHTSA issued the Part Two Rule, which went into effect 60 days after being published in the Federal Register. The Part Two Rule sets CO<sub>2</sub> emissions standards and corporate average fuel economy standards for passenger vehicles and light-duty trucks for model years 2021 through 2026. In March 2022, EPA reinstated California’s authority under the Clean Air Act to implement its own GHG emission standards and ZEV sales mandate. EPA’s March 2022 action concludes its reconsideration of the 2019 SAFE-1 rule by finding that the actions taken under the previous administration as a part of SAFE-1 were decided in error and are now entirely rescinded.

## **State**

The statewide GHG emissions regulatory framework is summarized in this subsection by category: state climate change targets, building energy, renewable energy and energy procurement, mobile sources, water, solid waste, and other state actions. The following text describes EOs, Assembly Bills (ABs), Senate Bills (SBs), and other plans and policies that would directly or indirectly reduce GHG emissions and/or address climate change issues.

### ***State Climate Change Targets***

The state has taken a number of actions to address climate change. These actions are summarized below, and include EOs, legislation, and CARB plans and requirements.

### **Assembly Bill 32**

In furtherance of the goals established in EO S-3-05, the Legislature enacted AB 32, the California Global Warming Solutions Act of 2006 (California Health and Safety Code Sections 38500-38599 et seq.). AB 32 provided initial direction on creating a comprehensive multiyear program to limit California’s GHG emissions at 1990 levels by 2020, and initiate the transformations required to achieve the state’s long-range climate objectives.

### **Senate Bill 32 and Assembly Bill 197**

SB 32 and AB 197 (enacted in 2016) are companion bills. SB 32 codified the 2030 emissions-reduction goal of EO B-30-15 by requiring CARB to ensure that statewide GHG emissions are reduced to 40% below 1990 levels by 2030. AB 197 established the Joint Legislative Committee on Climate Change Policies, consisting of at least three members of the Senate and three members of the Assembly, in order to provide ongoing oversight over implementation of the state's climate policies. AB 197 also added two members of the Legislature to the Board as nonvoting members; requires CARB to make available and update (at least annually via its website) emissions data for GHGs, criteria air pollutants, and toxic air contaminants from reporting facilities; and requires CARB to identify specific information for GHG emissions-reduction measures when updating the scoping plan.

### **Executive Order S-3-05**

EO S-3-05 (June 2005) established California's GHG emissions-reduction targets and laid out responsibilities among the state agencies for implementing the EO and for reporting on progress toward the targets. This EO established the following targets:

- By 2010, reduce GHG emissions to 2000 levels
- By 2020, reduce GHG emissions to 1990 levels
- By 2050, reduce GHG emissions to 80% below 1990 levels

EO S-3-05 also directed the California Environmental Protection Agency to report biannually on progress made toward meeting the GHG targets and the impacts to California due to global warming, including impacts to water supply, public health, agriculture, the coastline, and forestry.

### **Executive Order B-30-15**

EO B-30-15 (April 2015) identified an interim GHG reduction target in support of targets previously identified under EO S-3-05 and AB 32. EO B-30-15 set an interim target goal of reducing GHG emissions to 40% below 1990 levels by 2030 to keep California on its trajectory toward meeting or exceeding the long-term goal of reducing GHG emissions to 80% below 1990 levels by 2050, as set forth in EO S-3-05. To facilitate achieving this goal, EO B-30-15 called for CARB to update the Scoping Plan to express the 2030 target in terms of MMT CO<sub>2</sub>e. The EO also called for state agencies to continue to develop and implement GHG emission-reduction programs in support of the reduction targets. EO S-3-05 found that (1) California is on track to meet or exceed the current target of reducing GHG emissions to 1990 levels by 2020, as established in the California Global Warming Solutions Act of 2006 (AB 32) and (2) California's new emission reduction target of 40% below 1990 levels by 2030 will make it possible to reach the ultimate goal of reducing emissions 80 percent

under 1990 levels by 2050. This is the target the IPCC has identified to limit global warming to 2 degrees Celsius or less by 2050 as necessary to “avoid potentially catastrophic climate change impacts.” EO S-3-05 also found that “agencies with jurisdiction over sources of greenhouse gas emissions will need to continue to develop and implement emissions reduction programs to reach the state’s 2050 target and attain a level of emissions necessary to avoid dangerous climate change.”

### **The Inflation Reduction Act of 2022**

The Inflation Reduction Act was signed into law by President Biden in August 2022. The bill includes specific investment in energy and climate reform and is projected to reduce GHG emissions within the U.S. by 40% as compared to 2005 levels by 2030. The bill allocates funds to boost renewable energy infrastructure (e.g., solar panels and wind turbines), includes tax credits for the purchase of electric vehicles, and includes measures that will make homes more energy efficient.

### **Executive Order B-55-18**

EO B-55-18 (September 2018) establishes a statewide policy for the state to achieve carbon neutrality as soon as possible (no later than 2045), and achieve and maintain net negative emissions thereafter. The goal is an addition to the existing statewide targets of reducing the state’s GHG emissions. CARB will work with relevant state agencies to ensure that future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal.

### **Assembly Bill 1279**

The Legislature enacted AB 1279, the California Climate Crisis Act, in September 2022. The bill declares the policy of the state to achieve net zero GHG emissions as soon as possible, but no later than 2045, and achieve and maintain net negative GHG emissions thereafter. Additionally, the bill requires that by 2045, statewide anthropogenic GHG emissions be reduced to at least 85% below 1990 levels.

### **California Air Resources Board’s Climate Change Scoping Plan**

One specific requirement of AB 32 is for CARB to prepare a “scoping plan” for achieving the maximum technologically feasible and cost-effective GHG emission reductions by 2020 (California Health and Safety Code Section 38561[a]), and to update the plan at least once every 5 years. In 2008, CARB approved the first scoping plan: The Climate Change Proposed Scoping Plan: A Framework for Change (Scoping Plan; CARB 2008). The Scoping Plan included a mix of recommended strategies that combined direct regulations, market-based approaches, voluntary measures, policies, and other emission-reduction programs calculated to meet the 2020 statewide GHG emission limit and initiate the transformations needed to achieve the state’s long-range climate objectives.

In 2014, CARB approved the first update to the Scoping Plan. The First Update to the Climate Change Scoping Plan: Building on the Framework (First Update) defined the state’s GHG emission reduction priorities for the next 5 years and laid the groundwork to start the transition to the post-2020 goals set forth in EOs S-3-05 and B-16-2012 (CARB 2014). The First Update concluded that California was on track to meet the 2020 target, but recommended a 2030 mid-term GHG reduction target be established to ensure a continuum of action to reduce emissions. The First Update recommended a mix of technologies in key economic sectors to reduce emissions through 2050 including energy demand reduction through efficiency and activity changes; large-scale electrification of on-road vehicles, buildings and industrial machinery; decarbonizing electricity and fuel supplies; and the rapid market penetration of efficient and clean energy technologies.

In December 2017, CARB released the 2017 Climate Change Scoping Plan Update (Second Update) for public review and comment (CARB 2017a). The Second Update builds on the successful framework established in the initial Scoping Plan and First Update, while identifying new technologically feasible and cost-effective strategies that will serve as the framework to achieve the 2030 GHG target and define the state’s climate change priorities to 2030 and beyond. The strategies’ “known commitments” include implementing renewable energy and energy efficiency (including the mandates of SB 350), increased stringency of the Low Carbon Fuel Standard, measures identified in the Mobile Source and Freight Strategies, measures identified in the proposed Short-Lived Climate Pollutant Plan, and increased stringency of SB 375 targets. To fill the gap in additional reductions needed to achieve the 2030 target, the Second Update recommends continuing the Cap-and-Trade Program and a measure to reduce GHGs from refineries by 20%. The Second Update was approved by CARB’s Governing Board on December 14, 2017.

CARB approved the *2022 Scoping Plan for Achieving Carbon Neutrality* in December 2022, which outlines the state’s plan to reach carbon neutrality by 2045 or earlier, while also assessing the progress the state is making toward reducing GHG emissions by at least 40 percent below 1990 levels by 2030, as is required by SB 32 and laid out in the Second Update. The carbon neutrality goal requires CARB to expand proposed actions from only the reduction of anthropogenic sources of GHG emissions to also include those that capture and store carbon (e.g., through natural and working lands, or mechanical technologies). The carbon reduction programs build on and accelerate those currently in place, including moving to zero-emission transportation; phasing out use of fossil gas use for heating homes and buildings; reducing chemical and refrigerants with high GWP; providing communities with sustainable options for walking, biking, and public transit; displacement of fossil-fuel fired electrical generation through use of renewable energy alternatives (e.g., solar arrays and wind turbines); and scaling up new options such as green hydrogen<sup>3</sup> (CARB 2022b).

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<sup>3</sup> Green hydrogen refers to hydrogen that is generated by renewable energy or from low-carbon power, and has significantly lower associated carbon emissions than grey hydrogen, which is produced using natural gas and makes up the majority of

The Scoping Plan recommends strategies for implementation at the statewide level to meet the goals of AB 32, SB 32, and the EOs; it also establishes an overall framework for the measures that will be adopted to reduce California’s GHG emissions.

### **California Air Resources Board’s Regulations for the Mandatory Reporting of Greenhouse Gas Emissions**

CARB’s Regulation for the Mandatory Reporting of Greenhouse Gas Emissions (17 CCR Sections 95100–95157) incorporated by reference certain requirements that EPA promulgated in its Final Rule on Mandatory Reporting of Greenhouse Gases (40 FR Section 98). Specifically, section 95100(c) of the Mandatory Reporting Regulation incorporated those requirements that EPA promulgated in the Federal Register on October 30, 2009; July 12, 2010; September 22, 2010; October 28, 2010; November 30, 2010; December 17, 2010; and April 25, 2011. In general, entities subject to the Mandatory Reporting Regulation that emit over 10,000 MT CO<sub>2</sub>e per year are required to report annual GHGs through the California Electronic GHG Reporting Tool. Certain sectors, such as refineries and cement plants, are required to report regardless of emission levels. Entities that emit more than the 25,000 MT CO<sub>2</sub>e per year threshold are required to have their GHG emissions report verified by a CARB-accredited third-party.

### **Executive Order B-18-12**

EO B-18-12 (April 2012) directed state agencies, departments, and other entities under the Governor’s executive authority to take action to reduce entity-wide GHG emissions by at least 10% by 2015 and 20% by 2020, as measured against a 2010 baseline. EO B-18-12 also established goals for existing state buildings for reducing grid-based energy purchases and water use.

### **Senate Bill 605 and Senate Bill 1383**

SB 605 (2014) requires CARB to complete a comprehensive strategy to reduce emissions of short-lived climate pollutants (SLCPs) in the state (California Health and Safety Code Section 39730). In September 2016, Governor Brown signed into law SB 1383 (Lara, Chapter 395, Statutes of 2016), establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants in various sectors of California’s economy. The new law codifies the California Air Resources Board’s Short-Lived Climate Pollutant Strategy, established pursuant to SB 605 (Lara, Chapter 523, Statutes of 2014), to achieve reductions in the statewide emissions of short-lived climate pollutants SB 1383 (2016) requires CARB to approve and implement that strategy by January 1, 2018 (California Public Resources Code [PRC] Section 42652-43654). SB 1383 also establishes specific targets for the reduction of SLCPs (40% below 2013 levels by 2030 for CH<sub>4</sub> and

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hydrogen production. For the purposes of the 2022 Scoping Plan, the term “green hydrogen” is not limited to only electrolytic hydrogen produced from renewables.



HFCs, and 50% below 2013 levels by 2030 for anthropogenic black carbon), and provides direction for reductions from dairy and livestock operations and landfills. Accordingly, and as mentioned above, CARB adopted its Short-Lived Climate Pollutant Reduction Strategy (SLCP Reduction Strategy) in March 2017. The SLCP Reduction Strategy establishes a framework for the statewide reduction of emissions of black carbon, methane, and fluorinated gases (CARB 2017b).

### ***Building Energy***

#### **California Code of Regulations, Title 24, Part 6**

The California Building Standards Code were established in 1978 and serves to enhance and regulate California's building standards. While not initially promulgated to reduce GHG emissions, Part 6 of Title 24 specifically established Building Energy Efficiency Standards that are designed to ensure that new and existing buildings in California achieve energy efficiency and preserve outdoor and indoor environmental quality. These energy efficiency standards are reviewed every few years by the Building Standards Commission and the California Energy Commission (CEC), and revised if necessary (PRC 25402[b][1]). The regulations receive input from members of industry, as well as the public, in order to "reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy" (PRC 25402). These regulations are carefully scrutinized and analyzed for technological and economic feasibility (PRC 25402[d]) and cost effectiveness (PRC 25402[b][2-3]). As a result, these standards save energy, increase electricity supply reliability, increase indoor comfort, avoid the need to construct new power plants, and help preserve the environment. The current Title 24 standards are the 2019 Title 24 building energy efficiency standards, which became effective January 1, 2020.

#### **California Code of Regulations, Title 24, Part 11**

In addition to the CEC's efforts, in 2008, the California Building Standards Commission adopted the nation's first green building standards. The California Green Building Standards Code (Part 11 of Title 24) is commonly referred to as California's Green Building Standards (CALGreen), and establishes minimum mandatory standards and voluntary standards pertaining to the planning and design of sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and interior air quality. The CALGreen standards took effect in January 2011 and instituted mandatory minimum environmental performance standards for all ground-up, new construction of commercial, low-rise residential and state-owned buildings and schools and hospitals. The 2019 CALGreen standards are the current applicable standards.

#### **California Code of Regulations, Title 20**

Title 20 of the California Code of Regulations requires manufacturers of appliances to meet state and federal standards for energy and water efficiency (20 CCR Sections 1401-1410 et seq.). The CEC

certifies an appliance based on a manufacturer’s demonstration that the appliance meets the standards. New appliances regulated under Title 20 include: refrigerators, refrigerator-freezers and freezers; room air conditioners and room air-conditioning heat pumps; central air conditioners; spot air conditioners; vented gas space heaters; gas pool heaters; plumbing fittings and plumbing fixtures; fluorescent lamp ballasts; lamps; emergency lighting; traffic signal modules; dishwaters; clothes washers and dryers; cooking products; electric motors; low voltage dry-type distribution transformers; power supplies; televisions and consumer audio and video equipment; and battery charger systems. Title 20 presents protocols for testing each type of appliance covered under the regulations and appliances must meet the standards for energy performance, energy design, water performance, and water design. Title 20 contains three types of standards for appliances: federal and state standards for federally regulated appliances, state standards for federally regulated appliances, and state standards for non-federally regulated appliances.

### **Senate Bill 1**

SB 1 (2006) established a \$3 billion rebate program to support the goal of the state to install rooftop solar energy systems with a generation capacity of 3,000 megawatts through 2016. SB 1 added sections to the PRC, including Chapter 8.8 (California Solar Initiative), that require building projects applying for ratepayer-funded incentives for photovoltaic systems to meet minimum energy efficiency levels and performance requirements (PRC Sections 25780–25784 et seq.). Section 25780 established that it is a goal of the state to establish a self-sufficient solar industry. The goals included establishing solar energy systems as a viable mainstream option for both homes and businesses within 10 years of adoption, and placing solar energy systems on 50% of new homes within 13 years of adoption. SB 1, also termed “Go Solar California,” was previously titled “Million Solar Roofs.”

### **Assembly Bill 1470 (Solar Water Heating)**

This bill established the Solar Water Heating and Efficiency Act of 2007 (California Public Utilities Code Sections 2851–2869 et seq.). The bill makes findings and declarations of the Legislature relating to the promotion of solar water heating systems and other technologies that reduce natural gas demand.

### **Assembly Bill 1109**

Enacted in 2007, AB 1109 required the CEC to adopt minimum energy efficiency standards for general-purpose lighting to reduce electricity consumption by 50% for indoor residential lighting and by 25% for indoor commercial lighting (PRC Section 25402.5.4).

## ***Renewable Energy and Energy Procurement***

### **Senate Bill 1078**

SB 1078 (2002) (California Public Utilities Code Section 399.11 et seq.) established the Renewables Portfolio Standard (RPS) program, which required an annual increase in renewable generation by the utilities equivalent to at least 1% of sales, with an aggregate goal of 20% by 2017. This goal was subsequently accelerated, requiring utilities to obtain 20% of their power from renewable sources by 2010 (see SB 107, EO S-14-08, and EO S-21-09).

### **Senate Bill 1368**

SB 1368 (2006), required the CEC to develop and adopt regulations for GHG emission performance standards for the long-term procurement of electricity by local publicly owned utilities (California Public Utilities Code Section 8340-8341 et seq.). These standards must be consistent with the standards adopted by the California Public Utilities Commission (CPUC).

### **Executive Order S-14-08**

EO S-14-08 (2008) focused on the contribution of renewable energy sources to meet the electrical needs of California while reducing the GHG emissions from the electrical sector. This EO required that all retail suppliers of electricity in California serve 33% of their load with renewable energy by 2020. Furthermore, the EO directed state agencies to take appropriate actions to facilitate reaching this target. The CNRA, through collaboration with CEC and the California Department of Fish and Wildlife, was directed to lead this effort.

### **Executive Order S-21-09 and Senate Bill X1-2**

EO S-21-09 (2009) directed CARB to adopt a regulation consistent with the goal of EO S-14-08 by July 31, 2010. CARB was further directed to work with CPUC and CEC to ensure that the regulation builds upon the RPS program and was applicable to investor-owned utilities, publicly owned utilities, direct access providers, and community choice providers. Under this order, CARB was to give the highest priority to those renewable resources that provide the greatest environmental benefits with the least environmental costs and impacts on public health, and those that can be developed the most quickly in support of reliable, efficient, cost-effective electricity system operations. On September 23, 2010, CARB initially approved regulations to implement a Renewable Electricity Standard; however, this regulation was not finalized because of subsequent legislation (SB X1-2) signed by Governor Brown in April 2011.

SB X1-2 expanded RPS by establishing a renewable energy target of 20% of the total electricity sold to retail customers in California per year by December 31, 2013, and 33% by December 31, 2020,

and in subsequent years. Under the bill, a renewable electrical generation facility is one that uses biomass, solar thermal, photovoltaic, wind, geothermal, fuel cells using renewable fuels, small hydroelectric generation (30 megawatts or less), digester gas, municipal solid waste conversion, landfill gas, ocean wave, ocean thermal, or tidal current, and that meets other specified requirements with respect to its location.

SB X1-2 applies to all electricity retailers in the state, including publicly owned utilities, investor-owned utilities, electricity service providers, and community choice aggregators. All of these entities must meet the renewable energy goals listed above.

### **Senate Bill 350**

SB 350 (2015) further expanded the RPS program by establishing a goal of 50% of the total electricity sold to retail customers in California per year by December 31, 2030. In addition, SB 350 included the goal to double the energy efficiency savings in electricity and natural gas final end uses (such as heating, cooling, lighting, or class of energy uses on which an energy-efficiency program is focused) of retail customers through energy conservation and efficiency. The bill also requires the CPUC, in consultation with the CEC, to establish efficiency targets for electrical and gas corporations consistent with this goal.

### **Senate Bill 100**

SB 100 (2018) increased the standards set forth in SB 350, establishing that 44% of the total electricity sold to retail customers in California per year by December 31, 2024, 52% by December 31, 2027, and 60% by December 31, 2030, be secured from qualifying renewable energy sources. SB 100 states that it is the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of the retail sales of electricity to California. This bill requires that the achievement of 100% zero-carbon electricity resources do not increase the carbon emissions elsewhere in the western grid and that the achievement not be achieved through resource shuffling.

### **Senate Bill 1020**

SB 1020 (September 2022) revises the standards from SB 100, requiring the following percentage of retail sales of electricity to California end-use customers come from eligible renewable energy resources and zero-carbon resources:

- 90% by December 31, 2035
- 95% by December 31, 2040
- 100% by December 31, 2045

## ***Mobile Sources***

### **State Vehicle Standards (Assembly Bill 1493 and Executive Order B-16-12)**

AB 1493 (July 2002) was enacted in a response to the transportation sector accounting for more than half of California's CO<sub>2</sub> emissions. AB 1493 required CARB to set GHG emission standards for passenger vehicles, light-duty trucks, and other vehicles determined by the state board to be vehicles that are primarily used for noncommercial personal transportation in the state. The bill required that CARB set GHG emission standards for motor vehicles manufactured in 2009 and all subsequent model years. CARB adopted the standards in September 2004. EO B-16-12 (March 2012) required that state entities under the governor's direction and control support and facilitate the rapid commercialization of zero-emissions vehicles. It ordered CARB, CEC, CPUC, and other relevant agencies to work with the Plug-in Electric Vehicle Collaborative and the California Fuel Cell Partnership to establish benchmarks to help achieve benchmark goals by 2015, 2020, and 2025. On a statewide basis, EO B-16-12 established a target reduction of GHG emissions from the transportation sector equaling 80% less than 1990 levels by 2050. This directive did not apply to vehicles that have special performance requirements necessary for the protection of the public safety and welfare.

### **Heavy-Duty Diesel**

CARB adopted the final Heavy-Duty Truck and Bus Regulation on December 31, 2014, to reduce diesel particulate matter, a major source of black carbon, and oxides of nitrogen emissions from heavy-duty diesel vehicles (13 CCR Section 2025). The rule requires diesel particulate matter filters be applied to newer heavier trucks and buses by January 1, 2012, with older vehicles required to comply by January 1, 2015. The rule will require nearly all diesel trucks and buses to be compliant with the 2010 model year engine requirement by January 1, 2023. CARB also adopted an Airborne Toxic Control Measure to limit idling of diesel-fueled commercial vehicles on December 12, 2013. This rule requires diesel-fueled vehicles with gross vehicle weights greater than 10,000 pounds to idle no more than 5 minutes at any location (13 CCR Section 2485).

### **Executive Order S-1-07**

EO S-1-07 (January 2007, implementing regulation adopted in April 2009) sets a declining Low Carbon Fuel Standard for GHG emissions measured in CO<sub>2</sub>e grams per unit of fuel energy sold in California. The target of the Low Carbon Fuel Standard is to reduce the carbon intensity of California passenger vehicle fuels by at least 10% by 2020 (17 CCR Section 95480 et seq.). The carbon intensity measures the amount of GHG emissions in the lifecycle of a fuel—including extraction/feedstock production, processing, transportation, and final consumption—per unit of energy delivered.

### **Senate Bill 375**

SB 375 (California Government Code Section 65080) addresses GHG emissions associated with the transportation sector through regional transportation and sustainability plans. SB 375 requires CARB to adopt regional GHG-reduction targets for the automobile and light-truck sector for 2020 and 2035, and to update those targets every 8 years. SB 375 requires the state's 18 regional metropolitan planning organizations (MPOs) to prepare a Sustainable Communities Strategy (SCS) as part of their Regional Transportation Plan (RTP) that will achieve the GHG-reduction targets set by CARB. If an MPO is unable to devise an SCS to achieve the GHG-reduction target, the MPO must prepare an Alternative Planning Strategy demonstrating how the GHG-reduction target would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies.

An SCS does not: (i) regulate the use of land; (ii) supersede the land use authority of cities and counties; or (iii) require that a city's or county's land use policies and regulations, including those in a general plan, be consistent with it (California Government Code Section 65080[b][2][K]).

Nonetheless, SB 375 makes regional and local planning agencies responsible for developing those strategies as part of the federally required metropolitan transportation planning process and the state-mandated housing element process.

In 2010, CARB adopted the SB 375 targets for the regional MPOs. The targets adopted for SANDAG in 2010 are a 7% reduction in per capita passenger-vehicle GHG emissions by 2020 and a 13% reduction by 2035, measured relative to 2005 GHG emissions. In 2018, CARB adopted the second round of SB 375 reduction targets, and increased SANDAG's 2020 target to a 15% reduction in per-capita passenger-vehicle GHG emissions, and the 2035 target to a 19% reduction using the same 2005 baseline.

SANDAG completed and adopted its 2050 RTP/SCS in October 2011. In November 2011, CARB, by resolution, accepted SANDAG's GHG emissions quantification analysis and determination that, if implemented, the SCS would achieve CARB's 2020 and 2035 GHG emissions reduction targets for the region.

After SANDAG's 2050 RTP/SCS was adopted, a lawsuit was filed by the Cleveland National Forest Foundation and others (*Cleveland National Forest Foundation v. San Diego Association of Governments* [2017] 3 Cal. 5th 497). regarding analysis of EO S-3-05's 2050 goal of an 80% reduction in GHG emissions from 1990 levels. The Supreme Court of California held that the Environmental Impact Report at issue was sufficient to inform the public, based on the information available at the time, about the regional plan's GHG impacts and its potential inconsistency with state climate change goals without including an explicit analysis of the consistency of projected 2050 GHG emissions with the goals in the executive order.

In 2015, SANDAG adopted the next iteration of its RTP/SCS in accordance with statutorily mandated timelines and no subsequent litigation challenge was filed. More specifically, in October 2015, SANDAG adopted San Diego Forward: The Regional Plan (Regional Plan) (SANDAG 2015). Like the 2050 RTP/SCS, San Diego Forward: Regional Plan meets CARB's 2020 and 2035 reduction targets for the region (SANDAG 2015). In December 2015, CARB, by resolution, accepted SANDAG's GHG emissions quantification analysis and determination that, if implemented, the SCS would achieve CARB's 2020 and 2035 GHG emissions reduction targets for the region. The Regional Plan was updated in 2021, which was the result of years of planning, data analysis, and community engagement to reimagine the San Diego region with a transformative transportation system, a sustainable pattern of growth and development, and innovative demand and management strategies (SANDAG 2021).

### **Advanced Clean Cars Program and Zero-Emissions Vehicle Program**

The Advanced Clean Cars (ACC) I program (January 2012) is an emissions-control program for model years 2015 through 2025. The program combines the control of smog- and soot-causing pollutants and GHG emissions into a single coordinated package of regulations: the Low-Emission Vehicle regulation for criteria air pollutant and GHG emissions and a technology forcing regulation for zero-emission vehicles (ZEV) that contributes to both types of emission reductions (CARB 2021b). The package includes elements to reduce smog-forming pollution, reduce GHG emissions, promote clean cars, and provide the fuels for clean cars. To improve air quality, CARB has implemented new emission standards to reduce smog-forming emissions beginning with 2015 model year vehicles. It is estimated that in 2025 cars will emit 75% less smog-forming pollution than the average new car sold in 2015. The ZEV program will act as the focused technology of the ACC I program by requiring manufacturers to produce increasing numbers of ZEVs and plug-in hybrid EVs in the 2018 to 2025 model years.

The ACC II program is currently in development to establish the next set of Low-Emission Vehicle and ZEV requirements for model years after 2025 to contribute to meeting federal ambient air quality ozone standards and California's carbon neutrality standards (CARB 2021b). The main objectives of ACC II are:

1. Maximize criteria and GHG emission reductions through increased stringency and real-world reductions.
2. Accelerate the transition to ZEVs through both increased stringency of requirements and associated actions to support wide-scale adoption and use.

The ACC II rulemaking package was adopted by CARB on August 25, 2022.

### **Executive Order N-79-20**

EO N-79-20 (September 2020) requires CARB to develop regulations as follows:

- (1) Passenger vehicle and truck regulations requiring increasing volumes of new ZEVs sold in the State towards the target of 100% of in-state sales by 2035
- (2) Medium- and heavy-duty vehicle regulations requiring increasing volumes of new zero-emission trucks and buses sold and operated in the State towards the target of 100% of the fleet transitioning to zero-emission vehicles by 2045 everywhere feasible and for all drayage trucks to be zero emission by 2035
- (3) Strategies, in coordination with other State agencies, the EPA, and local air districts, to achieve 100% zero-emission from off-road vehicles and equipment operations in the State by 2035

EO N-79-20 called for the development of a Zero-Emissions Vehicle Market Development Strategy, which was released February 2021, to be updated every 3 years, that ensures coordination and implementation of the EO and outlines actions to support new and used ZEV markets. In addition, the EO specifies identification of near-term actions, and investment strategies, to improve clean transportation, sustainable freight, and transit options; and calls for development of strategies, recommendations, and actions by July 15, 2021, to manage and expedite the responsible closure and remediation of former oil extraction sites as the State transitions to a carbon-neutral economy.

### **Advanced Clean Trucks Regulation**

The Advanced Clean Trucks (ACT) Regulation was also approved by CARB in 2020. The purpose of the ACT Regulation is to accelerate the market for zero-emission vehicles in the medium- and heavy-duty truck sector and to reduce air pollutant emissions generated from on-road mobile sources (CARB 2021c). The regulation has two components including (1) a manufacturer sales requirement and (2) a reporting requirement:

1. Zero-emission truck sales: Manufacturers who certify Class 2b-8 chassis or complete vehicles with combustion engines will be required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales would need to be 55% of Class 2b – 3 truck sales, 75% of Class 4 – 8 straight truck sales, and 40% of truck tractor sales.
2. Company and fleet reporting: Large employers including retailers, manufacturers, brokers, and others will be required to report information about shipments and shuttle services. Fleet owners, with 50 or more trucks, will be required to report about their existing fleet operations.



This information will help identify future strategies to ensure that fleets purchase available zero-emission trucks and place them in service where suitable to meet their needs.

## ***Water***

### **Senate Bill X7-7**

SB X7-7, or the Water Conservation Act of 2009, required that all water suppliers increase their water use efficiency with an overall goal of reducing per capita urban water use by 20% by December 31, 2020. Each urban water supplier was required to develop water use targets to meet this goal.

### **Executive Order B-29-15**

In response to the ongoing drought in California, EO B-29-15 (April 2015) set a goal of achieving a statewide reduction in potable urban water usage of 25% relative to water use in 2013. The term of the EO extended through February 28, 2016, although many of the directives have become permanent water-efficiency standards and requirements. The EO includes specific directives that set strict limits on water usage in the state. In response to EO B-29-15, the California Department of Water Resources has modified and adopted a revised version of the Model Water Efficient Landscape Ordinance that, among other changes, significantly increases the requirements for landscape water use efficiency and broadens its applicability to include new development projects with smaller landscape areas.

### **Executive Order N-10-21**

In response to a state of emergency due to severe drought conditions, EO N-10-21 (July 2021) called on all Californians to voluntarily reduce their water use by 15% from their 2020 levels. Actions suggested in EO N-10-21 include reducing landscape irrigation, running dishwashers and washing machines only when full, finding and fixing leaks, installing water-efficient showerheads, taking shorter showers, using a shutoff nozzle on hoses, and taking cars to commercial car washes that use recycled water.

## ***Solid Waste***

### **Assembly Bill 939, Assembly Bill 341, Assembly Bill 1826, and Senate Bill 1383**

In 1989, AB 939, known as the Integrated Waste Management Act (PRC Section 40000 et seq.), was passed because of the increase in waste stream and the decrease in landfill capacity. The statute established the California Integrated Waste Management Board (replaced in 2010 by the California Department of Resources Recycling and Recovery, or CalRecycle), which oversees a disposal

reporting system. AB 939 mandated a reduction of waste being disposed where jurisdictions were required to meet diversion goals of all solid waste through source reduction, recycling, and composting activities of 25% by 1995 and 50% by the year 2000.

AB 341 (2011) amended the California Integrated Waste Management Act of 1989 to include a provision declaring that it is the policy goal of the state that not less than 75% of solid waste generated be source-reduced, recycled, or composted by the year 2020, and annually thereafter. In addition, AB 341 required CalRecycle to develop strategies to achieve the state's policy goal. CalRecycle has conducted multiple workshops and published documents that identify priority strategies that it believes would assist the state in reaching the 75% goal by 2020.

AB 1826 (Chapter 727, Statutes of 2014, effective 2016) requires businesses to recycle their organic waste (i.e., food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste) depending on the amount of waste they generate per week. This law also requires local jurisdictions across the state to implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings that consist of five or more units. The minimum threshold of organic waste generation by businesses decreases over time, which means an increasingly greater proportion of the commercial sector will be required to comply.

SB 1383 (2016) establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020, and a 75 percent reduction by 2025. The law provides CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of edible food that is currently disposed of is recovered for human consumption by 2025. Beginning on January 1, 2022, every jurisdiction in California (i.e., city, county, or special district that provides solid waste collection services) is required to provide organic waste collection services to all residents and businesses. This law will mark a major change in how California processes food waste. While some individual cities have implemented composting regulations on a local level, SB 1383 will be the first statewide initiative to require that all state residents separate organic waste. Notably, the City's Recycling Ordinance was updated in June 2022 to ensure the City is complying with SB 1383 by establishing a new Organic Waste Recycling program for all City residents. Food and yard waste collected will be composted to make soil amendments or anaerobic digestion to create renewable natural gas. The program, which represents the biggest change to trash and recycling in San Diego's history, supports the City's Zero Waste and Climate Action Goals (City of San Diego 2022a).

## ***Other State Actions***

### **Senate Bill 97**

SB 97 (2007) directed the Governor's Office of Planning and Research and the CNRA to develop guidelines under CEQA for the mitigation of GHG emissions. In 2008, the Governor's Office of Planning and Research issued a technical advisory as interim guidance regarding the analysis of GHG emissions in CEQA documents. The advisory indicated that the lead agency should identify and estimate a project's GHG emissions, including those associated with vehicular traffic, energy consumption, water usage, and construction activities (OPR 2008). The advisory further recommended that the lead agency determine significance of the impacts and impose all mitigation measures necessary to reduce GHG emissions to a level that is less than significant. The CNRA adopted the CEQA Guidelines amendments in December 2009, which became effective in March 2010.

Under the amended CEQA Guidelines, a lead agency has the discretion to determine whether to use a quantitative or qualitative analysis or apply performance standards to determine the significance of GHG emissions resulting from a particular project (14 CCR Section 15064.4[a]). The CEQA Guidelines require a lead agency to consider the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions (14 CCR Section 15064.4[b]). The CEQA Guidelines also allow a lead agency to consider feasible means of mitigating the significant effects of GHG emissions, including reductions in emissions through the implementation of project features or off-site measures (14 CCR Section 15126.4[c]). The adopted amendments do not establish a GHG emission threshold, instead allowing a lead agency to develop, adopt, and apply its own thresholds of significance or those developed by other agencies or experts. The CNRA also acknowledged that a lead agency could consider compliance with regulations or requirements implementing AB 32 in determining the significance of a project's GHG emissions (CNRA 2009a).

With respect to GHG emissions, CEQA Guidelines Section 15064.4(a), as subsequently amended in 2018, states that lead agencies "shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate" GHG emissions. The CEQA Guidelines now note that an agency "shall have discretion to determine, in the context of a particular project, whether to: (1) [q]uantify greenhouse gas emissions resulting from a project; and/or (2) [r]ely on a qualitative analysis or performance based standards" (14 CCR Section 15064.4[a]). Section 15064.4(b) states that the lead agency should consider the following when assessing the significance of impacts from GHG emissions on the environment: (1) the extent a project may increase or reduce GHG emissions as compared to the existing environmental setting; (2) whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and (3) the extent to which the project complies with regulations or requirements adopted to implement a

statewide, regional, or local plan for the reduction or mitigation of GHG emissions (14 CCR Section 15064.4[b]).

### ***Executive Order S-13-08***

EO S-13-08 (November 2008) is intended to hasten California’s response to the impacts of global climate change, particularly sea-level rise. Therefore, the EO directs state agencies to take specified actions to assess and plan for such impacts. The final 2009 California Climate Adaptation Strategy report was issued in December 2009 (CNRA 2009b), and an update, Safeguarding California: Reducing Climate Risk, followed in July 2014 (CNRA 2014). To assess the state’s vulnerability, the report summarizes key climate change impacts to the state for the following areas: Agriculture, Biodiversity and Habitat, Emergency Management, Energy, Forestry, Ocean and Coastal Ecosystems and Resources, Public Health, Transportation, and Water. Issuance of the Safeguarding California: Implementation Action Plans followed in March 2016 (CNRA 2016). In January 2018, the CNRA released the Safeguarding California Plan: 2018 Update, which communicates current and needed actions that state government should take to build climate change resiliency (CNRA 2018).

### ***Biological Diversity v. California Department of Fish and Wildlife***

In its decision in *Center for Biological Diversity v. California Department of Fish and Wildlife (Newhall)* 62 Cal.4th 204 (2015), the California Supreme Court set forth several options that lead agencies may consider for evaluating the cumulative significance of a proposed project’s GHG emissions:

- A calculation of emissions reductions compared to a “business-as-usual” scenario based on the emissions reductions in CARB’s Scoping Plan, including examination of the data to determine what level of reduction from business-as-usual a new land use development at the proposed location must contribute in order to comply with statewide goals
- Assessment of consistency with AB 32’s goals by looking at compliance with regulatory programs designed to reduce GHG emissions from particular activities
- Use of geographically specific GHG emissions reduction plans to provide a basis for tiering and streamlining of project-level CEQA analysis
- Reliance on existing numerical thresholds of significance for GHG emissions, though use of such thresholds is not required

The Newhall decision specifically found that use of a numerical threshold is not required.

## Local

### *City of San Diego General Plan*

The State of California requires cities and counties to prepare and adopt a general plan to set out a long-range vision and comprehensive policy framework for its future. The state also mandates that the plan be updated periodically to ensure relevance and utility. The City's General Plan 2008 (General Plan) was unanimously adopted by the City Council on March 10, 2008. The General Plan builds on many of the goals and strategies of the former 1979 General Plan, in addition to offering new policy direction in the areas of urban form, neighborhood character, historic preservation, public facilities, recreation, conservation, mobility, housing affordability, economic prosperity, and equitable development. It also outlines the plan amendment process, and other implementation strategies, and considers the continued growth of the City beyond the year 2020 (City of San Diego 2008).

**Conservation Element.** The Conservation Element contains policies to guide the conservation of resources that are fundamental components of San Diego's environment, that help define the City's identity, and that are relied on for continued economic prosperity. The purpose of this element is to help the City become an international model of sustainable development and conservation and to provide for the long-term conservation and sustainable management of the rich natural resources that help define the City's identity, contribute to its economy, and improve its quality of life.

The City has adopted the following General Plan policies (City of San Diego 2008) related to climate change:

- **CE-A.2.** Reduce the City's carbon footprint. Develop and adopt new or amended regulations, projects, and incentives as appropriate to implement the goals and policies set forth in the General Plan to:
  - Reduce fuel emission levels by encouraging alternative modes of transportation and increasing fuel efficiency;
  - Reduce the Urban Heat Island effect through sustainable design and building practices, as well as planting trees (consistent with habitat and water conservation policies) for their many environmental benefits, including natural carbon sequestration;
  - Reduce waste by improving management and recycling projects;
- **CE-A.8.** Reduce construction and demolition waste in accordance with Public Facilities Element, Policy PF-1.2, or by renovating or adding on to existing buildings, rather than constructing new buildings.
- **CE-A.9.** Reuse building materials, use materials that have recycled content, or use materials that are derived from sustainable or rapidly renewable sources to the extent possible, through factors including:

- Scheduling time for deconstruction and recycling activities to take place during project demolition and construction phases;
- Using life cycle costing in decision-making for materials and construction techniques. Life cycle costing analyzes the costs and benefits over the life of a particular product, technology, or system.
- **CE-I.4.** Maintain and promote water conservation and waste diversion projects to conserve energy.
- **CE-I.5.** Support the installation of photovoltaic panels, and other forms of renewable energy production.
- **CE-I.10.** Use renewable energy sources to generate energy to the extent feasible.

### ***San Diego Sustainable Community Program***

On January 29, 2002, the San Diego City Council unanimously approved the San Diego Sustainable Community Program. Actions identified in the program include the following:

1. Participation in the Cities for Climate Protection program coordinated through the International Council of Local Environmental Initiatives;
2. Establishment of a 15% GHG reduction goal set for 2010, using 1990 as a baseline; and
3. Direction to use the recommendations of a scientific Ad Hoc Advisory Committee as a means to improve the GHG Emission Reduction Action Plan within the City organization and to identify additional community actions.

### ***Climate Protection Action Plan***

In 2005, the City released a Climate Protection Action Plan. This report includes many of the recommendations provided by the Ad Hoc Advisory Committee and City staff. By implementing these recommendations, the City could directly address the challenges relating to mitigation for state and federal ozone standards nonattainment (with associated health benefits) and enhanced economic prosperity, specifically related to the tourism and agricultural sectors.

The Climate Protection Action Plan evaluated City-wide GHG emissions, particularly three elements: (1) the GHG projection in 2010 resulting from no action taken to curb emissions, (2) the GHG emission reductions due to City actions implemented between 1990 and 2003, and (3) the GHG reductions needed by 2010 to achieve 15% reduction. The Climate Protection Action Plan does not recommend or require specific strategies or measures for projects within the City to reduce emissions.

### ***2015 Climate Action Plan***

In December 2015, the City adopted its CAP (City of San Diego 2015). With implementation of the CAP, the City aims to reduce emissions 15% below the baseline of City-wide emissions levels in 2010 to approximately 11.1 MMT CO<sub>2</sub>e by 2020, 40% below the baseline to approximately 7.8 MMT CO<sub>2</sub>e by 2030, and 50% below the baseline of 2010 to approximately 6.5 MMT CO<sub>2</sub>e by 2035.<sup>4</sup> It is anticipated that the City would exceed its reduction target by 1.3 MMT CO<sub>2</sub>e in 2020, 176,528 MT CO<sub>2</sub>e in 2030, and 127,135 MT CO<sub>2</sub>e in 2035 with implementation of the CAP. The CAP relies on significant City and regional actions, continued implementation of federal and state mandates, and five local strategies with associated action steps for target attainment. The City has identified the following five strategies to reduce GHG emissions to achieve the 2020 and 2035 targets:

- Energy- and water-efficient buildings
- Clean and renewable energy
- Bicycling, walking, transit, and land use
- Zero waste (gas and waste management)
- Climate resiliency

### **CAP Consistency Checklist**

In 2016, pursuant to CEQA Guidelines Section 15183.5 (Tiering and Streamlining The Analysis of Greenhouse Gas Emissions), the City amended the CAP to include a CAP Consistency Checklist intended to provide a streamlined review process for the GHG emissions analysis of proposed new development projects that are subject to discretionary review and trigger environmental review pursuant to CEQA. The CAP Consistency Checklist is part of the CAP and contains measures that are required to be implemented on a project-by-project basis to ensure that the specified emissions targets identified in the CAP are achieved. Implementation of these measures would ensure that new development is consistent with the CAP's assumptions for relevant CAP strategies toward achieving the identified GHG emissions reduction targets and to keep the City on track to meeting the state's long-term GHG target to stabilize global warming and avoid its harmful effects. Projects that are consistent with the CAP as determined through the use of this checklist may rely on the CAP for the cumulative impacts analysis of GHG emissions because they are assisting the City with making substantial progress toward the state's long term GHG targets. Projects that are not consistent with the CAP must prepare a comprehensive project-specific analysis of GHG emissions, including quantification of existing and projected GHG emissions and incorporation of the measures in this checklist to the extent feasible. Cumulative GHG impacts would be significant for any project that is not consistent with the CAP.

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<sup>4</sup> The 2015 CAP uses a 2010 baseline pursuant to a recommendation from CARB that local governments set a 2020 reduction target of 15% below current emissions.

### **2022 Climate Action Plan and Consistency Regulations**

Most recently, on August 2, 2022, the City Council adopted an update to the CAP (2022 CAP Update; City of San Diego 2022b). The CAP Update identified the following six strategies to achieve the goals and targets set forth below:

- \* Decarbonization of the Built Environment
- \* Access to Clean and Renewable Energy
- \* Mobility and Land Use
- \* Circular Economy and Clean Communities
- \* Resilient Infrastructure and Health Ecosystems
- \* Emerging Climate Actions

The City also updated its GHG threshold, which included a project's compliance with the Climate Action Plan Consistency Regulations (CAP Consistency Regulations) as the new GHG threshold upon the applicable effective date of Ordinance O-21528 implementing the CAP Consistency Regulation. The CAP Consistency Regulations establish measures that could be implemented on a project-by-project basis to demonstrate consistency with the 2022 CAP pursuant to CEQA Guidelines Section 15183.5(b)(1)(D). The update to the CAP sets the target emission level for 2035 at net zero emissions (i.e., cutting GHG emissions to as close to zero as possible, with any remaining emissions balanced by removals) and sets a science-based, fair share target for 2030 (63.3% below 1990 levels),<sup>5</sup> which is far stricter than the SB 32 target of 40% below 1990 levels by 2030. Regulatory requirements applicable to development projects pursuant to the CAP Consistency Regulations are not yet effective within the Coastal Zone and would only apply prospectively to projects with applications deemed complete after the CAP Consistency Regulations become effective in the Coastal Zone. Until the CAP Consistency Regulations go into effect in the Coastal Zone for new project applications, the 2016 CAP Consistency Checklist remains the applicable GHG threshold in the Coastal Zone. (O-21528, Sections 7, 10, and 11.) Nevertheless, projects are permitted to implement the regulations as project design features to aid the City in meeting its accelerated GHG targets, if they choose to do so.

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<sup>5</sup> Per the 2022 CAP Update, CARB recognizes in its Climate Change Scoping Plan that city-level data not exist to determine what 1990 levels were, so it is assumed that GHG emissions in 2020 are representative of 1990 levels. The City acknowledges that 2020 emissions data may have impacts from the COVID-19 pandemic, so the 2019 GHG emissions inventory is likely the most representative under normal circumstances and is used in the 2022 CAP Update as the baseline year to represent 1990 levels.



## **5.5.3 IMPACT ANALYSIS**

### **5.5.3.1 Issues 1 and 2: Greenhouse Gas Emissions**

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

***Issue 2: Would the project conflict with the City's Climate Action Plan or another applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?***

#### **Threshold**

Pursuant to CEQA Guidelines Sections 15183.5(b), 15064(h)(3), and 15130(d), the City may determine that a project's incremental contribution to a cumulative GHG effect is not cumulatively considerable if the project complies with the requirements of a previously adopted GHG emissions reduction plan.

As discussed under Section 5.5.2, above, the 2022 CAP Update was adopted on August 2, 2022, after the date of the Notice of Preparation for the Assisted Living Facility. The CAP Consistency Regulations establish measures that could be implemented on a project-by-project basis to demonstrate consistency with the 2022 CAP pursuant to CEQA Guidelines Section 15183.5(b)(1)(D). Regulatory requirements applicable to development projects pursuant to the CAP Consistency Regulations are not yet effective within the Coastal Zone and would only apply prospectively to projects with applications deemed complete after the CAP Consistency Regulations become effective in the Coastal Zone. Until the CAP Consistency Regulations go into effect in the Coastal Zone for new project applications, the 2016 CAP Consistency Checklist remains the applicable GHG threshold in the Coastal Zone and the checklist will continue to apply to projects deemed complete before that time. (O-21528, Sections 7, 10, and 11.) Nevertheless, projects are permitted to implement the regulations as project design features to aid the City in meeting its accelerated GHG targets, if they choose to do so.

The application for the Assisted Living Facility was deemed complete on October 15, 2020. The CAP Consistency Regulations are not yet effective in the Coastal Zone. Accordingly, the applicable GHG threshold remains the 2016 CAP Consistency Checklist. The applicant has voluntarily opted to implement the the CAP Consistency Regulations as an enforceable project design feature or permit condition. Accordingly, the analysis below provides an evaluation with both the CAP Consistency Checklist and the CAP Consistency Regulations.

#### ***CAP Consistency Checklist***

Under the City's CEQA Significance Determination Thresholds, the method for determining significance for project-level environmental documents is through the CAP Consistency Checklist. The CAP Consistency Checklist is used by the City to verify project-by-project consistency with the underlying assumptions in the CAP and ensure that the City would achieve its emissions reduction targets. The CAP Consistency Checklist includes a three-step process to determine project consistency.

- Step 1** Consists of an assessment to determine a project's consistency with the growth projections of the CAP.
- Step 2** Includes a list of measures a project is required to implement. Regardless of whether the project answers "yes" or "no" to Step 1, implementation of the measures listed in Step 2 are required for all projects, as applicable.
- Step 3** Focuses on assessing if a project would implement the General Plan's City of Villages strategy, the General Plan's Mobility Element, pedestrian improvements, the Bicycle Master Plan, and support transit-oriented development within a Transit Priority Area (TPA). Step 3 applies to projects proposing a land use and/or zoning designation amendment and increase density within a TPA.

## Impact

### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.5, the Church was determined to reduce GHG emissions by 32% with the implementation of GHG reduction measures. The reduction in GHG emission would exceed the target of 28.3% threshold. Additionally, it was determined that the Church would not conflict with the City's sustainable community program, Climate Protection Action Plan, or General Plan. Given the reduction in GHG emissions and consistency with the City's sustainable community program, impacts would therefore be less than significant. Refer to 2014 Church EIR Chapter 5.5 for additional details.

### ***Changes in Circumstances/New Information***

The City adopted its Climate Action Plan in 2015, subsequent to the certification of the 2014 Church EIR. However, GHG and the associated climate change issues were known at the time the 2014 Church EIR was certified. Specifically, potential impacts of GHGs on climate change were known as early as the 1970s.<sup>6</sup> Refer to Section 5.5.2, Regulatory Setting, for additional details on the legislative history of reducing GHG emissions and addressing climate change.

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<sup>6</sup> The United Nations Framework Convention on Climate Change was adopted on May 9, 1992, with the objective to "stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system." In 1997, the Kyoto Protocol was concluded and established legally binding obligations for developed

While the Church was not subject to the 2015 CAP, the current City CEQA Significance Determination Thresholds (City of San Diego 2022c) require the Assisted Living Facility to be analyzed per the City’s CAP Consistency Checklist. As such, this analysis is provided below.

**Climate Action Plan Consistency Checklist - Step 1**

As with the Church parcel previously analyzed in the 2014 Church EIR, the Assisted Living Facility parcel is designated as Residential and Park, Open Space and Recreation in the General Plan Land Use Element. The North City Future Urbanizing Area Framework Plan, which serves as the land use plan for the proposed project site, designates the site as Very Low Density Residential and Environment Tier. The proposed project site is zoned as AR-1-1 which allows for agricultural and very low-density residential uses. The AR-1-1 allows for residential care facilities through a Conditional Use Permit (CUP) process. The proposed Assisted Living Facility would be consistent with the land use designation and zone. See Section 5.1, Land Use, for additional details regarding the project’s consistency with the applicable land use designation and applicable zoning.

**Climate Action Plan Consistency Checklist - Step 2**

The second step of the CAP consistency checklist is to review and evaluate a project’s consistency with the applicable strategies and actions of the CAP. Table 5.5-3 shows the Assisted Living Facility’s consistency with each item within the CAP Consistency Checklist.

**Table 5.5-3  
 Climate Action Plan Consistency Checklist**

CAP Consistency Checklist Item	Compliance
<p><b>1. Cool/Green Roofs:</b></p> <p>(1) Would the project include roofing materials with a minimum 3-year aged solar reflection and thermal emittance or solar reflection index equal to or greater than the values specified in the voluntary measures under California Green Building Standards Code (Attachment A)?; OR</p> <p>(2) Would the project roof construction have a thermal mass over the roof membrane, including areas of vegetated (green) roofs, weighing at least 25 pounds per square foot as specified in the voluntary measures under California Green Building Standards Code?; OR</p>	<p><b>Consistent.</b></p> <p>The Assisted Living Facility would install cool roof material with a minimum of 3-year aged solar reflection and thermal emittance or solar reflection index equal to or greater than the values specified in the</p>

countries to reduce their GHGs in the period 2008–2012. In California, SB 1771 (Sher), enacted on September 30, 2000, required the Secretary of the Resources Agency to establish a nonprofit public benefit corporation, known as the “California Climate Action Registry,” for the purpose of administering a voluntary GHG emission registry. Subsequently, AB 1493 was enacted on July 22, 2002, that required CARB to set statewide GHG emission standards for passenger vehicles and light-duty trucks manufactured in model year 2009 and later. In January 2004, EO S-7-04 called for development of a California Hydrogen Blueprint Plan to, among other things, reduce GHG emissions.

