

## **RESOLUTION 2014-52**

### **RESOLUTION CERTIFYING REVISED FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING FILING OF THE NOTICE OF DETERMINATION**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

**WHEREAS**, Section 30.5(e) of the Port Act states any property acquired by the District shall become an asset of the public trust and be subject to Section 87; and

**WHEREAS**, Section 87(a)(5) of the Port Act specifically provides that the tide and submerged lands of the District may be used for the construction, reconstruction, repair, maintenance and operation of convention centers; and

**WHEREAS**, Section 87(b) of the Port Act grants authority to the District to lease the tide or submerged lands, or parts thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which those lands are held, by the State of California; and

**WHEREAS**, Sunroad Marina Partners, LP (Sunroad) currently has a 50-year lease with the District for a 600-slip marina at 955 Harbor Island Drive, in the City of San Diego, on east Harbor Island (Existing Leasehold) that will expire in 2037; and

**WHEREAS**, on June 14, 2011, the Board of Port Commissioners (Board) granted an option to lease agreement with Sunroad for a new 55-year lease located on the Existing Leasehold site for development of a 175-room, four-story limited service hotel with ancillary meeting and fitness space, common areas, an exterior pool, and surface parking (Sunroad Hotel Project) and the Sunroad Hotel Project would remove 111 parking spaces, an existing locker building and some parking, with the existing marina offices to remain; and

**WHEREAS**, the existing certified Port Master Plan (PMP) allows for commercial recreational use at the Sunroad Hotel Project site and allows for a hotel of up to 500 rooms on the westernmost parcel of East Harbor Island (located west of the Sunroad Hotel Project site), which is currently used for

temporary rental car parking and was formerly used by the San Diego International Airport for employee parking; and

**WHEREAS**, an amendment to the PMP (PMP Amendment) is required for the Sunroad Hotel Project to be developed; and

**WHEREAS**, the proposed PMP Amendment includes, among other things, revisions to the precise plan text and maps, land use acreage tables, and project list for Planning District 2 and more specifically, the proposed PMP Amendment revises the precise plan text to (a) allow for development of two or three hotels on East Harbor Island, including the Sunroad Hotel Project, with a combined total of not more than 500 rooms, rather than a single 500-room hotel, (b) include the proposed road and traffic circle realignment, (c) revise the Project List to add the Sunroad Hotel Project and the other up to two hotels, and (d) revise land use acreage table to reflect proposed changes to the commercial recreation, promenade, open space (traffic circle), and street land use designations; and

**WHEREAS**, the Sunroad Hotel Project and PMP Amendment are collectively referred to as the "Project"; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, *et seq.*, and its implementing regulations, 14 California Code of Regulations Section 15000, *et seq.* (CEQA Guidelines), in 2008, the District drafted a Draft Environmental Impact Report (Draft EIR) for the Project, which was circulated for 45 days from December 10, 2009 through January 25, 2010; and

**WHEREAS**, pursuant to CEQA and the CEQA Guidelines and based on comment letters received on the Draft EIR, the District drafted and recirculated the traffic-related analyses of the Draft EIR (Recirculated Portions of the Draft EIR) for a 45-day public review period from November 24, 2010 to January 10, 2011; and

**WHEREAS**, on June 14, 2011, the Board further (a) certified the Final Environmental Impact Report (Original Final EIR), adopted Findings of Fact and Statement of Overriding Considerations, adopted a Mitigation Monitoring and Reporting Program, and directed the filing of a Notice of Determination for the Project, (b) approved the PMP Amendment and directed it be filed with the California Coastal Commission for certification, and (c) granted conceptual approval for the Sunroad Hotel Project; and

**WHEREAS**, subsequently, a lawsuit was filed in the San Diego Superior Court entitled *Unite Here Local 30, et al. v. San Diego Unified Port District, et al.*, as Case No. 37-2011-00094537-CU-TT-CTL, challenging the adequacy of the District's compliance CEQA, for the Project, and on May 9, 2012, the San Diego Superior Court entered judgment in the lawsuit upholding the Original Final EIR's

environmental analysis for the Sunroad Hotel Project, but finding the environmental analysis for the PMP Amendment inadequate and directing issuance of a writ of mandate; and

**WHEREAS**, on August 14 2012, the Board adopted resolutions rescinding the concept approval granted to the Sunroad Hotel Project, the certification of the Original Final EIR and the approval of the PMP Amendment, and directed staff to prepare the additional environmental review necessary to evaluate the proposed PMP Amendment; and

**WHEREAS**, pursuant to CEQA and CEQA Guidelines and in compliance with the writ of mandate, the District prepared Revisions to the Draft EIR (Revised Draft EIR) for the Project that analyzed the PMP Amendment, which was made available for public review and comment for 89 days from July 10, 2013 to October 7, 2013; and

**WHEREAS**, the District received comments letters concerning the Revised Draft EIR from two agencies and pursuant to CEQA Guidelines section 15088, the District has prepared written responses to all comments received on the Revised Draft EIR during the public comment period which raised environmental issues; and

**WHEREAS**, the District received two late comment letters from private parties and oral responses to those comment letters were given on the record at the March 4, 2014 Board meeting; and

**WHEREAS**, the District has determined that the comments received on the Revised Draft EIR did not contain any significant new information within the meaning of CEQA Guidelines Section 15088.5 and therefore, recirculation of the Revised Draft EIR is not required; and

**WHEREAS**, the District has prepared a Revised Final Environmental Impact Report and Errata to the Revised Final EIR (collectively, Revised Final EIR), which contains the information required by CEQA Guidelines Section 15132, including the Draft EIR, Recirculated Portions of the Draft EIR, Revised Draft EIR, the revisions and additions thereto, technical appendices, public comments and the District's responses to public comments on the Draft EIR, Recirculated Portions of the Draft EIR, Revised Draft EIR, which has been filed with the Office of the District Clerk; and

**WHEREAS**, pursuant to CEQA Guidelines Sections 15091, 15093 and 15097, the District has prepared Findings of Fact and a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the Clerk of the Board has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and affidavit of mailing on file with the Office of the District Clerk;

and

**WHEREAS**, all materials with regard to the Project were made available to the Board for its review and consideration of the Project including, but not limited to, the following:

1. The Draft EIR (December 2009);
2. The Recirculated Portions of the Draft EIR (November 2010);
3. The Revised Draft EIR (July, 2013);
4. The Revised Final EIR (November 2013, February 2014);
5. The Staff Report and Agenda Sheet (February 2014);
6. The proposed Findings of Fact and Statement of Overriding Considerations (February 2014);
7. The proposed Mitigation Monitoring and Reporting Program (February 2014); and
8. All documents and records filed in this proceeding by interested parties; and

**WHEREAS**, a duly noticed public hearing was held on March 4, 2014, before the Board, at which the Board received public testimony, reviewed and considered all testimony and materials made available to the Board regarding the Project; and

**WHEREAS**, having reviewed and considered all testimony and materials made available to the Board, including but not limited to the Draft EIR, Recirculated Portions of the Draft EIR, Revised Draft EIR, Revised Final EIR, the staff reports and all the testimony and evidence in the record of the proceedings with respect to the Project, the Board took the actions hereinafter set forth.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

1. The Board finds the facts recited above are true and further finds that this Board has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. The Board finds and determines that the applicable provisions of CEQA, CEQA Guidelines, and District Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the

previous proceedings related thereto.

3. The Board finds and determines that (a) the Revised Final EIR is complete and adequate in scope and has been completed in compliance with CEQA and the CEQA Guidelines and District Guidelines for implementation thereof, (b) the Revised Final EIR was presented to the Board, and the Board has fully reviewed and considered the information in Revised Final EIR prior to approving the Project, and (c) the Revised Final EIR reflects the District's independent judgment and analysis, and, therefore, the Revised Final EIR is hereby declared to be certified in relation to the subject of this Resolution.

4. The Board finds and determines that the Project is approved despite the existence of certain significant environmental effects identified in the Revised Final EIR and, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the Board hereby makes and adopts the findings with respect to each significant environmental effect as set forth in the Findings of Fact, appended hereto as Exhibit "A" and made a part hereof by this reference, and declares that it considered the evidence described in connection with each such finding.

5. The Board further finds and determines that the Project is approved despite the existence of certain unavoidable significant environmental effects identified in the Revised Final EIR, and, pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, the Board hereby makes and adopts the Statement of Overriding Considerations appended hereto as Chapter 7 of Exhibit "A" and made part hereof by this reference, and finds that such effects are considered acceptable because the benefits of the Project outweigh the unavoidable environmental effects.

6. Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d), the Board hereby adopts and approves the Mitigation Monitoring and Reporting Program, which is appended hereto as Exhibit "B" and is made a part hereof by this reference, with respect to the significant environmental effects identified in the Revised Final EIR, and hereby makes and adopts the provisions of the Mitigation Monitoring and Reporting Program as conditions of approval for the Project.

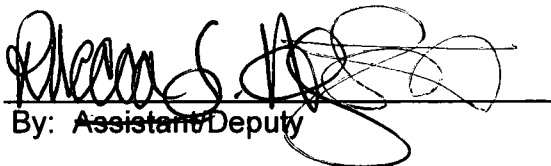
8. Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15094, the Clerk of the Board shall cause a Notice of Determination to be filed with the Clerk of the County of San Diego and the State Office of Planning and Research. Unless the Project is declared exempt herein and a Certificate of Filing Fee Exemption is on file, the Project is not operative, vested or final until the filing fees required pursuant to Fish and Game Code Section 711.4 are paid to the Clerk of the County of San Diego.

9. Pursuant to Public Resources Code Section 21081.6(a)(2) and

2014-52

CEQA Guidelines Section 15091(e), the location and custodian of the documents and other materials which constitute the record of proceedings on which this Resolution is based is the Clerk, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101.

APPROVED AS TO FORM AND LEGALITY:  
PORT ATTORNEY

  
By: Assistant Deputy

Attachments

Exhibit A: Findings of Fact and Statement of Overriding Considerations

Exhibit B: Mitigation Monitoring and Reporting Program

2014-52

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 4<sup>th</sup> day of March, 2014, by the following vote:

AYES: Bonelli, Malcolm, Merrifield, Moore, Nelson, and Valderrama

NAYS: None.

EXCUSED: None.

ABSENT: None.

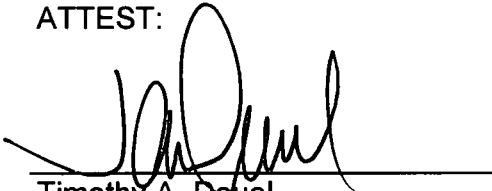
ABSTAIN: Castellanos.



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Robert E. Nelson, Chairman  
Board of Port Commissioners

ATTEST:



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Timothy A. Deuel  
District Clerk

(Seal)

**THE BOARD OF PORT COMMISSIONERS  
OF THE  
SAN DIEGO UNIFIED PORT DISTRICT**

**FINDINGS OF FACT**

**AND**

**STATEMENT OF OVERRIDING CONSIDERATIONS**

**FOR**

**SUNROAD HARBOR ISLAND HOTEL & EAST  
HARBOR ISLAND SUBAREA PORT MASTER  
PLAN AMENDMENT PROJECT**

**REVISED FINAL ENVIRONMENTAL IMPACT REPORT  
(UPD # 83356-EIR-783; SCH # 2006021027)**

**March 4, 2014**

*Includes revisions incorporated at 3/4/14 Board meeting for EIR certification*



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**FINDINGS OF FACT AND  
STATEMENT OF OVERRIDING CONSIDERATIONS  
FOR THE  
SUNROAD HARBOR ISLAND HOTEL  
&  
EAST HARBOR ISLAND SUBAREA PORT MASTER PLAN AMENDMENT  
PROJECT  
REVISED FINAL ENVIRONMENTAL IMPACT REPORT  
(UPD # 83356-EIR-783; SCH # 2006021027)**

**INTRODUCTION**

The Board of Port Commissioners of the San Diego Unified Port District (“Port District”) hereby makes the following Findings and Statement of Overriding Considerations concerning the Revised Final Environmental Impact Report (“Revised Final EIR”) (UPD #83356-EIR-783 and SCH #2006021027) for the Sunroad Harbor Island Hotel & East Harbor Island Port Master Plan Amendment Project (“Project”), pursuant to the California Environmental Quality Act, Public Resources Code § 21000, *et seq.* (“CEQA”), and its implementing regulations, California Code of Regulations, title 14, § 15000, *et seq.* (“CEQA Guidelines”).

The Revised Final EIR prepared for the Project consists of six volumes: Volume 1 contains an errata prepared for the Revised Final EIR; the final Executive Summary and Summary of Impacts and Mitigation Measures for the Proposed Project; a list of public agencies, organizations and persons commenting on the Draft EIR, Recirculated Portions of the Draft EIR and Revisions to Draft EIR; comments received on the Draft EIR, Recirculated Portions of the Draft EIR, and Revisions to Draft EIR and the Port District’s responses to those comments; and the mitigation monitoring and reporting program; Volume 2 contains the Draft EIR; Volume 3 and Volume 4 contain the appendices to the Draft EIR; Volume 5 contains the Recirculated Portions of the Draft EIR and its related appendices; and Volume 6 contains the Revisions to Draft EIR and its related appendices.

The environmental effects, proposed mitigation measures and alternatives analyzed in the Draft EIR, the Recirculated Portions of the Draft EIR and the Revisions to Draft EIR, and the public comments and responses thereto contained in the Revised Final EIR, have influenced the design of the Project. These environmental documents and procedures reflect the Port District’s commitment to incorporate the environmental considerations identified during the CEQA process into the final project design.

## **1.0 PROJECT DESCRIPTION**

The Project consists of the Sunroad Harbor Island Hotel (“Sunroad Hotel Project”) and the East Harbor Island Subarea Port Master Plan Amendment (“PMP Amendment”).

### **1.1 Project Location**

The Sunroad Hotel Project is located at 955 Harbor Island Drive on the east end of Harbor Island in the City of San Diego. The Sunroad Hotel Project site consists of approximately 5.9 acres adjacent to the Sunroad Resort Marina in the Harbor Island/Lindbergh Field, Planning District 2, East Harbor Island Subarea (Subarea 23) of the certified Port Master Plan (PMP).

The PMP Amendment applies to Planning District 2, East Harbor Island Subarea (Subarea 23) of the certified PMP, and includes the Sunroad Hotel Project site and an approximately 7 acre parcel immediately to the west of the Sunroad Hotel Project site, which is designated in the existing PMP for development of a 500-room hotel and ancillary facilities and presently is used for rental car overflow parking.

### **1.2 Project Components**

The Sunroad Hotel Project site is currently developed with parking lots and a marina locker building. The Sunroad Hotel Project proposes to: demolish the existing locker building and parking lot east of the existing marina building to construct a limited service four-story hotel with a total floor area of approximately 117,000 square feet, consisting of a maximum of 175 rooms, fitness room, limited meeting space, and common areas; reduce the traffic circle and realign a portion of eastern Harbor Island Drive and leasehold lines; reconfigure existing paved areas as necessary to accommodate ingress and egress to the hotel and surface parking; enhance public access along the Harbor Island East Basin side of the hotel; and realign existing sewer, water and utility lines. The Sunroad Hotel Project will involve landside work only; no in-water work will occur and the existing marina building and marina boat berths within the submerged tidelands would not be altered.

The Project also proposes a PMP Amendment to address the changes in land use from adding the “promenade” designation to the east end of Harbor Island, reconfiguring east Harbor Island Drive and the traffic circle at its eastern terminus, and providing for the 500 hotel rooms allowed under the existing PMP (currently allowed only on the parcel used for rental car overflow parking) to be developed with up to three hotels in two areas of the East Harbor Island subarea, with a combined maximum of not more than 500 rooms, inclusive of the Sunroad Hotel.

The Sunroad Hotel Project is described in greater detail in the Revised Final EIR, Volume 5 (Recirculated Portions of the Draft EIR), Chapter 3.0 (Project Description and Environmental Setting). The PMP Amendment is described in greater detail in the Revised Final EIR, Volume 6 (Revisions to Draft EIR), Section 9.1 (Port Master Plan Amendment Project Description).

### **1.3 Project Objectives**

The Project is intended to accomplish the following objectives:

- Implement the Port Master Plan's goal to develop East Harbor Island with commercial recreation uses.
- Increase public use of the waterfront by providing additional visitor serving commercial recreation uses.
- Enhance public access to the waterfront by providing additional publicly accessible facilities and amenities consistent with the Port Master Plan.
- Promote East Harbor Island as a public waterfront destination.
- Strengthen the existing water-oriented commercial recreation uses on East Harbor Island.
- Provide a hotel that draws on the existing water-oriented commercial recreation uses on East Harbor Island.
- Provide a hotel that is in close proximity to San Diego International Airport as well as San Diego Bay, in order to minimize the need for vehicle miles traveled from arrival point.
- Provide a hotel that is a financially viable operation while minimizing the aesthetic changes on East Harbor Island.
- Amend the Port Master Plan to allow the development of several small hotels that will provide a total of 500 rooms in place of one large 500-room hotel in Planning District 2, Subarea 23 (East Harbor Island).<sup>1</sup>

## **2.0 ENVIRONMENTAL PROCEDURES**

### **2.1 Lead Agency**

Pursuant to CEQA Guidelines §15367, the Port District is the "lead agency" for the purpose of preparing the environmental review required by CEQA. The environmental review prepared by the Port District will be used by the Board of Port Commissioners, the California Coastal Commission, the San Diego County Regional Airport Authority, and potentially other public entities in their respective

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<sup>1</sup> Pursuant to the proposed PMP Amendment text, "several" means up to three hotels in up to two areas of Subarea 23.

decisions regarding the following actions associated with the Proposed Project:

- Port District: EIR certification, Port Master Plan Amendment approval, Coastal Development Permit issuance approval, and concept approval for the Sunroad Hotel Project
- California Coastal Commission: Port Master Plan Amendment certification<sup>2</sup>
- San Diego County Regional Airport Authority: Airport Land Use Compatibility Plan Determination of Consistency

Other public agencies that may have an interest in the project or resources affected by the project include the Federal Aviation Administration (FAA), California Department of Toxic Substances Control (DTSC), City of San Diego, and County of San Diego.

## **2.2 Environmental Impact Report**

Pursuant to CEQA Guidelines §15080, *et seq.*, the Port District prepared an Environmental Impact Report (“EIR”) to analyze the potential impacts of the Project on the environment. The Revised Final EIR consists of six volumes, which contain all of the information required by CEQA Guidelines §15132, including the Draft EIR and the appendices to the Draft EIR, the Recirculated Portions of the Draft EIR and its appendices, and the Revisions to Draft EIR and its appendices.

## **2.3 Public Participation**

Environmental review of the Project began on December 18, 2008, with the publication of a Notice of Preparation (NOP) of the EIR and a 30-day public review period. The Port District held a Public Scoping meeting on January 15, 2009. The Draft EIR was completed and made available for public review on December 10, 2009. The 45-day public review period required by CEQA began on December 10, 2009, and ended on January 25, 2010. Four public agencies submitted written comments on the Draft EIR. No comments on the Draft EIR were received from any organizations or individual members of the public.

In response to comments received on the Draft EIR, the Port District determined to revise and recirculate certain portions of the Draft EIR. The Recirculated Portions of the Draft EIR was made available for public review from November 24, 2010, through January 10, 2011. Five written comment letters were submitted on the Recirculated Portions of the Draft EIR – four from public

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<sup>2</sup> The California Coastal Commission may also conduct independent CEQA review pursuant to its certified regulatory program, in which case, the Port District’s environmental review may constitute substantial evidence to support the California Coastal Commission’s CEQA analysis.

agencies and one from an organization. These comments and the Port District's responses to them were included in the original Final EIR as required by CEQA Guidelines sections 15088 and 15132. The original Final EIR was completed and the Port District's responses to comments were made available for review on April 29, 2011. Public hearings concerning certification of the original Final EIR were held by the Board of Port Commissioners of the Port District on May 10, 2011 and June 14, 2011, at which interested agencies, organizations and persons were given an opportunity to comment on the original Final EIR and the Project. The original Final EIR was certified by the Board of Port Commissioners on June 14, 2011.

#### **2.4 Lawsuit Challenging Final EIR**

On July 15, 2011, a lawsuit entitled *Unite Here Local 30, et al. v. San Diego Unified Port District, et al.*, San Diego Superior Court Case No. 37-2011-00094537-CU-TT-CTL ("Lawsuit") was filed, which challenged the adequacy of the original Final EIR certified by the Port District on June 14, 2011. Although it found the original Final EIR was adequate with respect to the Sunroad Hotel Project, the San Diego Superior Court held that the original Final EIR did not adequately analyze the potential environmental effects of the proposed PMP Amendment. Accordingly, the court ordered issuance of a writ of mandate requiring the Port District to set aside its certification of the original Final EIR and its approvals of the Project and to perform the additional environmental review of the proposed PMP Amendment before reapproving the Project in the future.

