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East Harbor Island Subarea Port Master Plan Amendment

## FINAL ENVIRONMENTAL IMPACT REPORT

Volume 1





## Sunroad Harbor Island Hotel Project and East Harbor Island Subarea Port Master Plan Amendment Final Environmental Impact Report UPD No. 83356-EIR-783 SCH No. 2006021027

Volume 1 of 5

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## Chapter 1 Introduction

This document is a Final Environmental Impact Report (EIR), which provides a review and analysis of the potential environmental impacts that could result from implementation of the proposed Sunroad Harbor Island Hotel Project and East Harbor Island Subarea Port Master Plan (PMP) Amendment. In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15002(f), an EIR "is the public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify the alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage." The EIR itself does not control the way in which a project can be developed or constructed; rather, the governmental agency must respond to the information contained in the EIR by one of more of the seven methods outlined in Section 15002(h) which include:

- Changing a proposed project;
- Imposing conditions on the approval of the project;
- Adopting plans or ordinances to control a broader class of projects to avoid the adverse changes;
- Choosing an alternative way to meet the same need;
- Disapproving the project;
- Finding that changing or altering the project is not feasible;
- Finding that the unavoidable significant environmental damage is acceptable as provided in Section 15093.

The Final EIR is an informational document only. The Final EIR will be used by the Board of Port Commissioners, San Diego Unified Port District (SDUPD) staff, and decision-makers of other affected agencies or responsible agencies as an informational document for the Proposed Sunroad Harbor Island Hotel Project. The Final EIR is anticipated to cover the following discretionary actions:

- SDUPD approval of proposed PMP Amendment.
- California Coastal Commission certification of PMP Amendment.
- SDUPD issuance of a coastal development permit for the Proposed Project.

The California Coastal Commission may consider the information contained in this EIR in its decision to certify the proposed PMP Amendment. As the primary jurisdictional authority under the California Coastal Act, the Coastal Commission must certify the proposed PMP Amendment as consistent with the provisions of the California Coastal Act.

Other agencies may use the information contained in this EIR when considering issuance or authorization of the requisite permits for construction of the Proposed Sunroad Harbor Island Hotel Project.

The Final EIR, in compliance with Section 15132 of the State CEQA guidelines, includes the following five volumes, all of which are included on the enclosed CD:

## **Volume 1: Final EIR**

## **Chapter 1 – Introduction**

This chapter provides background on, and the procedural compliance of, the Proposed Project and the Final EIR.

## **Chapter 2 – Executive Summary**

This summary includes a brief project description; the proposed PMP Amendment; a brief summary of significant impacts and mitigation measures; a brief summary of project alternatives; and issues to be resolved by Board of Port Commissioners.

## **Chapter 3 – Errata and Revisions**

This chapter includes the errata and revisions to the Draft EIR and Recirculated Portions of the Draft EIR, which were developed in response to comments received during the public review periods for the Draft EIR and Recirculated Portion of the Draft EIR.

## **Chapter 4 – Public Review Distribution List**

This chapter presents a list of agencies, individuals, and organizations that were provided a copy of the Draft EIR and Recirculated Portions of the Draft EIR, or notice of the document's availability.

## **Chapter 5 – Responses to Comments**

This chapter includes a list of those that provided comments on the Draft EIR and Recirculated Portions of the Draft EIR during the public review periods. This chapter also includes the comments received on environmental issues raised during the public review process for the Draft EIR and Recirculated Portions of the Draft EIR as well as the SDUPD's responses to these comments. Each comment is assigned a comment number, which corresponds to a response number and response that appear on the same page.

## **Chapter 6 – Mitigation Monitoring and Reporting Program**

This chapter of the Final EIR provides the Mitigation Monitoring and Reporting Program (MMRP) for the Sunroad Harbor Island Hotel Project. The MMRP is presented in table format and identifies

mitigation measures for the Proposed Project, the party responsible for implementing the mitigation measures, the timing of implementing the mitigation measures, and the monitoring and reporting procedures for each mitigation measure.

## **Volume 2: Draft EIR**

The Draft EIR that was previously circulated for public review is an integral part of the Final EIR. The Draft EIR was not reprinted due to its size; however, a CD copy of the Draft EIR, including its two volumes of appendices, is enclosed within this Final EIR. A paper copy of the Draft EIR, including its two volumes of appendices, is available at the SDUPD's Clerk office located at 3165 Pacific Highway, San Diego, during regular business hours, which are Monday through Friday, 8 a.m. to 5 p.m.

## **Volume 3: Draft EIR Technical Appendices A-D**

The appendices to the Draft EIR that were previously circulated for public review are an integral part of the Final EIR. Volume 3 of the Final EIR consists of Appendices A through D of the Draft EIR.

## Volume 4: Draft EIR Technical Appendices E-I

The appendices to the Draft EIR that were previously circulated for public review are an integral part of the Final EIR. Volume 3 of the Final EIR consists of Appendices E through I of the Draft EIR.

## **Volume 5: Recirculated Portions of the Draft EIR**

The Recirculated Portions of the Draft EIR that was previously circulated for public review are an integral part of the Final EIR. The Recirculated Portions of the Draft EIR was not reprinted due to its size; however, it is available at the SDUPD's Clerk office located at 3165 Pacific Highway, San Diego, and during regular business hours, which are Monday through Friday, 8 a.m. to 5 p.m. The Recirculated Portions of the Draft EIR and its technical appendices were included in one volume. The Draft EIR sections, including Appendices B and E, that were revised and recirculated as part of the Recirculated Portions of the Draft EIR are superseded by the versions in the Recirculated Portions of the Draft EIR.

San Diego Unified Port District

Chapter 1. Introduction

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# Chapter 2 **Executive Summary**

## **Project Description**

The Proposed Project involves the partial redevelopment of one leasehold, which is currently leased by Sunroad Marina Partners, LP, located at 955 Harbor Island Drive. This leasehold is currently developed with a marina, support buildings, and surface parking. The proposed redevelopment would only affect the land side of this leasehold. The traffic circle, located at the east end of Harbor Island Drive, as well as a portion of Harbor Island Drive are also included in the proposed redevelopment. The proposed components of the project are shown in Figures 2-1 and 2-2.

The Project description includes the following physical changes to the Project site:

- demolition of one existing locker building and parking lot east of the existing marina building;
- construction of a limited service 4-story hotel with a total floor area of approximately 117,000 square feet, consisting of a maximum of 175 rooms, fitness and limited meeting space (approximately 8,000 square feet), and common areas;
- reduction of the traffic circle and realignment of the road and leasehold lines;
- reconfiguration of existing paved areas as necessary to accommodate ingress and egress to the hotel and surface parking;
- enhanced public access along the Harbor Island East Basin; and
- realignment of existing sewer, water, and utility lines.

The Project also proposes an amendment to the Port Master Plan (PMP) to address the changes in land use resulting from reconfiguring East Harbor Island Drive and the traffic circle at its eastern terminus, and providing for the existing allowed 500 hotel rooms (currently allowed only on the parcel used by San Diego International Airport for employee parking) to be spread across multiple sites (together totaling no more than 500 rooms) on East Harbor Island.

## **Proposed Hotel**

The floor area of the proposed hotel would total approximately 117,000 square feet and include a maximum of 175 rooms, fitness and meeting space, and common areas. The meeting rooms would facilitate functions and conferences for guests. The 175 rooms, which would make up approximately 94,000 square feet of the hotel, would be distributed over four floors. The height of the structure is proposed to be approximately 65 feet (see Figures 2-3 and 2-4). Architectural details and fenestrations may cause the maximum building height to reach 75 feet. The maximum height approved by the Federal Aviation Administration and San Diego County Airport Land Use Commission for the Proposed Project is 86 feet above mean sea level in order to accommodate features such as a flag pole.

Fitness and meeting rooms would total approximately 8,000 square feet. Common areas—including exterior features such as the pool and spa—would total approximately 15,000 square feet of the Project site.

Specific lighting plans have not been developed. However, the structure is proposed to be lit at night for security and aesthetic purposes. All lighting will be consistent with the City of San Diego Outdoor Lighting Regulations.

The projected number of fulltime hotel employees would range from 35 to 40.

## Open Areas, Promenade, and Landscaping

The PMP defines four public access categories (Classes I–IV) that require development of physical accessways depending on the intended degree of public shoreline access. The existing Class I promenade, identified in the PMP, includes pedestrian access along Harbor Island Drive. The portion of the promenade located south of the Project site (along the bay) would not be altered as a part of the Proposed Project.

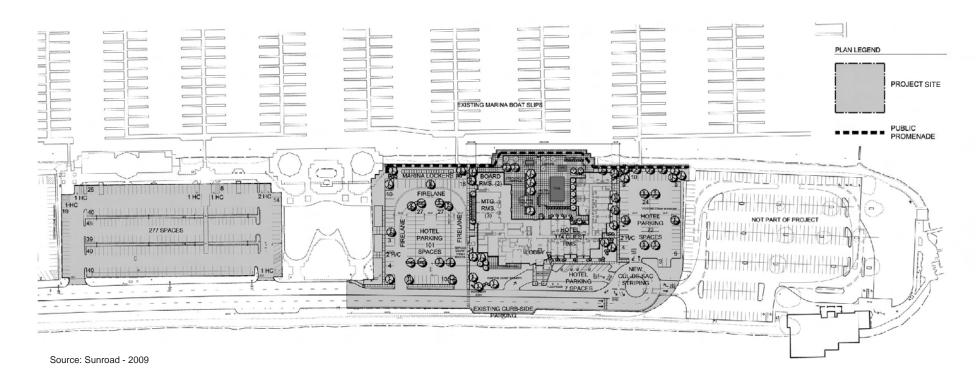
The Project proposes enhanced public access within East Harbor Island. The Project will include a pedestrian promenade along the Harbor Island East Basin side of the hotel and would connect to the promenade that will be extended along the eastern end of Harbor Island, as part of the Reuben E. Lee restaurant redevelopment. The proposed promenade will consist of a 10-foot-wide hardscape path extending from the existing promenade to the hotel and would also extend along the northern perimeter of the hotel to allow access to the restaurants at the eastern border of Harbor Island. Pedestrian access would also be available adjacent to the hotel building to provide access to Harbor Island Drive. Additional public access enhancements include landscaping, benches, and signage adjacent to the pathways identifying the promenade as open to the public.

The traffic circle would be reconfigured to accommodate the ingress and egress of the hotel and a realignment of the easternmost portion of Harbor Island Drive.

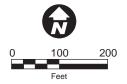
The landscape improvements currently proposed are conceptual. A detailed landscape plan would be prepared for review and approval of the Port District prior to construction of the hotel. Certain mature and scenic trees would be incorporated into the exterior design of the hotel and common areas.

## **Parking**

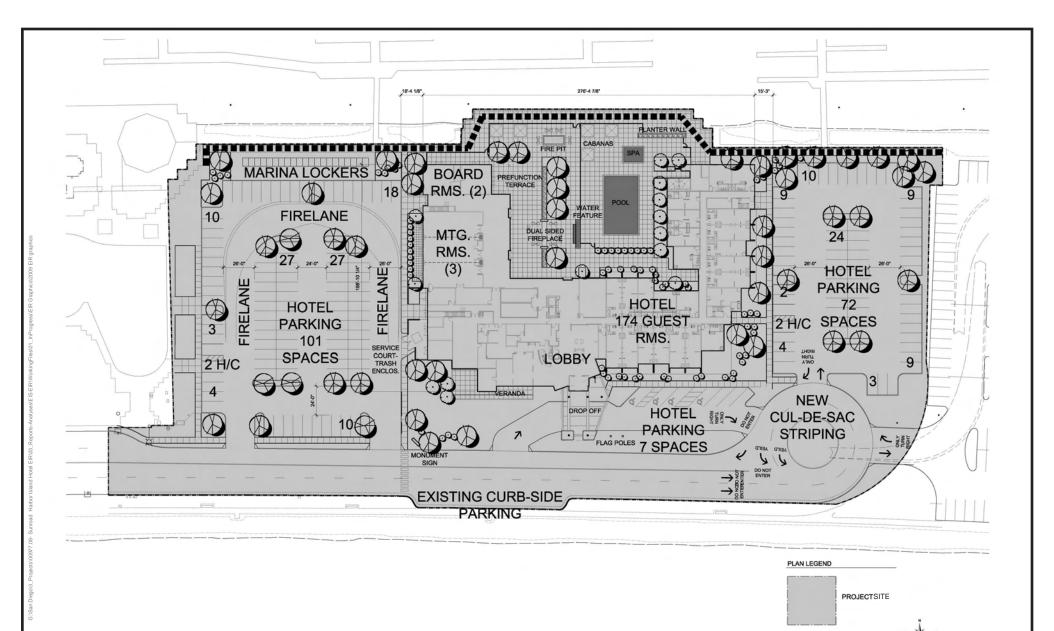
A total of 457 parking spaces for shared use with the hotel and marina guests would be provided in two parking lots. To accommodate the hotel and parking lots immediately west and east of the hotel, 111 parking spaces of the existing 291-space lot currently located east of the marina building would be eliminated. A 72-space parking lot would be located east of the hotel, and a 101-space lot would be located west of the hotel. An additional 7 parking spaces would be located near the front entrance of the hotel. The configuration of the spaces in the existing 277-space lot west of the existing marina building may be modified as a part of the Proposed Project. However, the number of spaces in the existing 277-space lot would not be reduced. The existing 306-space parking area located east of the Project site is not a part of the Proposed Project. The existing parking available on the Project site is part of the leasehold and is utilized for marina use. Public parking in the vicinity of the Project site is located on the southern side of Harbor Island Drive and will not be affected by the Proposed Project.







Proposed Site Plan Figure 2-1



Source: Sunroad (2009)





Proposed Hotel Site Plan Figure 2-2

**PUBLIC** 

PROMENADE



Source: Sunroad (2009)



South Exterior Elevation for Proposed Hotel Figure 2-3



Source: Sunroad (2009)



East Exterior Elevation for Proposed Hotel Figure 2-4

## Roadway and Infrastructure Realignment

## **Roadway Realignment**

The section of Harbor Island Drive located immediately south of the proposed hotel would be realigned. Harbor Island Drive would be reduced in width by approximately 12 feet by removing one of the two westbound lanes for a total distance of approximately 370 feet. The number of lanes in the vicinity of the hotel would be reduced from four to three, and would accommodate visitors to the hotel and maintain access to and from the Island Prime and Reuben E. Lee restaurants.

Emergency access and fire lanes would be provided. Emergency vehicles would be able to access fire lanes in the 101-space lot west of the hotel.

## Infrastructure Realignment

Operation of the proposed hotel would increase demands on existing infrastructure systems including water supply and wastewater treatment. Water and sewer pipelines currently extend through the Project site. The Project Utility Plan (see Figures 2-5 and 2-6) proposes that certain existing facilities be removed and new facilities would be placed underneath Harbor Island Drive. Water and sewer pipelines serving the hotel would be connected with the realigned water and wastewater lines within Harbor Island Drive. Electrical, gas, telephone connections, and a storm drain system serving the hotel are also proposed to be located beneath Harbor Island Drive. Two new commercial fire hydrants—one for fire service and one for domestic service—would be built to serve the proposed hotel.

Proposed sewer and storm drain facilities would connect with existing facilities located on East Harbor Island. The proposed 8-inch sewer line would be extended within Harbor Island Drive and connect to an existing sewer line in the parking area proposed to the west of the hotel. Proposed 24-inch storm drain facilities would connect with facilities south of Harbor Island Drive.

The proposed 12-inch water line would extend from the hotel to Harbor Island Drive. This water line would extend within Harbor Island Drive outside of the Project site and connect with existing facilities immediately south of the existing marina. In accordance with City requirements, a redundant loop connection would be installed. The redundant loop would consist of a 12-inch water line that would extend from a connection point in Harbor Island Drive west of the Project site. From this connection point the redundant loop would extend within Harbor Island Drive to the Project site. A portion of the redundant loop would consist of a proposed 16-inch water line that would connect with facilities in the section of Harbor Island Drive that extends north to Harbor Drive.

Existing sewer and water lines serving the Island Prime and Reuben E. Lee restaurants would be realigned to accommodate the proposed hotel. These sewer and water lines would only be realigned if the proposed hotel is built.

After completion of the utility realignments, the roadway will be repaved and restriped.

Existing stormwater drains extend within East Harbor Island to the Project site. A stormwater drainage system would be connected with these existing facilities to collect stormwater runoff from the Project site. Prior to construction detailed stormwater drainage system plans would be prepared in accordance with

Port of San Diego Storm Water Ordinance and the Standard Urban Storm Water Mitigation Plan (SUSMP) requirements. These plans would show Best Management Practices (BMPs) incorporated into the system in accordance with National Pollutant Discharge Elimination System (NPDES) and Port District requirements. A Bio-filtration System or a mechanical Baysaver Separation System is proposed to be used for stormwater containment.

#### **Construction Activities**

#### **Demolition**

Demolition associated with the Project would involve removal of one existing locker building and the existing parking lot located east of the marina building. Following construction, the number of parking spaces within the Project vicinity would be reduced from 568 to 457. The remaining locker facilities within the marina area would be maintained for marina use. In addition, 100 to 120 lockers would be constructed north of the proposed 101-space parking lot.

