

RESOLUTION NUMBER R- 290053

ADOPTED ON MAY 04 1998

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE NORTH BAY REDEVELOPMENT PROJECT AS IT PERTAINS TO THE NORTH BAY REDEVELOPMENT PROJECT AND THE IMPLEMENTATION ACTIVITIES THEREFOR, MAKING CERTAIN FINDINGS REGARDING THE ENVIRONMENTAL IMPACTS OF THE PROPOSED REDEVELOPMENT PROJECT, AND ADOPTING A REPORTING AND MONITORING PROGRAM.

WHEREAS, the Redevelopment Agency of The City of San Diego (the "Agency") has prepared a proposed redevelopment plan for the North Bay Redevelopment Project (the "Project"); and

WHEREAS, the Agency, as lead agency, is responsible for preparing an Environmental Impact Report ("EIR") to assess the environmental impacts which may result from the Project; and

WHEREAS, a Draft EIR was prepared and circulated for review, comment and consultation with citizens, professional disciplines and public agencies pursuant to the California Environmental Quality Act of 1970 ("CEQA") and state and local guidelines and regulations adopted pursuant thereto; and

WHEREAS, a duly noticed public hearing was held by the Agency with respect to the Draft EIR, at which all interested persons and organizations were given an opportunity to be heard; and

WHEREAS, the Final EIR, relating to the proposed redevelopment plan for the Project and responding to the concerns raised during the review period and at the public hearing, has been prepared pursuant to CEQA and the guidelines and regulations; and

WHEREAS, the Council of The City of San Diego (the "Council"), in connection with its consideration of the approval of the proposed redevelopment plan for the Project, has reviewed and considered the information contained in the Final EIR; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That the Council hereby certifies that the Final EIR for the North Bay Redevelopment Project has been prepared and completed in compliance with CEQA and state and local guidelines and regulations adopted pursuant thereto, and that the Agency has certified the Final EIR.

2. That the Council hereby further certifies that the information contained in the Final EIR has been reviewed and considered by the members of the Council.

3. That the Council hereby finds and determines that:

a. The Project will not result in significant environmental effects in certain respects identified in the Final EIR, as described in Section I of Attachment A (attached hereto and incorporated herein by this reference).

b. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen certain significant environmental effects of the Project identified in the Final EIR, as described in Section II of Attachment A (attached hereto and incorporated herein by this reference).

c. There are no changes or alterations which would avoid or substantially lessen certain significant environmental effects of the Project, that are within the

responsibility and jurisdiction of another public agency and not the Agency or the City Council, as stated in Section III of Attachment A (attached hereto and incorporated herein by this reference).

d. Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives with respect to each significant environmental effect of the Project which cannot be avoided or substantially lessened, as described in Section IV of Attachment A (attached hereto and incorporated herein by this reference).

e. The benefits of the Project outweigh the significant environmental effects of the Project which cannot be avoided or substantially lessened, as described in Section V of Attachment A (attached hereto and incorporated herein by this reference).

4. That the Mitigation Monitoring and Reporting Program for the North Bay Redevelopment Project, in the form on file in the office of the City Clerk as Document No. RR-290046-2, is hereby approved and adopted to monitor and ensure that the mitigation measures identified will be instituted.

5. That the City Clerk, or designee, is hereby authorized and directed to cause the filing of a Notice of Determination with respect to the Final EIR upon adoption of the proposed Redevelopment Plan for the Project by the Council.

APPROVED: CASEY GWINN, City Attorney

By 
Allisyn L. Thomas
Deputy City Attorney

ALT:lc
03/27/98
Or.Dept:Comm.&Eco.Dev.
R-98-1033
Form=r&t.frm

CANDIDATE FINDINGS

I. The following findings discuss the reasons why, in certain respects, implementation of the proposed North Bay Revitalization Area (Including the North Bay Redevelopment Project) will not result in significant environmental impacts.

A. With respect to Land Use

Land Use Compatibility:

The proposed Project and revitalization activities would increase residential units, commercial, industrial, office, and recreation/open space uses in the Revitalization Area. California Redevelopment Law requires that the land uses designated in the Redevelopment Project Area be consistent with the City's General Plan. The proposed Project and revitalization activities is proposed in an effort to create more efficient use of the land and reduce or eliminate incompatible uses.

The proposed public improvements and private improvements to existing commercial, residential, and industrial areas is anticipated to attract new businesses and improve development. Obsolete and undersized structures will be replaced with structures that meet current design standards and provide for more effective use of the land. On-site land use compatibility can be improved through consolidation of parcels, and provide a comprehensive plan for the Revitalization Area, replacing previous development that occurred through piecemeal development in the past.

The proposed Project and revitalization activities is anticipated to reduce the occurrence of incompatible land uses, as new projects are developed consistent with existing zoning regulations. Redevelopment of sites to current standards is expected to improve appearance, landscaping, and buffering from adjacent uses compared to existing development. Land use conflicts can be avoided or reduced if proper design and buffering techniques are implemented as specific private development proposals come forward in the Revitalization Area. Any new development that occurs within the Revitalization Area will need to comply with the City's zoning ordinance and other regulations for development which control setbacks, building heights, landscaping, and other regulations which are intended to minimize land use conflicts. New development within the Revitalization Area will bring existing uses up to code and are anticipated to reduce the amount of existing land use conflicts in the Revitalization Area.

Community Plan Amendments:

The proposed Project and revitalization activities includes amendments to five of the seven community plans (Midway/Pacific Highway Corridor, Old Town, Peninsula, Clairemont Mesa, and Linda Vista). Amendments are not proposed for the Uptown and Mission Valley Communities.

