



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: December 4, 2024

TO: City of San Diego Planning Commission

FROM: Xavier Del Valle, Development Project Manager, DSD/Project Management Section, MS-501

SUBJECT: Planning Commission Meeting, December 5, 2024, Agenda Item No. 2, PRJ-675732: El Camino Real Assisted Facility; Updated Draft Candidate Findings of Fact

The draft Candidate Findings of Fact for the El Camino Real Assisted Living Facility have been updated and attached for the record.

Enclosure: Draft Candidate Findings of Fact (strikethrough underline)

cc: Deputy City Attorney
Planning Commission Secretary

Candidate Findings of Fact
For
El Camino Real Assisted Living Facility

PRJ-0675732
SCH NO. 2013071043

| ~~NOVEMBER~~DECEMBER 4, 2024

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CANDIDATE FINDINGS OF FACT
for
EL CAMINO REAL ASSISTED LIVING FACILITY
Project No. 675732/SCH No. 2013071043

I. Introduction

a. Findings of Fact

The following Findings of Fact (Findings) are made for development of the El Camino Real Assisted Living Facility project (project No. 675732) (project). The environmental effects of the project are addressed in the Final Subsequent Environmental Impact Report (Final SEIR) (SCH No. 2013071043) dated November 2024, which is incorporated by reference herein.

The California Environmental Quality Act (Pub. Res. Code §§ 21000 *et seq.*) (CEQA) and the CEQA Guidelines (14 California Code of Regulations §§ 15000 *et seq.*) require that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof, unless such public agency makes one or more of the following findings:¹

- 1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment;
- 2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be adopted by that other agency; or
- 3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final environmental impact report.

CEQA also requires that the Findings made pursuant to CEQA Guidelines section 15091 be supported by substantial evidence in the record.² Under CEQA, substantial evidence means enough relevant information has been provided (and reasonable inferences from this information may be made) that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence includes facts, reasonable assumptions predicted upon facts, and expert opinion supported by facts.³

CEQA further requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse

¹ Pub. Res. Code § 21081(a); 14 C.C.R. § 15091(a)

² CEQA Guidelines § 15091(b).

³ CEQA Guidelines § 15384.

environmental effects, the adverse environmental effects may be considered “acceptable”.⁴ When the lead agency approves a project which will result in the occurrence of significant effects which are identified in an environmental impact report (EIR) but are not avoided or substantially lessened, the agency shall state in writing in the Statement of Overriding Considerations (SOC) the specific reasons to support its actions based on the SEIR or other information in the record. The proposed El Camino Real Assisted Living Facility (Assisted Living Facility) would not result in any significant and unavoidable impacts. Therefore, an SOC would not be required.

The Findings have been submitted by the City of San Diego (City) as “Candidate Findings” to be made by the decision-making body. They are attached hereto to allow readers of this report an opportunity to review the project applicant’s position on this matter. It is the exclusive discretion of the decision-maker certifying the SEIR. It is the role of City staff to independently evaluate the proposed the Candidate Findings, and to make a recommendation to the decision-maker regarding their legal adequacy.

b. Record of Proceedings

For purposes of CEQA and these Findings, the “Record of Proceedings” for the project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the project;
- All comments to the NOP received by the City;
- The Draft SEIR for the project (Draft SEIR);
- The Final SEIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft SEIR;
- All responses to the written comments included in the Final SEIR;
- All written and oral public testimony presented during a noticed public hearing for the project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program associated with the Final SEIR;
- The reports and technical memoranda included or referenced in any responses to comments in the Final SEIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft SEIR and the Final SEIR;
- Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;
- Any documents expressly cited in the Findings; and
- Any other relevant materials required to be in the Record of Proceedings by Public Resources Code section 21167.6(e).

⁴ CEQA Guidelines § 15093(a).

c. Custodian and Location of Records

The documents and other materials which constitute the record of proceedings for the City's actions on the project are located at the offices of Development Services Department (DSD) at 1222 1st Avenue San Diego, California 92101. DSD is the custodian of the project's Record of Proceedings. Copies of the documents that constitute the Record of Proceedings are and at all relevant times have been available upon request at the offices of DSD.