On August 14, 2012, the Port District adopted resolutions setting aside its certification of the original EIR, its adoption of the PMP Amendment and its concept approval of the Sunroad Hotel. Thereafter, the Port District undertook preparation of the additional environmental review required by the writ of mandate.

#### **2.5 Additional Environmental Review**

On July 10, 2013, a Notice of Availability of the Revisions to Draft EIR was published in the San Diego Daily Transcript and UT San Diego. The Revisions to Draft EIR was made available for a 45-day public review period from July 10, 2013 through August 26, 2013. On August 23, 2013, at the request of attorneys for Unite Here Local 30, the public review period for the Revisions to Draft EIR was extended an additional 45 days, ending on October 7, 2013. Three written comment letters were submitted during the extended public comment period on the Revisions to Draft EIR – one from the State Clearinghouse and two from the City of San Diego. These comments, as well as all comments received on the Draft EIR and Recirculated Portions of the Draft EIR, and the Port District's responses to them are included in the Revised Final EIR as required by CEQA Guidelines sections 15088 and 15132. The Revised Final EIR was completed and the Port District's responses to comments were made available for review on

November 8, 2013. Thereafter, the Port District prepared the Errata to the Revised Final EIR to clarify and correct a statement in the responses to public comments regarding the traffic impact analysis and also prepared written responses to late comments received from staff of the California Coastal Commission. A public hearing concerning certification of the Revised Final EIR was held by the Board of Port Commissioners of the Port District on March 4, 2014, at which interested agencies, organizations and persons were given an opportunity to comment on the Revised Final EIR and the Project.

## **2.6 Record of Proceedings**

For purposes of CEQA and the findings set forth below, the administrative record of the Port District's decision concerning certification of the Revised Final EIR for the Project shall include the following:

- The Draft EIR (December 2009);
- The Recirculated Portions of the Draft EIR (November 2010);
- The Revisions to Draft EIR (July 2013);
- The Revised Final EIR (November 2013);
- The Errata to Revised Final EIR (February 2014);
- The appendices to the Draft EIR and Recirculated Portions of the Draft EIR and Revisions to Draft EIR;
- All documents and other materials listed as references and/or incorporated by reference in the Draft EIR, Recirculated Portions of the Draft EIR, and Revisions to Draft EIR, and Revised Final EIR, including but not limited to the materials identified in the Draft EIR, Chapter 8 (Citations, Consultations, and List of Preparers);
- All reports, applications, memoranda, maps, letters, and other documents prepared by the Port District's staff and consultants for the Project which are public records;
- All documents or other materials submitted by interested persons and public agencies in connection with the Draft EIR, Recirculated Portions of the Draft EIR, Revisions to Draft EIR, and the Revised Final EIR;
- The minutes, tape recordings, and verbatim transcripts, if any, of the public hearings held on May 10, 2011 and June 14, 2011, concerning the Final EIR, and held on March 4, 2014, concerning the Revised Final EIR and the Project; and



- Matters of common knowledge to the Board of Port Commissioners and the Port District, including but not limited to the Port Master Plan.

The custodian of the documents and other materials comprising the administrative record of the Port District's decision concerning certification of the Final EIR is the Clerk of the Board of Port Commissioners. The location of the administrative record is the Port District's office at 3165 Pacific Highway, San Diego, California 92101. (Public Resources Code § 21081.6(a)(2))

### **3.0 FINDINGS UNDER CEQA**

#### **3.1 Purpose**

CEQA requires the Port District to make written findings of fact for each significant environmental impact identified in the Revised Final EIR (CEQA Guidelines §15091). The purpose of the findings is to systematically restate the significant effects of the Project on the environment and to determine the feasibility of mitigation measures and alternatives identified in the Revised Final EIR which would avoid or substantially lessen the significant effects. Once it has adopted sufficient measures to avoid or substantially lessen a significant impact, the Port District is not required to adopt every mitigation measure identified in the Revised Final EIR or otherwise brought to its attention. If significant impacts remain after application of all feasible mitigation measures, the Port District must review the alternatives identified in the Revised Final EIR and determine if they are feasible. These findings set forth the reasons, and the evidence in support of, the Port District's determinations.

#### **3.2 Terminology**

A "finding" is a written statement made by the Port District which explains how it dealt with each significant impact and alternative identified in the Revised Final EIR. Each finding contains an ultimate conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how the substantial evidence supports the conclusion.

For each significant effect identified in the Revised Final EIR, the Port District is required by CEQA to make a written finding reaching one or more of the following conclusions:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effect identified in the EIR;
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; or

- (3) Specific legal, economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (CEQA Guidelines §15091(a)).

A mitigation measure or an alternative is considered “feasible” if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors (CEQA Guidelines §15364).

### **3.3 Legal Effect**

To the extent these findings conclude mitigation measures identified in the Revised Final EIR are feasible and have not been modified, superseded or withdrawn, the Port District hereby binds itself and any other responsible parties, including the Project Applicant and their successors in interest, to implement those mitigation measures. These findings are not merely informational, but constitute a binding set of obligations upon the Port District and responsible parties, which will take effect if and when the Port District adopts a resolution certifying the Revised Final EIR and the Port District and/or the responsible agencies adopt resolution(s) approving the Project.

### **3.4 Mitigation Monitoring and Reporting Program**

In adopting these findings, the Port District also adopts a mitigation monitoring and reporting program pursuant to Public Resources Code §21081.6. This program is designed to ensure the Project complies with the feasible mitigation measures identified below during implementation of the Project. The program is set forth in the “Sunroad Harbor Island Hotel Project and East Harbor Island Subarea Port Master Plan Amendment Mitigation Monitoring and Reporting Program,” which is adopted by the Port District concurrently with these findings and is incorporated herein by this reference.

## **4.0 FINDINGS REGARDING DIRECT SIGNIFICANT EFFECTS**

The Project will result in direct significant environmental effects with respect to Biological Resources, Hazards and Hazardous Materials, Noise, Geology and Soils, Public Services and Utilities, and Parking. For purposes of clarity, the findings regarding the potential significant impacts of the Sunroad Hotel Project and the PMP Amendment are set forth separately below. The Revised Final EIR, which includes the Draft EIR, Recirculated Portions of the Draft EIR and Revisions to Draft EIR, is referred to in the findings below as the “EIR.”

## **Sunroad Hotel Project**

The Sunroad Hotel Project will result in direct significant environmental effects with respect to Biological Resources, Hazards and Hazardous Materials, Noise, Geology and Soils, and Public Services and Utilities. These significant environmental effects, and the mitigation measures identified to avoid or substantially lessen them, are discussed in detail in Chapter 3 (Errata and Revisions) of Volume 1 (Revised Final EIR); and Volume 2 (Draft EIR), Sections 4.2 (Biological Resources), 4.4 (Hazards and Hazardous Materials), 4.8 (Noise), 4.9 (Geology and Soils), and 4.10 (Public Services and Utilities). A summary of significant impacts and mitigation measures for the Sunroad Hotel Project is set forth in the Revised Final EIR, Volume 1, Chapter 2 (Executive Summary), Table 2-3.

Set forth below are the findings regarding the potential direct significant effects of the Sunroad Hotel Project. The findings incorporate by reference the discussion of potential significant impacts and mitigation measures contained in the Revised Final EIR (see Revised Final EIR, Volume 2 [Draft EIR], Chapter 4.0). The Sunroad Hotel Project is referred to in the findings below (Sections 4.1 through 4.5) as the "Sunroad Hotel Project."

### **4.1 Biological Resources**

**Potentially Significant Impact:** The EIR identifies a potential significant impact to Biological Resources (Nesting) in that the removal of mature trees during construction and/or noise from construction activity could impede the use of bird breeding sites on and adjacent to the Sunroad Hotel Project site. Detailed information and analysis regarding this significant potential impact is provided in Volume 2 (Draft EIR), Section 4.2 (Biological Resources) of the Draft EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Biological Resources (Nesting) as identified in the EIR.

**Facts in Support of Finding:** The potential significant impact to Biological Resources (Nesting) will be mitigated to a level less than significant by the Sunroad Hotel Project Applicant's or its contractor's implementing the following restriction which will ensure compliance with the Migratory Bird Treaty Act: (1) Conduct all vegetation removal during the non-breeding season (between September 1 and January 31); or (2) if construction activities are scheduled between February 1 and August 31, a qualified ornithologist (with knowledge of the species to be surveyed) shall conduct a focused nesting survey prior to the start of vegetation removal and within any potential nesting habitat (mature trees, eaves on buildings, etc). The nesting bird survey area shall include the entire

limits of disturbance plus a 300-foot buffer for non-raptors and a 500-foot buffer for ground-nesting raptors. The nesting surveys shall be conducted within 1 week prior to initiation of construction activities and shall consist of a thorough inspection of the Sunroad Hotel Project site by a qualified ornithologist(s). The work shall occur between sunrise and 12:00 p.m. when birds are most active. If no active nests are detected during these surveys, no additional mitigation is required.

If the survey confirms nesting within 300 feet of the disturbance footprint for non-raptors or within 500 feet for raptors, a no-disturbance buffer shall be established around each nest site to avoid disturbance or destruction of the nest until after the nesting season or after a qualified ornithologist determines that the young have fledged. The size of the no-disturbance buffer shall be determined by the qualified biologist at the time of discovery. If there is a delay of more than 7 days between when the nesting bird survey is performed and vegetation removal begins, it shall be confirmed that no new nests have been established. This measure is described in Mitigation Measure BIO-1, which is set forth in full in Volume 2 (Draft EIR), Section 4.2.6 (Biological Resources Mitigation Measures), pages 4.2-14 through 4.2-15 of the EIR. Implementation of this mitigation measure will reduce the potential impact to Biological Resources (Nesting) to a level less than significant.

#### **4.2 Hazards and Hazardous Materials**

**Potentially Significant Impact:** The EIR identifies potentially significant impacts to Hazards and Hazardous Materials (Undocumented Contamination) in that construction workers could encounter undocumented contaminants and other construction related hazards during construction or ground-disturbing activities, which could result in a potentially significant impact by exposing construction crews to hazardous materials. Detailed information and analysis regarding this significant potential impact is provided in Volume 2 (Draft EIR), Section 4.4 (Hazards and Hazardous Materials) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Sunroad Hotel Project which avoid or substantially lessen the significant environmental effect to Hazards and Hazardous Materials (Undocumented Contamination) as identified in the EIR.

**Facts in Support of Finding:** The potential significant impact to Hazards and Hazardous Materials (Undocumented Contamination) concerning construction crew health and safety from undocumented contaminated materials will be mitigated to a level less than significant through the Sunroad Hotel Project Applicant's preparation, and submittal to the Port District's Environmental and Land Use Management Department for approval, of a Contingency Plan and a

Site Safety Plan, prior to initiation of construction activities, to establish procedures to be followed in the event that undocumented areas of contamination are encountered during construction activities. The Contingency Plan shall provide, at a minimum, that in the event undocumented areas of contamination are discovered during construction activities, the Sunroad Hotel Project Applicant and/or its contractor shall discontinue construction activities in the area of suspected contamination and shall notify the Port District forthwith, and, in consultation with the County of San Diego Department of Environmental Health's Hazardous Materials Division and subject to the review and approval of the Port District and any other public agency with jurisdiction over the contamination encountered, the Sunroad Hotel Project Applicant shall prepare a plan for abatement and remediation of the contamination. Construction activities shall be discontinued until the Sunroad Hotel Project Applicant and/or contractor has implemented all appropriate health and safety procedures required by the Port District and any other agency with jurisdiction over the contamination encountered. The Site Safety Plan shall address possible hazardous materials present within the Sunroad Hotel Project Site associated with the underground storage tank (UST) that was removed, the marina and past use of the surrounding areas for industrial purposes including aerospace and other industries. The Site Safety Plan shall be subject to Port of San Diego approval, and, if deemed appropriate, the Sunroad Hotel Project Applicant shall, in consultation with the County of San Diego Department of Environmental Health, be prepared to address hazardous construction-related activities within the boundaries of the Sunroad Hotel Project site to reduce potential health and safety hazards to workers and the public. These measures are described in Mitigation Measures HZ-1a and HZ-1b, which are set forth in full in Volume 2 (Draft EIR), Section 4.4.6 (Hazards and Hazardous Materials Mitigation Measures), pages 4.4-19 through 4.4-20 of the EIR. Implementation of these mitigation measures will reduce the potential impact to Hazards and Hazardous Materials (Undocumented Contamination) to a level less than significant.

### 4.3 Noise

**Potentially Significant Impact:** The EIR identifies a potentially significant impact to Noise (Interior Noise) in that the Sunroad Hotel Project site may be exposed to high levels of single-event noise from aircraft at San Diego International Airport or Naval Air Station North Island and may result in a significant potential impact by exceeding the 45 dBA CNEL interior noise threshold. Detailed information and analysis regarding this significant potential impact is provided in Volume 2 (Draft EIR), Section 4.8 (Noise) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Sunroad Hotel Project which avoid or

substantially lessen the significant environmental effect as identified in the EIR.

**Facts in Support of Finding:** The potential significant impacts to Noise (Interior Noise) will be mitigated to a level below significance by including noise insulation features and minimal performance requirements for sound transmission loss in the Sunroad Hotel Project design. The Sunroad Hotel Project shall include noise insulation features such that an interior noise level of 45 dBA (CNEL) is achieved. An acoustical consultant shall be retained by the Project Applicant prior to commencement of construction to review Sunroad Hotel Project construction-level plans to ensure that the hotel plans incorporate measures that will achieve the 45 dBA (CNEL) standard. Noise insulation features that may be installed include, but are not limited to, the following: (1) acoustically rated dual pane windows and sliding glass door assemblies; and (2) heavy-weight drapes and thick carpets for sound absorption. The following minimal performance requirements as specified by the Sunroad Hotel Project's proposed franchiser shall be adhered to as they pertain to interior/exterior sound transmission loss: (1) exterior wall assemblies and walls between guestrooms shall have a minimum sound transmission class (STC) rating of 52; (2) walls between guestrooms and stairwells shall have a minimum STC rating of 60; (3) all floor/ceiling assemblies shall have a minimum STC rating of 60; and (4) guest room entry doors shall receive full-frame sound insulation stripping. This measure is described in Mitigation Measure NOI-1, which is set forth in full in Volume 2 (Draft EIR), Section 4.8.6 (Noise Mitigation Measures), pages 4.8-15 and 4.8-16 of the EIR. Implementation of this mitigation measure will reduce the potential impact to interior noise levels at the Sunroad Hotel Project site to a level less than significant.

#### **4.4 Geology and Soils**

**Potentially Significant Impact:** The EIR identifies potentially significant impacts to Geology and Soils (Seismic Events) in that groundshaking from seismic events and hazards due to the relatively shallow groundwater and liquefiable soils beneath the surface that may create significant adverse effects on proposed structures in a seismic event. Detailed information and analysis regarding this significant potential impact is provided in Volume 2 (Draft EIR), Section 4.9 (Geology and Soils) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Sunroad Hotel Project which avoid or substantially lessen the significant environmental effect to Geology and Soils (Seismic Events) as identified in the EIR.

**Facts in Support of Finding:** The potential significant impact to Geology and

Soils (Seismic Events) will be mitigated to a level below significance by implementing the recommended site design criteria provided in the Geocon Study (Draft EIR, Appendix H1), the geotechnical evaluation prepared for the Sunroad Hotel Project. These design criteria, which include but are not limited to requirements for dewatering, ground improvements, foundations and grading, are described in more detail in Mitigation Measure GEO-1, which is set forth in full in Volume 2 (Draft EIR), Section 4.9.6 (Geology and Soils Mitigation Measures), pages 4.9-8 through 4.9-10 of the EIR, and are incorporated herein by this reference. Implementation of this mitigation measure (Mitigation Measure GEO-1) will reduce the potential impact to Geology and Soils (Seismic Events) to a level less than significant.

#### **4.5 Public Services and Utilities**

**Potentially Significant Impact:** The EIR identifies potentially significant impact to Public Services and Utilities (Fire Protection Services) in that the Sunroad Hotel Project would contribute to the need for the City of San Diego to construct a new fire station in the area because the primary responding fire station to the Sunroad Hotel Project site is a fire station that is above its annual response workload capacity. Detailed information and analysis regarding this significant potential impact is provided in Volume 1 (Revised Final EIR), Chapter 3 (Errata and Revisions), and Volume 2 (Draft EIR), Section 4.10 (Public Services and Utilities) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Sunroad Hotel Project which could avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes or alterations are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego; however, pursuant to CEQA Guidelines §15091(a)(3), specific economic, legal, social, technological or other considerations make infeasible the mitigation measures identified in the EIR, therefore, pursuant to CEQA Guidelines § 15093, the Port District has balanced the benefits of the Sunroad Hotel Project against its unavoidable environmental risks and has determined that this impact is acceptable for the reasons stated in the Statement of Overriding Considerations below.

**Facts in Support of Finding:** The potential significant impact to Public Services and Utilities (Fire Protection Services) can be mitigated to a level below significance by, prior to the issuance of a certificate of occupancy for the Sunroad Hotel Project, the Sunroad Hotel Project Applicant paying its fair share of the cost of constructing a new fire station in the vicinity of Liberty Station in the amount determined by the City of San Diego. This fire station is within the Peninsula Public Facilities Financing Plan, Fiscal Year 2001 community boundary. The fair

share contribution shall be paid to the City of San Diego and will be deposited into the Developer Contribution Fund No. 200636. In the event the City of San Diego has not determined the amount of the Sunroad Hotel Project's fair share of the cost of constructing a new fire station in the vicinity of Liberty Station at the time the Sunroad Hotel Project requests issuance of a certificate of occupancy, the Sunroad Hotel Project Applicant shall enter into a reimbursement agreement or other arrangement with the City of San Diego to provide for payment of its fair share amount when determined by the City of San Diego. Although implementation of this mitigation measure (MM PUB-1) could mitigate impacts of the Sunroad Hotel Project on fire services to a less-than-significant level, the stated measure is within the jurisdiction of the City of San Diego and not the Port District. The City has identified the construction of the fire station in the vicinity of Liberty Station (former Naval Training Center) as a Tier-2, low priority project. Although the City identified, in its comments on the Recirculated Portions of the Draft EIR, a facilities financing plan and a specific account for fair share payments, the Port District cannot assure that this mitigation measure would be implemented as and when needed. Therefore, despite the incorporation of Mitigation Measure PUB-1, the Sunroad Hotel Project's impact to fire protection services is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

#### **Port Master Plan Amendment**

The PMP Amendment will result in direct significant environmental effects with respect to Biological Resources, Hazards and Hazardous Materials, Parking, Noise, Geology and Soils, and Public Services and Utilities. These significant environmental effects, and the mitigation measures identified to avoid or substantially lessen them, are discussed in detail in Volume 1, Chapter 3 (Errata and Revisions), and Volume 6 (Revisions to Draft EIR), Sections 9.2.2 (Biological Resources), 9.2.4 (Hazards and Hazardous Materials), 9.2.6 (Parking), 9.2.8 (Noise), 9.2.9 (Geology and Soils), and 9.2.10 (Public Services and Utilities) of the Revised Final EIR. A summary of significant impacts and mitigation measures for the PMP Amendment is set forth in the Revised Final EIR, Volume 1, Chapter 2 (Executive Summary), Table 2-4.

Set forth below are the findings regarding the potential direct significant effects of the PMP Amendment. The findings incorporate by reference the discussion of potential significant impacts and mitigation measures contained in the Revised Final EIR (see Revised Final EIR, Volume 6 [Revisions to Draft EIR], Section 9.2). The Revised Final EIR, which includes the Draft EIR, Recirculated Portions of the Draft EIR and Revisions to Draft EIR, is referred to in the findings below as the "EIR."

#### **4.6 Biological Resources**

**Potentially Significant Impact:** The EIR identifies a potential significant impact



to Biological Resources (Nesting) in that the removal of mature trees during construction of future hotels and/or noise from construction activity could impede the use of bird breeding sites on and adjacent to the PMP Amendment project site. Detailed information and analysis regarding this significant potential impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.2.2 (Biological Resources) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the PMP Amendment which avoid or substantially lessen the significant environmental effect to Biological Resources (Nesting) as identified in the EIR.