#### Construction

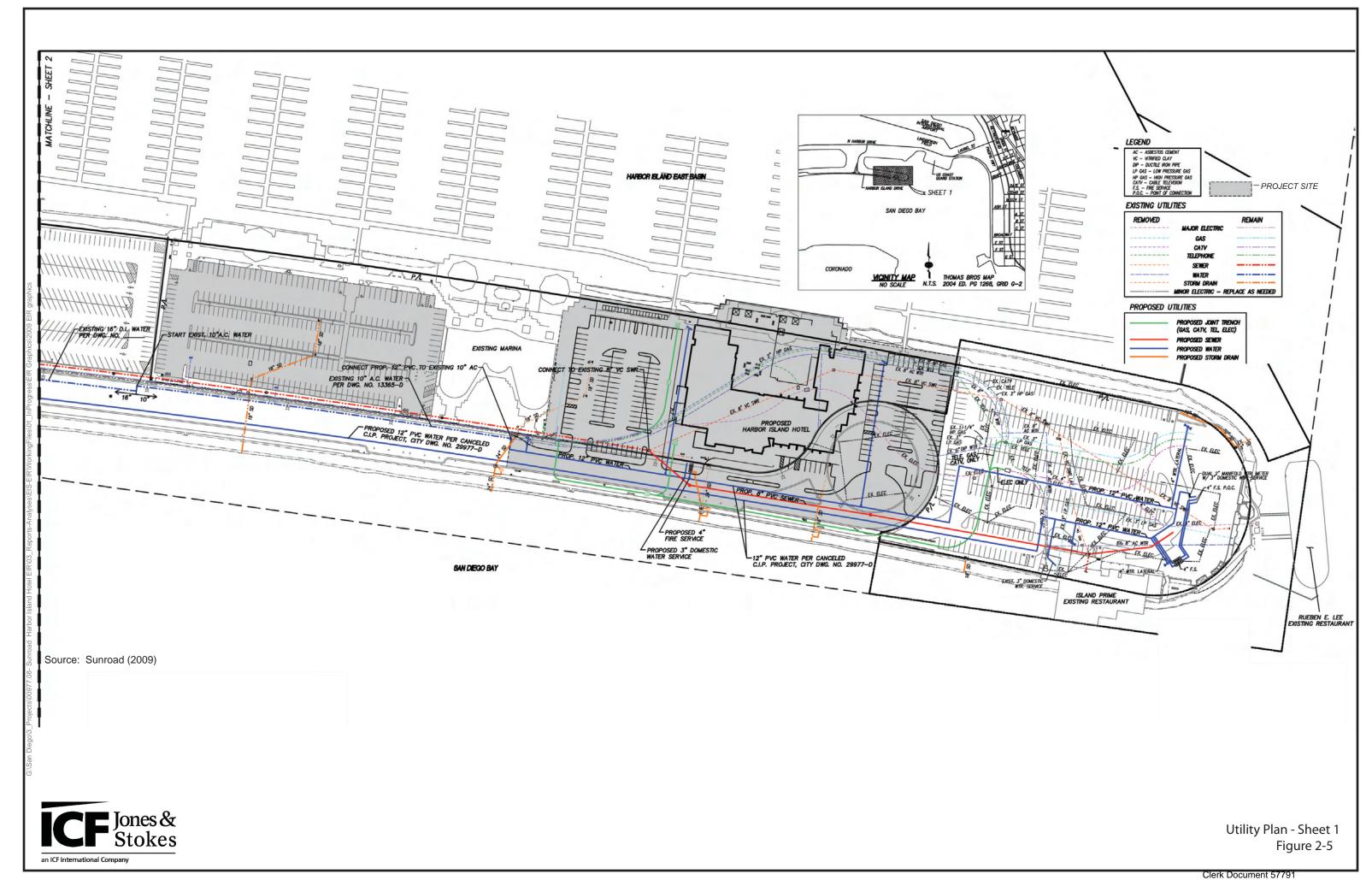
Construction of the Proposed Project would occur in a single phase. Construction would involve excavation of approximately 10,000 cubic yards of material. The excavated material would be used on site or would be disposed of at an offsite landfill. The construction period is expected to be 15 to 18 months in duration.

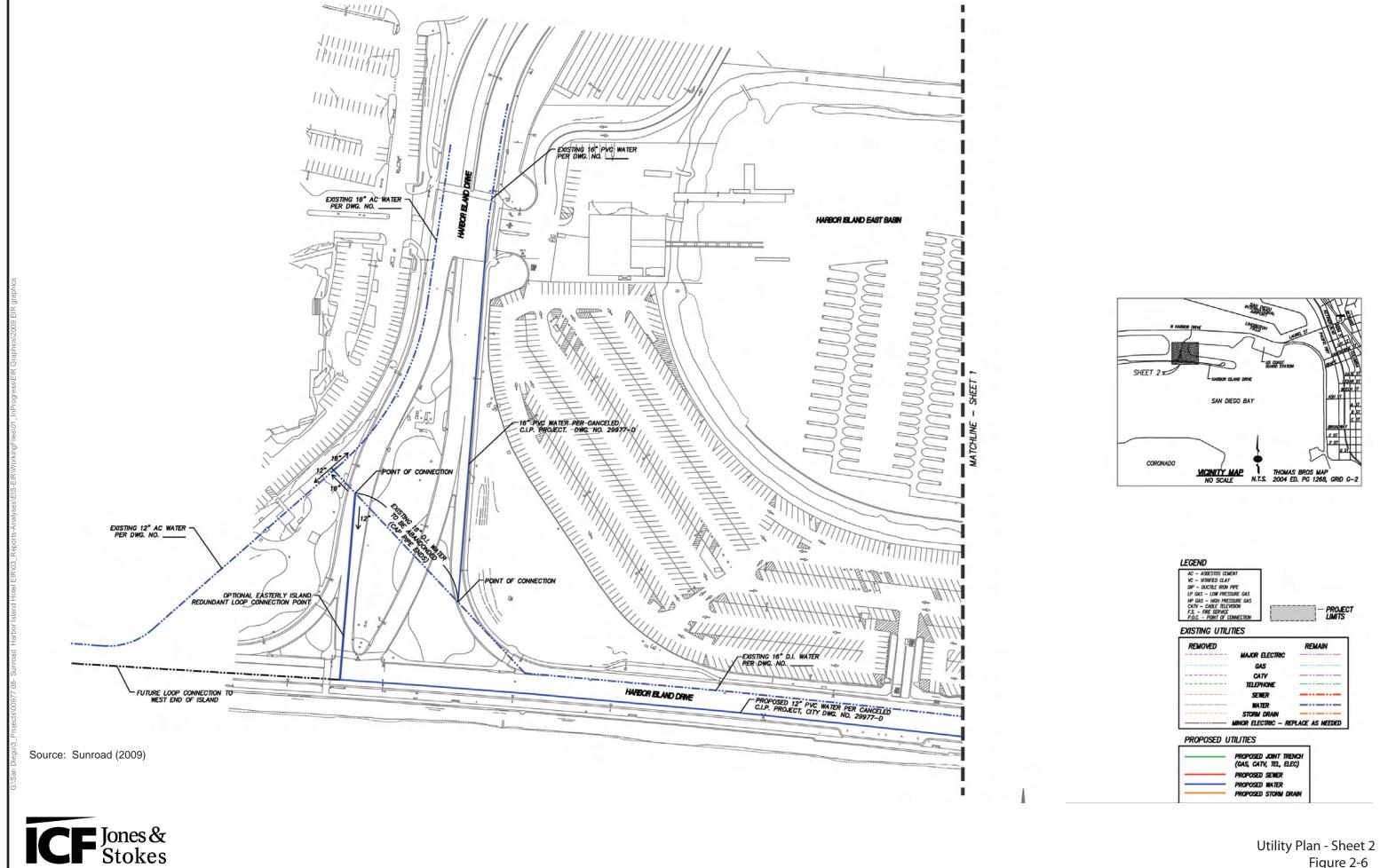
The construction staging area would be on the Project site, east of the marina building and west of the proposed hotel footprint. During construction the 277-space parking lot located west of the marina building would be available for marina use. The existing public parking spaces along East Harbor Island Drive would remain available for public use during construction.

The foundation of the proposed hotel would be constructed using stone columns or Helical Earth Anchor Technology (HEAT anchors). The Proposed Project would not utilize pile driving.

## **Design Features**

Energy conservation and sustainability features would be incorporated into the design and construction of the Proposed Project. These features will provide energy and water efficiency equivalent to 15% in excess of standards required by California's Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24, Part 6 of the California Code of Regulations). These features will be incorporated as conditions of approval of the Project.





an ICF International Company

Utility Plan - Sheet 2 Figure 2-6

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

The Project proposes an amendment to the PMP to address the proposed land use changes necessary to implement the Project. The changes warranting a PMP Amendment include the reconfiguration of East Harbor Island Drive and the traffic circle at its eastern terminus, and allowing the 500-room hotel currently allowed in the PMP to be spread across multiple hotels on East Harbor Island. The Proposed Project includes development of a 175-room hotel, which would constitute a portion of the 500 total hotel rooms allowed on East Harbor Island.

The PMP Amendment, described below, is included as Appendix B to the Recirculated Portions of the Draft EIR.

The hotel referenced in the PMP was proposed for the westernmost parcel of East Harbor Island (the parcel located west of the Project site). This parcel is currently used by SDIA for employee parking. Although the Proposed Project generally includes those uses outlined in this description, the PMP would need to be amended to allow those uses on all of East Harbor Island, including the Project site. The portion of the Project site that the hotel would be constructed on already has the proper land use designation for a hotel use—Commercial Recreation. The proposed changes to the traffic circle and roadway also warrant an amendment to the PMP.

The Project's PMP Amendment would revise the East Harbor Island Subarea discussion as follows:

The east end of Harbor Island, subarea 23, has been is the last subarea to complete phased development and is designated commercial recreation. The last project, a Future development in this subarea includes high quality two or more hotels totaling of approximately 500 rooms. Which are is These hotels will be sited to be responsive to views of San Diego Bay, the airport, and the downtown San Diego skyline. Maximum building heights will be establish consistentey with adopted aircraft approach paths and Federal Aviation Administration (FAA) regulations. The hotel Hotels complex may includes typical supporting facilities such as swimming pools, spas, commercial retail, restaurants, cocktail lounges, meeting and conference space, recreational facilities, including piers, and ancillary uses. A marina of approximately 550 slips is located adjacent to the hotels and occupies most of the basin. The eastern end of the peninsula is anchored by restaurants, which are uniquely sited on the water's edge.

The existing promenade along the southern side of Harbor Island Drive will be extended to the eastern portion of the East Harbor Island subarea and along Harbor Island East Basin frontage as the subarea is developed or redeveloped. The promenade will provide pedestrian access around East Harbor Island and will connect the hotel developments, marina, and restaurants to the rest of Harbor Island. The promenade will be located to provide views of the San Diego Bay, the downtown San Diego skyline, and the Harbor Island East Basin. Public access will be maintained along the promenade. Private uses shall not obstruct the public promenades. When the promenade is located within a private leasehold or on a Port development site, improvements and the promenade will be sited to allow uninterrupted pedestrian flow. Benches and overlooks viewing decks adjacent to the promenade will be sited to provide multiple viewing opportunities in a manner that does not obstruct pedestrian flow. Public access and other path-finding signage, as well as signage identifying that the promenade is open to the public, will be placed at strategic locations throughout East Harbor Island to guide guests and visitors to and from public use areas, restaurants, and other facilities.

A public access plan will be prepared and implemented for each hotel development. The public access plans will include information on signage, amenities, and public information to inform and invite the public to and around East Harbor Island and downtown San Diego. [paragraph moved to general discussion for Planning District 2 – see Appendix B of Recirculated Portions of Draft EIR for complete Draft PMP Amendment]

All hotel developments should provide shuttle service to and from the airport and information regarding other transit opportunities. [paragraph moved to general discussion for Planning District 2 – see Appendix B of Recirculated Portions of Draft EIR for complete Draft PMP Amendment]

<u>A parking management plan will be prepared for each hotel development.</u> [paragraph moved to general discussion for Planning District 2 – see Appendix B of Recirculated Portions of Draft EIR for complete Draft PMP Amendment]

As the East Harbor Island subarea is developed or redeveloped, Harbor Island Drive may be resized and realigned to optimize use of East Harbor Island. This may allow for increased and enhanced public enjoyment of the bay. The promenade and new public access features (i.e., benches) will provide enhanced open space and public access opportunities within the East Harbor Island subarea. Proportionate to the type and extent of development or redevelopment, activating uses such as restaurants, outdoor seating and dining areas, and retail shops open to the public may will be integrated into the hotel development or redevelopment.

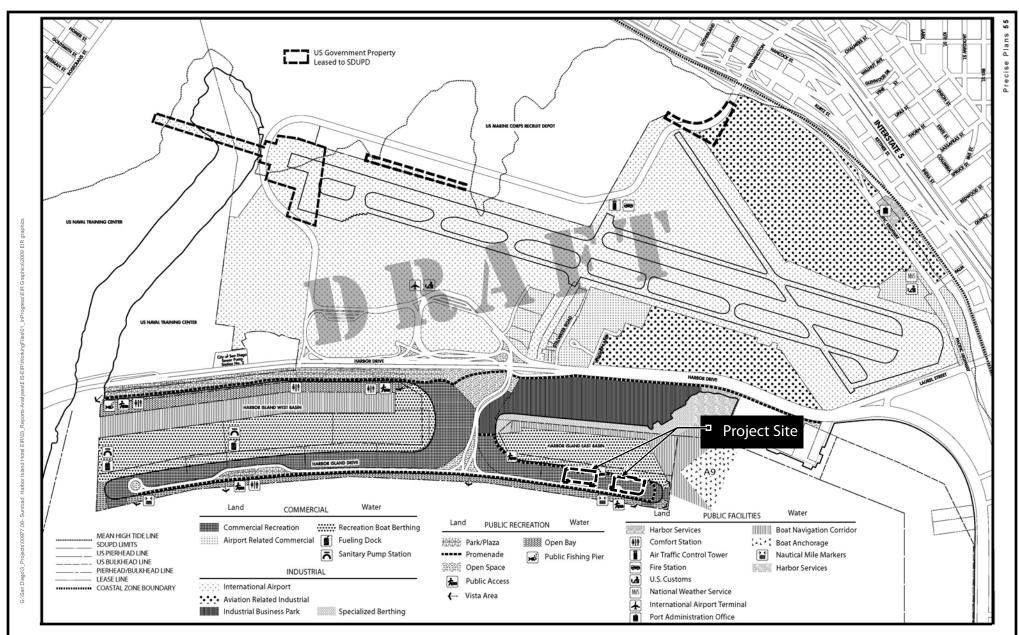
A public promenade parallels the active ship channel of the bay and <u>ie</u>nsures pedestrian and bicycle coastal access. Landscaped open space on Harbor <u>Island</u> Drive is retained with the street design of an upgraded and modified "T" inter-section. Utility capacity is expanded to meet increased service needs.

The PMP Amendment would also include the following:

- updating the Precise Plan map (see Figure 2-7);
- updating the Lindbergh Field/Harbor Island Planning District 2 project list to change the 500room hotel to multiple hotels with a cumulative total of 500 rooms and include the traffic circle/road realignment; and
- updating the land use acreage tables within the PMP to reflect increased promenade acreage, increased street acreage, reduced open space acreage, and reduced commercial recreation acreage.

Table 2-1 includes the revised Land Use acreages for Lindbergh Field/Harbor Island: Planning District 2 from the PMP Amendment. Appendix B of the Recirculated Portions of the Draft EIR includes each of the components of the proposed PMP Amendment.

The following Environmental Analysis sections provide a project-level analysis of all potential impacts associated with the proposed 175-room hotel project (including ancillary construction activities such as roadway realignment, etc.). All subsequent development projects (i.e., the 325 hotel rooms remaining from the originally allowed 500 hotel rooms) proposed as a result of the PMP Amendment would require additional project-level environmental analysis to ensure any unidentified impacts are addressed. There are no plans for developing more than the proposed 175-room hotel at this time.



Source: San Diego Unified Port District - Port Master Plan (2009)





Proposed Port Master Plan Precise Plan Amendment Figure 2-7

Table 2-1. Precise Plan Land Use Allocation—Lindbergh Field/Harbor Island: Planning District 2

-	A	cres
Land Use	Existing	Revised
Commercial	<del>90.6</del>	90.2
Airport-related Commercial	38.0	
Commercial Recreation	<del>52.6</del>	<u>52.2</u>
Industrial	631.8	
Aviation-related Industrial	130.6	
Industrial Business Park	33.1	
International Airport	468.1	
Public Recreation	<del>26.2</del>	<u>26.7</u>
Open Space	<del>7.5</del>	<u>7.2</u>
Park	16.4	
Promenade	2.3	<u>3.1</u>
Public Facilities	<del>66.8</del>	<u>66.7</u>
Harbor Services	1.3	
Streets	<del>65.5</del>	<u>65.4</u>
Total		815.4

Note:

Does not include

Leased Federal Land 22.5 acres State Submerged Tidelands 41.3 acres Leased Uplands 4.1 acres

Revised acreage includes East Harbor Island Subarea PMPA

Source: Port District 2009a

## **Coastal Access**

The California Coastal Act Sections 30210–30214 establish requirements for the provision of public access to the coast, implementing Section 4 of Article X of the California Constitution. The PMP includes goals and policies established to address the Coastal Act requirements for public access to the coast within the Port District's jurisdiction. As stated above, the PMP also defines four public access categories (Classes I–IV) that require development of physical accessways depending on the intended degree of public shoreline access. The promenade proposed along the northern portion of the Project site would be within the Class III access category, while the existing promenade along Harbor Island's southern boundary is within the Class I access category.

The Project has been designed to conform to or exceed the coastal access requirements by constructing a landscaped public promenade along the northern portion of the Project site. The promenade associated with the Project would further enhance physical and visual access to the San Diego Bay.

## **Project Alternatives**

Two alternatives, including the No Project Alternative, have been identified for consideration in the Draft EIR. In accordance with CEQA Guidelines §15126.6, the Reduced Project Alternative would avoid or substantially lessen the significant impacts of the Proposed Project with respect to traffic.