The Midway/Pacific Highway Corridor Community will experience the most notable change in land use designations, converting existing planned commercial, industrial, and public/institutional land use designations into the multiple-use land use. The overall effect of the proposed land use amendments in the Midway/Pacific Highway Corridor will be an increase in development potential of approximately 228,100 square feet, and 1,822 dwelling units. These intensities of land use change are not significant in relation to the Midway/Pacific Highway Community planning area as a whole, but will provide for better compatibility between land uses.

The Old Town Community plan will be amended to allow retail, office, and hotel use north of Taylor Street. This is different than the current plan in that it specifically would allow for hotel use and also allows more flexibility in the size, siting, and nature of the uses to convert 5.68 acres of commercial land use designations to a mixed-use designation. The increase in development potential from existing community plan designations to proposed plan land use designations is approximately 116,400 square feet. The EIR also assumed that as many as 78 dwelling units could be constructed in this area, however the zoning district does not allow residential development, therefore these units will not occur within the Old Town Community portion of the project site, but will most likely be developed elsewhere in the Revitalization Area.

The Linda Vista Community will experience an increase in development potential of approximately 155,210 square feet of development and 102 dwelling units.

The change of land uses within these communities is not considered significant as the land use amendments will allow for greater diversity of uses. The land use amendments will also provide for greater overall land use compatibility.

The proposed Project and revitalization activities will also result in a redistribution of existing land uses within the Revitalization Area as a result of the community plan amendments. The proposed Project and revitalization activities represents an increase in the density and intensity of development over the existing conditions. This is attributable to the conversion of vacant and underutilized properties to a higher and better use of the land through future development and redevelopment, as well as the land use designation amendments discussed above.

The primary conversion of land use will occur within the Midway Community which will convert commercial and industrial land uses to the multiple use and multi-family residential category. The change in intensity of development is not considered a significant land use impact as the Project and revitalization activities will create more opportunities to efficiently use available land and develop more compatible land uses.

Consistency with Adopted Plans:

Naval Training Center Reuse Plan: Reuse planning for the former NTC has provided an additional opportunity to focus on planning, redevelopment, and revitalization of the former military base. The proposed Project and revitalization activities will complement reuse efforts at NTC.

U.S. Marine Corps Depot Master Plan: The proposed Project and revitalization activities does not conflict with the plans and policies of the MCRD Master Plan. The proposed Project and revitalization activities will increase the opportunity for pedestrian and bicycle access to and from MCRD.

San Diego Unified Port District Master Plan: The proposed Project and revitalization activities is compatible with the goals and land uses of the SDUPD Master Plan. The proposed Project and revitalization activities accommodates existing and proposed land uses within the Revitalization Area.

Space and Naval Warfare System Center, San Diego: The Space and Naval Warfare System Center is located within the Revitalization Area. The land uses for this facility are not proposed to change under the Project and revitalization activities. Redevelopment activities will be consistent with future improvements to this area.

Comprehensive Land Use Plan for Lindbergh Field (CLUP): The proposed Project and revitalization activities will result in an amendment to the existing transportation-related (commercial) uses to industrial uses in the Midway/Pacific Highway Corridor Community. The redesignation of this parcel from commercial to industrial uses is not anticipated to significantly impact the Port District's current CLUP planning efforts as similar uses are allowed under either designation.

Lindbergh Field Immediate Action Plan: The proposed Project and revitalization activities will not interfere with improvements currently underway for Lindbergh Field associated with the Immediate Action Plan.

Bay-to-Bay Connection: Plans for the Bay-to-Bay connection are preliminary in nature. The Project and revitalization activities will accommodate the Bay-to-Bay connection by providing multiple and residential use land use designations within the corridor proposed for the connection.

Coastal and Airport Approach Overlay Zones: City of San Diego overlay zones would not be altered or amended with the implementation of the Project and revitalization activities. Policies set forth by overlay zones established by the City's Land Development Code will guide any plans for development within the Revitalization Area.

Construction Impacts:

Construction impacts associated with development and redevelopment include noise, dust, temporary disruption of traffic and parking, temporary disruption of business activities, and other effects. Construction activities are subject to regulations by the City including specification of haul routes, limits to construction hours, control of utility disruption and other controls.

B. With respect to Traffic/Circulation

Parking:

The recommended traffic improvements to mitigate project impacts of the North Bay Revitalization Area (including the North Bay Redevelopment Project) project would not require the removal of existing on-street parking, and no impact to parking is anticipated. The required parking due to new developments and redevelopment in the area will be addressed through zoning and parking requirements for specific land uses. Future developments proposed in the Revitalization Area must comply with the parking standards that are in effect at the time the development proposal is under consideration by the City.

The proposed community plan amendments promote mixed-use (residential and non-residential uses together), which will encourage pedestrian and bicycle use in lieu of the automobile, which will in turn decrease the demand for parking normally associated with traditional commercial zones. Redevelopment properties that cannot comply with the City-wide standards for parking due to unusual lot configurations or size are subject to variance procedures by the City. No impact to parking facilities is anticipated.

C. With respect to Air Quality**Short-term Emissions from Construction:**

Development of individual projects within the North Bay Revitalization Area will generate emissions from grading and site preparation -- primarily PM10 emissions in dust, and from construction of structures -- primarily emission of oxides of nitrogen (NOx) from diesel-powered heavy equipment. The construction activities within the Revitalization Area will comply with the City of San Diego regulations, including watering construction sites to reduce dust and proper maintenance of construction equipment to reduce emissions.