**Facts in Support of Finding:** The potential significant impact to Biological Resources (Nesting) will be mitigated to a level less than significant by Project Applicant's or its contractor's implementing the following restriction which will ensure compliance with the Migratory Bird Treaty Act: (1) Conduct all vegetation removal during the non-breeding season (between September 1 and January 31); or (2) if construction activities are scheduled between February 1 and August 31, a qualified ornithologist (with knowledge of the species to be surveyed) shall conduct a focused nesting survey prior to the start of vegetation removal and within any potential nesting habitat (mature trees, eaves on buildings, etc). The nesting bird survey area shall include the entire limits of disturbance plus a 300-foot buffer for non-raptors and a 500-foot buffer for ground-nesting raptors. The nesting surveys shall be conducted within 1 week prior to initiation of construction activities and shall consist of a thorough inspection of the PMP Amendment project site by a qualified ornithologist(s). The work shall occur between sunrise and 12:00 p.m. when birds are most active. If no active nests are detected during these surveys, no additional mitigation is required.

If the survey confirms nesting within 300 feet of the disturbance footprint for non-raptors or within 500 feet for raptors, a no-disturbance buffer shall be established around each nest site to avoid disturbance or destruction of the nest until after the nesting season or after a qualified ornithologist determines that the young have fledged. The size of the no-disturbance buffer shall be determined by the qualified biologist at the time of discovery. If there is a delay of more than 7 days between when the nesting bird survey is performed and vegetation removal begins, it shall be confirmed that no new nests have been established. This measure is described in Mitigation Measure BIO-2, which is set forth in full in Volume 6 (Revisions to Draft EIR), Section 9.2.2.4 (Biological Resources Mitigation Measures), of the EIR. Implementation of this mitigation measure will reduce the potential impact to Biological Resources (Nesting) to a level less than significant.

#### **4.7 Hazards and Hazardous Materials**

**Potentially Significant Impact:** The EIR identifies potentially significant impacts to Hazards and Hazardous Materials (Undocumented Contamination) in that construction workers could encounter undocumented contaminants and other construction related hazards during construction or ground-disturbing activities for future hotels in the East Harbor Island subarea, which could result in a potentially significant impact by exposing construction crews to hazardous materials. Detailed information and analysis regarding this significant potential impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.2.4 (Hazards and Hazardous Materials) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the PMP Amendment which avoid or substantially lessen the significant environmental effect to Hazards and Hazardous Materials (Undocumented Contamination) as identified in the EIR.

**Facts in Support of Finding:** The potential significant impact to Hazards and Hazardous Materials (Undocumented Contamination) concerning construction crew health and safety from undocumented contaminated materials will be mitigated to a level less than significant through the Project Applicant's preparation, and submittal to the Port District's Environmental and Land Use Management Department for approval, of a Contingency Plan and a Site Safety Plan, prior to initiation of construction activities, to establish procedures to be followed in the event that undocumented areas of contamination are encountered during construction activities. The Contingency Plan shall provide, at a minimum, that in the event undocumented areas of contamination are discovered during construction activities, the Project Applicant and/or its contractor shall discontinue construction activities in the area of suspected contamination and shall notify the Port District forthwith, and, in consultation with the County of San Diego Department of Environmental Health's Hazardous Materials Division and subject to the review and approval of the Port District and any other public agency with jurisdiction over the contamination encountered, the Project Applicant shall prepare a plan for abatement and remediation of the contamination. Construction activities shall be discontinued until the Project Applicant and/or contractor has implemented all appropriate health and safety procedures required by the Port District and any other agency with jurisdiction over the contamination encountered. The Site Safety Plan shall address possible hazardous materials present within the Project Site associated with the underground storage tank (UST) that was removed, the marina and past use of the surrounding areas for industrial purposes including aerospace and other industries. The Site Safety Plan shall be subject to Port of San Diego approval, and, if deemed appropriate, the Project Applicant shall, in consultation with the County of San Diego Department of Environmental Health, be prepared to

address hazardous construction-related activities within the boundaries of the Project site to reduce potential health and safety hazards to workers and the public. These measures are described in Mitigation Measures HZ-2a and HZ-2b, which are set forth in full in Volume 6 (Revisions to Draft EIR), Section 9.2.4.4 (Hazards and Hazardous Materials Mitigation Measures) of the EIR. Implementation of these mitigation measures will reduce the potential impact to Hazards and Hazardous Materials (Undocumented Contamination) to a level less than significant.

#### **4.8 Parking**

**Potentially Significant Impact:** The EIR identifies potentially significant impacts to Parking (Inadequate Parking) associated with the PMP Amendment in that an inadequate parking supply may result if future hotel development occurs on the western marina parking lot. Detailed information and analysis regarding this significant potential impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.2.6 (Transportation, Traffic and Parking) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the PMP Amendment which avoid or substantially lessen the significant environmental effect to Parking (Inadequate Parking) as identified in the EIR.

**Facts in Support of Finding:** The potential significant impact to Parking (Inadequate Parking) will be mitigated to a level less than significant by requiring: (a) prior to the approval of a Coastal Development Permit, the design of any future hotel development on the west marina parking lot shall provide adequate on-site parking in accordance with the Port District parking guidelines for the proposed hotel development and for the shared parking requirements of the existing marina and the Sunroad Hotel Project and shall include a Parking Management Plan which shall include, but not be limited to, parking reduction strategies including subsidized employee mass transit program, provision of bicycle parking racks, provision of off-site employee parking, and alternative transportation modes such as participation in an airport shuttle and/or the Port District's bayside shuttle system; and (b) prior to demolition or removal of any parking spaces in the existing west marina parking lot which are required for the shared parking of the existing marina and the Sunroad Hotel Project, the Project Applicant shall submit to the Port District for its review and approval a Parking Management Plan, which shall provide adequate parking to satisfy the shared parking requirements for the existing marina and the Sunroad Hotel Project during construction of the new hotel and replacement parking spaces. These measures are described in Mitigation Measure PARK-1, which is set forth in full in Volume 6 (Revisions to Draft EIR), Section 9.2.6.4 (Transportation, Traffic and Parking Mitigation Measures) of the EIR. Implementation of these mitigation

measures will reduce the potential impact to Parking (Inadequate Parking) to a level less than significant.

#### **4.9 Noise**

**Potentially Significant Impact:** The EIR identifies a potentially significant impact to Noise (Interior Noise) associated with the PMP Amendment in that the future hotel development may be constructed in an area that may be exposed to high levels of single-event noise from aircraft at San Diego International Airport or Naval Air Station North Island and may result in a significant potential impact by exceeding the 45 dBA CNEL interior noise threshold. Detailed information and analysis regarding this significant potential impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.2.8 (Noise) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the PMP Amendment which avoid or substantially lessen the significant environmental effect as identified in the EIR.

**Facts in Support of Finding:** The potential significant impacts to Noise (Interior Noise) will be mitigated to a level below significance by including noise insulation features and minimal performance requirements for sound transmission loss in the future hotel design. Future hotels shall include noise insulation features such that an interior noise level of 45 dBA (CNEL) is achieved. An acoustical consultant shall be retained by the Project Applicant prior to commencement of construction to review construction-level plans to ensure that the hotel plans incorporate measures that will achieve the 45 dBA (CNEL) standard. Noise insulation features that may be installed include, but are not limited to, the following: (1) acoustically rated dual pane windows and sliding glass door assemblies; and (2) heavy-weight drapes and thick carpets for sound absorption. The following minimal performance requirements as specified by the future hotels' proposed franchiser shall be adhered to as they pertain to interior/exterior sound transmission loss: (1) exterior wall assemblies and walls between guestrooms shall have a minimum sound transmission class (STC) rating of 52; (2) walls between guestrooms and stairwells shall have a minimum STC rating of 60; (3) all floor/ceiling assemblies shall have a minimum STC rating of 60; and (4) guest room entry doors shall receive full-frame sound insulation stripping. This measure is described in Mitigation Measure NOI-2, which is set forth in full in Volume 6 (Revisions to Draft EIR), Section 9.2.8 (Noise) of the EIR. Implementation of this mitigation measure will reduce the potential impact to interior noise levels in the area designated for future hotel development to a level less than significant.

#### 4.10 Geology and Soils

**Potentially Significant Impact:** The EIR identifies potentially significant impacts to Geology and Soils (Seismic Events) associated with the PMP Amendment in that future hotel development could be subject to liquefaction, and foundations and structures could be damaged by ground settlement. Detailed information and analysis regarding this significant potential impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.2.9 (Geology and Soils) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Geology and Soils (Seismic Events) as identified in the EIR.

**Facts in Support of Finding:** The potential significant impact to Geology and Soils (Seismic Events) will be mitigated to a level below significance by implementing the recommended site design criteria provided in the Geocon Study (Draft EIR, Appendix H-1), the geotechnical evaluation prepared for the Project. These design criteria, which include but are not limited to requirements for dewatering, ground improvements, foundations and grading, are described in more detail in Mitigation Measure GEO-2, which is set forth in full in Volume 6 (Revisions to Draft EIR), Section 9.2.9.4 (Geology and Soils Mitigation Measures), of the EIR, and are incorporated herein by this reference. Implementation of this mitigation measure (Mitigation Measure GEO-2) will reduce the potential impact to Geology and Soils (Seismic Events) to a level less than significant.

#### 4.11 Public Services and Utilities (Fire)

**Potentially Significant Impact:** The EIR identifies potentially significant impact to Public Services and Utilities (Fire Protection Services) associated with the PMP Amendment in that future hotel development would contribute to the need for the City of San Diego to construct a new fire station in the area because the primary responding fire station to the PMP Amendment project site is a fire station that is above its annual response workload capacity. Detailed information and analysis regarding this significant potential impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.2.10 (Public Services and Utilities) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the PMP Amendment which could avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes or alterations are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego;

however, pursuant to CEQA Guidelines §15091(a)(3), specific economic, legal, social, technological or other considerations make infeasible the mitigation measures identified in the EIR, therefore, pursuant to CEQA Guidelines §15093, the Port District has balanced the benefits of the PMP Amendment against its unavoidable environmental risks and has determined that this impact is acceptable for the reasons stated in the Statement of Overriding Considerations below.

**Facts in Support of Finding:** The potential significant impact to Public Services and Utilities (Fire Protection Services) can be mitigated to a level below significance by, prior to the issuance of a certificate of occupancy for the future hotels, the Project Applicant paying its fair share of the cost of constructing a new fire station in the vicinity of Liberty Station in the amount determined by the City of San Diego. This fire station is within the Peninsula Public Facilities Financing Plan, Fiscal Year 2001 community boundary. The fair share contribution shall be paid to the City of San Diego and will be deposited into the Developer Contribution Fund No. 200636. In the event the City of San Diego has not determined the amount of the future hotels' fair share of the cost of constructing a new fire station in the vicinity of Liberty Station at the time a future hotel development requests issuance of a certificate of occupancy, the Project Applicant shall enter into a reimbursement agreement or other arrangement with the City of San Diego to provide for payment of its fair share amount when determined by the City of San Diego. Although implementation of this mitigation measure (MM PUB-2) could mitigate impacts of the PMP Amendment on fire services to a less-than-significant level, the stated measure is within the jurisdiction of the City of San Diego and not the Port District. The City has identified the construction of the fire station in the vicinity of Liberty Station (former Naval Training Center) as a Tier-2, low priority project. This fire station would be the primary location for which emergency fire, rescue and medical resources would be provided to future hotels that could be located within the PMP Amendment area. The fire station is identified as a proposed project in the Fire Station Master Plan (February 2009) and is within the Peninsula Public Facilities Financing Plan, Fiscal Year 2001 community boundary. Final location for the required facility shall be determined by the Fire Rescue Department, to ensure compliance with National Response time standards. Although implementation of Mitigation Measure PUB-2 could mitigate impacts of the PMP Amendment on fire services to a less-than-significant level, the mitigation measure is within the jurisdiction of the City of San Diego and not the Port District. Accordingly, the Port District cannot assure that this mitigation measure would be implemented as and when needed. Therefore, despite the incorporation of Mitigation Measure PUB-2, the PMP Amendment's potential impact to fire protection services is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

#### **4.12 Public Services and Utilities (Sewer)**

**Potentially Significant Impact:** The EIR identifies potentially significant impacts to Public Services (Sewer Facilities) in that the downstream sewer system does not have capacity to incorporate the added demand which may result from the up to 325 hotel rooms that could occur under the PMP Amendment. Detailed information and analysis regarding this significant potential impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.2.10 (Public Services and Utilities) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the PMP Amendment which avoid or substantially lessen the significant environmental effect to Public Services (Sewer Facilities) as identified in the EIR.

**Facts in Support of Finding:** The potential significant impact to Public Services (Sewer Facilities) will be mitigated to a level below significance in that, prior to the construction of the second hotel within the PMP Amendment area, the Project Applicant(s) shall replace the existing 8-inch sewer and four manholes as indicated in Figure 9.2.10-1, to the satisfaction of the City of San Diego Engineer. Implementation of Mitigation Measure PUB-3, which is set forth in full in Volume 6 (Revisions to Draft EIR), Section 9.2.10.4 (Public Services and Utilities Mitigation Measures) of the EIR, will reduce the potential impact to Public Services (Sewer Facilities) to a level less than significant.

#### **5.0 FINDINGS REGARDING CUMULATIVE SIGNIFICANT EFFECTS**

CEQA requires a lead agency to evaluate the cumulative impacts of a proposed project (CEQA Guidelines §15130(a)). Cumulative impacts are those which are considered significant when viewed in connection with the impacts of other closely related past, present and reasonably foreseeable future projects (CEQA Guidelines §15355). Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

The EIR analyzes cumulative impacts by compiling a list of past, present and reasonably anticipated future projects producing related or cumulative impacts, including projects outside the agency's jurisdiction (CEQA Guidelines §15130(b)(1)(A)). The list of "past, present and reasonably anticipated future projects" should include related projects which already have been constructed, are presently under construction, are approved but not yet under construction, and are not yet approved but are under environmental review at the time the draft EIR is prepared (CEQA Guidelines §15130 [Discussion]). The list must include not only projects under review by the lead agency, but also those under review

by other relevant public agencies.

The EIR considered 25 past, present and reasonably foreseeable projects within the vicinity of the Sunroad Hotel Project in evaluating potential cumulative impacts. A detailed description of these projects is provided in Table 5-1 and a map depicting the location of these projects in relation to the Sunroad Hotel project site is provided on Figure 5-1 in Chapter 5 (Cumulative Impacts) of Volume 5 (Recirculated Portions of Draft EIR) of the EIR. In addition, the EIR considered an updated list of 37 past, present and reasonably foreseeable projects within the vicinity of the PMP Amendment in evaluating the potential cumulative impacts. A detailed description of these projects is provided in Table 9.3-1 and a map depicting the location of these projects in relation to the PMP Amendment site is provided on Figure 9.3-1 in Section 9.3 (Cumulative Impacts) of Volume 6 (Revisions to Draft EIR) of the EIR.

The findings below identify each of the cumulative significant environmental impacts, the mitigation measures adopted to substantially lessen or to avoid them, or the reasons proposed mitigation measures are infeasible due to specific economic, social or other considerations. The findings incorporate by reference the analysis of cumulative significant impacts contained in the EIR (See EIR, Volume 5 [Recirculated Portions of the Draft EIR], Chapter 5 [Cumulative Impacts], and Volume 6 [Revisions to Draft EIR], Section 9.3 [Cumulative Impacts]).

The significant cumulative impacts to traffic identified in the EIR cannot be avoided or substantially reduced to below significance. The EIR concluded that the Project will result in significant cumulative impacts to five roadway intersections and five street segments. Mitigation has been identified that would reduce these intersection and street segment impacts to a level less than significant; however, these intersections and street segments are within the jurisdiction of the City of San Diego, not the Port District, and the Port District thus cannot ensure that the mitigation necessary to avoid or reduce the impacts to levels below significance will occur prior to implementation of the Project. As described in the Statement of Overriding Considerations below, therefore, the Port District has determined these unavoidable significant impacts are acceptable because of specific overriding considerations.

The significant cumulative impact to Public Services and Utilities (Fire Protection Services) identified in the EIR cannot be avoided or substantially reduced to below significance. The EIR concluded that the Project will contribute to significant cumulative impacts to fire protection services as the primary responding fire station is already above its annual workload capacity. Mitigation has been identified that would reduce this impact to a level less than significant through the Project's fair-share contribution towards construction of a fire station in Liberty Station. However, the provision of fire protection services to the Project site is within the jurisdiction of the City of San Diego, not the Port District,



and, therefore, the Port District cannot ensure that the mitigation necessary to avoid or reduce the impact to a level below significance will occur prior to implementation of the Project. As described in the Statement of Overriding Considerations below, the Port District has determined this unavoidable significant impact is acceptable because of specific overriding considerations.

## **Sunroad Hotel Project**

### **5.1 Transportation, Traffic, and Parking**

#### **5.1.1 Significant Impact TR-C1**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to the intersection of North Harbor Drive/Harbor Island Drive/Terminal 1 (East Airport Entrance) given that the Sunroad Hotel Project would contribute to the degradation of operations and, without sufficient mitigation, the intersection would be characterized by congested LOS E conditions during the AM peak hours and LOS F conditions during the PM peak hours in Year 2030. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 5 (Recirculated Portions of Draft EIR), Chapter 5 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Sunroad Hotel Project which could avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego. However, because implementation of the physical improvements needed to reduce the significant impact to the affected intersection is within the jurisdiction and control of the City of San Diego and not the Port District, the Port District cannot ensure that the necessary improvements will be constructed as and when needed. Therefore, despite the incorporation of Mitigation Measure TR-C1, the Sunroad Hotel Project's impact to this intersection is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

**Facts in Support of Finding:** The potential significant cumulative impact to Transportation, Traffic and Parking (Significant Impact TR-C1) can be mitigated to a level below significance by the Sunroad Hotel Project Applicant's paying a fair share percentage of 9.0% towards the cost of restriping the northbound approach to provide a left-turn lane, a shared left-turn/thru lane, a thru lane, and a right-turn lane. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. The improvements at this intersection shall include the following: remove the northbound right-turn lane's "free" movement

and introduce right-turn “overlap” phasing; retain the north/south “split” signal phasing; and restripe the eastbound approach to convert the right-turn lane to a shared thru/right-turn lane. Modifications to the triangular median in the southeast portion of the intersection are expected. Although the potential significant cumulative impact can be reduced to a level below significance through the Sunroad Hotel Project’s fair-share contribution toward the cost of these improvements, the improvements are within the jurisdiction of the City of San Diego, not the Port District, and the City has not identified a schedule for their construction. Therefore, the Port District cannot ensure that the mitigation necessary to avoid or reduce this cumulative impact to a level below significance will occur prior to implementation of the Sunroad Hotel Project. However, the Port District finds that this cumulative impact is acceptable when balanced against the mitigation measures recommended to reduce the impacts and the facts set forth above and in the Statement of Overriding Considerations below.

### **5.1.2 Significant Impact TR-C2**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to the intersection of North Harbor Drive/Rental Car Access Road given that the Sunroad Hotel Project would contribute to the degradation of operations and, without sufficient mitigation, the intersection would be characterized by congested LOS F conditions during the AM and PM peak hours in Year 2030. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 5 (Recirculated Portions of Draft EIR), Chapter 5 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Sunroad Hotel Project which avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego. However, because implementation of the physical improvements needed to reduce the significant impact to the affected intersection is within the jurisdiction and control of the City of San Diego and not the Port District, the Port District cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure TR-C2, the Sunroad Hotel Project’s impact to this intersection is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

**Facts in Support of Finding:** The potential significant cumulative impact to Transportation, Traffic and Parking (Significant Impact TR-C2) can be mitigated to a level below significance by the Sunroad Hotel Project Applicant’s paying a fair share percentage of 1.8% towards the reconfiguration of the westbound approach to provide an additional thru lane. To accommodate the additional

lane, widening and modifications to the median/roadway shall be required. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. Although the potential significant cumulative impact can be reduced to a level below significance through the Sunroad Hotel Project's fair-share contribution toward the cost of these improvements, the improvements are within the jurisdiction of the City of San Diego, not the Port District, and the City has not identified a schedule for their construction. Therefore, the Port District cannot ensure that the mitigation necessary to avoid or reduce this cumulative impact to a level below significance will occur prior to implementation of the Sunroad Hotel Project. However, the Port District finds that this cumulative impact is acceptable when balanced against the mitigation measures recommended to reduce the impacts and the facts set forth above and in the Statement of Overriding Considerations below.