## **No Project Alternative**

The No Project Alternative is a CEQA-required alternative that assumes no project development would occur and none of the Proposed Project's other components would be implemented. Under the No Project Alternative, the Port District would maintain existing conditions within the Project site, with all existing buildings remaining and the marina continuing to operate in its current capacity, with 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, or promenade. The PMP would not be amended to account for the Proposed Project or to incorporate the other changes to the PMP.

## **Reduced Project Alternative**

The Reduced Project Alternative entails construction and operation of a smaller hotel than that of the Proposed Project. This alternative was selected for analysis because a reduction in the scale of the Project would substantially lessen the significant cumulative traffic impacts identified for the Proposed Project. Under this alternative, East Harbor Island would still undergo redevelopment, with construction of a new hotel and parking areas and extension of the promenade, but the hotel would have fewer hotel rooms than that of the Proposed Project. The Reduced Project Alternative would entail a reduction in the number of rooms in the onsite hotel from a total of 175 rooms described for the Proposed Project to 69 rooms and 123 rooms, but would retain the same amount of meeting space as 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) and three stories (123 rooms), respectively. Although a smaller hotel would result in fewer patron and employee vehicles than the Proposed Project, the parking areas under this alternative would be similar in size to the parking lots proposed under the Project. The promenade improvements and roadway, traffic circle, and utility realignments would be the same as in the Proposed Project.

Table 2-2 presents the impacts associated with the Proposed Project compared with the alternatives.

Table 2-2. Impact and Level of Significance Comparison of Proposed Project and Alternatives

Issue Area/Impact	Proposed Project	No Project Alternative	Reduced Project Alternative
Land/Water Use and Coastal Access	NS	NI	NS
Biological Resources	SM	NI	SM
Aesthetics	NS	NI	NS
Hazards and Hazardous Materials	SM	NI	SM
Hydrology and Water Quality	NS	NI	NS
Transportation/Traffic/Parking	NS	NI	NS
Air Quality	NS	NI	NS
Noise			
Interior Noise Levels	SM	NI	SM
Geology and Coastal Processes	SM	NI	SM
Public Services/Utilities	SU	NI	SU
Recreation	NS	NI	NS
Cumulative			
Traffic (intersections & street segments)Public Services (Fire service)	SU	NI	SU
Public Services (Solid Waste)	SU	NI	SU
	SM	NI	SM

#### Notes:

NS = Not Significant

NI = No Impact

SM = Significant and Mitigable

SU = Significant and Unavoidable

## **Impact Summary**

The Proposed Project would result in significant project impacts on Biological Resources; Hazards and Hazardous Materials; Geology and Soils; Noise; and Public Services and Utilities. The Project would contribute to cumulative impacts related to Transportation, Traffic, and Parking; and Public Services and Utilities. Those issues for which effects were found not to be significant are: Agricultural Resources, Cultural Resources, Mineral Resources, and Population and Housing. These environmental topics are described in Chapter 7, "Other Required Considerations," of the Draft EIR, and are not discussed in further detail (CEQA Guidelines, Section 15128). Table 2-3 presents the significant impacts and proposed mitigation measures.

Table 2-3. Matrix of Significant Impacts and Mitigation Measures

# Significant Impact Proposed Mitigation Level of Significance Project Level Impacts Level of Significance After Mitigation

#### **Biological Resources (Section 4.2)**

**BIO-1:** Removal of the mature trees during construction, as well as noise from construction activity, could impede the use of bird breeding sites on and adjacent to the Project Site. The MBTA prohibits take of nearly all native birds. Under the MBTA, "take" means only to kill; directly harm; or destroy individuals, eggs, or nests: or to otherwise cause failure of an ongoing nesting effort. Similar provisions within the FGC protect all native birds of prey and all non-game birds that occur naturally in the state. The destruction of an occupied nest or potential indirect impacts from construction noise on occupied nests that are located off site would be considered a significant impact and a violation of the MBTA and the FGC. Therefore, a significant impact would occur and mitigation is required.

## MM BIO-1: Avoid Nesting Season for Birds or Conduct Preconstruction Nesting Surveys

Less than significant.

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:

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 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

Significant Impact Proposed Mitigation Level of Significance

After Mitigation

confirmed that no new nests have been established.

#### Hazards and Hazardous Materials (Section 4.4)

**HZ-1:** Construction crews could encounter undocumented areas of contamination and other construction-related hazards.

MM HZ-1a: 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.

MM HZ-1b: 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.

Less than significant

Significant Impact	Proposed Mitigation	Level of Significance After Mitigation
	Noise (Section 4.8)	
NOI-1: The proposed hotel would be constructed within an area that could result in interior noise levels exceeding the 45dBA CNEL threshold. Exposure to	MM NOI-1: Reduction of interior noise levels below 45-dBA (CNEL) interior noise requirement.  The proposed hotel shall include noise insulation features such that an interior noise level	Less than significant
high levels of single-event noise from aircraft could result in significant operational impacts on interior noise levels at the proposed hotel.	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:	
	1. Acoustically rated dual pane windows and sliding glass door assemblies	
	2. Heavy-weight drapes and thick carpets for sound absorption	
	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:	
	■ Exterior wall assemblies and walls between guestrooms shall have a minimum sound transmission class (STC) rating of 52	
	■ Walls between guestrooms and stairwells shall have a minimum STC rating of 60	
	■ All floor/ceiling assemblies shall have a minimum STC rating of 60	
	■ Guest room entry doors shall receive full-frame sound insulation stripping	
	Geology and Soils (Section 4.9)	
<b>GEO-1:</b> The proposed structures could suffer significant adverse effects due to groundshaking from seismic events and hazards due to relatively shallow groundwater and liquefiable soils beneath	MM GEO-1: 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:	Less than significant
the surface that may create significant	I. Except for stone columns and HEAT Anchor methods, dewatering shall be	

#### Significant Impact Proposed Mitigation

Level of Significance After Mitigation

adverse effects on proposed structures in a seismic event.

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	$S_{\mathrm{D}}$	$S_{\mathrm{F}}$	Table 16-J
Seismic Coefficient, Ca	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
Near-Source Factor, N <sub>v</sub>	1.6	1.6	Table 16-T
Seismic Source	В	В	Table 16-U

#### **Notes:**

 $S_{\text{D}}$  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.

 $S_{\rm F}$  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

		Level of Significance
Significant Impact	Proposed Mitigation	<b>After Mitigation</b>

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.

 $N_{\rm v}$  is the near-source factor for  $C_{\rm v}$  and is defined by the seismic source type and the closest distance to a known seismic source.  $N_{\rm v}$  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 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.
- 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.
- 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.

Level of Significance
Significant Impact Proposed Mitigation After Mitigation

- III. The Project Applicant shall consult with a geotechnical engineer regarding placement of settlement monuments and recommended Grading Specifications.
- 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.
  - A. The upper 3 feet of soil within areas subjected to densification by stone columns shall be removed, moisture conditioned and recompacted.
  - 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.
- V. The Project Applicant shall follow the recommendations set by in the Geotech Study for the Proposed Project regarding foundations for the structures.
  - 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.
- 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.
- 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:
  - 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.
- 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.

Significant Impact	Proposed Mitigation	Level of Significance After Mitigation
	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.	

## Public Services and Utilities (Section 4.10)

**PUB-1:** Due to one of the responding fire stations being above its annual workload capacity, the City of San Diego Fire Department has indicated that a new fire station is necessary in the area. The increased demand for fire protection service associated with the Proposed Project would contribute to the need for the City to construct an additional fire station. Construction of this station could cause additional impacts to the environment. Therefore, the Proposed Project would result in a significant impact on fire protection service by contributing to the need for the City to construct a new fire station.

MM PUB-1: 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 at 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 at 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.

Implementation of mitigation measure MM PUB-1 could mitigate impacts of the Proposed Project on fire services to a less-than-significant level: however, the stated measures are contingent on the action of the City of San Diego and are outside of the jurisdiction of the Port District. The City has identified the construction of the fire station at the 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 the Proposed Project. The

Significant Impact	Proposed Mitigation	Level of Significance After Mitigation
		<u>fire station is</u>
		identified as a
		proposed project in
		the Fire Station
		Master Plan (February
		2009) and is within
		the Peninsula Public
		<u>Facilities Financing</u>
		Plan, Fiscal Year 2001
		community boundary.
		<u>Final location for the</u>
		required facility shall
		be determined by the
		<u>Fire Rescue</u>
		Department, to ensure
		compliance with
		National Response
		time standards. The
		City has also not
		<del>identified any</del>
		financing plans that
		will assure that the
		fire station is
		constructed. Because
		the City does not have
		plans or funding for
		the construction of the
		fire station at the
		Liberty Station site,
		<u>Although</u>
		implementation of
		mitigation measure
		MM PUB-1 could
		mitigate impacts of
		the Proposed Project
		on fire services to a
		<u>less-than-significant</u>

Significant Impact	Proposed Mitigation	Level of Significance After Mitigation
	Troposed Managawon	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 when needed, and the impacts would remain is considered
		significant and unmitigated.

#### **Cumulative Impacts**

#### Transportation, Traffic, and Parking

**TR-C1:** Project traffic would contribute to the degradation of operations at the North Harbor Drive/Harbor Island Drive/Terminal 1 intersection in excess of City of San Diego thresholds during the AM and PM peak hours.

 $MM\ TR\text{-}C1\colon$  North Harbor Drive / Harbor Island Drive / Terminal 1 intersection (East Airport Entrance).

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.

Implementation of Mitigation Measures MM TR-C1 through MM TR-C6 would mitigate impacts of the Proposed Project to less-thansignificant 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

Significant Impact	Proposed Mitigation	Level of Significance After Mitigation
		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

**TR-C2:** Project traffic would contribute to the degradation of operations at the North Harbor Drive/Rental Car Access Road intersection in excess of City of San Diego thresholds during the AM and PM peak hours.

**TR-C3:** Project traffic would contribute to the degradation of operations at the North Harbor Drive/Laurel Street intersection in excess of City of San Diego thresholds during the PM peak

#### MM TR-C2: North Harbor Drive / Rental Car Access Road intersection.

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.

#### MM TR-C3: North Harbor Drive / Laurel Street intersection.

The Project Applicant shall contribute 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

implemented.

Significant Impact	Proposed Mitigation	Level of Significance After Mitigation
hours.	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.	
<b>TR-C4:</b> Project traffic would contribute to the degradation of operations at the	MM TR-C4: Pacific Highway/Hawthorn Street intersection.	
Pacific Highway/Hawthorn Street intersection in excess of City of San Diego thresholds during the AM peak hours.	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.	
<b>TR-C5:</b> Project traffic would contribute to the degradation of operations on the 'North Harbor Drive between Harbor	MM TR-C5: North Harbor Drive between Harbor Island Drive and Rental Car Access Road street segment.	
Island Drive and Rental Car Access Road' street segment in excess of City of San Diego thresholds.	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.	
<b>TR-C6:</b> Project traffic would contribute to the degradation of operations on the 'North Harbor Drive between Rental Car	MM TR-C6: North Harbor Drive between Rental Car Access Road and Laurel Street street segment.	
Access Road and Laurel Street' street segment in excess of City of San Diego thresholds.	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.	
	Public Services and Utilities	
PUB-C1: The Proposed Project would contribute to cumulative demands on the fire protection and emergency response service of the City of San Diego Fire Department. Due to one of the	Significant cumulative impact PUB-C1, the Proposed Project's contribution of demand to the City Fire Department's fire protection and emergency response services, is similar to its project-level impact (see Section 4.10, "Public Services and Utilities"). The Proposed Project would place demand on a fire station that is above its annual response workload capacity—conditions that are likely to worsen further with the addition of cumulative	Implementation of Mitigation Measure MM PUB-1 could mitigate the Proposed Project's impacts on

San Diego Unified Port District Chapter 2. Executive Summary

### Level of Significance **Proposed Mitigation After Mitigation Significant Impact** responding fire stations being above its development. Implementation of Mitigation Measure MM PUB-1 could mitigate the fire services to a lessannual workload capacity, the Fire Proposed Project's contribution to this cumulative impact to a less-than-significant level. than-significant level. Department has indicated that a new fire However, this station is necessary in the area. The mitigation measure increased demand for fire protection entails establishment service associated with the Proposed by the City Fire Project would contribute to the need for Marshal of San Diego of a development the City to construct an additional fire station. impact fee program, by which the Project Applicant would pay impact fees for its demand on fire services. This mitigation measure is contingent upon action of the City of San Diego, and is outside of the jurisdiction of the Port District., and may not be feasible. The City has identified the construction of the fire station at Liberty Station (former Naval Training Center) as a Tier 2, low priority, project. The City has also not identified any financing plans that will assure that the station is constructed. Because the construction of this

fire station is not

San Diego Unified Port District

Chapter 2. Executive Summary

Significant Impact	Proposed Mitigation	Level of Significance After Mitigation
		identified as a high priority by the City, the Port District cannot assure that this mitigation measure would be implemented when needed, and the cumulative impact would remain is considered significant and unmitigated.
<b>PUB-C2:</b> The Proposed Project involves commercial construction of more than 40,000 square feet; therefore, it would contribute to a significant cumulative impact on solid waste facilities.	<ul> <li>MM PUB-C1: Prior to the issuance of any demolition, grading, or 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:</li> <li>Tons of waste anticipated to be generated</li> <li>Material type of waste to be generated</li> </ul>	Implementation of Mitigation Measure MM PUB-C1 would mitigate the Project's cumulative impact on solid waste facilities to below a level of significance.
	<ul> <li>Source separation techniques for waste generated</li> <li>How materials will be reused on site</li> </ul>	
	<ul> <li>Name and location of recycling, reuse, and landfill facilities where recyclables and waste will be taken if not reused on site</li> </ul>	
	<ul> <li>A "buy-recycled" program for green construction products, including mulch and compost</li> </ul>	
	■ How the project will aim to reduce the generation of construction/ demolition debris	
	■ How waste reduction and recycling goals will be communicated to subcontractors	
	■ A timeline for each of the three main phases of the Project (demolition, construction, and occupancy)	
	■ How the Refuse and Recyclable Materials Storage Regulations will be incorporated	

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Significant Impact	Proposed Mitigation	Level of Significance After Mitigation
	into construction design of building's waste area	
	<ul> <li>How compliance with the Recycling Ordinance will be incorporated into the operational phase</li> </ul>	
	■ International Standards of Operations, or other certification, if any	
	In addition, the Project Applicant has committed to implement the following recycling measures. These measures shall be included in the Waste Management Plan:	
	Provide interior and exterior storage areas for recyclables and green waste and provide adequate recycling containers on site.	
	<ul> <li>Provide education and publicity about recycling and reducing waste, using signage and a case study.</li> </ul>	

# Issues to be Resolved by Board of Port Commissioners

# **Statement of Overriding Considerations**

As discussed in Section 4.10.7 of the Draft EIR and Section 5.6.2 of the Recirculated Portions of the Draft EIR, implementation of Mitigation Measure MM PUB-1 could mitigate the Proposed Project's impacts on fire services to a less-than-significant level. However, this mitigation measure entails establishment by the City of San Diego of a development impact fee program, by which the Project Applicant would pay impact fees for its demand on fire services. This mitigation measure is contingent upon 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. This fire station would be the primary location for which emergency fire, rescue and medical resources would be provided to the Proposed Project. 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 MM PUB-1 could mitigate impacts of the Proposed Project 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 when needed and the direct and cumulative impacts are considered significant and unmitigated. The Board of Port Commissioners will determine whether or not to adopt a Statement of Overriding Considerations for approval of the Project identifying the benefits of the Project that outweigh the significant and unmitigated impacts related to fire protection service.

As discussed in Section 5.6.1 of the Recirculated Portions of the Draft EIR, implementation of Mitigation Measures MM TR-C1 through MM TR-C6 would mitigate the Proposed Project's cumulative traffic impacts 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 mitigation measures would be implemented, and the impacts would remain significant and unmitigated until the mitigation is implemented. The Board of Port Commissioners will determine whether or not to adopt a Statement of Overriding Considerations for approval of the Project identifying the benefits of the Project that outweigh the significant and unmitigated impacts related to traffic.

# Chapter 3 **Errata and Revisions**

The text of the Draft EIR or Recirculated Portions of the Draft EIR has been modified to reflect typographical errors or to make minor clarifications. The following errata pages detail the changes made to the Draft EIR or Recirculated Portions of the Draft EIR. These changes are denoted in a strikeout and underline format. The errata sheets include minor modifications to the text of the draft document as reflected in response to the comment letters.

The following is a list of pages requiring text changes, indicating the EIR section and page in which the changes are to be included in this Final EIR. All changes on the listed page numbers are discussed in further detail in this errata.

EIR SECTION	PAGE NUMBER
1.0 - Executive Summary	1-18
1.0 - Executive Summary	1-21
1.0 - Executive Summary	1-24
4.10 - Public Services and Utilities	4.10-18
5.0 - Cumulative Impacts	5-41

# Section 1.0 – Executive Summary

# Page 1-18

Revised Table 1-2 to incorporate additional information provided in a City of San Diego comment letter on the Recirculated Portions of the Draft EIR.