**Table 5.5-3  
 Climate Action Plan Consistency Checklist**

CAP Consistency Checklist Item	Compliance
<p>(3) Would the project include a combination of the above two options?                      Check "N/A" only if the project does not include a roof component.</p>	<p>voluntary measures under California Green Building Standards Code and in PDF-GHG-1 (Table 3-2, Summary of Assisted Living Facility Project Design Features and Compliance Measures).</p>
<p><b>2. Plumbing Fixtures and Fittings:</b>                      With respect to plumbing fixtures or fittings provided as part of the project, would those low-flow fixtures/appliances be consistent with each of the following:                      Residential buildings:</p> <ul style="list-style-type: none"> <li>• Kitchen faucets: maximum flow rate not to exceed 1.5 gallons per minute at 60 psi;</li> <li>• Standard dishwashers: 4.25 gallons per cycle;</li> <li>• Compact dishwashers: 3.5 gallons per cycle; and</li> <li>• Clothes washers: water factor of 6 gallons per cubic feet of drum capacity?</li> </ul> <p>Nonresidential buildings:</p> <ul style="list-style-type: none"> <li>• Plumbing fixtures and fittings that do not exceed the maximum flow rate specified in Table A5.303.2.3.1 (voluntary measures) of the California Green Building Standards Code (See Attachment A); and</li> <li>• Appliances and fixtures for commercial applications that meet the provisions of Section A5.303.3 (voluntary measures) of the California Green Building Standards Code (See Attachment A)?</li> </ul> <p>Check "N/A" only if the project does not include any plumbing fixtures or fittings.</p>	<p><b>Consistent.</b>                      The Assisted Living Facility would include low-flow fixtures and appliances consistent with the requirements of this Checklist item, as detailed in PDF-GHG-2 (Table 3-2).</p>
<p><b>3. Electric Vehicle Charging:</b></p> <ul style="list-style-type: none"> <li>• Multiple-family projects of 17 dwelling units or less: Would 3% of the total parking spaces required, or a minimum of one space, whichever is greater, be provided with a listed cabinet, box or enclosure connected to a conduit linking the parking spaces with the electrical service, in a manner approved by the building and safety official, to allow for the future installation of electric vehicle supply equipment to provide electric vehicle charging stations at such time as it is needed for use by residents?</li> </ul>	<p><b>Consistent.</b>                      The Assisted Living Facility would install 50% of total required listed cabinets, boxes, or enclosures to provide active electric vehicle charging stations ready for use,</p>

**Table 5.5-3  
 Climate Action Plan Consistency Checklist**

CAP Consistency Checklist Item	Compliance
<ul style="list-style-type: none"> <li>• Multiple-family projects of more than 17 dwelling units: Of the total required listed cabinets, boxes or enclosures, would 50% have the necessary electric vehicle supply equipment installed to provide active electric vehicle charging stations ready for use by residents?</li> <li>• Non-residential projects: Of the total required listed cabinets, boxes or enclosures, would 50% have the necessary electric vehicle supply equipment installed to provide active electric vehicle charging stations ready for use?</li> </ul> <p>Check "N/A" only if the project is a single-family project or would not require the provision of listed cabinets, boxes, or enclosures connected to a conduit linking the parking spaces with electrical service, e.g., projects requiring fewer than 10 parking spaces.</p>	<p>as detailed in PDF-GHG-3 (Table 3-2).</p>
<p><b>4. Bicycle Parking Spaces:</b></p> <p>Would the project provide more short- and long-term bicycle parking spaces than required in the City's Municipal Code (Chapter 14, Article 2, Division 5)?</p> <p>Check "N/A" only if the project is a residential project.</p>	<p><b>Consistent.</b></p> <p>The Assisted Living Facility would install 12 short-term bicycle parking spaces (11 short-term parking spaces required) and 4 long-term bicycle parking spaces (2 long-term parking spaces required), as detailed in PDF-GHG-4 (Table 3-2).</p>
<p><b>5. Shower Facilities:</b></p> <p>If the project includes nonresidential development that would accommodate over 10 tenant occupants (employees), would the project include changing/shower facilities in accordance with the voluntary measures under the California Green Building Standards Code as shown in the table below?</p> <p>Check "N/A" only if the project is a residential project, or if it does not include nonresidential development that would accommodate over 10 tenant occupants (employees).</p>	<p><b>Consistent.</b></p> <p>The Assisted Living Facility would employ 82 full-time employees; thus, the Assisted Living Facility would install one shower stall and three lockers, as detailed in PDF-GHG-5 (Table 3-2).</p>
<p><b>6. Designated Parking Spaces:</b></p> <p>If the project includes a nonresidential use in a TPA, would the project provide designated parking for a combination of low-emitting, fuel-</p>	<p><b>Not Applicable.</b></p> <p>The non-residential project is not within a TPA; therefore, this</p>

**Table 5.5-3  
 Climate Action Plan Consistency Checklist**

CAP Consistency Checklist Item	Compliance
<p>efficient, and carpool/vanpool vehicles in accordance with the following table?</p> <p>This measure does not cover electric vehicles. See Question 4 for electric vehicle parking requirements.</p> <p>Note: Vehicles bearing Clean Air Vehicle stickers from expired HOV lane programs may be considered eligible for designated parking spaces. The required designated parking spaces are to be provided within the overall minimum parking requirement, not in addition to it.</p> <p>Check "N/A" only if the project is a residential project, or if it does not include non-residential use in a TPA.</p>	<p>measure does not apply.</p>
<p><b>7. Transportation Demand Management Program:</b></p> <p>If the project would accommodate over 50 tenant-occupants (employees), would it include a transportation demand management program that would be applicable to existing tenants and future tenants that includes:</p> <p>At least one of the following components:</p> <ul style="list-style-type: none"> <li>• Parking cash out program</li> <li>• Parking management plan that includes charging employees market-rate for single-occupancy vehicle parking and providing reserved, discounted, or free spaces for registered carpools or vanpools</li> <li>• Unbundled parking whereby parking spaces would be leased or sold separately from the rental or purchase fees for the development for the life of the development</li> </ul> <p>And at least three of the following components:</p> <ul style="list-style-type: none"> <li>• Commitment to maintaining an employer network in the SANDAG iCommute program and promoting its RideMatcher service to tenants/employees</li> <li>• On-site carsharing vehicle(s) or bikesharing</li> <li>• Flexible or alternative work hours</li> <li>• Telework program</li> <li>• Transit, carpool, and vanpool subsidies</li> <li>• Pre-tax deduction for transit or vanpool fares and bicycle commute costs</li> <li>• Access to services that reduce the need to drive, such as cafes, commercial stores, banks, post offices, restaurants, gyms, or childcare, either on site or within 1,320 feet (1/4 mile) of the structure/use?</li> </ul>	<p><b>Consistent.</b></p> <p>The Assisted Living Facility would accommodate 82 full-time employees; thus, the Assisted Living Facility would implement the following transportation demand management program measures:</p> <ol style="list-style-type: none"> <li>1. Parking management plan that includes charging employees market-rate for single-occupancy vehicle parking and providing reserved, discounted, or free spaces for registered carpools or vanpools.</li> </ol> <p>Three of the bottom components are satisfied, including:</p> <ol style="list-style-type: none"> <li>1. Commitment to maintaining an employer network in</li> </ol>

**Table 5.5-3  
 Climate Action Plan Consistency Checklist**

CAP Consistency Checklist Item	Compliance
Check "N/A" only if the project is a residential project or if it would not accommodate over 50 tenant-occupants (employees).	the SANDAG iCommute program and promoting its RideMatcher services to employees. 2. Flexible or alternative work hours - Stage employee work hours to avoid all employees arriving at peak travel times. 3. Access to services that reduce the need to drive, including access to on-site cafe and meal programs, and gym.  Refer to PDF-GHG-6 in Table 3-2.

**Source:** Appendix E

**Notes:** N/A = not applicable; psi = pounds per square inch; EV = electric vehicle; TPA = Transit Priority Area; HOV = high-occupancy vehicle; SANDAG = San Diego Association of Governments.

As shown in Table 5.5-3, the Assisted Living Facility would be consistent with all applicable GHG reduction strategies found within Step 2 of the CAP Consistency Checklist. The project would be conditioned to comply with Step 2 strategies of the CAP Consistency Checklist (see Compliance Measure [CM] GHG-1 in Table 3-2, Summary of Assisted Living Facility Project Design Features and Compliance Measures). Additionally, these compliance measures are included as Project Design Feature (PDF) GHG-1 through PDF-GHG-6, as detailed in Table 3-2.

**Climate Action Plan Consistency Checklist - Step 3**

Lastly, as identified under Step 1, the Assisted Living Facility is consistent with the existing General Plan and zoning designations and, therefore, Step 3 would not apply.

***CAP Consistency Regulations***

The purpose of the CAP Consistency Regulations is to implement the City’s 2022 CAP Update by applying regulations that reduce GHGs from development specified therein Although these

regulatory requirements are not yet in effect in the Coastal Zone and would not apply to the Project, the applicant has volunteered to include compliance with these regulations through Project Design Features to (a) demonstrate it is consistent the City’s 2022 CAP Update and (b) to assist the City in meeting its accelerated GHG targets identified in the 2022 CAP Update. Table 5.5-4 shows the Assisted Living Facility’s consistency with the CAP Consistency Regulations.

**Table 5.5-4  
 CAP Consistency Regulations**

<b>Section 143.1410 – Mobility and Land Use Regulations</b>	<b>Compliance</b>
<p>The following regulations support alternative mobility options, such as walking and biking, that reduce vehicle dependency and associated GHGs emissions.</p> <p>(a) Pedestrian enhancements that reduce heat island effects shall be provided as follows:</p> <p>(1) Development on a premises that contains a street yard or abuts a public right-of-way with a Furnishings Zone, at least 50 percent of the Throughway Zone shall be shaded as specified below.</p> <p>(A) If the abutting public right-of-way contains a Furnishings Zone, shading shall be provided by street trees.</p> <p>(B) If the abutting public right-of-way does not contain a Furnishings Zone, shading may be provided by a combination of trees and shade structures placed in the street yard.</p> <p>(C) The shade coverage of a tree shall be determined by the expected canopy at 10-year maturity. The tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City’s Street Tree Selection Guide.</p> <p>(D) Trees shall be irrigated and maintained consistent with Section 142.0403.</p> <p>(E) The number of street trees provided shall not be less than what is required by the Landscape Regulations in Chapter 14, Article 2, Division 4.</p>	<p><b>Consistent.</b></p> <p>As the Assisted Living Facility does not have a street yard or abut a public right-of-way with a Furnishings Zone, Section 143.1410(a)(1) is not applicable.</p> <p>The Assisted Living Facility would comply with Section 143.1410(a)(2) and is consistent with the requirements since the applicant shall pay an Urban Tree Canopy Fee of \$7,250<sup>7</sup> (see PDF-GHG-7 in Table 3-2, Summary of Assisted Living Facility Project Design Features and Compliance Measures).</p> <p>Section 143.1410(b) would not apply since the Assisted Living Facility does not place development on street frontage.</p> <p>The Assisted Living Facility will also comply with Section 143.1410(c) and will be consistent with the requirements by providing individual outlets for electric charging at 8 bicycle spaces (see PDF-GHG-8 in Table 3-2).</p>

<sup>7</sup> Since the Assisted Living Facility does not have a street frontage, the length of the shortest side of the Assisted Living Facility site was used to calculate the number of off-site trees required. The length of the shortest side of the Assisted Living Facility site (285 feet) was then divided by 30 feet of street frontage, per the City’s Landscape Regulations. This number was then rounded to 10 ten trees. In addition, per the City’s requirements the cost for each tree or per 30 feet of street frontage is \$725; therefore, the Assisted Living Facility parcel would pay an Urban Tree Canopy Fee of \$7,250.



**Table 5.5-4  
 CAP Consistency Regulations**

<p>(2) Development on a premises that does not contain a street yard and does not abut a public right-of-way with a Furnishings Zone, the applicant shall do one of the following:</p> <p>(A) Plant the number of trees required by Section 143.1410(a)(1) at an off-site location within one mile of the development and enter into an agreement with the owner of the off-site location that ensures the indefinite maintenance of the trees; or</p> <p>(B) Pay an Urban Tree Canopy Fee to be deposited into the Climate Resiliency Fund consistent with adopted City Council Resolution.</p> <p>(b) Development on a premises with 250 linear feet or more of street frontage shall provide and privately maintain at least one of the following publicly accessible pedestrian amenities for every 250 linear feet of street frontage to the satisfaction of the Development Services Department:</p> <p>(1) One trash receptacle and one recycling container;</p> <p>(2) Seating comprised of movable seats, fixed individual seats, benches with or without backs, or design feature seating, such as seat walls, ledges, or seating steps;</p> <p>(3) Pedestrian-scale lighting that illuminates the adjacent sidewalk;</p> <p>(4) Public artwork;</p> <p>(5) Community wayfinding signs; or</p> <p>(6) Enhancement of a bus stop or public transit waiting station within 1,000 feet of the premises.</p> <p>(c) At least 50 percent of all residential and non-residential bicycle parking spaces required in accordance with Chapter 14, Article 2, Division 5 shall be supplied with individual outlets for electric charging at each bicycle parking space.</p>	
<p><b>Section 143.1415 – Resilient Infrastructure and Healthy Ecosystems Regulations</b></p>	<p><b>Compliance</b></p>

**Table 5.5-4  
 CAP Consistency Regulations**

<p>The following regulations support carbon sequestration as well as enhancement of air quality and the urban tree canopy.</p> <p>(a) Two trees shall be provided on the premises for every 5,000 square feet of lot area, with a minimum of one tree per premises.</p> <p>(1) If planting of a new tree is required to comply with this Section, the tree shall be selected in accordance with the Landscape Standards of the Land Development Manual and the City's Street Tree Selection Guide.</p> <p>(2) Where possible, trees must be planted in native soil. Where native soil planting is prohibited by site conditions, required trees may be provided in built-in or permanently affixed planters and pots on structural podiums. Planters and pots for trees shall have a minimum inside dimension of 48 inches.</p> <p>(3) For a premises located within a base zone that does not require open space to accommodate the planting of on-site trees in compliance with this Section, the applicant shall do one of the following, except that all trees required by the Landscape Regulations in Chapter 14, Article 2, Division 4 must be provided on-site:</p> <p>(A) Plant the number of trees required by Section 143.1415(a) at an off-site location within one mile of the development and enter into an agreement with the owner of the off-site location that ensures the indefinite maintenance of the trees; or</p> <p>(B) Pay an Urban Tree Canopy Fee to be deposited into the Climate Resiliency Fund consistent with adopted City Council Resolution.</p> <p>(4) Trees shall be irrigated and maintained consistent with Section 142.0403.</p> <p>(5) The number of trees provided shall not be less than what is required by the Landscape Regulations in Chapter 14, Article 2, Division 4.</p>	<p><b>Consistent.</b></p> <p>The Assisted Living Facility will comply with Section 143.1415(a) and will be consistent with the requirements. Per the 3.97-acre Assisted Living Facility site, the applicant would be required to plant 70 on-site trees in order to comply with the on-site tree requirement. As shown in Figure 3-4b, Landscape Plan – Trees, the applicant would plant 215 trees on the premises, which exceeds the two trees per every 5,000 square feet of lot area. The trees shall be selected pursuant to the Landscape Standards of the Land Development Manual, would be planted in native soil, and would be irrigated and maintained consistent with Section 142.0403 (see PDF-GHG-9 in Table 3-2). Section 143.1410(a)(3) would not apply because the on-site tree requirement of 215 trees is already met.</p>
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**Notes:** CAP = Climate Action Plan; GHG = greenhouse gas.

**Source:** City of San Diego 2022c.

As shown in Table 5.5-4, the Assisted Living Facility would be consistent with the CAP Consistency Regulations.

### ***Plan, Policy or Regulation Consistency***

Numerous plans, policies, and regulations have been adopted for the purpose of reducing GHG emissions. The principal overall state plan and policy are AB 32 and the follow-up legislation, SB 32. The quantitative goal of AB 32 is to reduce GHG emissions to 1990 levels by 2020 and the goal of SB 32 is to reduce GHG emissions to 40% below 1990 levels by 2030. The City's 2015 CAP outlines the measures for the City to achieve its share of state GHG reductions which includes requiring individual projects in the City to comply with the CAP Consistency Checklist. As discussed above, the Assisted Living Facility would be consistent with the 2015 CAP through compliance with the CAP Consistency Checklist.

The Assisted Living Facility would also be consistent with the City's General Plan Policies CE-A.10 and CE-A.11 as it would include sustainable recycling, waste management, and sustainable landscape design. The Assisted Living Facility's conformance with the City's CAP Checklist ensures the Assisted Living Facility conserves natural resources. As such, the Assisted Living Facility conforms to the General Plan Conservation Element Policies by conserving water, providing sustainable landscape design, managing waste and recycling, and reducing the Assisted Living Facility's carbon footprint.

At the regional level, the SANDAG's RTP/SCS has been adopted for the purpose of reducing GHG emissions attributable to passenger vehicles in the San Diego region. In October 2015, SANDAG adopted its Regional Plan, which was subsequently updated in 2021. The RTP/SCS is not directly applicable to the Assisted Living Facility because the underlying purpose of the RTP/SCS is to provide direction and guidance on future regional growth (i.e., the location of new residential and nonresidential land uses) and transportation patterns throughout the City and greater San Diego County, as stipulated under SB 375. CARB has recognized that the approved RTP/SCS is consistent with SB 375. The SANDAG Regional Plan is generally consistent with the local government plans. Since the Assisted Living Facility is within the scope of development that was anticipated in the General Plan (see Section 14.3[a]), it would not result in growth that would conflict with the Regional Plan.

### **Significance of Impact**

Based on compliance with the preceding CAP Consistency Checklist (CM-GHG-1) and project design features (PDF-GHG-1 through PDF-GHG-9, see Table 3-2), the Assisted Living Facility would be consistent with the CAP and, therefore, the project would result in a **less than significant** cumulative impact regarding GHG emissions.

Independently, the conclusion of less than significant impact is further bolstered by the Assisted Living Facility’s voluntary and enforceable compliance with the City’s CAP Consistency Regulations (CM-GHG-2) and project design features PDF-GHG-7 through PDF-GHG-9 (see Table 3-2).

Based on the above, no new significant GHG emission impacts or substantial increases in previously identified GHG emission impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

**Mitigation**

No mitigation would be required.

## **5.6 HISTORICAL RESOURCES**

Chapter 5.6, Historical Resources, of the 2014 St. John Garabed Armenian Church Project Final Environmental Impact Report (2014 Church EIR) discloses information regarding the approved St. John Garabed Armenian Church (Church) and associated historical resources analysis. A summary of that analysis is included in for each issue in Section 5.6.3, below, for the convenience of the reader. However, refer to the 2014 Church EIR Chapter 5.6 for details.

As the focus of the analysis within this FSEIR is the addition of the El Camino Real Assisted Living Facility (Assisted Living Facility), the additional information provided below is intended to provide a historical resources analysis update to the 2014 Church EIR for the proposed Assisted Living Facility. This section discusses potential impacts to cultural resources resulting from implementation of the additional Assisted Living Facility. The analysis is based on a review of existing cultural resources, technical data, tribal and Native American Heritage Commission (NAHC) correspondence, and applicable laws, regulations, and guidelines, as well as the following technical report, which is included in Appendix F:

- Cultural Resources Inventory and Evaluation Report for the El Camino Senior Housing Project prepared by Dudek in March 2021

### **5.6.1 EXISTING CONDITIONS**

Historical resources include buildings, structures, places, interior elements, and fixtures designated in conjunction with a property, or other objects of historical, archaeological, scientific, educational, cultural, architectural, aesthetic, or traditional significance to the citizens of the City and the region. They are typically over 45 years old and include all properties (historic, archaeological, landscapes, traditional, etc.) eligible or potentially eligible for the National Register of Historic Places (NRHP), as well as those that may be significant pursuant to state and local laws and registration programs, such as the California Register of Historical Resources (CRHR) or the City of San Diego (City) Historical Resources Register. Historic Resources also include traditional cultural properties.

The Assisted Living Facility parcel is vacant and has been historically used for agriculture. This parcel does not include any buildings, structures, or fixtures over 45 years old, and therefore does not include any structures of historical significance.

The project is situated near the confluence of Gonzales Creek with the San Dieguito River. The southwestern portion of the project parcel is located on a Quaternary-age terrace. The central and eastern portions of the project are comprised of lower Quaternary-age alluvium that was deposited through siltation of a tidal estuary, and now subject to seasonal flooding along the southern side of

El Camino Real. All areas have been applied to agricultural uses, though the lower areas most recently. Based on Geosoils, Inc. Geotechnical testing for the area along the terrace in 2011, “colluvial soils were encountered throughout the site as a surficial, or near surface layer varying from sandy clay and clayey sand to silty sand with clay...The upper 12 inches of colluvium contained remnants of twine and plastic, and appeared to have been cultivated (Appendix F).

South Coastal Information Center staff conducted a records search for the Assisted Living Facility parcel area of potential effect (APE) and a surrounding 1-mile search radius on December 07, 2020. The records search results indicate that 137 previous cultural resources studies have been conducted within 1 mile of the Assisted Living Facility parcel APE. Of the 137 studies, 17 intersect the Assisted Living Facility parcel APE and are listed in Table 5.6-1 below. These studies include 13 cultural resource inventories, an EIR, a Mitigated Negative Declaration, and two archaeological evaluation reports. Based on the previous studies, the entire Assisted Living Facility parcel APE has been studied. The studies not listed in Table 5.6-1 are included in Confidential Appendix of the Cultural Resources Inventory and Evaluation Report (Appendix F) and are not available for public viewing due to the sensitivity of the information included.

**Table 5.6-1  
 Previous Technical Studies within the Assisted Living Facility Parcel APE**

<b>Report Number</b>	<b>Authors</b>	<b>Date</b>	<b>Title</b>
SD-00312	Cardenas, Sean R.	1986	Cultural Resource Assessment: El Camino Real Realignment Right-of-Way; EQD N.84-0636
SD-00672	Gallegos, Dennis, Roxana Phillips, and Andrew Pigniolo	1988	A Cultural Resource Overview for the San Dieguito River Valley San Diego, California.
SD-02003	RBR & Associates, Inc.	1984	A Cultural Resources Inventory for the El Camino Real Extension Alignment Study, EQD No. 84-0636
SD-07180	City of San Diego	1999	Public Notice of a Proposed Mitigated Negative Declaration Nobel Research Park
SD-07675	Pierson, Larry	2000	An Archaeological Survey of the Evangelical Formosa Church Project; 14900 El Camino Real, San Diego, California, 92130
SD-08929	Pierson, Larry	2003	An Archaeological Survey of the Evangelical Formosa Church Project
SD-09361	Byrd, Brian F. and Collin O'Neill	2002	Archaeological Survey Report for the Phase I Archaeological Survey along Interstate 5 San Diego County, California.
SD-11364	Hector, Susan, Drew Pallette, and Mark Becker	2005	Archaeological Evaluation of the Rancho Valley Farms Project Maritime Resource Exploration in the Lower San Dieguito River Valley

**Table 5.6-1  
 Previous Technical Studies within the Assisted Living Facility Parcel APE**

<b>Report Number</b>	<b>Authors</b>	<b>Date</b>	<b>Title</b>
SD-11623	Hector, Susan and Alice Brewster	2002	San Dieguito River Valley Inventory of Archaeological Resources
SD-11811	Price, Harry and Jackson Underwood	2007	Results of a Cultural Resources Survey for the River Park Equestrian Center in Del Mar, San Diego, California
SD-12155	Robbins-Wade, Mary	2009	Archaeological Monitoring: Pump Station 79 Force Main, San Diego, California
SD-12279	Mock, Kevin, Mike Kelly, and Shelby Gunderman	2008	Archaeological Survey Report Cavallo Farms Improvement Project, City of San Diego, San Diego County, California
SD-12817	Bowden-Renna, Cheryl	2010	Cultural Resources Survey for 57 Wood to Steel Pole Undergrounding and Pole replacements long TL 667 and TL 610 and Staging Yard Area, Del Mar area of San Diego County, California.
SD-14739	City of San Diego	2014	St. Garabed Church Project, San Diego, Ca, Draft Environmental Impact Report
SD-17135	Cordova, Isabel	2015	Archaeological Survey for Pole Brushing Project, Various Locations, San Diego County, California
SD-17152	Giacinto, Adam and Micah Hale	2013	Cultural and Paleontological Resources Survey Report for the St. John Garabed Church Project, San Diego County, California
SD-17153	Dunn, Joshua, Micah Hale, Nicholas Hanten, and Brad Comeau	2013	Phase II Archaeological Evaluation of CA-SDI-20031 for the St. Garabed Church Project, San Diego County, California

A total of 84 previously recorded cultural resources are located within the 1-mile search radius. No historic addresses are located within the Assisted Living Facility parcel APE. South Coastal Information Center records identified one previously recorded prehistoric cultural resource, CA-SDI-687 (P-37-000687), within the Assisted Living Facility parcel APE. CA-SDI-687 intersects the southeastern portion of the Assisted Living Facility parcel APE. This resource is described in more detail below.

**CA-SDI-687**

CA-SDI-687 is located partially within the Assisted Living Facility parcel APE. It was first recorded by C. N. Warren in 1960 as an Archaic Period habitation site. He recorded the resource as a scatter of

artifacts measuring 300 feet in diameter, with midden soil the eastern edge. Testing was conducted by RBR and Associates both in 1984 and 1986, the latter for the El Camino Real Realignment Project. RECON Environmental conducted an evaluation of the Assisted Living Facility parcel in 1991. They returned to conduct a “focused data recovery” of the portion of the Assisted Living Facility parcel within the direct impact area of the residential development to the south of the current Assisted Living Facility parcel APE in 2001 (Price and Underwood 2007). Two radiocarbon samples yielded uncorrected dates of 7,670 years BP +/- 50 and 7,380 years BP +/- 70. During the grading for the residential development in 2001, three Archaic Period inhumations were found, along with several cobble features. CA-SDI-7294 was subsumed within CA-SDI-687. An open space easement was created around a portion of this site.

In 2007, archaeologist Harry Price noted that the northern portion of the site had been substantially impacted by a horse training facility, and may have originally extended into the study area. These archaeologists did not observe any cultural material within the portion of the recorded boundary for this site, which intersects the current Assisted Living Facility parcel APE. Archaeologists did record one isolated lithic percussor just north of the recorded site boundary, within the Assisted Living Facility parcel. Additionally, a scatter of imported marine shell and a handstone were observed along the northern slope of the terrace, 600 feet to the north. Price and Underwood have suggested that this scatter (CA-SDI-20031) may be a secondary deposit from the CA-SDI-687 site area. Archaeologist Price recommended archaeological testing prior to ground disturbances to this area.

In 2012 and 2013 archaeologists Adam Giacinto and Micah Hale conducted a survey of the northern portion of CA-SDI-687 as part of the Church, located immediately north of the Assisted Living Facility parcel APE. The archaeologists observed that the previous activities appeared to have removed any artifacts that may have originally been present on the site surface. While the surface of the Church parcel’s recorded boundary has been substantially disturbed, assuming the accuracy of the initial recordation by Claude Warren and later studies, there is potential for additional subsurface deposits (Appendix F).

Archaeologists revisited CA-SDI-687 and conducted excavations on March 17 and 18, 2021, as part of the efforts to prepare the Assisted Living Facility’s cultural resources report (Appendix F). Additionally, the previously recorded Church boundary was resurveyed using transects at less than 1-meter intervals. To determine the presence of a subsurface deposit, ten Shovel Test Pits (STPs) and one Control Unit were excavated. Four STPs yielded no archaeological materials and six STPs yielded potential archaeological materials. The positive Control Unit and STPs only produced invertebrate marine shell fragments. No additional artifact types, intact features, deposits, or midden were identified during the evaluation.



The sediments revealed by all units outside of the constructed pad area consisted of homogenous sandy loam in the upper 40 centimeters, followed by a dark grey-brown clay with caliche to a depth of 40 to 60 centimeters. This suggest that the sediments were greatly disturbed by grading and equestrian activities. The sediments revealed by the STPs and Control Unit in the constructed pad area to be composed of engineered clay loam with no stratigraphy. This suggest that the existing soils on site were utilized for the construction of this compacted pad.

Considering archaeological excavations did not yield any significant cultural resources and the heavily disturbed nature of the area, the Assisted Living Facility APE does not possess a significant subsurface archaeological deposit. Further research at CA-SDI-687 is unlikely to yield information important in prehistory and CA-SDI-687 is not eligible for listing on the CRHR under Criterion 4, respectively. As a prehistoric archaeological site, this site is also not eligible for listing on the under criteria 1 through 3. As such, this Assisted Living Facility parcel is not considered a significant cultural resource under the California Environmental Quality Act (CEQA) or under cultural guidelines for the City of San Diego (see Section 5.6.2, Regulatory Framework, for additional information regarding these criteria).

### **NAHC and Tribal Correspondence**

An NAHC Sacred Lands File was completed for the Assisted Living Facility parcel APE on December 11, 2020. The NAHC provided results on December 29, 2020. The results identified that no Native American traditional cultural place is present within the Assisted Living Facility parcel APE. The NAHC additionally provided a list of Native American tribes and individuals/organizations that might have knowledge of cultural resources in or near the Assisted Living Facility parcel APE.

Following the NAHC response, letters were sent on January 5, 2021, to the listed tribal representatives requesting cultural information related to the Assisted Living Facility parcel. No responses regarding traditional cultural places has been provided.

The City sent notices on June 10, 2022 to the following three tribes pursuant to Assembly Bill 52 tribal consultation requirements: lipay Nation of Santa Ysabel, Jamul Indian Village, and San Pasqual Band of Mission Indians. No response was received, and consultation was closed on July 11, 2022.

## **5.6.2 REGULATORY FRAMEWORK**

### **Federal**

#### ***National Historic Preservation Act***

The National Historic Preservation Act (NHPA) authorizes the NRHP, which is the United States' official list of districts, sites, buildings, structures, and objects worthy of preservation. Overseen by

the National Park Service (NPS), under the U.S. Department of the Interior, NRHP listings encompass all National Historic Landmarks, as well as historic areas administered by NPS.

NRHP guidelines for the evaluation of historic significance were developed to be flexible and to recognize the accomplishments of all who have made significant contributions to the nation's history and heritage. Its criteria are designed to guide state and local governments, federal agencies, and others in evaluating potential entries in the NRHP. For a property to be listed in or determined eligible for listing, it must be demonstrated to possess integrity and to meet at least one of the following criteria:

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded, or may be likely to yield, information important in prehistory or history.

Integrity is defined in NRHP guidance, *How to Apply the National Register Criteria*, as “the ability of a property to convey its significance. To be listed in the NRHP, a property must not only be shown to be significant under the NRHP criteria, but it also must have integrity” (NPS 1998). NRHP guidance further asserts that certain property types are not considered eligible for listing in the NRHP, except under certain circumstances (NPS 1998).

A historic property is defined as “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the NRHP criteria” (36 CFR Sections 800.16[i][1]).

Effects on historic properties under Section 106 of the NHPA are defined in the assessment of adverse effects in 36 CFR Sections 800.5(a)(1):

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials,

workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

To comply with Section 106, the criteria of adverse effect are applied to historic properties, if any exist in the APE, pursuant to 36 CFR Sections 800.5(a)(1). If no historic properties are identified in the APE, a finding of "no historic properties affected" will be made for the proposed Project. If there are historic properties in the APE, application of the criteria of adverse effect will result in Project-related findings of either "no adverse effect" or of "adverse effect," as described above. A finding of no adverse effect may be appropriate when the undertaking's effects do not meet the thresholds in criteria of adverse effect 36 CFR Sections 800.5(a)(1), in certain cases when the undertaking is modified to avoid or lessen effects, or if conditions were imposed to ensure review of rehabilitation plans for conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (codified in 36 CFR Part 68).

If adverse effects findings were expected to result from the proposed project, mitigation would be required, as feasible, and resolution of those adverse effects by consultation may occur to avoid, minimize, or mitigate adverse effects on historic properties pursuant to 36 CFR Part 800.6(a).

## **State**

### ***California Register of Historical Resources***

In California, the term "historical resource" includes, but is not limited to, "any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (California Public Resources Code [PRC] Section 5020.1[j]). In 1992, the California legislature established the CRHR "to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change" (PRC Section 5024.1[a]). A resource is eligible for listing in the CRHR if the State Historical Resources Commission determines that it is a significant resource and that it meets any of the following NRHP criteria (PRC Section 5024.1[c]):

1. Associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage
2. Associated with the lives of persons important in our past

3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values
4. Has yielded, or may be likely to yield, information important in prehistory or history

Resources less than 50 years old generally are not considered for listing in the CRHR, but may be considered if it can be demonstrated that sufficient time has passed to understand the historical importance of the resource (see 14 CCR, Section 4852[d][2]).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP, and properties listed or formally designated as eligible for listing on the NRHP are automatically listed on the CRHR, as are the state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local cultural resource surveys. The State Historic Preservation Office maintains the CRHR.

#### ***Native American Historic Resource Protection Act***

The Native American Historic Resource Protection Act (PRC Section 5097, et seq.) addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the NAHC to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resource Protection Act makes it a misdemeanor punishable by up to 1 year in jail to deface or destroy a Native American historical or cultural site that is listed or may be eligible for listing in the CRHR.

#### ***California Native American Graves Protection and Repatriation Act***

The California Native American Graves Protection and Repatriation Act (CAL-NAGPRA), enacted in 2001, requires all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items, as defined, to complete an inventory and summary of these remains and items on or before January 1, 2003, with certain exceptions. CAL-NAGPRA also provides a process for the identification and repatriation of these items to the culturally affiliated tribes.

#### ***California Health and Safety Code, Section 7050.5***

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. California Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of

the site or nearby area reasonably suspected to contain human remains shall occur until the county coroner has examined the remains (California Health and Safety Code Section 7050.5b). If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the NAHC within 24 hours (California Health and Safety Code Section 7050.5c). The NAHC will notify the Most Likely Descendent (MLD). With the permission of the landowner, the MLD may inspect the site of discovery. The inspection must be completed within 24 hours of notification of the MLD by the NAHC. The MLD may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

### ***California Environmental Quality Act***

As described further below, the following CEQA statutes and CEQA Guidelines are relevant to the analysis of historic, archaeological, and tribal cultural resources:

1. California Public Resources Code Section 21083.2(g): Defines “unique archaeological resource.”
2. California Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5(a): Define historical resources. In addition, CEQA Guidelines Section 15064.5(b) defines the phrase “substantial adverse change” in the significance of a historical resource. It also defines the circumstances when a project would materially impair the significance of a historical resource.
3. California Public Resources Code Section 21074(a): Defines “tribal cultural resources” and Section 21074(b): Defines a “cultural landscape.”
4. California Public Resources Code Section 5097.98 and CEQA Guidelines Section 15064.5(e): These provisions set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.
5. California Public Resources Code Sections 21083.2(b)-(c) and CEQA Guidelines Section 15126.4: These measures provide information regarding the mitigation framework for archaeological and historic resources, including options of preservation-in-place mitigation; and identify preservation-in-place as the preferred manner of mitigating impacts to significant archaeological sites.

Under CEQA, a project may have a significant effect on the environment if it may cause “a substantial adverse change in the significance of an historical resource” (California Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5[b]). A “historical resource” is any site listed or eligible for listing in the CRHR. The CRHR listing criteria (14 CCR 15064.5[a][3]) are intended to examine whether the resource in question:

- A. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- B. Is associated with the lives of persons important in our past;

- C. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- D. Has yielded, or may be likely to yield, information important in pre-history or history.

The term “historical resource” also includes any site described in a local register of historical resources or identified as significant in a historical resources survey (meeting the requirements of California Public Resources Code Section 5024.1[g]).

CEQA was amended in 2014 through Assembly Bill 52, which created a new category of tribal culture resources that must be considered under CEQA (Section 5.16, Tribal Cultural Resources) and applies to all projects that file a Notice of Preparation or notice of negative declaration or mitigated negative declaration on or after July 1, 2015. Assembly Bill 52 requires lead agencies to provide notice to and begin consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of a project if that tribe has requested, in writing, to be kept informed of projects by the lead agency prior to the determination whether a negative declaration, mitigated negative declaration, or EIR will be prepared.

All historical resources and unique archaeological resources—as defined by statute—are presumed to be historically or culturally significant for purposes of CEQA (PRC Section 21084.1; 14 CCR Section 15064.5[a]). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (PRC Section 21084.1; 14 CCR Section 15064.5[a]). A site or resource that does not meet the definition of “historical resource” or “unique archaeological resource” is not considered significant under CEQA and need not be analyzed further (PRC Section 21083.2[a]; 14 CCR Section 15064.5[c][4]).

Pursuant to these sections, CEQA first evaluates whether a project site contains any historical resources, then assesses whether that project will cause a substantial adverse change in the significance of a historical resource such that the resource’s historical significance is materially impaired.

When a project significantly affects a unique archaeological resource, CEQA imposes special mitigation requirements.

Finally, CEQA Guidelines Section 15064.5 assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are set forth in California Public Resources Code Section 5097.98.

## **Local**

### ***City of San Diego Historical Resource Regulations***

The City’s Historical Resources Regulations (San Diego Municipal Code [SDMC] Chapter 14, Article 3, Division 2) were adopted in January 2000, providing a balance between sound historic preservation

principles and the rights of private property owners. The purpose and intent of the Regulations are outlined as follows:

To protect, preserve and, where, damaged, restore the cultural resources of San Diego. The regulations apply to all development within the City of San Diego when cultural resources are present within the premises regardless of the requirement to obtain Neighborhood Development Permit (NDP) or Site Development Permit (SDP).

Regulations have been developed to implement applicable local, state, and federal policies and mandates. Included in these are the General Plan, CEQA, and Section 106 of the NHPA. Historical resources, in the context of the City's regulations, include site improvements, buildings, structures, historic districts, signs, features (including significant trees or other landscaping), places, place names, interior elements and fixtures designated in conjunction with a property, or other objects of historical, archaeological, scientific, educational, cultural, architectural, aesthetic, or traditional significance to the citizens of the city. These include structures, buildings, archaeological sites, objects, districts, or landscapes having physical evidence of human activities. These resources are usually over 45 years old and they may have been altered or still be in use.

Compliance with the regulations begin with the determination of the need for a site-specific survey for a project. Pursuant to SDMC Section 143.0212(a), a historic property (built-environment) survey can be required for any parcel containing a structure that is over 45 years old and appears to have integrity of setting, design, materials, workmanship, feeling, and association. SDMC Section 143.0212(b) requires that historical resource sensitivity maps be used to identify properties in the City that have a probability of containing historic or prehistoric archaeological sites. These maps are based on records of the California Historical Resources Information System maintained by the South Coastal Information Center at San Diego State University, archival research from the San Diego Museum of Man, and site-specific information in the City's files. If records show an archaeological site exists on or immediately adjacent to a subject property, the City would require a survey. In general, archaeological surveys are required when the proposed development is on a previously undeveloped parcel, if a known resource is recorded on the parcel or within a 1-mile radius, or if a qualified consultant or knowledgeable City staff member recommends it. In both cases, the determination for the need to conduct a site-specific survey must be made within 10 days of submittal for a construction permit (ministerial) or 30 days for a development permit (discretionary) pursuant to SDMC Section 143.0212(c).

SDMC Section 143.0212(d) states that if a property-specific survey is required, it shall be conducted according to the criteria included in the City's Historical Resources Guidelines. Using the survey results and other available applicable information, the City shall determine whether a historical resource exists, whether it is eligible for designation as a designated historical resource, and precisely where it is located.

### ***The City of San Diego Historical Resources Guidelines***

Historical Resources Guidelines (City of San Diego 2001) are incorporated in the San Diego Land Development Manual by reference. The guidelines establish a development review process to review for projects in the City. This process is composed of two aspects: the implementation of the Historical Resources Regulations and the determination of impacts and mitigation under CEQA. The guidelines provide property owners, the development community, consultants, and the public with explicit guidelines for the management of historical resources located within City jurisdiction. These guidelines are designed to implement the City's Historical Resources Regulations contained in the Land Development Code (Chapter 14, Division 3, Article 2) in compliance with applicable local, state, and federal policies and mandates, including, but not limited to, the City's General Plan, CEQA, and Section 106 of the NHPA. The intent of the guidelines is to ensure consistency in the management of the City's historical resources, including identification, evaluation, preservation/mitigation, and development.

The City's Historical Resources Guidelines (City of San Diego 2001) observe the following:

Historical resources include all properties (historic, archaeological, landscapes, traditional, etc.) eligible or potentially eligible for the National Register of Historic Places, as well as those that may be significant pursuant to state and local laws and registration programs such as the California Register of Historical Resources or the City of San Diego Historical Resources Register. "Historical resource" means site improvements, buildings, structures, historic districts, signs, features (including significant trees or other landscaping), places, place names, interior elements and fixtures designated in conjunction with a property, or other objects of historical, archaeological, scientific, educational, cultural, architectural, aesthetic, or traditional significance to the citizens of the City. They include buildings, structures, objects, archaeological sites, districts or landscapes possessing physical evidence of human activities that are typically over 45 years old, regardless of whether they have been altered or continue to be used. Historical resources also include traditional cultural properties. The following definitions are based, for the most part, on California's Office of Historic Preservation's (OHP) Instructions for Recording Historical Resources and are used to categorize different types of historical resources when they are recorded.

These guidelines are intended to protect, preserve, and, where damaged, restore the cultural resources of San Diego. The regulations apply to all development within the City when cultural resources are present within the premises regardless of the requirement to obtain NDP or SDP. The Historical Resources Regulations require that designated cultural resources and traditional cultural properties be preserved unless deviation findings can be made by the decision maker as part of a discretionary permit. Minor alterations consistent with the U.S. Secretary of the Interior's Standards are exempt from the requirement to obtain a separate permit, but must comply with the regulations



and associated cultural resources guidelines. Limited development may encroach into important archaeological sites if adequate mitigation measures are provided as a condition of approval. Historical Resources Guidelines, located in the Land Development Manual, provide property owners, the development community, consultants, and the general public explicit guidance for the management of cultural resources located within the City's jurisdiction. These guidelines are designed to implement the cultural resources regulations and guide the development review process from the need for a survey and how impacts are assessed to available mitigation strategies and report requirements and include appropriate methodologies for treating cultural resources located in the City. In general, the City's cultural resources provisions build on federal and state cultural resources laws and guidelines in an attempt to streamline the process of considering impacts to cultural resources within the City's jurisdiction, while maintaining that some resources not significant under federal or state law may be considered historical under the City's Guidelines. In order to apply the criteria and determine the significance of potential project impacts to a cultural resource, the APE of the project must be defined for both direct impacts and indirect impacts. Indirect impacts can include increased public access to an archaeological site, or visual impairment of a historically significant view shed related to a historic building or structure.

### ***City of San Diego General Plan***

The City's General Plan contains a Historic Preservation Element, that seeks "[t]o guide the preservation, protection, restoration, and rehabilitation of historical and cultural resources and maintain a sense of the City. To improve the quality of the built environment, encourage appreciation for the City's history and culture, maintain the character and identity of communities, and contribute to the City's economic vitality through historic preservation" (City of San Diego 2008). The Historic Preservation Element pertains to both historical and cultural resources that include elements from the built environment such as buildings, structures, objects, and districts; landscape features, including significant trees and plantings, hardscape, fountains, lighting, sculptures, signs and other natural or designed features; interior elements and fixtures designated in conjunction with a property; significant archaeological sites; and traditional cultural properties (City of San Diego 2008). The Historic Preservation Element contains the following goals:

- A. Identification and Preservation of Historical Resources:
  - Identification of the historical resources of the City
  - Preservation of the City's important historical resources
  - Integration of historic preservation planning in the larger planning process
- B. Historic Preservation, Education, Benefits, and Incentives:
  - Public education about the importance of historical resources

- Provision of incentives supporting historic preservation
- Cultural heritage tourism promoted to the tourist industry

### **5.6.3 IMPACT ANALYSIS**

#### **5.6.3.1 Issues 1, 2 and 3: Prehistoric and Historic Resources**

***Issue 1: Would the project result in the alteration, including the adverse physical or aesthetic effects and/or the destruction of a prehistoric or historic building (including architecturally significant building), structure, or object or site?***

***Issue 2: Would the project result in any impact to existing religious or sacred uses within the potential impact area?***

***Issue 3: Would the project result in the disturbance of any human remains, including those interred outside of formal cemeteries?***

#### **Threshold**

According to the City's Significance Determination Thresholds (City of San Diego 2022), impacts to historical resources would be significant if the project would:

- Result in the alteration, including the adverse physical or aesthetic effects and/or the destruction of a prehistoric or historic building (including an architecturally significant building), structure, object, or site
- Result in any impact to existing religious or sacred uses within the potential impact area
- Result in the disturbance of any human remains, including those interred outside of formal cemeteries.

All components of the development were considered in evaluating potential impacts to historical resources. Direct impacts generally result from activities that will cause damage to or have an adverse effect on the resource. For archaeological resources and traditional cultural properties, indirect impacts are often the result of increased public accessibility to resources not otherwise subject to impacts which may result in an increased potential for vandalism and site destruction.

#### **Impact**

##### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.6, the Cultural Resources Survey Report and the Phase II studies resulted in the recommendation that the impacted historical resource (CA-SDI-20031) is

not eligible for listing in the CRHR or local register. The effects of the Church on this resource were determined to not have a significant effect on the environment. No existing religious or sacred uses or human remains were identified within the Church parcel.

In the event that an unknown, intact archaeological material or burial-related items were encountered during construction of the Church, the potential disturbance to the site would be a potentially significant impact that would be mitigated through Mitigation Measure CR-1 which would ensure that steps are taken to identify and properly handle potential archaeological resources or human remains when they are encountered. Additionally, archaeological and Native American monitoring was recommended for all primary ground disturbance within the upper 2 to 4 feet of matrix. Refer to the 2014 Church EIR Chapter 5.6 for additional details.

### ***Changes in Circumstances/New Information***

#### **Direct Impacts**

As discussed under Section 5.6.2, Existing Conditions, the Assisted Living Facility parcel has been evaluated to determine if significant cultural resources are present. The survey for El Camino Real Assisted Living Facility indicated that one previously recorded prehistoric cultural resource intersects the southeastern portion of the proposed project area. Testing was completed by an archaeologist, and the archeologist determined the portion of CA-SDI-687 that intersects the project area of potential effect does not possess a significant subsurface archaeological deposit. Based on the evaluation completed (Appendix F), the Assisted Living Facility parcel APE does not contain any known resources that are considered a significant cultural resource under CEQA (CEQA Guidelines Section 15064.5) or under cultural guidelines for the City of San Diego (City of San Diego 2022). No known religious or sacred uses are present within the Assisted Living Facility parcel, nor are any human remains known to be present. Due to the heavily disturbed nature of the site and the lack of significant resources located during archaeological excavations completed at the Assisted Living Facility parcel, the archaeologists have identified a low potential for unknown subsurface archaeological resources to be present at the Assisted Living Facility parcel.

#### **Indirect Impacts**

Indirect impacts to cultural resources could occur if a project introduces people to an area where there are significant cultural resources, as people could damage or take cultural resources. The proposed Assisted Living Facility development would retain 1.12 acres of open space adjacent to the proposed development. This open space area, as well as adjacent area to the east, includes site CA-SDI-687. As indicated above, the portion of CA-SDI-687 within the project site was already tested and determined not to be significant. As the testing determined this portion of the site is

not significant, indirect impacts to the portion of this resource on the site would not be significant. Further, the project includes physical barriers to prevent future residents of the project from accessing the proposed open space and adjacent MHPA areas where there is potential for cultural resources. This includes the use of retaining walls and hedges along the eastern side of the proposed development to prevent entry into the adjacent preserved area. In addition, the topological difference between the development area and the adjacent area would also discourage residents and visitors from entering the open space. Further, fencing would be provided along the MHPA boundary to prevent people from entering the open space. Additionally, the area would also be covered by a Covenant of Easement in conformance with the City's Environmentally Sensitive Lands (ESL) regulations, which prohibits trespass and uses that could result in indirect impacts to cultural resources. Overall, the Assisted Living Facility is not anticipated to result in significant indirect impacts to cultural resources.

### **Significance of Impact**

The Cultural Resources Survey Report and the Phase II studies resulted in the recommendation that the impacted historical resource (CA-SDI-687) is not eligible for listing in the CRHR or local register. The effects of the project on this resource is not considered a significant effect on the environment. The Assisted Living Facility would impact no known significant cultural resources. As with the Church parcel previously analyzed in the 2014 Church EIR, there is low potential for the Assisted Living Facility grading activities during construction to result in potential impacts to unknown subsurface cultural resources. However, as identified in the 2014 Church EIR, there is a low potential to uncover unique artifacts, features, or human remains during grading for project development. For this reason, archaeological and Native American monitoring is recommended for all primary ground disturbance. In the event that an unknown, intact archaeological material or burial-related items are encountered during project construction, the potential disturbance to the site would be a **potentially significant impact (Impact CR-1)**.

Based on the above, no new significant historical resource impacts or substantial increases in previously identified historical resource impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of project modifications. The 2014 Church EIR previously identified that potential impacts to cultural resources would occur.

### **Mitigation**

Potential impacts to historical resources (**Impact CR-1**) would be reduced to below a level of significance through implementation of the following mitigation measure, which has been updated to reflect City's standard language.

**MM-CR-1:** The following shall be implemented to protect unknown archaeological resources and/or grave sites that may be identified during project construction phases.

## **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 Hazardous Waste Operations and Emergency Response Standard (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 (1/2 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 one-quarter 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 Occupational Safety and Health Administration (OSHA) safety requirements may necessitate modification of the AME.
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.

#### **B. Discovery Notification Process**

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

#### C. Determination of Significance

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

### **IV. Discovery of Human Remains**

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (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 notified by the Commission; OR;
- b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
- c. In order to protect these sites, the Landowner shall do one or more of the following:
  - (1) Record the site with the NAHC;
  - (2) Record an open space or conservation easement on the site;
  - (3) Record a document with the County.
- d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and 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 CSV and submit to MMC via fax by 8AM of the next business day.
    - b. Discoveries

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

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.
    - d. The PI shall immediately contact MMC, or by 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 draft Monitoring 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.

### Significance of Impact After Mitigation

The project impact to Historical Resources (**Impact CR-1**) would be reduced to **less than significant with Mitigation Measure (MM) CR-1**, as this measure requires a qualified archaeological monitor that would monitor areas with potential to yield subsurface archaeological resources to ensure impacts to significant cultural resources are avoided. Thus, impacts would be **less than significant with mitigation**. It is noted that the 2014 Church EIR identified a potential impact to cultural resources and also included similar monitoring requirements to reduce the potential impact to below a level of significance.

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## **5.7 PALEONTOLOGICAL RESOURCES**

Chapter 5.7, Paleontological Resources, of the 2014 St. John Garabed Armenian Church Project Final Environmental Impact Report (2014 Church EIR) discloses information regarding the approved St. John Garabed Church (Church) and associated paleontological resources analysis. A summary of that analysis is included in Section 5.7.3, below, for the convenience of the reader. However, refer to the 2014 Church EIR, Chapter 5.7, for details.

As the focus of the analysis within this FSEIR is the addition of the El Camino Real Assisted Living Facility (Assisted Living Facility), the additional information provided below is intended to provide a paleontological resources analysis update to the 2014 Church EIR for the proposed Assisted Living Facility. The analysis is based on the following technical analysis, which is included as Appendix G to this FSEIR:

- Revised Geotechnical Update and Storm Water Infiltration Study Assisted Living Facility prepared by GeoSoils Inc. in September 2020, and updated in April 2021

### **5.7.1 EXISTING CONDITIONS**

Paleontological resources (fossils) are the remains and/or traces of prehistoric plant and animal life exclusive of human remains or artifacts. Fossil remains such as bones, teeth, shells, and wood are found in the geologic deposits (rock formations) in which they were originally buried. Paleontological resources represent a limited, non-renewable, sensitive scientific and educational resource.

The potential for fossil remains at a location can be predicted through previous correlations that have been established between the fossil occurrence and the geologic formations within which they are buried. For this reason, knowledge of the geology of a particular area and the paleontological resource sensitivity of particular rock formations, make it possible to predict where fossils will or will not be encountered.

Within San Diego County there are a number of distinct geologic rock units (i.e., formations) that record portions of the past 450 million years of earth history. However, the record is most complete for only the past 75 million years.

#### **Geologic Units Underlying the Project Area**

Geologic units encountered during subsurface investigation and site reconnaissance included undocumented fill and Quaternary-age very old paralic deposits. A review of Geosoils (2011) and Geocon (2008) indicate that surficial deposits of colluvium (topsoil) older and Eocene-age sedimentary bedrock also occur either as thin surficial, or near surface deposits (colluvium), or at

depth (bedrock). The earth materials encountered are generally described below from the youngest to oldest (Appendix G).