There are federal, state, or local standards and requirements that are applied through standard development procedures. These measures include the following:

- Unpaved demolition and construction areas are watered as necessary during excavation which reduces dust emissions. Watering twice a day will reduce particulate emissions (dust) by about 50 percent.
- Grading activity is typically required to cease when wind speed exceeds 25 mph
- Use of clean fuels, or electric powered construction equipment where feasible.
- Maintain properly tuned construction equipment in accordance with manufacturer's specifications.

Implementation of these measures will reduce construction related air quality impacts to a less than significant level.

D. With respect to Noise**Construction Noise:**

Construction of individual projects within the Revitalization Area has the potential to impact sensitive receptors adjacent to individual construction sites. Construction equipment generates high levels of intermittent noise ranging from 70 dB to 105 dB, and would result in a significant impact at locations where sensitive uses adjoin construction sites. This impact will be short-term and will cease upon completion of construction. Construction activities within the Revitalization Area will be subject to existing City regulations and include:

- The construction hours for construction activities on sites adjacent to residences, schools, and other noise-sensitive uses shall be reviewed and adjusted as determined appropriate by the City.
- To the extent feasible, construction activities will be screened from adjacent noise-sensitive land uses with solid wood fences or other barriers as determined appropriate by the City.
- All construction equipment, fixed or mobile, operated within 1000 feet of dwelling unit (s), school, hospital or other noise-sensitive land use shall be equipped with properly operating and maintained muffler exhaust systems.
- Stockpiling and vehicle staging areas shall be located as far as practical from occupied dwellings, classrooms, and other sensitive receptors.
- Construction routes shall be established where necessary and practicable to prevent noise impacts on residences, schools, and other noise-sensitive receptors.
- Where the City undertakes major street widening improvements where residential uses are adjacent to streets, the City evaluates the potential for noise exposure to residents and implementation of soundproofing as required.

The implementation of these standard City requirements will reduce the short-term construction impact to a less than significant level.

Railroad Noise:

The implementation of the proposed Project and revitalization activities will not directly affect rail transportation systems or thus, railroad noise levels. No new rail facilities or operations nor changes to the existing rail operations are included in the public improvements anticipated for the Revitalization Area.

E. With respect to Cultural Resources

(Not Applicable - only significant impacts identified)

F. With respect to Biological Resources**Sensitive Plant Species:**

Implementation of the proposed Project and revitalization activities has the potential to adversely impact a small number of southwestern spiny rush in the San Diego River channel. This impact is not considered to be significant given the relative abundance of this species in the immediate vicinity within preserved lands and the overall low rarity and wide geographic distribution of this plant. No mitigation actions for impacts to this species are proposed.

G. With respect to Geology/Soils**Tsunamis:**

The potential for the occurrence of tsunamis in the Revitalization Area is not significant. No impact associated with tsunamis is anticipated.

Agriculture:

The Revitalization Area is underlain by urban land. No impact to agricultural soils is anticipated.

Mineral Resources:

The potential for loss of mineral deposits due to further development of the Revitalization Area is low. No significant impact to mineral resources is anticipated.

H. With respect to Human Health

During the 30-year buildout timeframe of the Project and revitalization activities, changes are likely to occur that will alter the status of the various hazardous materials and hazardous waste sites identified on-site. For each subsequent development project or improvement that occurs within the Revitalization Area, the status of any particular site or sites affected by a specific project action (e.g., right-of-way improvement, flood control structures, parcel combining), will need to be evaluated through a Phase I Site Assessment (ESA).

In general, sites containing contaminated soil and groundwater are known to regulatory agencies. Such sites are in programs to remedy these sites, and many of the sites within the Revitalization Area are anticipated to advance toward, or achieve acceptable remedies during the redevelopment project. Exposure of people or property to unremediated soils,

groundwater, or surface water, or any other sources of existing contamination within the Revitalization Area would result in a significant impact. Compliance with Federal, State, and Local Regulations will reduce the impact to a less than significant level.

The proposed Project and revitalization activities would also allow for industrial and commercial uses to continue within the Revitalization Area. These land uses could involve the use of hazardous materials depending on the specific use proposed. Redevelopment of properties and the establishment of new business within the Revitalization Area will need to comply with current regulations regarding the use, storage, transport, and disposal of hazardous materials. Impacts will be reduced to a less than significant level through compliance with current regulatory programs.

In areas where construction dewatering is required, the effluent will need to meet discharge requirements for National Pollution Discharge Elimination System (NPDES) permitting and/or City of San Diego sewer discharge requirements.

Surveys to test for asbestos-containing building materials and lead based paint are also required by the City to be performed at sites with existing buildings. If such buildings are not to be demolished, renovated or disturbed, an asbestos Operations and Maintenance Plan are required to be developed and implemented for the identified materials.

I. With respect to Water Quality

Short-Term Construction:

Grading activities associated with the Revitalization Area may temporarily increase the potential of discharging sediment into nearby surface water bodies during construction. Any grading activity within the Revitalization Area where more than five acres will be graded will be required to comply with the provisions of the California NPDES general permit.

Construction activity resulting in soil disturbances of less than five acres also requires a permit if the construction activity is part of a larger common plan of development or sale. General permit conditions address notifications, prohibitions, effluent limitations, preparation and implementation of a stormwater pollution prevention plan (SWPPP), and monitoring program and record keeping requirements. The SWPPP addresses such topics as schedule; source identification; erosion and sediment control; non-stormwater management; post-construction stormwater management; waste management and disposal; maintenance, inspection and repair; and training.