Public Services and Utilities (Section 4.10)		
<b>PUB-1:</b> Due to one of the	<b>MM PUB-1:</b> Prior to the issuance of a certificate of	Implementation of
responding fire stations being	occupancy for the Proposed Project, the Project	mitigation measure MM
above its annual workload	Applicant shall pay its fair share of the cost of	PUB-1 could mitigate
capacity, the City of San	constructing a new fire station in the vicinity of at	impacts of the Proposed
Diego Fire Department has	Liberty Station in the amount determined by the City	Project on fire services to
indicated that a new fire	of San Diego. This fire station is within the Peninsula	a less-than-significant
station is necessary in the	Public Facilities Financing Plan, Fiscal Year 2001	level; however, the stated
area. The increased demand	community boundary. The fair share contribution	measures are contingent
for fire protection service	shall be paid to the City of San Diego and will be	on the action of the City
associated with the Proposed	deposited into the Developer Contribution Fund No.	of San Diego and are
Project would contribute to	200636. In the event the City of San Diego has not	outside of the jurisdiction
the need for the City to	determined the amount of the Proposed Project's fair	of the Port District. The
construct an additional fire	share of the cost of constructing a new fire station in	City has identified the

station. Construction of this station could cause additional impacts to the environment. Therefore, the Proposed Project would result in a significant impact on fire protection service by contributing to the need for the City to construct a new fire station.

the vicinity of at-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.

construction of the fire station at the in the vicinity of Liberty Station (former Naval Training Center) as a Tier-2, low priority project. The City has also not identified any financing plans that will assure that the fire station is constructed. Because the City does not have plans or funding for the construction of the fire station at the Liberty Station site, This fire station would be the primary location for which emergency fire, rescue and medical resources would be provided to the Proposed Project. 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 MM PUB-1 could mitigate impacts of the Proposed Project 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 when needed, and the impacts would remain is considered significant and unmitigated.

# Page 1-21

Revised the Public Services and Utilities Cumulative Impact summary on Table 1-2 to incorporate additional information provided in a City of San Diego comment letter on the Recirculated Portions of the Draft EIR.

## **Public Services and Utilities**

**PUB-C1:** The Proposed Project would contribute to cumulative demands on the fire protection and emergency response service of the City of San Diego Fire Department. Due to one of the responding fire stations being above its annual workload capacity, the Fire Department has indicated that a new fire station is necessary in the area. The increased demand for fire protection service associated with the Proposed Project would contribute to the need for the City to construct an additional fire station.

Significant cumulative impact PUB-C1, the Proposed Project's contribution of demand to the City Fire Department's fire protection and emergency response services, is similar to its project-level impact (see Section 4.10, "Public Services and Utilities"). The Proposed Project would place demand on a fire station that is above its annual response workload capacity—conditions that are likely to worsen further with the addition of cumulative development. Implementation of Mitigation Measure MM PUB-1 could mitigate the Proposed Project's contribution to this cumulative impact to a less-than-significant level.

of Mitigation Measure MM PUB-1 could mitigate the **Proposed** Project's impacts on fire services to a less-thansignificant level. However, this mitigation measure entails establishment by the City Fire Marshal of San Diego of a development impact fee program, by which the Project Applicant would pay impact fees for its demand on fire services. This mitigation measure is contingent upon action of the City of San Diego, and is outside of the jurisdiction of the Port District., and may not be feasible. The City has identified the construction of the fire station at **Liberty Station** (former Naval

Implementation

Training Center) as a Tier-2, low priority, project. The City has also not identified any financing plans that will assure that the station is constructed. Because the construction of this fire station is not identified as a high priority by the City, the Port District cannot assure that this mitigation measure would be implemented when needed, and the cumulative impact would <del>remain i</del>s considered significant and unmitigated.

Page 1-24

Revised Table 1-3 as follows to clarify that the cumulative traffic impact also includes "street segments:"

Issue Area/Impact	Proposed Project	No Project Alternative	Reduced Project Alternative
Land/Water Use and Coastal Access	NS	NI	NS
Biological Resources	-		
Impact on Nesting Birds	SM	NI	SM
Aesthetics	NS	NI	NS
Hazards and Hazardous Materials	-		
Hazardous Building Materials	SM	NI	SM
Hydrology and Water Quality	NS	NI	NS
Transportation/Traffic/Parking	NS	NI	NS
Air Quality	NS	NI	NS

Issue Area/Impact	Proposed Project	No Project Alternative	Reduced Project Alternative
Noise			
Interior Noise Levels	SM	NI	SM
Geology and Coastal Processes	_		
Shallow groundwater/liquefiable soils	SM	NI	SM
Public Services/Utilities	-		
Increase in fire service demand	SU	NI	SU
Recreation	NS	NI	NS
Cumulative			
Traffic (intersections & street segments)	SU	NI	SU
Public Services (Fire service)	SU	NI	SU
Public Services (Solid Waste)	SM	NI	SM

Notes: NS = Not Significant; NI = No Impact; SM = Significant and Mitigable; SU = Significant and Unavoidable

# Section 4.10 - Public Services and Utilities

# Page 4.10-18

Revised Sections 4.10.6 and 4.10.7 as follows to incorporate additional information provided in a City of San Diego comment letter on the Recirculated Portions of the Draft EIR:

# **4.10.6** Mitigation Measures

MM PUB-1: 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 at-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 at-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.

# 4.10.7 Significance of Impacts after Mitigation

Implementation of mitigation measure MM PUB 1 could mitigate impacts of the Proposed Project on fire services to a less than significant level; however, the stated measures are contingent on the action of the City of San Diego and are outside of the jurisdiction of the Port District. The City has identified the construction of the fire station at the 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 the Proposed Project. 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. The City has also not identified any financing plans that will assure that the fire station is constructed. Because the City does not have plans or funding for the construction of the fire station at the Liberty Station site, —Although implementation of mitigation measure MM PUB-1 could mitigate impacts of the Proposed Project 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 when needed, and the impacts would remain is considered significant and unmitigated.

# Section 5.0 - Cumulative Impacts

# Page 5-41

Revised Section 5.6.2 as follows to incorporate additional information provided in a City of San Diego comment letter on the Recirculated Portions of the Draft EIR:

## **Fire Protection**

Implementation of Mitigation Measure MM PUB-1 could mitigate the Proposed Project's impacts on fire services to a less-than-significant level. However, this mitigation measure entails establishment by the City Fire Marshal of San Diego of a development impact fee program, by which the Project Applicant would pay impact fees for its demand on fire services. This mitigation measure is contingent upon action of the City of San Diego, and is outside of the jurisdiction of the Port District., and may not be feasible. The City has identified the construction of the fire station at Liberty Station (former Naval Training Center) as a Tier 2, low priority, project. The City has also not identified any financing plans that will assure that the station is constructed. Because the construction of this fire station is not identified as a high priority by the City, the Port District cannot assure that this mitigation measure would be implemented when needed, and the cumulative impact would remain is considered significant and unmitigated.

# Chapter 4

# **Public Review Distribution List**

The Draft EIR was made available for public review on December 10, 2009, for the standard 45-day public review period that concluded on January 25, 2010. A Notice of Availability was published in the San Diego Daily Transcript and San Diego Union-Tribune on December 10, 2009. The Recirculated Portions of the Draft EIR was made available for a 45-day public review period from November 24, 2010 through January 10, 2011. A Notice of Availability was published in the San Diego Daily Transcript and San Diego Union-Tribune on November 24, 2010. Below is a listing of those agencies and organizations that received a copy of the Draft EIR and Recirculated Portions of the Draft EIR.

# **Federal Agencies**

U.S. Army Corps of Engineers: Los Angeles District; San Diego Field Office

U.S. Department of Commerce, National Marine Fisheries Service, Southwest Region

U.S. Fish and Wildlife Services, Carlsbad Office

Federal Aviation Administration, San Diego Flight Standards District Office

# **State Agencies**

California Air Resources Board

California Coastal Commission: Headquarters; San Diego Coast District Office

California Department of Fish and Game, San Diego Office

California State Lands Commission State Water Resources Control Board

# **Local Agencies**

County of San Diego, Air Pollution Control District

San Diego Association of Governments (SANDAG): Land Use & Transportation; Planning Department

San Diego County Regional Airport Authority

San Diego Regional Water Quality Control Board

City of San Diego: Transportation Division; Development Services; Metropolitan Wastewater; Water Department; Central Library; Mission Hills Library; Point Loma Library; City Planning & Community Investment

# **Organizations**

Accessible San Diego Centre City Development Corporation (CCDC) San Diego Audubon Society Environmental Health Coalition

In addition, the following agencies and organizations received a postcard noticing the availability of the Draft EIR and Recirculated Portions of the Draft EIR.

# **Federal Agencies**

U.S. Navy, Southwest Division

U.S. Coast Guard, San Diego Marine Safety Office

U.S. Environmental Protection Agency, Pacific Southwest Region

Federal Aviation Administration: Air Traffic Airspace Branch; Western-Pacific Region

# **State Agencies**

California Department of Boating and Waterways

California Department of Health Services

California Department of Transportation: Division of Aeronautics; District 11 Office

California Department of Toxic Substances Control

California Integrated Waste Management Board

California Public Utilities Commission

California Resources Agency

California Native American Heritage Commission

California Highway Patrol, San Diego

Office of Planning and Research, State Clearinghouse

# **Local Agencies**

County of San Diego: Board of Supervisors; County Clerk; Department of. Environmental Health;

Department of Planning and Land Use; Land Use and Environmental Group

San Diego County Water Authority

San Diego Metropolitan Transit System

City of San Diego: Mayor's Office; City Council; City Clerk; Engineering & Capital Projects

City of National City: Mayor's Office; City Manager; Community Development Department

City of Chula Vista: Mayor's Office; City Manager; Planning Department

City of Coronado: Mayor's Office; City Manager; Community Development Department

City of Imperial Beach: Mayor's Office; City Manager; Community Development Department

San Diego Gas & Electric

# **Organizations**

Port Tenants Association

Citizens Coordinate for Century 3 (C-3)

Downtown San Diego Partnership

I Love a Clean San Diego

North Bay Community Planning Group

San Diego Archaeological Society

San Diego Chamber of Commerce

San Diego Coastkeeper

San Diego Convention Center Corporation

San Diego Convention & Visitors Bureau
San Diego Regional Economic Development Corporation
Save Our Bay Inc.
Save Our Heritage Organisation
Sierra Club, San Diego Chapter
Surfrider Foundation, San Diego Chapter
Unite Here Local 30 Union

Other Interested Individuals and Groups received a postcard noticing the availability of the Draft EIR and Recirculated Portions of the Draft EIR.

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# Chapter 5 Responses to Comments

Under CEQA, an agency must solicit and respond to comments from the public and from other agencies concerned with the project. The Draft EIR (DEIR) was made available by the San Diego Unified Port District (SDUPD) for public review from December 10, 2009 through January 25, 2010. In addition, revised portions of the Draft EIR were recirculated and made available for public review from November 24, 2010 through January 10, 2011. The DEIR and Recirculated Portions of the DEIR have undergone an extensive public and agency review process, including submittal to the California State Clearinghouse. Comments received on the Sunroad Harbor Island Hotel Project and East Harbor Island Subarea PMP Amendment EIR were from state and local agencies, and organizations. The comments addressed concerns with transportation/traffic, cultural resources, visual resources, hazardous materials, and public services and utilities.

The following interested parties submitted letters during the public review periods for the Draft EIR and/or Recirculated Portions of the DEIR:

# **State Agencies**

- Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, Scott Morgan, State Clearinghouse Acting Director
- Department of Toxic Substances Control, Greg Holmes, Unit Chief
- California Native American Heritage Commission, Dave Singleton, Program Analyst

# **Local Agencies**

■ City of San Diego, Development Services Department, Cecilia Gallardo, Assistant Deputy Director

# **Organizations**

Adams Broadwell Joseph & Cardozo, Attorney for UNITE HERE Local 30 Union

To finalize the EIR for the Sunroad Harbor Island Hotel Project and East Harbor Island Subarea PMP Amendment, SDUPD staff has prepared the following responses to comments that were received during the public review periods. These responses have been distributed to the commentors and the Board of Port

Commissioners. All commentors, and those who so requested, have been individually advised of the Board of Port Commissioners' hearing for the EIR certification.

The following section includes comments received during the public review processes and responses to the comments. Each comment has been assigned a comment number, which corresponds to a response number and response that appears on the same page. Comment Letters A through D were received during the public review period for the DEIR. Comment Letters E through I were received during the public review period for the Recirculated Portions of the DEIR.



#### STATE OF CALIFORNIA

# GOVERNOR'S OFFICE of PLANNING AND RESEARCH STATE CLEARINGHOUSE AND PLANNING UNIT



Comment Letter A

DIRECTOR

ARNOLD SCHWARZENEGGER GOVERNOR

January 26, 2010

Anna Buzaitis San Diego Unified Port District P.O. Box 120488 San Diego, CA 92112-0488

Subject: Sunroad Harbor Island Hotel Project & East Harbor Island Subarea PMPA (UPD 83356-EIR-783) SCH#: 2006021027

Dear Anna Buzaitis:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 25, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

A-1

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan Acting Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044 (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

# **Response to Comment A-1:**

This comment acknowledges that the State Clearinghouse submitted the DEIR to selected state agencies for review. The Port District addresses comments from the responding state agencies throughout this Final EIR.

## Document Details Report State Clearinghouse Data Base

SCH# Project Title Lead Agency	Sunroad Harbor Island Hotel Project & East Harbor Island Subarea PMPA (UPD 83356-EIR-783)		
Туре	EIR Draft EIR		
Description	Redevelopment on a portion of East Harbor Island to include: demolition of one existig locker building and a parking lot located east of the Sunroad Resort Marina building; construction of a limited servie hotel (~117,000 sf) with a max. of 175 rooms, limited meeting space (~8k sf), parking, and common areas; removal of traffic circle at eastern terminus of Harbor Island drive; realignment of road and lease lines; reconfiguration of existing paved areas to provided ingress and egress to the hotel and surface parking; public promenade along the basin-side of the hotel; realignment of existing sewer, water, and utility lines. A Port Master Plan Amendment is required to redesignate some land uses on the project site.		
Lead Agenc	y Contact		
Name	Anna Buzaitis		
Agency	San Diego Unified Port District		
Phone	619-686-7263 <b>Fax</b>		
email			
	P.O. Box 120488		
City	San Diego		
Project Loca	ation		
County	San Diego		
City	San Diego		
Region			
Lat/Long	32° 43' 30" N / 117° 11' 26" W		
Parcel No.	Harbor Island Drive 760-010-23-00, & 760-010-11-00		
Township	Range Section Base		
D			
Proximity to			
Highways	Interstate 5		
Airports	San Diego International SDNR		
Railways Waterways			
Schools	Sall Diego Bay		
Land Use	Commercial Recreation; Open Space; Streets		
	A R PAG A A CONTROL PRODUCTION OF THE PRODUCTION		
roject Issues	Aesthetic/Visual; Air Quality; Biological Resources; Coastal Zone; Cumulative Effects;		
	Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Landuse; Noise; Public Services;		
	Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Wetland/Riparian		
Reviewing	Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish		
Agencies	and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation;		
	Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol;		
	Caltrans, District 11; Regional Water Quality Control Board, Region 9; Department of Toxic		
	Substances Control; Native American Heritage Commission; State Lands Commission		
ate Received	12/09/2009 Start of Review 12/09/2009 End of Review 01/25/2010		

Note: Blanks in data fields result from insufficient information provided by lead agency.

Comment Letter B

STATE OF CALIFORNIA

Arnold Schwarzenegger, Govern

NATIVE AMERICAN HERITAGE COMMISSION 915 CAPITOL MALL, ROOM 364 SACRAMENTO, CA 95814 (918) 653-6251

SACRAMENTO, CA 95814 (916) 653-6251 Fax (916) 657-5390 Web Site www.nahc.ca.gov e-mail: ds\_nahc@pacbell.net



Ms. Anna Buzaitis, Project Planner
SAN DIEGO UNIFIED PORT DISTRICT

P.O. Box 120488 San Diego, CA 92112-0488

Re: SCH#200\( \)021027 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Sunroad Harbor Island Hotel Project and East Harbor Island Subara Port Master Plan Amendment (PMPA) (UPD #83356-EIR-783); located in the Ssouth Bay area; City of San Diego: San Diego County, California

Dear Ms. Buzaitis:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see <u>Environmental Protection Information Center v. Johnson</u> (1985) 170 Cal App. 3" 604) The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amended in 2009) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance. In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code \$5097.94(a) and Native American Cultural resources were not identified within one-half mile of the ADE.

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the nearest tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes. Furthermore we suggest that you contact the California Historic Resources Information System (CHRIS) at the Office of Historic Preservation (OHP) Coordinator's office (at (916) 653-7278, for referral to the nearest OHP Information Center of which there are 11.

Consultation with tribes and interested Native American tribes and individuals, as consulting parties, on the NAHC list ,should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f)]et se), 36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 et seq) and NAGPRA (25 U.S.C. 3001-3013), as appropriate.

## **Subject Line:**

Please note that the Proposed Project is not located in the South Bay area of San Diego. The Project site is located on Harbor Island in northern San Diego bay.

# **Response to Comment B-1:**

This comment indicates that a Sacred Lands File search was conducted by the Native American Heritage Commission and no Native American Cultural Resources were identified within one-half mile of the Project site. As the comment does not address the accuracy or adequacy of the DEIR, no further response is warranted.

# **Response to Comment B-2:**

As discussed on page 7-3 of the DEIR, the Project site is located on filled land. Harbor Island was created in the 1960s, and the onsite buildings were constructed in the following decades. Therefore, the consultation and monitoring responsibilities mentioned in this comment are not deemed necessary for this Project because it is unlikely that Native American cultural resources will be discovered during project grading due to the Project site being located entirely on fill.

В-

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected the under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C, 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

Health and Safety Code §7050.5, Public Resources Code §5097.88 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

Please feel free to contact me at (916) 653-6251 if you have any questions.

Attachment: List of Native American Contacts

Cc: State Clearinghouse

Program Analyst

## **Response to Comment B-3:**

See Response to Comment B-2. No cultural resources were identified on or adjacent to the Project site. In addition, because the Project site is located on fill, no buried cultural resources or human remains are anticipated to be discovered during site disturbance activities associated with construction of the Proposed Project.

# **Response to Comment B-4:**

Harbor Island was created in the 1960s, and the onsite buildings were constructed in the following decades. In addition, the Sacred Lands File (SLF) record search performed by NAHC, revealed that no cultural resources were identified on or adjacent to the Project site. As a result accidental discovery of archeological resources defined in the comment as "historic properties of religious or cultural significance" during construction is not anticipated. Therefore, consultation with Native Americans on the attached list is not necessary.