***Undocumented Artificial Fill (Map Symbol - afu)***

Existing, undocumented fill was observed within two general areas of the site. The first area includes the westernmost two-thirds of the site and appear to be associated with construction of the Church to the north, as the subject site was periodically used to stockpile soil. Where observed, existing fills in this area appear to consist of dry, silty to clayey sand, and appear to form a thin veneer, ranging from  $\pm$  0.3 to 1 foot in thickness, from the eastern portion of the lot to the west end of the proposed construction, respectively. The second area includes a thin veneer of surficial fills that appear to have been pushed over the existing, east facing slope. These fills appear to have been placed as push fills over the existing slope resulting from previous agricultural work on site and do not appear to be located in the vicinity of the limits of work.

***Colluvium (Topsoil) (not Mapped)***

Surficial deposits of colluvium (Topsoil per Geocon 2008) were encountered in preparation of Geocon (2008) and Geosoils (2011). These deposits were not noted at the selected exploration sites during the time of the Geotechnical Update and Storm Water Infiltration Study (2020), and were likely removed, redistributed, or otherwise disturbed during earthwork associated with the Church parcel to the north. While not encountered during the Geotechnical Update and Stormwater Infiltration Study, these deposits likely occur elsewhere across the limits of work.

As encountered in preparation of Geocon (2008) and Geosoils (2011) colluvial soils consist of a surficial, or near surface layer varying from a silty to clayey fine sand to a silty sand with clay. Where observed (Geocon 2008; Geosoils 2011), these soils were typically dark brown, dry to moist, loose and porous.

***Very Old Paralic Deposits (Map Symbol - Qvop)***

Quaternary-age very old paralic deposits were encountered beneath surficial deposits of fill. Where observed, these deposits consist of predominately silty sand. These sediments are typically dark gray to reddish brown, dry, and very dense. Weathered, very old paralic deposits are considered potentially compressible in their existing state, and therefore should be removed and recompacted if settlement-sensitive improvements and/or planned fills are proposed within their influence.



## 5.7.2 REGULATORY FRAMEWORK

### Federal

The Paleontological Resources Preservation Act requires the secretaries of the Interior and Agriculture to manage and protect paleontological resources on federal land using scientific principles and expertise. The Omnibus Public Lands Act–Paleontological Resources Preservation (OPLA–PRP) includes specific provisions addressing management of these resources by the Bureau of Land Management, the National Park Service, the Bureau of Reclamation, the U.S. Fish and Wildlife Service, all of the Department of the Interior, and the Forest Service of the Department of Agriculture.

The OPLA–PRP affirms the authority for many of the policies that the federal land-managing agencies already have in place for the management of paleontological resources, such as issuing permits for collecting paleontological resources, curation of paleontological resources, and confidentiality of locality data. The OPLA–PRP only applies to federal lands and does not affect private lands. It provides authority for the protection of paleontological resources on federal lands, including criminal and civil penalties for fossil theft and vandalism. As directed by the OPLA–PRP, the federal agencies are in the process of developing regulations, establishing public awareness and education programs, and inventorying and monitoring federal lands.

### State

The California Environmental Quality Act Guidelines require that all private and public activities not specifically exempted be evaluated against the potential for environmental damage, including effects to paleontological resources. Paleontological resources are recognized as part of the environment under the California Environmental Quality Act Guidelines.

### Local

#### ***City of San Diego Municipal Code – Paleontological Resources Requirements for Grading Activities***

Chapter 14, Article 2, Division 1 of the City of San Diego (City) Municipal Code was updated in March 2018 to include the following for paleontological resources:

#### Section 142.0151: Paleontological Resources Requirements for Grading Activities

- a) Paleontological resources monitoring shall be required in accordance with the General Grading Guidelines for Paleontological Resources in the Land Development Manual for any of the following:
  - (1) Grading that involves 1,000 cubic yards or greater, and 10 feet or greater in depth, in a High Resource Potential Geologic Deposit/Formation/Rock Unit; or

- (2) Grading that involves 2,000 cubic yards or greater, and 10 feet or greater in depth, in Moderate Resource Potential Geologic Deposit/Formation/Rock Unit; or
  - (3) Grading on a fossil recovery site or within 100 feet of the mapped location of a fossil recovery site.
- b) If paleontological resources, as defined in the General Grading Guidelines for Paleontological Resources, are discovered during grading, notwithstanding [San Diego Municipal Code] Section 142.0151(a), all grading in the area of discovery shall cease until a qualified paleontological monitor has observed the discovery, and the discovery has been recovered in accordance with the General Grading Guidelines for Paleontological Resources.

### ***City of San Diego Paleontology Guidelines***

Since it is the underlying formation and geologic rock units that contain the fossil remains, resource sensitivity/potential levels are rated for individual geologic formations. The resource sensitivity levels and potential ratings are adapted from the resource sensitivity levels and potential ratings described by the City (City of San Diego 2022).

## **5.7.3 IMPACT ANALYSIS**

### **5.7.3.1 Issues 1 and 2: Paleontological Resources**

***Issue 1: Would the project require over 1,000 cubic yards of excavation in a high resource potential geologic deposit/formation/rock unit?***

***Issue 2: Would the project require over 2,000 cubic yards of excavation in a moderate resource potential geologic deposit/formation/rock unit?***

#### **Threshold**

According to the City's Significance Determination Thresholds (City of San Diego 2022), impacts to paleontological resources would be significant if the project:

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

The paleontological sensitivity levels are based on the following:

- **High Sensitivity** – these formations are known to consist of geological deposits, formations, and rock units such as Delmar Formation (Td), Friars Formation (Tf), Lindavista Formation (QIn, QLB) occurring in Mira Mesa/Tierrasanta, Lusardi Formation (KI) occurring within Black

Mountain Ranch/Lusardi Canyon Poway/Rancho Santa Fe, Mission Valley Formation (TMV), Mt. Soledad Formation (Tm, Tmss, Tmssc) occurring in Rose Canyon, Otay Formation (To), Point Loma Formation (Kp), Pomerado Conglomerate (Tp) within Scripps Ranch/Tierrasanta, San Diego Formation (Qsd), Scripps Formation (Tsd), Stadium Conglomerate (Tst), Sweetwater Formation, and Torrey Sandstone (Tf) located within Black Mountain Ranch/Carmel Valley. Monitoring is required for grading that is greater than 1,000 cubic yards and depths that are 10 feet or greater.

- **Moderate Sensitivity** – Moderate sensitivity is assigned to geological deposits, formations, and rock units consisting of Cabrillo Formation (KCS), Lindavista Formation (QIn, QLB), Lusardi Formation (KI), Mt. Soledad Formation (Tm, Tmss, Tmssc), Pomerado Conglomerate (Tp), River/Stream Terrace Deposits (Qt) occurring in South Eastern/Chollas Valley/Fairbanks Ranch/Skyline/Paradise Hills/Otay Mesa, Nestor/San Ysidro, and Santiago Peak Volcanics (Jsp) occurring in Black Mountain Ranch/La Jolla Valley, Fairbanks Ranch/Mira Mesa/Peñasquitos. Monitoring is required for grading that is over 2,000 cubic yards and depths that are 10 feet or greater.
- **Low or Unknown Sensitivity** – Low sensitivity is assigned to geologic or surficial formation/materials that consist of Alluvium (Qsw, Qal, or Qls), River/Stream Terrace Deposits (Qt), and Torrey Sandstone (Tf). No monitoring is required in areas with low sensitivity.
- **Very Low Sensitivity** – These formations consist of volcanic or plutonic igneous rocks with a molten origin (such as Granite/Plutonic [Kg] and Santiago Peak Volcanics [Jsp]). No monitoring is required in areas with low sensitivity.

## Impact

### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.7, the alluvial and slopewash deposit was assigned a low paleontological sensitivity. Impacts to these areas were determined to be less than significant. The Bay Point Formation has been assigned high paleontological resource sensitivity. It was determined that the Church grading activities could disturb previously unrecorded paleontological material, these impacts could be significant in the absence of the proper mitigation such as construction monitoring. Mitigation Measure PALEO-1 was determined to reduce the potential significant impacts to paleontological resources to be less than significant. Refer to the 2014 Church EIR Chapter 5.7 for additional details.

### ***Changes in Circumstances/New Information***

The Assisted Living Facility parcel is underlain by one formation with a high paleontological resource sensitivity rating (Old paralic deposits) for the occurrence of sensitive paleontological

resources. The Assisted Living Facility would require the excavation of approximately 26,435 cubic yards of soil to a maximum cut depth of 12.4 feet. Thus, the Assisted Living Facility would result in the excavation of over 1,000 cubic yards of soil to a depth of greater than 10 feet within an area that has a high paleontological resources sensitivity rating. Since the certification of the 2014 Church EIR, the City adopted San Diego Municipal Code Section 142.0151, which requires paleontological monitoring when this threshold is exceeded. Because the Assisted Living Facility's grading activity would exceed the 1,000 cubic yard threshold for excavation within a moderate resource potential geologic unit, the Assisted Living Facility is subject to the grading ordinance (San Diego Municipal Code Section 142.0151) and the requirement for paleontological monitoring, which would be made a condition of approval, per Compliance Measure (CM) PAL-1. In accordance with Appendix P of the City's Land Development Manual, regulatory compliance would preclude impacts to paleontological resources. In conclusion, the project would not result in any additional impacts to those that are previously disclosed in the 2014 Church EIR.

### ***Significance of Impact***

The Assisted Living Facility is subject to the grading ordinance (San Diego Municipal Code Section 142.0151) and the requirement for paleontological monitoring, which would be made a condition of approval. In accordance with Appendix P of the City's Land Development Manual, regulatory compliance would preclude impacts to paleontological resources. Impacts to paleontological resources would be **less than significant**.

Based on the above, no new significant paleontological resource impacts or substantial increases in previously identified paleontological resource impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Mitigation**

No mitigation would be required. Mitigation Measure PALEO-1, identified in the 2014 Church EIR, would not be applicable to the proposed Assisted Living Facility because paleontological monitoring is now required by ordinance and is included as CM-PAL-1.

## **5.8 TRANSPORTATION**

Chapter 5.8, Transportation/Circulation and Parking, of the 2014 St. John Garabed Armenian Church Final Environmental Impact Report (2014 Church EIR), discloses information regarding the approved St. John Garabed Armenian Church (Church) and associated transportation analysis. A summary of that analysis is included for each issue in Section 5.8.3 below for the convenience of the reader. However, refer to the 2014 Church EIR, Chapter 5.8, for details.

As the focus of the analysis within this FSEIR is the addition of the El Camino Real Assisted Living Facility (Assisted Living Facility), the additional information provided below is intended to provide a transportation analysis update to the 2014 Church EIR for the proposed Assisted Living Facility. The following discussion addresses the proposed Assisted Living Facility effects related to on-site circulation, transit, pedestrian, and bicycle facilities. To assess access and vehicle miles traveled (VMT), the following Access Analysis and VMT Evaluation were completed and are included as Appendices H1 and H2, respectively.

- El Camino Real Senior Living Access Analysis prepared by Chen Ryan in August 2021.
- El Camino Real Senior Living Transportation Impact Threshold and VMT Screening Evaluation prepared by Chen Ryan in March 2022.

### **5.8.1 EXISTING CONDITIONS**

The existing transportation facilities surrounding the project site are described below:

El Camino Real is a 4-lane major roadway with a raised median that runs north/south in the North City Future Urbanizing Area (NCFUA). In the project area, El Camino Real connects to Via de la Valle to the north and Del Mar Heights Road to the south. The roadway provides driveway access to the Church to the north of the Assisted Living Facility parcel. The NCFUA Framework Plan proposes an ultimate classification of 4-lane Major Arterial for El Camino Real. The posted speed limit is 50 miles per hour. El Camino Real is pedestrian accessible with existing contiguous sidewalks on the east side and no existing sidewalk on the west side. El Camino Real also includes a Class II bicycle lane along both sides of the roadway. There are no existing or planned transit facilities within the vicinity of the project.

## 5.8.2 REGULATORY FRAMEWORK

### State

#### ***California Department of Transportation***

The California Department of Transportation (Caltrans) is the public agency responsible for designing, building, operating, and maintaining California's State highway system, which consists of freeways, highways, expressways, toll roads. Caltrans is also responsible for permitting and regulating the use of State roadways.

#### ***Senate Bill 743 and Transportation Study Manual***

On September 27, 2013, Governor Jerry Brown signed Senate Bill (SB) 743 into law changing the way transportation impact analysis is conducted under CEQA. Within the State's CEQA Guidelines, these changes include elimination of auto delay, LOS, and similar measurements of vehicular roadway capacity and traffic congestion as the basis for determining significant transportation impacts. In December 2018, new CEQA Guidelines implementing SB 743 (Section 15064.3), along with the Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts for CEQA, were finalized and made effective. CEQA Guidelines Section 15064.3, and the associated OPR Technical Advisory, provide that use of automobile Vehicle Miles Traveled, or VMT, is the preferred CEQA transportation metric, and correspondingly eliminate auto delay/LOS as the metric for assessing significant transportation impacts under CEQA statewide. Under Section 15064.3, statewide application of the new VMT metric was required beginning on July 1, 2020.

#### ***Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA***

The December 2018 "Technical Advisory on Evaluating Transportation Impacts in CEQA" (OPR Technical Advisory) is one in a series of advisories provided by the Governor's OPR as a service to professional planners, land use officials, and CEQA practitioners. This advisory contains technical recommendations regarding the assessment of VMT-related impacts, thresholds of significance, and mitigation measures. OPR issues technical assistance on issues that broadly affect the practice of land use planning and the CEQA (PRC 21000 et seq.; Gov. Code 65040 [g][l][m]). The purpose of the OPR Technical Advisory is to provide advice and recommendations, which agencies and other entities may use at their discretion. According to its text, the document does not alter lead agency discretion in preparing environmental documents subject to CEQA and the document should not be construed as legal advice.

## **Local**

### ***General Plan***

The Mobility Element (City of San Diego 2015a) of the City General Plan defines policies regarding traffic flow and transportation facility design. The purpose of the Mobility Element is “to improve mobility through development of a balanced, multi-modal transportation network.” The main goals of the Mobility Element pertain to walkable communities, transit first, street and freeway systems, intelligent transportation systems, transportation demand management, bicycling, parking management, airports, passenger rail, goods movement/freight, and regional transportation coordination and financing. The Mobility Element contains policies that help make walking more viable for short trips, in addition to addressing various other transportation choices in a manner that strengthens the City of Villages land use visions and helps to achieve a sustainable environment.

### **North City Future Urbanizing Area Framework Plan**

In 1992, the City Council adopted the North City Future Urbanizing Area (NCFUA) Framework Plan to address the growth management strategy from the 1979 General Plan through comprehensive planning of this portion of the Future Urbanizing Area. As explained in the City of San Diego Planning Department website, there is no “typical” community plan for this area. Planning and land use policies for this area are contained in the NCFUA Framework Plan and the City’s General Plan. The proposed project site is located within Subarea II of the NCFUA Framework Plan. The NCFUA Framework Plan’s two main objectives in relation to transportation include the need to limit traffic impacts in adjoining neighborhoods, and the need to accommodate densities and land use patterns that will support transit use and promote walking and bicycle use.

### ***City of San Diego Bicycle Master Plan***

The 2013 City Bicycle Master Plan, which updates the City’s 2002 plan, presents a bicycle network, projects, policies, and programs for improving bicycling through 2030 and beyond, consistent with the City’s 2008 General Plan mobility, sustainability, health, economic, and social goals. The goals of the Bicycle Master Plan are to create: a city where bicycling is a viable travel choice, particularly for trips of less than 5 miles; a safe and comprehensive local and regional bikeway network; and environmental quality, public health, recreation and mobility benefits through increased bicycling. These goals are supported by twelve key policies to help bicycling become a more viable transportation mode for trips of less than 5 miles, to connect to transit, and for recreation.

The Bicycle Master Plan addresses existing bicycling conditions, the relationship of the Plan to other plans and policies, a bicycle needs analysis, bicycle facility recommendations, bicycle program recommendations, and implementation and funding issues.

### ***City of San Diego Pedestrian Master Plan***

The City has developed a Pedestrian Master Plan (City of San Diego 2006, 2015b) to guide the planning and implementation of pedestrian improvement projects in the City. The Master Plan will help the City enhance neighborhood quality and mobility options by facilitating pedestrian improvement projects, and will identify and prioritize improvement projects based on technical analysis and community input, as well as improve the City's ability to receive grant funding for implementation of pedestrian projects. Volume 1 addresses the first seven communities: Greater North Park, Southeastern San Diego, Greater Golden Hill, Uptown, Normal Heights, Barrio Logan, and City Heights. Volume 2 addresses an additional seven communities, including College, Kensington-Talmadge, Midway-Pacific Highway, Old Town, Ocean Beach, Pacific Beach, and San Ysidro. The project site is not located within these communities.

### ***The City of San Diego Transportation Study Manual***

The City prepared its own guidelines for VMT analysis in compliance with SB 743 – these guidelines are contained in the City's Transportation Study Manual, which was approved by City Council on November 9, 2020, and became effective January 8, 2021. The City's guidelines are consistent with the OPR Technical Advisory described above.

### ***The City of San Diego Complete Communities: Housing Solutions and Mobility Choices***

The City adopted two new ordinances, collectively referred to as Complete Communities: Housing Solutions and Mobility Choices (Complete Communities). Regulations for Complete Communities: Mobility Choices can be found in the San Diego Municipal Code (SDMC) Chapter 14, Article 3, Division 11. General Regulations for Complete Communities Housing Solutions can be found in SDMC Chapter 14, Article 3, Division 10. The City also adopted Resolution R-313281 Approving an Active Transportation In Lieu fee to implement Ordinance 21274. The adoption of this program (Resolution R-313281 and Ordinance 21274) specifically indicate these Ordinances do not apply to projects "deemed complete prior to the date on which the applicable provision of this Ordinance become effective." These regulations were not effective in the Coastal Zone until September 7, 2022. This project was deemed complete prior to the effective date of this program. As such, these ordinances do not apply to the project.



## **5.8.3 IMPACT ANALYSIS**

### **5.8.3.1 Issue 1: Consistency with Applicable Transportation Programs and Regulations**

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

#### **Threshold**

The City of San Diego Transportation Study Manual (TSM, City of San Diego 2020a) outlines the transportation analysis requirements for land development, roadway projects, and specific plans in the City of San Diego. Therefore, the assessment under Section 5.8.3.2 below evaluates the proposed project's impacts based on the VMT screening assessment included in the Project Information Form prepared for the project (Appendix H2).

#### **Impact**

##### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.8, Transportation/Circulation and Parking, it was determined that the Church would not result in any significant impact to study intersections or roadway segments. The Church parcel does not have service from the MTS, and there are no existing or planned bus or train routes in the vicinity of the Church. It was determined that the Church would not interfere with pedestrian and bicycle facilities along El Camino Real. Impacts to the existing, planned, and alternative transportation system were determined to be less than significant. Additionally, as determined in the 2014 Church EIR Chapter 5.1, Land Use, the Church would be consistent with applicable plans. Refer to 2014 Church EIR Chapter 5.8 for additional details.

##### ***Changes in Circumstances/New Information***

As shown in Appendix H1, the project is anticipated to generate 234 average daily trips. This project trips would not conflict with an adopted program, plan, ordinance, or policy addressing the transportation system.

The City's General Plan Mobility Element contains policies that will help walking become more viable for short trips, and for transit to more efficiently link highly frequented destinations, while still preserving auto-mobility. The Assisted Living Facility's consistency with individual policies is analyzed in Section 5.1, Land Use, of this FSEIR. As determined in Section 5.1, the Assisted Living Facility would be consistent with all mobility element goals and policies. Refer to Section 5.1, Land Use, for additional details.

The NCFUA framework plan transportation section includes two transportation objectives for development within the NCFUA. The two objectives include limiting the traffic impacts of adjoining neighborhoods and accommodating densities and land use patterns that will support transit use and promote walking and bicycle use. As determined in Appendix H1, the Assisted Living Facility would not cause adverse impacts on traffic operations to any roadway segments or intersections in the vicinity and no improvements would be required. As with the Church previously analyzed in the 2014 Church EIR, the Assisted Living Facility was determined to not interfere with any existing or planned pedestrian or bicycle facilities. The Assisted Living Facility would include the installation of 12 short-term bicycle spaces and four long-term bicycle spaces.

As discussed in Section 5.5, Greenhouse Gas Emissions, the Assisted Living Facility was determined to be consistent with the City's Climate Action Plan (City of San Diego 2015c). Specifically, the Assisted Living Facility would implement transportation demand management measures including: A parking management plan that includes charging employees market-rate for single-occupancy vehicle parking and providing reserved, discounted, or free spaces for registered carpools or vanpools; a commitment to maintaining an employer network in the SANDAG iCommute program and promoting its RideMatcher services to employees; flexible or alternative work hours (stage employee work hours to avoid all employees arriving at peak travel times); and access to services that reduce the need to drive, including access to on-site cafe and meal programs, and gym.

As identified in the 2014 Church EIR, the area surrounding the project is not served by MTS; there are no existing or planned bus or train routes within convenient walking distance (0.5 miles) of the project. Therefore, the project proposes shuttle service to the nearest transit stop, the Solana Beach COASTER Station. As previously identified in the 2014 Church EIR, El Camino Real includes a sidewalk along the eastern side of the road, and Class II bicycle lanes on both sides of the roadway; the Assisted Living Facility would not interfere with the continued use of the sidewalk and bicycle lanes. Additionally, bicycle amenities, such as bicycle parking and storage will be provided on site. The Assisted Living Facility is consistent with policies within the City's General Plan, NCFUA Framework Plan, and the City's Climate Action Plan.

### **Significance of Impact**

The proposed Assisted Living Facility would be consistent with applicable plans and policies related to transportation, and impacts would be **less than significant**.

Based on the above, no new significant alternative transportation impacts or substantial increases in a previously identified alternative transportation impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## **Mitigation**

No mitigation would be required.

### **5.8.3.2 Issue 2: VMT**

#### ***Issue 2: Would the project result in VMT exceeding thresholds identified in the City's Transportation Study Manual?***

#### **Threshold**

The City Transportation Study Manual (City of San Diego 2022) 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 TSM provides guidelines for screening criteria, significance thresholds, analysis methodology, and mitigation measures.

#### **Impact**

##### ***Previous EIR***

The previous EIR did not identify any significant impacts related to the number of trips generated by the Church. As indicated in 2014 Church EIR Chapter 5.8, the Church would not result in any significant impact to study area intersections or roadway segments based on level of service and delay-based findings per the methodology provided in the City of San Diego Traffic Impact Study Manual (1998). Refer to 2014 Church EIR Chapter 5.8 for additional details.

##### ***Changes in Circumstances/New Information***

While SB 743 was signed into law on September 27, 2013, the implementing CEQA Guideline, 15063.4, effective December 28, 2018, set a deadline of July 1, 2020, for jurisdictions to transition from using LOS as a metric for determining transportation impacts to VMT. Since the 2014 Church EIR was certified on February 28, 2014, the 2014 Church EIR was not required to use VMT as a metric to determine transportation related impacts as to the Church analyzed therein. As identified in Appendix H2, this shift is not new information of substantial importance for purposes of subsequent environmental review because it is information that was known or could have been known at the time of the certification of the 2014 Church EIR. Therefore, the VMT related to the 2014 Church EIR is not new information of substantial importance for purposes of this Final Subsequent EIR and consistency of the changes for the proposed project is provided below. However, the change attributable to the proposed Assisted Living Facility is subject to the City Transportation Study Manual (City of San Diego 2020a). Thus, a VMT screening criteria assessment of the Assisted Living

Facility is included in the Project Information Form and Traffic Impact Threshold and VMT Screening Evaluation memo (Appendices H1 and H2).

In accordance with the City's screening criteria, the Assisted Living Facility's trip generation was determined per the City of San Diego's Trip Generation Manual (City of San Diego 2003). Based on the proposed 87 congregate care facility estate housing units that generate two trips per day each, and the 20 convalescent/nursing beds that generate three trips per day, the Assisted Living Facility would generate a total of 234 daily trips (Appendix H1). As identified in the screening criteria, the Assisted Living Facility would generate less than 300 daily unadjusted driveway trips and is considered a "Small Project" per the City's Transportation Study Manual (City of San Diego 2020a). If the proposed project meets at least one of the screening criteria, it would be presumed to have a less than significant VMT impact. As such, the Assisted Living Facility can be presumed to have a less than significant transportation VMT impact and a full VMT analysis is not required.

### **Significance of Impact**

As the Assisted Living Facility meets the "Small Project" screening criteria in the City's Transportation Study Manual (City of San Diego 2020a), Assisted Living Facility transportation VMT impacts would be **less than significant**.

Based on the above, no new significant transportation impacts or substantial increases in a previously identified transportation impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Mitigation**

No mitigation would be required.

#### **5.8.3.3 Issue 3: Hazardous Design**

***Issue 3: Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?***

### **Threshold**

The proposed project would be considered a significant impact if there was a substantial increase in hazards due to a design feature or incompatible use.

## Impact

### *Previous EIR*

Access to the project site was proposed via one right-in/right-out only driveway along El Camino Real. As indicated in the 2014 Church EIR Section 5.8.18, Transportation, the location of the driveway along the curve of El Camino Real in combination with the adjacent roadway speed, the driveway would not provide adequate sight distance and would be a potential hazard if a full access driveway was provided. Therefore, the project proposed a raised median to prohibit left turns in and out of the Church and proposed a 960-foot-long acceleration lane with 600 foot merge taper in the northbound direction to allow exiting right-turning vehicles to accelerate and merge into the through travel lane adequately. Additionally, the Church proposed a northbound, 140-foot-long exclusive right turn lane with 100-foot taper at the Church driveway entrance. It was determined that with the incorporation of the raised median, acceleration lane and exclusive right turn lane as project features, the Church would not include any components that would result in a substantial increase in traffic hazards due to design features or incompatible uses and impacts would be less than significant. Refer to 2014 Church EIR Chapter 5.8 for additional details.

### *Changes in Circumstances/New Information*

There would be no hazardous design features or incompatible uses introduced as a result of the Assisted Living Facility. Construction would take place within the existing site. Access to the Assisted Living Facility would be provided via the right-in/right-out only driveway along El Camino Real described above, and from an ingress/egress access easement through the Church parcel.

The access analysis (Appendix H1) evaluated the effect of the proposed Assisted Living Facility on the local transportation network and to determine if any improvements in addition to those identified in the 2014 Church EIR are needed. As detailed in Appendix H1, the Assisted Living Facility would not have an adverse effect on intersections or roadway segments and would remain consistent with the operational analysis results included in the 2014 Church EIR. Thus, the Assisted Living Facility would not substantially increase hazards due to a geometric design features or incompatible use.

### **Significance of Impact**

The proposed development of the Assisted Living Facility would use the Church entrance onto El Camino Real and no other improvements would be required. The Assisted Living Facility would not introduce new design features or incompatible uses that would substantially increase hazards, and traffic hazard impacts would be **less than significant**.

As concluded in Appendix H1, the Assisted Living Facility was determined to be consistent with the findings of the Church's Traffic Impact Study (TIS) and would be consistent with the operational analysis results from the Church TIS. No new significant transportation hazard impacts or substantial increases in a previously identified transportation hazard impact analyzed and disclosed in the previously-certified 2014 Church EIR would occur as a result of the project modifications.

### **Mitigation**

No mitigation would be required.

#### **5.8.3.4 Issue 4: Emergency Access**

##### ***Issue 4: Would the project result in inadequate emergency access?***

### **Threshold**

Based on the City's Significance Determination Thresholds (2020b), a proposed project would result in a significant impact if it would result in inadequate emergency access.

### **Impact**

#### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 3.0, Project Description, the Church was designed to enable fire apparatus and emergency vehicle access via dedicated and maintained roads. No impact was identified related to emergency access. Refer to 2014 Church EIR Chapter 3.0 for additional details.

#### ***Changes in Circumstances/New Information***

As with the Church previously analyzed in the 2014 Church EIR, access to the Assisted Living Facility parcel would be via one proposed right-in/right-out only driveway along El Camino Real. The fire access lane would start at the Church access point from El Camino Real and end at the Assisted Living Facility parking lot, which can be seen in Figure 3-3, Fire Access Plan. Additionally, the Assisted Living Facility would provide a hammerhead turn around at the entrance to the Assisted Living Facility as well as an alternate t-turn that would accommodate fire apparatuses. All private access roads as a part of the Assisted Living Facility would be constructed in accordance with SDMC Sections 55.8701 and 55.8703, which outline the requirements for fire apparatus access roads and gates to ensure adequate emergency access within the site. The required fire access roads throughout the area are designed to meet County of San Diego Consolidated Fire Code, including 24 foot-wide, unobstructed roadways, adequate parking, turning radius, grade maximums, and roadside fuel modification zones. As concluded by the City of San Diego Traffic Engineer, the Assisted Living Facility would have adequate

emergency access (City of San Diego 2021). In conclusion, the addition of the Assisted Living Facility would not impact emergency access to the project site as previously disclosed in the 2014 Church EIR.

### **Significance of Impact**

As analyzed in the 2014 Church EIR, the primary site access would be via one proposed right-in/right-out only driveway along El Camino Real. The Assisted Living Facility design would comply with the City's emergency access requirements and the proposed driveway would be constructed per City of San Diego Standard Drawings. Therefore, the proposed Assisted Living Facility would have adequate emergency access and impacts would be **less than significant**.

Based on the above, no new significant emergency access impacts or substantial increases in a previously identified emergency access impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Mitigation**

No mitigation would be required.

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## **5.9 VISUAL EFFECTS AND NEIGHBORHOOD CHARACTER**

Chapter 5.9, Visual Effects and Neighborhood Character, the 2014 St. John Garabed Armenian Church Final Environmental Impact Report (2014 Church EIR) discloses information regarding the approved St. John Garabed Armenian Church (Church) and associated visual analysis. A summary of that analysis is included for each issue in Section 5.9.3 below for the convenience of the reader. However, refer to the 2014 Church EIR Chapter 5.9 for details.

As the focus of the analysis within this FSEIR is the addition of the El Camino Real Assisted Living Facility (Assisted Living Facility), the additional information provided below is intended to provide a visual analysis update to the 2014 Church EIR for the proposed Assisted Living Facility. The information and analysis in this section have been compiled based on site visits and photos of the project area. Additionally, pertinent documents were reviewed, including the City of San Diego (City) General Plan (City of San Diego 2008a) and the City's Municipal Code.

### **5.9.1 EXISTING CONDITIONS**

#### **On-Site Land Use**

The 17.33-acre project site consists of two parcels. The 13.36-acre Church parcel is currently developed with the approved 350-seat main church building. The three accessory structures associated with the Church have not yet been constructed. Access to the Church parcel is provided via El Camino Real.

The 3.97-acre Assisted Living Facility parcel is currently undeveloped; however, in the past, the property was used for agriculture. The western mesa portion of the parcel is relatively flat and consists of disturbed habitat. Vegetation on the eastern portion of the parcel consist of denser eucalyptus woodland and Arundo-dominated riparian habitat. A dirt path extends north to south through the central area of the site. The southern Assisted Living Facility parcel is accessible only through the Church parcel driveway on El Camino Real.

#### **Off-Site Land Use**

As discussed in Section 5.1, Land Use (see Section 5.1.2, Existing Conditions, and Figure 5.1-1), the project site's immediate surrounding land uses include El Camino Real and the San Dieguito Lagoon to the north, undeveloped land to the east, residential uses to the south, and an existing church (Evangelical Formosan Church) to the west. In addition to these existing adjacent uses, a single-family residential area and equestrian centers are located further east and west of Old El Camino Real in Gonzales Canyon. Most of the area further north and west consists of undeveloped open space dedicated to habitat restoration, recreational uses, and agriculture or

agriculture-related uses. This includes the Southern California Edison (SCE) San Dieguito Lagoon Wetlands Restoration Project. An overhead utility line supported by tall wooden poles runs north-south between the project site and adjacent Church. El Camino Real is adjacent to the western boundary of the Evangelical Formosan Church to the west of the project site. Interstate (I) 5, a major north-south transportation corridor, is located approximately 0.6 miles to the west. The Del Mar Race Track/Del Mar Fairgrounds are located approximately 1.4 and 1.3 miles northwest of the project site, respectively. Other land uses in the surrounding area include the Fairbanks Ranch Country Club (1.6 miles northeast of the project site), the Del Mar Polo Fields (1.15 miles northeast of the project site), and commercial uses in the Del Mar Center (0.90 miles northwest of the project site).

### **Neighborhood Character**

As discussed in Section 5.1, Land Use, the project site is located in the NCFUA Subarea II (San Dieguito) of the City's General Plan. The NCFUA Framework Plan area encompasses NCFUA Subarea II and the communities of Pacific Highlands Ranch, Del Mar Mesa, Torrey Highlands, and Black Mountain Ranch and consists of approximately 12,000 acres stretching from I-5 west to almost I-15 and the Santa Fe Valley south to Los Peñasquitos Canyon (City of San Diego 1992). The Framework Plan states that in 1992, the NCFUA was largely undeveloped but supported a variety of activities and land uses including large nurseries, commercial agriculture, grazing, and large-lot single family residences. Further, the plan notes that the NCFUA consists of a largely undeveloped area physically defined by canyons, valleys, streambeds and states that the area should embody a "diversity of building types, public amenities, and people" and that in its very essence should be different and distinctive in character (City of San Diego 1992). Since the adoption of the Framework Plan in 1992, subareas I-A, I-B, and II through V of the NCFUA have since adopted specific or community plans proposing new land use designations and development regulations and are thus considered refinements of the Framework Plan. For example, Subareas III and V identified in the framework plan are now recognized as the communities of Pacific Highlands Ranch (Subarea III) and Del Mar Mesa (Subarea V) and these areas support single-family residential development, open space, schools, and golf courses.

In terms of existing development, Subarea II is visually distinct from other subareas of the NCFUA. While other subareas are moderately to highly developed with single family residences, golf courses and schools (canyons and sloping terrain designated as open space is also a primary land use in surrounding subareas/communities), Subarea II is primarily comprised of undeveloped open space (i.e., the San Dieguito Lagoon) and development is rather limited and focused south of Via De La Valle and east of El Camino Real (see Figure 5.1-1). Existing development in Subarea II includes the Del Mar Horse Center and a tack and feed store at Via de la Valle and El Camino Real, equestrian centers located east and west of Old El Camino Real in Gonzales Canyon, the 47-unit Stallion's

Crossing residential development and the Evangelical Formosan Church. In addition, a 10-unit, large-lot single family residential development is located east of the Assisted Living Facility site and between El Camino Real and Old El Camino Real on a mesa overlooking Gonzales Canyon. Therefore, within the approximate 850-acre Subarea II area, undeveloped open space featuring relatively flat terrain, manufactured berms, water, and varying densities of primarily native vegetation is the dominant use in the area with existing development occurring in the eastern portion of the subarea. Within the NCFUA Framework Plan, the site is currently designated as Very-Low Density Residential and Environmental Tier.

## Views

The NCFUA Framework Plan Figure 1-4 identifies visual and scenic resources, which includes areas with Hillside Character, Areas of High Scenic Value, Areas of Medium Scenic Value, Prominent Ridgelines, and Mesa Areas. As was the case under the 2014 Church EIR conditions, the project site continues to be identified as an area of Medium Scenic Value, with the nearby San Dieguito Lagoon and Gonzales Canyon designated as High Scenic Value. Major public vantage points with views across the project site area of these scenic resources continue to consist of I-5, Via de la Valle, Overlook Park, El Camino Real, Gonzales Canyon trails, and the San Dieguito Lagoon trails. It is noted that private views are not considered significant under CEQA. Seven representative and key public views towards the project site were identified, as shown on Figure 5.9-1, Public Views Key Map. Each of these views is presented in the photos below and is representative of the views to the project site available to viewer groups in the surrounding area. In addition, the following provides a description of each of these key public views of the project site.

**View 1** represents the views from motorists on I-5 northbound looking east across the San Dieguito Lagoon towards the project site (located over 0.70 miles away). This represents a shorter view duration viewpoint, but a high number of viewers. The view includes significant scenic resources consisting of the lagoon as well as the hillside ridgelines. Development is partially visible in the midground, including residences and the two churches surrounding the Assisted Living Facility parcel. It should be noted that View 1 is from the northbound travel lanes of I-5 with minimal view blockage or intervening features in the foreground. View 1 is also outside of the normal field of vision of northbound I-5 motorists. The more natural view to the Project site from southbound I-5 would include southbound travel lanes, raised median, and northbound travel lanes in the immediate foreground.

**View 2** represents the views of pedestrians and cyclists on the Coast to Crest Trail in the San Dieguito River Park looking southeast towards the project site (located over 0.70 miles away). As this is a popular trail and is near the visitor's center and a primary trail access point, the number of viewers is considered

moderate. This trail provides a scenic vista across the lagoon in the foreground to the Church and residential developments in the mid ground, and the ridgelines in the background.

**View 3** is from Via de la Valle looking south towards the project site (located 0.70 miles away). This view includes the San Dieguito Lagoon (scenic resource although waters are obscured by foreground vegetation and terrain) and San Dieguito River Valley in the foreground, project site and residential development in the midground, and the ridgelines in the background. Via de la Valle is a high-volume roadway and is considered to have a moderate number of viewers consisting of motorists and cyclists.

**View 4** is from El Camino Real looking southwest towards the project site (located 0.25 miles away). This view includes Gonzales Canyon (scenic resource) as well as the Church and existing residences in the foreground and mid ground, along with the low ridgeline in the mid ground. Viewers from this location primarily consists of motorists and cyclists along El Camino Real. El Camino Real is a high-volume roadway and is considered to have a moderate number of viewers.

**View 5** is from El Camino Real looking north across the Evangelical Formosan Church towards the project site (located 225 feet away). This view does not include scenic resources, as the view of Gonzales Canyon is entirely blocked from view of El Camino Real motorists by existing landscaping associated with the Evangelical Formosan Church and Stallion's Crossing residences. As described under View 4, El Camino Real includes a moderate number of viewers consisting of motorist and cyclists along this roadway.

**View 6** is from Overlook Park looking north towards the project site (located approximately 0.65 miles away). This is a passive City neighborhood park with a concrete trail and turf areas, and is used by nearby residents for walking, running, picnicking, and sightseeing. Given the primarily local use of the park, Overlook Park and View 6 are considered to have a low number of viewers. Nonetheless, this view provides a significant scenic view of the entire San Dieguito River Valley and the Pacific Ocean, and includes views to Gonzales Canyon and the San Dieguito Lagoon.

**View 1.** From I-5 northbound looking east across the San Dieguito Lagoon towards the project site.



**View 2.** At the Coast to Crest Trail in the San Dieguito River Park looking southeast towards the project.



**View 3.** From Via de la Valle looking south towards the project site.



**View 4.** From El Camino Real looking southwest towards the project site.





**View 5.** From El Camino Real looking north across the Evangelical Formosan Church to the project.



**View 6.** From Overlook Park looking north towards the project site.



## **Light, Glare, and Shading**

The Assisted Living Facility site is located adjacent to an existing Evangelical Formosan Church to the west, the Stallion's Crossing residential development to the south, and Gonzales Canyon to the east. The Church has been constructed and is currently operational. Overhead street lights, indoor and outdoor residential lighting, and security lighting installed in the Evangelical Formosan Church parking area are a constant source of nighttime lighting in the area, as are vehicles and street lamps on El Camino Real, Via de la Valle, and I-5. The Church and associated parking lot security lighting to the north is also anticipated to generate nighttime lighting once operational. In addition, commercial uses along El Camino Real contribute nighttime lighting to the surrounding visual environment as do more distant sources including the Del Mar Fairgrounds and the Del Mar Golf Center. There are no permanent lighting sources installed within Gonzales Canyon or on San Dieguito Lagoon and lighting sources in the immediate surrounding area consist of street lighting, and exterior fixtures installed at equestrian centers and residences.

### **5.9.2 REGULATORY FRAMEWORK**

#### **City of San Diego General Plan**

The Urban Design Element of the General Plan contains the goals, recommendations, and urban design objectives that relate to visual issues and community and neighborhood character. The stated purpose of the Urban Design Element is to guide physical development toward a desired scale and character that is consistent with the social, economic, and aesthetic values of the City (City of San Diego 2008). The Urban Design Element defines community and neighborhood character as the visual and sensory relationship between people and the built and natural environment. The Urban Design Element identifies several goals and policies to help guide compact, efficient, and environmentally sensitive patterns of development. The Economic Prosperity Element links economic prosperity goals with land use distribution and employment land use policies to support existing and new businesses and also encourages community revitalization. Goals and policies contained in the Urban Design Element that relate to visual effects and neighborhood character are identified below.

#### ***Urban Design Element***

**Goal:** A pattern and scale of development that provides visual diversity, choice of lifestyle, opportunities for social interaction, and that respects desirable community character and context.

**Goal:** A city with distinctive districts, communities, neighborhoods, and village centers where people gather and interact.

**Goal:** Utilization of landscape as an important aesthetic and unifying element throughout the City.



**Natural Features UD-A.1:** Preserve and protect natural landforms and features.

- a. Protect the integrity of community plan designated open spaces (see also Conservation Element, Policy CE-B.1).
- b. Continue to implement the Multiple Species Conservation Program (MSCP) to conserve San Diego’s natural environment and create a linked open space system. Preserve and enhance remaining naturally occurring features such as wetlands, riparian zones, canyons, and ridge lines.

**Development Adjacent to Natural Features and Park Lands UD-A.3:** Design development adjacent to natural features in a sensitive manner to highlight and complement the natural environment in areas designated for development.

- a. Integrate development on hillside parcels with the natural environment to preserve and enhance views, and protect areas of unique topography.
- b. Minimize grading to maintain the natural topography, while contouring any landform alterations to blend into the natural terrain.

**Policy UD-A.4:** Use sustainable building methods in accordance with the sustainable development policies in the Conservation Element.

**Policy UD-A.5:** Design buildings that contribute to a positive neighborhood character and relate to neighborhood and community context.

**Policy UD-A.8:** Landscape materials and design should enhance structures, create and define public and private spaces, and provide shade, aesthetic appeal, and environmental benefits.

**Policy UD-A.11:** Encourage the use of underground or above-ground parking structures, rather than surface parking lots, to reduce land area devoted to parking.

**Policy UD-A.12:** Reduce the amount and visual impact of surface parking lots.

**UD-A.13:** Provide lighting from a variety of sources at appropriate.

**Policy UD-A.14:** Design project signage to effectively utilize sign area and complement the character of the structure and setting.

**Goal:** A city of distinctive neighborhoods

**Policy UD-B.1:** Recognize that the quality of a neighborhood is linked to the overall quality of the built environment. Projects should not be viewed singularly, but viewed as part of the

larger neighborhood or community plan area in which they are located for design continuity and compatibility.

### **North City Future Urbanizing Area Framework Plan**

The Urban Design Element of the North City Future Urbanizing Area Framework Plan contains goals, objectives, guidelines, and proposals to guide the pattern and character of development within the North City Future Urbanizing Area. The North City Future Urbanizing Area Framework Plan provides the following applicable guiding and implementing principals for retaining the character of the area.

#### ***Urban Design Element***

#### **Guiding Principles**

**Principle 4.1f:** The many canyon and valley views are primarily local, short range views that can be seen from existing public roads, public open spaces and private lands. The location of the freeway, streets and roads throughout the study area will effectively "open up" an extensive network of public view corridors.

#### **Implementing Principles- Low Density Residential Neighborhoods**

**Principle 4.7c:** General categories of permitted land uses and average densities of low-density residential neighborhoods are listed in Tables 3.3-A and 3.3-B of the North City Future Urbanizing Area Framework Plan. Public and quasi-public uses may be located in these areas, but other non-residential uses are not permitted.

#### **Implementing Principles- Low Density and Estate Residential Neighborhoods**

**Principle 4.8a:** Very Low-Density and estate neighborhoods are normally organized in one of two ways:

- The first and most typical is that of large estate residential lots of one acre or more. Large portions of the individual lots remain as open space.
- The second organization, more appropriate for hillsides and areas adjacent to protected habitat areas, is clusters of smaller individual lots that preserve significant canyons, hillsides, ridges and other natural features.

**Principle 4.8b:** Lot configuration and site design should emphasize canyons, hillsides and ridges as the visual focus points of neighborhoods. The layout of lots in these neighborhoods should adapt to existing topography and natural features, avoiding standard repetitive lot sizes and shapes.

**Principle 4.8c:** Lot lines shall not enter, infringe upon, or be made part of any portion of the environmental tier. In addition, a landscaped transition area of 25-50 feet in width shall be placed behind lots adjacent to the protected open space system, and include berming and dense vegetation to deter people from entering the habitat areas. Signage shall direct people to access points for the open space system.

**Principle 4.8e:** The large areas of sensitive lands that form the environmental tier surrounding Very Low-Density and estate neighborhoods shall be accompanied by neighborhood-scaled public spaces. Public open spaces may be located to create points of focus, at a hillside edge to take advantage of a prominent view, or at a point of contact between two adjacent neighborhoods.

**Principle 4.8g:** Streets, drives, parking and emergency vehicle access should be aligned to conform, as closely as possible, to existing grades and minimize the need for the grading of slopes. Streets and other built improvements should not greatly alter the physical and visual character of the hillside.

- Create a wide landscaped roadway edge along arterial streets, using berms, dense planting and other devices that reduce the need for sound attenuation walls. When sound attenuation walls are necessary, locate them as far as possible from the roadway edge and plant the intervening space.

**Principle 4.9b:** Development should give special attention to the design of street edge conditions, strengthening the landscape character of buildings and open spaces as viewed from the street.

**Principle 4.9c:** Outside the compact communities, the street edge should be designed to retain existing natural features and limit site improvements to landscape elements.

- Retain existing land forms, mature trees, and important rock outcroppings. The locations of driveways and utilities should avoid destroying important natural features.
- Minimize the use of sound attenuation walls by careful site planning that employs grade changes, berms and landscape elements to provide acoustical and visual privacy.
- When sound attenuation walls must be used, they should not be visible from major arterial and collector streets. This may be accomplished by use of grade changes, berms and/or planted buffers between the wall and street, with a width of 50-100 feet recommended for the buffer.

**Principle 4.9g:** Street design should limit maximum turn lane/median width, in order to minimize the impact of streets on community character.

### ***Implementing Principles- Development Adjacent to Significant Natural Areas***

**Principle 4.10d:** Cluster units, where appropriate, to minimize grading, roadway and driveway intrusion into sensitive habitat areas. Neighborhoods abutting the areas of the environmental tier such as Gonzales Canyon and McGonigle Canyon are areas where clustering of dwellings is encouraged.

**Principle 4.10f:** Development should not obstruct public views.

**Principle 4.10g:** In conjunction with project proposals, disturbed areas on a site which are to be retained as open space shall be contoured to blend in with natural slopes and shall be revegetated with native plants.

**Principle 4.10m:** The facades of structures shall be angled at varying degrees to follow the natural topography of the site.

**Principle 4.10n:** All exterior lighting shall be a low-sodium type with horizontal cut-off and shall be shielded downward such that the light would not be visible to the adjacent properties and the proposed park.

**Principle 4.10o:** Rooflines shall vary in angle and height to provide a changing profile.

## **San Diego Municipal Code**

### ***Height Regulations***

Zoning for the project site is currently designated by the City of San Diego's Municipal Code (SDMC) as AR-1-1. Under Section 131.0331 of SDMC (see Table 131-03C), the standard structure height limit within the AR-1-1 zone is 30 feet; however, under Section 131.0344, "a structure may exceed the 30-foot structure height limit if the front, side, and rear setbacks are each increased by 10 feet for each 10 feet, or portion thereof, or structure height above 30 feet except as limited by the regulations in Chapter 13, Article 2 (Overlay Zones)" (City of San Diego 2021a). The site is located in the Coastal Overlay Zone and while supplemental regulations of the Coastal Overlay Zone (SDMC Section 132.0403) include the protection of public views, the regulations would not be applicable to the project site. Supplemental regulations apply to sites within the coastal overlay zone designated as containing public views to be protected in the applicable land use plan (the NCFUA framework plan does not designate the site as such) and sites located between the shoreline and the first public roadway (City of San Diego 1992; City of San Diego 2021a).

### ***Lighting Regulations***

Lighting within the City is controlled by the City's Outdoor Lighting Regulations per SDMC Section 142.0740. The City's Outdoor Lighting Regulations are intended to protect surrounding land uses as well as astronomical activities at the Palomar and Mount Laguna observatories from excessive light generated by new development. The applicable Outdoor Lighting Regulations (City of San Diego 2021b) require that:

- Outdoor lighting shall be installed in a manner that minimizes impacts from light pollution, including light trespass, glare, and urban sky glow, to preserve enjoyment of the night sky and minimize conflict caused by unnecessary illumination. (Section 142.0740 [a][1])
- Regulation of outdoor lighting is also intended to conserve electrical energy. (Section 142.0740 [a][2])
- It is the intent that, in addition to the regulations set forth in Section 142.0740, outdoor lighting fixtures shall be installed and operated in compliance with the following regulations, to the extent applicable: (A) California Energy Code, California Code of Regulations, Title 24, Part 6; (B) Green Building Regulations (Chapter 14, Article 10); and (C) Electrical Regulations (Chapter 14, Article 6). (Section 142.0740 [a][3])
- Shields and flat lenses shall be required to control and direct the light below an imaginary horizontal plane passing through the lowest point of the fixture, except for
  - outdoor lighting fixtures less than 4,050 lumens including landscape lighting and decorative lighting. (Section 142.0740 [c][2][B])
  - Outdoor illuminated signs. (Section 142.0740 [c][2][F])
  - New outdoor lighting fixtures shall minimize light trespass in accordance with the Green Building Regulations where applicable, or otherwise shall direct, shield, and control light to keep it from falling onto surrounding properties. Zero direct-beam illumination shall leave the premises. (Section 142.0740 [c][3])
  - All outdoor lighting, including search light, shall be turned off between 11:00 P.M. and 6:00 A.M. (Section 142.0740 [c][5])
- On properties which are adjacent to or contain sensitive biological resources, any exterior lighting shall be limited to low-level lights and shields to minimize the amount of light entering any identified sensitive biological resource areas. (Section 142.0740 [c][6])

## Glare Regulations

Glare within the City is controlled by SDMC Section 142.0730 (Glare Regulations). The City's Glare Regulations (City of San Diego 2021b) include the following:

- A maximum of 50 percent of the exterior of a building may be comprised of reflective material that has a light-reflectivity factor greater than 30 percent. (Section 142.0730 [a])
- Reflective building materials shall not be permitted where the City Manager determines that their use would contribute to potential traffic hazards, diminished quality of riparian habitat, or reduced enjoyment of public open space. (Section 142.0730 [b])

### 5.9.3 IMPACT ANALYSIS

#### 5.9.3.1 Issue 1: Public Scenic Vista Obstruction

***Issue 1: Would the project result in a substantial obstruction of any vista or scenic view from a public viewing area as identified in the community plan?***

#### Threshold

According to the City's CEQA Significance Determination Thresholds (City of San Diego 2022), visual quality impacts may be significant if the project would:

- Substantially block a view through a designated public view corridor as shown in an adopted community plan, the General Plan, or the Local Coastal Program
- Cause substantial view blockage from a public viewing area of a public resource that is considered significant by the applicable community plan
- Exceed the allowed height or bulk regulations, and this excess results in a substantial view blockage from a public viewing area
- Have a cumulative effect by opening up a new area for development, which will ultimately cause "extensive" view blockage

#### Impact

##### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.9, the Church would alter the views from the adjacent properties, El Camino Real, and Gonzales Canyon. Despite the alteration of views, the Church was determined to be consistent with the views of existing development from these vantage points, none of which are considered to be a vista or public scenic viewpoint as identified in the NCFUA

Framework Plan. Impacts to vistas or scenic viewpoints were determined to be less than significant. Refer to the 2014 Church EIR Chapter 5.9 for additional details.

### ***Changes in Circumstances/New Information***

#### **Designated Public Corridors**

As identified in the 2014 Church EIR, the project site is not identified in the NCFUA Framework Plan or the City's General Plan as being located within a designated public view corridor. As such, the Assisted Living Facility would not block any views from designated scenic corridors.