If temporary construction dewatering occurs in the Revitalization Area and the effluent is to be discharged to the San Diego Bay, then the discharge must comply with the effluent limits

specified by the RWQCB Order No. 90-31, NPDES Permit No. CA0108707. If temporary construction dewatering effluent is to be discharged to any other surface water body, then the discharge will be required to meet the requirements specified by the RWQCB Order No. 91-10, NPDES Permit No. CA0108804 (General Waste Discharge Requirements for Groundwater Remediation and Dewatering Waste Discharges to Surface Waters within the San Diego Region, Except for San Diego Bay).

Long-Term Impact:

As part of the Project, the San Diego Redevelopment Agency intends to identify actions that are necessary and consistent with state, federal and local laws to remedy or remove a release of hazardous substances on, under or from property within the Redevelopment Project Area to remove hazardous waste from specific sites.

In light of this pro-active approach and the fact that new development will have to comply with strict regulations pertaining to the generation, handling, storage, transportation and disposal of regulated substances (e.g., hazardous substances and wastes), no significant long-term impact to water quality is anticipated.

If additional underground storage tanks (USTs) are to be installed in the Revitalization Area, then the tanks will be required to be installed, operated and maintained in accordance with the manufacturers recommendations and applicable federal, state, and local laws and regulations. All USTs must comply with the requirements that will become effective on December 22, 1998.

If large areas of turf are installed as part of the park/open space expansion, BMPs are required to minimize the potential for the relatively soluble turf amendments (e.g., fertilizers, pesticides) to migrate to groundwater.

If the effluent is to be discharged to the City of San Diego sewer system, then the effluent will be required to meet the discharge requirements of the City.

Hazardous or potentially hazardous materials (e.g., cement, lubricants, solvents, fuels, other refined petroleum hydrocarbon products, wash water, raw sewage) that are used or generated during construction will be required to be handled, stored, used and disposed of in accordance with NPDES permitting requirements and applicable federal, state, and local laws and regulations. Because the project will comply with these federal, state, and local regulations for discharge and hazardous sites no significant impact will occur.

J. With respect to Aesthetics/Urban Design**Landform:**

The Revitalization Area is mostly developed, with the exception of some vacant parcels interspersed throughout the Area. Future development under the proposed Project and revitalization activities will be required to comply with City policies regarding grading, landform alteration, and hillside development. All future development of the Revitalization Area will need to comply with City guidelines, policies, and regulations for grading, landform alteration, and hillside development. Policies including minimizing grading, avoidance of impacts (i.e. grading) of canyons, retention of existing trees and ground covers to the extent possible, and preservation of natural drainage systems.

Urban Design:

New development in the Revitalization Area will be subjected to evaluation based on community design standards contained within the seven community planning areas. However, the Project and revitalization activities will result in design-related amendments to the Midway/Pacific Highway Corridor; Old Town, Peninsula, Clairemont Mesa, Linda Vista community plans. The overall intent of these design revisions is to improve the visual character of the North Bay Revitalization Area in addition to accommodating future development within the proposed multiple use land use category.

Aesthetics:

Specific development proposals for the Revitalization Area are unknown, however any future development of the Revitalization Area could potentially impact public views or scenic vistas from public areas. Because future development will be required to comply with City development standards related to landform, design, preservation of public views and compatibility with surrounding land uses, no significant aesthetic impact will occur.

Light and Glare:

Because the Revitalization Area is highly urbanized, development of the proposed Project and revitalization activities as a whole is not anticipated to result in a significant increase in light and glare. However, there is the potential for new development to impact adjacent land use on a local level. Because future development will be required to comply with City development standards related to light and glare and compatibility with surrounding land uses, no significant light and glare impact will occur.

K. With respect to Population, Housing and Employment**Population:**

The Revitalization Area will experience an increase in population resulting from a net increase of approximately 3,164 dwelling units, and an associated population increase of approximately 7,055. The Redevelopment Project Area will experience an increase of approximately 2,100 dwelling units with an approximate population increase of approximately 4,683. The Influence Area will experience an increase of approximately 1,064 dwelling units with an approximate population increase of 2,373.

The land uses and intensity of development permitted in the Revitalization Area will correspond with that allowed by the City's General Plan and associated Community Plans. The estimates are subject to variation because of the range of options available for many sites, the long development period being considered, and the inability to predict new market forces that may define development potential over the life of the Project and revitalization activities. The estimates of residential dwelling units do not represent a maximum limit or "cap" for residential development within the Revitalization Area. Over the life of the project, the residential dwelling units developed may be higher than estimated; however, should this occur, a corresponding decrease in the amount of non-residential development would occur. In light of this, the redevelopment plan has been modified to allow a total of 5,091 dwelling units.

Because the Project and revitalization activities is consistent with proposed Community Plan Amendments, and includes requirements for the provision of affordable housing units, it would not result in a significant impact to population.

Housing:

The proposed Project and revitalization activities will result in a higher number of dwelling units within the Revitalization Area than currently exists. The increase in housing supply is anticipated to provide more housing opportunities within the Revitalization Area. The residential activities proposed with the Revitalization Area will generally be consistent with the adopted and amended community plans in which the Revitalization Area is located. The proposed Redevelopment Plan will provide additional affordable housing within and outside of the Revitalization Area. California Redevelopment Law requires that a portion of new or rehabilitated dwelling units developed by the Redevelopment Agency, private applicant, or other public agency to be available for low or moderate income households.

Employment:

Implementation of the proposed Project and revitalization activities will generate approximately 6,958 new jobs in the Revitalization Area at buildout in the year 2023. This represents a 43% increase in employment for the Revitalization Area.