The Draft SEIR was placed on the City's CEQA web-site at <https://www.sandiego.gov/ceqa/draft>; and the Final SEIR was placed on City's CEQA website at <https://www.sandiego.gov/ceqa/final>. This information is provided in compliance with Public Resources Code section 21081.6(a)(2) and CEQA Guidelines section 15091(e).

II. Project Summary

a. Project Objectives

The objectives of the project include the following:

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.

b. Project Description

The project consists of an expansion of the approved St. John Garabed Armenian Church (Church) to include the proposed El Camino Real Assisted Living Facility (Assisted Living Facility), to be located south of the approved Church. The project would include amending the Church's existing approvals to include the proposed Assisted Living Facility. More specifically, the Assisted Living Facility would require a Site Development Permit (SDP); a Conditional Use Permit (CUP) Amendment; an Ordinance; a Neighborhood Use Permit (NUP); a Coastal Development Permit (CDP) Amendment (issued by the California Coastal Commission); and certification of the Final Subsequent EIR. The entire project site (existing Church and proposed Assisted Living Facility) is approximately 17.33 acres while the Assisted Living Facility is 3.97 acres. The Church has been constructed and is operational. Three accessory buildings that would be associated with the Church have not yet been constructed. The Assisted Living Facility proposes a 105,568 square foot (sf) building with 105 rooms and supporting amenities. The three-story Assisted Living Facility would be 105,568 sf and 40 feet tall which would exceed the base zone 30-foot height limit. An additional 10 feet of building height is allowed per each 10 feet increase of setbacks per San Diego Municipal Code (SDMC) 131.0344. The Assisted Living Facility would provide greater than the minimum 20-foot setback from adjacent properties in accordance with the existing zoning of the site, Agricultural-Residential (AR-1-1). The Assisted Living Facility would also include 57 surface parking spaces and on-site landscaping and would retain 1.12 acres in the eastern area of the parcel as open space, in accordance with the existing designated Multiple Habitat Planning Area (MHPA) area. This area would be covered by a Covenant of Easement and maintained as open space in perpetuity. The site is designated as Residential and Park, Open Space and Recreational Uses in the City of San Diego General Plan and zoned as AR-1-1, and is located within Subarea II of the North City Future Urbanizing Area (NCFUA) Framework Plan.

Discretionary Actions

The project requires the following entitlements from the City:

- Site Development Permit (SDP) Amendment
- Conditional Use Permit (CUP) Amendment
- Conditional Use Permit (CUP)
- Neighborhood Use Permit (NUP)
- Coastal Development Permit (CDP) Amendment
- Ordinance
- Final SEIR

III. Environmental Review Process and Public Participation

The City is the lead agency approving the project and conducting environmental review under CEQA and the State CEQA Guidelines. As lead agency, the City is primarily responsible for carrying out the project.

In compliance with Section 15082 of the CEQA Guidelines, the City published a NOP on December 15, 2021, which began a 30-day period for comments on the appropriate scope of the Draft SEIR. Consistent with Public Resources Code Section 21083.9 and Section 15082 of the CEQA Guidelines, a public scoping meeting was to be held to solicit comments regarding the scope and analysis of the SEIR. However, due to the state of emergency related to the COVID-19 virus and in the interest of protecting public health and safety, the City followed health mandates from Governor Newsom and the County of San Diego (County) to slow the spread of the COVID-19 virus by limiting public meetings. Therefore, the City did not conduct the in-person scoping meeting. A pre-recorded presentation was made available on the City's Website on December 15, 2021, in addition to publication of the NOP.

The City published the Draft SEIR on May 12, 2023. Pursuant to CEQA Guidelines section 15085, upon publication of the Draft SEIR, the City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that the Draft SEIR had been completed and was available for review and comment by the public until June 26, 2023. At this time, the City also posted a Notice of Availability of the Draft SEIR pursuant to CEQA Guidelines section 15087.