#### **Public Viewing Areas of a Public Resource**

The NCFUA Framework Plan Figure 1-4 identifies visual and scenic resources, which includes areas with Hillside Character, Areas of High Scenic Value, Areas of Medium Scenic Value, Prominent Ridgelines, and Mesa Areas. As was the case under the 2014 Church EIR conditions, the project site continues to be identified as an area of Medium Scenic Value, with the nearby San Dieguito Lagoon and Gonzales Canyon designated as High Scenic Value. Major public vantage points with views across the project site area to these scenic resources continue to consist of I-5, Overlook Park, El Camino Real, Gonzales Canyon trails, and San Dieguito Lagoon area trails (including the Dust Devil Loop trails). It is noted that private views, such as those from the neighboring residences, are not considered significant under the City's CEQA thresholds (City of San Diego 2022).

The proposed Assisted Living Facility would be constructed in accordance with the AR-1-1 Zoning, including height limits, density limits, and setbacks as detailed in Section 3.3.2 of this FSEIR. The proposed structure would be 40 feet tall, and would be located north of the existing Stallion's Crossing residential development, east of the existing Evangelical Formosan Church, and immediately south of the Church located on the project site. Setbacks would be provided, as shown in Figure 3-1, Site Plan. Specifically, the facility site is setback more than 100 feet from El Camino Real and the proposed Assisted Living Facility structure would be setback approximately 44 feet from the western boundary of the site (or more than 140 feet from El Camino Real). The proposed architectural style would be Mediterranean, featuring typical characteristics such as large symmetrical façades, light-colored exterior stucco walls, dark wood details, archways, and red-tiled roofs, as detailed in Section 3.3.2 and shown in Figure 3-2, Project Rendering. Further, the Assisted Living Facility includes interior site landscaping and landscaping along the structure and site perimeter to visually screen and soften the introduction of the 40-foot-tall structure, as shown in Figures 3-4a and 3-4b. Figure 5.9-2, Conceptual Development Rendering, illustrates the proposed Assisted Living Facility siting and visual appearance in relation to existing, under construction, and approved land uses.

Potential impacts to the existing quality of views to and across the site are examined through the lens of key public views (i.e., Views 1 through 6; Figure 5.9-1). Due to the location, project views available to El Camino Real cyclists and motorists from would be partially obstructed by the existing Stallion's Crossing residential development, the existing Evangelical Formosan Church and associated landscaping, the Church, and Gonzales Canyon vegetation. Further, existing project screening associated with the Evangelical Formosan Church parking lot landscaping would be augmented by proposed landscaping along the western perimeter of the Assisted Living Facility site. From locations more distant than El Camino Real, such as I-5, the Assisted Living Facility would generally be indistinct from existing residential development, would not be visually prominent or attract attention, and would be and intermittently blocked by intervening vegetation. Lastly, and considering the higher elevation vantage point offered at Overlook Park, the proposed development of 2.85 acres of disturbed land with an assisted living facility would not create strong contrast in the landscape, would not result in any view blockage of Gonzales Canyon or San Dieguito Lagoon, and would not be highly discernable from the adjacent developments, as the Assisted Living Facility site is surrounded by existing development. Overall, the development of the Assisted Living Facility would result in negligible public view blockage of a public resources (namely, Gonzales Canyon).

**View 1.** Due to distance between I-5 and the project site, and the presence of a scenic resource (San Dieguito Lagoon) in the foreground, the Assisted Living Facility would not be visually prominent as experienced from View 1. In addition, and as experienced from View 1, the proposed development would not block features of Gonzales Canyon from view of interstate motorists. Rather, the proposed development would be visually distinct from the adjacent existing developed areas and the proposed 40-foot scale of the Assisted Living Facility would not appear out of character with surrounding development, as it would be consistent with the character and scale of existing development. Also, the proposed Assisted Living Facility would not block available views to the San Dieguito Lagoon, Gonzales Canyon, or distant ridgelines. Overall, the Assisted Living Facility would not block any significant scenic resources from the public at View 1.

**View 2.** Similar to view described above for View 1, View 2 consists of a relatively distant view of the project site with the lagoon in the foreground, the proposed Assisted Living Facility site and other development in the midground, and background ridgeline. As experienced from View 2, the proposed Assisted Living Facility would not be visually prominent in the midground. Due to distance between viewers at View 2 and the project site (and the proposed scale of the structure relative to the existing Church), the proposed Assisted Living Facility would not be overly noticeable and would not attract attention. In addition, the proposed Assisted Living Facility would not block views of scenic resources present in the view at View 2 including the San Dieguito Lagoon in the foreground, Gonzales Canyon in the midground, and the rolling ridgeline



creating a low horizon line in the background. Overall, the Assisted Living Facility would not block any significant scenic resources from view at View 2.

**View 3.** Located on Via de la Valle, visual effects experienced at View 3 would be similar to those described above for users of the Coast to Crest Trail (i.e., View 2). Because View 3 is located at a similar distance (0.70 miles) from the project site as View 2, and because the Assisted Living Facility would be located in the midground, site development would not be visually prominent or distinct in the broad San Dieguito River Valley landscape. Similar to the existing Evangelical Formosan Church, the proposed Assisted Living Facility (approximately 40 feet tall) would be less visually prominent than the existing Church and upon maturation of landscaping, would be partially screened from view by new perimeter trees. In addition, the proposed Assisted Living Facility would not block scenic resources including the San Dieguito Lagoon, Gonzales Canyon, or background ridgelines from view of Via de la Valle motorists. Overall and as experienced from View 3, the Assisted Living Facility would not block any significant scenic resources from public view.

**View 4** is situated on El Camino Real, approximately 0.25 miles to the northeast of the project site. As shown in Simulation View 4 below, the Assisted Living Facility would be constructed to the south (or “left”) of the existing Evangelical Formosan Church, which presents as a low-profile, light colored structure just beyond the larger scale and bulkier Church. While the light colored stucco exterior and red-tiled roofs of the Assisted Living Facility structure would stand out against the dominant dark greens in the landscape, project structure colors would be compatible with the off-whites and tan/browns expressed by existing development in the view. In addition, and due to distance between the site and View 4, the 40-foot scale of the Assisted Living Facility would be less prominent as the nearby existing Church. Further, as the Assisted Living Facility would be located beyond (i.e., to the southwest of) Gonzales Canyon, the structure and site development would not block features of Gonzales Canyon from view. Since the specific view captured and assessed at View 4 does not include San Dieguito Lagoon, proposed site development would not block lagoon features from view at View 4. Overall, the Assisted Living Facility would not block any significant scenic resources from the public at View 4.

**Simulation of View 4.** From El Camino Real looking south across the Gonzales Canyon towards the project site.



**Simulation of View 5.** From El Camino Real looking east across the Evangelical Formosan Church towards the project site.



**View 5.** While this is the nearest evaluated viewpoint to the site, the proposed Assisted Living Facility building would be heavily screened by the existing Evangelical Formosan Church parking lot trees, and proposed project landscaping (see Simulation of View 5 above). While the west-facing façade of the 40-foot Assisted Living Facility would be visible, the duration of the available view at View 5 is short (e.g., lasting for seconds). In addition, the structure would not present strong scale contrasts with existing development in the area including two-story homes in the adjacent Stallion’s Crossing development and the visually prominent Church. Lastly, the existing eastward view toward Gonzales Canyon across the Evangelical Formosan Church parking lot and project site is shortened in length by mature trees in the immediate foreground. As a result, Gonzales Canyon is fully screened from view of motorists at View 5. Due to existing screening associated with mature parking lot trees on the intervening Evangelical Formosan Church property, proposed development of the project site with an assisted living facility and landscaping would not result in blockage of a scenic resource at View 5.

**View 6** from Overlook Park provides a broad view of the San Dieguito River Valley. As experienced from the park which is approximately 0.65 miles from and nearly 250 feet higher in elevation than the project site, proposed development of the Assisted Living Facility would not create strong contrast and would not be visually prominent. While site development would be visible, the Assisted Living Facility and site landscaping would occur south of undeveloped portions of the river valley and in close proximity to the existing Church, the Evangelical Formosan Church, and the Stallion’s Crossing residential development. Thus, the Assisted Living Facility would occur where existing development is located in the landscape and where the 40-foot scale of the structure would be visually compatible with that of existing nearby development. In addition, the proposed Assisted Living Facility would be partially backscreened by mature trees located south of El Camino Real and due to the broad nature of the available view, the proposed development would not result in substantial view blockage of either the San Dieguito River Valley or Gonzales Canyon at View 6.

Overall, the proposed Assisted Living Facility would not result in significant obstructions of a scenic resource from public viewing locations.

### **Height or Bulk Regulations**

As discussed in Section 5.9.2, the AR-1-1 zone has a 10% lot coverage limit and a maximum height limit of 40 feet if setbacks beyond the minimum required are provided.

The project is providing setbacks of 45, 187.5, 30 and 63.75 feet, which would allow for the proposed 40-foot tall Assisted Living Facility buildings per SDMC Section 131.0344. The overall project site lot coverage would be 10% based on the 17.33-acre project site (754,894.8 square-foot [sf]) and the 34,525 sf Assisted Living Facility footprint and the 40,960 sf Church footprint.

Thus, the Assisted Living Facility would not exceed the allowed height or bulk regulations of the underlying AR-1-1 zone and, thus, would not result in substantial view blockage from a public viewing area.

### **Significance of Impact**

While the Assisted Living Facility would alter the quality and character of existing views from public viewing locations in the surrounding area, the project would not substantially obstruct any designated public corridors and would not substantially block an identified scenic resource from view of the public. In addition, the project complies with the applicable height and bulk requirements of SDMC and would have no impact related to view blockage due to height or bulk regulation exceedances. Overall, the Assisted Living Facility would result in a **less than significant** impact related to public scenic vista obstructions.

Based on the above, no new significant scenic vista impacts or substantial increase in previously identified scenic vista impacts analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Mitigation**

No mitigation measures would be required.

#### **5.9.3.2 Issue 2: Negative Aesthetic**

***Issue 2: Would the project result in the creation of a negative aesthetic site or project?***

### **Threshold**

According to the City's CEQA Significance Determination Thresholds (City of San Diego 2022), visual quality impacts may be significant if the project would:

- Create a disorganized appearance and would substantially conflict with City codes.
- Significantly conflicts with the height, bulk, or coverage regulations of the zone and does not provide architectural interest.
- Include crib, retaining or noise walls greater than six feet in height and 50 feet in length with minimal landscape screening or berming where the walls would be visible to the public.
- Be large and result in an exceeding monotonous visual environment.
- Include a shoreline protection device in a scenic, high public use area, unless the adjacent bluff areas are similarly protected.

## **Impact**

### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.9, the Church would create a potentially significant negative aesthetic. The height of the Church dome would be approximately 50 feet taller than the approved steeple of the adjacent Evangelical Formosan Church and more than 70 feet taller than one- and two-story residential and equestrian development in the surrounding area. The proposed 93-foot-tall dome would be taller than surrounding development and would result in visible contrast. Therefore, due to the proposed height of the Church dome, impacts were determined to be significant and unavoidable. Refer to the 2014 Church Project EIR Chapter 5.9 for additional details.

### ***Changes in Circumstances/New Information***

#### **Appearance and Height and Bulk Regulations**

The three-story, 40-foot-tall Assisted Living Facility would be built on the flat mesa portion of the site. The “m” shaped building would display a Mediterranean architectural style and would incorporate large symmetrical façades, light-colored exterior stucco walls, dark wood details, archways and trellises, and red terracotta tiled roofs. The primary exterior structure material would be stucco with glass windows. The proposed balcony inserts, and pop-outs would provide building articulation, façade variety, and visual interest such that a negative site aesthetics would not be created. Perspective renderings of the proposed facility are presented on Figure 3-2 and an aerial rendering of the facility, build out of the adjacent Church campus,<sup>1</sup> and existing surrounding development is included on Figure 5.9-2. As shown on Figure 5.9-2, the Assisted Living Facility would be spatially compact and would essentially extend the existing pattern of landscaped development located east of El Camino Real and on the mesa adjacent to Gonzales Canyon.

The project site plan is presented on Figure 3-1. As shown on the site plan, open space amenities including multiple courtyards, pools, a residential garden, and walking paths would be available to future residents of the assisted living facility. These exterior areas would provide visual relief, avoid continuous three-story massing, and open the site plan for sunlight and air flow. The project would also include the implementation of a landscape plan which is presented on Figures 3-4a and 3-4b. Proposed landscaping on the project site would include native and non-invasive, drought tolerant species, dramatic trees to assist in creating a specific sense of place (and aid in sight shading), and colorful shrubs to define and enliven courtyard and pool areas. In addition, the slope adjacent to the MHPA boundary and the approximate 20-foot development setback between site development and

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<sup>1</sup> Note that although the Church has been fully constructed and is currently operational, the three accessory buildings that would be associated with the Church have not yet been constructed.

the adjacent Stallion's Crossing would be planted with climate and context appropriate shrubs and grasses including California sagebrush, toyon, monkey-flower, deergrass, giant wildrye, and lemonadeberry. Overall, proposed site amenities and landscape will complement the facility architecture, would be visually compatible with natural and developed features in the surrounding environment, and would provide a gradual transition between existing landscape features and project site development.

In addition, and as stated above, the project is providing appropriate setbacks which would, pursuant to SDMC Section 131.0344, permit a 40-foot height limit. Therefore, as proposed, the 40-foot-high Assisted Living Facility buildings would be allowed under the SDMC and would not result in a height regulation conflict. Further, the proposed project would be consistent with municipal code regulations regarding lot coverage and bulk, and is surrounded by existing institutional and larger residential development. Lastly, typical elements and features of Mediterranean architecture, combined with a robust landscaping plan, would create visual interest on the site and the project would display an organized, coherent, and pleasing visual appearance.

### **Walls Visible to the Public**

The proposed project would include three retaining walls on the project site. As stated in Section 3, Project Description, and depicted on Figure 3-1, maximum retaining wall length would be 30 linear feet, and the maximum height would be 5 feet. Therefore, because walls would be less than 5 feet in height (most walls sections would be less than 3 feet in height) and 50 feet in length, and pursuant to City significance thresholds, they would not result in a potentially significant aesthetic impact. Additionally, the project would include drought-tolerant plantings along retaining walls to help soften the introduction of these features and visually blend them in with the wider landscaping plan to be implemented on the project site. Lastly, it should be noted that retaining walls are proposed along the southern and eastern site boundaries and due to their location and height, these features would not be visually prominent and would generally be screened from public view.

### **Visual Environment**

The project is consistent in bulk and scale to surrounding development of the Church and the Evangelical Formosan Church. Similar to the Torrey Del Mar residential development to the south, the proposed Assisted Living Facility buildings would include design elements of the Mediterranean architectural style (primarily red roof tiles, stucco walls, archways, and outdoor living spaces). Through the incorporation of design that includes elements of interest including multiple archways, balcony inserts, pop-outs façade variety, and a robust landscaping plan with several outdoor living spaces, implementation of the proposed Assisted Living Facility would not result in the creation a monotonous visual environment. In addition, development in the area does not display consistent architectural style. For example, the Torrey Del Mar residential development includes elements of

contemporary and Mediterranean styles whereas the Stallions Crossing development features elements of cottage style homes. Lastly, the proposed project would not include a shoreline protection device in a scenic, high public use area.

## **Significance of Impact**

### **Appearance and Height and Bulk Regulations**

The Assisted Living Facility is consistent with height and bulk regulations and would not create strong scale and mass contrasts with surrounding development. Additionally, the project appearance would provide visual interest, present as organized and coherent, and include design features that would promote visual variety and avoid a monotonous site. Thus, impacts would be **less than significant**.

The 2014 Church EIR identified a significant and unavoidable visual impact related to the height and bulk of the Church building 90-foot-tall dome. Based on the above, no new significant impacts or substantial increases in previously identified bulk and scale impacts analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Walls Visible to the Public**

The Assisted Living Facility would include three retaining walls on the project site. All retaining walls would be below 6 feet and would not be longer than 50 feet. Additionally, the project would include a landscaping plan that would further reduce the visual impacts of retaining walls. Impacts would be **less than significant**.

Based on the above, no new significant visual impacts related to large walls or substantial increases in previously identified visual impact related to walls analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Visual Environment**

Implementation of the Assisted Living Facility would not create a monotonous visual environment. Impacts of the Assisted Living Facility would be **less than significant**.

Based on the above, no new significant visual environment impact or substantial increases in previously identified visual environment impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

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

No mitigation measures would be required.

### **5.9.3.3 Issues 3 and 4: Visual Incompatibility**

***Issue 3: Would the project result in bulk, scale, materials, or style which would be incompatible with surrounding development?***

***Issue 4: Would the project result in substantial alteration to the existing or planned character of the area such as could occur with the construction of a subdivision in a previously undeveloped area?***

### **Threshold**

According to the City's Significance Determination Thresholds, a project is considered to have a significant impact if a project would contrast the surrounding neighborhood character. To meet this significance threshold, one or more of the following conditions must apply (City of San Diego 2022):

- The project exceeds the allowable height or bulk regulations and the height and bulk of the existing patterns of development in the vicinity of the project by a substantial margin.
- The project would have an architectural style or use building materials in stark contrast to adjacent development where the adjacent development follows a single or common architectural theme.
- The project would result in the physical loss, isolation or degradation of a community identification symbol or landmark (e.g., a stand of trees, coastal bluff, historic landmark) which is identified in the General Plan, applicable community plan or local coastal program.
- The project is located in a highly visible area (e.g., on a canyon edge, hilltop or adjacent to an interstate highway) and would strongly contrast with the surrounding development or natural topography through excessive height, bulk, signage or architectural projections.
- The project would have a cumulative effect by opening up a new area for development or changing the overall character of the area (e.g., rural to urban, single-family to multifamily). As with views, cumulative neighborhood character effects are usually considered significant for a community plan analysis, but not necessarily for individual projects. Project level mitigation should be identified at the community plan level. Analysts should also evaluate the potential for a project to initiate a cumulative effect by building structures that substantially differ from the character of the vicinity through height, bulk, scale, type of use, etc., when it is reasonably foreseeable that other such changes in neighborhood character will follow.



## **Impact**

### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.9, it was determined that the Church would be potentially incompatible with surrounding development. The Church would not exceed the allowed height or bulk regulations with the inclusion of setbacks. The vertical form, bulk, and tall scale of the proposed Church, dome and cross, and associated building was determined to alter the views of the project site. However, implementation of the proposed landscape plan and more specifically, the introduction of canopy trees along the eastern project “terrace” was determined to partially screen proposed structures from view, and help break up the mass, bulk, and scale of the project (to an extent). Additionally, the Church buildings feature either an exterior stone finish or a smooth trowel exterior cement plaster finish that would display earth-tone colors that tend to recede into the background landscape with distance. Therefore, the landscaping and a pallet of natural building materials and colors would not contrast with the overall character of the area. The Church would be built on the existing mesa top and did not require more than 2,000 cubic yards of excavation or fill. Therefore, while Church landscaping and building materials would generally be compatible with existing development in the surrounding area, the 2014 Church EIR concluded that the 93-foot-tall dome would be taller than surrounding development and would result in strong visual contrast. Therefore, due to the height of the Church dome, impacts were determined to be significant and unavoidable.

The Church architectural style and building materials were determined to not contrast with the prevalent architectural theme in the area because there was no single or common architectural theme presented by development in the project area. As a church, the site would be compatible in land use with adjacent Evangelical Formosan Church and residential properties. Additionally, the site is zoned AR-1-1, which allows the development of churches with a CUP, and therefore, would be a permissible land use on the property. Thus, impacts related to the alteration of existing or planned character of the area were determined to be less than significant. Refer to 2014 Church EIR Chapter 5.9 for additional details.

### ***Changes in Circumstances/New Information***

#### **Allowed Height or Bulk**

The Assisted Living Facility would be consistent with the regulations of the SDMC. As discussed above, the Assisted Living Facility would be 40 feet tall and would include setbacks in accordance with AR-1-1 zone development regulations. Additionally, and as described previously, the project would incorporate a variety of architectural elements to help diminish building bulk as required by Section 141.0413, Separately Regulated Use Regulations for Hospitals, Intermediate Care Facilities,

and Nursing Facilities, of the SDMC. Finally, the project would be consistent with the AR-1-1 regulations established in Section 131.0331, Development Regulations Table for Agricultural Zones. As stated in Table 131-03C, Development Regulations for Agricultural Zones, the maximum lot coverage for development in the AR-1- 1 zone is 10%, and the project would have a lot coverage of 10%. Therefore, the Assisted Living Facility complies with all regulations and is generally consistent with existing patterns of development in the surrounding area.

### **Architectural Style and Consistency with Surrounding Development**

As detailed in this FSEIR Section 3.0, the project would have a Mediterranean architectural style. The proposed Assisted Living Facility would include light colored, stucco-clad exteriors and red terracotta roof tiles. The scale of the proposed Assisted Living Facility would be less than or similar to that of the adjacent Church, the Evangelical Formosan Church, and the Stallions Crossing and Torrey Del Mar residential developments. The Assisted Living Facility, while larger in square footage and building bulk compared to the adjacent churches and single-family residences, would be substantially lower in height than the Church. While styles would differ, select architectural design elements of the Assisted Living Facility would generally be visually compatible with that of the two-story single-family residential developments in the surrounding area that feature clay red-tile roofs and stucco clad exteriors painted in hues of pink, white, and brown (Figure 5.9-2).

As described in Section 5.11, Land Use, Subarea II of the NCFUA consists primarily of undeveloped open space. However, existing development (i.e., church, residential, and equestrian uses) are focused in the eastern extent of the subarea, east of El Camino Real, and in the immediate vicinity of the project site. Further, residential development in the adjacent communities of Pacific Highlands Ranch and Carmel Valley, commercial development along Via de la Valle, and recreational and residential development in the Fairbanks Ranch Country Club area contribute urban and suburban characteristics to the surrounding landscape setting. Considering the varied architecture and styles of the existing development on the adjacent sites and in the surrounding area, no common architectural theme occurs that the project would present strong contrast with. Therefore, the project's architectural style and building materials would not result in strong contrast with adjacent development where the adjacent development follows a single or common architectural theme. Despite the lack of a common architecture style, the buildings of the Assisted Living Facility have been designed with a Mediterranean architectural style.

There is a certified Land Use Plan (LUP) for the area, the North City Local Coastal Program Land Use Plan, which the Coastal Commission uses for guidance. However, this document does not contain any policies with respect to this area, because the Framework Plan and subsequent subarea plans were intended to govern development in the NCFUA.

## **Significance of Impact**

### ***Allowed Height or Bulk***

The Assisted Living Facility would be consistent with the applicable AR-1-1 development regulations of SDMC. As discussed above, the Assisted Living Facility would include an increased setback to ensure compliance with City of San Diego regulations for the increase in height. The “m” shaped Assisted Living Facility building would have four courtyard areas, a varied roofline, and balcony inserts and pop-outs which would tend to break up the perceived bulk of the building. Further, the project includes a robust landscape plan that, when mature, would partially screen the building from public view and reduce the apparent scale of the 3-story building. Lastly and as stated previously, the maximum lot coverage for development in the AR-1-1 zone is 10%, and as proposed, the project’s lot coverage would be 10%. Therefore, the Assisted Living Facility comply with allowed height and bulk regulations for development in the AR-1-1 zone and would generally be consistent with existing patterns of development in the immediate surrounding area that are located on the mesa overlooking Gonzales Canyon. Therefore, impacts would be **less than significant**.

### ***Architectural Style and Consistency with Surrounding Development***

As stated above, there is no single prevalent or common architectural theme in the project area, and therefore, the architectural style and building materials of the Assisted Living Facility would not result in strong contrast with an existing architectural theme in the area. While surrounding development in the area lacks a consistent architectural theme, the Mediterranean style of the Assisted Living Facility would include design features that would be compatible with design features (primarily, multistory construction, light colored, stucco clad exteriors, red tiled roofs, and landscaped yards), displayed by development in the surrounding area. In addition, the project would also include interior and perimeter landscaping to instill a distinct sense of place for residents, soften the introduction of the three-story facility to the existing landscape, and gradually transition development and site landscaping to the natural environment of adjacent Gonzales Canyon. Therefore, the project would not result in strong contrast with the established character of the area and impacts (specifically, those associated with architectural style and consistency/visual compatibility with surrounding development) would be **less than significant**.

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

No mitigation would be required.

#### **5.9.3.4 Issue 5: Landmark Tree**

***Issue 5: Would the project result in the loss of any distinctive or landmark tree(s), or stand of mature trees as identified in the community plan?***

##### **Threshold**

According to the City's CEQA Significance Determination Thresholds (City of San Diego 2022), impacts would be potentially significant if a project would remove or result in the loss of a distinctive or landmark tree.

##### **Impact**

###### ***Previous EIR***

The 2014 Church EIR did not identify any significant impacts related to the loss of any distinctive or landmark trees. Impacts were determined to be less than significant for the Church.

###### ***Changes in Circumstances/New Information***

As the project site does not contain any distinctive landmark trees or stand of mature trees, development of the Assisted Living Facility would not remove or result in the loss of distinctive or landmark trees. The proposed Assisted Living Facility would occur on the disturbed southern portion of the project site. See Figure 1-2, which clarifies the project boundary and specifically, the location of the Assisted Living Facility in relation to the Church parcel.

##### **Significance of Impact**

There are no distinctive landmark trees or stands of mature trees on the Assisted Living Facility site and therefore, proposed facility development would not remove or result in the loss of a distinctive or landmark tree. Thus, impacts of the Assisted Living Facility would be **less than significant**.

Based on the above, no new significant landmark tree impact or substantial increases in previously identified landmark tree impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

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

No mitigation measures would be required.

### 5.9.3.5 Issue 6: Changes in Existing Landform

#### ***Issue 6: Would the project result in a substantial change in the existing landform?***

#### **Threshold**

According to the City's CEQA Significance Determination Thresholds (City of San Diego 2022), visual quality and neighborhood character impacts may be significant if the project would:

- Alter more than 2,000 cubic yards of earth per graded acre by either excavation or fill, and one or more of the following conditions also is met by the project:
  1. The project would disturb steep hillsides in excess of the encroachment allowances of the Environmentally Sensitive Lands regulations (LDC Chapter 14, Article 3, Division 1).
  2. The project would create manufactured slopes higher than 10 feet or steeper than 2:1 (50%).
  3. The project would result in a change in elevation of steep hillsides as defined by City Municipal Code Section 113.0103 from existing grade to proposed grade of more than 5 feet by either excavation or fill, unless the area over which excavation or fill would exceed 5 feet is only at isolated points on the site.
  4. The project design includes mass terracing of natural slopes with cut or fill slopes in order to construct flat-pad structures.
- Where these conditions apply, impacts may not be significant if:
  1. The grading plans clearly demonstrate, with both spot elevations and contours, that the proposed landforms would very closely imitate the existing on-site landform and/or the undisturbed, pre-existing surrounding neighborhood landforms (this may be achieved through naturalized variable slopes).
  2. The grading plans clearly demonstrate, with both spot elevations and contours, that the proposed slopes follow the natural existing landform and at no point vary substantially from the natural landform elevations.
  3. The proposed excavation or fill is necessary to permit installation of alternative design features, such as step-down or detached buildings, non-typical roadway or parking lot designs, and alternative retaining wall designs that reduce the project's overall grading requirements.

## Impact

### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.9, the Church would result in less than 2,000 cubic yards of excavation or fill, and development of the Church would occur on the mesa portion of the project site. The 2014 Church EIR did not identify any significant impacts related to the alteration of an existing landform were determined to be less than significant for the Church.

Changes in Circumstances/New Information Development of the Assisted Living Facility would require grading of approximately 2.84 acres. Further, development of the Assisted Living Facility would require approximately 26,435 cubic yards of cut/excavation and 125 cubic yards of fill. This would exceed the City's potential significance threshold of 2,000 cubic yards of earth per acre. However, construction of the Assisted Living Facility would not disturb steep hillsides, create manufactured slopes higher than 10 feet or steeper than 2:1, result in a change in elevation of steep hillsides, or includes mass terracing of natural slopes.

### **Significance of Impact**

While the Assisted Living Facility would exceed the City's significance screening threshold by involving the excavation of 2,000 cubic yards of earth per graded acre, facility construction would not meet any of the additional conditions that would suggest a possible significant impact associated with changes to the existing landform. Therefore, impacts would be **less than significant**.

Based on the above, no new significant landform alteration impacts or substantial increases in previously identified landform alterations impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

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

No mitigation measures would be required.

### 5.9.3.6 Issue 7: Light and Glare

***Issue 7: Would the project result in substantial light or glare which would adversely affect daytime or nighttime views in the area?***

#### **Threshold**

According to the City's CEQA Significance Determination Thresholds (City of San Diego 2022), light, glare, and shading impacts may be significant if the project would:

- Be moderate to large in scale, more than 50% of any single elevation of a building's exterior is built with a material with a light reflectivity greater than 30% (see LDC Section 142.07330(a)), and the project is adjacent to a major public roadway or public area.
- Shed substantial light onto adjacent light-sensitive property or land use, or would emit a substantial amount of ambient light into the nighttime sky. Uses considered sensitive to nighttime light include, but are not limited to, residential, some commercial and industrial uses, and natural areas lighting.

#### **Impact**

##### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.9, lighting and glare impacts resulting from the Church were determined to be less than significant. Outdoor lighting was determined to be consistent with lighting installed on the adjacent Evangelical Formosan Church site and would comply with the City's Outdoor Lighting Regulations. Glass materials that were selected for the Church would comply with the City's Outdoor Lighting Regulations and have less than 30% reflectance. As such, impacts to the community related to lighting and glare generated by the Church were determined to be less than significant.

The Church was determined to result in temporary shading of portions of the adjacent Evangelical Formosan Church property, the east-facing slopes of Gonzales Canyon throughout the year, El Camino Real, and the mowed and possibly tilled area on the northern portion of the Church site. It was determined that shading caused by the implementation of the Church would not substantially interfere with the functionality and use of outdoor space at these areas. Therefore, impacts associated with shading were determined to be less than significant. Refer to the 2014 Church EIR Chapter 5.9 for additional details.

### **Changes in Circumstances/New Information Lighting**

Existing development in the vicinity of the proposed Assisted Living Facility vicinity includes two existing churches, single-family residences, undeveloped open space, and El Camino Real. Street lighting along the roadway, exterior lighting installed at the adjacent churches, and interior and exterior residential lighting are the primary sources of fixed nighttime lighting in the immediate area. More distant lighting sources including overhead lighting on I-5 and lighting installed along Via de la Valle and commercial uses are also visible from the site.

At the Assisted Living Facility, exterior lighting would be installed along pathways and around landscape areas for general illumination and safety. Exit way illumination would be provided at the entry/exit points of the site and general lighting would be installed in the parking lot area for safety and security purposes. Proposed structures would also feature exterior lighting at entry points for illumination and security purposes. To limit light trespass onto adjacent properties and urban sky glow, all lighting would be directed downward, shielded, of the minimum intensity to ensure adequate illumination and safety, and would comply with the City's Outdoor Lighting Regulations. Lastly, development on the Assisted Living Facility parcel would be setback from the adjacent MHPA Line and Stallion's Crossing residential development and these uses would be buffered from developed facility features (e.g., pathways, gardens, courtyards) by facility landscaping.

Given the proximity and influence of existing nighttime lighting sources to the project site, installation of downward directed and shielded lighting fixtures, and buffering of adjacent established uses with proposed landscaping, the contribution of lighting emitted from the Assisted Living Facility would remain below a level of significance. Furthermore, as stated previously, the project would comply with the City's Outdoor Lighting Regulations.

### **Glare**

As illustrated on Figure 3-2, the façades of the Assisted Living Facility would incorporate glass windows. Further, and as described in Chapter 3.0, Project Description, all windows on the north and east sides of the structure are required to provide exterior glazing in windows (and sliding glass doors) to be dual pane with both panes tempered glass. In addition, the building architectural style would be Mediterranean, with light-colored, adobe-like walls, and dark wood details. Incorporation of windows in the façades of the proposed structure is a typical development and design approach and building exteriors are unlikely to feature a 50% or greater total surface area that would be dedicated to windows. Should final design plans indicate otherwise, project design would be required to demonstrate compliance with all applicable City regulations including SDMC Section 142.0730 (Glare Regulations) and installed windows would not have a light-reflectivity factor greater than 30 percent. As a result, the reflection of natural or artificial light off the façades of the proposed Assisted Living Facility structures would not represent a potential safety hazard to motorists on



surrounding major roadways (e.g., I-5) or public areas such as San Dieguito Lagoon trails. In addition, and as stated previously, Assisted Living Facility lighting would be directed downward and shielded to limit the potential for light trespass and skyglow. Lastly, and as stated in Section 5.4, Biological Resources, the Assisted Living Facility would comply with the City's standard MHPA Land Use Adjacency Guidelines (Compliance Measure [CM] BIO-1) which, among other items, includes measures to limit potential indirect lighting impacts on the MHPA. Therefore, the project would not create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area, and impacts would remain below a level of significance.

### **Significance of Impact**

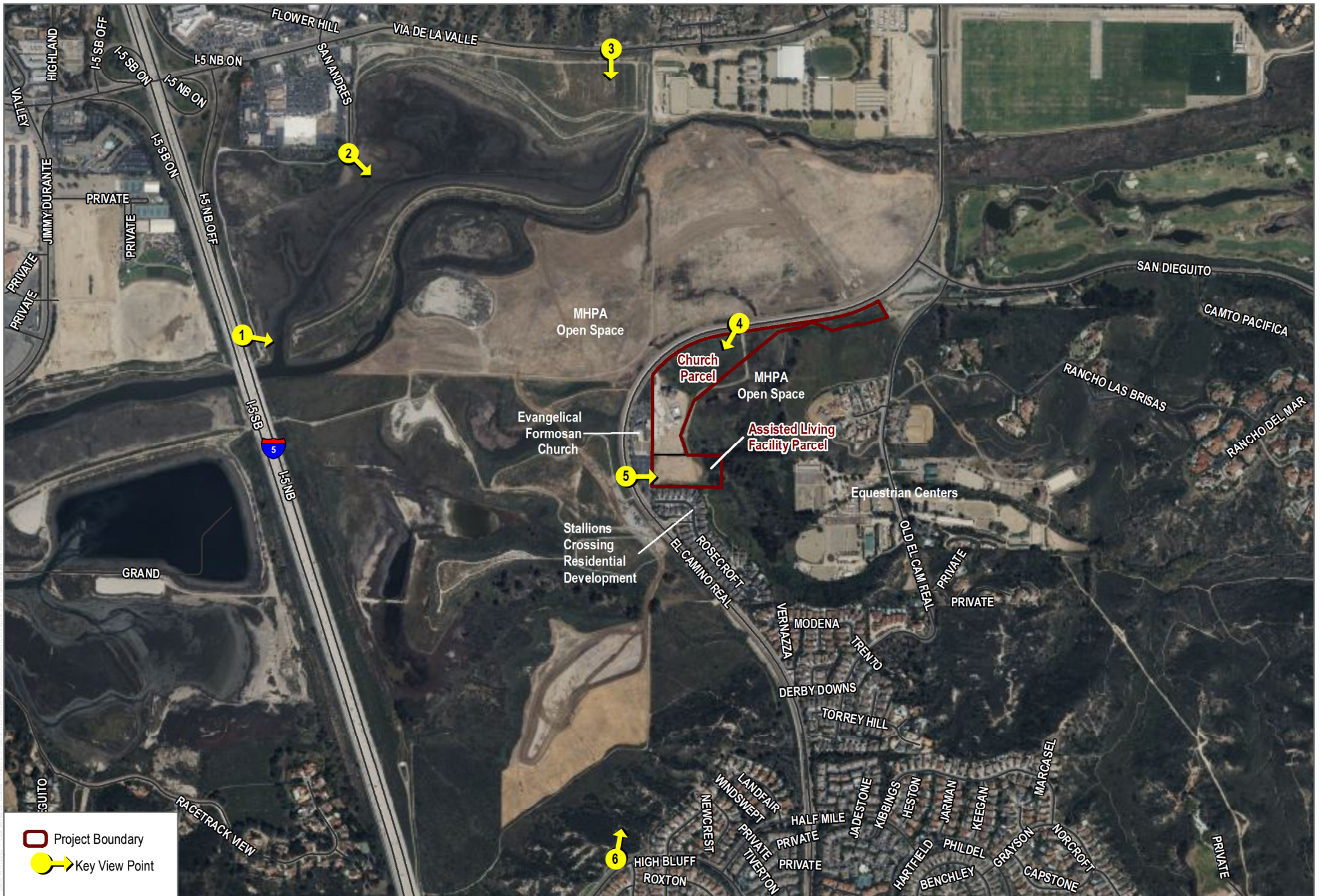
Lighting and glare impacts resulting from the Assisted Living Facility project would be below a level of significance. Outdoor lighting installed at the Assisted Living Facility would be relatively consistent with lighting installed on the adjacent church sites and residential neighborhoods and would comply with the City's Outdoor Lighting Regulations. The light reflectivity of the glass materials selected for the Assisted Living Facility would exceed the 30% criteria established by the City, but as glass would not cover more than 50% of any assisted living facility elevation, lighting and glare impacts from facility glass would not result in a significant impact. As such, impacts to the community related to lighting and glare generated by the Assisted Living Facility would remain **less than significant**.

Based on the above, no new significant lighting and glare impacts or substantial increases in previously identified lighting and glare impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

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

No mitigation measures would be required.

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SOURCE: SOURCE: USGS 7.5-Minute Series Del Mar Quadrangle



FIGURE 5.9-1

Public Views Key Map

El Camino Real Assisted Living Facility SEIR

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SOURCE: Leppert Engineering 2020

FIGURE 5.9-2  
Conceptual Development Rendering  
El Camino Real Assisted Living Facility SEIR



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## 5.10 NOISE

Chapter 7.6, Noise, of the 2014 St. John Garabed Armenian Church Project Final Environmental Impact Report (2014 Church EIR) discloses information regarding the approved St. John Garabed Armenian Church (Church) and associated noise analysis. A summary of that analysis is included in Section 5.10.3, below, for the convenience of the reader. However, refer to the 2014 Church EIR, Chapter 7.6, for details.

As the focus of the analysis within this FSEIR is the addition of the El Camino Real Assisted Living Facility (Assisted Living Facility), the additional information provided below is intended to provide a noise analysis update to the 2014 Church EIR for the proposed Assisted Living Facility. This analysis is based on the following noise technical report that is included as Appendix J of this FSEIR:

- El Camino Real Senior Living Noise Technical Report, prepared by Dudek in August 2022.

### 5.10.1 EXISTING CONDITIONS

#### Physical Conditions

The Assisted Living Facility parcel is currently vacant. The majority of the Assisted Living Facility parcel, aside from the areas designated under the Multi-Habitat Planning Area (MHPA), is occasionally mowed for vegetation control, but otherwise no noise is currently generated at the Assisted Living Facility parcel.

#### Ambient Noise Conditions

Surrounding uses generate ambient noise. To determine the ambient noise levels, noise measurements were taken in 2021 by a noise expert, as detailed in Appendix J. Figure 5.10-1, Noise Measurement and Modeled Receiver Locations, illustrates the two noise level measurement locations. As shown in Table 5.10-1, the measured sound pressure level (SPL) ranged from 59.3 A-weighted decibel (dBA) equivalent noise level ( $L_{eq}$ ) a 1 to 51.9 dBA  $L_{eq}$ . The majority of the ambient noise is generated by vehicular traffic along the El Camino Real located to the west of the site. Noise is also generated by leaves rustling and birdsongs.

**Table 5.10-1  
 Measured Baseline Outdoor Ambient Noise Levels**

Site	Location/Address	Date/Time	Leq	Lmax
ST1	Western boundary of Assisted Living Facility parcel, on church parking lot	2021-02-02, 10:59 AM to 11:10 AM	59.3	67.3
ST2	Southeastern boundary of Assisted Living Facility parcel, near MHPA line.	2021-02-02, 11:14 AM to 11:24 AM	51.9	61.4

**Source:** Appendix J.

**Notes:**  $L_{eq}$  = equivalent continuous sound level (time-averaged sound level);  $L_{max}$  = maximum sound level during the measurement interval; ST = short-term noise measurement locations.

### **Noise Sensitive Land Uses**

Noise sensitive land uses (NSLUs) generally include uses where exposure to noise would result in adverse effects, as well as uses where a quiet environment is an essential element of the intended purpose of the use. Residential uses are considered an NSLU of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Existing land uses surrounding the Assisted Living Facility parcel consist of residential uses to the south, open space to the east, and churches to the north and west, one of which is the on-site Church.

### **Vibration**

Vibration from roadways is considered to be the primary source of groundborne vibration within the project area. Heavy truck traffic can generate groundborne vibration, which varies considerably depending on vehicle type, weight, and pavement conditions. However, groundborne vibration levels generated from vehicular traffic are not typically perceptible outside of the roadway right-of-way. There are no other significant sources of groundborne vibration within the project area. Vibration levels generated by vehicle traffic on well-maintained roadways are rarely perceivable outside of the roadway right-of-way (Caltrans 2020).

## **5.10.2 REGULATORY FRAMEWORK**

### **Federal**

#### ***Federal Noise Control Act of 1972***

The U.S. Environmental Protection Agency (EPA) Office of Noise Abatement and Control was originally established to coordinate federal noise control activities. After its inception, the EPA's Office of Noise Abatement and Control issued the Federal Noise Control Act of 1972, establishing programs and guidelines to identify and address the effects of noise on public health, welfare, and the environment. In 1981, EPA administrators determined that subjective issues, such as noise, would be better addressed at more local levels of government. Consequently, responsibilities for regulating noise control policies were transferred to state and local governments in 1982. However, noise control guidelines and regulations contained in the EPA rulings in prior years are still adhered to by designated federal agencies where relevant. There are no federal noise regulations that are directly applicable to the construction or operation of the project.



### **EPA's "Levels" Document**

In 1974, the EPA issued a document titled "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety" (EPA, 1974). This document, often referred to as the "Levels" document, provides foundational research and recommendations on acceptable noise levels to prevent interference with activities, annoyance, hearing loss and damage, and adverse health effects. The document recommends that the day-night average sound level be no greater than 45 dBA for indoors and 55 dBA for outdoors. These recommendations have informed noise regulations and standards at various levels of government, including those of the City of San Diego.

### **State**

#### ***California Code of Regulations, Title 24***

Title 24 of the California Code of Regulations sets standards that new development in California must meet. According to Title 24, interior noise levels are not to exceed 45 dBA Community Noise Equivalent Level (CNEL) in any habitable room.

#### ***California Department of Health Services Guidelines***

The California Department of Health Services has developed guidelines of community noise acceptability for use by local agencies (OPR 2003). Selected relevant levels are listed here:

- Below 60 dBA CNEL: normally acceptable for low-density residential use
- 50 to 70 dBA: conditionally acceptable for low-density residential use
- Below 65 dBA CNEL: normally acceptable for high-density residential use and transient lodging
- 60 to 70 dBA CNEL: conditionally acceptable for high-density residential, transient lodging, churches, educational, and medical facilities

#### ***California Department of Transportation - Vibration***

There are no state standards for vibration. However, the California Department of Transportation (Caltrans) provides a review and synthesis of published research results in the Transportation and Construction Vibration Guidance Manual. Based on the synthesis of research, Caltrans provides guidance thresholds for the protection of a number of structures and conditions. Caltrans recommends a threshold of 0.5 inches per second (in/sec) peak particle velocity (PPV) for "new residential structures," 0.3 in/sec PPV for "older residential structures" and 0.25 in/sec PPV for historic buildings and some old structures (Caltrans 2013).

The Caltrans Transportation Construction Vibration Guidance Manual does not contain specific definitions for the categories used within their guidance threshold criteria. However, based on the terminology and definitions contained within the research papers that they summarize, the term “new residential structures” likely refers to modern construction techniques (e.g., timber frame, reinforce choice, gypsum wallboard, wood or stucco siding), while “older residential structures” is interpreted to refer to structures built with obsolete methods and materials (e.g., plaster and lath, asbestos). Historic and some old buildings is interpreted to refer to historically significant buildings or older buildings in significant disrepair. The applicable threshold from the Caltrans Transportation and Construction Vibration Guidance Manual is outlined in Section 5.10.3.2.

**Local**

***City of San Diego General Plan***

The City’s General Plan Noise Element identifies compatible exterior noise levels for various land use types (City of San Diego 2015). The maximum allowable noise exposure varies depending on the land use. The maximum acceptable exterior noise level for institutional uses and other noise-sensitive uses is 65 dBA CNEL as depicted in Table 5.10-2 below.

**Table 5.10-2  
 Land Use – Noise Compatibility Guidelines**

Land Use Category	Exterior Noise Exposure (dBA CNEL)				
	55-60	60-65	65-70	70-75	75-80
<i>Parks and Recreational</i>					
Parks, Active and Passive Recreation					
Outdoor Spectator Sports, Golf Courses; Water Recreational Facilities; Indoor Recreation Facilities					
<i>Agricultural</i>					
Crop Raising and Farming; Community Gardens, Aquaculture, Dairies; Horticulture Nurseries & Greenhouses; Animal Raising, Maintenance and Keeping; Commercial Stables					
<i>Residential</i>					
Single Units; Mobile Homes		45			
Multiple Dwelling Units <i>*For uses affected by aircraft noise, refer to Policies NE-D.2. and NE-D.3.</i>		45	45*		
<i>Institutional</i>					
Hospitals; Nursing Facilities; Intermediate Care Facilities; Kindergarten through Grade 12 Educational Facilities; Libraries; Museums; Child Care Facilities		45			
Other Educational Facilities including Vocational/Trade Schools and Colleges and Universities		45	45		

**Table 5.10-2  
 Land Use – Noise Compatibility Guidelines**

Land Use Category		Exterior Noise Exposure (dBA CNEL)				
		55-60	60-65	65-70	70-75	75-80
Cemeteries						
<i>Retail Sales</i>						
Building Supplies/Equipment; Food, Beverages & Groceries; Pets & Pet Supplies; Sundries, Pharmaceutical & Convenience Sales; Wearing Apparel & Accessories				50	50	
<i>Commercial Services</i>						
Building Services; Business Support; Eating & Drinking; Financial Institutions; Maintenance & Repair; Personal Services; Assembly & Entertainment (includes public and religious assembly); Radio and Television Studios; Golf Course Support				50	50	
Visitor Accommodations			45	45	45	
<i>Offices</i>						
Business & Professional; Government; Medical, Dental & Health Practitioner; Regional & Corporate Headquarters				50	50	
<i>Vehicle and Vehicular Equipment Sales and Services Use</i>						
Commercial or Personal Vehicle Repair & Maintenance; Commercial or Personal Vehicle Sales & Rentals; Vehicle Equipment & Supplies Sales & Rentals; Vehicle Parking						
<i>Wholesale, Distribution, Storage Use Category</i>						
Equipment & Materials Storage Yards; Moving & Storage Facilities; Warehouse; Wholesale Distribution						
<i>Industrial</i>						
Heavy Manufacturing; Light Manufacturing; Marine Industry; Trucking & Transportation Terminals; Mining & Extractive Industries						
Research and Development					50	
	Compatible	Indoor Uses	Standard construction methods should attenuate exterior noise to an acceptable indoor noise level. Refer to Section I.			
		Outdoor Uses	Activities associated with the land use may be carried out.			
45, 50	Conditionally Compatible	Indoor Uses	Building structure must attenuate exterior noise to the indoor noise level indicated by the number (45 or 50) for occupied areas. Refer to Section I.			
		Outdoor Uses	Feasible noise mitigation techniques should be analyzed and incorporated to make the outdoor activities acceptable. Refer to Section I.			

**Table 5.10-2  
 Land Use – Noise Compatibility Guidelines**

Land Use Category			Exterior Noise Exposure (dBA CNEL)				
			55-60	60-65	65-70	70-75	75-80
Incompatible	Indoor Uses	New construction should not be undertaken.					
	Outdoor Uses	Severe noise interference makes outdoor activities unacceptable.					

**Source:** City of San Diego 2015.

***MSCP Land Use Adjacency Guidelines***

The project site contains and is adjacent to the City of San Diego Multiple Species Conservation Plan Subarea Plan (MSCP; City of San Diego 1997) MHPA. These MHPA areas intended for limited development to provide conservation of adequate habitat for the on-going survival of covered species. In order to protect the MHPA preserve, the MSCP include the Land Use Adjacency Guidelines that applies to properties located adjacent to the MHPA. As the site is located adjacent to the MHPA, these Land Use Adjacency Guidelines apply to the project site. These guidelines are in Section 1.4.3 of the City's MSCP Subarea Plan (March 1997) and include the following issues areas: 1) drainage, 2) toxics, 3) lighting, 4) noise, 5) barriers, 6) invasive species, 7) brush management and 8) grading/land development. Specifically for noise, the Land Use Adjacency Guidelines state:

- 4. Uses in or adjacent to the MHPA should be designed to minimize noise impacts. Berms or walls should be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA. Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species. Adequate noise reduction measures should also be incorporated for the remainder of the year.

Due to the presence of coastal California gnatcatcher in the coastal sage scrub habitat located to the southeast of the project site within the MHPA, the project must ensure noise levels do not exceed 60 dB (A) hourly average during the coastal California gnatcatcher breeding season within this MHPA area occupied by gnatcatcher. In addition, other sensitive birds may be located within the MHPA, including California horned lark, yellow warbler, and white-tailed kite (Appendix D, Biological Technical Report). Similarly, noise levels should not exceed 60 dB (A) during the breeding season of these species. Refer to Section 5.1, Land Use, and 5.4, Biological Resources, for additional details.

**City of San Diego Municipal Code**

The San Diego Municipal Code (SDMC) serves to further protect the welfare and the peace and quiet of the community through the establishment of both objective and subjective methods for determining non-compliance with the City of San Diego (City) noise regulations. The City has enumerated these standards and methods of enforcement in Chapter 5, Article 9.5 of the SDMC. Relevant standards and thresholds are presented below (City of San Diego 2010).

- a) It shall be unlawful for any person to cause noise by any means to the extent that the one-hour average sound level exceeds the applicable limit given in Table 5.10-3, at any location in the City of San Diego on or beyond the boundaries of the property on which the noise is produced. The noise subject to these limits is that part of the total noise at the specified location that is due solely to the action of said person.

**Table 5.10-3  
 Applicable Noise Limits**

Land Use	Time of Day	One-Hour Average Sound Level (dB)
Single-family residential	7:00 a.m. to 7:00 p.m.	50
	7:00 p.m. to 10:00 p.m.	45
	10:00 p.m. to 7:00 a.m.	40
Multifamily residential (up to a maximum density of 1/2,000)	7:00 a.m. to 7:00 p.m.	55
	7:00 p.m. to 10:00 p.m.	50
	10:00 p.m. to 7:00 a.m.	45
All other residential	7:00 a.m. to 7:00 p.m.	60
	7:00 p.m. to 10:00 p.m.	55
	10:00 p.m. to 7:00 a.m.	50
Commercial	7:00 a.m. to 7:00 p.m.	65
	7:00 p.m. to 10:00 p.m.	60
	10:00 p.m. to 7:00 a.m.	60
Industrial or agricultural	Any time	75

**Source:** SDMC 2019.

**Note:** dB = decibels.

- b) The sound level limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits for the two districts. Permissible construction noise level limits shall be governed by Sections 59.5.0404 of this article.
- c) Fixed-location public utility distribution or transmission facilities located on or adjacent to a property line shall be subject to the noise level limits of Part A. of this section, measured at or beyond six feet from the boundary of the easement upon which the equipment is located.

### **Section 59.5.0404 Construction Noise**

- a) It shall be unlawful for any person, between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in Section 21.04 of the SDMC, with exception of Columbus Day and Washington's Birthday, or on Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise unless a permit has been applied for and granted beforehand by the Noise Abatement and Control Administrator. In granting such permit, the Administrator shall consider whether the construction noise in the vicinity of the proposed work site would be less objectionable at night than during the daytime because of different population densities or different neighboring activities; whether obstruction and interference with traffic particularly on streets of major importance, would be less objectionable at night than during the daytime; whether the type of work to be performed emits noises at such a low level as to not cause significant disturbances in the vicinity of the work site; the character and nature of the neighborhood of the proposed work site; whether great economic hardship would occur if the work were spread over a longer time; whether proposed night work is in the general public interest; and he shall prescribe such conditions, working times, types of construction equipment to be used, and permissible noise levels as he deems to be required in the public interest.
- b) Except as provided in subsection C. hereof, it shall be unlawful for any person, including the City of San Diego, to conduct any construction activity so as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12-hour period from 7:00 a.m. to 7:00 p.m.
- c) The provisions of subsection B. of this section shall not apply to construction equipment used in connection with emergency work, provided the Administrator is notified within 48 hours after commencement of work.