L. With respect to Public Services**Police Protection:**

Development of the proposed Project and revitalization activities will create the need for additional police services. Funding for police services is provided by the General Fund of the City of San Diego. Police protection is ordinarily extended to newly developed areas and funded as a function of the increased tax base. The proposed Project and revitalization activities would create the need for additional police personnel and facilities. The incremental increased demand on police would not be a significant impact due to the provision of increased services through the increased tax base.

It is also anticipated that response times would remain at acceptable levels as the Project and revitalization activities is primarily infill development within an urban area. Streets within and surrounding the Revitalization Area will be improved as part of the implementation of the proposed Project and revitalization activities. These improvements are expected to improve access for police and other emergency vehicles, and maintain or improve service response times. Implementation of the proposed Project and revitalization activities will result in a less than significant impact to police protection services.

Fire Protection:

Implementation of the proposed Project and revitalization activities will result in an increase in demand for fire protection services within the Revitalization Area. Proposed new development within the Revitalization Area will be required to meet current Fire Code requirements which are generally more rigorous than those under which existing development was constructed. As new development occurs, overall fire safety of buildings within the Revitalization Area is expected to improve.

Streets within and surrounding the Revitalization Area will be improved as part of the implementation of the proposed project. These improvements will improve access, and maintain or improve service response times. In addition, access problems associated with

current development within the Revitalization Area will be reduced or eliminated as project implementation occurs and new buildings are required to meet current Fire Department standards for accessibility.

The Fire Department anticipates that response times for fire protection service can be maintained at the present four minute standard with implementation of the proposed project.

Library Services:

Implementation of the proposed Project and revitalization activities will increase the population which would generate additional demand for existing San Diego Public Library facilities. Financing is not currently available for improvements for existing facilities or for the construction and staffing of new facilities. However, the San Diego County Regional Library Authority is developing a tax proposal for a one-quarter percentage point county-wide sales tax that will appear on the June or November 1998 ballot. No significant impact to library facilities are expected to occur because available financing mechanisms, such as redevelopment tax increment, sales tax increases, loans, and grants may be used to provide facilities.

Solid Waste:

Ultimate development of the proposed Project and revitalization activities would result in the generation of approximately 10,016 tons/year, with an incremental increase of 333 tons/year anticipated. The proposed Project and revitalization activities would also result in a significant amount of inert waste caused by demolition and construction activities.

The amount of waste generated as a result of the proposed Project will be significantly reduced with implementation of City of San Diego waste management policies both with respect to the demolition and construction phases of projects and to the operation of developed land uses. Policies and recommendations include such things as using existing structures to the extent feasible as opposed to complete demolition; reduction of material requirements through effective site layout and building design; use of post-consumer content construction materials; and use of post-consumer aggregate base and mulch in project landscaping. Examples of City of San Diego policies with respect to developed land uses include the provision of drop-off and storage areas for recyclables in accordance with the City's Municipal Code Section 101.2001; installing devices or chutes to provide for convenient separation and recycling of materials; landscaping with native species to minimize landscape needs and waste generation; and providing recyclables drop-off containers in recreation areas.

M. With respect to Public Utilities**Gas and Electric:**

Existing infrastructure for both gas and electricity provision (i.e. substations and power plants) located within or adjacent to the Revitalization Area would provide adequate service to the proposed Project and revitalization activities. The proposed Project and revitalization activities will not result in the use of a substantial amount of fuel, a substantial increase in demand upon existing sources of energy, or the development of new energy sources.

Water:

Water demand within the Revitalization Area will increase by approximately 877,000 or 10 percent, to approximately 9.3. The proposed Project and revitalization activities increase in demand for water is not a significant impact.

Sewer:

Sewer flows within the Revitalization Area will increase by approximately 558,400 gallons per day, amounting to a total of approximately 1.5 mgd of sewage. The incremental increase in the generation of wastewater would occur over a 30-year period, and could be met through the provision of public improvements and the planned expansion of the wastewater treatment and disposal system to meet demand.

N. With respect to Recreation

(Not Applicable - only significant impacts identified)

II. The following discussion explains the reasons why certain changes or alterations which have been required in, or incorporated into, the North Bay Revitalization Area (Including the North Bay Redevelopment Project), will avoid or substantially lessen certain significant environmental effects of the Project and revitalization activities.**A. With respect to Land Use**

(Not Applicable - land use impact is less than significant)

B. With respect to Traffic/Circulation**Impact on Street Segments:**

The future daily traffic volumes for both scenarios were compared to the carrying capacities of the adopted community plan street classifications. The analysis indicates that under each land use scenario nine street segments are projected to operate at LOS E or F.

The street segments projected to operate at LOS E are:

- Barnett Avenue, from Midway Drive to Pacific Highway
- Laurel Street, from Pacific Highway to Kettner Boulevard
- Midway Drive, from Wing Street to Rosecrans Street
- Rosecrans Street, from Cauby Street to Lytton Street

The street segments with LOS F are:

- Camino del Rio West, from I-5/I-8 ramps to Sports Arena Boulevard
- Morena Boulevard, from Tecolote Road to West Morena Boulevard
- Pacific Highway, from Palm Street to Laurel Avenue
- Rosecrans Street, from Sports Arena Boulevard to Cauby Street
- Rosecrans Street, from Lytton Street to Nimitz Boulevard

Since street segment congestion is the same under each scenario, the recommended improvements are also the same. The street segments that need improvements to meet the future traffic demand, improve traffic flow, reduce delay and congestion to acceptable levels of service, D or better are Morena Boulevard, Napa Street, Camino del Rio West, Rosecrans Street, Pacific Highway, and Laurel Street. Implementation of Mitigation Measures 1 through 7 will reduce the project-specific impact to a less than significant level. However, the improvements identified in Mitigation Measures 1 through 7 may, in some cases be infeasible due to constraints such as aesthetic considerations, availability of right-of-way, availability of funding, consistency with community plans and other considerations. Because the implementation of each one of these improvements is not assured, the project specific and cumulative traffic impact to street segments is anticipated to remain significant.