### **5.1.3 Significant Impact TR-C3**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to the intersection of North Harbor Drive/Laurel Street given that the Sunroad Hotel Project would contribute to the degradation of operations and, without sufficient mitigation, the intersection would be characterized by congested LOS F conditions during the PM peak hour in Year 2030. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 5 (Recirculated Portions of Draft EIR), Chapter 5 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Sunroad Hotel Project which avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego. However, because implementation of the physical improvements needed to reduce the significant impact to the affected intersection is within the jurisdiction and control of the City of San Diego and not the Port District, the Port District cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure TR-C3, the Sunroad Hotel Project's impact to this intersection is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

**Facts in Support of Finding:** The potential significant cumulative impact to Transportation, Traffic and Parking (Significant Impact TR-C3) can be mitigated to a level below significance by the Sunroad Hotel Project Applicant's paying a fair share percentage of 2.2% towards the reconfiguration of the eastbound approach to provide a third left-turn lane and restriping the south-bound approach to provide a single shared left-turn/right-turn lane. To accommodate

the additional lane, widening and modifications to the median/roadway shall be required. All three eastbound lanes on Laurel Street shall continue to Pacific Highway, where the number 1 lane would trap into the left-turn lane(s). An overhead sign bridge(s) shall be implemented to instruct drivers of the trap lane. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. Although the potential significant cumulative impact can be reduced to a level below significance through the Sunroad Hotel Project's fair-share contribution toward the cost of these improvements, the improvements are within the jurisdiction of the City of San Diego, not the Port District, and the City has not identified a schedule for their construction. Therefore, the Port District cannot ensure that the mitigation necessary to avoid or reduce this cumulative impact to a level below significance will occur prior to implementation of the Sunroad Hotel Project. However, the Port District finds that this cumulative impact is acceptable when balanced against the mitigation measures recommended to reduce the impact and the facts set forth above and in the Statement of Overriding Considerations below.

#### **5.1.4 Significant Impact TR-C4**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to the intersection of Pacific Highway/Hawthorn Street given that the Sunroad Hotel Project would contribute to the degradation of operations and, without sufficient mitigation, the intersection would be characterized by congested LOS F conditions during the AM peak hours in Year 2030. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 5 (Recirculated Portions of Draft EIR), Chapter 5 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Sunroad Hotel Project which avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego. However, because implementation of the physical improvements needed to reduce the significant impact to the affected intersection is within the jurisdiction and control of the City of San Diego and not the Port District, the Port District cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure TR-C4, the Sunroad Hotel Project's impact to this intersection is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

**Facts in Support of Finding:** The potential significant cumulative impact to Transportation, Traffic and Parking (Significant Impact TR-C4) can be mitigated to a level below significance by the Sunroad Hotel Project Applicant's paying a

fair share percentage of 1.7% towards restriping the westbound approach of Hawthorn Street to provide a dedicated left-turn lane in addition to the three through lanes. To accommodate the additional lane, all curbside parking on Hawthorn Street will have to be prohibited between Pacific Highway and the railroad tracks. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. Although the potential significant cumulative impact can be reduced to a level below significance through the Sunroad Hotel Project's fair-share contribution toward the cost of these improvements, the improvements are within the jurisdiction of the City of San Diego, not the Port District, and the City has not identified a schedule for their construction. Therefore, the Port District cannot ensure that the mitigation necessary to avoid or reduce this cumulative impact to a level below significance will occur prior to implementation of the Sunroad Hotel Project. However, the Port District finds that this cumulative impact is acceptable when balanced against the mitigation measures recommended to reduce the impact and the facts set forth above and in the Statement of Overriding Considerations below.

#### **5.1.5 Significant Impact TR-C5**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to the roadway segment of North Harbor Drive between Harbor Island Drive and Rental Car Access Road given that the Sunroad Hotel Project would contribute to the degradation of operations and, without sufficient mitigation, the street segment would be characterized by congested LOS F conditions in Year 2030. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 5 (Recirculated Portions of Draft EIR), Chapter 5 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Sunroad Hotel Project which avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego. However, because implementation of the physical improvements needed to reduce the significant impact to the affected roadway segment is within the jurisdiction and control of the City of San Diego and not the Port District, the Port District cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure TR-C5, the Sunroad Hotel Project's impact to this roadway segment is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

**Facts in Support of Finding:** The potential significant cumulative impact to Transportation, Traffic and Parking (Significant Impact TR-C5) can be mitigated to a level below significance by the Sunroad Hotel Project Applicant's paying a

fair share percentage of 2.3% towards the addition of one lane. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. Although the potential significant cumulative impact can be reduced to a level below significance through the Sunroad Hotel Project's fair-share contribution toward the cost of these improvements, the improvements are within the jurisdiction of the City of San Diego, not the Port District, and the City has not identified a schedule for their construction. Therefore, the Port District cannot ensure that the mitigation necessary to avoid or reduce this cumulative impact to a level below significance will occur prior to implementation of the Sunroad Hotel Project. However, the Port District finds that this cumulative impact is acceptable when balanced against the mitigation measures recommended to reduce the impact and the facts set forth above and in the Statement of Overriding Considerations below.

#### **5.1.6 Significant Impact TR-C6**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to the roadway segment of North Harbor Drive between Rental Car Access Road and Laurel Street given that the Sunroad Hotel Project would contribute to the degradation of operations and, without sufficient mitigation, the street segment would be characterized by congested LOS F conditions in Year 2030. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 5 (Recirculated Portions of Draft EIR), Chapter 5 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Sunroad Hotel Project which avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego. However, because implementation of the physical improvements needed to reduce the significant impact to the affected roadway segment is within the jurisdiction and control of the City of San Diego and not the Port District, the Port District cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure TR-C6, the Sunroad Hotel Project's impact to this roadway segment is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

**Facts in Support of Finding:** The potential significant cumulative impact to Transportation, Traffic and Parking (Significant Impact TR-C6) can be mitigated to a level below significance by the Sunroad Hotel Project Applicant's paying a fair share percentage of 0.9% towards the addition of one lane. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. Although the potential significant cumulative impact can be reduced to a level

below significance through the Sunroad Hotel Project's fair-share contribution toward the cost of these improvements, the improvements are within the jurisdiction of the City of San Diego, not the Port District, and the City has not identified a schedule for their construction. Therefore, the Port District cannot ensure that the mitigation necessary to avoid or reduce this cumulative impact to a level below significance will occur prior to implementation of the Sunroad Hotel Project. However, the Port District finds that this cumulative impact is acceptable when balanced against the mitigation measures recommended to reduce the impact and the facts set forth above and in the Statement of Overriding Considerations below.

## **5.2 Public Services and Utilities**

### **5.2.1 Significant Impact PUB-C1**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to Public Services and Utilities (Fire Protection Services) in that the primary responding fire station to the Sunroad Hotel Project site is above its annual response workload capacity. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 5 (Recirculated Portions of Draft EIR), Chapter 5 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Sunroad Hotel Project which avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego. However, because implementation of the physical improvements needed to reduce the significant impact to fire protection services is within the jurisdiction and control of the City of San Diego and not the Port District, the Port District cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure PUB-1, the Sunroad Hotel Project's cumulative impact to fire protection services is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

**Facts in Support of Finding:** The potential significant cumulative impact to Public Services and Utilities (Fire Protection Services) can be mitigated to a level below significance by, prior to the issuance of a certificate of occupancy for the Sunroad Hotel Project, the Sunroad Hotel Project Applicant paying its fair share of the cost of constructing a new fire station in the vicinity of Liberty Station in the amount determined by the City of San Diego. In the event the City of San Diego has not determined the amount of the Proposed Sunroad Hotel Project's fair share of the cost of constructing a new fire station in the vicinity of Liberty Station at the time the Sunroad Hotel Project requests issuance of a certificate of

occupancy, the Sunroad Hotel Project Applicant shall enter into a reimbursement agreement or other arrangement with the City of San Diego to provide for payment of its fair share amount when determined by the City of San Diego. Although implementation of this mitigation measure (MM PUB-1) could mitigate cumulative impacts of the Sunroad Hotel Project on fire services to a less-than-significant level, the stated measures are within the jurisdiction of the City of San Diego and not the Port District. The City has identified the construction of the fire station at the Liberty Station (former Naval Training Center) as a Tier-2, low priority project. Although the City identified, in its comments on the Recirculated Portions of the Draft EIR, a facilities financing plan and a specific account for fair share payments, the Port District cannot assure that this mitigation measure would be implemented as and when needed. Therefore, despite the incorporation of Mitigation Measure PUB-1, the Sunroad Hotel Project's cumulative impact to fire protection services is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

### **5.2.2 Significant Impact PUB-C2**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to Public Services and Utilities (Solid Waste) in that the Sunroad Hotel Project would construct a commercial building greater than 40,000 square feet, the threshold for cumulative solid waste impacts. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 5 (Recirculated Portions of Draft EIR), Chapter 5 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Sunroad Hotel Project which avoid or substantially lessen the significant cumulative environmental effect to Public Services and Utilities (Solid Waste) as identified in the EIR.

**Finding:** The potential significant cumulative impact to Public Services and Utilities (Solid Waste) will be mitigated to a level below significance by the Sunroad Hotel Project Applicant preparing a waste management plan for the Sunroad Hotel Project. The waste management plan will be submitted to the City of San Diego Environmental Services Department for approval prior to the issuance of any demolition, grading, or construction permits for the Sunroad Hotel Project. This measure is described in more detail in Mitigation Measure PUB-C1, which is set forth in full in Volume 5 (Recirculated Portions of Draft EIR), Section 5.5 (Cumulative Mitigation Measures), pages 5-38 through 5-39 of the EIR. Implementation of this mitigation measure (Mitigation Measure PUB-C1) will reduce the potential cumulative impact to Public Services and Utilities (Solid Waste) to a level below significance.



## Port Master Plan Amendment

### 5.3 Transportation, Traffic, and Parking

The mitigation measures for significant impacts TR-C7, TR-C8, TR-C9, TR-C12, TR-C13, TR-C14, TR-C15, and TR-C16 reference Scenario A and Scenario B. As discussed in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts) of the EIR, Scenario A refers to the East Harbor Island Subarea being developed with 175 “business” hotel rooms and 325 “resort” hotel rooms, and Scenario B refers to the East Harbor Island Subarea being developed with a total of 500 “business” hotel rooms.

#### 5.3.1 Significant Impact TR-C7

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to the intersection of North Harbor Drive/Harbor Island Drive/Terminal 1 (East Airport Entrance) in that that future hotel development would contribute to the degradation of operations in excess of City of San Diego thresholds during the AM and PM peak hours. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the PMP Amendment which could avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego. However, because implementation of the physical improvements needed to reduce the significant impact to the affected intersection is within the jurisdiction and control of the City of San Diego and not the Port District, the Port District cannot ensure that the necessary improvements will be constructed as and when needed. Therefore, despite the incorporation of Mitigation Measure TR-C7, the PMP Amendment’s impact to this intersection is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

**Facts in Support of Finding:** The potential significant cumulative impact to Transportation, Traffic and Parking (Significant Impact TR-C7) can be mitigated to a level below significance by the Project Applicant’s paying a fair share percentage of 20.7% for Scenario A or 22.4% for Scenario B towards the cost of restriping the northbound approach to provide a left-turn lane, a shared left-turn/thru lane, a thru lane, and a right-turn lane. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. The improvements at this intersection shall include the following: remove the northbound right-turn lane’s “free” movement and introduce right-turn “overlap” phasing; retain the

north/south “split” signal phasing; and restripe the eastbound approach to convert the right-turn lane to a shared thru/right-turn lane. Modifications to the triangular median in the southeast portion of the intersection are expected. Modifications to the traffic signal timing in conjunction with the change in lane designations are also recommended. Although the potential significant cumulative impact can be reduced to a level below significance through the future hotel’s fair-share contribution toward the cost of these improvements, the improvements are within the jurisdiction of the City of San Diego, not the Port District, and the City has not identified a schedule for their construction. Therefore, the Port District cannot ensure that the mitigation necessary to avoid or reduce this cumulative impact to a level below significance will occur prior to implementation of the PMP Amendment. However, the Port District finds that this cumulative impact is acceptable when balanced against the mitigation measures recommended to reduce the impacts and the facts set forth above and in the Statement of Overriding Considerations below.

### **5.3.2 Significant Impact TR-C8**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to the intersection of North Harbor Drive/Rental Car Access Road given that future hotel development would contribute to the degradation of operations in excess of City of San Diego thresholds during the AM and PM peak hours. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the PMP Amendment which avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego. However, because implementation of the physical improvements needed to reduce the significant impact to the affected intersection is within the jurisdiction and control of the City of San Diego and not the Port District, the Port District cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure TR-C8, the PMP Amendment’s impact to this intersection is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

**Facts in Support of Finding:** The potential significant cumulative impact to Transportation, Traffic and Parking (Significant Impact TR-C8) can be mitigated to a level below significance by the Project Applicant’s paying a fair share percentage of 4.0% for Scenario A or 4.3% for Scenario B towards the reconfiguration of the westbound approach to provide an additional thru lane. To

accommodate the additional lane, widening and modifications to the median/roadway shall be required. Modifications to the traffic signal timing in conjunction with the change in lane destination are also recommended. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. Although the potential significant cumulative impact can be reduced to a level below significance through the future hotels' fair-share contribution toward the cost of these improvements, the improvements are within the jurisdiction of the City of San Diego, not the Port District, and the City has not identified a schedule for their construction. Therefore, the Port District cannot ensure that the mitigation necessary to avoid or reduce this cumulative impact to a level below significance will occur prior to implementation of the PMP Amendment. However, the Port District finds that this cumulative impact is acceptable when balanced against the mitigation measures recommended to reduce the impacts and the facts set forth above and in the Statement of Overriding Considerations below.

### **5.3.3 Significant Impact TR-C9**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to the intersection of North Harbor Drive/Laurel Street given that future hotel development would contribute to the degradation of operations in excess of City of San Diego thresholds during the AM and PM peak hours. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the PMP Amendment which avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego. However, because implementation of the physical improvements needed to reduce the significant impact to the affected intersection is within the jurisdiction and control of the City of San Diego and not the Port District, the Port District cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure TR-C9, the PMP Amendment's impact to this intersection is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

**Facts in Support of Finding:** The potential significant cumulative impact to Transportation, Traffic and Parking (Significant Impact TR-C9) can be mitigated to a level below significance by the Project Applicant's paying a fair share percentage of 5.2% for Scenario A or 5.3% for Scenario B towards the reconfiguration of the eastbound approach to provide a third left-turn lane and

restriping the south-bound approach to provide a single shared left-turn/right-turn lane. To accommodate the additional lane, widening and modifications to the median/roadway shall be required. All three eastbound lanes on Laurel Street shall continue to Pacific Highway, where the number 1 lane would trap into the left-turn lane(s). An overhead sign bridge(s) shall be implemented to instruct drivers of the trap lane. Modifications to the traffic signal timing in conjunction with the change in lane destination are also recommended. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. Although the potential significant cumulative impact can be reduced to a level below significance through future hotels' fair-share contribution toward the cost of these improvements, the improvements are within the jurisdiction of the City of San Diego, not the Port District, and the City has not identified a schedule for their construction. Therefore, the Port District cannot ensure that the mitigation necessary to avoid or reduce this cumulative impact to a level below significance will occur prior to implementation of the PMP Amendment. However, the Port District finds that this cumulative impact is acceptable when balanced against the mitigation measures recommended to reduce the impact and the facts set forth above and in the Statement of Overriding Considerations below.

#### **5.3.4 Significant Impact TR-C10**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to the intersection of Pacific Highway/Laurel Street given that future hotel development would contribute to the degradation of operations in excess of City of San Diego thresholds during the AM and PM peak hours. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the PMP Amendment which avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego. However, because implementation of the physical improvements needed to reduce the significant impact to the affected intersection is within the jurisdiction and control of the City of San Diego and not the Port District, the Port District cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure TR-C10, the PMP Amendment's impact to this intersection is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

**Facts in Support of Finding:** The potential significant cumulative impact to Transportation, Traffic and Parking (Significant Impact TR-C10) can be mitigated

to a level below significance by the installation of dual southbound right-turn and eastbound left-turn lanes to accommodate the anticipated traffic volumes. However, these improvements may not be feasible due to right-of-way constraints on at least three of the corners of the affected intersection. Although the potential significant cumulative impact can be reduced to a level below significance through the implementation of these improvements, the timing, design and determination of their feasibility are within the jurisdiction of the City of San Diego, not the Port District, and the City has not identified a schedule for their construction. Therefore, the Port District cannot ensure that the mitigation necessary to avoid or reduce this cumulative impact to a level below significance will occur prior to implementation of the PMP Amendment. However, the Port District finds that this cumulative impact is acceptable when balanced against the mitigation measures recommended to reduce the impact and the facts set forth above and in the Statement of Overriding Considerations below.

### **5.3.5 Significant Impact TR-C11**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to the intersection of Pacific Highway/Grape Street given that future hotel development would contribute to the degradation of operations in excess of City of San Diego thresholds during the PM peak hours. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the PMP Amendment which avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego. However, because implementation of the physical improvements needed to reduce the significant impact to the affected intersection is within the jurisdiction and control of the City of San Diego and not the Port District, the Port District cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure TR-C11, the future hotels' impact to this intersection is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

**Facts in Support of Finding:** The potential significant cumulative impact to Transportation, Traffic and Parking (Significant Impact TR-C11) can be mitigated to a level below significance by the installation of a northbound right-turn lane to accommodate the anticipated traffic volumes. However, this improvement may not be feasible due to right-of-way constraints in the affected intersection. Although the potential significant cumulative impact can be reduced to a level below significance through the implementation of this improvement, the timing,

design and determination of its feasibility are within the jurisdiction of the City of San Diego, not the Port District, and the City has not identified a schedule for its construction. Therefore, the Port District cannot ensure that the mitigation necessary to avoid or reduce this cumulative impact to a level below significance will occur prior to implementation of the PMP Amendment. However, the Port District finds that this cumulative impact is acceptable when balanced against the mitigation measures recommended to reduce the impact and the facts set forth above and in the Statement of Overriding Considerations below.

### **5.3.6 Significant Impact TR-C12**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to the roadway segment of North Harbor Drive between Harbor Island Drive and Rental Car Access Road given that future hotel development would contribute to the degradation of operations in excess of City of San Diego thresholds. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the PMP Amendment which avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego. However, because implementation of the physical improvements needed to reduce the significant impact to the affected roadway segment is within the jurisdiction and control of the City of San Diego and not the Port District, the Port District cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure TR-C12, the PMP Amendment's impact to this roadway segment is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

**Facts in Support of Finding:** The potential significant cumulative impact to Transportation, Traffic and Parking (Significant Impact TR-C12) can be mitigated to a level below significance by the Project Applicant's paying a fair share percentage of 5.8% for Scenario A or 5.3% for Scenario B towards the addition of one westbound lane along the street segment. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. Although the potential significant cumulative impact can be reduced to a level below significance through the future hotels' fair-share contribution toward the cost of these improvements, the improvements are within the jurisdiction of the City of San Diego, not the Port District, and the City has not identified a schedule for their construction. Therefore, the Port District cannot ensure that the mitigation necessary to avoid or reduce this cumulative impact to a level below significance

will occur prior to implementation of the PMP Amendment. However, the Port District finds that this cumulative impact is acceptable when balanced against the mitigation measures recommended to reduce the impact and the facts set forth above and in the Statement of Overriding Considerations below.

### **5.3.7 Significant Impact TR-C13**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to the roadway segment of North Harbor Drive between Rental Car Access Road and Laurel Street given that future hotel development would contribute to the degradation of operations in excess of City of San Diego thresholds. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the PMP Amendment which avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego. However, because implementation of the physical improvements needed to reduce the significant impact to the affected roadway segment is within the jurisdiction and control of the City of San Diego and not the Port District, the Port District cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure TR-C13, the PMP Amendment's impact to this roadway segment is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

**Facts in Support of Finding:** The potential significant cumulative impact to Transportation, Traffic and Parking (Significant Impact TR-C13) can be mitigated to a level below significance by the Project Applicant's paying a fair share percentage of 2.4% for Scenario A or 2.2% for Scenario B towards the addition of one westbound lane along the street segment. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. Although the potential significant cumulative impact can be reduced to a level below significance through the future hotels' fair-share contribution toward the cost of these improvements, the improvements are within the jurisdiction of the City of San Diego, not the Port District, and the City has not identified a schedule for their construction. Therefore, the Port District cannot ensure that the mitigation necessary to avoid or reduce this cumulative impact to a level below significance will occur prior to implementation of the PMP Amendment. However, the Port District finds that this cumulative impact is acceptable when balanced against the mitigation measures recommended to reduce the impact and the facts set forth above and in the Statement of Overriding Considerations below.