## **5.10.3 IMPACT ANALYSIS**

### **5.10.3.1 Issue 1: Ambient Noise Increase**

***Issue 1: Would the project result in or create a significant increase in the existing ambient noise levels?***

#### **Threshold**

The City's California Environmental Quality Act (CEQA) Significance Determination Thresholds references the SDMC to establish definitions for acoustical terminology and provide additional significance thresholds for impact determination based on the source type. Based on the City's CEQA

Significance Determination Thresholds (City of San Diego 2022), noise impacts may be significant if the project would:

- Construction Noise: Exposure of people to construction noise levels that exceed the City's adopted Noise Ordinance, San Diego Municipal Code, Section 5.9.5.0404 (i.e., 75 dBA  $L_{eq}$ 12-hour])
- Stationary Noise Sources: Exposure of people to noise levels that exceed the City's adopted Noise Ordinance, San Diego Municipal Code, Section 5.9.5.0401
- Traffic Generated Noise: Exposure of people to transportation noise levels that exceed the sound level limits as presented in Table K-2 of the City's Significance Determination Thresholds and as identified below in Table 5.10-4. A significant permanent increase is defined as a direct project-related permanent ambient increase of 3 dBA or greater, where exterior noise levels would already exceed the City's significance thresholds.

**Table 5.10-4  
 City of San Diego Traffic Noise Significance Thresholds (dBA CNEL) (Table K-2  
 of the City's Guidelines)**

<b>Structure of Proposed Use That Would Be Impacted by Traffic Noise</b>	<b>Interior Space</b>	<b>Exterior Useable Space<sup>1</sup></b>	<b>General Indication of Potential Significance</b>
Single-family detached	45 dB	65 dB	Structure or outdoor useable area is <50 feet from the center of the closest (outside) lane on a street with existing or future ADTs >7,500
Multifamily, school, library, hospital, daycare center, hotel, motel, park, convalescent home	45 dB <sup>2</sup>	65 dB	
Office, church, business, professional uses	n/a	70 dB	Structure or outdoor useable area is <50 feet from the center of the closest lane on a street with existing or future ADTs >20,000
Commercial, retail, industrial, outdoor sports uses	n/a	75 dB	Structure or outdoor useable area is <50 feet from the center of the closest lane on a street with existing or future ADTs >40,000

**Source:** City of San Diego 2022.

**Notes:** dBA = A-weighted decibel; CNEL = community noise equivalent level; ADT = average daily traffic; n/a = not applicable.

<sup>1</sup> If a project is currently at or exceeds the significance thresholds for traffic noise described above, and noise levels would result in less than a 3-dB increase, then the impact is not considered significant.

<sup>2</sup> The City Development Services Department ensures 45 dB pursuant to Title 24.

## Impact

### ***Previous EIR***

As detailed in the 2014 Church EIR Chapter 7.6, the project would generate noise from the construction of the Church, associated buildings, and parking lot. It was determined that construction of the Church would result in temporary increases in ambient noise levels in the project area on an intermittent basis. Hourly average noise levels associated with construction activities were identified to result in a maximum of approximately 75 dB to 80 dB at a distance of 50 feet. Noise levels at the nearest noise sensitive receptor to the Church parcel are the single-family residences located approximately 260 feet directly south of the site along Rosecroft Country Way. Project construction noise was determined to be approximately 66 dB, which is below the City's noise ordinance limit of 75 dB during the 12-hour period from 7 a.m. to 7 p.m. Monday through Saturday. Impacts related to construction noise were determined to be **less than significant**.

Once construction is complete, the Church would generate low level noises associated with the Church and associated buildings on the site. Traffic to and on the site would also generate noise however the Church traffic would not result in significant off-site noise impacts. Refer to the 2014 Church EIR Chapter 7.6 for additional details.

### ***Changes in Circumstances/New Information***

#### **Construction**

Construction noise associated with the Assisted Living Facility is assessed with respect to the nearest pre-existing residential receptors, at which the 75 dBA 12-hour  $L_{eq}$  threshold per SDMC 59.5.0404(c) would apply.

Construction noise and vibration are temporary phenomena. Construction noise and vibration levels vary from hour to hour and day to day, depending on the equipment in use, the operations performed, and the distance between the source and receptor. Equipment that would be in use during construction would include, in part, graders, backhoes, rubber-tired dozers, loaders, cranes, forklifts, pavers, rollers, and air compressors. The typical maximum noise levels at a distance of 50 feet from various pieces of construction equipment and activities anticipated for use on the Assisted Living Facility parcel are presented in Table 5.10-5. Note that the equipment noise levels presented in Table 5.10-5 are maximum noise levels. Usually, construction equipment operates in alternating cycles of full power and low power, producing average noise levels over time that are less than the maximum noise level. The average sound level of construction activity also depends on the amount of time that the equipment operates and the intensity of construction activities during that time.



**Table 5.10-5  
 Typical Construction Equipment Maximum Noise Levels**

Equipment Type	Typical Equipment ( $L_{max}$ , dBA at 50 Feet)
Backhoe	78
Compressor (air)	78
Concrete Mixer Truck	79
Crane	81
Dozer	82
Excavator	81
Generator	72
Grader	85
Man Lift	75
Paver	77
Roller	80
Welder / Torch	73

**Source:** DOT 2006.

**Note:**  $L_{max}$  = maximum sound level; dBA = A-weighted decibels.

Aggregate noise emission from Assisted Living Facility construction activities, broken down by sequential phase, was predicted at two distances to the nearest existing noise-sensitive receptor: 1) from the nearest position of the Assisted Living Facility construction site boundary (or where activity is likely to concentrate, such as a building façade), and 2) from the geographic center of the Assisted Living Facility construction site or area of expected activity, which serves as the time-averaged location or geographic acoustical centroid of active construction equipment for the phase under study. The intent of the former distance is to help evaluate anticipated construction noise from a limited quantity of equipment or vehicle activity expected to be at the boundary for some period of time, which would be most appropriate for phases such as site preparation, grading, and paving. The latter distance is used in a manner similar to the general assessment technique as described in the Federal Transit Administration guidance for construction noise prediction, when the location of individual equipment for a given construction phase is uncertain over some extent of (or the entirety of) the Assisted Living Facility construction site area. Because of this uncertainty, all the equipment for a construction phase is assumed to operate—on average—from the acoustical centroid. Table 5.10-6 summarizes these two distances to the apparent closest noise-sensitive receptor for each of the five sequential construction phases. At the Assisted Living Facility parcel boundary, this analysis assumes that up to only one piece of equipment of each listed type per phase will be involved in the construction activity for a limited portion of the 12-hour period, consistent with SDMC Section 59.5.0404. In other words, at such proximity, the operating equipment cannot “stack” or crowd the vicinity and still operate normally. For the acoustical centroid case, which intends to be a geographic average position for all equipment during the indicated phase, this analysis assumes that the equipment may be operating up to all 12 hours per day.

**Table 5.10-6  
 Estimated Distances between Construction Activities and  
 the Nearest Receiver**

<b>Construction Phase (and Equipment Types Involved)</b>	<b>Distance from Nearest Noise-Sensitive Receptor to Construction Site Boundary (Feet)</b>	<b>Distance from Nearest Noise-Sensitive Receptor to Acoustical Centroid of Site (Feet)</b>
Site preparation (dozer, backhoe)	30	122
Grading (excavator, grader, dozer, backhoe, scraper)	30	122
Building construction (crane, man-lift, generator, backhoe, welder/torch)	50	150
Architectural finishes (air compressor)	50	150
Paving (paver, roller, other equipment)	30	122

**Source:** Appendix J.

A Microsoft Excel-based noise prediction model emulating and using reference data from the Federal Highway Administration (FHWA) Roadway Construction Noise Model (FHWA 2008) was used to estimate construction noise levels at the nearest occupied noise-sensitive land use. Input variables for the predictive modeling consist of the equipment type and number of each (e.g., two graders, a loader, a tractor), the duty cycle for each piece of equipment (e.g., percentage of time within a specific time period, such as an hour, when the equipment is expected to operate at full power or capacity and thus make noise at a level comparable to what is presented in Table 5.10-5), and the distance from the noise-sensitive receiver. The predictive model also considers how many hours that equipment may be on site and operating (or idling) within an established work shift (in this case, the allowable daytime construction hours of 7:00 a.m. to 7:00 p.m.). Conservatively, no topographical or structural shielding was assumed in the modeling. The Roadway Construction Noise Model has default duty-cycle values for the various pieces of equipment, which were derived from an extensive study of typical construction activity patterns. Those default duty-cycle values were used for this noise analysis, which is detailed in Appendix J, and produce the predicted results displayed in Table 5.10-7.

**Table 5.10-7  
 Predicted Construction Noise Levels per Activity Phase**

<b>Construction Phase (and Equipment Types Involved)</b>	<b>12-Hour <math>L_{eq}</math> at Nearest Noise-Sensitive Receptor to Construction Site Boundary (dBA)</b>	<b>12-Hour <math>L_{eq}</math> at Nearest Noise-Sensitive Receptor to Acoustical Centroid of Site (dBA)</b>
Site preparation (dozer, backhoe)	76.1	76.9
Grading (excavator, grader, dozer, backhoe, scraper)	82.3	80
Building construction (crane, man-lift, generator, backhoe, welder/torch)	75.0	71.6
Architectural finishes (air compressor)	70.7	64.5
Paving (paver, roller, other equipment)	75.5	73.5

**Source:** Appendix J.

**Notes:**  $L_{eq}$  = equivalent noise level; dBA = A-weighted decibels.

As presented in Table 5.10-7, the estimated construction noise levels are predicted to be as high as 82 dBA  $L_{eq}$  over a 12-hour period at the nearest existing residences (as close as 30 feet away) when grading activities take place near the southern Assisted Living Facility parcel boundaries. Note that these estimated noise levels at a source-to-receiver distance of 30 feet would occur when noted pieces of heavy equipment would each operate for a cumulative period of up to 2 hours a day. By way of example, a grader might make multiple passes on site that are this close to a receiver; but, for the remaining time during the day, the grader is sufficiently farther away, performing work at a more distant location, or simply not operating. On an average construction workday, heavy equipment would be operating sporadically throughout the Assisted Living Facility parcel and more frequently away from the southern edge. At more typical distances closer to the center of the Assisted Living Facility parcel (approximately 122 feet from the nearest existing residence), construction noise levels are estimated to range from approximately 65 dBA  $L_{eq}$  to 80 dBA  $L_{eq}$  at the nearest existing residence.

Construction activities associated with the Assisted Living Facility would take place primarily within the allowable hours of construction (7:00 a.m. and 7:00 p.m. Monday through Friday) as described in SDMC 59.5.0404. In conclusion, the construction noise from the Assisted Living Facility during allowable daytime hours has the potential for noise to exceed the 75 dBA  $L_{eq}$  12-hour City threshold at the nearest residential receiver on occasion, which was not previously identified in the 2014 Church EIR.

City of San Diego MSCP (City of San Diego 1997) Land Use Adjacency Guidelines apply to the project given the location of MHPA adjacent to the proposed development area. Due to the presence of coastal California gnatcatcher in the coastal sage scrub (CSS) habitat located to the southeast of the

project site within the MHPA, the project must ensure noise levels do not exceed 60 dB (A) hourly average during the coastal California gnatcatcher breeding season at that MHPA habitat area to provide compliance. Based on the construction noise modeling completed in Appendix J, the construction of the Assisted Living Facility would potentially result in exceedance of the 60 dB (A) hourly average at the nearby MHPA gnatcatcher habitat during construction. If construction occurs during the breeding season, the project would be required to include noise attenuation per Compliance Measure (CM) BIO-1 (see Table 3-2 in Chapter 3.0, Project Description). Based on a preliminary analysis completed, such noise attenuation could be achieved via 8- to 12-foot-tall sound blankets or comparable temporary solid barriers (e.g., overlapping plywood sheeting) along site boundary fencing (or within, as practical and appropriate) to occlude construction noise emission between this CSS area and the southeastern region of the construction site (CM-NOI-2). These implemented barriers would aim to keep construction noise exposure levels at the boundary of the CSS portion within the MHPA to 60 dBA hourly  $L_{eq}$  or less and thus compliant with the City's Land Use Adjacency Guidelines (see CM-BIO-1, in Table 3-2). During the remainder of the year, no such project construction noise reduction with respect to the CSS area would be required. However, if project site grading activity occurs during the CAGN breeding season, the southern extent of these temporary barriers implemented for CM-NOI-2 may represent part of **Mitigation Measure (MM) NOI-1** application and would be installed prior to and/or remain in place after the CAGN breeding season. In addition, indirect impacts could occur to breeding wildlife if construction occurs during the breeding season (i.e., February 1 through September 15). Lastly, with adherence to CM-BIO-1 and CM-NOI-2, the project would comply with the City Land Use Adjacent Guidelines noise requirements and construction noise impacts to the MHPA.

## **Operational**

### ***Roadway Traffic Noise***

The Assisted Living Facility would result in the creation of additional vehicle trips on local arterial roadways (i.e., El Camino Real), which could result in increased traffic noise levels at adjacent off-site existing noise-sensitive land uses. The Assisted Living Facility would add 234 average daily trips to El Camino Real.

Potential noise effects from vehicular traffic were assessed using the FHWA Traffic Noise Model version 2.5 (FHWA 2004). Information used in the model included the roadway geometry, posted traffic speeds, and traffic volumes for the following scenarios: existing (year 2021) and existing plus project. Noise levels were modeled at representative noise-sensitive receivers ST1 and ST2, as shown in Figure 5.10-1, and modeled to be 5 feet above the local ground elevation. The traffic noise prediction model results for the existing and existing-plus-project scenarios at these two assessment positions, and the arithmetic dB differences are summarized in Table 5.10-8.

**Table 5.10-8  
 Roadway Traffic Noise Modeling Results**

<b>Modeled Receiver Tag (Location Description)</b>	<b>Existing (2019) Noise Level (dBA CNEL)</b>	<b>Existing (2019) Plus Project Noise Level (dBA CNEL)</b>	<b>Maximum Project- Related Noise Level Increase (dB)</b>
ST1	62.5	62.5	< 0.1
ST2	49.4	47.6	-1.8
SC1	69.2	69.3	0.1

**Notes:** dBA = A-weighted decibel; CNEL = Community Noise Equivalent Level; dB = decibel; ST = short-term measurement location; SC = Stallion's Crossing.

**Source:** Appendix J

The City's Noise Element establishes a policy for exterior sensitive areas to be protected from high noise levels. The Noise Element sets 65 dBA CNEL for outdoor areas and 45 dBA CNEL for interior areas as the normally acceptable levels. Because measured sound pressure level (SPL) at ST1, as presented in Table 5.10-1, was less than 60 dBA  $L_{eq}$  during a daytime period sample, and on the expectation that nighttime traffic-dominated noise levels would be an estimated 10 dB less (FTA 2018), the existing CNEL at ST1 would be less than 65 dBA. But at the exterior areas of existing homes associated with the Stallion's Crossing community (SC1) south of the Assisted Living Facility parcel that are nearest to El Camino Real may be exposed to existing noise that already exceeds this standard due to existing traffic along El Camino Real. In addition to this fixed traffic noise threshold of 65 dBA CNEL, for the purposes of this noise analysis, potential Assisted Living Facility-attributed traffic noise impacts would also be considered significant when they cause a relative increase of 3 dB from existing noise levels. An increase or decrease in noise level of at least 3 dB is required before any noticeable change in community response would be expected (Caltrans 2013).

Table 5.10-8 shows that at the three listed representative receivers, the addition of Assisted Living Facility traffic to the roadway network would result in a CNEL increase of less than 3 dB, which is below the discernible level of change for the average healthy human ear. Also, post-construction traffic from the Assisted Living Facility is not expected to cause existing CNEL to cross the 65 dBA limit—it is already above this standard at SC1. At ST2, expected traffic noise levels would decrease by nearly 2 dB due to introduction of the proposed new buildings as sound path occlusion between them and the roadway noise source. In conclusion, sensitive receptors would not be exposed to significant operational noise from roadway traffic noise as previously disclosed in the 2014 Church EIR.

***Traffic Noise Exposure to Future Project Occupants***

Aside from exposure to aviation traffic noise, current CEQA noise-related guidelines at the state level do not require an assessment of exterior-to-interior noise intrusion, environmental noise exposure to occupants of newly-created project residences, or environmental noise exposure to exterior non-

residential uses attributed to the development of the Assisted Living Facility. Nevertheless, the City’s CEQA guidelines and the California Building Code requires that interior background noise levels not exceed a CNEL of 45 dB within habitable rooms.

In addition to the prediction results presented in Table 5.10-8, the FHWA TNM software was also used to predict the existing-plus-project scenario traffic noise levels at multiple on-site exterior areas, as listed in Table 5.10-9. The prediction results from Table 5.10-9 indicate that future traffic noise levels would not exceed 63 dBA CNEL.

**Table 5.10-9  
 On-Site Exterior Roadway Traffic Noise Modeling Results**

Location	Modeled Receiver Tag	Description	Predicted Traffic Noise Exposure at Modeled Receiver (dBA CNEL)
Western Façade	M1-1	1st floor	60.6
	M1-2	2nd floor/Balcony	62.9
	M1-3	3rd floor	63.1
	M2-1	1st floor	58.9
	M2-2	2nd floor/Balcony	61.8
	M2-3	3rd floor	61.8
Southern Façade	M3-1	1st floor	56.8
	M3-2	2nd floor/Balcony	59.7
	M3-3	3rd floor	59.9
Memory Care Garden	OS-1	n/a	58.6
Center Courtyard	OS-2	n/a	49.9
Pool Area	OS-3	n/a	48.3

**Notes:** dBA = A-weighted decibel; CNEL = Community Noise Equivalent Level; M = modeled location; OS = open space.

**Source:** Appendix J

Table 5.10-10 summarizes the calculated net Sound Transmission Class (STC) ratings for a set of studied occupied room façades that are anticipated to be exposed to predicted exterior noise levels greater than 60 dBA CNEL. As would be expected, an open window or open door to an adjoining patio or balcony greatly compromises the sound insulation performance of the façade wall assembly, as presented for the sample units appearing in Table 5.10-10. However, when such windows and doors are closed, all façades are anticipated to exhibit a predicted STC rating of at least 36, and thus would provide sufficient exterior-to-interior sound insulation from outdoor traffic noise to yield interior background sound levels that are less than 45 dBA CNEL and thus compliant with the City and state standards. As shown in Table 5.10-9, none of the predicted exterior traffic noise

levels at the studied Assisted Living Facility receptor locations exceeded 63 dBA CNEL; thus, the STC rating value (for closed windows and doors) subtracted from these exterior noise values would result in interior noise levels of less than 45 dBA CNEL (e.g.,  $63 - 36 = 27$  dBA CNEL, which is less than 45).

**Table 5.10-10  
 Predicted Net Sound Transmission Class of Occupied Room Façade**

Floorplan	Occupied Room Façade	Predicted Net Sound Transmission Class (STC) for Scenario	
		Closed Window(s) and Door *	Open Window(s) and Closed French Door*
Type A.2	1st floor Bedroom, western façade	37	8
Type E	2nd floor Bedroom w/ balcony, western façade	36	11
Type F	3rd floor Bedroom, western façade	38	11

**Source:** Appendix J

**Note:**

\* Doors are only modeled for scenarios that contain the balcony door.

***Stationary Operations Noise***

The incorporation of new facilities attributed to development of the Assisted Living Facility would add a variety of noise-producing mechanical equipment. Most of these noise-producing equipment or sound sources would be considered stationary, or limited in mobility to a defined area. The Assisted Living Facility parcel is located adjacent to residential uses, unlike the Church parcel which was surrounded by open space, an existing church, and a vacant lot.

**Facility Unit Heating, Ventilation, and Air Conditioning Noise**

For shared spaces, it was assumed the Assisted Living Facility would include 13 packaged air handling units (AHU) with incorporated air-cooled condensers or comparable noise-producing equipment across the Assisted Living Facility rooftop. The units of rooftop HVAC equipment individually have a sound emission source power level between 79 dBA and 86 dBA (Trane 2013). Based on the Assisted Living Facility site plan, the units would be installed as groupings behind 5-foot-tall screening walls.

Each of the new 105 inhabited rooms would be expected to feature a packaged terminal air-conditioning (PTAC) unit, each emitting noise under “high cool” (i.e., refrigeration compressor active to provide cooling) operation and exhibiting an SPL of up to 54.6 dBA (converted from Amana sound power level data [Goodman Company]).

The closest existing noise-sensitive residential receptor to the south of the Assisted Living Facility building would be as close as approximately 50 horizontal feet to what would be an arrangement of up to three PTAC units. The predicted sound emission level from the combination of Assisted Living Facility rooftop AHUs with the PTAC units would not exceed 37 dBA  $L_{eq}$  at this nearest southern off-site receptor and would comply with the San Diego Municipal Code nighttime noise limit of 40 dBA hourly  $L_{eq}$  as well as the MSCP Land Use Adjacency Guidelines, which requires a 60 dBA hourly average.

### ***Emergency Generator***

The Assisted Living Facility also features an emergency backup generator that will be installed on ground level north of the main building. While operation of such equipment during actual emergency situations is exempt from noise standards, noise emission from regular testing of the equipment under non-emergency conditions at an expected frequency of up to one half-hour test per month during daytime hours would still need to comply with the City's established noise limit at the property line: 50 dBA hourly  $L_{eq}$  south of Assisted Living Facility parcel, as well as 60 dBA hourly  $L_{eq}$  at the northern property line and at the MHPA line east of the Assisted Living Facility parcel. The backup generator is expected to include a sound enclosure with accompanying mounted exhaust muffler (Cummins undated), yielding an overall sound power level of 102 dBA. The aggregate noise level from the backup generator when tested at full load in combination with the PTACs and rooftop AHUs would yield a southern property line noise level of only 37 dBA hourly  $L_{eq}$  at the nearest residences south of the Assisted Living Facility parcel and 60 dBA hourly  $L_{eq}$  at the northern property line. The MHPA boundary east of the Assisted Living Facility parcel will be exposed to up to 57 dBA hourly  $L_{eq}$ . As such, the Assisted Living Facility noise generation would comply with the San Diego Municipal Code as well as the MSCP Land Use Adjacency Guidelines.

### **Significance of Impact**

#### ***Construction***

Due to the proximity of the construction activities to nearby residences, construction noise levels would potentially exceed the City's construction noise threshold of 75 dBA  $L_{eq}$ . In addition, indirect impacts could occur to breeding wildlife if construction occurs during the breeding season (i.e., February 1 through September 15). As such, construction noise impacts of the Assisted Living Facility would be **potentially significant (Impact NOI-1)**.

Based on the above, a potentially significant impact related to noise may occur from construction of the Assisted Living Facility that was not previously identified or disclosed in the previously certified 2014 Church EIR.



## ***Operational***

### **Roadway Traffic Noise**

The additional traffic from the Assisted Living Facility would result in a CNEL increase less than the 3 dB threshold. Thus, the Assisted Living Facility would result in a **less-than-significant impact** traffic noise impact.

Based on the above, no new significant noise impacts from roadway traffic noise or substantial increases in previously identified impact from roadway traffic noise analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Traffic Noise Exposure to Future Project Occupants**

Interior noise levels from traffic noise exposure are expected to be 27 dBA. Thus, the City's threshold of 45 dB CNEL within habitable rooms would not be exceeded and impacts are considered **less than significant**.

Based on the above, no new significant noise impacts from traffic noise exposure to future project occupants or substantial increases in previously identified impact from traffic noise exposure to future project occupants analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Stationary Operations Noise**

#### **Facility Unit Heating, Ventilation, and Air Conditioning Noise**

The operation of residential air-conditioning, rooftop HVAC units and the on-site outdoor transformer would result in **less-than-significant** noise impacts at the nearest residential receptors to the south of the Assisted Living Facility parcel.

Based on the above, no new significant noise impacts from stationary operations noise or substantial increases in previously identified impact from stationary operations noise analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

#### **Emergency Generator**

The operating backup generator is not expected to exceed the City's established noise limits at the property line. Operation of the backup generator would result in a **less-than-significant** noise impact.

Based on the above, no new significant noise impacts from an emergency generator or substantial increases in previously identified impact from an emergency generator analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### Mitigation

To mitigate **Impact NOI-1**, the Assisted Living Facility would be required to provide the following mitigation:

#### **MM-NOI-1: Temporary Construction Noise**

Prior to issuance of a grading permit, the grading plans shall be verified by the City to state the following:

The proposed project applicant or its contractor ~~shall~~ will implement one or more of the following options for on-site noise control and sound abatement means that, in aggregate, would yield a minimum of approximately 10 dBA of construction noise reduction during the grading phase of the project.

- Administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances to a nearest receiving occupied off-site property).
- Engineering controls (change equipment operating parameters [speed, capacity, etc.], or install features or elements that otherwise reduce equipment noise emission [e.g., upgrade engine exhaust mufflers]).
- Install noise abatement on the site's southern boundary fencing (or within, as practical and appropriate) in the form of sound blankets having a minimum sound transmission class (STC) of 20 or comparably performing temporary solid barriers (e.g., plywood sheeting at least ½" thick, with no airgaps between adjacent vertical sheets) to occlude construction noise emission between the site (or specific equipment operation as the situation may define) and the noise-sensitive receptor(s) of concern.

**MM-BIO-1** (see Section 5.4, Biological Resources, of this FSEIR)

**MM-BIO-2** (see Section 5.4, Biological Resources, of this FSEIR).

### Significance of Impact After Mitigation

With implementation of **MM-NOI-1**, the temporary construction-related noise impact (**Impact NOI-1**) of the Assisted Living Facility would be reduced to below the 75 dBA  $L_{eq}$  threshold. In addition, implementation of **MM-BIO-1** and **MM-BIO-2**, would reduce indirect impacts to wildlife associated with noise. As such, **Impact NOI-1** would be **less than significant after the implementation of mitigation**.

### 5.10.3.2 Issue 2: Groundborne Vibration and Noise

#### ***Issue 2: Would the project result in generation of excessive groundborne vibration or groundborne noise levels?***

##### **Threshold**

The Caltrans Transportation and Construction Vibration Guidance Manual was used to determine significance determination thresholds for noise impacts related to construction vibration (Caltrans 2020). Vibration impacts may be significant if the project would:

- Exceed a vibration velocity level of 0.1 ips PPV. Guidance from Caltrans indicates that a vibration velocity level of 0.1 ips PPV received at a structure would be considered annoying by occupants within (Caltrans 2020).
- Exceed a vibration velocity level of 0.5 ips PPV. Caltrans guidance from Section 2 recommends that a vibration level of 0.5 ips PPV would represent the threshold for building damage risk to a newer residential building experiencing continuous/frequent groundborne vibration.

##### **Impact**

###### ***Previous EIR***

The 2014 Church EIR determined that noise impacts related to the construction and operation of the Church would be less than significant. Refer to the 2014 Church EIR Chapter 7.6 for additional details.

###### ***Changes in Circumstances/New Information***

Construction activities may expose persons to excessive groundborne vibration or groundborne noise, causing a potentially significant impact. Information from Caltrans indicates that continuous vibrations with a PPV of approximately 0.1 ips could be considered annoying on the basis of it being “strongly perceptible” by building occupants. Anticipated construction vibrations associated with the Assisted Living Facility would yield 0.067 ips, which is lower than the 0.1 ips threshold for exposure to excessive groundborne noise (Appendix J).

Construction vibration, at sufficiently high levels, can also present a building damage risk. However, anticipated construction vibration associated with the Assisted Living Facility would yield levels of 0.067 ips, which do not surpass the guidance limit of 0.2 to 0.3 ips PPV for preventing damage to residential structures (Caltrans 2020).

## Significance of Impact

The Assisted Living Facility is expected to result in 0.067 ips due to construction activities. Therefore, at this predicted PPV, the impact of vibration-induced annoyance to occupants of nearby existing homes would be less than 0.1 ips PPV and therefore **less than significant**. Additionally, because the predicted vibration level at 30 feet is less than this guidance limit, the risk of vibration damage to nearby structures is considered **less than significant**.

Based on the above, no new significant groundborne vibration and noise impacts or substantial increases in previously identified noise impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## Mitigation

No mitigation would be required.

### 5.10.3.3 Issue 3: Airport Noise

***Issue 3: For a project 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?***

## Threshold

As outlined in the City's Significance Determination Thresholds, if a project site is not located within an Airport Environs Overlay Zone, potential noise impacts from aircraft noise would not constitute a significant environmental impact (City of San Diego 2022).

## Impact

### ***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.1, Land Use, the project site is not located within an Airport Land Use Compatibility Plan and is not located within 2 miles of any airport. Refer to 2014 Church EIR Chapter 5.1 and Chapter 7.6 for additional details.

### ***Changes in Circumstances/New Information***

As with the Church parcel previously analyzed in the 2014 Church EIR, the Assisted Living Facility parcel is not located within the vicinity of a private airstrip or an airport land use plan. The Assisted Living Facility parcel is not located within 2 miles of any airport and is not expected to expose people in the project area to excessive noise levels.

### **Significance of Impact**

The project site is not located within 2 miles of any airport. Therefore, the project would not expose people residing or working in the project area to excessive noise levels associated with aircraft. Impacts would be **less than significant**.

Based on the above, no new significant airport noise impacts or substantial increases in previously identified airport noise impacts analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Mitigation**

No mitigation would be required.

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SOURCE: NearMap 2020



FIGURE 5.10-1

Noise Measurement and Modeled Receiver Locations

El Camino Real Assisted Living Facility SEIR



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## **5.11 TRIBAL CULTURAL RESOURCES**

At the time of the 2014 St. John Garabed Armenian Church Project Final Environmental Impact Report (2014 Church EIR), tribal cultural resource threshold questions were not included in the California Environmental Quality Act (CEQA) Guidelines. In 2014, Assembly Bill 52 updated Appendix G of the CEQA Guidelines to include impact questions related to impacts on tribal cultural resources (OPR 2022). 2014 Church EIR Chapter 5.6, Historical Resources, discloses information regarding the approved St. John Garabed Armenian Church (Church) and associated historical resources analysis, including discussion of tribal cultural resources. A summary of that analysis is included in for each issue in Section 5.11.3, below, for the convenience of the reader. However, refer to 2014 Church EIR Chapter 5.6 for details.

As the focus of the analysis within this FSEIR is the addition of the El Camino Real Assisted Living Facility (Assisted Living Facility), the additional information provided below is intended to provide a tribal cultural resources analysis update to the 2014 Church EIR for the proposed Assisted Living Facility. This section discusses potential impacts to tribal cultural resources resulting from implementation of the additional Assisted Living Facility. The analysis is based on a review of existing cultural resources, technical data, tribal and Native American Heritage Commission (NAHC) correspondence, and applicable laws, regulations, and guidelines, as well as the following technical report which is included in Appendix F:

- Cultural Resources Inventory and Evaluation Report for the El Camino Senior Housing Project prepared by Dudek in March 2021

### **5.11.1 EXISTING CONDITIONS**

Tribal cultural resources include sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that is eligible for inclusion in the California Register of Historical Resources, or local register of historical resources as defined in Public Resources Code (PRC) subdivision (k) of Section 5020.1.

The project is situated near the confluence of Gonzales Creek with the San Dieguito River. The southwestern portion of the project parcel is located on a Quaternary-age terrace. The central and eastern portions of the project are comprised of lower Quaternary-age alluvium that was deposited through siltation of a tidal estuary, and now subject to seasonal flooding along the southern side of El Camino Real Road. All areas have been applied to agricultural uses, though the lower areas most recently. Based on Geosoils Inc. geotechnical testing for the area along the terrace, “colluvial soils were encountered throughout the site as a surficial, or near surface layer varying from sandy clay and clayey sand to silty sand with clay. The upper 12 inches of colluvium contained remnants of twine and plastic, and appeared to have been cultivated” (Appendix F).

South Coastal Information Center (SCIC) staff conducted a records search for the Assisted Living Facility parcel area of potential effect (APE) and a surrounding 1-mile search radius on December 07, 2020. The records search results indicate that 137 previous cultural resources studies have been conducted within 1 mile of the Assisted Living Facility parcel APE, 17 of which intersect the Assisted Living Facility parcel APE and are listed in Table 5.6-1 in Section 5.6, Historical Resources. Based on the previous studies, the entire Assisted Living Facility parcel APE has been studied. The studies not listed in Table 5.6-1 are included in Confidential Appendix of the Cultural Resources Inventory and Evaluation Report (Appendix F) and are not available for public viewing due to the sensitivity of the information included.

A total of 84 previously recorded cultural resources are located within the one-mile search radius. SCIC records identified one previously recorded prehistoric cultural resource, CA-SDI-687 (P-37-000687), within the Assisted Living Facility parcel APE. CA-SDI-687 intersects the southeastern portion of the Assisted Living Facility parcel APE. This resource is described in more detail in Section 5.6.

### **NAHC and Tribal Correspondence**

A NAHC Sacred Lands File (SLF) was completed for the Assisted Living Facility parcel APE on December 11, 2020. The NAHC provided results on December 29, 2020, which identified no Native American traditional cultural places present within the Assisted Living Facility parcel APE. The NAHC additionally provided a list of Native American tribes and individuals/organizations that might have knowledge of cultural resources in or near the Assisted Living Facility parcel APE.

Following the NAHC response, letters were sent on January 5, 2021, to the listed tribal representatives requesting cultural information related to the Assisted Living Facility parcel. To date, no responses regarding traditional cultural places has been provided.

### **AB 52 Consultation**

The City sent AB 52 consultation notices on June 10, 2022, to the following three tribes pursuant to Assembly Bill 52 tribal consultation requirements: Lipay Nation of Santa Ysabel, Jamul Indian Village, and San Pasqual Band of Mission Indians; they are traditionally and culturally affiliated with the project area and have requested notifications. No response was received, and consultation was closed on July 11, 2022.

## 5.11.2 REGULATORY FRAMEWORK

### State

#### ***California Register of Historical Resources***

In California, the term “historical resource” includes, but is not limited to, “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” (California Public Resources Code [PRC] Section 5020.1[j]). In 1992, the California legislature established the CRHR “to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Section 5024.1[a]). A resource is eligible for listing in the CRHR if the State Historical Resources Commission determines that it is a significant resource and that it meets any of the following NRHP criteria (PRC Section 5024.1[c]):

1. Associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage
2. Associated with the lives of persons important in our past
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values
4. Has yielded, or may be likely to yield, information important in prehistory or history

Resources less than 50 years old generally are not considered for listing in the CRHR but may be considered if it can be demonstrated that sufficient time has passed to understand the historical importance of the resource (14 CCR Section 4852[d][2]).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP, and properties listed or formally designated as eligible for listing on the NRHP are automatically listed on the CRHR, as are the state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local cultural resource surveys. The State Historic Preservation Office maintains the CRHR.

#### ***Native American Historic Resource Protection Act***

The Native American Historic Resource Protection Act (PRC Section 5097, et seq.) addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if

Native American skeletal remains are discovered during construction of a project; and establishes the NAHC to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resource Protection Act makes it a misdemeanor punishable by up to 1 year in jail to deface or destroy a Native American historical or cultural site that is listed or may be eligible for listing in the CRHR.

### ***California Native American Graves Protection and Repatriation Act***

The California Native American Graves Protection and Repatriation Act (CAL-NAGPRA), enacted in 2001, requires all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items, as defined, to complete an inventory and summary of these remains and items on or before January 1, 2003, with certain exceptions. CAL-NAGPRA also provides a process for the identification and repatriation of these items to the culturally affiliated tribes.

### ***California Health and Safety Code, Section 7050.5***

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. California Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains shall occur until the county coroner has examined the remains (California Health and Safety Code Section 7050.5b). If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the NAHC within 24 hours (California Health and Safety Code Section 7050.5c). The NAHC will notify the Most Likely Descendant (MLD). With the permission of the landowner, the MLD may inspect the site of discovery. The inspection must be completed within 24 hours of notification of the MLD by the NAHC. The MLD may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

### ***California Environmental Quality Act***

The following California Environmental Quality Act (CEQA) statutes and CEQA Guidelines are relevant to the analysis of historic, archaeological, and tribal cultural resources:

- California Public Resources Code Section 21083.2(g): Defines “unique archaeological resource.”
- California Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5(a): Defines cultural resources. In addition, CEQA Guidelines Section 15064.5(b) defines the phrase “substantial adverse change” in the significance of a cultural resource. It also defines the circumstances when a project would materially impair the significance of a cultural resource.

- California Public Resources Code Section 21074 (a): defines “Tribal cultural resources” and Section 21074(b): defines a “cultural landscape.”
- California Public Resources Code Section 5097.98 and CEQA Guidelines Section 15064.5(e): These statutes set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.
- California Public Resources Code Sections 21083.2(b)-(c) and CEQA Guidelines Section 15126.4: These statutes and regulations provide information regarding the mitigation framework for archaeological and historic resources, including options of preservation-in-place mitigation measures; identifies preservation-in-place as the preferred manner of mitigating impacts to significant archaeological sites.

Under CEQA, a project may have a significant effect on the environment if it may cause “a substantial adverse change in the significance of an historical resource” (PRC Section 21084.1; CEQA Guidelines Section 15064.5[b]). A “historical resource” is any site listed or eligible for listing in the CRHR. The CRHR listing criteria (14 CCR 15064.5[a][3]) are intended to examine whether the resource in question:

- A. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- B. Is associated with the lives of persons important in our past;
- C. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- D. Has yielded, or may be likely to yield, information important in pre-history or history.

The term “historical resource” also includes any site described in a local register of historical resources, or identified as significant in a historical resources survey (meeting the requirements of PRC Section 5024.1[g]).

All historical resources and unique archaeological resources—as defined by statute—are presumed to be historically or culturally significant for purposes of CEQA (PRC Section 21084.1; 14 CCR Section 15064.5[a]). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (PRC Section 21084.1; 14 CCR Section 15064.5[a]). A site or resource that does not meet the definition of “historical resource” or “unique archaeological resource” is not considered significant under CEQA and need not be analyzed further (PRC Section 21083.2[a]; 14 CCR Section 15064.5[c][4]).

Pursuant to these sections, CEQA first evaluates whether a project site contains any historical resources, then assesses whether that project will cause a substantial adverse change in the

significance of a historical resource such that the resource's historical significance is materially impaired. When a project significantly affects a unique archaeological resource, CEQA imposes special mitigation requirements.

Finally, CEQA Guidelines Section 15064.5 assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are set forth in PRC Section 5097.98.

### **Assembly Bill 52**

Assembly Bill 52 (AB 52), the Native American Historic Resource Protection Act, sets forth a proactive approach intended to reduce the potential for delay and conflicts between Native American and development interests. AB 52, which took effect July 1, 2015, establishes a consultation process between California Native American Tribes and lead agencies in order to address tribal concerns regarding project impacts and mitigation to "tribal cultural resources" (TCR). PRC Section 21074(a) defines TCRs and states that a project that has the potential to cause a substantial adverse change to a TCR is a project that may have an adverse effect on the environment. Under AB 52, a tribal cultural resource is defined as a site, feature, place, cultural landscape (must be geographically defined in terms of size and scope), sacred place, or object with cultural value to a California Native American tribe that is either included or eligible for inclusion in the California Register, or included in a local register of historical resources. A Native American Tribe or the lead agency, supported by substantial evidence, may choose at its discretion to treat a resource as a tribal cultural resource. AB 52 also mandates lead agencies to consult with tribes, if requested by the tribe, and sets the principles for conducting and concluding consultation.

## **5.11.3 IMPACT ANALYSIS**

### **5.11.3.1 Issue 1: Tribal Cultural Resources**

***Issue 1: 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**
- 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?**

**Threshold**

According to CEQA Appendix G, impacts to tribal cultural resources would be significant if the project would:

1. 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).
  - 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.

**Impact**

***Previous EIR***

As indicated in the 2014 Church EIR Chapter 5.6, the Cultural Resources Survey Report and the Phase II studies resulted in the recommendation that the impacted historical resource (CA-SDI-20031) is not eligible for listing in the CRHR or local register. The effects of the Church on this resource were determined to not have a significant effect on the environment. No existing religious or sacred uses or human remains were identified within the Church parcel.

In the event that an unknown, intact archaeological material or burial-related items were encountered during construction of the Church, the potential disturbance to the site would be a potentially significant impact that would be mitigated through Mitigation Measure CR-1, identified in the 2014 Church EIR, which would ensure that steps are taken to identify and properly handle potential archaeological resources or human remains when they are encountered. Additionally, archaeological and Native American monitoring was recommended for all primary ground disturbance within the upper 2 to 4 feet of matrix. Refer to 2014 Church EIR Chapter 5.6 for additional details.

## ***Changes in Circumstances/New Information***

### **Direct Impacts**

As discussed in Section 5.6, the Assisted Living Facility parcel has been evaluated to determine if significant cultural resources are present. Based on the evaluation completed (Appendix F), the Assisted Living Facility parcel APE does not contain any known resources that are considered a significant cultural resource under CEQA (CEQA Guidelines Section 15064.5) or under cultural guidelines for the City of San Diego (City of San Diego 2022). No known religious or sacred uses are present within the Assisted Living Facility parcel, nor are any human remains known to be present. Due to the heavily disturbed nature of the site and the lack of significant resources located during archaeological excavations completed at the Assisted Living Facility parcel, the cultural resources report has identified a low potential for unknown subsurface archaeological resources to be present at the Assisted Living Facility parcel.

To date, no responses from Native American tribes and individuals/organizations that might have knowledge of cultural resource regarding traditional cultural places has been provided. In addition, no tribes requested AB 52 consultation. Overall, there are no known significant tribal cultural resources on the project site.

### **Indirect Impacts**

As discussed in Section 5.6, people using and visiting the Assisted Living Facility at the site are not anticipated to enter into the adjacent open space due to the physical barriers proposed by the project, such as fencing along the MHPA boundary. In addition, the topological difference between the development area and the adjacent area would also discourage residents and visitors from entering the open space. The area would also be covered by a Covenant of Easement, which prohibits trespass and uses that could result in indirect impacts to cultural resources. Overall, the Assisted Living Facility is not anticipated to result in significant indirect impacts to cultural resources.

### **Significance of Impact**

The Assisted Living Facility would impact no known significant cultural resources. At the time of the 2014 Church EIR, tribal cultural resource threshold questions were not included in the CEQA Guidelines. However, consistent with the findings from the 2014 Church EIR, there is low potential for the Assisted Living Facility grading activities to result in potential impacts to unknown subsurface tribal cultural resources. In the event that an unknown, intact archaeological material or burial-related items are encountered during project construction, the potential disturbance to the site would be a **potentially significant impact (Impact TCR-1)**.



The 2014 Church EIR identified potentially significant impacts to cultural resources, including resources that would qualify as tribal cultural resources. As such, no new potentially significant tribal cultural resource impacts or substantial increases in previously identified tribal cultural resource impacts analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### **Mitigation**

Potential impacts to tribal cultural resources (**Impact TCR-1**) would be reduced to below a level of significance through implementation of **Mitigation Measure (MM) CR-1**. This mitigation measure has been updated to reflect the City's current standard monitoring mitigation measure language, but is equivalent to the previous mitigation measure identified in the certified 2014 Church EIR. Refer to Section 5.6 for details regarding this mitigation measure.

### **Significance of Impact After Mitigation**

The project impact to tribal cultural resources (**Impact TCR-1**) would be reduced to **less than significant** with **MM-CR-1**. **MM-CR-1** requires a qualified archaeological monitor and Native American monitor to monitor areas with potential to yield subsurface archaeological resources and therefore impacts would be **less than significant**.

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## CHAPTER 6.0 CUMULATIVE IMPACTS

In many cases, the impact of a single project may not be significant, but the cumulative impact may be significant when combined with other projects. Section 15355 of the California Environmental Quality Act (CEQA) Guidelines defines cumulative impacts as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” CEQA Guidelines Section 15130(b) states that “the discussion [of cumulative impacts] need not provide as great detail as is provided for the effects attributable to the project alone.” Section 15130(b) further states that a cumulative impacts discussion “should be guided by standards of practicality and reasonableness.”

Cumulative impacts can occur from the interactive effects of a single project. For example, the combination of noise and dust generated during construction activities can be additive and can have a greater impact than either noise or dust alone. However, substantial cumulative impacts more often result from the combined effect of past, present, and future projects located in proximity to the project under review. Therefore, it is important for a cumulative impacts analysis to be viewed over time and in conjunction with other related past, present, and reasonably foreseeable future developments, the impacts of which might compound or interrelate with those of the project under review.

CEQA Guidelines Section 15130(b)(1)(A) allows for the preparation of a “list of past, present, and probable future projects” as a viable method of determining cumulative impacts. This discussion utilizes the following approach: generation of a list and description of related projects, followed by a discussion of the effects that the project (combined with the list) may have on each environmental category of concern (e.g., traffic and noise). Consistent with CEQA, this discussion is guided by the standards of practicality and reasonableness.

Chapter 6.0, Cumulative Impacts, of the 2014 St. John Garabed Armenian Church Project Final Environmental Impact Report (2014 Church EIR) discloses information regarding the approved St. John Garabed Armenian Church (Church) and the associated cumulative impact analysis. A summary of that analysis is included below for the convenience of the reader. However, refer to 2014 Church EIR Chapter 6.0 for additional details.

As the focus of the analysis within this FSEIR is the addition of the El Camino Real Assisted Living Facility (Assisted Living Facility), the additional information provided below is intended to provide a cumulative impact analysis update to the 2014 Church EIR for the proposed Assisted Living Facility. This section discusses potential cumulative impacts resulting from implementation of the Assisted Living Facility and identifies mitigation measures, if applicable related to implementation.

The locations of the cumulative projects are depicted in Figure 6-1, Cumulative Projects. A brief description of each cumulative project is presented in Table 6-1; the numbers in the list correspond to the locations shown in Figure 6-1.

**Table 6-1  
 Cumulative Projects**

No.	Project Title	Project Description	Status
1	Palma de la Reina	A mixed-use development on a 4.31-acre parcel within the area known as Whispering Palms in the County of San Diego.	Constructed
2	Morgan Country Club	A golf course development near Whispering Palms in the County of San Diego.	Constructed
3	Flower Hill Promenade Redevelopment	The existing commercial property is currently being renovated.	Constructed
4	Via de la Valle Townhomes	13 single-family detached homes, 14 duplexes, and 8 fourplexes are planned for a 22-acre undeveloped site on the north side of Via del la Valle, east of the Flower Hill Promenade.	Pending
5	Rancho Hacienda Del Mar (formerly known as Rancho Del Mar)	A 174-unit continuing care retirement community along 3975, Via de la Valle, in the southeastern corner of Via de la Valle and El Camino Real Road.	Withdrawn
6	Pacific Highland Ranch	A 2,652-acre planned residential community to be built near the intersection of Del Mar Heights Road and Carmel Valley Road.	Under Construction
7	One Paseo	A 1.2 million-square-foot (sf) mixed-use center, with retail, office, and residential space.	Constructed
8	The Heights at Del Mar	A 72,291 sf, three-story office building to be located at 12790 El Camino Real.	Constructed
9	Carmel Valley Residence Inn	A hotel project in Carmel Valley.	Approved
10	22nd District Agricultural Association	A Master Plan for the enhancement, renovation, and replacement of the existing Del Mar Fairgrounds.	Approved
11	Riverview Project	Two 2-story commercial office buildings, totaling 23,293 sf, are proposed at the southeast corner of San Dieguito Road and Jimmy Durante Boulevard.	Approved
12	Magellan/Solana Beach Gateway	A 98-room hotel, 17 condominiums, and a 4,000 sf restaurant are proposed on property between North Highway 101 and the railroad tracks overlooking the San Elijo Lagoon.	Withdrawn
13	Villages at Lomas Santa Fe Plaza	This project proposes a 45,500 sf of commercial space on the southern portion of the existing Lomas Santa Fe Plaza shopping center. The site is located	Approved

**Table 6-1  
 Cumulative Projects**

No.	Project Title	Project Description	Status
		on the southern portion of the Lomas Santa Fe Plaza shopping center in Solana Beach, east of Interstate 5, south of Lomas Santa Fe Drive, and between Marine View Avenue and Las Banderas Drive.	
14	Via del la Valle Street Widening	Via del la Valle is proposed for improvements between San Andres Drive and El Camino Real West.	Constructed
15	El Camino Real Bridge Widening Project	The project proposes to improve the structural integrity of the El Camino Real Bridge over the San Dieguito River, alleviate problems associated with high flood events, improve pedestrian and vehicular access to nearby coastal and recreational resources, relieve traffic congestion, and improve consistency with the adopted land use plan for the project area. The proposed improvements include raising and widening El Camino Real to a modified 4 Lane Major roadway and replacing the bridge with a structure that is higher, wider, and has deeper piles. Approximately 1,000 feet of Via de la Valle between El Camino Real and North El Camino Real would be widened to accommodate two thru lanes in each direction and dual left turn lanes from eastbound Via de la Valle to southbound El Camino Real.	Approved

## 6.1 LAND USE

### Previous EIR

As indicated in the 2014 Church EIR Chapter 6.0, through the implementation of a Conditional Use Permit (CUP), Site Development PermitSDP, Planned Development PermitPDP, the Conceptual Restoration Plan for the Church, the MHPA boundary line adjustment, and Mitigation Measures LU-1 and LU-2, it was determined that the Church would be consistent with the City's General Plan, North City Future Urbanizing Area (NCFUA) Framework Plan, zoning, and MSCP. As stated in the 2014 Church EIR, any cumulative projects within the area would also be required to comply with the City General Plan, NCFUA Framework Plan, and the MSCP and projects that were not consistent with the General Plan land use designation or zoning would have been required to implement a General Plan amendment, CPA, and/or zone change. As demonstrated in the 2014 Church EIR, the Church with mitigation implemented would not contribute to a significant cumulative impact due to an inconsistency or conflict with an adopted land use plan, land use designation, or policy. Additionally,

the deviation requests that are included in the Church were determined to not result in a physical impact on the environment. In conclusion, no significant cumulative land use impacts were identified in the 2014 Church EIR.

### Changes in Circumstances/New Information

The proposed Assisted Living Facility would be consistent with the City's General Plan, NCFUA Framework Plan, zoning, and MSCP as detailed in Chapter 5.1, Land Use. The Assisted Living Facility is in the Coastal Zone. The Assisted Living Facility will be submitted to the California Coastal Commission for review and approval in accordance with the Coastal Act. The Framework Plan is certified by the Coastal Commission and provides policy guidance to the Coastal Commission. As discussed in Section 5.1.3.2, the Assisted Living Facility is consistent with the Framework Plan. The Assisted Living Facility would require an uncodified ordinance to adopt a ~~Conditional Use Permit~~CUP (CUP)-that would make the Assisted Living Facility consistent with the underlying zoning by exempting the proposed Assisted Living Facility from San Diego Municipal Code (SDMC) Section 141.0413(a) due to unique circumstances associated with the project site. Nursing facilities were a conditionally permitted use through the processing of a ~~Conditional Use Permit~~(CUP) at the time of Proposition A passage (The Growth Management Initiative). The prohibition of nursing facilities within the AR -1-1 agriculture zone of Proposition A Lands was added to the ~~Municipal Code~~SDMC after Proposition A was approved. Additionally, as discussed in Section 5.1.3.2, the Assisted Living Facility would not include any variances. Further, as discussed in Section 5.1.3.3, the eastern portion of the Assisted Living Facility parcel is within the MHPA. The Assisted Living Facility would avoid developing within the MHPA and would preserve that area in perpetuity as open space through a Covenant of Easement in accordance with the City's Environmentally Sensitive Lands regulations. The proposed Assisted Living Facility would not result in any direct impacts to the MHPA nor require any MHPA boundary line adjustment and would adhere to the Land Use Adjacency Guidelines, as identified in the City of San Diego MSCP Subarea Plan City of San Diego 1997), as detailed in Appendix D (Biological Technical Report), included in Compliance Measure (CM) BIO-1 and CM-NOI-2 (see Table 3-2). The proposed Assisted Living Facility would not result in any land use plan or zoning inconsistencies that would cumulatively contribute to an environmentally significant impact. In conclusion, the proposed Assisted Living Facility impacts related to land use would not be cumulatively considerable and would be **less than significant**.