# **Response to Comment B-5:**

See Response to Comment B-2. No cultural resources were identified on or adjacent to the Project site. Therefore, accidental discovery of human remains during construction is not anticipated.

# **Response to Comment B-6:**

See responses to Comments B-3 and B-5.



# Department of Toxic Substances Control

Maziar Movassaghi, Acting Director 5796 Corporate Avenue Cypress, California 90630



Comment Letter C

January 13, 2010

Secretary for

Mr. John Helmer, Director Land Use Planning San Diego Unified Port District Land Use Department 3165 Pacific Highway San Diego, California 92101



NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR SUNROAD HARBOR ISLAND HOTEL PROJECT & EAST HARBOR ISLAND SUBAREA PORT MASTER PLAN AMENDMENT (SCH # 2006021027), SAN DIEGO COUNTY

Dear Mr. Helmer:

The Department of Toxic Substances Control (DTSC) has received your submitted draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document:" The Proposed project plans to replace an existing marina locker building and surface parking with a 4-story hotel with a maximum of 175 rooms. The Proposed Project also includes an amendment to the Port Master Plan (PMP) to address changes in land use resulting from reconfiguring an eastern portion of Harbor Island Drive and the traffic circle at its eastern terminus. The existing Project site includes approximately 5 acres of filled tidelands containing one marina locker building and a parking lot for the marina. The Proposed Project site is located in the southern portion San Diego County at the northern end of San Diego Bay. More specifically, the Project site is located on East Harbor Island (Subarea 23 of Planning District 2), the eastern of the two peninsulas. The Project is bordered to the north by the Sunroad Resort Marina, and the airport car rental compound; to the east by the Reuben E. Lee and Island Prime restaurants; to the south by Harbor Island Drive, the Class I public promenade, and the San Diego Bay; to the west by a San Diego International Airport (SDIA) employees parking lot, a marina, and hotels and commercial properties. The Project site is currently designated as Commercial Recreation with the exception of an Open Space area within the traffic circle at the east end of Harbor Island Drive, and the Street designation on the Harbor Island Drive." DTSC has following comments:

Printed on Recycled Paper

Mr. John Helmer January 13, 2010 Page 2 of 2

 DTSC provided comments on the project Notice of Preparation (NOP) on January 20, 2009; those comments have not been addressed in the draft EIR.
 Please address DTSC's comments in the final EIR.

- 2) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies which would not be responsible parties under CERCLA, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see <a href="https://www.dtsc.ca.gov/SiteCleanup/Brownfields">www.dtsc.ca.gov/SiteCleanup/Brownfields</a>, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.
- C-3 3) In future CEQA documents, please provide your e-mail address, so DTSC can send you comments both electronically and by mail.

If you have any questions regarding this letter, please contact Mr. Rafiq Ahmed, Project Manager, at <a href="mailto:rahmed@dtsc.ca.gov">rahmed@dtsc.ca.gov</a> or by phone at (714) 484-5491.

Sincerely,

C-2

Greg Holmes

Unit Chief
Brownfields and Environmental Restoration Program - Cypress Office

cc: Governor's Office of Planning and Research State Clearinghouse P.O. Box 3044 Sacramento, California 95812-3044 state clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
1001 I Street, 22nd Floor, M.S. 22-2
Sacramento, California 95814
ADelacr1@dtsc.ca.gov

CEQA#2740

## **Response to Comment C-1:**

The NOP comments from the January 20, 2009 Department of Toxic Substances Control (DTSC) letter have been addressed in Section 4.4, Hazards and Hazardous Materials and Section 4.7, Air Quality, of the DEIR. The following is a summary of DTSC comments contained in the NOP comment letter followed by the analysis presented in the DEIR that addresses the comment:

- NOP The EIR should evaluate whether conditions within the Project area may pose a threat to human health;
- NOP The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight;
- NOP Environmental investigation (Phase I or II Environmental Site #3 Assessment Investigations) findings should be summarized in the EIR, and all closure, certification, or remediation approval reports should be included;
- NOP If the project includes demolition, an investigation should be conducted for the presence of hazardous chemicals, mercury and asbestos. Proper precautions should be included in the EIR for identified hazardous materials;
- NOP Soil sampling is required if soil excavation is planned on the Project site. For identified contaminated soils, the EIR should include proper disposal methods.
- NOP If necessary, the EIR should include a health risk assessment on sensitive receptors during any construction or demolition activities;
- NOP If hazardous wastes are, or will be, generated by the proposed operations, the EIR should include how wastes must be managed in accordance with the California Hazardous Waste

Control Law and the Hazardous Waste Control Regulations;

NOP If the Project area was used for agricultural activities that might have used pesticides, the EIR should include the proper investigation and remedial actions that must be conducted.

EIR's Response to NOP Comments #1-3, #6:

The DEIR did evaluate whether conditions within the Project area may pose a threat to human health. As discussed in Section 4.4 of the DEIR, to gather information on the existing hazardous materials baseline conditions, a Hazardous Materials Technical Study (HMTS) was prepared by Ninyo & Moore (July 14, 2006). The objective of the HMTS was to evaluate specific existing, potential, or suspect conditions that may impose a liability from soil and groundwater contamination regarding activities associated with adoption of the Proposed Project. Numerous federal, state and local environmental databases were searched as part of the HMTS. The databases searched are listed on Page 13 of the HMTS. The HMTS is included as Appendix D-1 of the DEIR. That report covered a larger project area that included the Project site and the general vicinity of the Project site on East Harbor Island. The analysis in the DEIR describes hazardous materials sites and existing conditions for the Project site as defined by the Ninyo & Moore report. The presence or absence of hazardous materials on the Project site are clarified in the DEIR where appropriate.

The HMTS concluded that, based on the information reviewed at the local regulatory agencies, the hazardous materials/wastes currently and formerly stored at the Project site (i.e., 500-gallon underground storage tank (UST), waste oil, solvents, etc.) do not have the potential to create a significant hazard to the public or the environment. It was noted, however, that the HTMS recommended a follow-up Phase II investigation to determine the history of the now removed UST and whether the area surrounding the UST still contained contaminants. The UST was located west of the marina building on the western portion of the Project site, and thus was not located in the portion of the Project site proposed for construction of the hotel.

Subsequently, a Phase II Subsurface Investigation (Phase II) was undertaken to determine if contamination from a former UST was present

and, if so, to ascertain the extent of the potential contamination. The Phase II Environmental Site Assessment (ESA), prepared by AEI Consultants and dated July 26, 2006, is provided in full in Appendix D-2 of the DEIR.

As discussed in Section 4.4.4.4 of the DEIR, because it cannot be assumed that the number and location of samples collected during the Phase II investigation are representative of the entire Project site, the potential exists that areas within the Project site may be contaminated due to leaks from the removed UST. In addition, due to the presence of the marina and past use of the surrounding areas for industrial purposes including aerospace and other industries, undocumented areas of contamination could exist. In the event undocumented areas of contamination are encountered during construction or ground-disturbing activities, a potential significant impact from worker exposure to hazardous materials could occur. Therefore, the DEIR included the following mitigation measures:

MM HZ-1a: 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.

**MM HZ-1b:** 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.

## EIR's Response to NOP Comment #5:

As discussed in Section 4.4.4.2 of the DEIR, the San Diego Air Pollution Control District (SDAPCD) requires the owner of an establishment, set for demolition or renovation, or the owner or operator of any equipment used to demolish or renovate any structure, to submit an Asbestos Demolition or Renovation Operational Plan (Notice of Intention) at least 10 working days before any asbestos stripping or removal work begins (such as, site preparation that would break up, dislodge or similarly disturb asbestos containing material). A Notice of Intention is required for all demolitions, regardless of whether asbestos containing materials are present or not. Although Project construction would not involve renovation or demolition of any structures that may have used asbestos-containing building materials, nor would it remove lead-based paints from existing structures built prior to 1980, submittal of a Notice of Intention to the SDAPCD would be required prior to any construction activities and would ensure that hazardous materials are not released into the environment. Therefore, because the Proposed Project would have to comply with federal, state, and local regulations for potentially hazardous material releases, the Proposed Project would not result in a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Therefore, during Project construction impacts would be less than significant.

## EIR's Response to NOP Comment #7:

As discussed in Section 4.7.4.4 of the DEIR, the nearest sensitive receptors to the Project site are the Spanish Landing Park, located approximately 0.5 mile northwest of the Project site, the park located on the south side of West Harbor Island, approximately 1 mile west of the Project site, and

residences along Laurel Street, Hawthorn Street, and Grape Street, approximately 1 mile to the east of the Project site.

Construction activities are sporadic, transitory, and short-term in nature, and once construction activities have ceased, so too have emissions from construction activities. It is estimated that construction activities for the Project would occur over approximately 18 months; however, most of the diesel emissions would occur during site grading and road construction, which would take approximately 3 months. Because the duration of exposure to diesel exhaust during the temporary construction activity would be much shorter than the assumed 70-year exposure period used to estimate lifetime cancer risks, construction of the Proposed Project is not anticipated to result in an elevated health risk to exposed persons due to the short-term nature of construction-related diesel exposure. The Project may create a nuisance for nearby visitors during hours of construction, but this impact is considered minimal. In addition, based on screening methodology provided by the SCAOMD, air pollution exposure to diesel emissions is reduced with distance. Therefore, the distance from the Project site to the nearest sensitive receptor (approximately 0.5 mile) is assumed to be enough to greatly reduce pollution concentrations. Consequently, the human health impact of diesel risks associated with construction activities is considered to be less than significant.

# EIR's Response to NOP Comment #8:

As discussed in Section 4.4.4.1 of the DEIR, the Project does not propose any feature that would routinely emit hazardous materials into the water, ground, or air during its construction or operation. Use, storage, and disposal of any common and chemical hazardous materials including motor oil, solvents, household and industrial cleaning products, paint, swimming pool–related chemicals, some acids, and organic waste during normal hotel operation would be managed pursuant to all standard federal, state, and local regulations. The Proposed Project would be subject to routine inspection by the County DEH's HMD (the DTSC's CUPA) and the City of San Diego Fire Department, assuring ongoing compliance and preventing dangerous conditions that could lead to hazardous upset conditions.

## EIR's Response to NOP Comment #9:

As discussed in Section 4.4.4.4 of the DEIR, past uses of the surrounding area include industrial uses such as aerospace and other industries. The

Project site has not been historically and is not currently used for agricultural purposes.

# **Response to Comment C-2:**

This comment indicates that, if needed, DTSC can provide guidance for cleanup oversight. As the comment does not address the accuracy or adequacy of the DEIR, no further response is warranted.

# **Response to Comment C-3:**

This comment expresses interest for email addresses to be provided in future CEQA documents. This comment is noted. As the comment does not address the accuracy or adequacy of the DEIR, no further response is warranted.



Comment Letter D

THE CITY OF SAN DIEGO

January 25, 2010

San Diego Unified Port District Land Use Planning Department 3165 Pacific Highway San Diego, CA 92101

Submitted via email to: abuzaiti@portofsandiego.org Hard copy to follow via mail

CITY OF SAN DIEGO COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE SUNROAD HARBOR ISLAND HOTEL PROJECT AND EAST HARBOR ISLAND SUBAREA PORT MASTER PLAN AMENDMENT (UPD #83356-EIR-783; SCH #2006021027, IO #12002082)

The City of San Diego ("City") has received and reviewed the Draft Environmental Impact Report ("DEIR") for the Sunroad Harbor Island Hotel Project and East Harbor Island Subarea Port Master Plan Amendment and appreciates this opportunity to provide comments to the Port of San Diego. In response to the DEIR, the City has identified potential environmental issues that may result in a significant impact to the environment. Continued coordinated planning between the City, the Port of San Diego, and other local, regional, state, and federal agencies will be essential.

Staff from the Development Services Department ("DSD"), the City Planning and Community Investment Department, and the Environmental Services Department (ESD) have reviewed the DEIR and have the following comments regarding the content of the DEIR:

#### DEVELOPMENT SERVICES DEPARTMENT:

ANN GONSALVES (619) 446-5294 AGONSLAVES@SANDIEGO.GOV ISMAIL ELHAMAD AT (619) 446-5494 I ELHAMAD @SANDIEGO.GOV

#### GENERAL:

D-1

1. The latest City of San Diego "Significant Determination Thresholds" should be used to identify project's impact on transportation facilities.

D-2

2. Roadway classifications and Level Of service (LOS) E capacities should be revised to reflect current City standards as follows:



**Development Services** 1222 First Avenue, MS 501 • San Diego, CA 92101-4155 Tel (619) 446-5460

# **Response to Comment D-1:**

Changes were made to the DEIR to include the most recent significance thresholds adopted by the City of San Diego, as well as the standard roadway classifications and capacities. The revised thresholds and standards, as well as the associated revised traffic impact analysis, were included in the Recirculated Portions of the DEIR, which was circulated for public review from November 24, 2010 to January 10, 2011.

# **Response to Comment D-2:**

Changes were made to the DEIR to include the most recent significance thresholds adopted by the City of San Diego, as well as the standard roadway classifications and capacities. The revised thresholds and standards, as well as the associated revised traffic impact analysis, were included in the Recirculated Portions of the DEIR, which was circulated for public review from November 24, 2010 to January 10, 2011.

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#### North Harbor Drive:

- between Rosecrans Street and Nimitz Boulevard functions as a four-lane major arterial with ultimate classification of a four-lane major arterial with LOS E capacity at 40,000 ADT.
- between Nimitz Boulevard and Grape Street as a six-lane primary arterial with LOS E capacity at 60,000 ADT, except the two segments
- between Harbor Island Dr and Rental Access Road and between Hawthorn Street and Grape Street as a seven-lane primary arterial at LOS E capacity of 65,000 ADT.
- · south of Grape Street as a five-lane primary arterial with LOS E at 55,000 ADT.

#### Pacific Highway:

D-2 cont.

 between north of Laurel Street to south of Grape Street is classified as six-lane major street with LOS E capacity of 50,000 ADT.

#### Laurel Street

- between N. Harbor Drive and Pacific Highway is classified as four-lane major street with LOS E capacity of 40,000 ADT and,
- · east of Pacific Highway as a four-lane collector street with LOS E capacity of 30,000 ADT.

#### Hawthorn Street:

 between North Harbor Drive and east of Pacific Highway is classified as three-lane major street (one-way)with LOS E capacity of 25,000 ADT.

#### Grape Street:

 between North Harbor Drive and east of Pacific Highway is classified as a three-lane major street (one-way) with LOS E capacity of 25,000 ADT.

#### Harbor Island Drive:

- between North Harbor Drive and Harbor Island Drive is classified as a four-lane Major street with LOS E capacity of 40,000.
- west and east of Harbor Island Drive as a four-lane collector Street with LOS E capacity of 30,000 A DT

Page 3 of 5 San Diego Unified Port District Land Use Planning Department January 25, 2010

- The EIR should discuss and evaluate the impact of trolley, coaster and freight train operations
  on the intersections of Pacific Highway/Laurel Street, Pacific Highway/Hawthorn Street and
  Pacific Highway/Grape Street.
- 4. The EIR shall provide details explaining why a "business hotel" rate of 7 average daily trips (ADT) per room would be appropriate rather than the more typical rate of 10 ADT per room. If appropriate, the 10 ADT should be used and carried throughout the analysis.
- 5. The EIR must evaluate the impact of the proposed reduction (for four lanes to three) in capacity to Harbor Island Drive, especially including the proposed near term redevelopment of the Reuhen F. Lee site.

#### SPECIFIC

- Page 4.6-2, Affected Roadways, North Harbor Drive: Revise the clause "Currently North Harbor Island Drive is classified as a 6-lane divided roadway" to read " Currently North Harbor Drive is classified as a 6-lane primary arterial.."
- 7. Page 4.6-2, Affected Roadways, Pacific Highway: Revise the clause "Pacific Highway is a 6-lane divided roadway" to read "Pacific Highway is a 6-lane divided major street.."
- D-8

  8. Page 4.6-4, first paragraph: This section states that this document assumes higher than typical capacity for North Harbor drive, which might explain why higher capacities are assumed for Laurel Street, Hawthorn Street and Grape Street. Standard City capacities should be used for all street segments.
- 9. Page 4.6-5, Table 4.6-1 Existing Street Segment Operations: The capacity at LOS E should comply with the City of San Diego roadway classifications and thresholds. Based on that, the V/C and LOS should be revised accordingly. Also, please add a column for functional classification for each roadway segment. Please note (one-way) next to Hawthorn Street and Grape Street.
- 10. Page 4.6-8, Impact Significance Criteria, 8th bulleted criteria: This statement should be revised.

  The addition of project traffic on a roadway that is operating at LOS E and F will have significant impact if the increase in V/C exceeding 0.2 for LOS E or exceeding 0.1 for LOS F.
- 11. Page 4.6-8, Impact Significance Criteria, 10th bulleted criteria: This statement should be revised. The addition of project traffic to an intersection that is operating at LOS E and F will have significant impact if the increase in delay is exceeding 2 seconds for LOS E or exceeding 1 second for LOS F.
- 12. Page 4.6-9, Table 4.6-3 City of San Diego Traffic Impact Significance Thresholds: Please revise this table to conform to the current thresholds per comments # 16 thru # 18. This section should describe how the project's trip distribution was determined.

# **Response to Comment D-3:**

During fieldwork visits to the project area, LLG observed railway operations as they relate to the intersections of Pacific Highway/Laurel Street, Pacific Highway/Hawthorn Street, and Pacific Highway/Grape Street. Although the trolley runs through downtown, at these intersections the trolley is grade separated and does not affect the intersection operations. Freight service does utilize these tracks, once midday and then late at night. Therefore, it does not affect the peak periods of operations for the intersections. The Coaster and Amtrak utilize the railway tracks during the peak periods; however, operations of both the Coaster and Amtrak are not frequent enough to warrant any special considerations in the traffic analysis. Essentially, there may be one interruption by the Coaster or Amtrak every 7–10 minutes, which equates to approximately one out of every five cycles for the intersection, and there is about a 50% chance the gates will be down when the east/west street is already stopped at a red light. The roadway system can accommodate these random interruptions without serious traffic implications. The standard of practice is not to consider interruptions from trains.