### **5.3.8 Significant Impact TR-C14**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to the roadway segment of North Harbor Drive between Laurel Street and Hawthorne Street given that future hotel development would contribute to the degradation of operations in excess of City of San Diego thresholds. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the PMP Amendment which avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego. However, because implementation of the physical improvements needed to reduce the significant impact to the affected roadway segment is within the jurisdiction and control of the City of San Diego and not the Port District, the Port District cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure TR-C14, the PMP Amendment's impact to this roadway segment is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

**Facts in Support of Finding:** The potential significant cumulative impact to Transportation, Traffic and Parking (Significant Impact TR-C14) can be mitigated to a level below significance by the Project Applicant's paying a fair share percentage of 7.1% for Scenario A or 6.5% for Scenario B towards the addition of one southbound lane along the street segment. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. Although the potential significant cumulative impact can be reduced to a level below significance through the future hotel's fair-share contribution toward the cost of these improvements, the improvements are within the jurisdiction of the City of San Diego, not the Port District, and the City has not identified a schedule for their construction. Therefore, the Port District cannot ensure that the mitigation necessary to avoid or reduce this cumulative impact to a level below significance will occur prior to implementation of the PMP Amendment. However, the Port District finds that this cumulative impact is acceptable when balanced against the mitigation measures recommended to reduce the impact and the facts set forth above and in the Statement of Overriding Considerations below.

### **5.3.9 Significant Impact TR-C15**

**Potentially Significant Impact:** The EIR identifies a potentially significant



cumulative impact to the roadway segment of Laurel Street between North Harbor Drive and Pacific Highway given that future hotel development would contribute to the degradation of operations in excess of City of San Diego thresholds. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the PMP Amendment which avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego. However, because implementation of the physical improvements needed to reduce the significant impact to the affected roadway segment is within the jurisdiction and control of the City of San Diego and not the Port District, the Port District cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure TR-C15, the PMP Amendment's impact to this roadway segment is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

**Facts in Support of Finding:** The potential significant cumulative impact to Transportation, Traffic and Parking (Significant Impact TR-C15) can be mitigated to a level below significance by the Project Applicant's paying a fair share percentage of 1.4% for Scenario A or 1.3% for Scenario B towards the addition of one eastbound lane along the street segment. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. Although the potential significant cumulative impact can be reduced to a level below significance through the future hotels' fair-share contribution toward the cost of these improvements, the improvements are within the jurisdiction of the City of San Diego, not the Port District, and the City has not identified a schedule for their construction. Therefore, the Port District cannot ensure that the mitigation necessary to avoid or reduce this cumulative impact to a level below significance will occur prior to implementation of the PMP Amendment. However, the Port District finds that this cumulative impact is acceptable when balanced against the mitigation measures recommended to reduce the impact and the facts set forth above and in the Statement of Overriding Considerations below.

#### **5.3.10 Significant Impact TR-C16**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to the roadway segment of Laurel Street between Pacific Highway and Kettner Boulevard given that future hotel development would contribute to the degradation of operations in excess of City of San Diego thresholds. Detailed information and analysis regarding this significant

cumulative impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the PMP Amendment which avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego. However, because implementation of the physical improvements needed to reduce the significant impact to the affected roadway segment is within the jurisdiction and control of the City of San Diego and not the Port District, the Port District cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure TR-C16, the PMP Amendment's impact to this roadway segment is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

**Facts in Support of Finding:** The potential significant cumulative impact to Transportation, Traffic and Parking (Significant Impact TR-C16) can be mitigated to a level below significance by the Project Applicant's paying a fair share percentage of 2.7% for Scenario A or 2.5% for Scenario B towards the addition of one eastbound lane along the street segment. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. Although the potential significant cumulative impact can be reduced to a level below significance through the future hotels' fair-share contribution toward the cost of these improvements, the improvements are within the jurisdiction of the City of San Diego, not the Port District, and the City has not identified a schedule for their construction. Therefore, the Port District cannot ensure that the mitigation necessary to avoid or reduce this cumulative impact to a level below significance will occur prior to implementation of the PMP Amendment. However, the Port District finds that this cumulative impact is acceptable when balanced against the mitigation measures recommended to reduce the impact and the facts set forth above and in the Statement of Overriding Considerations below.

## **5.4 Noise**

### **5.4.1 Significant Impact NOI-C1**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to Noise (Exterior Areas) if exterior usable areas in future hotel development, such as pool decks, patios, balconies, and outdoor dining areas, are located in areas where greater than 65-dBA CNEL noise levels would occur. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the PMP Amendment which avoid or substantially lessen the significant environmental effect as identified in the EIR.

**Facts in Support of Finding:** The potential significant impacts to Noise (Exterior Areas) will be mitigated to a level below significance by requiring the plans and specifications for future hotel development to provide that all exterior noise-sensitive elements of future hotels shall be positioned in areas exposed to 65 dBA CNEL or below. If exterior use areas are subject to noise levels greater than 65 dBA CNEL, the design of the future hotels shall incorporate measures such as noise barriers to reduce exterior noise levels to below 65 dBA CNEL. Noise barriers such as walls are commonly used to reduce outdoor noise levels from transportation sources. The effectiveness of a barrier depends on the distance from the source to the barrier, the distance from the receiver to the barrier, and the relative height of the barrier above the line-of-sight between the source and receiver. Noise barriers incorporated into the design shall block this line-of-sight, be constructed of solid material (such as concrete masonry), be long enough to prevent sound from flanking around the ends, have a minimum density of 3.5 pounds/square foot and have no gaps or cracks through or below the barrier. Where preservation of views is desired, transparent materials such as glass or Plexiglas can be used. This measure is described in Mitigation Measure NOI-C1, which is set forth in full in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts), of the EIR. Implementation of this mitigation measure will reduce the potential impact to interior noise levels in the area designated for future hotel development to a level less than significant.

#### **5.4.2 Significant Impact NOI-C2**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to Noise (Interior Noise) in that the potential for an interior noise impact would exist because building facades of future hotel development would be exposed to noise levels exceeding 60 dBA CNEL. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the PMP Amendment which avoid or substantially lessen the significant environmental effect as identified in the EIR.

**Facts in Support of Finding:** The potential significant impacts to Noise (Interior Noise) will be mitigated to a level below significance by including by requiring the project applicant(s) to prepare an interior noise analysis evaluating proposed exterior wall construction, windows, and doors after building plans are finalized to ensure that noise levels within habitable rooms will be 45 dBA CNEL or less, as required by California Code of Regulations, Title 24: Noise Insulation

Standard and the City of San Diego's CEQA significance determination thresholds. This analysis shall be submitted to the City of San Diego's Building Inspection Department prior to obtaining a building permit. The project applicant(s) shall implement the noise reduction measures recommended in the interior noise analysis which may include but are not limited to sound-rated windows, a closed-windows option, and mechanical ventilation meeting applicable California Building Code (CBC) requirements. This measure is described in Mitigation Measure NOI-C2, which is set forth in full in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts), of the EIR. Implementation of this mitigation measure will reduce the potential impact to interior noise levels in the area designated for future hotel development to a level less than significant.

## **5.5 Public Services and Utilities**

### **5.5.1 Significant Impact PUB-C3**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to Public Services and Utilities (Fire Protection Services) in that the primary responding fire station to the PMP Amendment site is above its annual response workload capacity. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the PMP Amendment which avoid or substantially lessen the significant environmental effect as identified in the EIR; pursuant to CEQA Guidelines §15091(a)(2), such changes are within the responsibility and jurisdiction of the City of San Diego, not the Port District, and such changes can and should be adopted by the City of San Diego. However, because implementation of the physical improvements needed to reduce the significant impact to fire protection services is within the jurisdiction and control of the City of San Diego and not the Port District, the Port District cannot ensure that the necessary improvements will be constructed as needed. Therefore, despite the incorporation of Mitigation Measure PUB-2, the PMP Amendment's cumulative impact to fire protection services is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

**Facts in Support of Finding:** The potential significant cumulative impact to Public Services and Utilities (Fire Protection Services) can be mitigated to a level below significance by, prior to the issuance of a certificate of occupancy for the future hotels, the project applicant(s) paying their fair share of the cost of constructing a new fire station in the vicinity of Liberty Station in the amount determined by the City of San Diego. In the event the City of San Diego has not determined the amount of the future hotel development's fair share of the cost of

constructing a new fire station in the vicinity of Liberty Station at the time the project applicant(s) request issuance of a certificate of occupancy, the project applicant(s) shall enter into a reimbursement agreement or other arrangement with the City of San Diego to provide for payment of their fair share amount when determined by the City of San Diego. Although implementation of this mitigation measure (MM PUB-2) could mitigate cumulative impacts of the PMP Amendment on fire services to a less-than-significant level, the stated measures are within the jurisdiction of the City of San Diego and not the Port District. The City has identified the construction of the fire station at the Liberty Station (former Naval Training Center) as a Tier-2, low priority project. Although the City identified, in its comments on the Recirculated Portions of the Draft EIR, a facilities financing plan and a specific account for fair share payments, the Port District cannot assure that this mitigation measure would be implemented as and when needed. Therefore, despite the incorporation of Mitigation Measure PUB-2, future hotel development's contribution to the cumulative impact to fire protection services is considered significant and unmitigated, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

#### **5.5.2 Significant Impact PUB-C4**

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact to Public Services and Utilities (Solid Waste) due to the amount of solid waste generated by future hotel development, which would construct a commercial building greater than 40,000 square feet, the threshold for cumulative solid waste impacts. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the PMP Amendment which avoid or substantially lessen the significant cumulative environmental effect to Public Services and Utilities (Solid Waste) as identified in the EIR.

**Finding:** The potential significant cumulative impact to Public Services and Utilities (Solid Waste) will be mitigated to a level below significance by the Project Applicant preparing a waste management plan for the Proposed Project. The waste management plan will be submitted to the City of San Diego Environmental Services Department for approval prior to the issuance of any demolition, grading, or construction permits. This measure is described in more detail in Mitigation Measure PUB-C2, which is set forth in full in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts), of the EIR. Implementation of this mitigation measure (Mitigation Measure PUB-C2) will reduce the potential cumulative impact to Public Services and Utilities (Solid Waste) to a level below significance.

## 5.6 Air Quality (Sea Level Rise/Climate Change)

**Potentially Significant Impact:** The EIR identifies a potentially significant cumulative impact related to Air Quality (Sea Level Rise/Climate Change Adaptation) in that sea level rise projected to occur by the year 2100 may result in a significant impact on future hotel development allowed under the proposed PMP Amendment. Detailed information and analysis regarding this significant cumulative impact is provided in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the PMP Amendment which avoid or substantially lessen the significant cumulative environmental effect related to Air Quality (Sea Level Rise/Climate Change Adaptation) identified in the EIR.

**Finding:** The potential significant cumulative impact to Air Quality (Sea Level Rise/Climate Change Adaptation) will be mitigated to a level below significance by requiring that all proposals for future hotel development shall take into account the updated information regarding future sea level rise available at that time and shall include in their design the adaptive strategies, if any, necessary to accommodate potential sea level rise. Prior to the approval of a Coastal Development Permit for future hotel development, the project applicant(s) shall retain a qualified engineer who shall prepare for the Port District's review and approval an up-to-date, site specific analysis of the potential impacts of sea level rise by the year 2100 on the proposed hotel development. The analysis shall determine whether adaptive strategies for accommodating the potential for sea level rise and the potential for more frequent wave overtopping and wave-induced impact forces are necessary and, if so, shall recommend appropriate adaptive strategies such as the use of perimeter floodwalls or other flood barriers around either the outer margins of Harbor Island or the proposed development to be incorporated into the design of the proposed development. This measure is described in more detail in Mitigation Measure SLR-C1, which is set forth in full in Volume 6 (Revisions to Draft EIR), Section 9.3 (Cumulative Impacts) of the EIR. Implementation of this mitigation measure will reduce the potential cumulative impact to Air Quality (Sea Level Rise/Climate Change Adaptation) to a level below significance.

## 6.0 FINDINGS REGARDING PROJECT ALTERNATIVES

In preparing and adopting findings, a lead agency need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating the approval of a project with significant environmental impacts. Where the significant impacts can be mitigated to a level of insignificance solely by the adoption of mitigation measures, the lead agency has no obligation in drafting its findings to consider the feasibility of

environmentally superior alternatives, even if their impacts would be less severe than those of the project as mitigated. Accordingly, in adopting the findings concerning alternatives for the proposed project, the Port District considers only those significant environmental impacts that cannot be avoided or substantially lessened through mitigation.

Where a project will result in some unavoidable significant environmental impacts even after application of all feasible mitigation measures identified in an EIR, the lead agency must evaluate the project alternatives identified in the EIR. Under such circumstances, the lead agency must consider the feasibility of alternatives to the project which could avoid or substantially lessen the unavoidable significant environmental impacts. "Feasible" means capable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social and technological factors (CEQA Guidelines §15364).

If there are no feasible project alternatives, the lead agency must adopt a Statement of Overriding Considerations with regard to the project pursuant to CEQA Guidelines §15093. If there is a feasible alternative to the project, the lead agency must decide whether it is environmentally superior to the proposed project. The lead agency must consider in detail only those alternatives which could feasibly attain most of the basic objectives of the project; however, the lead agency must consider alternatives capable of eliminating significant environmental impacts even if these alternatives would impede to some degree the attainment of project objectives (CEQA Guidelines §15126.6(f)).

These findings contrast and compare the alternatives where appropriate in order to demonstrate that the selection of the Project has substantial environmental, planning, fiscal and other benefits. In rejecting certain alternatives, the Port District has examined the Project's objectives and weighed the ability of the various alternatives to meet the objectives. The Port District believes the Project best meets these objectives with the least environmental impact. The overall objectives of the Project are to (1) implement the Port Master Plan's goal to develop East Harbor Island with commercial recreation uses, (2) increase public use of the waterfront by providing additional visitor serving commercial recreation uses, (3) enhance public access to the waterfront by providing additional publicly accessible facilities and amenities consistent with the Port Master Plan, (4) promote East Harbor Island as a public waterfront destination, (5) strengthen the existing water-oriented commercial recreation uses on East Harbor Island, (6) provide a hotel that draws on the existing water-oriented commercial recreation uses on East Harbor Island, (7) provide a hotel that is in close proximity to San Diego International Airport as well as San Diego Bay, in order to minimize the need for vehicle miles traveled from arrival point, (8) provide a hotel that is a financially viable operation while minimizing the aesthetic changes on East Harbor Island, and (9) amend the Port Master Plan to allow the development of several small hotels that will provide a total of 500 rooms in place of one large

500-room hotel in Planning District 2, Subarea 23 (East Harbor Island). The objectives considered by the Port District are set forth in Section 1.3 above and in Volume 2 (Draft EIR), Section 2.2 (Introduction) of the EIR.

The EIR examined a reasonable range of alternatives to determine whether they could meet the Project's objectives while avoiding or substantially lessening one or more of the Project's unavoidable significant impacts. These findings also considered the feasibility of each alternative. In determining the feasibility of alternatives, the Port District considered whether the alternatives could be accomplished in a successful manner within a reasonable period of time in light of economic, environmental, social and technological factors, and whether the Port District can reasonably acquire, control or otherwise have access to the alternative sites (CEQA Guidelines §§ 15126(d)(5)(A), 15364).

The EIR concluded that the Project will result in unavoidable significant direct impacts on Public Services and Utilities, and unavoidable significant cumulative impacts on Traffic and Public Services and Utilities because even though these impacts could be avoided or reduced to a level below significance by the mitigation measures recommended in the EIR, the mitigation measures are within the jurisdiction of the City of San Diego and the Port District cannot assure that the City of San Diego will implement the mitigation measures as and when needed. Accordingly, the EIR analyzed two alternatives to the Project: the No Project Alternative and the Reduced Project Alternative. Detailed information and analysis concerning these alternatives are set forth in Volume 5 (Recirculated Portions of Draft EIR), Chapter 6 (Alternatives) of the EIR. The following section of these findings summarizes these alternatives and the feasibility of the alternatives as a means to reduce or avoid the unavoidable significant impacts associated with the Project.

## **6.1 No Project Alternative**

The No Project Alternative is an alternative which is required to be evaluated by CEQA (CEQA Guidelines § 15126(d)(2)). The No Project Alternative assumes that the Project will not be implemented and that existing land uses on the project site will remain unchanged and in their existing condition. The No Project Alternative serves as the alternative against which to evaluate the effects of the Project and other project alternatives.

Under the No Project Alternative, the Port District would maintain existing conditions on and around the Project site, with the existing facilities and parking areas left intact. No new development or alterations would be implemented on this portion of East Harbor Island, including structures, parking lots, landscaping, improvements to and extension of the public promenade. The PMP would not be amended to account for the Project, but would remain as is, with its current plan to construct a 500-room hotel on the parcel immediately west of the Project site (currently a rental car overflow parking lot).



Because it would entail no physical modification of the Project site, the No Project Alternative would avoid the Project-related significant impacts to Biological Resources, Hazards and Hazardous Materials, Noise, Geology and Soils, Public Services and Utilities (Direct and Cumulative), and Transportation, Traffic, and Parking (Cumulative) that were assessed for the Project.

However, the No Project Alternative is not a feasible alternative, as defined by CEQA, because it would not meet any of the Project objectives. It also would not provide any improvements that would promote East Harbor Island as a public waterfront destination nor would the commercial recreational uses on East Harbor Island be diversified. By omitting the aesthetic improvements of the Project site and the improvements to and extension of the promenade behind the hotel, the No Project Alternative would not improve or promote public access to the coast. The No Project alternative also would maintain the existing PMP and its provision for a hotel of up to 500 rooms on one site, which would concentrate potential impacts in one area rather than dispersing the allowable number of hotel rooms among multiple sites, with the concomitant potential for reducing environmental impacts.

The Port District finds that the No Project Alternative would not achieve any of the Project's objectives and would preclude obtaining the benefits of the Project, including the enhancement of public access. The Port District finds that all potential significant environmental impacts of the Project will be mitigated by the design of the Project and the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, except the Project's significant impact on Public Services and Utilities (Fire Protection Services) and cumulative significant impacts on Traffic and Public Services and Utilities (Fire Protection Services). The Port District further finds that, although the No Project Alternative would avoid or substantially lessen the significant potential impact on Public Services and Utilities (Fire Protection Services) and cumulative significant impacts on Traffic and Public Services and Utilities (Fire Protection Services) in the project area, the No Project alternative is infeasible because it would not attain any of the project objectives and would not provide the Port District and the region with any of the benefits of the Project described above and in the Statement of Overriding Considerations, and thus would be undesirable from a policy standpoint. For the potential significant impacts which cannot be avoided or mitigated to a level below significance, therefore, the Port District adopts the Statement of Overriding Considerations below pursuant to CEQA Guidelines §15093.

## **6.2 Reduced Project Alternative**

The Reduced Project Alternative considered the construction and operation of two options for a hotel with fewer rooms than the Sunroad Hotel Project: (1) a 69-room hotel; and (2) a 123-room hotel. This alternative was selected for analysis because a reduction in the number of hotel rooms—and the related reduction in onsite activity—would reduce and in some cases avoid the significant cumulative traffic impacts identified for the Project. Under this alternative, the Sunroad Hotel Project site would still undergo redevelopment, with construction of a hotel and parking areas and improvements to and extension of the promenade behind the hotel and a development footprint identical to that of the Sunroad Hotel Project. However, the Reduced Project Alternative would reduce the number of rooms in the hotel by 60% and 30%, from a total of 175 rooms described for the Sunroad Hotel Project to 69 rooms and 123 rooms, but would retain the same amount of meeting space and common areas set forth in the Proposed Project. The reduction in rooms would be accomplished by reducing the height of the hotel building from four stories to two stories (69 rooms) or three stories (123 rooms). The parking areas and promenade improvements would be the same as in the Sunroad Hotel Project.

The potential impacts of the Reduced Project Alternative are discussed in detail in Chapter 6, Section 6.2.2 of Volume 5 (Recirculated Portions of Draft EIR) of the EIR. The Reduced Project Alternative would eliminate the significant cumulative traffic impacts identified in the EIR as Significant Impacts TR-C5 and TR-C6. Although it also would reduce the Project's contribution to the significant cumulative traffic impacts identified in the EIR as Significant Impacts TR-C1, TR-C2, TR-C3, and TR-C4, these impacts would still require mitigation and, as with the Project, the Port District cannot assure the mitigation will be implemented as and when needed because the mitigation is within the exclusive jurisdiction of the City of San Diego.

The Reduced Project Alternative would not reduce or substantially avoid any of the other significant impacts identified for the Project, and would require all of the same mitigation measures recommended for the Project to reduce the impacts to a level below significance. As with the Project, this alternative would result in significant impacts related to Biological Resources, Hazards and Hazardous Materials, Noise, Geology and Soils, and Public Services. Also as with the Project, the Port District cannot assure the mitigation recommended for significant impacts on fire protection services will be implemented as and when needed because the mitigation is within the exclusive jurisdiction of the City of San Diego. Like the Project, therefore, the Reduced Project Alternative may result in a significant and unmitigated impact related to fire protection facilities.