Based on the above, no new significant cumulative land use impacts or substantial increases in a previously identified cumulative land use impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## **6.2 AGRICULTURAL RESOURCES**

### **Previous EIR**

As indicated in the 2014 Church EIR Chapter 5.2, Agricultural Resources, and Chapter 6.0, Cumulative Impacts, the proposed site use of a church and associated uses is an allowable use under the Church parcel's current zoning designation of Agricultural-Residential (AR-1-1) with a CUP. As stated in the 2014 Church EIR, the Church parcel and surrounding sites are not under Williamson Act contracts or designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. It was determined that the Church would not interfere with the agricultural use of the property to the north on the other side of El Camino Real which is designated as Prime Farmland and Farmland of Statewide Importance. None of the projects that were listed as cumulative projects at the time of the certification of the 2014 Church EIR were in areas designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The Church was determined to not contribute to a significant cumulative impact to agricultural resources.

### **Changes in Circumstances/New Information**

As discussed in Section 5.2, Agricultural Resources, the proposed Assisted Living Facility is an allowable use with a CUP under the site's current zoning designation of Agricultural-Residential (AR-1-1). Since the site is also subject to Proposition A, which is a system to address future growth and development outlined in the Land Use Element of the General Plan, the project includes an Uncodified Ordinance to adopt the CUP that would make the Assisted Living Facility consistent with the underlying zoning by exempting the Assisted Living Facility from SDMC Section 141.0413(a) due to unique circumstances associated with the project site. The Assisted Living Facility parcel and surrounding sites are not under Williamson Act contracts and the Assisted Living Facility parcel is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (see Figure 5.2-1). Due to the lack of water to the project site, the project site does not represent a productive agricultural resource and therefore would not be taking away from productive agricultural resources within the City. The Assisted Living Facility would not interfere with the agricultural use of the property in the surrounding area, the Assisted Living Facility would be surrounded by development to the north, west, and south and east of the MHPA open space. The proposed Assisted Living Facility would not contribute to a cumulative agricultural resources impact. None of the projects listed above in Table 6-1 or shown on Figure 6-1 are in areas designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on Figure 5.2-1. In combination with the Church and all other cumulative projects, the proposed project cumulative impacts to agricultural resources would be **less than significant**.

Based on the above, no new significant cumulative agricultural resource impacts or substantial increases in a previously identified cumulative agricultural resource impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## **6.3 AIR QUALITY AND ODOR**

### **Previous EIR**

As indicated in the 2014 Church EIR Chapter 5.3, Air Quality, and Chapter 6.0, Cumulative Impacts, it was determined that implementation of the Church would not exceed the significance thresholds for VOCs, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub>. Additionally, it was determined that the Church would be consistent with the anticipated growth by local plans and would be consistent with the RAQs. The Church was not considered a more intense land use than what the Church parcel zoning allowed and therefore, it was reasonable to assume vehicle trip generation and planned development for the parcel were anticipated in the RAQS and were determined to be consistent at a regional level with the growth forecasts in the RAQs. It was determined that it was possible for some of the cumulative projects to be under construction during the same timeframe, and the area could experience increased emissions due to construction activities, equipment, and increased traffic, but it was ultimately determined that the Church would not cumulatively contribute to an air quality impact related to an inconsistency with the RAQS and impacts were less than significant.

Odors that would be generated from construction of the Church were determined to be temporary in nature and would not affect a substantial amount of people. The proposed land use for the Church was not associated with land uses that produce significant odors. Impacts related to the generation of odors were determined to be less than significant.

In conclusion, it was determined that the Church impacts related to air quality and odors would not be cumulatively considerable and would be less than significant.

### **Changes in Circumstances/New Information**

The SDAB has been designated as a federal nonattainment area for O<sub>3</sub> and a state nonattainment area for O<sub>3</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. The poor air quality in the SDAB is the result of cumulative emissions from motor vehicles, off-road equipment, commercial and industrial facilities, and other emission sources. Projects that emit these pollutants or their precursors (i.e., VOCs and NO<sub>x</sub> for O<sub>3</sub>) potentially contribute to poor air quality. In analyzing cumulative impacts from a project, the analysis must specifically evaluate the project's contribution to the cumulative increase in pollutants for which the SDAB is designated as nonattainment for the CAAQS and NAAQS. If the project does not exceed thresholds and is determined to have less-than-significant project-specific impacts, it may still contribute to a significant cumulative impact on air quality if the emissions from the project, in combination with the emissions from other proposed or reasonably foreseeable future projects, are in excess of established thresholds. However, a project would only be considered to have a significant cumulative impact if the project's contribution accounts for a significant proportion of the



cumulative total emissions (i.e., it represents a “cumulatively considerable contribution” to the cumulative air quality impact).

Regarding short-term construction impacts, the SDAPCD thresholds of significance are used to determine whether the project may have a short-term cumulative impact. As shown in Table 5.3-6, the Assisted Living Facility would not exceed any criteria air pollutant during construction. Construction of the Church has been completed and such emissions would not combine with the Assisted Living Facility construction activities. Operational emissions of the Church in combination with the Assisted Living Facility construction emissions are shown below in Table 6-2. As shown, the cumulative emissions from both areas of the site would not exceed the City’s thresholds during the Assisted Living Facility construction. Therefore, the Assisted Living Facility would have a **less than significant** cumulative impact during construction.

**Table 6-2**  
**Estimated Daily Maximum Emissions of the Church Operations with Assisted Living Facility Construction (pounds/day)**

<b>Emission Source</b>	<b>VOC</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>SO<sub>x</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
Church Operations	2.53	2.84	25.48	0.05	8.19	1.60
Construction of Assisted Living Facility	5.75	48.12	35.37	0.12	10.25	5.74
<b>Project Site Total</b>	<b>8.28</b>	<b>50.96</b>	<b>60.85</b>	<b>0.17</b>	<b>18.44</b>	<b>7.34</b>
<i>Emission Threshold</i>	<i>137</i>	<i>250</i>	<i>550</i>	<i>250</i>	<i>100</i>	<i>55</i>
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

**Notes:** VOC = Volatile Organic Compounds; NO<sub>x</sub> = Oxides of Nitrogen; CO = carbon monoxide; SO<sub>x</sub> = Oxides of Sulfur; PM<sub>10</sub> = particulate matter with an aerodynamic diameter less than or equal to 10 microns; PM<sub>2.5</sub> = particulate matter with an aerodynamic diameter less than or equal to 2.5 microns.

**Source:** 2014 Church EIR and Appendix C.

Additionally, for the SDAB, the RAQS serves as the long-term regional air quality planning document for the purpose of assessing cumulative operational emissions in the basin to ensure the SDAB continues to make progress toward NAAQS- and CAAQS-attainment status. As such, cumulative projects located in the San Diego region would have the potential to result in a cumulative impact to air quality if, in combination, they would conflict with or obstruct implementation of the RAQS. Similarly, individual projects that are inconsistent with the regional planning documents upon which the RAQS is based would have the potential to result in cumulative operational impacts if they represent development and population increases beyond regional projections.

Regarding long-term cumulative operational emissions in relation to consistency with local air quality plans, the SIP and RAQS serve as the primary air quality planning documents for the state and SDAB, respectively. The SIP and RAQS rely on SANDAG growth projections based on population, vehicle trends, and land use plans developed by the cities and the County of San Diego as part of the development of their general plans. Development that is consistent with the growth anticipated by local plans would be consistent with the SIP and RAQS and would result in emissions that are accounted for. As described in Section 5.3.3.1, the Assisted Living Facility does not propose a change in land use designation and, with approval of the CUP amendment via an Uncodified Ordinance, Site Development Permit SDP Amendment, and NUP for Comprehensive Sign Program, the Assisted Living Facility would not conflict with the policies contained in the City’s adopted General Plan and NCFUA Framework Plan. Accordingly, the Assisted Living Facility is consistent with SANDAG’s forecasts used in the SIP and RAQS. Overall, the Assisted Living Facility would not result in significant regional emissions that are not accounted for within the RAQS. Operational emissions were also quantified for the Assisted Living Facility and determined to be less than the City’s emission thresholds. In addition, the combined emissions from the Assisted Living Facility operations with the Church operations would be below the thresholds (Table 6-3). In conclusion, the Assisted Living Facility would not result in a cumulatively considerable contribution to pollutant emissions. Cumulative impacts during operations would be **less than significant**.

**Table 6-3**  
**Estimated Daily Maximum Emissions of the Church Operations with Assisted Living Facility Operations (pounds/day)**

<b>Emission Source</b>	<b>VOC</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>SO<sub>x</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
Church Operations	2.53	2.84	25.48	0.05	8.19	1.60
Assisted Living Facility Operations	4.18	3.28	18.17	0.02	1.89	0.64
<b>Project Site Total</b>	<b>6.71</b>	<b>6.12</b>	<b>43.65</b>	<b>0.07</b>	<b>10.08</b>	<b>2.24</b>
<i>Emission Threshold</i>	<i>137</i>	<i>250</i>	<i>550</i>	<i>250</i>	<i>100</i>	<i>55</i>
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

**Source:** 2014 Church EIR and Appendix C.

The Assisted Living Facility would not expose a substantial amount of people to odor during construction and would not propose a land use that is associated with the generation of odors. The operations of the Church would not generate substantial odors. The combination of both the Church operations with the Assisted Living construction and operations would not result in the exposure of people to substantial odors. Thus, the proposed Assisted Living Facility cumulative impacts related to the generation of odors would be **less than significant**.

Based on the above, no new significant cumulative air quality impacts from construction and operational emissions or substantial increases in previously identified cumulative air quality impacts analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## **6.4 BIOLOGICAL RESOURCES**

### **Previous EIR**

As indicated in the 2014 Church EIR Section 5.4, Biological Resources, and Chapter 6.0, development of the Church was determined to result in direct permanent impacts to 0.01 acres of sensitive upland habitat. This impact occurs within the 25% allowable development area and therefore is considered less than significant. The direct temporary impacts to 0.08 acre of disturbed land and 0.02 acres of coastal sage scrub habitat were determined to be less than significant with the implementation of Mitigation Measure LU-1, which would require that the area be vegetated with coastal sage scrub species. It was determined that these direct impacts to 0.02 acres of coastal sage scrub would be temporary and would not be a cumulatively significant. Impacts to the California horned lark or ground nesting birds were determined to be fully mitigated through Mitigation Measure BIO-1 and would not contribute to a cumulative impact. The adjustment to the MHPA boundary that is required to meet the goals of the Church was determined to not contribute to a cumulatively considerable impact because the Church proposed a boundary line adjustment and accompanying functional equivalency for the restoration of 1.76 acres of within Gonzales Canyon through the Conceptual Restoration Plan for the St. John Garabed Church Project. Overall, cumulative biological resource impacts of the Church were determined to be less than significant.

### **Changes in Circumstances/New Information**

As discussed in Section 5.4, Biological Resources, development of the Assisted Living Facility would only occur on disturbed land. Additionally, the Assisted Living Facility would avoid development within the MHPA and would preserve the MHPA area on the site with a covenant of easement. The Assisted Living Facility would also be conditioned to comply with the City's MHPA Land Use Adjacency Guidelines. Potential impacts to the California horned lark, yellow warbler, least Bell's vireo, and white-tailed kite would be mitigated to less than significant with implementation of **Mitigation Measure (MM) BIO-1**, which would require that the Assisted Living Facility avoid construction within 300 feet of suitable habitat during the breeding season and if construction cannot avoid the habitat, conduct pre-construction surveys during the breeding season and avoid any active nests that may be found until the nesting cycle is over. With implementation of **MM-BIO-1**, impacts to sensitive nesting birds would be fully mitigated and would not contribute to a cumulative impact.

Any projects in the cumulative study area that would have significant biological impacts would be required to implement mitigation to reduce impacts to be less than significant in conformance with the City's MSCP and Biology Guidelines similar to the project. Through the implementation of **MM-BIO-1** and **MM-BIO-2** for the Assisted Living Facility, all biological resource impacts would be less than significant. In combination with the Church and all other cumulative projects, the proposed project cumulative impacts to biological resources would be **less than significant**.

Based on the above, no new significant cumulative biological resource impacts or substantial increases in previously identified biological resource impacts analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## **6.5 GREENHOUSE GAS EMISSIONS**

### **Previous EIR**

As indicated in the 2014 Church EIR Section 6.0, Cumulative Impacts, the Church incorporated sustainable features into the project design, and it was determined that GHG emissions would be reduced by 32%. The Church project design incorporated the types of emissions reduction measures recommended by public agencies at the time to reduce the magnitude of GHG emissions and help California achieve its statewide goals. Therefore, as analyzed in detail in the 2014 Church EIR Section 5.5, it was determined that the Church would not contribute to a significant cumulative condition, and impacts would be less than significant.

### **Changes in Circumstances/New Information**

Impacts associated with the Assisted Living Facility are discussed in Section 5.5, Greenhouse Gas Emissions. GHG impacts are cumulative and therefore the analysis in Section 5.5 also serves as the project's cumulative impact analysis. The Assisted Living Facility would be consistent with the General Plan and zoning designations for the Assisted Living Facility parcel and was determined to be consistent with the Climate Action Plan (CAP). Therefore, as analyzed in detail in Section 5.5, the Assisted Living Facility would not contribute to a significant cumulative condition, and impacts would be less than significant.

Overall, the Assisted Living Facility is consistent with the CAP Consistency Checklist (see Section 5.5). Other cumulative projects would be required to be consistent with the CAP and would require mitigation if the cumulative project would exceed significance thresholds. In combination with the Church and all other cumulative projects, the proposed project cumulative impacts from GHG emissions would be **less than significant**.

Based on the above, no new significant cumulative greenhouse gas impacts or substantial increases in previously identified cumulative greenhouse gas impacts analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## **6.6 HISTORICAL RESOURCES**

### **Previous EIR**

As indicated in the 2014 Church EIR Section 5.6, Historical Resources, and Chapter 6.0, it was determined that no known significant historical resources exist on the Church parcel that would be directly impacted by the implementation of the Church. The discovery of potential unknown archaeological resources or human remains being discovered during Church construction activities on the Church parcel was identified as a potential impact, but with the implementation of Mitigation Measure CR-1 any unknown historical resources on the Church parcel would be properly identified and handled. As such, the Church impacts to cultural resources would not substantially combine with other projects to result in a significant cumulative impact. Cumulative cultural resource impacts of the Church were determined to be less than significant.

### **Changes in Circumstances/New Information**

As discussed in Section 5.6, Historical Resources, no known significant historical resources exist on the Assisted Living Facility parcel that would be directly impacted by the Assisted Living Facility. However, unknown archaeological resources or human remains may exist on the Assisted Living Facility parcel that may be discovered during project construction activities. **MM-CR-1** will require that the necessary steps are taken to identify and properly handle potential archaeological resources or human remains when they are encountered. With implementation of **MM-CR-1** any unknown historical resources on the Assisted Living Facility parcel would be properly identified and handled and impacts would be reduced to a level that would not contribute to a cumulatively considerable impact.

Any projects in the surrounding area that would have significant historical resource impacts would be required to implement mitigation to reduce impacts to be less than significant. If archaeological resources or human remains were encountered as part of surrounding projects, compliance with **MM-CR-1**, or standard City mitigation, which would ensure that the resources or remains would be properly handled. In combination with the Church and all other cumulative projects, the proposed project cumulative impacts to historical resources would be **less than significant**.

Based on the above, no new significant cumulative cultural resource impact or substantial increases in previously identified cumulative cultural resource impacts analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## **6.7 PALEONTOLOGICAL RESOURCES**

### **Previous EIR**

As indicated in the 2014 Church EIR Section 5.7, Paleontological Resources, and Chapter 6.0, it was determined that there was the potential for paleontological resources to occur on the Church parcel, but with the implementation of Mitigation Measure PALEO-1 and implementation of a paleontological mitigation program, would avoid or reduce project-level impacts to less than significant.

Similar mitigation would have been required for any future project in the project area that also has the potential to impact such resources; therefore, it was determined that any significant paleontological resource impacts as a result of the Church or other future projects would be mitigated on a project-by-project basis. In conclusion, the Church would not contribute to a significant cumulative condition, and impacts would be less than significant.

### **Changes in Circumstances/New Information**

As discussed in Section 5.7, Paleontological Resources, the Assisted Living Facility's grading activity is subject to the grading ordinance (~~San Diego Municipal Code~~SDMC Section 142.0151). In accordance with Appendix P of the City's Land Development Manual, regulatory compliance would preclude impacts to paleontological resources. Compliance with the grading ordinance and paleontological monitoring would also be required for any future project in the project area that also has the potential to impact such resources. As such, any significant paleontological resource impacts as a result of the Assisted Living Facility or other future projects would be mitigated on a project-by-project basis. The Assisted Living Facility would not contribute to a significant cumulative condition, and impacts would be less than significant.

Overall, any projects in the surrounding area that would have significant paleontological resource impacts would be required to implement mitigation to reduce impacts to be less than significant. As stated above, any future cumulative projects that would potentially impact paleontological resources would be required to be in compliance with Appendix P of the City's Land Development Manual, the City of San Diego's grading, ordinance, and paleontological monitoring. In combination with the Church and all other cumulative projects, the proposed project cumulative impacts to paleontological resources would be **less than significant**.

Based on the above, no new significant paleontological resource impacts related or substantial increases in previously identified cumulative paleontological resource impacts analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## 6.8 TRANSPORTATION

### Previous EIR

As indicated in the 2014 Church EIR Section 5.8, Transportation/Circulation and Parking, Chapter 6.0, Cumulative Impacts, it was concluded that all intersections and street segments are projected to operate at LOS D or better in the Horizon Year 2030 and cumulative impacts to intersections and street segments would be less than significant. It was determined that the Church would provide all necessary parking and therefore, would not contribute to a cumulatively considerable impact to parking. The 2014 Church EIR concluded that the Church would not contribute to a cumulative impact to a local public transit system because the study area is not served by a public transit system.

### Changes in Circumstances/New Information

As discussed in Section 5.8.3.2, the 2014 Church EIR utilized a LOS-based analysis and presently a VMT analysis is required to address transportation impacts. While SB 743 was signed into law on September 27, 2013, the implementing CEQA Guideline, 15063.4, effective December 28, 2018, set a deadline of July 1, 2020, for jurisdictions to transition from using LOS as a metric for determining transportation impacts to VMT. Since the 2014 Church EIR was certified on February 28, 2014, the 2014 Church EIR was not required to use VMT as a metric to determine transportation related impacts. In addition, such a shift in analysis methods is not considered new information of substantial importance for purposes of this Final Subsequent EIR because VMT analysis was known at the time.

The VMT screening assessment described in Section 5.8.2 demonstrated that the Assisted Living Facility can be presumed to have a less than significant transportation VMT impact as a small project expected to generate less than 300 daily trips and a full VMT analysis is not required. As such, cumulative VMT impacts of the proposed Assisted Living Facility would be **less than significant**.

The access analysis described in Section 5.8.3 for the proposed Assisted Living Facility considered the cumulative (Horizon Year 2030) conditions from the 2014 Church EIR. As detailed in Section 5.8.3 and Appendix H.1, the proposed Assisted Living Facility cumulatively would not result in the need for any roadway improvements in addition to those identified in the 2014 Church EIR. As such, no design hazard would result from the Assisted Living Facility under the cumulative conditions. Cumulative transportation hazard impacts would be **less than significant**.

The Assisted Living Facility's emergency access would not be used for other cumulative development besides the Church. The access via the Church was considered within the analysis completed in Section 5.8.3. As such, cumulative emergency access impacts would be **less than significant**.

Based on the above, no new significant cumulative transportation impacts or substantial increases in a previously identified cumulative transportation impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## **6.9 VISUAL EFFECTS AND NEIGHBORHOOD CHARACTER**

### **Previous EIR**

As analyzed in the 2014 Church EIR Section 5.9, Visual Effects and Neighborhood Character, and Chapter 6.0, the Church parcel is located in a highly visible area, on the edge of Gonzales Canyon setback from El Camino Real and located adjacent to an existing church. It was determined that the height of the dome of the Church would contrast with the height of surrounding development, and would contribute to a cumulatively considerable impact due to the contrast with surrounding development.

The closest cumulatively considered projects identified in the 2014 Church EIR were the Via del la Valle street widening project and the Via del la Valle Townhomes located approximately 0.5 miles to the north. Those projects, as well as all of the projects listed in the 2014 Church EIR Table 6-1, were expected to comply with applicable lighting and glare regulations that would reduce their contribution to a cumulatively considerable impact. Given that all projects were subject to applicable lighting and glare regulations, and the distance and the topography that naturally dissipates and blocks the light from several of the cumulatively considered projects from combining, it was determined that the cumulative impact from light and glare from the Church and the projects listed in the 2014 Church EIR Table 6-1 would be less than significant.

### **Changes in Circumstances/New Information**

As analyzed in Section 5.9, Visual Effects and Neighborhood Character, the Assisted Living Facility parcel is located in a moderately visible area, on the edge of Gonzales Canyon setback behind the St. John Garabed Armenian Church and the Evangelical Formosan Church and located adjacent to the open space area within Gonzales Canyon. While middleground views to the Assisted Living Facility parcel would be available to motorists on Via de la Valle and I-5, and to recreationists on the trail system within the San Dieguito Lagoon, views to the Assisted Living Facility parcel would mainly be afforded to motorists traveling along El Camino Real, recreationists on trails within Gonzales Canyon, and canyon-adjacent residences in the Stallion's Crossing and Torrey Del Mar developments south of the Assisted Living Facility parcel. The views from these areas include other development such as nearby residential, church, and equestrian uses. The Assisted Living Facility would be sited adjacent to existing single-family residential development to the south, St. John Garabed Armenian Church to the north, and the Evangelical Formosan Church to the west. Visually, the addition of the project would not significantly increase cumulative impacts to public views of scenic resources considering the site's location behind and adjacent to existing development and existing landscaping.



In addition, the proposed facility would comply with zoning and land use requirements intended to protect aesthetics (refer to Section 5.9) and would not contribute to view impacts.

The proposed development would not introduce negative aesthetics or visual incompatibility that would combine with cumulative projects in the viewshed to create a significant cumulative impact. The project's landform changes would not be visible from public perspectives and would therefore not cumulatively combine with other projects in the viewshed. The project would include nighttime lighting sources, but both the proposed Assisted Living Facility and all cumulative projects in the viewshed would be required to comply with local lighting regulations that control cumulative effects.

Overall, cumulative visual impacts of the proposed Assisted Living Facility would be **less than significant**.

Based on the above, no new significant cumulative impacts related visual resources or previously identified cumulative impacts to visual resources analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## **6.10 NOISE**

### **Previous EIR**

The 2014 Church EIR identified noise impacts from the Church to be less than significant. Noise impacts related to construction were determined to be consistent with the City's Noise ordinance for construction. The operation of the Church was determined to generate low noise levels and therefore would not contribute substantially to the surrounding noise environment. Finally, noise impacts from the increased traffic to the Church were determined to be less than significant because the trips would not occur simultaneously. Due to the less-than-significant noise impacts from the project and lack of combination with cumulative project noise levels due to distance, cumulative impacts were determined to be less than significant.

## Changes in Circumstances/New Information

Considering noise dissipates over distance, the potential for project noise to combine with other cumulative projects is limited to the immediate project vicinity and roadway noise. None of the cumulative projects listed in Table 6-1 are located within approximately 0.25 miles of the Assisted Living Facility parcel. All other cumulative projects are located over 0.25 miles from the Assisted Living Facility parcel and thus would be at a substantial distance such that noise would attenuate and cumulative impacts would not occur. As discussed in Section 5.10, Noise, with implementation of **MM-NOI-1**, short-term construction noise impacts would be less than significant. As such, overall cumulative construction noise impacts would be less than significant.

The stationary site noise generated would be less than significant at the property line, as detailed in Section 5.10, Noise. Such stationary noise limits are based on on-site point source noise at the property line, and are not cumulatively analyzed with off-site sources. As such, a less-than-significant cumulative stationary noise source impact would occur as a result of the Assisted Living Facility.

The roadway noise analysis completed in Section 5.10, Noise, addressed cumulative roadway noise level conditions and determined the Assisted Living Facility contribution would be less than significant.

As with the proposed Assisted Living Facility and the approved Church, all cumulative projects located adjacent to the MHPA are also required to comply with the MHPA Land Use Adjacency Guidelines and Biology Guideline noise requirements for sensitive nesting birds.

As stated above, all projects that would potentially result in significant noise impacts would be required to implement mitigation or noise reduction features that would reduce the potential impacts to less than significant levels. In combination with the Church and all other cumulative projects, the proposed project cumulative noise impacts would be **less than significant**.

Based on the above, no new significant cumulative noise impacts or substantial increases in previously identified cumulative noise impacts analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## **6.11 TRIBAL CULTURAL RESOURCES**

### **Previous EIR**

As indicated in the 2014 Church EIR Section 5.6, Historical Resources, which discusses cultural resources, it was determined that no known significant historical resources exist on the Church parcel that would be directly impacted by the implementation of the Church. The discovery of potential unknown archaeological resources or human remains being discovered during Church construction activities on the Church parcel was identified as a potential impact, but with the

implementation of Mitigation Measure CR-1 any unknown historical resources on the Church parcel would be properly identified and handled and impacts would be reduced to a level that was determined to not be a cumulatively considerable impact.

### **Changes in Circumstances/New Information**

At the time of the 2014 Church EIR, tribal cultural resource questions were not included in the CEQA Guidelines. In 2014, Assembly Bill 52 updated Appendix G of the CEQA Guidelines to include impact questions related to impacts on tribal cultural resources (OPR 2022). As discussed in Section 5.11, Tribal Cultural Resources, no known significant tribal cultural resources exist on the Assisted Living Facility parcel that would be directly impacted by the Assisted Living Facility. However, unknown tribal cultural resources or human remains may exist on the Assisted Living Facility parcel that may be discovered during project construction activities. **MM-CR-1** will require that the necessary steps are taken to identify and properly handle potential tribal cultural resources or human remains when they are encountered. With implementation of **MM-CR-1**, any unknown tribal cultural resources on the Assisted Living Facility parcel would be properly identified and handled and impacts would be reduced to a level that would not contribute to a cumulatively considerable impact.

Any projects in the surrounding area that would have significant tribal cultural resource impacts would be required to implement mitigation to reduce impacts to be less than significant, similar to the proposed Assisted Living Facility. If tribal cultural resources or human remains were encountered as part of the project, compliance with Mitigation Measure CR-1 would ensure that the resources or remains would be properly handled. In combination with the Church and all other cumulative projects, the proposed project cumulative impacts to tribal cultural resources would be **less than significant**.

Based on the above, no new significant cumulative tribal cultural resource impacts or substantial increases in previously identified cumulative tribal cultural resource impacts analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## **6.12 EFFECTS NOT FOUND TO BE SIGNIFICANT**

### **SOLID WASTE**

#### **PREVIOUS EIR**

Please refer to SEIR Section 7.0 for discussion of cumulative impacts related to solid waste. As concluded in SEIR Section 7.0, impacts would be less than significant. As indicated in the 2014 Church EIR Section 7.9, Public Utilities, it was determined that the Church would be consistent with the City's adopted General Plan and the NCFUA with approval of the Conditional Use Permit (CUP);

Site Development Permit (SDP), and Planned Development Permit (PDP). Through the implementation of the Conceptual Waste Management Plan (WMP) for the St. John Garabed Armenian Church, prepared by Leppert Engineering Corporation, recycling would be implemented to the extent possible (Leppert Engineering Corporation 2012). Impacts related to solid waste were determined to be less than significant. Refer to 2014 Church EIR Section 7.9 for additional details.

### **Changes in Circumstances/New Information**

The Assisted Living Facility parcel is currently undeveloped. Currently, no waste is generated at the project site. However, the site is designated for development. The Assisted Living Facility would not include construction, demolition, or renovation of 1,000,000 sf square feet or more. As discussed in the Waste Management Plan (WMP) prepared for the project, the Assisted Living Facility would generate approximately 158.35 tons of waste during construction and approximately 158.35 tons of waste per year during operations. Therefore, without accounting for diversion, the Assisted Living Facility would not generate more than 1,500 tons of solid waste materials, and no direct impacts to solid waste would occur. However, the Assisted Living Facility proposes construction, demolition, and/or renovation of more than 40,000 square feet, thereby exceeding the City's threshold for cumulative solid waste impacts without implementation of solid waste diversion measures (WDMs). Pursuant to the City's Significance Determination Thresholds, a WMP was prepared to identify waste reduction, recycling, and waste diversion measures WDMs. The purpose of a WMP is to (1) identify the potential project-related waste generated and diverted during demolition, construction, and operation; and (2) identify measures to reduce potential impacts associated with management of such waste. The WMP addresses the grading and construction phase, as well as the post-construction/occupancy phase of the Assisted Living Facility and identifies the types and projected amount of waste that would be generated, disposed, salvaged, and recycled, as applicable. The WMP describes the project measures and design features (which would comprise project conditions) that would reduce the amount of waste generated and how waste reduction and recycling goals would be achieved. The following discussion of potential solid waste generation resulting from implementation of the project and related waste diversion measures WDMs is based on the WMP (Appendix M):

The Assisted Living Facility would generate solid waste during both the construction and operational phases. During construction, the Assisted Living Facility would produce 158.35 tons of solid waste and would divert 136.22 tons. This would be an overall diversion rate of 86% during construction. During occupancy, it is estimated that the Assisted Living Facility would generate approximately 158.35 tons of waste per year. The Assisted Living Facility would be required to comply with SDMC Section 66.0707, which requires collection of recyclable materials and food waste. Landscape maintenance would also include collection and disposal of green waste. Lastly, the Assisted Living Facility would be required to target 20% of solid waste to be recycled material for recycling and 75%

~~for landfill diversion. Through compliance with solid waste measures summarized above, detailed in the project WMP, and included as conditions of approval for the Assisted Living Facility, the project's direct and cumulative solid waste impact would be **less than significant**.~~

~~Based on the above, no new significant waste generation impacts or substantial increases in previously identified waste generation impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.~~

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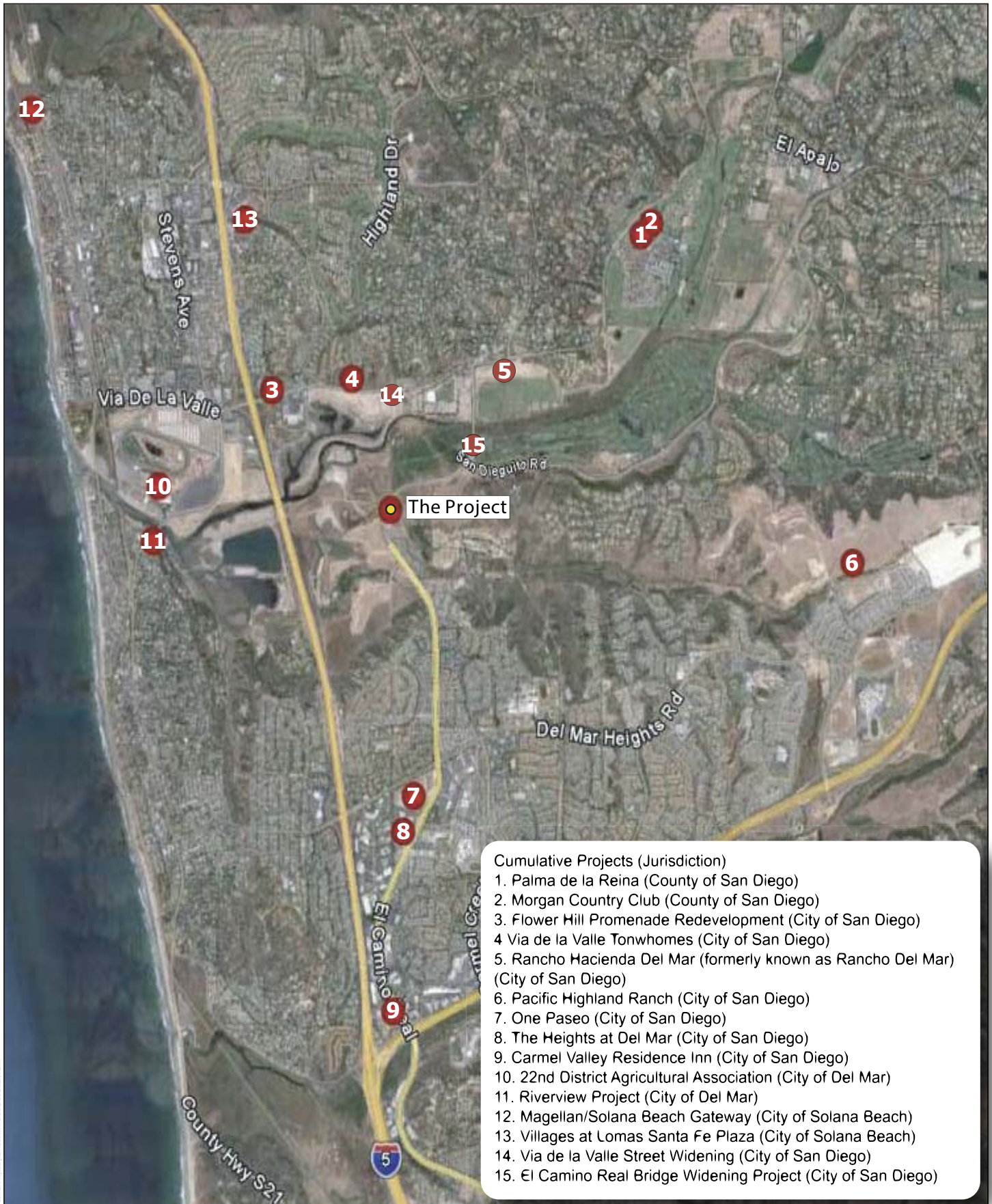


FIGURE 6-1

Cumulative Projects

El Camino Real Assisted Living Facility SEIR

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## **CHAPTER 7.0 EFFECTS NOT FOUND TO BE SIGNIFICANT**

Chapter 7.0, Effects Not Found to be Significant, of the 2014 St. John Garabed Armenian Church Project Final Environmental Impact Report (2014 Church EIR) discloses information regarding the approved St. John Garabed Armenian Church (Church) and associated analysis of potential environmental effects that were determined not to be significant. A summary of that analysis is included below for the convenience of the reader. However, refer to the 2014 Church EIR Chapter 7.0 for details. As the focus of the analysis within this FSEIR is the addition of the El Camino Real Assisted Living Facility (Assisted Living Facility), the additional information below is intended to provide an analysis update to the 2014 Church EIR for the proposed Assisted Living Facility for the environmental issue areas described in Section 7.1 through 7.10, below.

Section 15128 of the California Environmental Quality Act (CEQA) Guidelines requires that an EIR briefly describe potential environmental effects that were determined not to be significant and therefore were not discussed in detail in the EIR. The environmental issues discussed in the following sections are not considered significant, and the reasons for the conclusion of non-significance are discussed below.

### **7.1 ENERGY**

#### **Previous EIR**

As indicated in the 2014 Church EIR Section 7.1, Energy, the Church parcel is located in a developed area with existing energy system infrastructure to serve the project needs. The electricity or natural gas consumption from the Church were determined to be less than significant. The Church parcel is located near the coast where temperatures are consistently mild and where substantial heating or air condition would not be needed. The 2014 Church EIR determined that the Church would not result in the use of excessive amounts of natural gas or petroleum, and the Church would not cause impacts to energy services or supplies. Refer to the 2014 Church EIR Section 7.1 for additional details.

#### **Changes in Circumstances/New Information**

The project site is located within the San Diego Gas and Electric (SDG&E) service area. The project site is located in a developed area with existing energy system infrastructure to serve the project needs. Energy consumption and potential impacts associated with construction and operation of the Assisted Living Facility are assessed below.

#### **Construction**

**Electricity.** The amount of electricity used during construction would be minimal because typical demand would be generated by electrically powered hand tools. The electricity used for construction

activities for the Assisted Living Facility would be temporary and minimal. Overall, the development of the Assisted Living Facility parcel would not result in wasteful, inefficient, or unnecessary consumption of electricity as previously identified in the 2014 Church EIR.

**Natural Gas.** Natural gas is not anticipated to be required during construction of the Assisted Living Facility. Fuels used for construction of the Assisted Living Facility would primarily consist of diesel and gasoline, which are discussed below. Any minor amounts of natural gas that may be consumed as a result of construction of the Assisted Living Facility would be temporary and negligible and would not have an adverse effect. Overall, the development of the Assisted Living Facility parcel would not result in wasteful, inefficient, or unnecessary consumption of natural gas as previously identified in the 2014 Church EIR.

**Petroleum.** The primary energy consumed during construction would be associated with petroleum usage. Potential impacts were assessed for off-road equipment and on-road vehicle trips during construction, as provided by the California Emissions Estimator Model (CalEEMod) (see methodology discussion in Section 5.3 [Air Quality] and outputs in Appendix C). Heavy-duty equipment associated with construction would rely on diesel fuel, as would vendor trucks involved in delivery of materials to the Assisted Living Facility parcel and haul trucks. Construction workers would travel to and from the Assisted Living Facility parcel throughout the duration of construction. It is assumed in this analysis that construction workers would travel in gasoline-powered light-duty vehicles. Fuel consumption from construction equipment and vehicle trips was estimated by converting the total carbon dioxide (CO<sub>2</sub>) emissions anticipated to be generated by the construction of the project to gallons using conversion factors for CO<sub>2</sub> to gallons of gasoline or diesel. The conversion factor for gasoline is 8.78 kilograms per metric ton (MT) CO<sub>2</sub> per gallon, and the conversion factor for diesel is 10.21 kilograms per MT CO<sub>2</sub> per gallon (The Climate Registry 2021). Appendix C lists the assumed equipment usage and vehicle trips for construction of each phase of the Assisted Living Facility.

The estimated diesel fuel usage from construction equipment, haul trucks, and vendor trucks, as well as estimated gasoline fuel usage from worker vehicles is shown in Table 7-1.

**Table 7-1**  
**Assisted Living Facility Construction Petroleum Demand**

Phase	Off-Road Equipment (diesel)	Haul Trucks (diesel)	Vendor Trucks (diesel)	Worker Vehicles (gasoline)
	<i>Gallons</i>			
Construction	45,710.79	9,666.40	3,091.69	8,053.21
<b>Total Petroleum Consumed</b>				<b>66,522.10</b>

**Source:** Appendix C

As shown in Table 7-1, the Assisted Living Facility is estimated to consume approximately 66,522 gallons of petroleum during the construction phase. Notably, the project will be subject to the California Air Resources Board’s (CARB’s) In-Use Off-Road Diesel Vehicle Regulation that applies to certain off-road diesel engines, vehicles, or equipment greater than 25 horsepower. The regulation: (1) imposes limits on idling, requires a written idling policy, and requires a disclosure when selling vehicles, (2) requires all vehicles to be reported to CARB (using the Diesel Off-Road Online Reporting System) and labeled, (3) restricts the adding of older vehicles into fleets starting on January 1, 2014, and (4) requires fleets to reduce their emissions by retiring, replacing, or repowering older engines, or installing Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). The fleet must either show that its fleet average index was less than or equal to the calculated fleet average target rate, or that the fleet has met the Best Achievable Control Technology requirements.

**Operations**

**Electricity.** The operational phase of the Assisted Living Facility parcel would require electricity for multiple purposes including building heating and cooling, lighting, appliances, electronics, and for water and wastewater treatment and conveyance. CalEEMod default assumptions were used to determine the total electricity demand, which is depicted in Table 7-2.

**Table 7-2  
 Annual Operational Electricity Demand**

<b>Project Facility</b>	<b>kWh/year</b>
Project Building and Lighting	415,384.50
Water/Wastewater	146,129.08
<b>Total</b>	<b>561,513.58</b>

**Source:** Appendix C

**Notes:** kWh = kilowatt-hour.

**Natural Gas.** Natural gas consumption during operation would be required for various purposes, including building heating and cooling. For building consumption, default natural gas generation rates in CalEEMod were used. Table 7-3 presents the natural gas demand for the Assisted Living Facility.

**Table 7-3  
 Project Operations – Natural Gas Demand**

<b>Project Facility</b>	<b>kBtu/year</b>
Project Buildings	763,985.00

**Source:** Appendix C

**Notes:** kBtu = thousand British thermal units.

**Petroleum.** During operations, the majority of fuel consumption resulting from the Assisted Living Facility would involve the use of motor vehicles traveling to and from the Assisted Living Facility parcel. Petroleum fuel consumption associated with motor vehicles traveling to and from the Assisted Living Facility parcel is a function of the vehicle miles traveled (VMT) as a result of project operation. The proportion of gasoline and diesel vehicles is based on the weighted average of vehicles per fuel type from EMFAC2017 and the CalEEMod default fleet mix for the proposed uses. Fuel estimates for the Assisted Living Facility are provided in Table 7-4.

**Table 7-4  
 Annual Operational Petroleum Demand**

Fuel	Vehicle MT CO <sub>2</sub>	Kg CO <sub>2</sub> / Gallon	Gallons
Gasoline	216.88	8.78	24,701.74
Diesel	10.04	10.21	983.31
<b>Total Project Petroleum Use</b>			<b>25,685.05</b>

**Sources:** Trips and vehicle CO<sub>2</sub> (Appendix C); kg CO<sub>2</sub>/Gallon (The Climate Registry 2021).

**Notes:** MT = metric ton; CO<sub>2</sub> = carbon dioxide; kg = kilogram.

Overall, the Assisted Living Facility would be comparable to overall local and regional demand for energy resources and would not involve characteristics that require equipment or vehicles that would be less energy-efficient than at comparable sites in the region or state.

In regard to compliance with state or local energy plans, Title 24 of the California Code of Regulations contains energy efficiency standards for residential and non-residential buildings based on a state mandate to reduce California's energy demand. Specifically, Title 24 addresses a number of energy efficiency measures that impact energy used for lighting, water heating, heating, and air conditioning, including the energy impact of the building envelope such as windows, doors, wall/floor/ceiling assemblies, and roofs. Part 6 of Title 24 specifically establishes energy efficiency standards for residential and non-residential buildings constructed in the State of California in order to reduce energy demand and consumption. Part 11 of Title 24 also includes the CALGreen standards, which established mandatory minimum environmental performance standards for new construction projects. The Assisted Living Facility would comply with Title 24, Part 6 and Part 11, per state regulations. The Assisted Living Facility would also comply with the City of San Diego's (City's) Climate Action Plan, which includes energy efficiency requirements (refer to the 2014 Church EIR Chapter 5.5). Based on the foregoing, the Assisted Living Facility would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. In addition, through compliance with existing regulations, the Assisted Living Facility would not result in wasteful, inefficient, or unnecessary consumption of energy resources during construction or operations as previously

identified in the 2014 Church EIR. Therefore, impacts during construction and operation of the Assisted Living Facility would be **less than significant**.

Based on the above, no new significant energy impacts or substantial increases in previously identified energy impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## **7.2 FORESTRY RESOURCES**

### **Previous EIR**

The 2014 Church EIR did not directly analyze forestry resources, as it was not a topic identified in CEQA Appendix G or the City's Significance Determination Thresholds at the time. Nonetheless, this topic is indirectly addressed in the 2014 Church EIR considering the 2014 Church EIR addressed consistency with land use plans and zoning. The Church and surrounding area is not designated as or zoned as a forestry resource. The 2008 General Plan also does not identify forestry resources at the project site or in the project site vicinity. No impacts to forestry resources were identified in the 2014 Church EIR.

### **Changes in Circumstances/New Information**

As with the Church parcel previously analyzed in the 2014 Church EIR, the Assisted Living Facility parcel is zoned AR-1-1 and is not zoned or otherwise identified by the City as a forestry resource. The Assisted Living Facility parcel consists of former agricultural uses and MHPA, and does not contain forestry resources. **No impact** to forestry resources would occur as a result of the Assisted Living Facility.

Based on the above, no new significant forestry resource impacts or substantial increases in previously identified forestry resource impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## **7.3 GEOLOGIC CONDITIONS**

### **Previous EIR**

As indicated in the 2014 Church EIR Section 7.2, Geologic Conditions, impacts related to the exposure of geologic hazards were determined to be less than significant with adherence to the recommendations in the site specific geotechnical investigation and San Diego Municipal Code (SDMC). The 2014 Church EIR did not identify any faults that would cross or be in the immediate vicinity of the Church parcel. The 2014 Church EIR determined that there is low potential for

liquefaction and landslides to affect the Church parcel. Refer to the 2014 Church EIR Section 7.2 for additional details.

### **Changes in Circumstances/New Information**

As stated in the geotechnical report prepared by Geosoils Inc., which can be found in Appendix G, the project site is located within Geologic Hazard Categories Area 31 (generally susceptible to landsliding), and Geologic Hazard Category 52 (gently sloping to steep terrain, low risk) on the City of San Diego Seismic Safety Study, Geologic Hazards and Faults Grid Tile 34 (City of San Diego 2008a). Surficial soils on the Assisted Living Facility parcel are mapped as Las Flores Loamy sand (LeC2) by the U.S. Department of Agriculture. The Assisted Living Facility parcel is underlain by fill and terrace/paralic deposits. In addition, although not mapped, colluvial soils were encountered throughout the Assisted Living Facility parcel. Similar with the Church, dynamic settlement, liquefaction, surface fault rupture, ground lurching or shallow ground rupture, and seiche were all considered negligible and/or completely mitigated through location, soil characteristics, and site development procedures (Appendix G).

The Assisted Living Facility would comply with the recommendations in the geotechnical investigation, and comply with SDMC building standards. With adherence to the geotechnical investigation and the SDMC, development of the Assisted Living Facility would not expose people to substantial geologic hazards related to landslides or subsidence. With adherence to the recommendations in the site-specific geotechnical investigation and SDMC, impacts related to geologic conditions at the Assisted Living Facility parcel would be reduced to an acceptable level of risk and therefore would be considered **less than significant**, as previously identified in the 2014 Church EIR.

Based on the above, no new significant geologic impacts or substantial increases in previously identified geologic impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## **7.4 HEALTH AND SAFETY**

### **Previous EIR**

As indicated in the 2014 Church EIR Section 7.3, Health and Safety, the Church parcel has been used for agricultural purposes but has not been otherwise developed. The Church parcel was identified as being located within a Very High Fire Hazard Severity Zone (City of San Diego 2021) and includes a wildland-urban interface along the northern, southern, and eastern Church parcel boundaries. It was determined that with the inclusion of fire protection features, impacts from wildfire hazard would be less than significant. Additionally, the 2014 Church EIR determined that no part of the Church involves the

handling of acutely hazardous materials, substances, or waste and no significant impacts to on-site or off-site areas would occur. As discussed in the 2014 Church EIR Chapter 5.1, Land Use, the Church parcel is not located within an Airport Influence Area, and the Church component is therefore not located in a potentially hazardous area with regard to aircraft. Refer to the 2014 Church EIR Section 7.3 for additional details.

### **Changes in Circumstances/New Information**

A Phase I Environmental Site Assessment was conducted for the Assisted Living Facility parcel by Dudek in 2021 and can be found in Appendix B. The Assisted Living Facility parcel is primarily undeveloped but was occupied by a former rail car, a mobile home, and three shipping containers at the time of the survey completed for the preparation of Appendix B. The former rail car was located on the eastern border of the Assisted Living Facility parcel, the mobile home is just north of the rail car, and the shipping containers were north of the mobile home on the eastern border. These facilities were removed from the site and are no longer a part of the current existing conditions. As with the Church previously analyzed in the 2014 Church EIR, construction of the Assisted Living Facility would involve various earthmoving activities, including excavation, fill, grading, and compaction of soils on the Assisted Living Facility parcel that are not anticipated to expose hazardous contamination at the site.

As with the Church previously analyzed in the 2014 Church EIR, during construction, standard best management practices (BMPs) would be applied to ensure that all construction related hazardous materials are handled and disposed of properly and that no hazards occur during this phase of the Assisted Living Facility. No part of the Assisted Living Facility involves the handling of acutely hazardous materials, substances, or waste. Therefore, no significant impacts to on-site or off-site areas would occur.

No long-term operational impacts associated with human health, public safety, and/or hazardous materials are not anticipated to occur from the development of the Assisted Living Facility. As discussed in Section 5.5, Air Quality and Odor, the Assisted Living Facility would not result in significant impacts from exposure to air toxics or result in a violation of air quality standards. No health hazards or health risks are anticipated with the Assisted Living Facility as the site would be developed with an assisted living facility. Similarly, no increased risk of explosion or release of hazardous materials is expected with the Assisted Living Facility. Impacts related to hazardous material effects would be **less than significant**.

As with the Church parcel previously analyzed in the 2014 Church EIR, the Assisted Living Facility parcel is located within the City of San Diego “Official Very High Fire Hazard Severity Zone” (City of San Diego 2021), and includes a wildland-urban interface along the eastern project boundary. The potential for off-site wildfire exists, but is considered low risk based on the type of construction and

fire protection features that would be provided for all structures consistent with current Title 24 Fire Code (CFC). Additionally, the Assisted Living Facility includes features listed in Table 3-2 in Chapter 3.0, Project Description, of this FSEIR that would ensure that the risk of fire spreading to the on-site structures is low (see Project Design Feature [PDF] FIRE-1 through PDF-FIRE-47). More specifically, as discussed in Section 3.3.2.5, the project will not consist of ~~typical standard~~ San Diego Fire-Rescue Department (SDFRD) Brush Management Zones (BMZ) 1 and 2 and alternative compliance would be required. Because the project would not achieve the City's standard BMZ widths at the wildland-/urban interface, the entire Assisted Living Facility site will ~~be maintained in a BMZ 1 condition that will consist of an irrigated landscape area along with a paved hardscape development area surrounding all sides of the building to the property line/MHPA Line or 100 feet from the structure (see PDF-FIRE-14). Specifically, BMZ 1, at the wildland/urban interface, extends from the exterior of the structure to between 65 and 100 feet from the northern side of the structure and consists of irrigated landscape areas and BMZ-equivalent hardscape areas. The project is within the Coastal Overlay Zone, which limits the maximum reduction of 30 feet if Zone 2.~~ On the east side of the Assisted Living Facility structure, BMZ 1 extends from the exterior of the structure up to 35 feet to the MHPA line, with no BMZ 2. Further, the proposed alternative compliance minimizes the impacts to undisturbed native and/or naturalized vegetation while still meeting the purpose and intent of Section 142.0412 of the City Code (SDMC 142.0412.i). Alternative compliance measures for the ~~reduced-modified~~ BMZs meet the purpose and intent of Section 142.0412 of the City Code (SDMC 142.0412(i)), thereby minimizing the impacts to undisturbed native and/or naturalized vegetation and avoiding encroachment into the MHPA. Alternative compliance measures would include the following: (1) all windows on the north and east sides of the structure are required to provide exterior glazing in windows (and sliding glass doors) to be dual pane with both panes tempered glass; (2) the entire eastern side of the structure is also required to include 5/8-inch Type X fire rated gypsum sheathing applied behind the exterior covering or cladding (stucco or exterior siding) on the exterior side of the framing, from the foundation to the roof for a facade facing the MHPA open space and naturally vegetated areas (see PDF-FIRE-36 and PDF-FIRE-47). Furthermore, the entire development site will be required to be maintained as an all-irrigated low fuel ~~BMZ 1 condition~~ landscape with drought-tolerant, fire resistive plants (see PDF-FIRE-25). Plants within this zone will be routinely maintained and watered by an automatic irrigation system that will maintain healthy vegetation with high moisture contents that would prevent ignition by embers from a wildfire. A Fire Fuel Load Modeling Report (FFLMR) has been prepared for the project and is provided as Appendix O. The FFLMR provides both City and State fire and building code required elements for construction, as well as enhanced, City and state code-exceeding measures along the eastern side of the structure where ~~non-conforming~~ modified BMZs occur adjacent to the MHPA. Therefore, impacts from wildfire hazard would be **less than significant**.

As discussed in Section 5.1, Land Use, and similar to the Church parcel previously analyzed in the 2014 Church EIR, the Assisted Living Facility parcel is not located within an Airport Influence Area,



and the project is therefore not located in a potentially hazardous area with regard to aircraft. **No impacts** associated with airport hazards would occur.