# **Response to Comment D-4:**

The "business hotel" rate of 7 trips/room was used as it best describes the proposed project. The hotel is a limited service hotel intended for business travelers who prefer to stay close to the airport. The hotel will have limited-meeting space, intended to accommodate groups staying at the hotel, and will not have a full service restaurant. In addition, the hotel will include a dedicated airport shuttle to transport hotel guests to and from the airport.

# **Response to Comment D-5:**

The project proposes to reduce the existing traffic circle currently located at the terminus of Harbor Island Drive and to narrow the eastern portion of Harbor Island Drive along the property frontage from four lanes to three lanes (1 westbound lane and 2 eastbound lanes). As depicted on Figures 3-6 and 3-7 of the DEIR (and Recirculated Portions of the DEIR), the roadway only narrows near the terminus of the roadway, from in front of the existing marina eastward to the traffic circle, a distance of approximately 370 feet. Marina traffic will be serviced by the 4-lane roadway as the driveway to the marina is located just prior to (west of) the lane drop. The remaining land uses that will be serviced by the narrowed roadway (3-lanes) include the proposed hotel, Island Prime and the redeveloped Reuben E. Lee restaurant.

The capacity of a 3-lane roadway is 15,000 ADT. This capacity is sufficient to handle the traffic related to these land uses. This narrowing does not change the classification for the majority of the roadway, which will remain a 4-lane collector, and the roadway was evaluated as such.

## **Response to Comment D-6:**

Page 4.6-2 of the DEIR has been revised as requested. The revised text was part of the Recirculated Portions of the DEIR.

# **Response to Comment D-7:**

Page 4.6-2 of the DEIR has been revised as requested. The revised text was part of the Recirculated Portions of the DEIR.

# **Response to Comment D-8:**

Changes were made to the DEIR to include the most recent significance thresholds adopted by the City of San Diego, as well as the standard roadway classifications and capacities. The revised thresholds and standards, as well as the associated revised traffic impact analysis were included in the Recirculated Portions of the DEIR, which was circulated for public review from November 24, 2010 to January 10, 2011.

# **Response to Comment D-9:**

As shown on Page 4.6-5 of the DEIR, the functional classifications have been added to Table 4.6-1 and the capacities have been changed as requested. These revisions were part of the Recirculated Portions of the DEIR.

# **Response to Comment D-10:**

Changes were made to the DEIR to include the most recent significance thresholds adopted by the City of San Diego, as well as the standard roadway classifications and capacities. The revised thresholds and standards, as well as the associated revised traffic impact analysis were included in the Recirculated Portions of the DEIR, which was circulated for public review from November 24, 2010 to January 10, 2011.

## **Response to Comment D-11:**

Changes were made to the DEIR to include the most recent significance thresholds adopted by the City of San Diego, as well as the standard

roadway classifications and capacities. The revised thresholds and standards, as well as the associated revised traffic impact analysis were included in the Recirculated Portions of the DEIR, which was circulated for public review from November 24, 2010 to January 10, 2011.

# **Response to Comment D-12:**

Changes were made to the DEIR to include the most recent significance thresholds adopted by the City of San Diego, as well as the standard roadway classifications and capacities. The revised thresholds and standards, as well as the associated revised traffic impact analysis were included in the Recirculated Portions of the DEIR, which was circulated for public review from November 24, 2010 to January 10, 2011. Table 4.6-3 was revised to reflect the most recent City of San Diego traffic significance thresholds.

Project trip distribution for the project was based on a *SANDAG Series 11* Select Zone Assignment with a 2030 horizon year. The Model distributes project trips to the surrounding network on a regional level based on network zone trip productions and attractions.

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D-13

D-14

D-16

D-17

 Page 4.6-10, "Level of Service Impacts for Near-term Scenario": Please discuss the cumulative projects under this section, specifically the Reuben E. Lee site.

14. A figure for Existing + Cumulative Projects volumes should be included in the Level of Service Impacts for Near-Term Scenario.

15. Page 4.6-12, table 4.6-5, Near-term Street Segment Operations: The capacity on Harbor Island Drive (east of Harbor Island Drive) is reduced in the near-term by the project by reducing number of lanes from 4 to 3. Please revise accordingly.

 A figure for Horizon Year 2030 Volumes should be included in the Long Term (Cumulative) Street Segment Operations.

17. Page 5-19, Table 5-3 Long-Term (Cumulative) Intersection Operations: Under Significant column, if the delta of delay between the Year 2030 and Year 2030 + Project is greater than 2 seconds at LOS E or greater than 1 second at LOS F, the "No" should say "Yes". Please revise accordingly.

18. Page 5-37, 5.5 Mitigation Measures: The percentage for the fair share contribution for MM TR-C1, MM TR-C2 and MM TR-C3 for the intersections of N. Harbor Drive at Terminal 1; at Rental Car Access Road and at Laurel Street should be 10.11%, 2.2% and 2.65% respectively. A fair share percentage calculation table should be included in this section.

Page 6-13, Table 6-2. Reduced Project Alternative- Long —Term (Year 2030) Intersection Operations: This table shows that a significant impact will occur under the Year 2030 + Significance Avoidance Project Alternative at the intersection of N. Harbor Drive and Rental Car Access and at the intersection of N. Harbor Drive and Laurel Street due to an increase in delay of more than 1 second at LOS F. Please revise accordingly.

CITY PLANNING AND COMMUNITY INVESTMENT DEPARTMENT TONY KEMPTON, ASSOCIATE PLANNER (619) 236-68610R TKEMPTON@SANDIEGO.GOV

The project is located within the City's Coastal Overlay Zone. The NTC Precise Plan/LCP implements Coastal Act policies and contains policies related to the preservation of views. Specifically, the plan language states, "Distant water and downtown cityscape views are available at the higher elevations of near Rosecrans." (Ch. 1, D, d) "Off-site to the west, land rises sharply. In the adjacent residential neighborhood, elevations range from 120 to 220 feet amsl. It is here, from the elevated residential streets and homes west and northwest of NTC, that views of the downtown skyline and San Diego Bay are available." (Ch. 1, D, g). Additional language states, with, "Views of the waterfront and skyline shall be protected by establishing public view corridors which accentuate key public rights-of-way (streets and sidewalks, both existing and proposed) with appropriate zoning, setbacks and design standards, including clustering of fall buildings, slender buildings proper building

# **Response to Comment D-13:**

To account for the extensive development occurring near the project area in downtown San Diego, the Traffic Study derived a growth factor, based on Year 2030 volumes obtained from SANDAG, to account for near-term background traffic. By comparing existing volumes to Year 2030 volumes, a percentage of growth over a span of 22 years was calculated (Year 2008 to Year 2030). A portion of this growth was determined to occur by "Opening Day" (Year 2012). The growth factor was applied to the existing turn movements and ADTs in order to generate cumulative projects volumes. These volumes include projects such as the Reuben E. Lee restaurant site. No changes were made to the EIR based on this comment.

# **Response to Comment D-14:**

A figure for "Exiting + Cumulative Projects," as requested in Comment D-14, is included as Figure 7-1 of the Traffic Study (Appendix E of the DEIR and Recirculated Portions of the DEIR).

# **Response to Comment D-15:**

See *Response to Comment D-5*. Since the majority of the roadway remains a 4-lane collector, the operations of the roadway are analyzed as such. No changes were made to Table 4.6-5 in response to this comment.

## **Response to Comment D-16:**

A figure for "Horizon Year 2030 Volumes," as requested in Comment D-16, was included as Figures 10-1 (without project traffic) and 10-2 (with project traffic) of the Traffic Study (Appendix E of the DEIR and Recirculated Portions of the DEIR).

# **Response to Comment D-17:**

Changes were made to the DEIR to include the most recent significance thresholds adopted by the City of San Diego, as well as the standard roadway classifications and capacities. The revised thresholds and standards, as well as the associated revised traffic impact analysis were included in the Recirculated Portions of the DEIR, which was circulated for public review from November 24, 2010 to January 10, 2011. The revisions to the significance thresholds, roadway classifications and roadway capacities used in the DEIR resulted in the identification of one additional cumulative significant impact on traffic at the intersection of Pacific

Sunroad Harbor Island Hotel Project and East Harbor Island Subarea PMP Amendment. Final EIR

May 2011

Highway and Hawthorn Street, and two new significant cumulative street segments impacts: North Harbor Drive between Harbor Island Drive and Rental Car Access Road, and North Harbor Drive between Rental Car Access Road and Laurel Street (see Tables 5-2 and 5-3 of the Recirculated Portions of the DEIR).

## **Response to Comment D-18:**

Changes were made to the DEIR to include the most recent significance thresholds adopted by the City of San Diego, as well as the standard roadway classifications and capacities. The revised thresholds and standards, as well as the associated revised traffic impact analysis were included in the Recirculated Portions of the DEIR, which was circulated for public review from November 24, 2010 to January 10, 2011. Section 5.5 of the DEIR has been revised per the appropriate "fair-share" percentage calculations. These changes were incorporated into Section 5.5 of the Recirculated Portions of the DEIR. In addition, new fair-share percentages are included for the additional impacts assessed in the Recirculated Portions of the DEIR. These changes were also incorporated in the Traffic Study included in the Recirculated Portions of the DEIR.

The fair-share percentages were calculated using the following (standard practice) formula:

Project trips

Future Traffic with Project – Existing Traffic without project

The calculations are shown in Table 14-3 of the Traffic Study (Page 5-37, Section 5.5 Mitigation Measures, Fair Share Calculations). The intersection fair share calculations are based on combined AM and PM peak hour volumes while street segment fair share calculations are based on ADTs. In response to Comment G-9, all percentages were rechecked and found to be correctly stated in Table 14-3.

# **Response to Comment D-19:**

Changes were made to the DEIR to include the most recent significance thresholds adopted by the City of San Diego, as well as the standard roadway classifications and capacities. The revised thresholds and standards, as well as the associated revised traffic impact analysis were included in the Recirculated Portions of the DEIR, which was circulated for

public review from November 24, 2010 to January 10, 2011. The changes to the significance thresholds, and roadway classifications and capacities were included in the revised traffic analyses included in Chapter 6. Table 6-2 was revised, and Table 6-3 was added, to incorporate the changes that resulted from the updated significance thresholds, roadway classifications, and roadway capacities. Table 6-2 now reflects that there are significant impacts at the intersections of North Harbor Drive/Rental Car Access Road and North Harbor Drive/Laurel Street.

# **Response to Comment D-20:**

The project is located within the jurisdiction of the San Diego Unified Port District. Coastal access, including public view corridors, is subject to the Port Master Plan.

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orientation and floor area restrictions and height limits where necessary." (Chap. IV, A) Refer to attached scans of where view preservation is identified (figures 4.1, 4.2 in Ch. IV, Attached).

D-21

1. Since this proposed structure, with 175 rooms, will be approximately 75 feet high and just one of a number of multiple hotels, totaling 500 rooms/suites, there is a question of how the project would affect views. At this time, staff is unable to determine that the proposed project would not have a negative impact on public views, and therefore, staff recommends that the applicant prepare photo simulations of the proposed structure(s) from the vantage points, both top and lower elevations, of the streets designated as the NTC Precise Plan/LCP "view corridors".

ENVIRONMENTAL SERVICES DEPARTMENT LISA WOOD, SENIOR PLANNER (858)-573-1236 OR <u>LWOOD@SANDIEGO.GOV</u>

D-22

The City of San Diego Environmental Services Department is responsible for the operation of the Miramar Landfill, and for waste reduction programs. Projects that generate more than 60 tons of waste may have significant impact on solid waste facilities and waste reduction programs. The Department's staff will be meeting with staff involved with the Port Master Plan Amendment to better understand the types of waste that will be generated, and develop a plan for waste reduction.

Please contact the appropriate above-named individual(s) if you have any questions on the submitted comments. The City respectfully requests that you please address the above comments in the FEIR and provide four copies of the document for distribution to the commenting department. If you have any additional questions regarding the City's review of the DEIR, please contact Myra Herrmann, Senior Planner at 619-446-5372 or via email at mherrmann@sandiego.gov.

Sincerely

Cecília Gallardo, AICP
Assistant Deputy Director
Development Services Department

cc: M

Myra Herrmann, Senior Planner, Development Services
Tony Kempton, Associate Planner, City Planning and Community Investment Department
Ann Gonsalves, Senior Traffic Engineer, Development Services Department
Ismail Elhamad, Associate Traffic Engineer, Development Services Department
Lisa Wood, Senior Planner, Environmental Services Department
Review and Comment online file

# **Response to Comment D-21:**

The SDUPD staff reviewed the NTC Precise Plan/LCP "view corridors" described in the comment and shown on Figures 4.1 and 4.2 of the NTC Precise Plan/LCP. As shown in Figure 4.3-2 of the DEIR, the NTC Precise Plan/LCP "view corridors" area is over one mile northwest of the Project site. As discussed in Section 4.3 of the DEIR, certain candidate vantage points shown in Figure 4.3-2 of the DEIR were considered but rejected because they either (1) provided partial views of the Project site that were obscured by visual obstructions, or (2) are too far away (over 1 mile from the site) and the proposed structure would be largely indistinguishable from the surrounding scenery. Views from Spanish Landing Park were rejected because the Project site is completely obscured by the existing Sheraton Harbor Island Hotel. Views from the San Diego International Airport, Harbor Drive, and the Harbor Island Causeway were rejected because the site is partially obscured by intervening structures or is too distant from public vantage points near the airport. Considering that NTC is over 1 mile from the project site and therefore the Project site would represent a very distant portion of the view from NTC simulations of the project from NTC were not included in the DEIR.

To further address the comment SDUPD staff evaluated potential views from the NTC Precise Plan/LCP "view corridors" shown on Figures 4.1 and 4.2 of the NTC Precise Plan/LCP. Intersections and areas within NTC evaluated through site visits included: Dewey/Rosecrans, Dewey/Truxtun, Dewey/Decatur, Dewey/Cushing, Decatur/Chauncey, Chauncey/Cushing, Roosevelt/Rosecrans, Roosevelt/Decatur, Roosevelt/Cushing, Cushing/Womble, Farragut/Truxtan, Farragut/Cushing, Russell/Locust, Whittier, and Browning/Evergreen. Photographs were also taken from the boat channel at the end of Womble and the park/boat channel at the end of Farragut. From each of these vantage points the site is either completely or partially obscured by other structures. Where Harbor Island is partially visible the Project site is distant enough from the vantage point that it does not represent a major element of the view nor substantially affect any public views or "view corridors" as depicted in the NTC Precise Plan/LCP.

Language for multiple hotels totaling no more than 500 rooms is included as a part of the PMP Amendment. However, no specific project proposals beyond the proposed 175 room hotel are evaluated in the DEIR. As discussed in Section 4.3.4.5 of the DEIR, the PMP Amendment would not

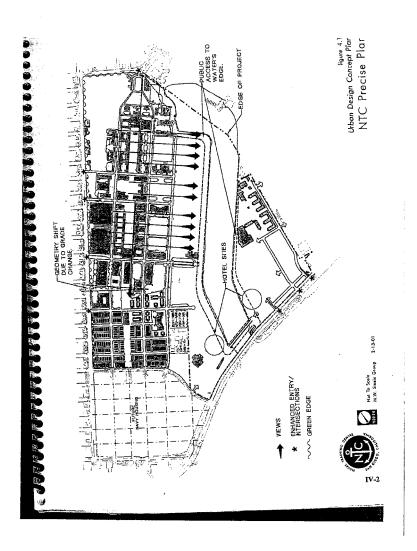
involve a change in land use to accommodate the total allotment of 500 hotel rooms by way of several small hotels across East Harbor Island; the Project site already has the proper land use designation to accommodate a hotel use. By maintaining the Commercial Recreation land use the PMP Amendment would also not result in any adverse impacts on the planned visual character of East Harbor Island. As such, approval of the PMP Amendment would not result in direct impacts related to the aesthetics of the area.

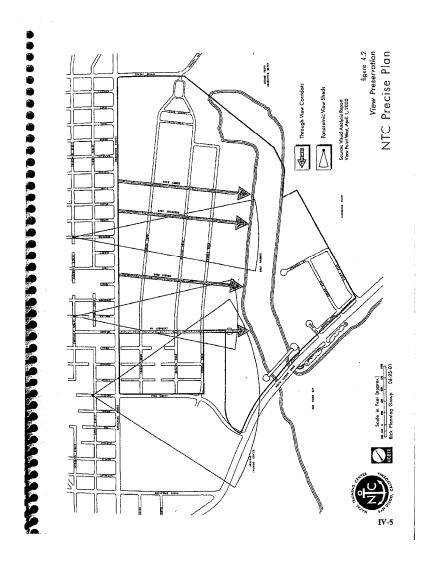
There are no plans for developing more than the proposed 175-room hotel at this time. Future development projects proposed in accordance with the PMP Amendment would require a project-level CEQA analysis at the time applications are submitted to the Port District. The potential for future developments on East Harbor Island to create adverse impacts on scenic vistas or on the visual character of East Harbor Island would be evaluated when applications for development are submitted to the Port District. The applications would identify a specific project location and would include specific building elevations, architectural treatments, and building heights that would serve as the basis for a project-level analysis of project impacts on scenic vistas and visual character.

### **Response to Comment D-22:**

The results of the DEIR analysis concur with this comment. As discussed in Section 5.3.10 of the DEIR (and Recirculated Portions of the DEIR), the Proposed Project would contribute to a significant cumulative solid waste impact. Mitigation measure PUB-C1 included in the DEIR (and Recirculated Portions of the DEIR) states that prior to the issuance of any demolition, grading, or construction permits, the Project Applicant shall prepare a waste management plan and submit it for approval to the City's Environmental Services Department.