The Reduced Project Alternative would achieve some of the Project objectives stated in Section 2.2 of this EIR. However, the Reduced Project Alternative would not achieve the following fundamental objectives of the Project:

*Implement the Port Master Plan's goal to develop East Harbor Island with commercial recreation uses:* Hotels are designated as commercial recreation uses in the Port Master Plan (PMP). The existing PMP anticipates the development of a high quality 500 room hotel on East Harbor Island (Subarea 23). This hotel was anticipated on the parcel immediately west of the Project site, which is currently used for rental car overflow parking. The PMP Amendment would allow the presently authorized 500 rooms to be constructed by way of up to three smaller hotels on East Harbor Island, one of which would be the proposed 175-room Sunroad Hotel Project. The Reduced Project Alternative would reduce the number of hotel rooms on the Sunroad Hotel Project site and increase the number of hotel rooms to be developed on other sites in the subarea authorized by the PMPA. In addition, there presently are no plans to redevelop any of the other sites designated for hotel use in the PMPA in the Harbor Island Planning District (Planning District 2). Accordingly, a reduction in the number of hotel rooms developed on the Project site by either 30% (123-room hotel) or 60% (69-room hotel) would further delay and potentially make it more difficult for the Port District to (a) achieve the Project objective of developing East Harbor Island with the commercial recreation uses envisioned in the PMP, and (b) achieve the PMP's existing goal of developing 500 hotel rooms on East Harbor Island.

*Increase public use of the waterfront by providing additional visitor serving commercial recreation uses:* Hotels are designated as commercial recreation uses in the PMP. The existing PMP anticipated the development of a high quality hotel of approximately 500 rooms for the east end of Harbor Island (Subarea 23). This hotel was anticipated on the parcel immediately west of the Sunroad Hotel Project site, which is currently used for rental car overflow parking. The PMP Amendment would allow the presently authorized 500 rooms to be constructed by way of up to three smaller hotels on East Harbor Island. The proposed 175-room Sunroad Hotel Project would be included in the 500 rooms. The Reduced Project Alternative would reduce the number of hotel rooms on the Sunroad Hotel Project site by either 30% (123-room hotel) or 60% (69-room hotel). Such a substantial reduction in the number of hotel rooms would result in fewer commercial recreation facilities and users and would be contrary to the Project objective of increasing public use of the

waterfront. In addition, a reduction in the number of hotel rooms may result in the need for increased room rates in order to offset the loss of revenue which would result from a substantial reduction in the number of hotel rooms.

*Provide a hotel that is in close proximity to San Diego International Airport as well as San Diego Bay, in order to minimize the need for vehicle miles traveled from arrival point.* The Reduced Project Alternative would reduce the number of hotel rooms on the Sunroad Hotel Project site by either 30% (123-room hotel) or 60% (69-room hotel). There presently are no plans to develop or redevelop any other sites designated by the PMPA for hotel use on Harbor Island to provide additional hotel rooms in close proximity to the SDIA. As a result, the Reduced Project Alternative would increase, rather than minimize, vehicle miles traveled by requiring persons seeking lodging in close proximity to the SDIA to travel further to downtown San Diego or other more distant locations to find available lodging.

*Provide a hotel that is a financially viable operation while minimizing the aesthetic changes on East Harbor Island.* The Reduced Project Alternative would reduce the number of hotel rooms on the Sunroad Hotel Project site by either 30% (123-room hotel) or 60% (69-room hotel). According to the Project Applicant, a substantial reduction in the number of hotel rooms would result in an equivalent reduction in project revenues without a corresponding reduction in operating costs and would not provide sufficient revenue to provide a commercially viable return on investment. As a result, the Reduced Project Alternative may make it impossible to accomplish the Project objective of providing a hotel that is a financially viable operation while minimizing the aesthetic changes on East Harbor Island.

The Port District finds that all potential significant environmental impacts of the Project will be mitigated by the design of the Project and the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, except the Project's significant impact on Public Services and Utilities (Fire Protection Services) and cumulative significant impacts on Traffic and Public Services and Utilities (Fire Protection Services). The Port District further finds that, although the Reduced Project Alternative would avoid or substantially lessen the cumulative significant impacts on Traffic, it would not avoid or substantially lessen the potential significant direct and cumulative impacts on Public Services and Utilities (Fire Protection Services) in the project area. The Port District further finds that the Reduced Project Alternative is infeasible

because it would not attain several of the fundamental objectives of the Project and would not provide the Port District and the region with all of the benefits of the Project described above and in the Statement of Overriding Considerations, and thus would be undesirable from a policy standpoint. For the potential significant impacts which cannot be avoided or mitigated to a level below significance, therefore, the Port District adopts the Statement of Overriding Considerations below pursuant to CEQA Guidelines §15093.

## **7.0 STATEMENT OF OVERRIDING CONSIDERATIONS**

The Project would have significant unavoidable environmental impacts on the following areas, which are described in detail in Volume 2 (Draft EIR), Section 4.10 (Public Services and Utilities), Volume 5 (Recirculated Portions of Draft EIR), Chapter 5 (Cumulative Impacts), and Volume 6 (Revisions to Draft EIR) of the Final EIR:

- Direct and cumulative Public Services and Utilities (Fire Protection Services) impacts resulting from the primary responding fire station being above its workload capacity;
- Cumulative Transportation, Traffic, and Parking (Traffic) impacts resulting from the Project's incremental contribution to Project area intersections and roadway segments.

The Port District has recommended that the public agency with exclusive jurisdiction over fire protection services and traffic facilities and improvements adopt all feasible mitigation measures with respect to the significant unavoidable environmental impacts. Although implementation of the recommended mitigation measures could avoid or substantially lessen these unavoidable environmental impacts, the mitigation measures are within the exclusive jurisdiction of the City of San Diego and the Port District cannot assure that they will be implemented as and when needed. The Port District also has analyzed a reasonable range of alternatives to the Project, including the No Project Alternative and the Reduced Project Alternative. Based on the evidence contained in the EIR and presented during the administrative proceedings, the Port District has determined that none of these alternatives meets the fundamental objectives of the Project and is feasible and environmentally preferable to the Project as approved.

Pursuant to CEQA Guidelines §§ 15043 and 15093, therefore, the Port District must adopt a "Statement of Overriding Considerations" in order to approve the Project. A Statement of Overriding Considerations allows a lead agency to determine that specific economic, social or other expected benefits of a proposed project outweigh its potential significant unavoidable environmental risks. Although the Port District has no obligation under CEQA to adopt a Statement of Overriding Considerations for significant impacts which will be mitigated to a level below significance, the Port District wishes to make clear its view that the

benefits of the Project described below are of such importance to the community as to outweigh all significant adverse impacts described in the Final EIR or suggested by participants in the public review process.

Pursuant to CEQA Guidelines §15093, the Port District hereby finds that the Project would have the following benefits and that each of the following benefits is a separate and independent basis for overriding the unavoidable significant environmental impacts identified above:

- The Project will advance the goal articulated in the Port's mission statement which provides: "While protecting the Tidelands Trust resources, the Port will balance economic benefits, community services, environmental stewardship, and public safety on behalf of the citizens of California." The Project will provide a stimulus to the local economy through the creation of temporary and permanent jobs for the construction and operation of the hotel component of the Project. In addition, the Project site is strategically located adjacent to the San Diego International Airport and the new hotels will be available for future visitor and public uses that will provide community services to residents and visitors to the San Diego region.
- The Sunroad Hotel Project will increase employment opportunities within the region by providing approximately 90 temporary jobs during construction and 25 permanent jobs during operation of the new hotel component of the Project.
- The Project will provide a benefit to the community by creating new and improved public access and shoreline enhancements in the Project area.
- The Project will stimulate economic growth for the Port, City of San Diego and the overall region and will develop economically feasible land uses in the Project area. The plan will be economically sustainable, generate revenue, and will encourage private sector participation.
- The Project will provide an overall improvement of land use compatibility to fulfill desired goals of the PMP for an active recreational and commercial area, while providing enhanced public access resources, by amending the PMP to allow for development of the currently allowed maximum of 500 hotel rooms in the East Harbor Island Subarea to be dispersed among up to three sites rather than concentrated on one site.
- The Project will provide a benefit to the community by incorporating energy conservation and sustainability features into its design and construction that will provide energy and water efficiency equivalent to 15% in excess of standards required by Title 24 of the California Code of Building Regulations.

- Although it cannot mitigate the unavoidable environmental impacts to a level below significance, the Project will incorporate design features and will implement mitigation measures intended to minimize to the extent feasible the potential impacts to Biological Resources, Hazards and Hazardous Materials, Geology and Soils, Noise, Parking, Public Services and Utilities (Sewer and Solid Waste), and Sea Level Rise generated by the Project.

The Port District has weighed the benefits of the Project against its potential significant unavoidable environmental risks in determining whether to approve the Project. After balancing the specific economic, legal, social, technological, and other benefits of the Project, the Board of Port Commissioners has determined that the unavoidable, significant environmental impacts of the Project are considered "acceptable" because the specific considerations identified above outweigh the significant unavoidable environmental impacts of the Project. Each of the benefits and the fulfillment of the objectives of the Project, as stated herein, are determined to be a separate and independent basis for overriding the unavoidable significant environmental impacts identified above. For the foregoing reasons, therefore, the Port District finds that the Project's potential significant unavoidable environmental impacts are outweighed by the benefits described above.

# Mitigation Monitoring and Reporting Program

## Purpose

The purpose of this Mitigation Monitoring and Reporting Program (MMRP) is to ensure that the Sunroad Harbor Island Hotel Project and other future hotel development associated with the East Harbor Island Subarea Port Master Plan Amendment implement environmental mitigation, as required by the Revised Final Environmental Impact Report (EIR) for the Sunroad Harbor Island Hotel Project and East Harbor Island Port Master Plan Amendment. Those mitigation measures have been integrated into this MMRP. The MMRP provides a mechanism for monitoring the mitigation measures in compliance with the EIR, and general guidelines for the use and implementation of the monitoring program are described below.

This MMRP is written in accordance with California Public Resources Code 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. Public Resources Code Section 21081.6 requires the Lead Agency, for each project that is subject to CEQA, to adopt a reporting or monitoring program for changes made to the project, or conditions of approval, adopted in order to mitigate or avoid significant effects on the environment and to monitor performance of the mitigation measures included in any environmental document to ensure that implementation takes place. The San Diego Unified Port District (SDUPD) is the designated Lead Agency for the MMRP. The Lead Agency is responsible for review of all monitoring reports, enforcement actions, and document disposition. The Lead Agency will rely on information provided by a monitor as accurate and up to date and will field check mitigation measure status as required.

The Port District may modify how it will implement a mitigation measure, as long as the alternative means of implementing the mitigation still achieve the same or greater attenuation of the impact. Copies of the measures shall be distributed to the participants of the monitoring effort to ensure that all parties involved have a clear understanding of the mitigation monitoring measures adopted.

## Format

Mitigation measures applicable to the project include avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, and/or requiring supplemental structural controls. Within this document, mitigation measures are organized and referenced by subject category. The subject categories include: (1) biological resources; (2) hazards and hazardous materials; (3) noise; (4) geology and soils; (5) public services and utilities; (6) transportation, traffic, and parking; and (7) sea level rise. Each of the mitigation measures has a numerical reference. The following items are identified for each mitigation measure:

- Responsible party
- Mitigation Timing



■ **Monitoring and Reporting Procedure**

## **Responsible Party**

For each mitigation measure, the party responsible for monitoring implementation and verifying completion of the mitigation measure is identified. The responsible party shall implement the mitigation measures.

## **Mitigation Timing**

The mitigation measures required for the project(s) will be implemented at various times before construction, during construction, prior to project completion, or during project operation.

## **Monitoring and Reporting Procedure**

Includes the procedures for documenting and reporting mitigation implementation efforts. The respective Project Applicant is responsible for implementation of all mitigation measures.

**Mitigation Monitoring and Reporting Program**

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<b>Mitigation Measures for 175-room Hotel Project</b>			
<b>BIOLOGICAL RESOURCES</b>			
<p><b>MM BIO-1: Avoid Nesting Season for Birds or Conduct Preconstruction Nesting Surveys</b></p> <p>To ensure compliance with Migratory Bird Treaty Act (MBTA) and similar provisions under the Fish and Game Code, the Project Applicant or its contractor shall implement one of the following restrictions:</p> <ol style="list-style-type: none"> <li>1. Conduct all vegetation removal during the non-breeding season (between September 1 and January 31).</li> </ol> <p>OR</p> <ol style="list-style-type: none"> <li>2. If construction activities are scheduled between February 1 and August 31, a qualified ornithologist (with knowledge of the species to be surveyed) shall conduct a focused nesting survey prior to the start of vegetation removal and within any potential nesting habitat (mature trees, eaves on buildings, etc).</li> </ol> <p>The nesting bird survey area shall include the entire limits of disturbance plus a 300-foot buffer for non-raptors and a 500-foot buffer for ground-nesting raptors. The nesting surveys shall be conducted within 1 week prior to initiation of construction activities and shall consist of a thorough inspection of the Project site by a qualified ornithologist(s). The work shall occur between sunrise and 12:00 p.m. when birds are most active. If no active nests are detected during these surveys, no additional mitigation is required.</p> <p>If the survey confirms nesting within 300 feet of the disturbance footprint for non-raptors or within 500 feet for raptors, a no-disturbance buffer shall be established around each nest site to avoid disturbance or destruction of the nest until after the nesting season or after a qualified</p>	<p>Sunroad Marina Partners, LP</p>	<p>Throughout Construction</p>	<p>Contractor to confirm with Port District that vegetation removal was completed outside of breeding season</p> <p><b>OR</b></p> <p>Contractor will report the results of the focused nesting survey to the Port District. If survey confirms nesting within 300 feet of the disturbance footprint for non-raptors or 500 feet for raptors, report to Port that buffers are in place to protect nesting birds during vegetation removal and construction activities.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>ornithologist determines that the young have fledged. The size of the no-disturbance buffer shall be determined by the qualified biologist at the time of discovery. If there is a delay of more than 7 days between when the nesting bird survey is performed and vegetation removal begins, it shall be confirmed that no new nests have been established.</p>			
<p><b>HAZARDS AND HAZARDOUS MATERIALS</b></p>			
<p><b>MM HZ-1a:</b> Prior to the initiation of construction activities, the Project Applicant shall prepare and submit to the Port District’s Environmental Services Department for approval, a contingency plan outlining the procedures to be followed by the Project Applicant and/or contractor in the event that undocumented areas of contamination are encountered during construction activities. The contingency plan shall provide, at a minimum, that in the event undocumented areas of contamination are discovered during construction activities, the Project Applicant and/or its contractor shall discontinue construction activities in the area of suspected contamination and shall notify the Port District forthwith, and, in consultation with the County of San Diego Department of Environmental Health’s Hazardous Materials Division and subject to the review and approval of the Port District and any other public agency with jurisdiction over the contamination encountered, the Project Applicant shall prepare a plan for abatement and remediation of the contamination. Construction activities shall be discontinued until the Project Applicant and/or contractor has implemented all appropriate health and safety procedures required by the Port District and any other agency with jurisdiction over the contamination encountered.</p>	<p>Sunroad Marina Partners, LP</p>	<p>Prior to Construction</p>	<p>Contractor to prepare and submit to the Port District’s Environmental and Land Use Management Department for approval, a contingency plan outlining the procedures to be followed by the Project Applicant and/or contractor in the event that undocumented areas of contamination are encountered during construction activities.  Contractor to notify Port District/County Department of Environmental Health if contaminated soils encountered.</p>
<p><b>MM HZ-1b:</b> Prior to the initiation of construction activities, the Project Applicant shall prepare a Site Safety Plan to address possible hazardous materials present within the Project Site associated with the UST that was removed, the marina and past use of the surrounding areas for industrial purposes including aerospace and other industries. The Site Safety Plan shall be subject to Port of San Diego approval, and, if deemed appropriate, the Project Applicant shall, in consultation with the County of San Diego Department of Environmental Health, be prepared to address hazardous construction-related activities within the boundaries of the Project site to reduce potential health and safety hazards to workers and the public.</p>	<p>Sunroad Marina Partners, LP</p>	<p>Prior to Construction</p>	<p>Prior to the initiation of construction activities, the Contractor shall prepare a Site Safety Plan to address possible hazardous materials present within the Project Site to the Port District.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<b>NOISE</b>			
<p><b>MM NOI-1: Reduction of interior noise levels below 45-dBA (CNEL) interior noise requirement.</b></p> <p>The proposed hotel shall include noise insulation features such that an interior noise level of 45 dBA (CNEL) is achieved. An acoustical consultant shall be retained by the Project Applicant prior to commencement of construction to review Proposed Project construction-level plans to ensure that the hotel plans incorporate measures that will achieve the 45 dBA (CNEL) standard. Noise insulation features that could be installed include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>1. Acoustically rated dual pane windows and sliding glass door assemblies</li> <li>2. Heavy-weight drapes and thick carpets for sound absorption</li> </ol> <p>The following minimal performance requirements as specified by the project's franchiser (Hyatt Place Franchising, LLC) shall be adhered to as they pertain to interior/exterior sound transmission loss:</p> <ul style="list-style-type: none"> <li>■ Exterior wall assemblies and walls between guestrooms shall have a minimum sound transmission class (STC) rating of 52</li> <li>■ Walls between guestrooms and stairwells shall have a minimum STC rating of 60</li> <li>■ All floor/ceiling assemblies shall have a minimum STC rating of 60</li> <li>■ Guest room entry doors shall receive full-frame sound insulation stripping</li> </ul>	<p>Sunroad Marina Partners, LP</p>	<p>Prior to Construction</p>	<p>An acoustical consultant shall be retained by the Project Applicant prior to commencement of construction to review Proposed Project construction-level plans to ensure that the hotel plans incorporate measures that will achieve the 45 dBA (CNEL) standard. Construction level plans showing adherence to standards will be provided to the Port District and the City of San Diego.</p>
<b>GEOLOGY AND SOILS</b>			
<p><b>MM GEO-1:</b> To reduce the soil liquefaction and lateral spreading potential beneath the surface of the site, the Project Applicant shall implement all of the measures recommended in the Geocon Study (Appendix H1 of the Draft EIR) including the following site design criteria:</p>	<p>Sunroad Marina Partners, LP</p>	<p>Prior to Construction</p>	<p>The Project Applicant shall implement all of the measures recommended in the Geocon Study (Appendix H1 of the Draft EIR) including the following site design</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
I. Except for stone columns and HEAT Anchor methods, dewatering shall be undertaken for excavations below an elevation of 5 feet above mean sea level (MSL).			criteria. The site plans showing the design criteria will be submitted to the Port District and the City of San Diego.
II. Ground improvements or deep foundations shall be implemented in conformance with the California Building Code (CBC) site design criteria for Type B faults, which include the Rose Canyon Fault zone, as summarized in the following table:			

Site Design Criteria

Parameter	Ground Improvements	Deep Foundations	CBC Reference
Seismic Zone Factor	0.40	0.40	Table 16-I
Soil Profile	$S_D$	$S_F$	Table 16-J
Seismic Coefficient, $C_a$	0.57	0.57	Table 16-Q
Seismic Coefficient, $C_v$	1.02	1.87	Table 16-R
Near-Source Factor, $N_a$	1.3	1.3	Table 16-S
Near-Source Factor, $N_v$	1.6	1.6	Table 16-T
Seismic Source	B	B	Table 16-U

**Notes:**

$S_D$  is the soil profile type that contains types of soils that are vulnerable to potential failure or collapse under seismic loading. This soil is often liquefiable.