Based on the above, no new significant health and safety impacts or substantial increases in previously identified health and safety impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## **7.5 HYDROLOGY/WATER QUALITY**

### **Previous EIR**

As indicated in the 2014 Church EIR Section 7.4, Hydrology and Water Quality, the Church included Source Control BMPs, Low Impact Development BMPs, and Treatment Control BMPs as required by the City of San Diego and described in the Water Quality Technical Report for the St. John Garabed Armenian Church prepared by Leppert Engineering Corporation dated July 15, 2013. Additionally, as described in the Drainage Study for the St. John Garabed Armenian Church prepared by Leppert Engineering Corporation dated July 15, 2013, runoff from the Church parcel would drain to the same two existing outfalls that accept runoff from the site currently. It was determined that the Church would result in a shift in the drainage pattern on a portion of the Church parcel, and thereby will increase the amount of water runoff going to one outfall along El Camino Real (outfall 1, just north of the proposed development), and decrease the amount of water runoff going to the other outfall (outfall 2, west of the Evangelical Formosan Church). The future drainage pattern at the Church parcel was designed to allow this shift in runoff based on the analysis conducted by Leppert Engineering in the Water Quality Technical Report, which indicates that outfall 1 has limited capacity. Additionally, it was determined that both outfalls would be exempt from hydromodification requirements because runoff to outfall 1 would decrease, and outfall 2 is within the San Dieguito River Valley, and emptying via a lined channel with proper energy dissipation within the 100-year flood plain is exempt from hydromodification requirements (Leppert Engineering Corporation 2013a). Overall, the existing 21-inch public drainage pipeline that collects runoff from both outfalls were determined to be able to accommodate the change in runoff at the Church parcel (Leppert Engineering Corporation 2013b). Therefore, with implementation of the BMPs as described in the Water Quality Technical Report, and the minimal shift in drainage at the site described in the Drainage Study, the Church would not result in significant impacts related to hydrology and water quality. Refer to the 2014 Church EIR Section 7.4 for additional details.

### **Changes in Circumstances/New Information**

A drainage study was conducted by Leppert Engineering Corporation (Appendix K), to assess the hydrology for the Assisted Living Facility parcel before and after implementation of the Assisted Living Facility. The Assisted Living Facility would result in approximately 74 percent of the developed Assisted

Living Facility parcel being impervious. Additionally, the Assisted Living Facility would increase runoff from the Assisted Living Facility parcel from a  $Q_{100}$  of 3.3 cfs to a  $Q_{100}$  of 7.0 cfs, which is attributed to the increase in impervious areas and runoff at the project site. The existing storm drain associated with the Church would accommodate the increase in runoff from the Assisted Living Facility. No increase in potential for erosion or damage to downstream properties is anticipated as a result of the 3.7 cfs increase in runoff. Therefore, impacts would be less than significant.

A Storm Water Quality Management Plan, which can be found in Appendix L, was prepared by Leppert Engineering Corporation in 2021 to determine the appropriate BMPs to comply with City water quality standards. The Assisted Living Facility would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) to reduce the occurrence of pollutants in surface water (see Compliance Measure [CM] WQ-1 in Table 3-2). The Assisted Living Facility would also be subject to site design BMPs to minimize hydrologic impacts from site development, and source and pollutant control BMPs to prevent or direct pollutants away from the Municipal Separate Storm Sewer System (MS4). More specifically, the project would use biofiltration for pollutant control. Source control BMPs would include on-site storm drain inlets, landscaping/outdoor pesticide use, and refuse areas. Site design BMPs would include implementing trees; conserving natural areas, soils, and vegetation; minimizing impervious areas and soil compaction; and landscaping with native or drought tolerant species (see PDF-WQ-1 in Table 3-2). The Assisted Living Facility would also be required to comply with all of the City's stormwater standards, including SDMC Sections 43.0301 to 43.0312, which prohibits non-stormwater discharges, including spills, dumping, and disposal of materials other than stormwater to the MS4, and reduces pollutants in discharges from the MS4 to receiving waters, to the maximum extent practicable, in a manner consistent with the Clean Water Act (see CM-WQ-2 in Table 3-2). Lastly, a Water Pollution Control Plan (WPCP) would be required and prepared for the project, per CM-BIO-5 (see Table 3-2). With compliance of these BMPs and permit conditions, the Assisted Living Facility would **have less-than-significant** impacts to water quality.

Based on the above, no new significant hydrology or water quality impacts or substantial increases in previously identified hydrology or water quality impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## **7.6 MINERAL RESOURCES**

### **Previous EIR**

As indicated in the 2014 Church EIR Section 7.5, Mineral Resources, the Church parcel is located in mineral resource zone 1 (MRZ-1) and mineral resource extraction would be an incompatible use with the Church parcel's current zoning and adjacent residential land use. Therefore, it was determined that the Church would not result in impacts to mineral resources. Refer to the 2014 Church EIR Section 7.5 for additional details.

### **Changes in Circumstances/New Information**

As with the Church parcel previously analyzed in the 2014 Church EIR, the Assisted Living Facility parcel is categorized as Mineral Resource Zone (MRZ) 1 (Miller 1996). The City's General Plan similarly designates the Assisted Living Facility parcel as MRZ-1, as indicated on Figure 3.9-1, Generalized Mineral Land Classification, of the City of San Diego General Plan Program Environmental Impact Report. MRZ-1 areas are areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that there is little likelihood for their presence (City of San Diego 2008b). Additionally, as with the Church parcel previously analyzed in the 2014 Church EIR, the Assisted Facility parcel is not currently being used for mineral resource extraction, and mineral resource extraction would be an incompatible use with the parcels' current zoning and adjacent residential land use. Therefore, the project would result in **no impacts** to mineral resources.

Based on the above, no new significant mineral resource impacts or substantial increases in previously identified mineral resource impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## **7.7 POPULATION AND HOUSING**

### **Previous EIR**

As indicated in the 2014 Church EIR Section 7.7, Population and Housing, the Church does not include any housing components and would not displace any existing housing or extend public infrastructure to undeveloped areas. It was determined that no adverse impacts to population and housing are anticipated. Refer to the 2014 Church EIR Section 7.7 for additional details.

### **Changes in Circumstances/New Information**

The Assisted Living Facility would provide beds and amenities to seniors. The project would not result in a substantial increase in population and housing stock, as it would likely serve residents already living in the region.. Additionally, the Assisted Living Facility would not displace any existing housing as the site is currently vacant. As with the Church parcel previously analyzed in the 2014 Church EIR, the Assisted Living Facility parcel is surrounded by development to the north, south, and west and would not extend public infrastructure to undeveloped areas. **No impacts** to population and housing are anticipated.

Based on the above, no new significant population and housing impacts or substantial increases in previously identified population and housing impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## **7.8 PUBLIC SERVICES AND FACILITIES**

### **Previous EIR**

As indicated in the 2014 Church EIR Section 7.8, Public Services and Facilities, the Church proposes a church and associated buildings and does not include any housing components. It was determined that the Church use would not generate a substantial increase in police, emergency, or fire protective service calls. The Church does not include a residential component and it was determined that the Church would not result in a substantial direct increase in demand for parks, library services, or school facilities. The Church was required to pay applicable development impact fees prior to issuance of building permits. Therefore, with the payment of all applicable fees, impacts to public services and facilities were determined to be less than significant. Refer to the 2014 Church EIR Section 7.8 for additional details.

### **Changes in Circumstances/New Information**

The Assisted Living Facility proposes a 105,568 square-foot (sf) assisted living facility. The project would be required to pay applicable development impact fees prior to issuance of building permits. The project would not result in a substantial increase in population, as it would likely serve residents already living in the region. The addition of the proposed Assisted Living Facility is not anticipated to result in the need for new or expanded fire, police, library, or other public service facilities. Therefore, the project would not tax existing community services facilities or require construction of new facilities that would cause significant environmental effects. As such, the Assisted Living Facility would have a **less than significant** impact to the environment from public services.

Based on the above, no new significant public service facility impacts or substantial increases in previously identified public service facility impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## **7.9 PUBLIC UTILITIES**

### **Previous EIR**

As indicated in the 2014 Church EIR Section 7.9, Public Utilities, it was determined that the Church would be consistent with the City's adopted General Plan and the NCFUA with approval of the Conditional Use Permit (CUP), Site Development Permit (SDP), and Planned Development Permit (PDP). Public water and sewer lines along El Camino Real were determined to be available to serve the Church needs. As described in the Drainage Study for the St. John Garabed Armenian Church prepared by Leppert Engineering Corporation dated July 15, 2013, runoff from the Church parcel would drain to the same two existing outfalls that accept runoff from the Church parcel currently.

The Church resulted in a shift in the drainage pattern on a portion of the Church parcel, and would thereby increase the amount of water runoff going to one outfall along El Camino Real, and decrease the amount of water runoff going to the other outfall. Overall, it was determined that the existing 21-inch public drainage pipeline would be able to accommodate the change in runoff at the Church parcel (Leppert Engineering Corporation 2013b). Through the implementation of the Conceptual Waste Management Plan for the St. John Garabed Armenian Church, prepared by Leppert Engineering Corporation, recycling would be implemented to the extent possible (Leppert Engineering Corporation 2012). Overall, impacts to public utilities were determined to be less than significant. Refer to 2014 Church EIR Section 7.9 for additional details.

## **Changes in Circumstances/New Information**

### ***Waste Generation***

The Assisted Living Facility parcel is currently undeveloped. Currently, no waste is generated at the project site. However, the site is designated for development. The Assisted Living Facility would not include construction, demolition, or renovation of 1,000,000 sf or more. As discussed in the Waste Management Plan (WMP) prepared for the project, the Assisted Living Facility would generate approximately 158.35 tons of waste during construction and approximately 158.35 tons of waste per year during operations. Therefore, without accounting for diversion, the Assisted Living Facility would not generate more than 1,500 tons of solid waste materials and no direct impacts to solid waste would occur. However, the Assisted Living Facility proposes construction, demolition, and/or renovation of more than 40,000 SF, thereby exceeding the City's threshold for cumulative solid waste impacts without implementation of solid waste diversion measures (WDMs). Pursuant to the City's Significance Determination Thresholds, a WMP was prepared to identify waste reduction, recycling, and WDMs. The purpose of a WMP is to: (1) identify the potential project-related waste generated and diverted during demolition, construction, and operation; and (2) identify measures to reduce potential impacts associated with management of such waste. The WMP addresses the grading and construction phase, as well as the post-construction/occupancy phase of the Assisted Living Facility and identifies the types and projected amount of waste that would be generated, disposed, salvaged, and recycled, as applicable. The WMP describes the project measures and design features (which would comprise project conditions) that would reduce the amount of waste generated and how waste reduction and recycling goals would be achieved. The following discussion of potential solid waste generation resulting from implementation of the project and related WDMs is based on the WMP (Appendix M).

The Assisted Living Facility would generate solid waste during both the construction and operational phases. During construction, the Assisted Living Facility would produce 158.35 tons of solid waste and would divert 136.22 tons. This would be an overall diversion rate of 86 percent during

construction. During occupancy, it is estimated that the Assisted Living Facility would generate approximately 158.35 tons of waste per year. The Assisted Living Facility would be required to comply with SDMC Section 66.0707 which requires collection of recyclable materials and food waste. Landscape maintenance would also include collection and disposal of green waste. Lastly, the Assisted Living Facility would be required to target 20 percent of solid waste to be recycled material and 75 percent for landfill diversion. Through compliance with solid waste measures summarized above, detailed in the project WMP, and included as conditions of approval for the Assisted Living Facility, the project's direct and cumulative solid waste impact would be **less than significant**.

Based on the above, no new significant waste generation impacts or substantial increases in previously identified waste generation impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### ***Water Supply***

The Assisted Living Facility proposes the construction of a 105,568-sf assisted living facility. The Assisted Living Facility parcel is not currently developed but does have a water storage tank, well, and pump that was installed in 2014 in an attempt to maintain agricultural production on the Assisted Living Facility parcel. The use of the well water for agriculture was unacceptable for most crops because of a high concentration of particulates and cannot be used as potable water or as a source for landscaping water. The Assisted Living Facility parcel has no other water source on site. The Assisted Living Facility would connect to an existing water main along El Camino Real to the west of the Assisted Living Facility parcel, through a proposed connection at the southern portion of the site (Figure 3-5).

Senate Bill 610 and 221 require further analysis of water demand for large projects. The Assisted Living Facility would not be subject to Senate Bill 610 and 221 due to the size of the project. The Assisted Living Facility would comply with the California building code, which would include the use of water conservation devices. Additionally, the Assisted Living Facility would include the use of low water, conserving planting areas to reduce the amount of water used for landscaping. The Assisted Living Facility would not result in the excessive use of water and impacts would be **less than significant**.

Based on the above, no new significant water supply impacts or substantial increases in previously identified water supply impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### ***Water Service***

Water service to the Assisted Living Facility would be provided by the Utilities Department of the City of San Diego. As stated above, the Assisted Living Facility would connect to the existing water main

located along El Camino Real, through a proposed connection at the southern portion of the site (Figure 3-5). The Assisted Living Facility would not require the expansion of additional infrastructure as the area surrounding the Assisted Living Facility parcel has existing development, and impacts would be **less than significant**.

Based on the above, no new significant physical impacts related to supplying of water service or substantial increases in previously identified water service impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### ***Sewer Service***

The Assisted Living Facility proposes the construction of a 105,568-sf assisted living facility. The Assisted Living Facility proposes a private sewer main connection to existing sewer lines at the northern part of the Assisted Living Facility parcel that would connect to the Church and eventually to the existing public sewer line located underneath El Camino Real. As concluded in the Sewer Study for El Camino Real Assisted Living Facility, prepared by Leppert Engineering Corporation in 2021 and included in Appendix N of this FSEIR, the Assisted Living Facility would not exceed the capacity of the sewer. Public sewer lines are available to serve the Assisted Living Facility. The Assisted Living Facility would not require the expansion of additional infrastructure to obtain sewer service; impacts would be **less than significant**.

Based on the above, no new significant physical impacts related to sewer service or substantial increases in previously identified sewer service impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

### ***Gas and Electric***

The Assisted Living Facility parcel currently has electrical lines running alongside the eastern and western boundaries of the Assisted Living Facility parcel. The Assisted Living Facility would include an emergency generator, emergency electrical equipment, and other electrical equipment to ensure continued electrical service to the site considering the potential need for medical equipment. The Assisted Living Facility is consistent with the applicable land use plans (see Section 5.1, Land Use), and therefore would be consistent with forecasted demand for electrical demand. No additional electrical service improvements are anticipated to be required to service the Assisted Living Facility. Impacts would be **less than significant**.

Based on the above, no new significant physical impacts related to electrical facilities or substantial increases in previously identified electrical facility impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

## 7.10 WILDFIRE

### Previous EIR

The Church parcel was identified as being located within a Very High Fire Hazard Severity Zone (City of San Diego 2021) and includes a wildland-urban interface along the northern, southern, and eastern parcel boundaries. It was determined that with the inclusion of fire protection features, impacts from wildfire hazard would be less than significant.

### Changes in Circumstances/New Information

As with the Church parcel previously analyzed in the 2014 Church EIR, the Assisted Living Facility parcel is located within a Very High Fire Hazard Severity Zone (City of San Diego 2021). Because the Assisted Living Facility parcel is located within a Very High Fire Hazard Severity Zone, the Assisted Living Facility would be required to implement provisions of Chapter 7A of part 2 of Title 24 of the California Building Code Standards, such as ignition resistant construction materials. Additionally, the Assisted Living Facility would include brush management zones as required by SDMC Section 142.0412. As shown in Figure 3-6 and as discussed in Section 7.4, above, the project will not consist of typical standard SDFRD-BMZ 1 and 2 and alternative compliance would be required. Based on the project's site, land ownership, adjacent to mapped MHPA and wetland buffer areas, and grading plans, the project would not achieve the City's standard BMZ widths at the wildland-/urban interface, towards the east and north of the Assisted Living Facility. Therefore, an FFLMR was prepared for the Assisted Living Facility and included as Appendix O. Per the FFLMR, the entire Assisted Living Facility site will be maintained in a Zone 1 condition that will consist of an irrigated landscape area along with a paved hardscape development area surrounding all sides of the building to the property line/MHPA Line or 100 feet from the structure (see PDF-FIRE-14). Specifically, BMZ 1 at the wildland/urban interface extends from the exterior of the structure to between 65 and 100 feet from the northern side of the structure, consisting of irrigated landscape areas and BMZ-equivalent hardscape areas. The project is within the Coastal Overlay Zone, which limits the maximum reduction of 30 feet if Zone 2. On the east side of the Assisted Living Facility structure, BMZ 1 extends from the exterior of the structure up to 35 feet to the MHPA line, with no BMZ 2. Alternative compliance measures for the reduced modified BMZs meet the purpose and intent of Section 142.0412 of the City Code (SDMC 142.0412(i)), thereby minimizing the impacts to undisturbed native and/or naturalized vegetation and avoiding encroachment into the MHPA. Alternative compliance measures would include the following: (1) all windows on the north and east sides of the structure are required to provide exterior glazing in windows (and sliding glass doors) to be dual pane with both panes tempered glass; (2) the entire eastern side of the structure is also required to include 5/8-inch Type X fire rated gypsum sheathing applied behind the exterior covering or cladding (stucco or exterior siding) on the exterior side of the framing, from the foundation to the roof for a facade facing the MHPA open space and naturally vegetated areas (see PDF-FIRE-36 and PDF-FIRE-47). Furthermore, the entire



development site will be required to be maintained as an all-irrigated low fuel BMZ 1 condition landscape with drought-tolerant, fire resistive plants (see PDF-FIRE-25). Plants within this zone will be routinely maintained and watered by an automatic irrigation system that will maintain healthy vegetation with high moisture contents that would prevent ignition by embers from a wildfire. The FFLMR provides both City and State fire and building code required elements for construction, as well as enhanced, state and City code-exceeding measures along the eastern side of the structure where non-conforming modified Brush Management Zones occur adjacent to the MHPA. With the implementation of the alternative compliance requirements outlined in the FFLMR, the Assisted Living Facility is expected to reduce risks to future occupants of the Assisted Living Facility and would not exacerbate wildfire risks. In addition, per the FFLMR (Appendix O), the project site access and roadways will comply with City code requirements and be consistent with the most current CFC.

Finally, as part of the project licensing requirements and associated approvals prior to site occupancy, the project would be required to submit an Emergency and Disaster Plan outlining the facility's response to a variety of emergency events, including wildfire. The Emergency and Disaster Plan as required per project licensing review is provided as Appendix Q. Therefore, for reasons stated above, the Assisted Living Facility would not interfere with the County of San Diego Multi-jurisdictional Hazard Mitigation Plan (County of San Diego OES 2018) and the Emergency Operations Plan (Unified San Diego County Emergency Services Organization and County of San Diego 2018). Impacts related to wildfire risks are expected to be **less than significant**.

### **Analysis of Wildfire Risk - New Development**

Humans (i.e., human related activities or human created features, services (i.e., powerlines and electrical equipment), or processes) are responsible for the majority of California wildfires (Syphard et al. 2007, 2008; Romero-Calcerrada et al. 2008). Certain human activities result in sparks, flames, or heat that may ignite vegetative fuels without proper prevention measures in place. In addition to these ignition sources, roadways are a particularly high source of wildfire ignitions due to high usage and vehicle-caused fires (catalytic converter failure, overheated brakes, dragging chains, tossed cigarette, and others) (Romero-Calcerrada et al. 2008)). In Southern California, the population living at, working in, or traveling through the wildland urban interface provides an opportunity for ignitions. However, it is a relatively rare event when they cause a wildfire, and an even rarer event when a wildfire escapes initial containment efforts. Approximately 90 to 95 percent of wildfires are controlled below 10 acres (CAL FIRE 2019).

Research indicates that the type of contained development project like the El Camino Real Assisted Living Facility Project, are not associated with increased vegetation ignitions. Syphard and Keeley (2015) summarize all wildfire ignitions included in the CALFIRE Fire and Resource Assessment Program (FRAP) database dating back over 100 years. They found that equipment-caused fires were by far the most numerous – and these also accounted for most of the area burned – followed closely

by the area burned by above-ground powerline fires. Ignitions classified as equipment caused frequently resulted from exhaust or sparks from power saws or other equipment with gas or electrical motors, such as lawn mowers, trimmers or tractors and associated with lower density housing. In San Diego County, and in areas like the open space areas near the Project site, ignitions were more likely to occur close to roads and structures, and at intermediate density land uses and structure densities.

As Figures 7-1 through 7-3 illustrate, new development directly influences susceptibility to fire because in high density projects, there is one interface (the Project perimeter) with the wildlands whereas lower density development creates more structural exposure to wildlands, less or no ongoing landscape maintenance (an intermix rather than interface), and consequently more difficulty for limited fire resources to protect well-spaced buildings. The intermix includes development amongst the unmaintained fuels whereas the proposed Project converts all fuels within the footprint and provides a wide, managed fuel modification zone and code-exceeding mitigations, separating the building from unmaintained fuel and creating a condition that makes defense easier. Syphard and Keeley go on to state that “The WUI, where housing density is low to intermediate is an apparent influence in most ignition maps,” further enforcing the conclusion that lower density housing/development poses a higher ignition risk than higher density development. They also state that “Development of low-density, exurban housing may also lead to more homes being destroyed by fire” (Syphard et al. 2013). A wildland urban intermix area already exists south and east of the Project, dominated by older, more fire-vulnerable structures, likely constructed before stringent fire code requirements were imposed, with varying levels of maintained fuel modification buffers. As discussed in detail within the FFLMR, the Project site is a planned ignition resistant facility designed to include professionally managed and maintained fire protection components, and modern fire code compliant safety features that will greatly reduce the hazard of fire spreading from the wildlands to the Project or from the Project to the adjacent wildlands. The conversion of the land within the current Project footprint to the proposed condition will result in an ignition-resistant structure and project perimeter. Therefore, the development of the Project would not be expected to materially increase the risk of vegetation ignitions and would rather be expected to have reduced ignition potential compared to the adjacent area’s current condition of low-density residential development.

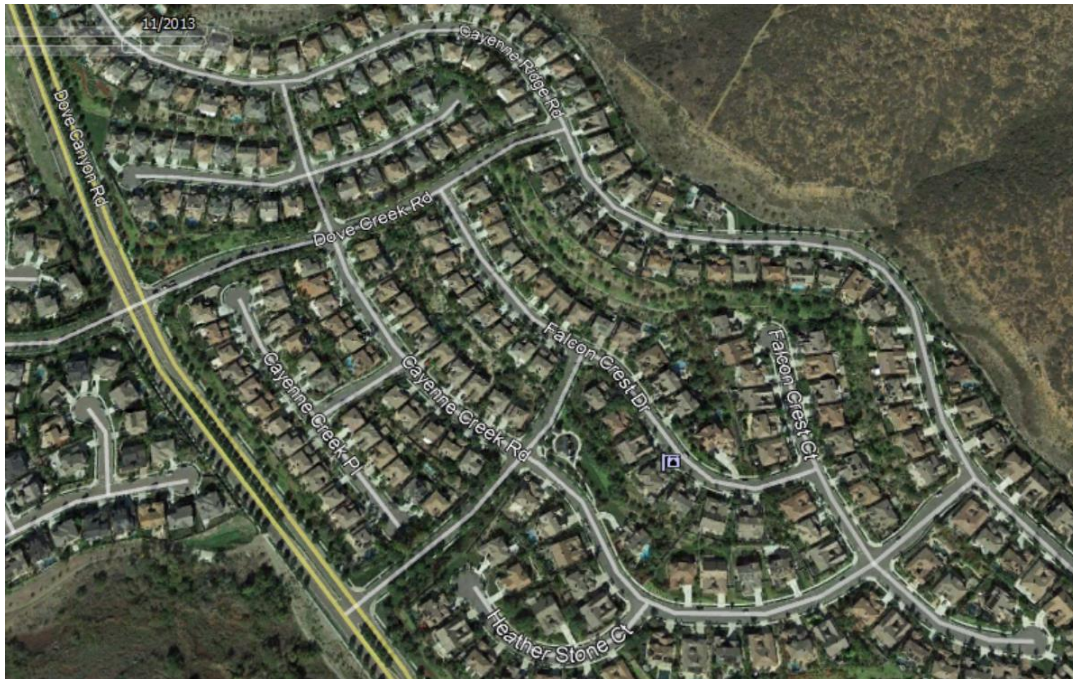


Figure 7-1. Example higher density development. Homes are ignition resistant and excludes readily ignitable vegetative fuels throughout and provides a perimeter fuel modification zone. This type of new development requires fewer fire resources to defend and can minimize the likelihood of on-site fires spreading off-site.



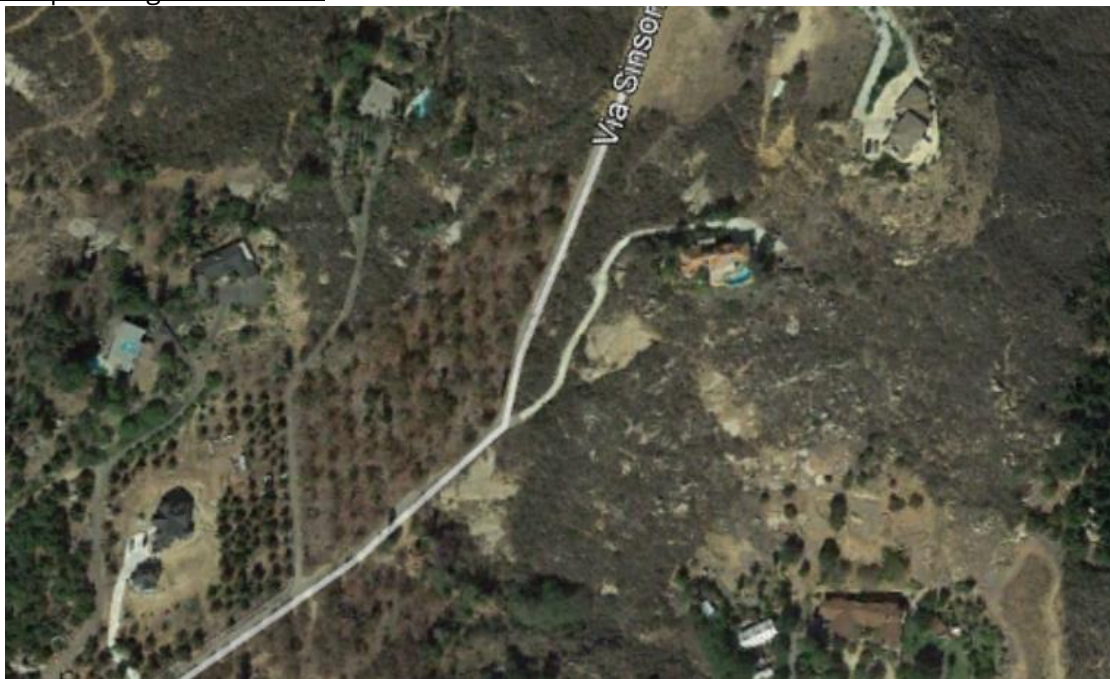
Figure 7-2. Example of “moderate density” development. Homes are located on larger properties and include varying levels of ignition resistance and landscape / fuel modification provision and maintenance. This type of development results in a higher wildland exposure level for all homes and



does not provide the same buffers from wildfire encroaching onto the site, or starting at a structure and moving into the wildlands as a higher density project.



Figure 7-3. Example of “lower density” development. Homes are interspersed amongst wildland fuels, are of varying ages, and include varying levels of fuel modification zone setbacks. Homes are exposed on most or all sides by flammable vegetation and properties rely solely on owners for maintenance, are often far distances from the nearest fire station, and have minimal buffer from on-site fire spreading to wildlands.



Moreover, frequent fires and lower density housing growth may lead to the expansion of highly flammable exotic grasses that can further increase the probability of ignitions (Keeley et al. 2012). This is not the case with the Proposed Project as the landscape areas shall be managed and maintained to remove exotic fuels that may establish over time consistent with Compliance Measure CM-BIO-1 for the Project. CM-BIO-1 is required for Project compliance with the City of San Diego Multiple Habitat Planning Area (MHPA) Land Use Adjacency Guidelines (City of San Diego 1997).

As discussed above, research indicates that it is less likely for higher density developments to be impacted by wildfires than lower density developments. The same protections that starve wildfire of fuels and minimize or prevent wildfire from transitioning into a contained, fuel-converted Project, such as this Project, also serve to minimize or prevent on-site fires from transitioning into the wildlands. Customized project Brush Management Zones are crucial as the strategic design and placement of fuels treatments can disrupt or slow fire spread, reduce fire intensity, and facilitate fire suppression within a landscape (Braziunas et al., 2021). This is true regardless of the direction a vegetation fire may be burning – whether toward a development and/or community or from within a development and/or community. The risk of a structure being destroyed is significantly lower when defensible space/BMZs are implemented on both shallow and steep properties (Syphard et al., 2014). Even if just half the landscape is treated, the percentage of structures exposed to fire can decrease from 51% to 16% (Braziunas et al., 2021). Moreover, when BMZs are designed properly, they not only protect structures but also the surrounding environment. For example, when the Tahoe Basin experienced the Angora Fire in 2007, fuel treatments had the dual effect of saving homes and increasing forest survival. (Safford et al., 2009.) In areas where fuel management had been carried out prior to the Angora Fire, home loss was significantly reduced in the adjacent community and 85% of the trees survived, as compared to the 22% that survived in untreated areas. (Safford et al., 2009.) Fuel management treatments also facilitated the ecological benefit of reduced fire severity, including higher post-fire soil litter cover, higher herbaceous plant cover, higher diversity, and lower levels of invasive beetles. (Safford et al., 2009.) At a minimum, managing defensible space can reduce risk across multiple scales by damping fire risk, reducing the impact of fire, and in turn reducing annual fire risk. (Braziunas et al., 2021.)

Further, the requirement that the Assisted Living Facility structure will include the installation of an automatic interior fire sprinkler system in accordance with (CM-FIRE-2) significantly reduces the likelihood that a building fire spreads to the point of flashover, where a structure will burn beyond control and produce embers. The NFPA 13 automatic sprinkler system will be installed in accordance with Section 903.3.1.1 (including subsections 903.3.1.1.1 and 903.3.1.1.2) of the 2019 CFC. Interior sprinklers are very efficient, keeping fires to the room of origin, or extinguishing the fire before the responding firefighters arrive. Similarly, the irrigated brush management zones are positioned around the perimeter of the facility. Irrigated zones include plants with high internal moisture and spacing between plants and plant groups that 1) make it difficult to ignite and 2) make it difficult for

fire to spread plant to plant. Further, much of the project area will be converted to non-combustible paved surfaces where no fires can ignite or spread. Lastly, the additional humans on the site result in fast detection of fires and fast firefighter response, a key in limiting the growth of fires beyond the incipient stage.

### **Off-site Wildfire Impacts**

It is a relatively rare event when a wildfire occurs, and an even rarer event when a wildfire escapes initial containment efforts. Approximately 90 to 95% of wildfires are controlled below 10 acres (CAL FIRE 2019). Studies (Keeley & Syphard 2018; Syphard et al. 2007; Syphard & Keeley 2015) show the ignition resistance and fire safety awareness of the Project and its population influences the likelihood of fire ignitions and the potential for fire to spread off-site into adjacent wildland fuels and negatively impact existing communities. As the research indicates, humans can drive wildfire ignition risk, but not discussed, they can also reduce it. When fire protection is implemented at the parcel level and leverages ignition resistant building materials, infrastructure improvements, and landscape design, the wildfire risk can be significantly reduced in the surrounding environment (Newman et al., 2013). When wildfire is planned for and incorporated into the building design, such as with the Project, it can not only withstand wildfire, but prevent it. This prevention benefits the Project and the surrounding areas by reducing the landscape level fire risk. Further, given the Project's multi-scaled approach to fire protection, the Project would be not be a substantial source of ignitions or result in increased off-site impacts related to wildfire, as discussed herein.

Common on-site or nearby ignition sources in southern California are related to overhead powerlines and vehicles (Keeley & Syphard, 2018). Powerlines-based ignitions are a concern with respect to off-site wildfire impacts. The remaining highest likelihood of vegetation ignitions in the Project area would be related to existing roadways such as El Camino Real to the west and the interior roadways of the community to the south. However, as the site plan shows, the Project provides for an all-irrigated landscape and non-combustible hardscape areas throughout the development site, which will be well-maintained with drought-tolerant, fire-resistant plant species (PDF-FIRE-2). Ongoing maintenance of these irrigated landscapes will continue in perpetuity as part of the Project. These efforts reduce or minimize the ability for an on-site or nearby vehicle related spark, catalytic converter failure, or other ignition source to ignite and spread fire from the roadsides towards the Project. Furthermore, the existing roadways leading to the Project site are generally devoid of easily ignitable vegetation, reducing the overall fire risk. The Project does not propose or require the addition of new roadways into the Project site.

Regarding other potential on-site ignition sources, all fire pit and BBQ areas are proposed as propane/natural gas only (no wood-burning), and would be located on non-combustible surfaces; no wood-burning fire places or BBQ areas will be allowed on-site. Per assisted living facility standards,

no smoking is permitted on the grounds and Conditions of Approval require posting of No Smoking signage throughout the outdoor areas of the Project to ensure all residents and visitors are aware of this restriction. Through Project design and measures contained in this report, impacts would not rise to the level of significance. The Project is not expected to significantly increase the already known fire risk associated with existing roads and in fact the Project- and road-adjacent brush management along El Camino Real would aid in reducing the preexisting risk. Interior roadways such as the driveways, parking and loading areas, and the fire access lane are also not expected to result in significant vehicle ignitions. The on-site roadways would comply with all fire department access requirements and be encompassed by the ignition-resistant construction of the building, non-combustible paved surfaces, and irrigated landscaping. Therefore, even if ignition were to occur on the Project interior roadways it is highly unlikely, and less likely than current conditions, that it would spread beyond the Project site due to the level of hardscape and the adjacent BMZ areas.

Reducing WUI exposure can address protection of a wide range of highly valued resources and can offer protection to critical resources, habitat communities, and landscapes (Scott et al., 2016). Despite the potential for more frequent fire ignitions from developments, when developments are planned accordingly, such as the Project, the fuel availability and fuel continuity decrease, while the probability of fire suppression increases (Fox et al., 2018). This is a result of planned alterations to fuel, increased ignition-resistant construction, enhanced fire protection features, higher wildfire risk awareness, and maintenance of fire protection features. The dual benefit of building a fire-hardened project, like the El Camino Real Assisted Living Facility, is that the same features that protect the development from a wildfire also play a significant role in protecting wildlands and surrounding areas from Project-related fires.

### **Fire Safety Goals: Construction, Operation and Decommissioning**

The primary fire safety goals are to address the identified ignition sources and risks so that the personnel involved with constructing, operating and final decommissioning of the Project have clearly defined protocols and procedures for reducing fire risk and maintaining a fire safe worksite. Among the goals developed for the Project site are:

- Prevent/minimize fires during construction, operation, and decommissioning.
- Provide a safe worksite for all employees, contractors, visitors, and emergency personnel.
- Prevent shock to emergency responders, workers, and unauthorized trespassers.
- Prevent arcing or sparking, which could ignite vegetation on site.
- Prevent or minimize dollar loss to the equipment.
- Prevent or minimize potential for a fire starting on site to spread off site.
- Provide water, appropriate fire extinguishers and access for firefighters.

- Provide adequate signage and shut off devices to stop power feed into power lines in the event of a line failure, or fire in right of way.
- Provide water trucks equipped with fire extinguishers, hoses, shovels, and Pulaski's when work involves the use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and/or explosives.
- Provide the ability to report a fire or other emergency to 9-1-1 without delay and to make contact with internet websites and personnel.
- Report all fire ignitions, regardless of size, to the SDFRD.

### **Project Specific Risk Summary**

#### **Fire Risk**

Fire risks must be assessed based upon the potential frequency (probability of an incident occurring) and consequence (potential damage should an event occur). The evaluation of fire risks must take into account the frequency and severity of fires and other significant incidents. This includes common risks and heightened sources of risk.

Common risks that result in emergency calls include accidental injuries (residential, vehicle, other), medical related incidents including heart attacks, strokes and other serious conditions and illnesses, accidental vegetation fires, and occasional structure fires. The study area also includes a major transportation corridor risk category that has a higher occurrence rate than commonly realized in other areas. Vehicle related incidents along El Camino Real may result in higher levels in the Project area. Roadside fires are also a significant risk with spread into the adjacent wildlands possible.

Among the listed potential causes of fire incidents involving construction of the Assisted Living Facility that are relevant for this study are:

- Explosion/Arcs, arc flashing, electrical shorts, sparking, motor or other machinery fire, wiring and harnessing fire, overheated junction boxes, rodents chewing on wires and causing arcing, etc.
- Collapse of supporting structure causing electrical shorts and fire.
- Overgrown vegetative fuel.
- Equipment and supplies storage.
- Trash cans, smoking areas, and other combustible storage around construction sites.

The Project's fire risks are associated with the following:

#### **Construction Phase Risks**

- **Earth-moving equipment** – create sparks, heat sources, fuel, or hydraulic leaks, etc.
- **Chainsaws** – may result in vegetation ignition from overheating, spark, fuel leak, etc.



- **Vehicles** – heated exhausts/catalytic converters in contact with vegetation may result in ignition.
- **Welders** – open heat source may result in metallic spark encountering vegetation.
- **Woodchippers** – include flammable fuels and hydraulic fluid that may leak and spray onto vegetation with a hose failure.
- **Compost piles** – large piles that are allowed to dry and are left on-site for extended periods may result in combustion and potential for embers landing in adjacent vegetation.
- **Grinders** – sparks from grinding metal components may land on a receptive fuel bed.
- **Torches** – heat source, open flame, and resulting heated metal shards may encounter vegetation.
- **Dynamite/blasting** – if necessary, blasting may cause vegetation ignition from open flame, excessive heat or contact of heated material on dry vegetation.
- **Other human-caused accidental ignitions** – ignitions related to discarded cigarettes, matches, temporary electrical connections, inappropriately placed generators, poor maintenance of equipment, and others.

Existing law already requires a “Site-Specific Safety Manual” and “Fire Protection Plan” to prevent onsite ignitable sources during construction under Cal/OSHA 1910.39 and California Fire Code (CFC) Chapter 33. Like all projects, the Project is required to be constructed in a manner follows all existing laws and regulations. Here, consistent with Cal/OSHA 1910.39 and California Fire Code (CFC) Chapter 33, the City has taken the extra step to condition that all construction permit plans include a note requiring the construction Contractor to institute the following prevention measures:

***Fire Prevention Measures for all Construction Activities:***

- Minimize combustible and flammable materials storage on site.
- Store any combustible or flammable materials that need to be on site away from ignition sources.
- Clear parking areas shall be cleared of all grass and brush by a distance of at least 10 feet.
- Keep evacuation routes free of obstructions.
- Label all containers of potentially hazardous materials with their contents and stored in the same location as flammable or combustible liquids.
- Perform “hot work” according to fire safe practices in a controlled environment and with fire suppression equipment at the job site. A fire watch person (Fire Patrol), with extinguishing capability (e.g., fire extinguishers), should be in place for all “Hot Work” activities during construction. Ensure hot work adheres to the guidelines provided.
- Dispose of combustible waste promptly and according to applicable laws and regulations.
- Report and repair all fuel leaks without delay.
- Do not overload circuits or rely on extension cords where other options would be safer.
- Turn off and unplug electrical equipment when not in use.
- Direct contractors on site to restrict use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and explosives to outside during RFW. When the

above tools and equipment are used, water trucks (4,000-gallon capacity) equipped with hoses, shovels, Pulaski's, and McLeod's shall easily be accessible to personnel.

- Equip all construction-related vehicles with a 10-pound 4A:80 BC Dry Chemical Fire Extinguisher, a 5-gallon backpack pump or water fire extinguisher, a 46-inch round point shovel, and a first-aid kit.
- When an evacuation has been called, all site personnel will gather at the designated assembly area and the SSO will account for all personnel. Once all personnel are accounted for, the vehicles will safely convoy from the site to safe zones, which are generally areas off-site away from the threat.
- Fire Prevention Measures for Consultants/Contractors:
  - Vehicles equipped with fire prevention equipment:
  - 10-pound, 4A:80BC dry chemical fire extinguisher.
  - 46-inch round point shovel.
  - 5-gallons of water or a 5-gallon water backpack.
  - First-aid kit.
- No driving (cars, trucks, ATVs or similar) over unmaintained and dry vegetation.
- Vehicles can be parked a minimum of 10 feet from any vegetation if the vehicle is parked in an area devoid of any vegetation.
- Site activities limited during Red Flag Warning Weather periods; stay alert to fire and weather conditions and evacuate employees, if safe to do so.
- Consultants/Contractors will conduct operations safely to limit the risk of fire.
- Hot Work shall adhere to the guidelines provided below in Section 7.5.
- During significant emergency situations, an evacuation notice may be issued by the site manager/supervisor or SSO. When an evacuation has been called, all consultant or contractor employees will gather at the designated assembly area and the SSO will account for all personnel. Once all employees are accounted for, the vehicles will safely convoy from the site to safe zones, which are generally areas off-site away from the threat.

### **El Camino Real Assisted Living Project Risk Rating**

The estimated risk associated with the El Camino Real Assisted Living Project site is low to moderate during construction and decommissioning and low during operation, based on the successful application of risk reduction measures listed below and the fire environment in the landscape that includes sparse fuels.

The active construction phase results in higher potential for fires. Hot works, vegetation clearing, and other activities that may result in flame or heat sources can ignite vegetation, especially if non-native grasses have established and cured. Although there will be a potential for structural/equipment fires and wildfires, the risk is considered less than significant as indicated by the low historic fire occurrence in

similar development Projects and the requirement to follow the Project's permit conditions and Cal/OSHA 1910.39 and California Fire Code (CFC) Chapter 33.

### **Site-Wide Risk Reduction Measures**

The Project would be conditioned to provide a "Site-Specific Safety Manual" and "Fire Protection Plan" that addresses onsite ignitable sources as required by Cal/OSHA 1910.39 and California Fire Code (CFC) Chapter 33. The Site-Specific Safety Manual and Fire Prevention Plan is to be posted onsite and would include the following prevention measures, as appropriate, during each phase of the project (construction, operation and maintenance and decommissioning) to reduce the risk of ignitions. These measures will be enforced through the Site Safety Officer (SSO) and ongoing worker safety training via the Site-Specific Safety Manual and Fire Prevention Plan as noted on all construction plans:

- Fire rules shall be posted on the project bulletin board at the contractor's field office and areas visible to employees. This shall include all consultants, contractors, and subcontractors if more than one.
- Fires ignited on site shall be immediately reported to SDFRD.
- The engineering, procurement, and construction contracts for the project shall clearly state the fire safety requirements that are the responsibility of any person who enters the site.
- All internal combustion engines used at the Project site shall be equipped with spark arrestors that are in good working order.
- Once initial two-track roads have been cut, light trucks and cars shall be used only on roads where the roadway is cleared of vegetation. Mufflers on all cars and light trucks shall be maintained in good working order.
- During construction, the Project will be equipped with at least one and up to three water trucks each of 4,000-gallon capacity. Each truck will be equipped with 50 feet of 0.25-inch fast response hose w/fog nozzles. Any hose size greater than 1 ½" shall use National Hose (NH) couplings.
- A cache of shovels, McLeod's, and Pulaski's shall be available at staging sites. The amount of equipment will be determined by consultation between SSO and SDFRD. Additionally, on-site pickup trucks will be equipped with first-aid kits, fire extinguishers and shovels. Contractor vehicles will be required to include the same basic equipment.
- Equipment parking areas and small stationary engine sites shall be cleared of all extraneous flammable materials.
- The on-site contractor shall try to restrict use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and explosives during RFW conditions. When the above tools and equipment are used, water trucks equipped with hoses, shovels, McLeod and Pulaski shall be easily accessible to personnel.
- A fire watch (person responsible for monitoring for ignitions) will be provided during hot works and shall monitor for a minimum of 30 minutes following completion of the hot work activities.

- Smoking shall not be in wildland areas and within 50 feet of combustible materials storage and shall be limited to paved areas or areas cleared of all vegetation.
- Each project construction site (if construction occurs simultaneously at various locations) shall be equipped with fire extinguishers and firefighting equipment sufficient to extinguish small fires.
- The on-site contractor or Project staff shall coordinate with the SDFRD to create a training component for emergency first responders to prepare for specialized emergency incidents that may occur at the Project site.
- Construction workers at the site shall receive training on the proper use of firefighting equipment and procedures to be followed in the event of a fire. Training records shall be maintained and be available for review by the SDFRD.

### **Site-Wide Daily Fire Prevention Measures**

To limit the risk of fires, all site staff, employees, and contractors shall take the following precautions as provided in the Site-Specific Safety Manual and Fire Prevention Plan, required as a condition of approval for the Project and as noted on all construction plans:

- Fire safety shall be a component of daily tailgate meetings. Foremen will remind employees of fire safety, prevention, and emergency protocols daily.
- No Smoking will be allowed on site except in designated safe smoking areas which include cleared area with no combustible vegetation or materials and approved butt receptacles (noncombustible containment of cigarette butts). Smoking inside closed vehicles at the site may be allowed in designated areas away from vegetation, at the discretion of the SSO.
- Combustible materials will be stored in areas away from native vegetation. Whenever combustibles are being stored in the open air, the SSO shall be informed of the situation.
- Evacuation routes shall be maintained free of obstructions. Unavoidable evacuation route blockages shall be coordinated such that a secondary route is identified and available.
- Disposal of combustible waste in accordance with all applicable laws and regulations.
- Use and store flammable materials in areas away from ignition sources.
- Proper storage of chemicals, such that incompatible (i.e., chemically reactive) substances would be separated appropriately, shall be required.
- Performance of hot work (i.e., welding or working with an open flame or other ignition sources) in controlled areas under the supervision of a fire watch shall be required. Hot work permits are required and will be reviewed and granted by the SSO for all hot work.
- Equipment shall be kept in good working order by inspecting electrical wiring and appliances regularly and maintaining motors and tools free of excessive dust and grease.
- Immediate reporting of fuel or petroleum leaks shall be required. The site mechanic shall ensure that all leaks are repaired immediately upon notification.
- Immediate repair and cleanup of flammable liquid leaks shall be required.

- Extension cords shall not be relied on if wiring improvements are needed, and overloading of circuits with multiple pieces of equipment shall be prohibited.
- Turning off and unplugging electrical equipment when not in use.

### **Fire Prevention/Protection System Maintenance**

A Site Safety Officer (or trained specialist, when necessary) will ensure that fire suppression and related equipment is maintained according to manufacturers' specifications. National Fire Protection Association (NFPA) guidelines shall be implemented for specific equipment.

As noted on the construction permit plans, the following equipment is subject to ongoing maintenance, inspection, and testing procedures:

- Portable fire extinguishers;
- Fire alarm and suppression systems;
- Water trucks and associated equipment; and
- Emergency backup generators/systems and the equipment they support.

### **Hot Work**

These requirements are primarily from California Fire Code (CFC) Chapter 35, Welding and other Hot Work, and NFPA 51B, Fire Prevention During Welding, Cutting and other Hot Work. Hot work is defined in the CFC as operations involving cutting, welding, thermit welding, brazing, soldering, grinding, thermal spraying, thawing pipe, or other similar operations. Hot work areas are defined as the areas exposed to sparks, hot slag, radiant heat, or convective heat because of the hot work.

A Hot Work Permit shall be obtained for all hot work regardless of location from the SSO, following guidelines from the VFD. The SSO will require hot work to be done per requirements in NFPA 51B and the CFC Chapter 35.

Hot work shall only be done in fire safe areas designated by the SSO and shall comply with the following as noted on all construction permit plans:

- All personnel involved in Hot Work shall be trained in safe operation of the equipment by the SSO. This will include providing training at "tailgate safety meetings". They shall also be made aware of the risks involved and emergency procedures, such as how to transmit an alarm and who is responsible to call 9-1-1.
- Signage required in areas where workers may enter indicating "Caution; Hot Work in progress; Stay Clear" would be posted on site.
- Hot work would not be done on any containers which contain or have contained flammable liquids, gases, or solids until containers have been thoroughly cleaned, purged, or inerted.

- A dry chemical fire extinguisher with a minimum rating of 4A:80BC, a 5-gallon backpack pump or water fire extinguisher, and a 46-inch round point shovel, shall be readily accessible within 25 feet of hot work area.
- The safety manager shall inspect the hot work area before issuing a permit and shall then make daily inspections.
- Welding and cutting would comply with 2022 CFC Chapter 35- welding and Hot Work.
- Electric arc hot work would comply with CFC Chapter 35.
- Piping manifolds and Hose Systems for Fuel Gases and Oxygen would comply with CFC Section 3509.
- Cylinder use and storage shall comply with 2022 CFC Chapter 53, "Compressed Gases."
- Equipment would be approved by SDFRD, including torches, manifolds, regulators, or pressure reducing valves, and any acetylene generators.
- Personal Protective Clothing would be selected to minimize the potential for ignition, burning, trapping hot sparks, and electric shock.
- A fire watch will be in place for a minimum of 30 minutes, or longer as considered necessary by the SSO, following any hot work.
- Any ignitions would be immediately extinguished (as possible) by site personnel and the fire department would be notified of the incident.
- The SSO shall have the responsibility to assure safe Hot Work operations and shall have the authority to modify hot work activities associated with construction and/ maintenance activities, and to exceed the requirements in NFPA 51B and 2022 CFC, to the degree necessary to prevent fire ignition. Workers must be trained on the hot work information and criteria in this report.

Based on the above, and with implementation of the requirements outlined in the FFLMR, no new wildfire impacts or substantial increases in previously identified wildfire impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

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## **CHAPTER 8.0 MANDATORY DISCUSSION AREAS**

This section discusses other issues for which the California Environmental Quality Act (CEQA) requires analysis in addition to the specific issue areas discussed in Chapter 5.0, Environmental Analysis. These additional issues include (1) significant effects which cannot be avoided, (2) significant irreversible environmental changes which cannot be avoided in the project is implemented, and (3) growth-inducing impacts.

### **8.1 SIGNIFICANT EFFECTS WHICH CANNOT BE AVOIDED**

Section 15126.2 of the CEQA Guidelines requires a discussion of significant environmental effects which cannot be avoided if the project is implemented (14 CCR 15000 et seq.). In Chapter 5.0 of this Final Subsequent Environmental Impact Report (FSEIR), the project's impacts were analyzed to determine if the project would cause significant impacts in each issue area. Where significant impacts were identified, mitigation measures were developed that would reduce impacts to less than significant. The analysis for the 2014 St. John Garabed Armenian Church Project Final Environmental Impact Report (2014 Church EIR) found that both direct and cumulative impacts associated with visual effects and neighborhood character would be significant and unavoidable. The addition of the proposed El Camino Real Assisted Living Facility (Assisted Living Facility) would not result in any additional significant effects which cannot be avoided.

Table ES-1 summarizes the project's significant environmental impacts and mitigation measures that would reduce impacts to below a level of significance. Chapter 10.0 of this FSEIR is the Mitigation Monitoring and Reporting Plan that lists the project-specific mitigation measures that would reduce impacts to below a level of significance.

### **8.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES WHICH CANNOT BE AVOIDED IF THE PROJECT IS IMPLEMENTED**

CEQA Guidelines Section 15126.2(d) requires the evaluation of (14 CCR 15000 et seq.):

[u]ses of nonrenewable resources during the initial and continued phases of the project [that] may be irreversible since a large commitment of such resources makes removal or non-use thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as a highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irrecoverable commitments of resources should be evaluated to assure that such current consumption is justified.



The predominant irreversible environmental change that would occur as a result of project implementation would be the planned commitment of land resources to ~~urban~~/developed uses. The project would irreversibly alter the previously graded vacant site to an assisted living facility for the foreseeable future. This would constitute a permanent change. Once construction occurs, reversal of the land to its original condition is highly unlikely. Other permanent changes would include more traffic, and an increased human presence in the area. Irreversible commitments of energy resources would occur with the project. These resources would include electricity, natural gas, potable water, and building material.

As discussed in Section 5.2, Agricultural Resources, the Assisted Living Facility parcel is designated as Farmlands of Local Importance by the DOC Farmland Mapping and Monitoring Program. However, due to high cost of water; well water quality issues; site constraints, such as the presence of MHPA lands; limited access to the site; and conformance with requirements, such as the need to adhere to the City's Land Use Adjacency Guidelines, the site is no longer viable for agricultural use. Therefore, the Assisted Living Facility would result in less than significant impacts to agricultural uses. The eastern portion of the Assisted Living Facility site is designated as MHPA lands. The Assisted Living Facility would result in potentially significant indirect impacts (**Impact BIO-1**) to the following special-status birds: California horned lark (Species of Special Concern), yellow warbler (Species of Special Concern), least Bell's vireo (federally and state-listed as endangered, MSCP-covered species), and white-tailed kite (CDFW Protected and Fully Protected Species) nesting. However, **Mitigation Measure (MM) BIO-1** and **MM-BIO-2** would be implemented to reduce impacts to **less than significant with mitigation**. Refer to Section 5.4, Biological Resources, for additional details.