The Final SEIR for the project was published on November 6, 2024

IV. Summary of Impacts

Impacts associated with specific issues areas (e.g., land use, transportation, air quality, etc.) resulting from approval of the project and future implementation are discussed below.

The Final SEIR concludes the project will have no impacts with respect to the following issue areas:

- Forestry Resources
- Mineral Resources
- Population and Housing

The Final SEIR concludes that the project will have less than significant impacts and require no mitigation measures with respect to the following issues:

- Agricultural Resources
- Air Quality
- Green House Gas Emissions
- Energy
- Geologic Conditions
- Health and Safety
- Hydrology/Water Quality
- Land Use
- Paleontological Resources
- Public Services and Facilities
- Public Utilities
- Transportation
- Visual Effects and Neighborhood Character
- Wildfire

Potentially significant impacts of the project will be mitigated to below a level of significance with respect to the following issues:

- Biological Resources
- Historical Resources
- Noise
- Tribal Cultural Resources

V. Findings Regarding Impacts

In making each of the findings below, the City has considered the Record of Proceedings. The “Plans, Programs, and Policies” discussed in the Final SEIR are existing regulatory plans and programs to which the project is subject, and analysis throughout the Final SEIR demonstrates consistency.

a. Findings Regarding Impacts that Can Be Mitigated to Below a Level of Significance

The City, having independently reviewed and considered the information contained in the Final SEIR and the Record of Proceedings, finds pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1) that changes or alterations have been required in, or incorporated into, the project that avoid, mitigate, or substantially lessen the significant effects on the environment as identified in the Final SEIR. The basis for this conclusion is as follows:

1. Biological Resources

Impact BIO-1: Development of the project would result in potentially significant indirect impacts to the following special-status bird species: 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. Indirect impacts would be potentially significant.

Facts in Support of Finding: The Assisted Living Facility would result in impacts to 2.84 acres of disturbed land (Tier IV). No naturally occurring special-status plant species were observed on the

Assisted Living Facility parcel. 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 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 (federally and state-listed as endangered, MSCP-covered species), and white-tailed kite (CDFW Protected and Fully Protected Species) nesting.

Mitigation Measure: MM-BIO-1 requires that, prior to construction, a Qualified Biologist be retained to implement the monitoring program and all necessary documentation be submitted to the City's Mitigation Monitoring Coordination (MMC) section. Habitat removal for areas that support active nests should occur outside of the February 1-September 15 breeding season. Pre-construction surveys will be performed and conducted within 10 calendar days prior to the start of construction activities. Orange construction fencing is required adjacent to the sensitive biological habitats and prior to construction the construction crew must attend an on-site educational session regarding the need to avoid impacts outside of approved construction area. MM-BIO-1 also requires monitoring during construction activities, as needed. 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, consistent with MM-BIO-2. ~~MM-BIO-2 requires specific steps be taken to ensure the protection of the least Bell's vireo, including surveys, noise attenuation and noise monitoring, as needed.~~

Mitigation Measure: MM-BIO-2 requires that 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's MMC Section. 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 to ensure that take of any listed or non-listed species would not occur.

If California horned lark, yellow warbler or white-tailed kite nesting is detected, then an appropriate impact avoidance area (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.

Finding: 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. Implementation of **MM-BIO-1** and **MM-BIO-2** would reduce impacts to biological resources to below a level of significance. With the addition of **MM-BIO-1** and **MM-BIO-2**, no new significant direct impacts 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.

Reference: These findings incorporate by reference the information and analysis included in Final SEIR Section 5.4, Biological Resources, and Appendix D.

2. Historical Resources

Impact CR-1: 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.

Facts: The survey for the Assisted Living Facility parcel indicated that one previously recorded prehistoric cultural resource (CA-SDI-687) intersects the southeastern portion of the Assisted Living Facility parcel area of potential effect (APE). However, the portion of CA-SDI-687 that intersects the Assisted Living Facility APE does not possess significant subsurface archaeological deposits and is not eligible for listing in the California Register of Historical Resources (CRHR) or local register. The Assisted Living Facility would impact no known significant cultural resources. Additionally, 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.