In response to this comment SDUPD staff has met with City staff to discuss this issue and further define the contents of the Project Waste Management Plan. The SDUPD will continue to coordinate with the City and with the Project Applicant to ensure that the waste management plan prepared for the project will include elements identified by the City.





# Comment Letter E Department of Toxic Substances Control Maziar Movassaghi Acting Director Acting Director Sy96 Corporate Avenue Cypress, California 90630 January 4, 2011 Mr. John Helmer, Director, Land Use Planning San Diego Unifiled Port District Land Use Planning Department 3165 Pacific Highway

TRANSMITTAL OF RECIRCULATED PORTIONS OF THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SUNROAD HARBOR HOTEL PROJECT & EAST HARBOR ISLAND SUBAREA PORT MASTER PLAN AMENDMENT; (SCH #2006021027); (UPD #83356-eir-783), SAN DIEGO COUNTY

Dear Mr. Helmer:

San Diego, California 92101

The Department of Toxic Substances Control (DTSC) has received your submitted Transmittal of Re-circufated Portions of the Draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document: "The Proposed Project involves the partial redevelopment of one leasehold, which is currently leased by Sunroad Marina Partners, LP, located at 955 Harbor Isalnd Drive. This leasehold is currently developed with a marina, support buildings, and surface parking. The proposed redevelopment would only affect the land side of this leasehold. The Proposed Project site is located in the southern portion of San Diego County at the northern end of San Diego Bay. The project site is on the east and of Harbor Island and is within the jurisdiction of the Port District. The Project site is currently developed with commercial recreational uses associated with the adjacent marina facility".

Based on the review of the submitted document DTSC has the following comments:

E-1

 DTSC provided original comments on the project Notice of Preparation (NOP) on January 1, 2009 and on the project EIR on January 13, 2010; those comments have not been addressed in the submitted Transmittal of Re-circulated Draft Environmental Impact Report. Please ensure that all those comments will be addressed in the final EIR.

Printed on Recycled Paper

### **Response to Comment E-1:**

This comment references DTSC comments provided in 2009 and 2010, for the NOP and DEIR respectively. The 2009 NOP comments have been addressed in Section 4.4, Hazards and Hazardous Materials and Section 4.7, Air Quality, of the DEIR. Response to Comment C-1 (above) provides a summary of the DTSC comments contained in the NOP comment letter followed by the analysis presented in the DEIR that addresses the comments. Sections 4.4 and 4.7 were not included in the Recirculated Portions of the DEIR as the issue warranting the recirculation was not related to these topics.

Mr. John Helmer January 4, 2011 Page 2

E-2

2) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies which would not be responsible parties under CERCLA, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see <a href="https://www.dtsc.ca.gov/SiteCleanup/Brownfields">www.dtsc.ca.gov/SiteCleanup/Brownfields</a>, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

E-3

In future CEQA documents, please provide your e-mail address, so DTSC can send you comments both electronically and by mail.

If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, at <a href="mailto:rahmed@dtsc.ca.gov">rahmed@dtsc.ca.gov</a>, or by phone at (714) 484-5491.

Sincerely,

Greg Holmes Unit Chief

Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research State Clearinghouse P.O. Box 3044 Sacramento. California 95812-3044 state.clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
ADelacr1@dtsc.ca.gov

CEQA # 3082

### **Response to Comment E-2:**

This comment indicates that, if needed, DTSC can provide guidance for cleanup oversight. As the comment does not address the accuracy or adequacy of the DEIR or Recirculated Portions of the DEIR, no further response is warranted.

### **Response to Comment E-3:**

This comment expresses interest for email addresses to be provided in future CEQA documents. This comment is noted. As the comment does not address the accuracy or adequacy of the DEIR or Recirculated Portions of the DEIR, no further response is warranted.

### Comment Letter F

STATE OF CALIFORNIA

NATIVE AMERICAN HERITAGE COMMISSION 915 CAPITOL MALL, ROOM 364 SACRAMENTO, CA 95814 (916) 653-6251 Fax (916) 657-5390



December 1, 2010



Ms. Anna Buzaitis

e-mail: ds nahc@pacbell.net

### San Diego Unified Port District

P.O. Box 120488 San Diego, CA 92112-0488

Re: SCH#2006021027 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Sunroad Harbor Island Hotel Project & East Harbor Island Subarea PMPA (UPD #83356-EIR-783); located in the Harbor Island Area in the City of San Diego; San Diego County,

Dear Ms. Buzaitis:

The Native American Heritage Commission (NAHC) is the state 'trustee agency pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see Environmental Protection Information Center v. Johnson (1985) 170 Cal App. 3rd 604). The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance. The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

F-1

F-2

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources were not identified within one-half mile of the Area of Potential Effect (APE). However, there are Native American cultural resources in close proximity to the APE. It is important to do early consultation with Native American tribes in your area as the best way to avoid unanticipated discoveries once a project is underway and to learn of any sensitive cultural areas. Enclosed are the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

### **Response to Comment F-1:**

This comment indicates that a Sacred Lands File search was conducted by the Native American Heritage Commission and no Native American Cultural Resources were identified within one-half mile of the Project site. As the comment does not address the accuracy or adequacy of the DEIR or Recirculated Portions of the DEIR, no further response is warranted.

### **Response to Comment F-2:**

As discussed on page 7-3 of the DEIR, the Project site is located on filled land. Harbor Island was created in the 1960s, and the onsite buildings were constructed in the following decades. Therefore, the consultation and monitoring responsibilities mentioned in this comment are not deemed necessary for this Project because it is unlikely that Native American cultural resources will be discovered during project grading due to the Project site being located entirely on fill.

Sunroad Harbor Island Hotel Project and East Harbor Island Subarea PMP Amendment, Final EIR

Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for information on recorded archaeological data. This information is available at the OHP Office in Sacramento (916) 445-7000.

Consultation with tribes and interested Native American tribes and interested Native (cont'd) American individuals, as consulting parties, on the NAHC list ,should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f)]et seq.), 36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 et seq.) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 Secretary of the Interior's Standards for the Treatment of Historic Properties were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) land is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance' may also be protected the under Section 304 of the NHPA or at the Secretary of the Interior' discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C, 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 - 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

**Response to Comment F-3:** 

See Response to Comment F-2. No cultural resources were identified on or adjacent to the Project site. In addition, because the Project site is located on fill, no buried cultural resources or human remains are anticipated to be discovered during site disturbance activities associated with construction of the Proposed Project.

### **Response to Comment F-4:**

Harbor Island was created in the 1960s, and the onsite buildings were constructed in the following decades. In addition, the Sacred Lands File (SLF) record search performed by NAHC, revealed that no cultural resources were identified on or adjacent to the Project site. As a result accidental discovery of archeological resources defined in the comment as "historic properties of religious or cultural significance" during construction is not anticipated. Therefore, consultation with Native Americans on the attached list is not necessary.

### **Response to Comment F-5:**

See Response to Comment F-2. No cultural resources were identified on or adjacent to the Project site. Therefore, accidental discovery of human remains during construction is not anticipated. In addition, the proposed project is not within an "electric transmission corridor," and is not subject to the 2006 SB 1059.

possibly threatened by proposed project activity.

### **Response to Comment F-6:**

See responses to Comments F-3 and F-5.

F-6

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse

3

> Native American Contacts San Diego County December 1, 2010

Barona Group of the Capitan Grande

Edwin Romero, Chairperson

1095 Barona Road Diegueno

Diegueno/Kumeyaay

Diegueno

Lakeside , CA 92040 sue@barona-nsn.gov (619) 443-6612 619-443-0681

Sycuan Band of the Kumeyaay Nation Danny Tucker, Chairperson 5459 Sycuan Road

Diegueno/Kumeyaay El Cajon , CA 92021

ssilva@sycuan-nsn.gov 619 445-2613 619 445-1927 Fax

La Posta Band of Mission Indians Gwendolyn Parada, Chairperson

PO Box 1120

Boulevard , CA 91905 gparada@lapostacasino.

(619) 478-2113 619-478-2125

Viejas Band of Kumeyaay Indians Bobby L. Barrett, Chairperson

PO Box 908

Diegueno/Kumeyaay , CA 91903

Alpine jrothauff@viejas-nsn.gov (619) 445-3810 (619) 445-5337 Fax

San Pasqual Band of Mission Indians

Allen E. Lawson, Chairperson

PO Box 365

Diegueno Valley Center, CA 92082 allenl@sanpasqualband.com

(760) 749-3200 (760) 749-3876 Fax Kumeyaay Cultural Historic Committee

Ron Christman

56 Viejas Grade Road Diegueno/Kumeyaay , CA 92001 Alpine

(619) 445-0385

lipay Nation of Santa Ysabel

Virgil Perez, Spokesman PO Box 130

Santa Ysabel, CA 92070

brandietaylor@yahoo.com

(760) 765-0845 (760) 765-0320 Fax Campo Kumeyaay Nation

Monique LaChappa, Chairperson

36190 Church Road, Suite 1 Diegueno/Kumeyaay

Campo , CA 91906

(619) 478-9046

MLaChappa@campo-nsn.

(619) 478-5818 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.93 of the Public Resources Code and Section 5097.93 of the Public Resources Code. Also. federal National Environmental Policy Act (RPA), National Historic Preservation Act, Section 105 and fed eral NAGPRA. And 36 CFR Part 800.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the propose SCH#2006021027; CEOA Notice of Completion; draft Environmental Impact Report (DEIR) for the Sunroad Harbor Island Hotel Project & East Harbo Island Subarea PMPA (UPD #83356-EIR-783); located in the Harbor Island area; City of San Diego; San Diego County, California.

81

Diegueno/Kumeyaa

Diegueno/Kumeyaa

Diegueno/Kumeyaa

Native American Contacts San Diego County December 1, 2010

Jamul Indian Village Kenneth Meza, Chairperson

P.O. Box 612 Diegueno/Kumeyaay

, CA 91935 Jamul jamulrez@sctdv.net (619) 669-4785 (619) 669-48178 - Fax

Inaja Band of Mission Indians Rebecca Osuna, Spokesperson 2005 S. Escondido Blvd. Escondido , CA 92025

(760) 737-7628 (760) 747-8568 Fax

Mesa Grande Band of Mission Indians Mark Romero, Chairperson

P.O Box 270

Diegueno Santa Ysabel, CA 92070

mesagrandeband@msn.com

(760) 782-3818 (760) 782-9092 Fax

Kumeyaay Cultural Heritage Preservation Paul Cuero

36190 Church Road, Suite 5 Diegueno/ Kumeyaay , CA 91906 Campo

(619) 478-9046 (619) 478-9505 (619) 478-5818 Fax

Kwaaymii Laguna Band of Mission Indians Carmen Lucas

Diegueno -

P.O. Box 775 Pine Valley , CA 91962

(619) 709-4207

Kumeyaay Cultural Repatriation Committee

Steve Banegas, Spokesperson

1095 Barona Road Lakeside , CA 92040 (619) 742-5587 - cell

(619) 742-5587 (619) 443-0681 FAX

Ewilaapaayp Tribal Office Will Micklin, Executive Director

4054 Willows Road , CA 91901 Alpine wmicklin@leaningrock.net (619) 445-6315 - voice (619) 445-9126 - fax

Ewijaapaayp Tribal Office Michael Garcia, Vice Chairperson

4054 Willows Road Alpine , CA 91901 michaela@leaningrock.net (619) 445-6315 - voice (619) 445-9126 - fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, feederal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and fed eral NAGPRA. And 36 CFR Part 800.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proj SCH#2006021027; CEGA Notice of Completion, draft Environmental Impact Report (DEIR) for the Sunnoral Harbor Island Notel Project & East H

Native American Contacts San Diego County December 1, 2010

Clint Linton
P.O. Box 507
Santa Ysabel- CA 92070
cjlinton73@aol.com
(760) 803-5694
cjlinton73@aol.com

Manzanita Band of the Kumeyaay Nation Leroy J. Elliott, Chairperson P.O. Box 1302 Diegueno/Kumeyaay Boulevard CA 91905 (619) 766-4930 (619) 766-4957 - FAX

Kumeyaay Diegueno Land Conservancy M. Louis Guassac, Executive Director P.O. Box 1992 Diegueno/Kumeyaay Alpine CA 91903 guassacl@onebox.com (619) 952-8430

Frank Brown Viejas Kumeyaay Indian Reservation 240 Brown Road Diegueno/Kumeyaay Alpine , CA 91901 FIREFIGHTER69TFF@AOL. 619) 884-6437

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the propo SCH#2006021027; CEQA Notice of Completion, draft Environmental Impact Report (DEIR) for the Sunroad Harbor Island Hotel Project & East Harl Island Subsera PMPA (UPD #83356-EIR-783); located in the Harbor Island area; City of San Diego County, California.



Comment Letter G

THE CITY OF SAN DIEGO

January 14, 2011

San Diego Unified Port District Land Use Planning Department 3165 Pacific Highway San Diego, CA 92101

Submitted via email to:
Anna Buzaitis - abuzaiti@portofsandiego.org

Subject:

CITY OF SAN DIEGO COMMENTS ON THE RECIRCULATED SECTIONS OF THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE SUNROAD HARBOR ISLAND HOTEL PROJECT AND EAST HARBOR ISLAND SUBAREA PORT MASTER PLAN AMENDMENT (UPD #83356-EIR-783; SCH #2006021027, IO #12002082)

The City of San Diego ("City") has received and reviewed the recirculated sections of the Draft Environmental Impact Report ("DEIR") for the Sunroad Harbor Island Hotel Project and East Harbor Island Subarea Port Master Plan Amendment and appreciates this opportunity to provide comments to the Port of San Diego (Port). In response to this request for public comments, the City has identified potential environmental issues that may result in a significant impact to the environment. Continued coordination between the City, the Port, and other local, regional, state, and federal agencies will be essential.

Staff from the Development Services Department ("DSD") and the Public Utilities Department (PUD) have reviewed the recirculated DEIR and can provide the following comments:

DEVELOPMENT SERVICES DEPARTMENT:

ANN GONSALVES (619) 446-5294 AGONSLAVES@SANDIEGO.GOV

### GENERAL:

G-

We appreciate that the document was revised in regard to the City's roadway capacities and significance thresholds. However, traffic volumes and intersection delay values have been changed throughout the transportation sections of the report with no apparent explanation. Therefore, while it is appreciated that many of our comments were addressed, we repeat the previous comments from the City letter of January 25, 2010 that do not appear to have been addressed. Please identify where in the recirculated section of the DEIR and the Traffic Study these issues have been addressed.

Development Services 1222 First Avenue, MS 501 = San Diego, CA 92101-4155 Tel (619) 446-5460

### **Response to Comment G-1:**

The differences in the traffic volumes and delay values between the Draft EIR and Recirculated Portions of the DEIR are due to the project size evaluated in the Draft EIR Traffic Study (210-room limited service hotel) and the project size evaluated in the Recirculated Portions of the DEIR Traffic Study (175-room limited service hotel). All analysis scenarios, figures, and traffic volumes within the Draft EIR Traffic Study reflect the 210-room hotel. An appendix was subsequently added to the Draft EIR Traffic Study (Appendix G of the Draft EIR Traffic Study), which considered a revised project of a 175-room limited service hotel for only the impacted facilities.

The Traffic Study contained in the Recirculated Portions of DEIR considered a 175-room limited service hotel. All analysis scenarios, figures, and traffic volumes within the Recirculated Portions of the DEIR Traffic Study reflect the 175-room hotel.

Page 2 of 3 San Diego Unified Port District Land Use Planning Department January 14, 2011

### GENERAL:

1. The EIR should discuss and evaluate the impact of trolley, coaster and freight train operations on the intersections of Pacific Highway/Laurel Street, Pacific Highway/Hawthorn Street and Pacific Highway/Grape Street. This may cause lower levels of service than reported in the DEIR.

G-3

The EIR should provide details explaining why a "business hotel" rate of 7 average daily trips (ADT) per room would be appropriate rather than the more typical rate of 10 ADT per room. If appropriate, the 10 ADT should be used and carried throughout the analysis.

The EIR must evaluate the impact of the proposed reduction (for four lanes to three) in capacity to Harbor Island Drive, especially including the proposed near term redevelopment of the Reuben E. Lee site.

### SPECIFIC

G-5

G-7

G-8

G-9

Page 4.6-12, "Level of Service Impacts for Near-Term Scenario": Please discuss the cumulative projects under this section, specifically the Reuben E. Lee site.

A figure for Existing + Cumulative Projects volumes should be included in the Level of Service Impacts for Near-Term Scenario.

Page 4.6-14, Table 4.6-5, Near-Term Street Segment Operations: The capacity on Harbor Island Drive (east of Harbor Island Drive) is reduced in the near-term by the project by reducing number of lanes from 4 to 3. Please revise accordingly.

A figure for Horizon Year 2030 Volumes should be included in the Long-Term (Cumulative) Street Segment Operations.

Page 5-37, 5.5 Mitigation Measures: The percentage for the fair share contribution for MM TR-C1, MM TR-C2 and MM TR-C3 for the intersections of North Harbor Drive at Terminal 1; at Rental Car Access Road and at Laurel Street should be 10.11%, 2.2% and 2.65% respectively. A fair share percentage calculation table should be included in this section.

PUBLIC UTILITIES DEPARTMENT
MEHDI RASTAKHIZ, ASSOCIATE ENGINEER (619)-533-5155 OR MRASTAKHIZ/@SANDIEGO.GOV

The Water and Sewer Development Section of the Public Utilities Department (PUD) reviewed the draft environmental document referenced above and has the following comments:

### **Response to Comment G-2:**

See Response to Comment D-3, above.