$S_F$  is the soil profile type that contains dense granular soil or stiff cohesive soil.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p><math>C_a</math> is the seismic response coefficient for proximity and is defined by site conditions such as seismic zone and soil profile type. <math>C_a</math> is determined using Table 16-Q of the CBC.</p> <p><math>C_v</math> is the seismic response coefficient and is defined by site conditions such as seismic zone and soil profile type. <math>C_v</math> is determined using Table 16-R of the CBC.</p> <p><math>N_a</math> is the near-source factor for <math>C_a</math> and is defined by the seismic source type and the closest distance to a known seismic source. <math>N_a</math> is determined using Table 16-S of the CBC.</p> <p><math>N_v</math> is the near-source factor for <math>C_v</math> and is defined by the seismic source type and the closest distance to a known seismic source. <math>N_v</math> is determined using Table 16-T of the CBC.</p> <p>B is the seismic source type between A—faults that produce the largest magnitude events with high rates of seismic activity, and C—faults that are not capable of producing large magnitude events and have low rates of seismic activity. B is determined using Table 16-U of the CBC.</p>			
<p>A. As recommended in the Geotech Study, ground improvements to mitigate the effects of liquefiable soils and lateral spreading shall be implemented for settlement-sensitive structures (such as the use of stone columns or the HEAT method). In addition, ground improvements for lateral spreading will be extended at least 5 feet below the mud line of the adjacent San Diego Bay along the existing shoreline, and for all structures the minimum depth of ground improvements will be as specified by the Geotech Study conducted by Geocon in March 2006.</p> <p>B. The Project Applicant shall follow recommendations listed in the Geotech Study conducted by Geocon in March 2006 for ground densification methods, minimum cone penetration test (CPT) tip resistance, minimum Standard Penetration Test (SPT), the installation of stone columns, and deep soil mixing.</p> <p>C. Following densification of the existing soils, the Project Applicant shall place additional fill material on the site to re-establish existing grades of between approximately 13 to 16 feet above MSL.</p>			

<b>Proposed Mitigation</b>	<b>Responsible Party</b>	<b>Mitigation Timing</b>	<b>Monitoring and Reporting Procedure</b>
<p>III. The Project Applicant shall consult with a geotechnical engineer regarding placement of settlement monuments and recommended Grading Specifications.</p>			
<p>IV. Site preparation shall begin with the removal of all deleterious material and vegetation. The depth of removal should be such that material exposed in cut areas or soil to be used as fill is relatively free of organic matter. Material generated during stripping and/or site demolition shall be exported from the site.</p>			
<p>A. The upper 3 feet of soil within areas subjected to densification by stone columns shall be removed, moisture conditioned and recompact.</p>			
<p>B. The Project Applicant shall follow the recommended procedures listed in the Geotech Study with respect to removal of existing fill soil and insertion of new fill. In addition, any imported soils shall have an expansion index of less than 50 and a maximum particle dimension of 3 inches.</p>			
<p>V. The Project Applicant shall follow the recommendations set by in the Geotech Study for the Proposed Project regarding foundations for the structures.</p>			
<p>A. A geotechnical engineer shall observe foundation excavations to verify that the exposed soil conditions are consistent with those anticipated and that they have been extended to the appropriate bearing strata.</p>			
<p>VI. The Project Applicant shall follow the recommendations set in the Geotech Study for the Proposed Project with regard to utilization of ground foundations such as deep foundations, when they shall be required.</p>			
<p>VII. Where proposed, buildings can be supported by shallow or mat foundations in improved ground, or by deep foundations capable of transmitting foundation loads through the hydraulic fill and bay deposits into the Bay Point Formation. Such foundation systems include the following:</p>			
<p>A. Foundation excavations shall be observed by the geotechnical</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>engineer prior to the placement of reinforcing steel and concrete to verify that the exposed soil conditions are consistent with those anticipated. If unanticipated soil conditions are encountered, foundation modifications may be required.</p> <p>VIII. The Project Applicant shall follow recommendations listed on the Geotech Study regarding the use of concrete slab-on-grade, including guidelines for crack-control spacing.</p> <p>IX. In addition to the extensive mitigation measures listed above, the Geotech Study provides detailed recommendations for the appropriate engineering of other Project components including retaining walls, pavement, and drainage. These measures shall also be implemented.</p> <p><b>PUBLIC SERVICES AND UTILITIES</b></p> <p><b>MM PUB-1:</b> Prior to the issuance of a certificate of occupancy for the Proposed Project, the Project Applicant shall pay its fair share of the cost of constructing a new fire station in the vicinity of Liberty Station in the amount determined by the City of San Diego. This fire station is within the Peninsula Public Facilities Financing Plan, Fiscal Year 2001 community boundary. The fair share contribution shall be paid to the City of San Diego and will be deposited into the Developer Contribution Fund No. 200636. In the event the City of San Diego has not determined the amount of the Proposed Project's fair share of the cost of constructing a new fire station in the vicinity of Liberty Station at the time the Proposed Project requests issuance of a certificate of occupancy, the Project Applicant shall enter into a reimbursement agreement or other arrangement with the City of San Diego to provide for payment of its fair share amount when determined by the City of San Diego.</p>	<p>Sunroad Marina Partners, LP</p>	<p>Prior to issuance of certificate of occupancy</p>	<p>Pay fair share of the cost of constructing a new fire station at Liberty Station in the amount determined by the City of San Diego.</p>
<p><b>MM PUB-C1:</b> Prior to the issuance of any demolition, grading, or</p>	<p>Sunroad Marina</p>	<p>Prior to demolition,</p>	<p>Prepare a waste management plan</p>

\* Implementation of mitigation measure MM PUB-1 could mitigate impacts of the proposed 175-room hotel on fire services to a less-than-significant level; however, the stated mitigation measure is contingent on the action of the City of San Diego and is outside of the jurisdiction of the Port District. The City has identified the construction of the fire station in the vicinity of Liberty Station (former Naval Training Center) as a Tier-2, low priority project. Because the Port District cannot assure that this mitigation measure would be implemented when needed, the impacts are considered significant and unmitigated.



Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>construction permits, the Project Applicant shall prepare a waste management plan and submit it for approval to the City’s Environmental Services Department. The plan shall include the following, as applicable:</p> <ul style="list-style-type: none"> <li>■ Tons of waste anticipated to be generated</li> <li>■ Material type of waste to be generated</li> <li>■ Source separation techniques for waste generated</li> <li>■ How materials will be reused on site</li> <li>■ Name and location of recycling, reuse, and landfill facilities where recyclables and waste will be taken if not reused on site</li> <li>■ A “buy-recycled” program for green construction products, including mulch and compost</li> <li>■ How the project will aim to reduce the generation of construction/ demolition debris</li> <li>■ How waste reduction and recycling goals will be communicated to subcontractors</li> <li>■ A timeline for each of the three main phases of the Project (demolition, construction, and occupancy)</li> <li>■ How the Refuse and Recyclable Materials Storage Regulations will be incorporated into construction design of building’s waste area</li> <li>■ How compliance with the Recycling Ordinance will be incorporated into the operational phase</li> <li>■ International Standards of Operations, or other certification, if any</li> </ul> <p>In addition, the Project Applicant has committed to implement the following recycling measures. These measures shall be included in the Waste Management Plan:</p> <ul style="list-style-type: none"> <li>■ Provide interior and exterior storage areas for recyclables and green waste and provide adequate recycling containers on site.</li> </ul> <p>Provide education and publicity about recycling and reducing waste, using signage and a case study.</p>	<p>Partners, LP</p>	<p>grading or construction permits</p>	<p>and submit it for approval to the City’s Environmental Services Department and a copy of the City-approved plan to the Port District.</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<b>TRANSPORTATION, TRAFFIC AND PARKING</b>			
<p><b>MM TR-C1: North Harbor Drive / Harbor Island Drive / Terminal 1 intersection (East Airport Entrance).</b></p> <p>The Project Applicant shall contribute a fair share percentage of 9.0% towards restriping the northbound approach to provide a left-turn lane, a shared left-turn/thru lane, a thru lane, and a right-turn lane. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. The improvements at this intersection shall include the following: remove the northbound right-turn lane's "free" movement and introduce right-turn "overlap" phasing; retain the north/south "split" signal phasing; and restripe the eastbound approach to convert the right-turn lane to a shared/thru right-turn lane. Modifications to the triangular median in the southeast portion of the intersection are expected. #</p>	Sunroad Marina Partners, LP	Prior to issuance of building permits	Pay a fair share percentage of 9.0% towards restriping the northbound approach to provide a left-turn lane, a shared left-turn/thru lane, a thru lane, and a right-turn lane. The fair share contribution shall be paid to the City of San Diego traffic impact fee program.
<p><b>MM TR-C2: North Harbor Drive / Rental Car Access Road intersection.</b></p> <p>The Project Applicant shall contribute a fair share percentage of 1.8% towards the reconfiguration of the westbound approach to provide an additional thru lane. To accommodate the additional lane, widening and modifications to the median / roadway shall be required. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. #</p>	Sunroad Marina Partners, LP	Prior to issuance of building permits	Pay fair share percentage of 1.8% towards the reconfiguration of the westbound approach to provide an additional thru lane. To accommodate the additional lane, widening and modifications to the median / roadway shall be required. The fair share contribution shall be paid to the City of San Diego traffic impact fee program.
<p><b>MM TR-C3: North Harbor Drive / Laurel Street intersection.</b></p> <p>The Project Applicant shall contribute a fair share percentage of 2.2%</p>	Sunroad Marina Partners, LP	Prior to issuance of building permits	Pay a fair share percentage of 2.2% towards the reconfiguration of the eastbound approach to provide a

# Implementation of Mitigation Measures MM TR-C1 through MM TR-C6 would mitigate impacts of the proposed 175-room hotel project to less-than-significant levels. However, the intersections and street segments to be improved are within the jurisdiction of the City of San Diego. The mitigation measures are, therefore, contingent upon the action of the City of San Diego and are outside of the jurisdiction of the Port District. In addition, the City does not have an adopted plan or program that lists these intersection or street segment improvements. Therefore, the Port District cannot assure that these measures would be implemented, and the impacts would remain significant and unmitigated until the mitigation is implemented.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>towards the reconfiguration of the eastbound approach to provide a third left-turn lane and restriping the south-bound approach to provide a single shared left-turn/right-turn lane. To accommodate the additional lane, widening and modifications to the median/roadway shall be required. All three eastbound lanes on Laurel Street shall continue to Pacific Highway, where the number 1 lane would trap into the left-turn lane(s). An overhead sign bridge(s) shall be implemented to instruct drivers of the trap lane. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. #</p>			<p>third left-turn lane and restriping the south-bound approach to provide a single shared left-turn/right-turn lane. The fair share contribution shall be paid to the City of San Diego traffic impact fee program.</p>
<p><b>MM TR-C4: Pacific Highway/Hawthorn Street intersection.</b></p> <p>The Project Applicant shall contribute a fair share percentage of 1.7% towards restriping the westbound approach of Hawthorn Street to provide a dedicated left-turn lane in addition to the three through lanes. To accommodate the additional lane, all curbside parking on Hawthorn Street will have to be prohibited between Pacific Highway and the railroad tracks. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. #</p>	<p>Sunroad Marina Partners, LP</p>	<p>Prior to issuance of building permits</p>	<p>Pay a fair share percentage of 1.7% towards restriping the westbound approach of Hawthorn Street to provide a dedicated left-turn lane in addition to the three through lanes. The fair share contribution shall be paid to the City of San Diego traffic impact fee program.</p>
<p><b>MM TR-C5: North Harbor Drive between Harbor Island Drive and Rental Car Access Road street segment.</b></p> <p>The Project Applicant shall contribute a fair share percentage of 2.3% towards the addition of one lane. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. #</p>	<p>Sunroad Marina Partners, LP</p>	<p>Prior to issuance of building permits</p>	<p>Pay a fair share percentage of 2.3% towards the addition of one lane. The fair share contribution shall be paid to the City of San Diego traffic impact fee program.</p>

# Implementation of Mitigation Measures MM TR-C1 through MM TR-C6 would mitigate impacts of the proposed 175-room hotel to less-than-significant levels. However, the intersections and street segments to be improved are within the jurisdiction of the City of San Diego. The mitigation measures are, therefore, contingent upon the action of the City of San Diego and are outside of the jurisdiction of the Port District. In addition, the City does not have an adopted plan or program that lists these intersection or street segment improvements. Therefore, the Port District cannot assure that these measures would be implemented, and the impacts would remain significant and unmitigated until the mitigation is implemented.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p><b>MM TR-C6: North Harbor Drive between Rental Car Access Road and Laurel Street segment.</b></p> <p>The Project Applicant shall contribute a fair share percentage of 0.9% towards the addition of one lane. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. #</p>	<p>Sunroad Marina Partners, LP</p>	<p>Prior to issuance of building permits</p>	<p>Pay a fair share percentage of 0.9% towards the addition of one lane. The fair share contribution shall be paid to the City of San Diego traffic impact fee program.</p>

**Mitigation Measures for other future hotel development associated with the PMP Amendment**

<b>BIOLOGICAL RESOURCES</b>			
<p><b>MM BIO-2: Avoid Nesting Season for Birds or Conduct Preconstruction Nesting Surveys</b></p> <p>To ensure compliance with MBTA and similar provisions under the Fish and Game Code, the Project Applicant or its contractor shall implement one of the following restrictions:</p> <p>3. Conduct all vegetation removal during the non-breeding season (between September 1 and January 31).</p> <p>OR</p> <p>If construction activities are scheduled between February 1 and August 31, a qualified ornithologist (with knowledge of the species to be surveyed) shall conduct a focused nesting survey prior to the start of vegetation removal and within any potential nesting habitat (mature trees, eaves on buildings, etc).</p> <p>The nesting bird survey area shall include the entire limits of disturbance plus a 300-foot buffer for non-raptors and a 500-foot buffer for ground-</p>	<p>Future Project Applicant for Additional Hotel(s)</p>	<p>Throughout Construction</p>	<p>Contractor to confirm with Port District that vegetation removal was completed outside of breeding season</p> <p><b>OR</b></p> <p>Contractor will report the results of the focused nesting survey to the Port District. If survey confirms nesting within 300 feet of the disturbance footprint for non-raptors or 500 feet for raptors, report to Port that buffers are in place to protect nesting birds during vegetation removal and construction activities.</p>

# Implementation of Mitigation Measures MM TR-C1 through MM TR-C6 would mitigate impacts of the proposed 175-room hotel to less-than-significant levels. However, the intersections and street segments to be improved are within the jurisdiction of the City of San Diego. The mitigation measures are, therefore, contingent upon the action of the City of San Diego and are outside of the jurisdiction of the Port District. In addition, the City does not have an adopted plan or program that lists these intersection or street segment improvements. Therefore, the Port District cannot assure that these measures would be implemented, and the impacts would remain significant and unmitigated until the mitigation is implemented.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>nesting raptors. The nesting surveys shall be conducted within 1 week prior to initiation of construction activities and shall consist of a thorough inspection of the Project site by a qualified ornithologist(s). The survey work shall occur between sunrise and 12:00 p.m. when birds are most active. If no active nests are detected during these surveys, no additional mitigation is required.</p> <p>If the survey confirms nesting within 300 feet of the disturbance footprint for non-raptors or within 500 feet for raptors, a no-disturbance buffer shall be established around each nest site to avoid disturbance or destruction of the nest until after the nesting season or after a qualified ornithologist determines that the young have fledged. The size of the no-disturbance buffer shall be determined by the qualified biologist at the time of discovery. If there is a delay of more than 7 days between when the nesting bird survey is performed and vegetation removal begins, it shall be confirmed that no new nests have been established.</p>			

**HAZARDS AND HAZARDOUS MATERIALS**

<p><b>MM HZ-2a:</b> Prior to the initiation of construction activities, the Project Applicant for each hotel shall prepare and submit to the Port District’s Environmental and Land Use Management Department for approval, a contingency plan outlining the procedures to be followed by the Project Applicant and/or contractor in the event that undocumented areas of contamination are encountered during construction activities. The contingency plan shall provide, at a minimum, that in the event undocumented areas of contamination are discovered during construction activities, the Project Applicant and/or its contractor shall discontinue construction activities in the area of suspected contamination and shall notify the Port District forthwith, and, in consultation with the County of San Diego Department of Environmental Health’s Hazardous Materials Division and subject to the review and approval of the Port District and any other public agency with jurisdiction over the contamination encountered, the Project Applicant shall prepare a plan for abatement and remediation of the contamination. Construction activities shall be discontinued until the Project Applicant and/or contractor has implemented all appropriate health</p>	<p>Future Project Applicant for Additional Hotel(s)</p>	<p>Prior to commencement of Construction</p>	<p>Contractor to prepare and submit to the Port District’s Environmental and Land Use Management Department for approval, a contingency plan outlining the procedures to be followed by the Project Applicant(s) and/or contractor in the event that undocumented areas of contamination are encountered during construction activities.</p> <p>Contractor to notify Port District/County Department of Environmental Health if contaminated soils encountered.</p>
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Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>and safety procedures required by the Port District and any other agency with jurisdiction over the contamination encountered.</p>			
<p><b>MM HZ-2b:</b> Prior to the initiation of construction activities, the Project Applicant for each hotel shall prepare a Site Safety Plan to address possible hazardous materials present within the East Harbor Island Subarea associated with the UST that was removed, the marina and past use of the surrounding areas for industrial purposes including aerospace and other industries. The Site Safety Plan shall be subject to Port of San Diego approval, and, if deemed appropriate, the Project Applicant shall, in consultation with the County of San Diego Department of Environmental Health, be prepared to address hazardous construction-related activities within the boundaries of the hotel development to reduce potential health and safety hazards to workers and the public.</p>	<p>Future Project Applicant for Additional Hotel(s)</p>	<p>Prior to commencement of Construction</p>	<p>Prior to the initiation of construction activities, the Contractor shall prepare a Site Safety Plan to address possible hazardous materials present within the Project Site to the Port District.</p>

**NOISE**

<p><b>MM NOI-2: Reduction of interior noise levels below 45-dBA (CNEL) interior noise requirement:</b> Future hotels shall include noise insulation features such that an interior noise level of 45 dBA (CNEL) is achieved. An acoustical consultant shall be retained by the Project Applicant prior to commencement of construction to review Proposed Project construction-level plans to ensure that the hotel plans incorporate measures that will achieve the 45 dBA (CNEL) standard. Noise insulation features that could be installed include, but are not limited to, the following:</p>	<p>Future Project Applicant for Additional Hotel(s)</p>	<p>Prior to commencement of Construction</p>	<p>An acoustical consultant shall be retained by the Project Applicant(s) prior to commencement of construction to review Proposed Project construction-level plans to ensure that the hotel plans incorporate measures that will achieve the 45 dBA (CNEL) standard. Construction level plans showing adherence to standards will be provided to the Port District and the City of San Diego.</p>
<ol style="list-style-type: none"> <li>1. Acoustically rated dual pane windows and sliding glass door assemblies</li> <li>2. Heavy-weight drapes and thick carpets for sound absorption</li> </ol>			
<p>The following minimal performance requirements shall be adhered to as they pertain to interior/exterior sound transmission loss:</p>			
<ul style="list-style-type: none"> <li>■ Exterior wall assemblies and walls between guestrooms shall have a minimum sound transmission class (STC) rating of 52</li> </ul>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<ul style="list-style-type: none"> <li>■ Walls between guestrooms and stairwells shall have a minimum STC rating of 60</li> <li>■ All floor/ceiling assemblies shall have a minimum STC rating of 60</li> <li>■ Guest room entry doors shall receive full-frame sound insulation stripping</li> </ul>			
<p><b>MM NOI-C1: Reduction of exterior noise impacts:</b> The plans and specifications for future hotel development shall provide that all exterior noise-sensitive elements of future hotels shall be positioned in areas exposed to 65 dBA CNEL or below. If exterior use areas are subject to noise levels greater than 65 dBA CNEL, the design of the project shall incorporate measures such as noise barriers to reduce exterior noise levels to below 65 dBA CNEL. Noise barriers such as walls are commonly used to reduce outdoor noise levels from transportation sources. The effectiveness of a barrier depends on the distance from the source to the barrier, the distance from the receiver to the barrier, and the relative height of the barrier above the line-of-sight between the source and receiver. Noise barriers incorporated into project design shall block this line-of-sight, be constructed of solid material (such as concrete masonry), and be long enough to prevent sound from flanking around the ends, and shall have a minimum density of 3.5 pounds/square foot and have no gaps or cracks through or below the barrier. Where preservation of views is desired, transparent materials such as glass or Plexiglas can be used.</p>	<p>Future Project Applicant for Additional Hotel(s)</p>	<p>Prior to commencement of Construction</p>	<p>An acoustical consultant shall be retained by the Project Applicant prior to commencement of construction to review Project construction-level plans to ensure that the hotel plans incorporate measures that will achieve the 65 dBA (CNEL) or below standard. Construction level plans showing adherence to standards will be provided to the Port District and the City of San Diego.</p>
<p><b>MM NOI-C2: Reduction of interior noise levels below 45-dBA (CNEL) interior noise requirement:</b> Because future cumulative sound levels would exceed 60 dBA CNEL at the hotel building façades, an interior noise analysis evaluating proposed exterior wall construction, windows, and doors shall be completed after building plans are finalized to ensure that noise levels within habitable rooms will be 45 dBA CNEL or less, as required by California Code of Regulations, Title 24: Noise Insulation Standard and the City’s CEQA significance determination thresholds. This analysis shall be submitted to the City’s Building Inspection Department prior to obtaining a building permit. The project applicant shall implement the noise reduction measures recommended in the interior noise analysis which may include but</p>	<p>Future Project Applicant for Additional Hotel(s)</p>	<p>Prior to commencement of Construction</p>	<p>An acoustical consultant shall be retained by the Project Applicant prior to commencement of construction to review Proposed Project construction-level plans to ensure that the hotel plans incorporate measures that will achieve the 45 dBA (CNEL) standard. Construction level plans showing adherence to standards will be provided to the Port District</p>

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
are not limited to sound-rated windows, a closed-windows option, and mechanical ventilation meeting applicable California Building Code (CBC) requirements.			and the City of San Diego.