Mitigation Measure: MM-CR-1 This measure requires a qualified archaeological and Native American monitor that would monitor areas with potential to yield subsurface archaeological resources to ensure impacts to significant cultural resources are avoided. 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. Therefore, 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.

Finding: The project's impact to unknown archaeological resources (**Impact CR-1**) would be reduced to less than significant with **MM-CR-1**.

Reference: These findings incorporate by reference the information and analysis included in Final SEIR Section 5.6, Historical Resources, and SEIR Appendix F.

3. Noise

Impact NOI-1: 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.

Facts: 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. Additionally, based on the construction noise modeling completed in Appendix J of the SEIR, 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. Operational noise impacts were considered less than significant.

Mitigation Measure: MM-NOI-1 requires that prior to issuance of demolition, grading, or building permits, MMC shall verify that construction activity occurring as a result of proposed project implementation within 175 feet of noise-sensitive receivers includes noise-reduction measures to ensure construction activities do not exceed the 75 dBA community noise equivalent level (CNEL) and comply with City's (San Diego Municipal Code Section 59.5.0401, Sound Level Limits, and San Diego Municipal Code Section 59.5.0404, Construction Noise).

Mitigation Measure: MM-BIO-1 (see Section 5.4, Biological Resources, of the SEIR, and Section V.a.1, above).

Mitigation Measure: MM-BIO-2 (see Section 5.4, Biological Resources, of the SEIR, and Section V.a.1, above).

Finding: 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. Therefore, 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.

Reference: These findings incorporate by reference the information and analysis included in Final SEIR Section 5.10, Noise, and SEIR Appendix J.

4. Tribal Cultural Resources

Impact TCR-1: 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.

Facts: 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. There is low potential for the Assisted Living Facility grading activities to result in potential impacts to unknown subsurface tribal cultural resources. However, 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 result in a potentially significant impact.

Mitigation Measure: MM-CR-1 (see Section 5.6, Historical Resources, of the SEIR, and Section V.a.2, above)

Finding: The project impact to tribal cultural resources (**Impact TCR-1**) would be reduced to less than significant with implementation of **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. 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.

Reference: These findings incorporate by reference the information and analysis included in Final SEIR Section 5.11, Tribal Cultural Resources, and SEIR Appendix F.

VI. Findings Regarding Mitigation Measures Which are the Responsibilities of Another Agency

The City, having reviewed and considered the information contained in the Final SEIR and the Record of Proceedings, finds pursuant to Public Resources Code section 21081(a)(2) and CEQA Guidelines section 15091(a)(2), that there are no changes or alterations which could reduce significant impacts that are within the responsibility and jurisdiction of another public agency.

VII. Findings Regarding Alternatives

In accordance with Section 15126.6(a) of the CEQA Guidelines, an EIR must contain a discussion of "a range of reasonable alternatives to a project, or the location of a 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." Section 15126.6(f) further states that "the range of alternatives in an EIR is governed by the 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." Thus, the following discussion focuses on project alternatives that are capable of eliminating significant environmental impacts or substantially reducing them as compared to the project, even if the alternative would impede the attainment of some project objectives, or would be more costly. In accordance with Section 15126.6(f)(1), among the factors that may be taken into account when addressing the feasibility of alternatives are: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the applicant can reasonably acquire, control or otherwise have access to the alternative site.