Although no known significant cultural resources were identified at the Assisted Living Facility site, construction of the Assisted Living Facility could result in potential impacts to unknown subsurface cultural resources. In the event that an unknown, intact archaeological material or burial-related items are encountered during project construction, the potential disturbance to the site would be a potentially significant impact (**Impact CR-1**). **MM-CUL1** would be implemented to reduce impacts to **less than significant with mitigation**.

Lastly, because the Assisted Living Facility's grading activity would exceed the 1,000 cubic yard threshold for excavation within a moderate resource potential geologic unit, the Assisted Living Facility is subject to the grading ordinance (San Diego Municipal Code Section 142.0151) and the requirement for paleontological monitoring, which would be made a condition of approval, per Construction Measure (CM) PAL-1. Therefore, impacts to paleontological resources would be **less than significant**.

Construction of the development would result in incremental demands on lumber and forest products, sand and gravel, asphalt, petrochemicals, and other materials. Construction would also incrementally reduce existing supplies of fuel oil, natural gas, and gasoline.

### **8.3 GROWTH-INDUCING IMPACTS**

Section 15126.2(e) of the CEQA Guidelines mandates that the growth-inducing impact of a project be discussed. This guideline states that the growth-inducing analysis is intended to address the potential for the project to “foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment,” and to “encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively,” through extension or expansion of existing services, utilities, or infrastructure (14 CCR 15000 et seq.).

Typically, the growth-inducing potential of a project would be considered significant if it stimulates population growth or a population concentration above what is assumed in local and regional land use plans, or in projections made by regional planning authorities, such as the San Diego Association of Governments. Significant growth impacts could also occur if the project provides infrastructure or service capacity to accommodate growth levels beyond those anticipated by local or regional plans and policies. The City of San Diego’s CEQA Significance Determination Thresholds state that a project would have a significant impact related to growth inducement if it would:

1. Induce substantial population growth in an area;
2. Substantially alter the planned location, distribution, density, or growth rate of the population of an area;
3. Include extensions of roads or other infrastructure not assumed in the community plan or adopted Capital Improvement Project list, when such infrastructure exceeds the needs of the project and could accommodate future development.

Using the City of San Diego’s CEQA Significance Determination Thresholds for growth inducement, the project would not result in significant impacts. These conclusions are presented below.

Per the CEQA Guidelines, it should be noted that growth-inducing effects are not necessarily beneficial, detrimental, or of little significance to the environment. This issue is presented to provide additional information on ways in which this project could contribute to significant changes in the environment, beyond the direct consequences of implementing the project.

The project proposes an assisted living facility. The project would provide beds and amenities to seniors and would include a residential component but would not result in a substantial

increase in population to the area, as it would likely serve residents already living in the region. The project does not require the expansion of utilities or services which could facilitate growth. The project would not displace any housing or people since the site is currently vacant and has never been developed with housing. For these reasons, approval of the project would not result in significant growth-inducing impacts.

## CHAPTER 9.0 ALTERNATIVES

### 9.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) evaluates a “reasonable” range of alternatives. According to the CEQA Guidelines, an EIR “shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives” (14 CCR 15126.6[a]). Specifically, the CEQA Guidelines require the analysis of the “no project” alternative and alternatives that would be “capable of avoiding or substantially lessening any significant effects of the project” (14 CCR 15126.6[b]). The CEQA Guidelines also require a discussion of why other alternatives were rejected if they were considered in developing the project and still would meet the project objectives. Although an exhaustive analysis is not necessary, an EIR “must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation” (14 CCR 15126.6[a]).

Pursuant to the CEQA Guidelines, a range of alternatives to the project are considered and evaluated in this EIR. The discussion in this section provides:

1. A description of alternatives considered.
2. An analysis of whether the alternatives meet most of the objectives of the project.
3. Per CEQA Guidelines, Section 15126.6(d), a comparative analysis of the project and the alternatives under consideration. Per CEQA Guidelines, Section 15126.6(c), the alternatives are chosen by considering whether they can meet the basic project objectives, their feasibility, and their ability to avoid the project's significant environmental effects.

Factors that may be taken into account when addressing the feasibility of alternatives include site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control, or otherwise have access to alternative sites (14 CCR 15126.6(f)(1)).

Alternatives have been considered in an effort to meet most of the basic project objectives. The following alternatives have been considered and eliminated from detailed consideration for the reasons identified in Section 9.5:

- Off-site Alternative Locations
- Agricultural Use Alternative
- Single-family Residence Alternative

## Reduced Height Alternative

Alternatives that are considered and evaluated in this FSEIR include:

- Alternative 1 – No Project/No Build Alternative
- Alternative 2 – Sensitive Nesting Bird Construction Impact Avoidance
- Alternative 3 – Construction Noise Impact Avoidance

## **9.2 PROJECT SUMMARY**

The project consists of an expansion of the St. John Garabed Armenian Church (Church) to include the proposed El Camino Real Assisted Living Facility (Assisted Living Facility). The 350-seat Church with three supporting accessory use buildings was approved in 2014. The Church has been constructed and is now operational while the three supporting accessory use buildings are yet to be constructed. The proposed Assisted Living Facility would include the addition of a 105,568 square-foot building with 105 rooms and supporting amenities on the 3.97-acre parcel located south of the Church (Figure 3-1, Site Plan). The proposed Assisted Living Facility would be within a single 40-foot tall building with a Mediterranean architectural style. The Assisted Living Facility would include outdoor recreational space as well as interior use areas to support residents such as laundry room, dining room, and salon. The Assisted Living Facility would be accessible through the Church site to El Camino Real. The eastern 1.12 acres of the Assisted Living Facility parcel would be retained as open space. Refer to this FSEIR Chapter 3.0 for additional project description details.

## **9.3 PROJECT OBJECTIVES**

The CEQA Guidelines require an EIR to include a statement of objectives sought by the project (14 CCR 15124). This disclosure assists in developing the range of project alternatives to be evaluated in the EIR. The project objectives for this project are listed in Section 3.2, Project Objectives, and are restated here:

The objectives of the Assisted Living Facility are as follows:

1. Develop the underutilized site adjacent to the St. John Garabed Armenian Church. (Fundamental project objective)
2. Provide a development complimentary to the St. John Garabed Armenian Church that assists the congregation with meeting their core values of a strong community and caring for the elderly and disabled by providing an assisted living facility that maximizes the number of beds. (Fundamental project objective)

3. Provide an assisted living facility in walking distance from the St. John Garabed Armenian Church. (Fundamental project objective)
4. Include amenities to specifically support individuals needing memory care, and include supporting amenities for basic-needs nursing care, housekeeping service, and meal service.
5. Include recreational amenities to improve quality-of-life and encourage residents to socialize and be active.
6. Provide a design cohesive with the surroundings, including the neighboring homes in the Stallions Crossing development, St. John Garabed Armenian Church, and the City's Multi-Habitat Planning Area (MHPA).
7. Include adequate parking to prevent overflow into the adjacent St. John Garabed Armenian Church and neighborhood parking areas.
8. Afford disabled persons an equal opportunity to use and enjoy housing accommodations or dwellings in an assisted living environment.

#### **9.4 SIGNIFICANT IMPACTS**

As previously mentioned, an EIR should consider a range of feasible alternatives that would attain most of the project objectives, listed above, while reducing one or more of the significant impacts of the project. As presented in Chapter 5.0 of this FSEIR, the Assisted Living Facility would result in potentially significant impacts to biological resources (**Impact BIO-1**: sensitive nesting birds), cultural resources (**Impact CR-1**: potential grading cut impacts to unknown potentially significant archaeological resources), noise (**Impact NOI-1**: construction noise impacts to adjacent residences), and tribal cultural resources (**Impact TCR-1**: potential grading cut impacts to unknown potentially significant tribal cultural resources). While these impacts of the Assisted Living Facility would be potentially significant, all impacts would be fully mitigated to below a level of significance. Refer to Chapter 5.0 for additional details.

#### **9.5 ALTERNATIVES ELIMINATED FROM DETAILED ANALYSIS**

The CEQA Guidelines specifies that an EIR should (1) identify alternatives that were considered by the lead agency but were eliminated from detailed consideration because they were determined to be infeasible during the scoping process, and (2) briefly explain the reasons underlying the lead agency's determination (14 CCR 15126.6[c]). Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are (1) failure to meet most of the basic project objectives; (2) infeasibility; or (3) inability to avoid significant environmental impacts. An economic alternatives analysis was prepared to inform the economic feasibility of the project and two project alternatives with less density. This analysis is included as Appendix R.

### **9.5.1 OFF-SITE ALTERNATIVE LOCATIONS**

Off-site alternative locations were considered as part of the CEQA alternatives evaluation process. The key question and first step in analysis of the off-site location “is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location” (14 CCR 15126.6[f][2][A]). Furthermore, the CEQA Guidelines states that “an EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative” (14 CCR 15126.6[f][3]).

It should be noted that the availability of an alternative site does not in and of itself reduce impact potential. It is expected that developing a similar project would result in a similar array of project impacts and would simply transfer this impact potential to areas surrounding the alternate site location. For these reasons, an off-site alternative location would not necessarily be preferred over the proposed project site. To meet the objectives of the project, an off-site alternative location would need to be:

- Sufficiently sized to accommodate the project and its proposed land uses
- Located within walking distance to the approved Church

Alternative sites within NCFUA Community Plan are difficult to identify because the area is largely built out to the south or consists of undeveloped open space dedicated to habitat restoration and agriculture or agriculture-related uses. Few similarly sized, undeveloped parcels remain. In addition, none remain in walkable distance to the Church. The applicant does not currently own any similarly sized undeveloped parcels within the NCFUA Community Plan Area, and the applicant cannot reasonably acquire, control, or otherwise have access to a sufficiently sized alternative site within the community. Therefore, off-site alternative locations are not considered feasible and have been eliminated from detailed consideration in this FSEIR.

### **9.5.2 AGRICULTURAL USE ALTERNATIVE**

Zoning for the project site is currently designated by the City of San Diego’s Municipal Code (SDMC) as Agricultural-Residential (AR-1-1; Figure 2-4). The current land use designation and zoning (AR-1-1) would allow for the site to be utilized for agriculture purposes. As mentioned in Chapter 2.0, Environmental Setting, the Assisted Living Facility parcel was previously used for agricultural uses (crops). However, the site is no longer viable for agricultural use due to high cost of water; well water quality issues; site constraints, such as the presence of MHPA lands; limited access to the site; and conformance with requirements, such as the need to adhere to the City’s Land Use Adjacency Guidelines. Refer to Chapter 5.2, Agricultural Resources, for additional details. In addition, the Agricultural Use Alternative does not fulfill the fundamental project objectives to provide a development complimentary to the Church that assists the congregation with meeting their core

values of a strong community and caring for the elderly and disabled by providing an assisted living facility; provide an assisted living facility in walking distance from the Church; and afford disabled persons an equal opportunity to use and enjoy housing accommodations or a dwelling. Therefore, due to infeasibility associated with the aforementioned factors, and the fact that the Agricultural Use Alternative does not fulfill the project objectives, the Agricultural Use Alternative was eliminated from detailed analysis.

### **9.5.3 SINGLE-FAMILY RESIDENCES ALTERNATIVE**

The project site has a General Plan land use category of Residential and Park, Open Space and Recreation. The site zoning (AR-1-1) allows for one single-family residential unit per 10 acres. However, the City has a process for rural clustering that would allow up to three units with a Planned Development Permit (PDP). Considering the Assisted Living Facility parcel is 3.97 acres, this parcel could be developed with approximately three single-family residences. It is noted that 1.12 acres of the parcel are located within the MHPA and is would be preserved, so these units would be focused in the same development footprint as the proposed Assisted Living Facility. Site access to the single-family residences would continue to be via the Church parcel; however, an access easement would be required since the Church would likely sell the homes to individuals.

The Single-Family Residences Alternative would result in similar biological resource impacts (Impact BIO-1) as the Assisted Living Facility, as construction would occur within 300 feet of sensitive bird nesting habitat. In addition, this alternative would require grading that would result in potential cultural resource (Impact CR-1) and tribal cultural resource (Impact TCR-1) impacts. Considering grading would be required to create a flat pad for the Single-Family Residences Alternative similar to the proposed Assisted Living Facility, the Single-Family Residences Alternative would also yield an anticipated significant construction noise impact (Impact NOI-1) similar to the proposed Assisted Living Facility. Thus, the Single-Family Residences Alternative would not reduce a significant impact of the project.

The Single-Family Residence Alternative would meet Objective 1 of developing the underutilized parcel. This alternative would also meet Objectives 6 and 7, as it would provide a development that would not conflict with the surrounding development and would include adequate parking. However, the Single-Family Residence Alternative would not develop a use complimentary to the Church core values of a strong community and caring for the elderly and disabled by providing an assisted living facility that maximizes the number of beds (Objective 2). In addition, it would not provide an assisted living facility in walking distance to the Church (Objective 3), nor would it include recreational amenities, or memory care support (Objective 4). It would also not meet Objective 8 as it would not afford disabled persons an equal opportunity to use and enjoy housing accommodations or dwellings in an assisted living environment because the Single-family



Residences Alternative would not be restricted for disabled, elderly use (Objective 8). Overall, the Single-Family Residences Alternative would meet three of the eight objectives. Thus, this alternative would not meet the majority of project objectives.

Overall, this alternative was rejected from further consideration as a CEQA alternative since it would not substantially reduce a significant impact of the Assisted Living Facility and it would not meet the majority of the project objectives.

#### **9.5.4 REDUCED HEIGHT ALTERNATIVE**

A Reduced Height Alternative was considered and would result in the construction of a two-story Assisted Living Facility, as compared to three-stories, which is currently proposed. It is anticipated that the Reduced Height Alternative would result in development of 68 rooms instead of 105 (reduction of 37 units or approximately 35%), which was determined to be economically infeasible (Appendix R). Although various NOP comments expressed concern regarding the height of the proposed Assisted Living Facility, because the Assisted Living Facility would be consistent with the AR-1-1 zoning, which allows for an increase in height when setbacks are increased, the proposed Assisted Living Facility would not result in a significant impact under CEQA associated with height, through compliance with code. Therefore, this alternative was rejected from further consideration as a CEQA alternative since it would not substantially reduce a significant impact of the Assisted Living Facility. In addition, due to high cost of construction and the reduced number of units under operation, development under the Reduced Height Alternative would not be feasible.

#### **9.6 ALTERNATIVES UNDER CONSIDERATION**

Pursuant to CEQA Guidelines, Section 15126.6, an analysis of alternatives is presented to provide decision makers with a range of possible alternatives to be considered. The discussion in this EIR focuses on three alternatives: Alternative 1–No Project/No Build Alternative, Alternative 2–Sensitive Nesting Bird Construction Impact Avoidance, and Alternative 3–Construction Noise Impact Avoidance. The alternatives analysis is directed at avoiding or lessening environmental impacts of the project as identified in this FSEIR. The Alternative 1–No Project/No Build Alternative assumes that the project site would not be developed and that the Assisted Living Facility parcel would remain in its present condition, consisting of a vacant graded pad and adjacent open space within the MHPA. Under the Alternative 2–Sensitive Nesting Bird Construction Impact Avoidance, development would be restricted to 300 feet away from the sensitive nesting bird habitat, compared to the Assisted Living Facility, which would result in development adjacent to sensitive nesting bird habitat. Alternative 3–Construction Noise Impact Avoidance would entail restricting the construction to avoid significant construction noise impacts.

## 9.6.1 ALTERNATIVE 1–NO PROJECT/NO BUILD ALTERNATIVE

CEQA Guidelines, Section 15126.6(e), requires that an EIR evaluate a “no project” alternative. The purpose of describing and analyzing a no project alternative is to allow a lead agency to compare the impacts of approving the project to the impacts of not approving it. Specifically, Section 15126.6(e)(3)(B) requires that “[i]f the project is other than a land use or regulatory plan, for example a development project on identifiable property, the ‘no project’ alternative is the circumstance under which the project does not proceed. In certain instances, the no project alternative means ‘no build’ wherein the existing environmental setting is maintained.” In other words, the No Project/No Build Alternative assumes that the Assisted Living Facility would not be developed and that the parcel would remain in its present condition consisting of a vacant, undeveloped, partially graded site.

### Land Use

Under this alternative, the southern parcel would remain vacant, and no development would occur. Under Alternative 1, no permits, including the NDP for signage, would be required, and no Uncodified Ordinance would be required. Under Alternative 1 no environmental impact related to land use would occur. As the Assisted Living Facility would result in less than significant land use impacts (refer to Chapter 5.1, Land Use), impacts of Alternative 1 would be less than the proposed Assisted Living Facility.

### Agricultural Resources

The site is designated as Farmland of Local Importance, but is not a significant agricultural resource as detailed in Chapter 5.2, Agricultural Resources. Under Alternative 1, no grading or development would occur on the southern project site parcel. As such, no impact to agricultural resources would occur under Alternative 1. The Assisted Living Facility would have less-than-significant agricultural resource impacts (refer to Chapter 5.2, Agricultural Resources). Thus, the Alternative 1 would have no significant agricultural resource impacts similar to the proposed Assisted Living Facility because under both scenarios, agricultural production would not be conducted and/or would not be feasible due to water quality, water supply, and land use adjacency issues.

### Air Quality and Odor

Alternative 1 would involve no growth or development. As such, this alternative would not result in air emissions beyond that assumed in the RAQS. Alternative 1 would result in no grading or other ground-disturbing activities that have the potential to impact air quality and odor. Therefore, no long-term or short-term air quality impacts would result from this alternative. The Assisted Living Facility would have less-than-significant air quality and odor impacts (refer to Chapter 5.3, Air

Quality). Thus, Alternative 1 would have no significant air quality or odor impacts, which would be less than the impacts from the proposed Assisted Living Facility.

### **Biological Resources**

Under Alternative 1, the southern parcel would remain undeveloped and no impacts to biological resources would occur. Thus, this alternative would avoid the Assisted Living Facility's potentially significant indirect impacts (**Impact BIO-1**) to the following special-status birds: California horned lark (Species of Special Concern [SSC]), yellow warbler (SSC), least Bell's vireo (Federal and State-listed as endangered, MSCP-covered species), and white-tailed kite (California Department of Fish and Wildlife [CDFW] Protected and Fully Protected Species) nesting (refer to Chapter 5.4, Biological Resources). While avoidance of a biological impact is preferred by resource managers, it is noted that the Assisted Living Facility would mitigate **Impact BIO-1** to below a level of significance with **Mitigation Measure (MM) BIO-1** and **MM-BIO-2**. Impacts under Alternative 1 would be reduced compared to impacts under the proposed Assisted Living Facility.

### **Greenhouse Gas Emissions**

Under Alternative 1, the Assisted Living Facility parcel would remain vacant, and no construction or operational emissions would be generated. Therefore, no greenhouse gas impacts would result from this alternative. The Assisted Living Facility would have less-than-significant greenhouse gas emission impacts (refer to Chapter 5.5, Greenhouse Gas Emissions). Thus, Alternative 1 would not have a significant greenhouse gas emission impact, similar to the proposed Assisted Living Facility. Although impacts would be similar between the Assisted Living Facility and Alternative 1, because no construction would occur, GHG emissions associated with Alternative 1 would be reduced.

### **Historical Resources**

Alternative 1 would not result in any additional grading or other ground-disturbing activities that have the potential to impact historical resources. Therefore, no potential impacts to historical resources would result from this alternative. The Assisted Living Facility grading would result in potential impacts to significant unknown subsurface cultural resources (**Impact CR-1**) (refer to Chapter 5.6, Historical Resources). Thus, Alternative 1 would avoid the potentially significant cultural resource impact of the proposed Assisted Living Facility. However, it is noted that the Assisted Living Facility would mitigate **Impact CR-1** to below a level of significance via **MM-CR-1**.

### **Paleontological Resources**

Alternative 1 would not result in any additional grading or other ground-disturbing activities that have the potential to impact paleontological resources. The Assisted Living Facility would comply with the City's grading ordinance (SDMC Section 142.0151) and the requirement for paleontological monitoring. Thus, the Assisted Living Facility would have a less-than-significant impact to

paleontological resources (refer to Chapter 5.7, Paleontological Resources). Alternative 1 would result in no potentially significant paleontological resource impacts. Thus, impacts associated with the proposed Assisted Living Facility Alternative 1 would be slightly reduced as no construction would occur.

### **Transportation**

Alternative 1 would not create additional vehicle trips or alter vehicle miles travelled. No changes to roadways or emergency access would occur. Therefore, impacts related to increased traffic on these roadways would not occur. No transportation impacts would result from this alternative. The Assisted Living Facility results in less-than-significant transportation impacts (refer to Chapter 5.8, Transportation). Although Alternative 1 does not propose any development, Alternative 1 would result in no potentially significant transportation impact similar to the proposed Assisted Living Facility. Nonetheless, impacts associated with the proposed Assisted Living Facility Alternative 1 would be slightly reduced as no development would occur.

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

Under this alternative, the southern project site parcel would remain undeveloped. Therefore, no additional impacts to nearby vistas or neighborhood character would occur under this alternative. The Assisted Living Facility results in less-than-significant visual impacts (refer to Chapter 5.9, Visual Effects and Neighborhood Character). Alternative 1 would have no potentially significant visual impact similar to the proposed Assisted Living Facility. Nonetheless, impacts associated with the proposed Assisted Living Facility Alternative 1 would be slightly reduced as no development would occur.

### **Noise**

As no construction or operational noise would occur under Alternative 1, this alternative would have no noise impact. The Assisted Living Facility results in less-than-significant operational noise impacts, but would result in a potentially significant construction noise impact to the residential properties to the south (**Impact NOI-1**) (refer to Chapter 5.10, Noise). As such, Alternative 1 would avoid the Assisted Living Facility potentially significant construction noise impact. However, it is noted that the Assisted Living Facility would mitigate **Impact NOI-1** to below a level of significance via **MM-NOI-1**.

### **Tribal Cultural Resources**

Alternative 1 includes no ground disturbance or construction, and would have no potential to impact tribal cultural resources. The proposed Assisted Living Facility has the potential to impact significant unknown subsurface tribal cultural resources (**Impact TCR-1**) (refer to Chapter 5.11, Tribal Cultural Resources). Thus, Alternative 1 would avoid the potentially significant tribal cultural resource impact

of the proposed Assisted Living Facility. However, it is noted that the Assisted Living Facility would mitigate **Impact TCR-1** to below a level of significance via **MM-CR-1**.

### **Project Objectives**

Alternative 1 includes no development and would not meet any of the objectives of the project as listed in Section 9.3 of this EIR.

### **9.6.2 ALTERNATIVE 2–SENSITIVE NESTING BIRD CONSTRUCTION NOISE IMPACT AVOIDANCE**

Under the Alternative 2–Sensitive Nesting Bird Construction Noise Impact Avoidance Alternative, an increased buffer would be located along the eastern side of the site to prevent construction noise impacts to the adjacent sensitive bird nesting habitat. California horned lark (SSC), yellow warbler (SSC), least Bell's vireo (Federal and State-listed as endangered, MSCP-covered species), and white-tailed kite (CDFW Protected and Fully Protected Species) have potential to nest in the riparian and Diegan coastal sage scrub habitat located about 100 feet to the northeast and 50 feet to the southeast of the Assisted Living Facility grading footprint. To provide complete avoidance of this potential nesting bird impact, a 300-foot buffer would be required from the potential nesting habitat. Considering this, the southeastern corner of the proposed Assisted Living Facility would have to be pulled back approximately 250 feet and the northeastern corner would have to be pulled back about 200 feet. This would reduce the sized of the Assisted Living Facility by approximately 67%. The reduced Assisted Living Facility would accordingly be reduced to approximately 35 rooms instead of 105 (reduced 67%). In addition, the proposed building would be reduced to 35,000 square feet (sf; reduced 67%). Under Alternative 2, the height of the building would remain as three stories. Due to the reduced development area and the need for parking, access, utilities, and basic care amenities, it is assumed that this reduced assisted living facility would still include some memory care beds, but not outdoor recreational amenities or the outdoor pet area. The reduced facility is assumed to meet site zoning requirements, including the height limit and setbacks.

### **Land Use**

Under this alternative, the western third of the site would be developed with a reduced assisted living facility. Alternative 2 would comply with applicable zoning requirements as well as land use plans. Therefore, Alternative 2 would result in no significant environmental impact related to land use. As the Assisted Living Facility would result in a less-than-significant land use impacts (refer to Chapter 5.1, Land Use), impacts of Alternative 2 be similar to the proposed Assisted Living Facility.

## Agricultural Resources

The site is designated as Farmland of Local Importance, but is not a significant agricultural resource as detailed in Chapter 5.2, Agricultural Resources. Under Alternative 2, grading and construction would be reduced to the western third of the parcel. While impacts to Farmland of Local Importance would occur, such impacts would be less than significant considering the site is not viable for agricultural use and no significant farmland would be impacted. The Assisted Living Facility would have a less-than-significant agricultural resource impact (refer to Chapter 5.2, Agricultural Resources). Thus, Alternative 2 would have a less-than-significant agricultural resource impacts similar to the proposed Assisted Living Facility.

## Air Quality and Odor

Alternative 2 would involve grading and construction of a reduced assisted living facility on the western third of the parcel. The Alternative 2 development would comply with land use and zoning, and would not result in air emissions beyond that assumed in the RAQS. Alternative 2 would include reduced grading and construction activities, and would have reduced air emissions relative to the proposed Assisted Living Facility. Operations of Alternative 2 would involve a smaller facility than the proposed Assisted Living Facility and, therefore, operational emissions would be reduced. The Assisted Living Facility would have less-than-significant air quality and odor impacts (refer to Chapter 5.3, Air Quality). Alternative 2 would have a less-than-significant air quality or odor impacts similar to the proposed Assisted Living Facility.

## Biological Resources

Under Alternative 2, the development would be pulled back to provide a 300-foot buffer from nearby sensitive nesting bird habitat. No direct impact to sensitive habitat would occur, and indirect impacts to nesting birds would be avoided through the inclusion of the additional buffer. Thus, this alternative would avoid the Assisted Living Facility's potentially significant indirect impacts (**Impact BIO-1**) to the following special- status birds: California horned lark (SSC), yellow warbler (SSC), least Bell's vireo (Federal and State listed as endangered, MSCP-covered species), and white-tailed kite (CDFW Protected and Fully Protected Species) nesting (refer to Chapter 5.4, Biological Resources). While avoidance is preferred with resource managers, it is noted that the Assisted Living Facility would mitigate **Impact BIO-1** to below a level of significance via **MM-BIO-1**.

## Greenhouse Gas Emissions

Alternative 2 would involve grading and construction of a reduced assisted living facility on the western third of the parcel. As such, reduced greenhouse gas emissions would be generated by Alternative 2 relative to the proposed Assisted Living Facility. The Assisted Living Facility would have less-than-significant greenhouse gas emission impacts (refer to Chapter 5.5, Greenhouse Gas

Emissions). Alternative 2 would have a less-than-significant greenhouse gas emission impact similar to the proposed Assisted Living Facility.

### **Historical Resources**

Alternative 2 would include a reduced grading footprint relative to the proposed Assisted Living Facility. However, a potential impact to unknown subsurface cultural resources would continue to occur similar to the Assisted Living Facility **Impact CR-1** (refer to Chapter 5.6, Historical Resources). Both Alternative 2 and the proposed Assisted Living Facility could reduce this impact to below a level of significance via **MM-CR-1**.

### **Paleontological Resources**

Alternative 2 would include grading in the western third of the parcel. As with the Assisted Living Facility, Alternative 2 would comply with the City's grading ordinance (SDMC Section 142.0151) and the requirement for paleontological monitoring. Similar to the Assisted Living Facility (refer to Chapter 5.7, Paleontological Resources), Alternative 2 would have a less-than-significant impact to paleontological resources.

### **Transportation**

Alternative 2 would include a 35-room assisted living facility that would generate vehicle trips. Based on the generation of two trips per congregate care unit, the proposed 35 units would generate 70 daily trips. As such, Alternative 2 would generate less than 300 daily unadjusted driveway trips and is considered a "Small Project" per the City's Transportation Study Manual (City of San Diego 2020). If the project meets at least one of the screening criteria, it would be presumed to have a less-than-significant VMT impact, and therefore Alternative 2 would have a less than significant VMT impact. The Assisted Living Facility results in less-than-significant transportation impacts (refer to Chapter 5.8, Transportation). Alternative 2 would result in less-than-significant transportation impact similar to the proposed Assisted Living Facility.

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

Under this alternative, the southern project site parcel would be partially developed with an assisted living facility. The visual impacts of this alternative would be similar to the proposed Assisted Living Facility, as development would occur nestled within existing development and development would comply with regulations pertaining to scenic quality such as height limits and setbacks. The Assisted Living Facility results in less-than-significant visual impacts (refer to Chapter 5.9, Visual Effects and Neighborhood Character). Alternative 2 would have less-than-significant visual impact similar to the proposed Assisted Living Facility.

## Noise

Alternative 2 would generate noise during construction of the proposed Assisted Living Facility, as well as operations of the facility. While development would be lessened, the daily grading amount would be similar and would be a similar distance to the nearest residential receiver. As such, Alternative 2 would result in a significant construction noise impact to adjacent residences similar to the proposed Assisted Living Facility (**Impact NOI-1**) (refer to Chapter 5.10, Noise). The Assisted Living Facility would also include an emergency generator and HVAC equipment similar to the proposed Assisted Living Facility, and similar operational noise would result. As traffic generated would be reduced from the proposed 234 daily trips to 70 daily trips under Alternative 2, Alternative 2 would reduce traffic noise impacts relative to the Assisted Living Facility. The Assisted Living Facility operational noise impacts, including roadway noise, would be less than significant (refer to Chapter 5.10, Noise). As such, Alternative 2 would result in similar noise impacts, including Impact NOI-1, as the proposed Assisted Living Facility. It is noted that both the Assisted Living Facility and Alternative 2 could mitigate **Impact NOI-1** to below a level of significance with **MM-NOI-1**.

## Tribal Cultural Resources

While Alternative 2 includes reduced ground disturbance relative to the proposed Assisted Living Facility, it would continue to have a potentially significant tribal cultural resource impact similar to the proposed Assisted Living Facility (**Impact TCR-1**) (refer to Chapter 5.11, Tribal Cultural Resources). It is noted that for both the Assisted Living Facility and Alternative 2, **Impact TCR-1** would be mitigated to below a level of significance via **MM-CR-1**.

## Project Objectives

Alternative 2 consists of a reduced Assisted Living Facility on a third of the site adjacent to the Church, and would include 35 rooms with supporting basic care amenities only. As the project would utilize the site adjacent to the Church, but to a lesser degree than the proposed project, it meets the goal to develop an underutilized site consistent with Objective 1. As Alternative 2 would include a complementary use to the Church, but not maximize beds, Objective 2 would not be met. Objective 3 would be met, as Alternative 2 would include an assisted living facility within walking distance of the Church. This alternative would include memory care, but to a lesser degree than the proposed project, due to the reduced size; therefore, Objective 4 would be met. This alternative would not include outdoor recreational amenities, due to the reduced size; therefore, Objective 5 would not be met. Objectives 6 and 7 would be met, as the alternative would not conflict with the surrounding area and would include adequate parking. In addition, Objective 8 would still be met but to a lesser extent, as the size of the Assisted Living facility would be decreased.



Overall, Alternative 2 would meet six of the eight objectives. Thus, Alternative 2 would meet most of the basic project objectives.

### **9.6.3 ALTERNATIVE 3–CONSTRUCTION NOISE IMPACT AVOIDANCE**

Under the Alternative 3–Construction Noise Impact Avoidance Alternative, an increased buffer would be located along the southern side of the site to prevent construction noise impacts to the residential uses to the south, as calculated in Appendix P, Construction Noise Avoidance Alternative Calculation Worksheets. To provide complete avoidance of this construction noise impact, a 70-foot setback between existing residents and the proposed Assisted Living Facility footprint would be required. Considering this, the southern portion of the proposed Assisted Living Facility would have to be pulled back approximately 40 feet from the southern property line. This would reduce the Assisted Living Facility graded area from 2.84 acres to 2.38 acres (reduced by 16%). This reduced assisted living facility would include approximately 88 rooms instead of 105. In addition, the proposed building would be reduced to 88,000 square feet. The reduced facility is assumed to meet site zoning requirements, including the height limit and setbacks. Under Alternative 3, the height of the building would remain as three stories.

#### **Land Use**

Under this alternative, a portion of the parcel would be developed with a reduced assisted living facility. Alternative 3 would comply with applicable zoning requirements, as well as land use plans. Therefore, Alternative 3 would result in no significant environmental impact related to land use. As the Assisted Living Facility would result in a less than significant land use impacts (refer to Chapter 5.1, Land Use), impacts of Alternative 3 be similar to the proposed Assisted Living Facility.

#### **Agricultural Resources**

The site is designated as Farmland of Local Importance but is not a significant agricultural resource as detailed in Chapter 5.2, Agricultural Resources. Under Alternative 3, grading and construction would be reduced by 16%. While impacts to Farmland of Local Importance would occur, such impacts would be less than significant considering the site is not viable for agricultural use and no significant farmland would be impacted. The Assisted Living Facility would have a less-than-significant agricultural resource impact (refer to Chapter 5.2, Agricultural Resources). Thus, Alternative 3 would have a less-than-significant agricultural resource impacts similar to the proposed Assisted Living Facility.

#### **Air Quality and Odor**

Alternative 3 would involve grading and construction of a reduced assisted living facility on the northwestern fourth of the parcel. The Alternative 3 development would comply with land use and zoning and would not result in air emissions beyond that assumed in the RAQS. Alternative 3 would

include reduced grading and construction activities; and would have reduced air emissions relative to the proposed Assisted Living Facility. Operations of Alternative 3 would involve a smaller facility than the proposed Assisted Living Facility and, therefore, operational emissions would be reduced by approximately 16%. The proposed Assisted Living Facility would have less-than-significant air quality and odor impacts (refer to Chapter 5.3, Air Quality). Alternative 3 would have a less-than-significant air quality or odor impacts similar to the proposed Assisted Living Facility.

### **Biological Resources**

Under Alternative 3, the eastern portion of the Assisted Living Facility footprint would remain close to sensitive nesting bird habitat. No direct impact to sensitive habitat would occur, but similar to the project, potential indirect impacts to nesting birds would occur due to the proximity of the Alternative footprint to nesting birds within the adjacent sensitive habitat. Thus, this alternative would not avoid the proposed Assisted Living Facility's potentially significant indirect impacts (**Impact BIO-1**) to the following special- status birds: California horned lark (SSC), yellow warbler (SSC), least Bell's vireo (Federal and State listed as endangered, MSCP-covered species), and white-tailed kite (CDFW Protected and Fully Protected Species) nesting (refer to Chapter 5.4, Biological Resources). Both Alternative 3 and the proposed Assisted Living Facility would reduce this impact to below a level of significance via **MM-BIO-1** and **MM-BIO-2**.

### **Greenhouse Gas Emissions**

Alternative 3 would involve grading and construction of a reduced assisted living facility on the northwestern fourth of the parcel. As such, reduced greenhouse gas emissions would be generated by Alternative 3 relative to the proposed Assisted Living Facility. The Assisted Living Facility would have less-than-significant greenhouse gas emission impacts (refer to Chapter 5.5, Greenhouse Gas Emissions). Alternative 3 would have a less-than-significant greenhouse gas emission impact similar to the proposed Assisted Living Facility.

### **Historical Resources**

Alternative 3 would include a reduced grading footprint relative to the proposed Assisted Living Facility. However, a potential impact to unknown subsurface cultural resources would continue to occur similar to the Assisted Living Facility **Impact CR-1** (refer to Chapter 5.6, Historical Resources). Both Alternative 3 and the proposed Assisted Living Facility would reduce this impact to below a level of significance via **MM-CR-1**.

### **Paleontological Resources**

Alternative 3 would include grading in the northwestern fourth of the parcel. As with the Assisted Living Facility, Alternative 3 would comply with the City's grading ordinance (SDMC Section 142.0151) and the requirement for paleontological monitoring. Similar to the Assisted Living Facility (refer to

Chapter 5.7, Paleontological Resources), Alternative 3 would have a less-than-significant impact to paleontological resources.

### **Transportation**

Alternative 3 would include an 88-room assisted living facility that would generate vehicle trips. Based on the generation of two trips per congregate care unit, the proposed 88 units would generate 176 daily trips. As such, Alternative 3 would generate less than 300 daily unadjusted driveway trips and is considered a “Small Project” per the City’s Transportation Study Manual (City of San Diego 2020). If the project meets at least one of the screening criteria, it would be presumed to have a less-than-significant VMT impact, and therefore, Alternative 3 would have a less-than-significant VMT impact. The Assisted Living Facility results in less-than-significant transportation impacts (refer to Chapter 5.8, Transportation). Alternative 3 would result in less-than-significant transportation impact similar to the proposed Assisted Living Facility.

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

Under this alternative, the southern project site parcel would be partially developed with an assisted living facility. The visual impacts of this alternative would be similar to the proposed Assisted Living Facility, as development would occur nestled within existing development and development would comply with regulations pertaining to scenic quality, such as height limits and setbacks. The proposed Assisted Living Facility results in less-than-significant visual impacts (refer to Chapter 5.9, Visual Effects and Neighborhood Character). Alternative 3 would have less-than-significant visual impact similar to the proposed Assisted Living Facility.

### **Noise**

Alternative 3 would generate noise during construction of the proposed facility as well as operations of the facility. Daily grading would be similar to the proposed Assisted Living Facility, but under Alternative 3, the development footprint would be reduced and the distance to the nearest residential receiver would be increased to 70 feet. Alternative 3 would avoid significant construction noise impacts to adjacent residences (**Impact NOI-1**) due to the increased buffer between the adjacent residences to the south and the alternative footprint the facility. Alternative 3 would also include an emergency generator and HVAC equipment, similar to the proposed Assisted Living Facility, but the increased distance between the generators and adjacent residences would result in reduced operational noise. As traffic generated would be reduced from the proposed 234 daily trips to 176 daily trips under Alternative 3, Alternative 3 would reduce traffic noise impacts relative to the Assisted Living Facility. The Assisted Living facility operational noise impacts, including roadway noise, would be less than significant (refer to Chapter 5.10, Noise). It is noted that the Assisted Living Facility would mitigate **Impact NOI-1** to below a level of significance with **MM-NOI-1**.

## **Tribal Cultural Resources**

While Alternative 3 includes reduced ground disturbance relative to the proposed Assisted Living Facility, it would continue to have a potentially significant tribal cultural resource impact similar to the proposed Assisted Living Facility (**Impact TCR-1**) (refer to Chapter 5.11, Tribal Cultural Resources). It is noted that both the Assisted Living Facility and Alternative 3 would mitigate **Impact TCR-1** to below a level of significance via **MM-CR-1**.

## **Project Objectives**

Alternative 3 consists of a reduced assisted living facility adjacent to the Church and would include 84 rooms with supporting basic care amenities only. While to a lesser degree than the proposed project, this alternative would utilize the site adjacent to the Church and meets the goal to develop an underutilized site consistent with Objective 1. As Alternative 3 would include a complementary use to the Church, but not maximize beds, Objective 2 would not be met. Objective 3 would be met, as Alternative 3 would include an assisted living facility within walking distance of the Church. This alternative would include memory care, but to a lesser degree than the proposed project considering the reduced size; therefore, Objective 4 would be met. This alternative would not include outdoor recreational amenities, due to the reduced size, therefore Objective 5 would not be met. Objectives 6 and 7 would be met, as the alternative would not conflict with the surrounding area and would include adequate parking. In addition, Objective 8 would still be met but to a lesser extent, as the size of the Assisted Living facility would be decreased. Overall, Alternative 3 would meet six of the eight objectives. Thus, Alternative 3 would meet the most of the basic project objectives.

## **9.7 SUMMARY MATRIX**

A matrix displaying the major characteristics and significant environmental effects of each alternative is provided in Table 9-1, Alternatives Summary, to summarize the comparison. The matrix also indicates whether the alternative meets the project objectives.

## **9.8 ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

The environmentally superior project would be Alternative 1–No Project/No Build Alternative as it would avoid all environmental impacts. However, it would also not achieve the basic project objectives. Section 15126.6(e)(2) of the CEQA Guidelines states that if the No Project Alternative is the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative from among the other alternatives. The context of an environmentally superior alternative is based on consideration of several factors, including the proposed project’s objectives and the ability to fulfill the goals while reducing potential impacts to the environment. Thus, the

environmentally superior alternative, as identified in the analysis above, would be Alternative 2- Sensitive Nesting Bird Construction Noise Impact Avoidance.

**Table 9-1  
 Alternatives Summary**

<b>Environmental Issue</b>	<b>Project</b>	<b>Alternative 1: No Project/No Build Alternative</b>	<b>Alternative 2: Nesting Bird Construction Noise Impact Avoidance</b>	<b>Alternative 3: Construction Noise Impact Avoidance</b>
Land Use	LS	▼	—	—
Agricultural Resources	LS	—	—	—
Air Quality and Odor	LS	▼	—	—
Biological Resources	<b>SM</b> (Impact BIO-1: construction noise impact to sensitive nesting birds; <b>MM BIO-1</b> : biological monitoring during grading and <b>MM-BIO-2</b> : protection measures associated with special-status avian species)	▼	▼	—
Greenhouse Gas Emissions	LS	▼	—	—
Historical Resources	<b>SM</b> (Impact CR-1: unknown significant subsurface cultural resources; MM CR-1: archaeological and Native American monitoring during grading)	▼	—	—
Paleontological Resources	LS	▼	—	—
Transportation/ Circulation	LS	▼	—	—

**Table 9-1  
 Alternatives Summary**

<b>Environmental Issue</b>	<b>Project</b>	<b>Alternative 1: No Project/No Build Alternative</b>	<b>Alternative 2: Nesting Bird Construction Noise Impact Avoidance</b>	<b>Alternative 3: Construction Noise Impact Avoidance</b>
Visual Effects and Neighborhood Character	LS	▼	—	—
Noise	<b>SM</b> (Impact NOI-1: construction noise impacts to adjacent residents; MM NOI-1: construction noise mitigation plan and monitoring)	▼	—	▼
Tribal Cultural Resources	<b>SM</b> (Impact TCR-1: unknown significant subsurface tribal cultural resources; MM CR-1: archaeological and Native American monitoring during grading)	▼	—	—
Meets Most Project Objectives?	Yes	No	Yes	Yes

**Notes:** LS= less than significant, SM = significant mitigated,

▲ Alternative is likely to result in substantially greater impacts to issue when compared to proposed project.

— Alternative is likely to result in similar impacts to issue when compared to proposed project.

▼ Alternative is likely to result in substantially reduced impacts to issue when compared to proposed project.

## CHAPTER 10.0 MITIGATION MONITORING AND REPORTING PROGRAM

California Environmental Quality Act (CEQA) Section 21081.6 requires that a mitigation monitoring and reporting program (MMRP) be established upon certification of an environmental impact report (EIR). It stipulates that “the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.”

This MMRP has been developed in compliance with Section 21081.6 of CEQA and identifies (1) project design features in order to reduce the potential for environmental effects; (2) mitigation measures to be implemented prior to, during, and after construction of the project; (3) the individual/agency responsible for that implementation; and (4) criteria for completion or monitoring of the specific measures. It is noted that this MMRP applies to the proposed El Camino Real Assisted Living Facility (Assisted Living Facility) and is not intended to apply to the 2014 St. John Garabed Armenian Church (PTS #675732).

### **10.1 GENERAL**

#### **Part I – Plan Check Phase (prior to permit issuance)**

1. Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity on site, the Development Services Department Director’s Environmental Designee shall review and approve all Construction Documents (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the Environmental Designee 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 sheets of the construction documents in the format specified for engineering construction document templates as shown on the City of San Diego’s website:  
  
<https://www.sandiego.gov/development-services/forms-publications/design-guidelines-templates>
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.

**Part II – Post-Plan Check (after permit issuance/prior to start of construction)**

1. **PRE-CONSTRUCTION MEETING IS REQUIRED 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:

**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. 675732 and/or Environmental Document [SCH No. 2013071043] shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the Development Services Department’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 1 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:
    - a. Conditional Use Permit

- b. Site Development Permit
  - c. Neighborhood Use Permit
  - d. Coastal Development Permit
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:

**Document Submittal/Inspection Checklist**

Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Biology	Biological Construction Mitigation/Monitoring Exhibit	Biological Resources Monitor and Site Observation Final Report
Historical Resources	Archaeological Monitoring Exhibit	Archaeological and Native American Monitor Resources Monitoring and Site Observation Final Report
Noise	Construction Noise Management Plan	Monitoring of Noise Compliance Measure(s)
Tribal Cultural Resources	Archaeological Monitoring Exhibit	Archaeological and Native American Monitor Resources Monitoring and Site Observation Final Report

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

### **10.2.1 BIOLOGICAL RESOURCES**

The following mitigation shall be implemented to reduce potential indirect impacts to special status wildlife species to below a level of significance:

#### **MM-BIO-1: Resource Protections During Construction**

##### **I. Prior to Construction**

- A. **Biologist Verification:** The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Preconstruction Meeting:** The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. **Biological Documents:** The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (Environmentally Sensitive Lands), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- D. **BCME:** The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. **Avian Protection Requirements:** To avoid any direct impacts to California horned lark, yellow warbler, and white-tailed kite and any avian species that is listed, candidate, sensitive, or special status in the MSCP, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to

September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within three (3) calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If California horned lark, yellow warbler, and white-tailed kite are detected, a letter report in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report are in place prior to and/or during construction.

- F. **Resource Delineation:** Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- G. **Education:** Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

## II. During Construction

- A. **Monitoring:** All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to MMC on the 1<sup>st</sup> day of monitoring, the 1<sup>st</sup> week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

B. **Subsequent Resource Identification:** The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

C. **Temporary Construction Noise (MM-NOI-1):** Prior to issuance of a grading permit, the grading plans shall be verified by the City to state the following:

The proposed project applicant or its contractor will implement one or more of the following options for on-site noise control and sound abatement means that, in aggregate, would yield a minimum of approximately 10 dBA of construction noise reduction during the grading phase of the project.

- Administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances to a nearest receiving occupied off-site property).
- Engineering controls (change equipment operating parameters [speed, capacity, etc.], or install features or elements that otherwise reduce equipment noise emission [e.g., upgrade engine exhaust mufflers]).
- Install noise abatement on the site's southern boundary fencing (or within, as practical and appropriate) in the form of sound blankets having a minimum sound transmission class (STC) of 20 or comparably performing temporary solid barriers (e.g., plywood sheeting at least ½" thick, with no airgaps between adjacent vertical sheets) to occlude construction noise emission between the site (or specific equipment operation as the situation may define) and the noise-sensitive receptor(s) of concern.

### III. Post Construction Measures

A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, Environmentally Sensitive Lands and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

**MM-BIO-2: Special-Status Avian Species (California horned lark, yellow warbler, and white-tailed kite)**

If California horned lark, yellow warbler or white-tailed kite are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable state and federal law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that the disturbance of breeding activities is avoided. The report or ~~mitigation plan~~ shall be submitted to the City DSD for review and approval and implemented to the satisfaction of the City's MMC Section. The City's MMC Section and biologist, in concert with the City, shall verify and approve that all measures identified in the report are in place prior to and/or during construction to ensure that take of any listed or non-listed species would not occur or mitigation plan are in place prior to and/or during construction.

If California horned lark, yellow warbler or white-tailed kite nesting is detected, then an appropriate impact avoidance area (~~typically minimally~~ a 300-foot buffer) shall be included in the mitigation plan and this buffer shall be established around the active nest using orange fencing or other clear demarcation method. The radius of this avoidance buffer shall be determined through coordination with the project biologist and authorized by the City's project manager and DSD and shall use orange fencing or other clear demarcation method to define the approved buffer which shall not be less than 300 feet.

### **Least Bell's Vireo**

Construction within 300 feet of any sensitive coastal or riparian areas with suitable habitat may have adverse direct and indirect impacts on least Bell's vireo if construction occurs during the breeding season (March 15 through September 15) for this species. Given the federal protection of least Bell's vireo, specific mitigation would be required to prevent take of this species as outlined below:

Prior to the preconstruction meeting, the Environmental Designee (ED)/MMC shall verify that MHPA boundaries and the requirements regarding the least Bell's vireo, as specified below, are shown on the biological monitoring exhibit and construction plans.

No clearing, grubbing, grading, or other construction activities shall occur during least Bell's vireo breeding season (March 15 through September 15) until the following requirements have been met to the satisfaction of the ED/MMC:

1. A Qualified Biologist (possessing a valid Endangered Species Act Section 10[a][1][a] Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the least Bell's vireo. Surveys for least Bell's vireo, shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the

breeding season prior to the commencement of any construction. If least Bell's vireo are present, then the following conditions must be met:

- a. March 15 through September 15 for least Bell's vireo, no clearing, grubbing, or grading of occupied habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and
- b. March 15 through September 15 for least Bell's vireo no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the ED/MMC at least 2 weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; or

At least 2 weeks prior to the commencement of construction activities, under the direction of a Qualified Acoustician, attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities would not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16). Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ED/MMC, as necessary, to reduce noise levels to below 60 dB(A)

hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

2. If least Bell's vireo are not detected during the protocol surveys, the Qualified Biologist shall submit substantial evidence to the ED/MMC and applicable resource agencies that demonstrates whether or not mitigation measures such as noise walls are necessary from March 15 through September 15 for least Bell's vireo, adherence to the following is required:
  - a. If this evidence indicates that the potential is high for least Bell's vireo to be present based on historical records or site conditions, then Condition 1(a) shall be adhered to as specified above.
  - b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

## 10.2.2 HISTORICAL RESOURCES

Potential impacts to historical resources would be reduced to below a level of significance through implementation of the following mitigation measure.

**MM-CR-1: The following shall be implemented to protect unknown archaeological resources and/or grave sites that may be identified during project construction phases.**

### 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 Hazardous Waste Operations and Emergency Response Standard (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 (1/2 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 one-quarter 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 Occupational Safety and Health Administration (OSHA) safety requirements may necessitate modification of the AME.
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.

4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVr). The CSVr's shall be faxed or emailed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
  2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
  3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
  4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
    - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
    - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.
    - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

#### **IV. Discovery of Human Remains**

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (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 notified by the Commission; OR;
    - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
    - c. In order to protect these sites, the Landowner shall do one or more of the following:
      - (1) Record the site with the NAHC;
      - (2) Record an open space or conservation easement on the site;
      - (3) Record a document with the County.
    - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and 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 or email by 8AM of the next business day.
  - b. Discoveries

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

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV- Discovery of Human Remains shall be followed.
  - d. The PI shall immediately contact MMC, or by 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 draft Monitoring 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.

### 10.2.3 NOISE

Potential noise impacts would be reduced to below a level of significance through implementation of the following mitigation measure.

#### **MM-NOI-1: Temporary Construction Noise**

Prior to issuance of a grading permit, the grading plans shall be verified by the City to state the following:

The proposed project applicant or its contractor will implement one or more of the following options for onsite noise control and sound abatement means that, in aggregate, would yield a minimum of approximately 10 dBA of construction noise reduction during the grading phase of the project.

- Administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances to a nearest receiving occupied off-site property).
- Engineering controls (change equipment operating parameters [speed, capacity, etc.], or install features or elements that otherwise reduce equipment noise emission [e.g., upgrade engine exhaust mufflers]).
- Install noise abatement on the site's southern boundary fencing (or within, as practical and appropriate) in the form of sound blankets having a minimum sound transmission class (STC) of 20 or comparably performing temporary solid barriers (e.g., plywood sheeting at least ½" thick, with no airgaps between adjacent vertical sheets) to occlude construction noise emission between the site (or specific equipment operation as the situation may define) and the noise-sensitive receptor(s) of concern.



## **10.2.4 TRIBAL CULTURAL RESOURCES**

Potential impacts to tribal cultural resources would be reduced to below a level of significance through implementation of **Mitigation Measure (MM) CR-1**.

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