**GEOLOGY AND SOILS**

**MM GEO-2:** To reduce the soil liquefaction and lateral spreading potential beneath the surface of the site, the Project Applicant shall implement all of the measures recommended in the Geocon Study (Appendix H1 of the EIR) including the following site design criteria:

Future Project Applicant for Additional Hotel(s)

Prior to commencement of Construction

The Project Applicant shall implement all of the measures recommended in the Geocon Study (Appendix H1 of the Draft EIR) including the following site design criteria. The site plans showing the design criteria will be submitted to the Port District and the City of San Diego.

- I. Except for stone columns and HEAT Anchor methods, dewatering shall be undertaken for excavations below an elevation of 5 feet above mean sea level (MSL).
- II. Ground improvements or deep foundations shall be implemented in conformance with the CBC site design criteria for Type B faults, which include the Rose Canyon Fault zone, as summarized in the following table:

Site Design Criteria

Parameter	Ground Improvements	Deep Foundations	CBC Reference
Seismic Zone Factor	0.40	0.40	Table 16-I
Soil Profile	S <sub>D</sub>	S <sub>F</sub>	Table 16-J
Seismic Coefficient, C <sub>a</sub>	0.57	0.57	Table 16-Q
Seismic Coefficient, C <sub>v</sub>	1.02	1.87	Table 16-R
Near-Source Factor, N <sub>a</sub>	1.3	1.3	Table 16-S



Proposed Mitigation				Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
Near-Source Factor, $N_v$	1.6	1.6	Table 16-T			
Seismic Source	B	B	Table 16-U			

**Notes:**

$S_D$  is the soil profile type that contains types of soils that are vulnerable to potential failure or collapse under seismic loading. This soil is often liquefiable.

$S_F$  is the soil profile type that contains dense granular soil or stiff cohesive soil.

$C_a$  is the seismic response coefficient for proximity and is defined by site conditions such as seismic zone and soil profile type.  $C_a$  is determined using Table 16-Q of the CBC.

$C_v$  is the seismic response coefficient and is defined by site conditions such as seismic zone and soil profile type.  $C_v$  is determined using Table 16-R of the CBC.

$N_a$  is the near-source factor for  $C_a$  and is defined by the seismic source type and the closest distance to a known seismic source.  $N_a$  is determined using Table 16-S of the CBC.

$N_v$  is the near-source factor for  $C_v$  and is defined by the seismic source type and the closest distance to a known seismic source.  $N_v$  is determined using Table 16-T of the CBC.

B is the seismic source type between A—faults that produce the largest magnitude events with high rates of seismic activity, and C—faults that are not capable of producing large magnitude events and have low rates of seismic activity. B is determined using Table 16-U of the CBC.

A. As recommended in the Geotech Study, ground improvements to mitigate the effects of liquefiable soils and lateral spreading shall be implemented for settlement-sensitive structures (such as the use of stone columns or the HEAT method). In addition, ground improvements for lateral spreading will be extended at least 5 feet below the mud line of the adjacent San Diego Bay along the

<b>Proposed Mitigation</b>	<b>Responsible Party</b>	<b>Mitigation Timing</b>	<b>Monitoring and Reporting Procedure</b>
<p>existing shoreline, and for all structures the minimum depth of ground improvements will be as specified by the Geotech Study conducted by Geocon in March 2006.</p> <p>B. The Project Applicant shall follow recommendations listed in the Geotech Study conducted by Geocon in March 2006 for ground densification methods, minimum cone penetration test (CPT) tip resistance, minimum Standard Penetration Test (SPT), the installation of stone columns, and deep soil mixing.</p> <p>C. Following densification of the existing soils, the Project Applicant shall place additional fill material on the site to re-establish existing grades of between approximately 13 to 16 feet above MSL.</p> <p>III. The Project Applicant shall consult with a geotechnical engineer regarding placement of settlement monuments and recommended Grading Specifications.</p> <p>IV. Site preparation shall begin with the removal of all deleterious material and vegetation. The depth of removal should be such that material exposed in cut areas or soil to be used as fill is relatively free of organic matter. Material generated during stripping and/or site demolition shall be exported from the site.</p> <p>A. The upper 3 feet of soil within areas subjected to densification by stone columns shall be removed, moisture conditioned and recompacted.</p> <p>B. The Project Applicant shall follow the recommended procedures listed in the Geotech Study with respect to removal of existing fill soil and insertion of new fill. In addition, any imported soils shall have an expansion index of less than 50 and a maximum particle dimension of 3 inches.</p> <p>V. The Project Applicant shall follow the recommendations set by in the Geotech Study for the Proposed Project regarding foundations for the structures.</p> <p>A. A geotechnical engineer shall observe foundation excavations to verify that the exposed soil conditions are consistent with those anticipated and that they have been extended to the appropriate</p>			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>bearing strata.</p> <p>VI. The Project Applicant shall follow the recommendations set in the Geotech Study for the Proposed Project with regard to utilization of ground foundations such as deep foundations, when they shall be required.</p> <p>VII. Where proposed, buildings can be supported by shallow or mat foundations in improved ground, or by deep foundations capable of transmitting foundation loads through the hydraulic fill and bay deposits into the Bay Point Formation. Such foundation systems include the following:</p> <p style="padding-left: 40px;">A. Foundation excavations shall be observed by the geotechnical engineer prior to the placement of reinforcing steel and concrete to verify that the exposed soil conditions are consistent with those anticipated. If unanticipated soil conditions are encountered, foundation modifications may be required.</p> <p>VIII. The Project Applicant shall follow recommendations listed on the Geotech Study regarding the use of concrete slab-on-grade, including guidelines for crack-control spacing.</p> <p>IX. In addition to the extensive mitigation measures listed above, the Geotech Study provides detailed recommendations for the appropriate engineering of other Project components including retaining walls, pavement, and drainage. These measures shall also be implemented.</p>			

**PUBLIC SERVICES AND UTILITIES**

<p><b>MM PUB-2:</b> Prior to the issuance of a certificate of occupancy for future hotels allowed by the PMP Amendment, the Project Applicant(s) shall pay its fair share of the cost of constructing a new fire station in the vicinity of Liberty Station in the amount determined by the City of San Diego. This fire station is within the Peninsula Public Facilities Financing Plan, Fiscal Year 2001 community boundary. The fair share contribution shall be paid to the City of San Diego and will be deposited into the Developer Contribution</p>	<p>Future Project Applicant for Additional Hotel(s)</p>	<p>Prior to issuance of certificate of occupancy</p>	<p>Pay fair share of the cost of constructing a new fire station at Liberty Station in the amount determined by the City of San Diego.</p>
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Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>Fund No. 200636. In the event the City of San Diego has not determined the amount of the fair share of the cost of constructing a new fire station in the vicinity of Liberty Station at the time a future hotel project requests issuance of a certificate of occupancy, the Project Applicant(s) shall enter into a reimbursement agreement or other arrangement with the City of San Diego to provide for payment of its fair share amount when determined by the City of San Diego. †</p>			
<p><b>MM PUB-3:</b> Prior to the construction of the second hotel within the PMP Amendment area, the Project Applicant(s) shall replace the existing 8-inch sewer and four manholes as indicated in Figure 9.2.10-1 of the Revisions to Draft EIR document, to the satisfaction of the City of San Diego Engineer.</p>	<p>Future Project Applicant for Additional Hotel(s)</p>	<p>Prior to issuance of building permit for construction of second hotel.</p>	<p>Project Applicant(s) shall replace the existing 8-inch sewer and four manholes as indicated in Figure 9.2.10-1 of the Revisions to Draft EIR document, to the satisfaction of the City of San Diego Engineer.</p>
<p><b>MM PUB-C2:</b> Prior to the issuance of any demolition, grading, or construction permits for hotels within the PMP Amendment area, the Project Applicant(s) shall prepare a waste management plan and submit it for approval to the City’s Environmental Services Department. The plan shall include the following, as applicable:</p> <ul style="list-style-type: none"> <li>■ Tons of waste anticipated to be generated</li> <li>■ Material type of waste to be generated</li> <li>■ Source separation techniques for waste generated</li> <li>■ How materials will be reused on site</li> <li>■ Name and location of recycling, reuse, and landfill facilities where recyclables and waste will be taken if not reused on site</li> <li>■ A “buy-recycled” program for green construction products, including</li> </ul>	<p>Future Project Applicant for Additional Hotel(s)</p>	<p>Prior to issuance of demolition, grading, or construction permits</p>	<p>Project Applicant(s) shall prepare a waste management plan and submit it for approval to the City’s Environmental Services Department and a copy of the City-approved plan to the Port District.</p>

† Implementation of mitigation measure MM PUB-2 could mitigate impacts of the future hotels that could be constructed under the PMP Amendment on fire services to a less-than-significant level; however, the stated mitigation measure is contingent on the action of the City of San Diego and is outside of the jurisdiction of the Port District. The City has identified the construction of the fire station in the vicinity of Liberty Station (former Naval Training Center) as a Tier-2, low priority project. Because the Port District cannot assure that this mitigation measure would be implemented when needed, the impacts are considered significant and unmitigated.

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
<p>mulch and compost</p> <ul style="list-style-type: none"> <li>■ How the project will aim to reduce the generation of construction/ demolition debris</li> <li>■ How waste reduction and recycling goals will be communicated to subcontractors</li> <li>■ A timeline for each of the three main phases of the Project (demolition, construction, and occupancy)</li> <li>■ How the Refuse and Recyclable Materials Storage Regulations will be incorporated into construction design of building's waste area</li> <li>■ How compliance with the Recycling Ordinance will be incorporated into the operational phase</li> </ul> <p>International Standards of Operations, or other certification, if any.</p>			

**TRANSPORTATION, TRAFFIC, AND PARKING**

*In Mitigation Measures MM TR-C7 through MM TR-C9 and MM TR-C12 through MM TR-C16, Scenario A refers to the East Harbor Island Subarea being developed with 175 "business" hotel rooms and 325 "resort" hotel rooms, and Scenario B refers to the East Harbor Island Subarea being developed with a total of 500 "business" hotel rooms.*

**MM TR-C7: North Harbor Drive / Harbor Island Drive / Terminal 1 intersection (East Airport Entrance):** The Project Applicant shall contribute a fair share percentage of 20.7% for Scenario A or 22.4% for Scenario B towards restriping the northbound approach to provide a left-turn lane, a shared left-turn/thru lane, a thru lane, and a right-turn lane. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. The improvements at this intersection shall include the following: remove the northbound right-turn lane from a "free" movement and introduce right-turn "overlap" phasing; retain the north/south "split" signal phasing; and restripe the eastbound approach to convert the right-turn lane to a shared thru/right-turn lane. Modifications to the triangular median in the southeast portion of the intersection are expected. Modifications to the

Future Project Applicant for Additional Hotel(s)

Prior to issuance of building permits

Pay a fair share percentage of 20.7% for Scenario A or 22.4% for Scenario B towards restriping the northbound approach to provide a left-turn lane, a shared left-turn/thru lane, a thru lane, and a right-turn lane. The fair share contribution shall be paid to the City of San Diego traffic impact fee program.

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traffic signal timing in conjunction with the change in lane designations are also recommended.\*\*

**MM TR-C8: North Harbor Drive / Rental Car Access Road**

**intersection:** The Project Applicant shall contribute a fair share percentage of 4.0% for Scenario A or 4.3% for Scenario B towards the reconfiguration of the westbound approach to provide an additional thru lane. To accommodate the additional lane, widening and modifications to the median / roadway shall be required. Modifications to the traffic signal timing in conjunction with the change in lane destination are also recommended. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. \*\*

Future Project  
Applicant for  
Additional Hotel(s)

Prior to issuance of  
building permits

Pay a fair share percentage of 4.0% for Scenario A or 4.3% for Scenario B towards the reconfiguration of the westbound approach to provide an additional thru lane. To accommodate the additional lane, widening and modifications to the median / roadway shall be required. Modifications to the traffic signal timing in conjunction with the change in lane destination are also recommended. The fair share contribution shall be paid to the City of San Diego traffic impact fee program.

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\*\* Implementation of Mitigation Measures MM TR-C7 through MM TR-C16 would mitigate impacts of the future hotels that could be constructed under the PMP Amendment to less-than-significant levels. However, the intersections and street segments to be improved are within the jurisdiction of the City of San Diego. The mitigation measures are, therefore, contingent upon the action of the City of San Diego and are outside of the jurisdiction of the Port District. In addition, the City does not have an adopted plan or program that lists these intersection or street segment improvements. Therefore, the Port District cannot assure that these measures would be implemented, and the impacts would remain significant and unmitigated until the mitigation is implemented.

**MM TR-C9: North Harbor Drive / Laurel Street intersection:** The Project Applicant shall contribute a fair share percentage of 5.2% for Scenario A or 5.3% for Scenario B towards the reconfiguration of the eastbound approach to provide a third left-turn lane and restriping the southbound approach to provide a single shared left-turn/right-turn lane. To accommodate the additional lane, widening and modifications to the median/roadway shall be required. All three eastbound lanes on Laurel Street shall continue to Pacific Highway, where the number 1 lane would trap into the left-turn lane(s). An overhead sign bridge(s) shall be implemented to instruct drivers of the trap lane. Modifications to the traffic signal timing in conjunction with the change in lane destination are also recommended. The fair share contribution shall be paid to the City of San Diego traffic impact fee program.\*\*

Future Project Applicant for Additional Hotel(s)

Prior to issuance of building permits

Pay a fair share percentage of 5.2% for Scenario A or 5.3% for Scenario B towards the reconfiguration of the eastbound approach to provide a third left-turn lane and restriping the southbound approach to provide a single shared left-turn/right-turn lane. The fair share contribution shall be paid to the City of San Diego traffic impact fee program.

**MM TR-C12: North Harbor Drive between Harbor Island Drive and Rental Car Access Road street segment:** The Project Applicant shall contribute a fair share percentage of 5.8% for Scenario A or 5.3% for Scenario B towards the addition of one westbound lane along the street segment. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. \*\*

Future Project Applicant for Additional Hotel(s)

Prior to issuance of building permits

Pay a fair share percentage of 5.8% for Scenario A or 5.3% for Scenario B towards the addition of one westbound lane along the street segment. The fair share contribution shall be paid to the City of San Diego traffic impact fee program.

**MM TR-C13: North Harbor Drive between Rental Car Access Road and Laurel Street street segment:** The Project Applicant shall contribute a fair share percentage of 2.4% for Scenario A or 2.2% for Scenario B towards the addition of one westbound lane along the street segment. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. \*\*

Future Project Applicant for Additional Hotel(s)

Prior to issuance of building permits

Pay a fair share percentage of 2.4% for Scenario A or 2.2% for Scenario B towards the addition of one westbound lane along the street segment. The fair share contribution shall be paid to the City of San Diego traffic impact fee program.

\*\* Implementation of Mitigation Measures MM TR-C7 through MM TR-C16 would mitigate impacts of the future hotels that could be constructed under the PMP Amendment to less-than-significant levels. However, the intersections and street segments to be improved are within the jurisdiction of the City of San Diego. The mitigation measures are, therefore, contingent upon the action of the City of San Diego and are outside of the jurisdiction of the Port District. In addition, the City does not have an adopted plan or program that lists these intersection or street segment improvements. Therefore, the Port District cannot assure that these measures would be implemented, and the impacts would remain significant and unmitigated until the mitigation is implemented.

<p><b>MM TR-C14: North Harbor Drive between Laurel Street and Hawthorn Street street segment:</b> The Project Applicant shall contribute a fair share percentage of 7.1% for Scenario A or 6.5% for Scenario B towards the addition of one southbound lane along the street segment. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. **</p>	<p>Future Project Applicant for Additional Hotel(s)</p>	<p>Prior to issuance of building permits</p>	<p>Pay a fair share percentage of 7.1% for Scenario A or 6.5% for Scenario B towards the addition of one southbound lane along the street segment. The fair share contribution shall be paid to the City of San Diego traffic impact fee program.</p>
<p><b>MM TR-C15: Laurel Street between North Harbor Drive and Pacific Highway street segment:</b> The Project Applicant shall contribute a fair share percentage of 1.4% for Scenario A or 1.3% for Scenario B towards the addition of one eastbound lane along the street segment. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. **</p>	<p>Future Project Applicant for Additional Hotel(s)</p>	<p>Prior to issuance of building permits</p>	<p>Pay a fair share percentage of 1.4% for Scenario A or 1.3% for Scenario B towards the addition of one eastbound lane along the street segment. The fair share contribution shall be paid to the City of San Diego traffic impact fee program.</p>
<p><b>MM TR-C16: Laurel Street between Pacific Highway and Kettner Boulevard street segment:</b> The Project Applicant shall contribute a fair share percentage of 2.7% for Scenario A or 2.5% for Scenario B towards the addition of one eastbound lane along the street segment. The fair share contribution shall be paid to the City of San Diego traffic impact fee program. **</p>	<p>Future Project Applicant for Additional Hotel(s)</p>	<p>Prior to issuance of building permits</p>	<p>Pay a fair share percentage of 2.7% for Scenario A or 2.5% for Scenario B towards the addition of one eastbound lane along the street segment. The fair share contribution shall be paid to the City of San Diego traffic impact fee program.</p>

**PARKING**

<p><b>MM PARK-1:</b>                  a. Prior to the approval of a Coastal Development Permit for future development of a hotel on the existing west marina parking lot, the design of</p>	<p>Future Project Applicant for Additional Hotel(s)</p>	<p>Prior to approval of Coastal Development</p>	<p>The Project Applicant shall submit a Site Plan showing demonstrating adequate on-site parking in</p>
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\*\* Implementation of Mitigation Measures MM TR-C7 through MM TR-C16 would mitigate impacts of the future hotels that could be constructed under the PMP Amendment to less-than-significant levels. However, the intersections and street segments to be improved are within the jurisdiction of the City of San Diego. The mitigation measures are, therefore, contingent upon the action of the City of San Diego and are outside of the jurisdiction of the Port District. In addition, the City does not have an adopted plan or program that lists these intersection or street segment improvements. Therefore, the Port District cannot assure that these measures would be implemented, and the impacts would remain significant and unmitigated until the mitigation is implemented.



the proposed hotel development shall provide adequate on-site parking in accordance with the Port District parking guidelines for the proposed hotel development and for the shared parking requirements of the existing marina and the proposed 175-room hotel and shall include a Parking Management Plan which shall include, but not be limited to, parking reduction strategies including subsidized employee mass transit program, provision of bicycle parking racks, provision of off-site employee parking, and alternative transportation modes such as participation in an airport shuttle and/or the Port District's bayside shuttle system.

Permit

accordance with the Port District parking guidelines for the proposed hotel development and for the shared parking requirements of the existing marina and the proposed 175-room hotel.

b. Prior to demolition or removal of any parking spaces in the existing west marina parking lot which are required for the shared parking of the existing marina and the proposed 175-room hotel, the Project Applicant shall submit to the Port District for its review and approval a Parking Management Plan, which shall provide adequate parking to satisfy the shared parking requirements for the existing marina and the proposed 175-room hotel during construction of the new hotel and replacement parking spaces.

Future Project Applicant for Additional Hotel(s)

Prior to demolition or removal of parking space in the existing west marina parking lot

The Project Applicant shall submit to the Port District for its review and approval a Parking Management Plan, which shall provide adequate parking to satisfy the shared parking requirements for the existing marina and the proposed 175-room hotel during construction of the new hotel and replacement parking spaces.

**SEA LEVEL RISE**

**MM SLR-C1:** Prior to the approval of a Coastal Development Permit for future hotel development that could occur under the proposed PMP Amendment, the project applicant shall retain a qualified engineer who shall prepare for the Port District's review and approval an up-to-date, site specific analysis of the potential impacts of sea level rise by the year 2100 on the proposed hotel development. The report shall determine whether adaptive strategies for accommodating the potential for sea level rise and the potential for more frequent wave overtopping and wave-induced impact forces are necessary and, if so, shall recommend appropriate adaptive strategies such as the use of perimeter floodwalls or other flood barriers around either the outer margins of Harbor Island or the proposed development to be incorporated into the design of the proposed development.

Future Project Applicant for Additional Hotel(s)

Prior to approval of Coastal Development Permit

The Project Applicant shall retain a qualified engineer who shall prepare for the Port District's review and approval an up-to-date, site-specific analysis of the potential impacts of sea level rise by the year 2100 on the proposed hotel development.