“Feasible” is defined in Section 15364 of the CEQA Guidelines to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” Public Resources Code section 21081 and CEQA Guidelines section 15019(a)(3) also provide that “other considerations” may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

The City, having independently reviewed and considered the information contained in the Final SEIR and the Record of Proceedings, and pursuant to Public Resource Code section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), finds that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the Final SEIR. In addition, CEQA directs that the scope of alternatives considered shall be limited to ones that would avoid or substantially lessen the significant effects of the project (14 CCR 15126.6[f]). The proposed Assisted Living Facility does not result in any significant and unavoidable impacts.

a. Alternative 1 - No Project/No Build Alternative

CEQA Guidelines section 15126.6(e), requires that an EIR evaluate a “no project” alternative along with its impact. 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. [Section 15126.6\(e\)\(3\)\(B\) requires an EIR for a project to address the "no project" alternative, meaning the site shall be analyzed as ~~the~~ it is in its current condition as if the project would not be implemented.](#)

Under the No Project/No Build Alternative, the project would not be implemented, and the site would remain in its current condition. [The project site would not ~~include the addition of~~ be developed with the proposed Assisted Living Facility and would not include any of the associated project related improvements ~~would occur.~~](#)

Potentially Significant Effects: The No Project/No Development Alternative would avoid potentially significant impacts associated with the project, including significant but mitigated impacts related to biological resources, historical resources, noise, and tribal cultural resources.

Finding: The City rejects the No Project/No Build Alternative as it fails to satisfy the project’s underlying purpose and fails to meet any of the project objectives. Moreover, specific economic, legal, social, technological, or other considerations including matters of public policy make the alternative infeasible. The City finds that any of these grounds are independently sufficient to support rejection of this alternative.

Rationale: Under the No Project/No Development Alternative, the project would not be implemented, and the site would remain in its current condition. Under this alternative, none of the environmental impacts associated with construction and operation of the project would occur.

While this alternative would avoid all significant and mitigated impacts of the project, the No Project/No Build Alternative would not meet any of the project objectives as set forth in Section 3.2 of the Final SEIR. Specifically, this alternative would not develop the underutilized site adjacent to the St.

John Garabed Armenian Church (Objective 1); 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 (Objective 2); provide an assisted living facility in walking distance from the St. John Garabed Armenian Church (Objectives 3); include amenities to specifically support individuals needing memory care and include supporting amenities for basic-needs nursing care, housekeeping service, and meal service (Objective 4); include recreational amenities to improve quality of life and encourage residents to socialize and be active (Objective 5); 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) (Objective 6); include adequate parking to prevent overflow into the adjacent St. John Garabed Armenian Church and neighborhood parking areas (Objective 7); or afford disabled persons an equal opportunity to use and enjoy housing accommodations or dwellings in an assisted living environment (Objective 8). CEQA Guidelines section Public Resources Code § 21061.1 defines feasible as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors". Given that the No Project/-No Development Build Alternative does not result in the development of an Assisted Living Facility that would services the community nor meet any of the basic project objectives, and therefore due to the social considerations considering the needs for assisted living facilities within the community would not be met, and the project would not be economically viable because the project would not occur. Therefore, this alternative would be infeasible.

Reference: These findings incorporate by reference the information and analysis included in Final SEIR Section 9.6.1, Alternative 1-No Project/No Build Alternative.

b. Alternative 2-Sensitive Bird Nesting Construction Noise Impact Avoidance Alternative

This alternative would require a 300-foot buffer from the potential nesting habitat of sensitive birds, including 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). This buffer would require that the southeastern corner of the Assisted Living Facility to be pulled back about 200 feet, thus reducing the size 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 sf (reduced 67%). Under the Sensitive Bird Nesting Construction Noise Impact Avoidance Alternative, the height of the building would remain as three stories. 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.

Potentially Significant Impacts: A Sensitive Bird Nesting Construction Noise Impact Avoidance Alternative's additional habitat buffer would avoid potentially significant indirect impacts to biological resources. Potentially significant impacts to historical resources, noise, and tribal cultural resources would continue to have potentially significant impact similar to the proposed Assisted Living Facility and would be mitigated to below a level of significance via **MM-CR-1** and **MM-NOI-1**. All other impacts, including land use, agricultural resources, air quality and odor, greenhouse gas emissions, paleontological resources, transportation, and visual effects and neighborhood

character, would have less-than-significant impacts under Alternative 2, similar to the proposed Assisted Living Facility.