Since street segment congestion is the same under each scenario, the recommended improvements are also the same. The following street segments need improvements to meet the future traffic demand, improve traffic flow, reduce delay and congestion to acceptable levels of service, D or better. These improvements shall be implemented as part of the City's Capital Improvements Program:

1. **Morena Boulevard:** Re-stripe Morena Boulevard from Tecolote Road south to West Morena Boulevard to provide four through lanes, a continuous center-turn lane and bike lanes. On-street parking would have to be eliminated. Alternatively, Morena Boulevard could be widened to retain on-street parking; however, off-street parking between the sidewalk and the buildings would be severely impacted.
2. **Napa Street:** Widen Napa Street between Morena Boulevard and Linda Vista Boulevard to four lanes. The adopted Linda Vista Community Plan also shows Napa Street as a future four-lane major street. The Linda Vista Planning Group is considering whether to support the widening of Napa Street (Morena Boulevard to Linda Vista Road) to a modified four-lane collector street. This would require the widening of Napa Street to provide two westbound lanes, one eastbound left-turn lane, one eastbound optional left-turn or through lane, and one eastbound through lane.
3. **Camino del Rio West:** Increase the capacity of this roadway to a 6-Lane Express-way.
4. **Rosecrans Street:** Widen Rosecrans Street from Camino del Rio West to Lytton Street to 8-Lane Primary Arterial; and widen to 6-Lane Major Street, from Lytton Street to Nimitz Boulevard.
5. **Barnett Avenue:** Widen Barnett Avenue from the interchange at Pacific Highway to Midway Drive to a 6-Lane Primary Arterial.
6. **Pacific Highway:** Widen Pacific Highway from Laurel Street to Palm Street to a 6-Lane Express Way.
7. **Laurel Avenue:** Increase the capacity of this roadway from Pacific Highway to Kettner Boulevard to a 4-Lane Major Street.

Intersections:

The intersection level of service is identified below. Since intersection congestion is the same under each scenario, the recommended improvements are also the same. Implementation of Mitigation Measures 8 through 16 will reduce the project-specific impact to a less than significant level. However, the improvements identified in Mitigation Measures 8 through 16 may, in some cases be infeasible due to constraints such as aesthetic considerations, availability of right-of-way, availability of funding, consistency with community plans and

other considerations. Because the implementation of each one of these improvements is not assured, the project specific traffic impact to intersections is anticipated to remain significant on a project-specific and cumulative level.

Intersection	Existing LOS	Future Scenario 1 LOS	Future Scenario 2 LOS
I-5 NB ramp/Tecolote Rd.	E	F	F
I-5 SB ramp/Sea World Dr.	E	F	F
Sports Arena Blvd./Midway Dr.	F	F	F
Nimitz Blvd./W. Pt. Loma Blvd.	F	F	F
Camino Del Rio/Rosecrans/ Sports Arena	E	F	F
Rosecrans St./Midway Dr.	D	F	F
Rosecrans St./Lytton St.	D	F	F
Linda Vista Rd./Napa St.	E	E	E
Morena Blvd./Tecolote Rd.	D	F	F

Required intersection improvements to bring intersection levels of service to D or better under each scenario are the same, and are as follows:

8. *I-5 Northbound On-Off Ramps/Tecolote Road:* This intersection has an existing LOS E. It also has a future LOS E. To improve the intersection Level of Service to D, it would require widening the freeway bridge to provide three eastbound left turn lanes and widening the northbound on-ramp to I-5 to provide three traffic lanes. Due to safety concerns, triple left turn lanes are considered undesirable. In addition, to prevent on-ramp traffic backing up into the intersection, addition of a northbound auxiliary freeway lane between Tecolote Road and Clairmont Drive may be necessary. Alternatively, the intersection could remain unchanged and the Level of Service would remain the same.
9. *I-5/Southbound On-Off Ramps/Tecolote Road:* Widen southbound off- ramp to provide two right turn lanes and two left turn lanes.
10. *Sports Arena Boulevard/Midway Drive/West Point Loma Boulevard:* Widen Sports Arena Boulevard to provide one southbound right turn, two southbound through, and two southbound left turn lanes. Widen Midway Drive to provide four northbound through and two northbound left turn and one right turn lane.
11. *Nimitz Boulevard/West Point Loma Boulevard:* Widen Nimitz Boulevard to provide four northbound through lanes and one northbound left turn lane. Re-stripe Nimitz Boulevard to provide one southbound right turn, two southbound through lanes, and one southbound left turn lane. Widen West Point Loma Boulevard to provide one right turn lane, two through lanes, and one left turn lane.