### **Response to Comment G-3:**

See Response to Comment D-4, above.

### **Response to Comment G-4:**

See Response to Comment D-5, above.

### **Response to Comment G-5:**

See Response to Comment D-13, above.

### **Response to Comment G-6:**

See Response to Comment D-14, above.

### **Response to Comment G-7:**

See Response to Comment D-15, above.

### **Response to Comment G-8:**

See Response to Comment D-16, above.

### **Response to Comment G-9:**

As shown in Table 14-3 of the Traffic Study (*Page 5-37, Section 5.5 Mitigation Measures, Fair Share Calculations*), intersection fair share calculations are based on combined AM and PM peak hour volumes while street segment fair share calculations are based on ADTs. The fair share percentages shown in Table 14-3 were calculated using the following (standard practice) formula:

### Project trips

Future Traffic with Project – Existing Traffic without project

In response to Comment G-9, all percentages were rechecked and found to be correctly stated in Table 14-3.

Page 3 of 3 San Diego Unified Port District Land Use Planning Department January 14, 2011

- G-10 Sewer and water mains serving one entity/ownership (San Diego Unified Port District) will be converted to private per the City policy.
- G-11 All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.
- Please note that all references to the departments in charge of water and wastewater should be changed from the Metropolitan Wastewater Department or Water Department to the Public Utilities Department (PUD) since the two departments have been merged.
- G-13 No shrubs exceeding three feet in height at maturity may be located within 10 feet of any water or
- All proposed public water and sewer facilities shall be designed and constructed in accordance with established criteria in the current edition of the City of San Diego Water Facility Design Guidelines, Sewer Design Guide and City regulations, standards and practices.

Please contact the appropriate above-named individual(s) if you have any questions on the submitted comments. The City respectfully requests that you please address the above comments in the FEIR and provide four copies of the document for distribution to the commenting department. If you have any additional questions regarding the City's review of the DEIR, please contact Myra Herrmann, Senior Planner at 619-446-5372 or via email at mherrmann@sandiego.gov.

Sincerely,

Cecilia Gallardo, AICP Assistant Deputy Director Development Services Department

cc: Myra Herrmann, Senior Planner, Development Services Ann Gonsalves, Senior Traffic Engineer, Development Services Department Mehdi Rastakhiz, Associate Engineer, Public Utilities Department Review and Comment online file

### **Response to Comment G-10:**

This comment pertains to the ownership of sewer and water mains. This comment is noted by the Project Applicant. As the comment does not address the accuracy or adequacy of the DEIR or Recirculated Portions of the DEIR, no further response is warranted.

### **Response to Comment G-11:**

This comment indicates that all private sewer facilities within a single lot need to be designed to meet the requirements of the California Plumbing Code and will be reviewed for such during the building permit plan check process with the City of San Diego. The Project will comply with all applicable requirements of the California Plumbing Code. As the comment does not address the accuracy or adequacy of the DEIR or Recirculated Portions of the DEIR, no further response is warranted.

### **Response to Comment G-12:**

This comment indicates that the Metropolitan Wastewater Department and the Water Department have merged to form the Public Utilities

Department. This comment is noted. As the comment does not address the accuracy or adequacy of the DEIR or Recirculated Portions of the DEIR, no further response is warranted.

### **Response to Comment G-13:**

This comment references landscaping restrictions near water or sewer mains. The Project will comply with all applicable requirements concerning the height and location of shrubs. As the comment does not address the accuracy or adequacy of the DEIR or Recirculated Portions of the DEIR, no further response is warranted.

### **Response to Comment G-14:**

This comment indicates that public water and sewer facilities need to be designed and constructed in accordance with established City of San Diego regulations, standards and practices. The Project will comply with all applicable established criteria in the current edition of the City of San Diego Water Facility Design Guidelines, Sewer Design Guide, and City regulations, standards and practices. As the comment does not address the accuracy or adequacy of the DEIR or Recirculated Portions of the DEIR, no further response is warranted.

DANIEL L. CARDOZO THOMAS A. ENSLOW

TANYA A. GULESSERIAN

JASON W. HOLDER MARC D. JOSEPH

FLIZABETH KLEBANER

### Comment Letter H

### ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW 501 GATEWAY BOULEVARD, SUITE 1000 SOUTH SAN FRANCISCO, CA 94050-7037 SACRAMENTO OFFICE 520 CAPITOL MALL, SUITE 350 SACRAMENTO, CA 95814-4721 TEL: (916) 444-8201 FAX: (916) 444-8209

TEL: (650) 589-1850 FAX: (650) 589-5062 rkoss@adamsbroadwell.com

January10, 2011

Via E-Mail and U.S. Mail

Mr. John W. Helmer, Director
Ms. Anna Buzaitis, Assistant Redevelopment Planner
San Diego Unified Port District
Land Use Planning Department
3165 Pacific Highway
San Diego, CA 92101
jhelmer@portofsandiego.org
abuzaiti@portofsandiego.org

Re: Draft Environmental Impact Report and Recirculated Portions of the Draft Environmental Impact Report for the Sunroad Harbor Island Hotel Project and East Harbor Island Subarea Port Master Plan Amendment

Dear Mr. Helmer and Ms. Buzaitis:

We write on behalf of UNITE HERE Local 30 regarding the San Diego Unified Port District's Draft Environmental Impact Report ("DEIR") and recirculated portions of the DEIR for the Sunroad Harbor Island Hotel Project and East Harbor Island Subarea Port Master Plan Amendment ("Project"). We are currently reviewing the DEIR and recirculated DEIR and investigating issues that the Port may have failed to adequately examine. Please provide us with notice by mail and e-mail of any and all hearings and/or actions related to the Project.

Sincerely.

Rosland E. Kon

Rachael E. Koss

REK:vs

H-1

cc: Graham Forbes

2421-010v

ninited on recycled pap

### **Response to Comment H-1:**

This comment indicates that the commentor is in the process of reviewing the DEIR and Recirculated Portions of the DEIR. The comment period for the DEIR closed on January 25, 2010. The comment period for the Recirculated Portions of the DEIR closed on January 10, 2011.

The comment also requests notification by mail and email of all proposed actions related to the Project. The commentor has been added to the notification list. However, the commentor's client (UNITE HERE Local 30) received notice on the DEIR and Recirculated Portions of the Draft EIR.

As the comment does not address the accuracy or adequacy of the DEIR or Recirculated Portions of the DEIR, no further response is warranted.

Chapter 5. Responses to Comments San Diego Unified Port District



Comment Letter I

RECEIVED LAND USE PLANNING

JAN 31 2011

THE CITY OF SAN DIEGO

January 31, 2011

San Diego Unified Port District Land Use Planning Department 3165 Pacific Highway San Diego, CA 92101

Submitted via email to: Anna Buzaitis - abuzaiti@portofsandiego.org

ADDENDUM TO THE CITY OF SAN DIEGO COMMENTS ON THE RECIRCULATED SECTIONS OF THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE SUNROAD HARBOR ISLAND HOTEL PROJECT AND EAST HARBOR ISLAND SUBAREA PORT MASTER PLAN AMENDMENT (UPD #83356-EIR-783; SCH #2006021027, IO #12002082)

Subsequent to submittal of the City of San Diego's ("City") comment letter to the Port of San Diego (Port) on January 14, 2011, Development Services Department (DSD) staff identified comments from the City Planning and Community Investments Department (City Planning) which had been submitted on time, but were inadvertently excluded from the letter. DSD staff immediately contacted Port staff to request submittal of this Addendum letter in order to address an important fire protection issue. The City appreciates your consideration of the following comments on behalf of the City Planning

CITY PLANNING AND COMMUNITY INVESTMENT DEPARTMENT - FACILITIES FINANCING DIVISION: OSCAR GALVEZ III, ASSOCIATE MANAGEMENT ANALYST, (619) 533-3685 GALVEZO@SANDIEGO.GOV

### 5.6.2 Public Services and Utilities

Fire Protection - Because the City of San Diego Fire-Rescue Department is responsible for responding to fires, rescues and medical emergencies on the Proposed Project, implementation of a mitigation measure is required. The Draft EIR states in section 5.4.2 that, "the Proposed Project would contribute to cumulative demands on the fire protection and emergency response service of the City of San Diego Fire-Rescue Department." Due to one of the areas responding fire stations being above its annual workload capacity and as a result of the increased demand for fire protection, rescue and emergency medical services associated with the Proposed Project, the Project Applicant shall contribute a fair share percentage of 0.57% towards the cost of construction of the fire station in the vicinity of Liberty Station (former Naval Training Center), Identified as a proposed project in the Fire Station Master Plan (February 2009), this fire station would be the primary location for which emergency fire, rescue and medical resources would be provided to the Proposed Project, 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

**Development Services** 1222 First Avenue, MS 501 . Son Diego, CA 92101-4155 Tel (619) 446-5460

### **Response to Comment I-1:**

This comment concurs with the impact analysis, significance conclusion and mitigation measures regarding fire protection services discussed in Sections 4.10.4.1, 4.10.5, 4.10.6, 4.10.7, 5.5.2, and 5.6.2 of the DEIR and Sections 5.5.2 and 5.6.2 of the Recirculated Portions of the DEIR. The comment also states that the Project Applicant should contribute a fairshare percentage of 0.57% toward the cost of construction of a new fire station in the vicinity of Liberty Station. Mitigation Measures PUB-1 and PUB-C1 require the Project Applicant to pay its fair share of the cost of constructing a new fire station at Liberty Station in the amount determined by the City of San Diego. The City of San Diego's determination of the amount of the Project Applicant's fair-share must be consistent with all applicable constitutional and legal principles as provided in CEQA Guidelines Section 15041. As this comment does not address the adequacy or accuracy of the DEIR or the Recirculated Portions of the DEIR, no further response is warranted.

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I-1 National Response time standards. The fair share contribution shall be paid to the City of San Diego (cont' and will be deposited into the Developer Contribution Fund No. 200636.

Please contact the appropriate above-named individual if you have any questions on the submitted comments. The City respectfully requests that you please address the above comments in the FEIR and provide four copies of the document for distribution to the commenting department. If you have any additional questions regarding the City's review of the DEIR, please contact Myra Herrmann, Senior Planner at 619-446-5372 or via email at <a href="mailto:mherrmann@sandiego.gov">mherrmann@sandiego.gov</a>.

Sincerely

Cecilia Gallardo, AICP Assistant Deputy Director

Development Services Department

cc: Myra Herrmann, Senior Planner, Development Services Ann Gonsalves, Senior Traffic Engineer, Development Services Department Oscar Galvez III, Associate Management Analyst, CPCI Tom Tomlinson, Facilities Financing Program Manager, CPCI Review and Comment online file

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Chapter 6

# 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 implements environmental mitigation, as required by the Final Program 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, approval 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; and (6) transportation, traffic, and parking. 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 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 Project Applicant is responsible for implementation of all mitigation measures.

	Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
BI	OLOGICAL RESOURCES			
Ne	M BIO-1: Avoid Nesting Season for Birds or Conduct Preconstruction esting Surveys  ensure compliance with Migratory Bird Treaty Act (MBTA) and similar	Sunroad Marina Partners, LP	Throughout Construction	Contractor to confirm with Port District that vegetation removal was completed outside of breeding season
pro	ovisions under the Fish and Game Code, the Project Applicant or its			OR
1.	ntractor shall implement one of the following restrictions:  Conduct all vegetation removal during the non-breeding season (between September 1 and January 31).			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
OF	R			non-raptors or 500 feet for
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).			raptors, report to Port that buffers are in place to protect nesting birds during vegetation removal and construction activities.
	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 groundnesting 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.			
	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			

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
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.			
HAZARDS AND HAZARDOUS MATERIALS			
MM HZ-1a: 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.	Sunroad Marina Partners, LP	Prior to Construction	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.
MM HZ-1b: 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.	Sunroad Marina Partners, LP	Prior to Construction	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.

	Responsible Party	Mitigation Timing	Monitoring and Reporting
Proposed Mitigation			Procedure
NOISE			
MM NOI-1: Reduction of interior noise levels below 45-dBA (CNEL) interior noise requirement.	Sunroad Marina Partners, LP	Prior to Construction	An acoustical consultant shall be retained by the Project Applicant prior to
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:			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
1. Acoustically rated dual pane windows and sliding glass door assemblies			plans showing adherence to standards will be provided to the
2. Heavy-weight drapes and thick carpets for sound absorption			Port District and the City of San
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:			Diego.
■ Exterior wall assemblies and walls between guestrooms shall have a minimum sound transmission class (STC) rating of 52			
■ Walls between guestrooms and stairwells shall have a minimum STC rating of 60			
■ All floor/ceiling assemblies shall have a minimum STC rating of 60			
■ Guest room entry doors shall receive full-frame sound insulation stripping			
GEOLOGY AND SOILS			
<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:	Sunroad Marina Partners, LP	Prior to 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.

# Responsible Party Mitigation Timing Monitoring and Reporting Proposed Mitigation Ins and HEAT Anchor methods, dewatering shall The site plans showing the

- 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 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	$\mathbf{S}_{\mathrm{D}}$	$S_{\mathrm{F}}$	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
Near-Source Factor, N <sub>v</sub>	1.6	1.6	Table 16-T
Seismic Source	В	В	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.

 $S_{\text{F}}$  is the soil profile type that contains dense granular soil or stiff cohesive soil.

design criteria will be submitted

to the Port District and the City

of San Diego.

### **Proposed Mitigation**

 $C_a$  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.

 $C_{\rm v}$  is the seismic response coefficient and is defined by site conditions such as seismic zone and soil profile type.  $C_{\rm v}$  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.

 $N_{\rm v}$  is the near-source factor for  $C_{\rm v}$  and is defined by the seismic source type and the closest distance to a known seismic source.  $N_{\rm v}$  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 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.
- 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.
- C. Following densification of the existing soils, the Project Applicant shall place additional fill material on the site to re-establish existing

	Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
	grades of between approximately 13 to 16 feet above MSL.			
III.	The Project Applicant shall consult with a geotechnical engineer regarding placement of settlement monuments and recommended Grading Specifications.			
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.			
	A. The upper 3 feet of soil within areas subjected to densification by stone columns shall be removed, moisture conditioned and recompacted.			
	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.			
V.	The Project Applicant shall follow the recommendations set by in the Geotech Study for the Proposed Project regarding foundations for the structures.			
	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.			

- 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.
- 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

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
following:			
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.			
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.			
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.			
PUBLIC SERVICES AND UTILITIES			
MM PUB-1: 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.*	Sunroad Marina Partners, LP	Prior to issuance of certificate of occupancy	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.

<sup>\*</sup> Implementation of mitigation measure MM PUB-1 could mitigate impacts of the Proposed Project 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		
MM PUB-C1: Prior to the issuance of any demolition, grading, or 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:	Sunroad Marina Partners, LP	Prior to demolition, grading or construction permits	Prepare a waste management plan and submit it for approval to the City's Environmental Services Department and a copy		
■ Tons of waste anticipated to be generated			of the City-approved plan to the Port District.		
■ Material type of waste to be generated			Tott District.		
■ Source separation techniques for waste generated					
■ How materials will be reused on site					
■ Name and location of recycling, reuse, and landfill facilities where recyclables and waste will be taken if not reused on site					
■ A "buy-recycled" program for green construction products, including mulch and compost					
■ How the project will aim to reduce the generation of construction/demolition debris					
<ul> <li>How waste reduction and recycling goals will be communicated to subcontractors</li> </ul>					
■ A timeline for each of the three main phases of the Project (demolition, construction, and occupancy)					
■ How the Refuse and Recyclable Materials Storage Regulations will be incorporated into construction design of building's waste area					
■ How compliance with the Recycling Ordinance will be incorporated into the operational phase					
■ International Standards of Operations, or other certification, if any					
In addition, the Project Applicant has committed to implement the following recycling measures. These measures shall be included in the Waste Management Plan:					
■ Provide interior and exterior storage areas for recyclables and green waste and provide adequate recycling containers on site.					
■ Provide education and publicity about recycling and reducing waste, using signage and a case study.					

Proposed Mitigation	Responsible Party	Mitigation Timing	Monitoring and Reporting Procedure
TRANSPORTATION, TRAFFIC AND PARKING			rrocedure
MM TR-C1: North Harbor Drive / Harbor Island Drive / Terminal 1 intersection (East Airport Entrance).  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	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
the intersection are expected. **  MM TR-C2: North Harbor Drive / Rental Car Access Road intersection.  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. **	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.
MM TR-C3: North Harbor Drive / Laurel Street intersection.  The Project Applicant shall contribute a fair share percentage of 2.2% towards	Sunroad Marina Partners, LP	Prior to issuance of building permits	Pay a fair share percentage of 2.2% towards the

<sup>#</sup> Implementation of Mitigation Measures MM TR-C1 through MM TR-C6 would mitigate impacts of the Proposed 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
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. #			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. The fair share contribution shall be paid to the City of San Diego traffic impact fee program.
MM TR-C4: Pacific Highway/Hawthorn Street intersection.  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. #	Sunroad Marina Partners, LP	Prior to issuance of building permits	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.
MM TR-C5: North Harbor Drive between Harbor Island Drive and Rental Car Access Road street segment.  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. #	Sunroad Marina Partners, LP	Prior to issuance of building permits	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.
MM TR-C6: North Harbor Drive between Rental Car Access Road and	Sunroad Marina Partners, LP	Prior to issuance of building permits	Pay a fair share percentage of 0.9% towards the addition of

<sup>&</sup>lt;sup>#</sup> Implementation of Mitigation Measures MM TR-C1 through MM TR-C6 would mitigate impacts of the Proposed 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
Laurel Street segment.  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. #			one lane. The fair share contribution shall be paid to the City of San Diego traffic impact fee program.

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<sup>#</sup> Implementation of Mitigation Measures MM TR-C1 through MM TR-C6 would mitigate impacts of the Proposed 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.

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