Finding: This alternative would potentially reduce significant biological resources impacts and would satisfy most of the project objectives. Specific economic, legal, social, technological, or other considerations, including matters of public policy, render this alternative infeasible. Therefore, the City rejects this alternative and finds that any of these grounds are independently sufficient to support rejection of this alternative.

Rationale: Public Resources Code § 21061.1 and CEQA Guidelines Section 15364 define “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors”. An Economic Alternative Analysis was prepared for the project by London Moeder Advisors (LMA) in February 2023, and determined that any decrease in the number of rooms under 105, proposed under the Assisted Living Facility, would yield insufficient returns and would therefore be-render the project economically infeasible.

Further, 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, Objectives 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~~ing the most of the ~~basic~~ project objectives.

As described above, the implementation of Alternative 2 would meet most of the project objectives; however, as demonstrated in the Economic Alternative Analysis, this alternative would be-render the project economically infeasible given economic conditions.

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Reference: These findings incorporate by reference the information and analysis included in Final SEIR Attachment 1, Economic Alternatives Analysis; and Final SEIR Section 9.6.2, Alternative 2-Sensitive Bird Nesting Construction Noise Impact Alternative.

c. Alternative 3-Construction Noise Impact Avoidance Alternative

This alternative would result in an increased buffer located along the southern side of the site to prevent construction noise impacts to the residential uses to the south. 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.

Potentially Significant Effects: 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 Alternative 3 footprint would remain close to the sensitive nesting bird habitat; therefore, 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). 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**. Potentially significant impacts to unknown subsurface cultural resources and tribal cultural resources would continue to have potentially significant impact similar to the proposed Assisted Living Facility and would be mitigated to below a level of significance via **MM-CR-1**.

All other impacts, including land use, agricultural resources, air quality and odor, greenhouse gas emissions, paleontological resources, transportation, and visual effects and neighborhood character, would have less-than-significant impacts, similar to the proposed Assisted Living Facility.

Finding: This alternative would meet most of the project objectives and would reduce **Impact NOI-1**. Specific economic, legal, social, technological, or other considerations, including matters of public policy, render this alternative infeasible. Therefore, the City rejects this alternative and finds that any of these grounds are independently sufficient to support rejection of this alternative.

Rationale: [Public Resources Code § 21061.1 and CEQA Guidelines Section 15364 define "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors"](#). An Economic Alternative Analysis was prepared for the project by London Moeder Advisors (LMA) in February 2023, and determined that any decrease in the number of rooms under 105, proposed under the Assisted Living Facility, would yield insufficient returns and would therefore ~~be~~ [render the project economically infeasible](#).

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.

As described above, the implementation of Alternative 3 would meet most of the project objectives, however, as demonstrated in the Economic Alternative Analysis, this alternative would be infeasible given economic conditions.

Reference: These findings incorporate by reference the information and analysis included in [Final SEIR Attachment 1, Economic Alternatives Analysis](#); and Final SEIR Section 9.6.3, Alternative 3- Construction Noise Impact Avoidance Alternative.

VIII. Findings Regarding Other CEQA Considerations

a. Growth Inducement

Section 15126.2(e) of the CEQA Guidelines mandates that the growth-inducing impact of a project be discussed. This discussion is presented in Chapter 8, Mandatory Discussion Areas, of the Final SEIR. The City finds that the project would not result in short- or long-term growth-inducing impacts. Per the CEQA Guidelines, growth-inducing effects are not necessarily beneficial, detrimental, or of little significance to the environment.

b. Short-Term Growth Inducement

During project construction, demand for various construction trade skills and labor would increase. It is anticipated that this demand would be met predominantly by the local labor force and would not require importation of a substantial number of workers or cause an increased demand for temporary or permanent local housing. Further, construction of the project is expected to take approximately 14 months. Since construction would be short term and temporary, it would not lead to an increase in employment on site that would stimulate the need for additional housing or services. Accordingly, no associated substantial short-term growth-inducing effects would result.

c. Long-Term Growth Inducement

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. The project proposes to construct 105 units, which 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.