12. *Camino Del Rio West/Sports Arena Boulevard/Rosecrans Street:* Special treatment would be needed at this intersection as conventional surface street widening would not improve the level of service to acceptable conditions (LOS D or better). One such treatment would be grade separation of Camino Del Rio West to allow two lanes in each direction to connect Camino del Rio West and Rosecrans. Prior to the grade separation, the intersection can be improved by widening Camino del Rio West to provide four southbound through lanes, one left turn lane, and one right turn lane. Also, widen Rosecrans Street by providing three northbound through lanes to Camino del Rio West, and a shared through and right turn lane to Rosecrans Street/Sports Arena Boulevard.
13. *Rosecrans Street/Midway Drive:* Widen Rosecrans Street to provide one northbound right turn lane, four northbound through lanes, and one north-bound left turn lanes, one southbound right-turn lane, three southbound through, and two southbound left turn lanes. Widen Midway Drive to provide one eastbound right turn lane, two eastbound through lanes, and two eastbound left turn lanes.
14. *Rosecrans Street/Lytton Street:* Widen Rosecrans Street to provide one northbound right turn lane, three northbound through lanes, and one northbound left turn lane; and, one southbound right turn lane, three southbound through lanes, and one southbound left-turn lane; and one west bound through lane. Widen Lytton Street to provide one right turn lane, two through lanes, and one left turn lane.
15. *Linda Vista Road/Napa Street:* Widen Linda Vista Road to provide an exclusive right turn lane, two through lanes, and one left turn lane for southbound traffic. Widen Napa Street west of Linda Vista Road to provide one eastbound left turn lane, one shared left turn/through lane, one eastbound shared through right turn lane. No parking will be allowed along the west leg.
16. *Morena Boulevard at Tecolote Road:* Widen Morena Boulevard north of Tecolote Road, including the bridge over Tecolote Creek, to provide two northbound lanes, one southbound left turn lane, one southbound shared through/right turn lane, and an exclusive southbound right turn lane. Widen Morena Boulevard south of Tecolote Road to include two northbound left turn lanes and one northbound through lane and a shared northbound through/right turn lane.

C. With respect to Air Quality**Short-term Emissions from Construction:**

Development of individual projects within the North Bay Revitalization Area will generate emissions from grading and site preparation -- primarily PM10 emissions in dust, and from construction of structures -- primarily emission of oxides of nitrogen (NOx) from diesel-powered heavy equipment. The construction activities within the Revitalization Area will comply with the City of San Diego regulations, including watering construction sites to reduce dust and proper maintenance of construction equipment to reduce emissions. Nonetheless, since the amount of construction emissions is generally proportional to the size of the development under construction, major development on sites of more than two acres or requiring more than 100,000 cubic yards of earth movement (cut and fill) will generate substantial emissions. Most of the new construction is anticipated to occur within 20 to 30 years, with the rate of development determined by market demand and absorption of commercial, office, and industrial space in the Revitalization Area.

There are federal, state, or local standards and requirements that are applied through standard development procedures. These measures include the following:

- Unpaved demolition and construction areas are watered as necessary during excavation which reduces dust emissions. Watering twice a day will reduce particulate emissions (dust) by about 50 percent.
- Grading activity is typically required to cease when wind speed exceeds 25 mph.
- Use of clean fuels, or electric powered construction equipment where feasible.
- Maintain properly tuned construction equipment in accordance with manufacturer's specifications.

Implementation of these measures will reduce construction related air quality impacts to a less than significant level.

Long-term Emissions from Operations:

Total emissions are estimated at 7,167.8 pounds per day of carbon monoxide, 338.9 pounds per day of reactive organic gases, 960.6 pounds per day of oxides, 166.5 pounds per day of PM10, and 94.4 pounds per day of oxides of sulfur.

Transportation systems management actions are underway regionally and locally. These continuing actions will continue to minimize the air pollution impact of new development and reduce trip making from existing development. Transportation systems management actions include:

- Traffic signal synchronization of all major arterials and collectors in coordination with the County of San Diego and surrounding cities.
- Development of park and ride facilities to encourage transit use.
- Traffic flow improvements through the elimination of on-street parking along major arterials during peak hours.
- Bus transit improvements in the form of pads, shelters, and lighting.
- Bicycle routes.

Additionally, individual development will be designed and operated to conserve energy in keeping with Title 24 requirements. Implementation of these measures will reduce the long-term project specific air quality impact to the extent feasible. The long-term project-specific and cumulative air quality impact will remain significant and unavoidable, even with the implementation of these measures.

D. With respect to Noise

Vehicular Noise:

Increased future traffic volumes will result in increased noise levels along all major streets. Future noise levels along major streets are projected to range from 70.2 to 73.9 dB CNEL at a distance of 75 feet from the centerline of the nearest traffic lane. The overall increase in vehicular noise levels is considered a significant impact. Impacts are similar for both land use scenarios (Scenarios 1 and 2) on the Sports Arena site. Compliance with existing City regulations, Title 24-Noise Insulation Standards, and implementation of Mitigation Measures 1 through 4 will reduce the long-term noise impact to a less than significant level.

Aircraft Noise:

The Peninsula community and portions of the Midway and Uptown communities will remain within the 65 CNEL impact area of the Lindbergh Field Airport. Individual development proposals within the aircraft noise impact area will be required to attenuate noise with building materials to acceptable City of San Diego standards for residential development. Compliance with existing City regulations, Title 24-Noise Insulation Standards, and implementation of Mitigation Measures 1 through 4 will reduce the long-term noise impact to a less than significant level.

Stationary Noise:

New commercial and industrial development anticipated to occur within the Revitalization Area will result in additional stationary noise sources within the Revitalization Area. Noise compatibility of new development with the surrounding existing or proposed land uses will be addressed on a case-by-case basis as specific development proposals are submitted for the Revitalization Area. As with all new development proposals throughout the city, each new development proposal in the Revitalization Area will be reviewed by the City. This review includes an assessment of compatibility with surrounding uses which also considers noise compatibility. Since the new development may include noise-generating uses located in the vicinity of noise-sensitive uses, this impact is considered significant. Compliance with existing City regulations, Title 24-Noise Insulation Standards, and implementation of Mitigation Measures 1 through 4 will reduce the long-term noise impact to a less than significant level.