As discussed in Section 5.1, Land Use, 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 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). Zoning for the project site is Agricultural-Residential (AR-1-1). The project would require ~~aan~~ SDP Amendment, a CUP Amendment, an Ordinance, Coastal Development Permit Amendment (Issued by the California Coastal Commission), and a NUP to allow for the proposed development ~~on~~ ~~site~~.

Regarding infrastructure, the Assisted Living Facility parcel is currently undeveloped. 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. The surrounding development is served by existing public service and utility infrastructure. As discussed in Final SEIR Section 7.9, Public Utilities, the proposed project would use existing utility connections that serve the surrounding community to accommodate the internal utility infrastructure needs of the development. No major new infrastructure facilities are required specifically to accommodate the project. No existing capacity deficiencies were identified for water, wastewater, or storm drain facilities that would serve the project. Furthermore, the project would not generate sewage flow or stormwater that would exceed the capacity already planned for the sewer line or storm drain. Since the project site is surrounded by existing development, and would connect to existing utility infrastructure, implementation of the project would not remove a barrier to economic or population growth through the construction or connection of new public utility infrastructure.

As discussed in the Final SEIR Section 7.7, Population and Housing, the project would not result in a substantial increase in population and housing stock, as the Assisted Living Facility 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. Therefore, the project would not directly induce substantial unplanned population growth to the area.

d. Significant Irreversible Environmental Changes that will be Caused by the Project

CEQA Guidelines section 15126.2(d) requires the evaluation of the following significant irreversible environmental changes that would occur should a project be implemented:

- (1) Primary impacts, such as the use 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;
- (2) secondary impacts, such as road improvements, which provide access to previously inaccessible areas; and
- (3) environmental accidents potentially associated with the project.

Furthermore, Section 15126.2(d) of the CEQA Guidelines states that irretrievable commitments of resources should be evaluated to ensure that current consumption of such resources is justified. Implementation of the Assisted Living Facility would not result in significant irreversible impacts to mineral resources or water bodies.

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. Other permanent changes would include increased 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. The proposed Assisted Living Facility would be required to comply with the California Energy Code and Title 24 of the California Code of Regulations, Part 11 (California Green Building Standards Code). The Assisted Living Facility features a number of sustainable elements such as cool roof materials; plumbing fixtures and fittings that do not exceed the maximum flow rate in the California Green Building Standards Code; and installation of 50% of total required listed cabinets, boxes, or enclosures to provide active electric vehicle charging stations ready for use; (see PDF-GHG-1, PDF-GHG-2, and PDF-GHG-3 in Section 3.4 of the SEIR). However, use of these resources on any level would have an incremental effect regionally and would, therefore, result in long-term irretrievable losses of non-renewable resources, such as fuel and energy.

As discussed in Section 5.2, Agricultural Resources, of the SEIR, 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.

As discussed in Section 5.4, Biological Resources, of the SEIR, 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). However, **MM-BIO-1** and **MM-BIO-2** would be implemented to reduce impacts to **less than significant with mitigation**.

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 and 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 CR-1**). **MM-CR-1** 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, consistent with Construction Measure (CM) PAL-1. Therefore, impacts to paleontological resources would be **less than significant**.

The Assisted Living Facility would not involve a roadway or highway improvement that would provide access to previously inaccessible areas. The Assisted Living Facility includes no additional public roadways, and access to the site would be from the existing Church to the north. Therefore, as discussed above, the Assisted Living Facility would not result in significant irreversible environmental changes.

IX. Findings Regarding Responses to Comments and Final SEIR Revisions

The Final SEIR includes the comments received on the Draft SEIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by CEQA Guidelines section 15088(c).

Finding/Rationale: Responses to comments made on the Draft SEIR and revisions in the Final SEIR merely clarify and amplify the analysis presented in the Draft SEIR, and do not trigger the need to recirculate per CEQA Guidelines section 15088.5(b).

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