1. Individual development shall, to the extent feasible under a pedestrian oriented concept, implement site planning techniques such as:
 - Increasing the distance between the noise source and the receiver.
 - Using non-noise sensitive structures such as garages to shield noise-sensitive areas.
 - Orienting buildings to shield outdoor spaces from a noise source.
2. Individual development shall incorporate architectural design strategies which reduce the exposure of noise-sensitive spaces to stationary noise sources (i.e., placing bedrooms or balconies on the side of housing facing away from noise sources). These design strategies shall be implemented based on recommendations of acoustical analysis for individual developments as required by the City to comply with City noise standards.
3. Individual development shall incorporate noise barriers or walls into development adjacent to noise sources based on recommendations of acoustical analysis for individual developments as required by the City to comply with City noise standards.
4. Elements of building construction (i.e., walls, roof, ceilings, doors, windows, and other penetrations) shall be modified as necessary to provide sound attenuation. This may include sealing windows, installing thicker or double-glazed windows, locating doors on the opposite side of a building from the noise source, or installing solid-core doors equipped with appropriate acoustical gaskets.

E. With respect to Cultural Resources**Archaeological Resources:**

Because the Revitalization Area was developed prior to implementation of CEQA, few archaeological sites have been recorded. The previously recorded archaeological sites are either identified as sparse shell or refuse scatters that have either been destroyed or not relocated during recent field surveys. However, the area surrounding the bays and the mouth of the San Diego River would have been favored places for prehistoric residents to camp, either temporarily or permanently, or to use for shellfish processing. Archaeological sites may, therefore, be present under older buildings, parking lots, or streets located outside bay and marsh areas that were later filled.

Because the presence of significant archaeological sites may exist, any development proposals which may impact subsurface soils, including removal of existing buildings has the potential to impact archaeological sites. Archaeological monitoring will be required to identify the presence or absence of sites. Archaeological sites that are identified will need to be tested under City of San Diego and CEQA guidelines to determine significance. Cultural resources identified as significant will need to be preserved through capping and avoidance or mitigated of impacts from development proposals through completion of a data recovery program in compliance with City of San Diego and CEQA guidelines. Implementation of the proposed Project and revitalization activities has the potential to impact significant archaeological resources as a result of future development within the Revitalization Area. This is considered a significant impact. Mitigation Measure 1 will reduce the impact to a level less than significant.

1. Monitoring of excavation and grading activities related to the Project and revitalization activities shall be conducted by a certified archaeologist. If resources are encountered in the course of ground disturbance, a qualified archaeological monitor shall be retained by the City of San Diego and shall be empowered to halt grading and to initiate an archaeological testing program. The testing shall include recordation of artifacts, controlled removal of the materials, and an assessment of their importance under CEQA and local guidelines. If warranted, grading and construction work may have to be diverted for time periods ranging from hours to weeks while an archaeological team records and removes large, significant deposits or features.

The Redevelopment Agency or the private developer would have responsibility for storage, display and interpretation of the artifacts or would arrange for such with the local historical society or other credible agency. Arrangements for adequate funding must be made subsequent to the discovery of such resources and the funding must be adequate to achieve mitigation.

Historic Resources:

In addition to 13 previously recognized historically significant sites, 88 potentially important historical sites have also been identified within the Revitalization Area. Inclusion in the list of potential sites does not constitute a determination of historical or architectural importance. If Project and revitalization-related plans involve any of the potential sites identified in the Final EIR, evaluations of the individual sites shall be conducted to determine eligibility to local, state, and national registers. The evaluations shall address the potential for project-specific impacts and mitigation of impacts.

Implementation of the proposed Project and revitalization activities has the potential to impact significant historic resources as a result of future redevelopment activities and public improvements within the Revitalization Area. This is considered a significant impact. Implementation of Mitigation Measures 2-4 will reduce the impact to a level less than significant.

2. Structures listed on the National Register of Historic Places, and structures identified as contributing structures within a National Register Historic District, shall be retained onsite, to the extent feasible, and any improvements, renovation, rehabilitation and/or adaptive reuse of the historic property shall ensure its preservation according to applicable guidelines. A guideline relevant to structures listed on the National Register of Historic Places is the Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
3. The Redevelopment Agency and/or City shall complete a Part I Evaluation of Significance for the 88 structures within the Revitalization Area that were identified as potentially significant structures by the Cultural Resource Constraint Study conducted by Gallegos & Associates, as referenced in this EIR, and which have not yet been subject to a determination of eligibility for the National Register of Historic Places. As a means of ensuring adequacy and to arrive at preliminary determinations, the Agency and/or City shall submit the Part I evaluations to the State Historic Preservation Officer (SHPO) with a request for preliminary determination.
4. Structures listed on the City of San Diego Historical Sites Register by the San Diego Historical Site Board, that are not listed on the National Register of Historic Places, shall be retained onsite to the extent feasible. Any development that proposes to remove a locally designated historic structure shall:
 - a. Prepare an analysis to the satisfaction of the Redevelopment Agency and/or City that retention of the historic structure or substantial portions of the historic structure, such as its facade, and incorporation into the proposed development is infeasible. Such analysis shall be reviewed and commented on by the Historical Site Board (HSB) staff, and HSB staff shall determine if the project shall be sent to the HSB for review.

- b. Provide for relocation and preservation of the historic structure at a site and in a manner acceptable to the Redevelopment Agency and/or City, unless such relocation and preservation are proven infeasible to the satisfaction of the Agency (or City), upon consideration of the Historical Site Board staff's review and comments on the issue. The staff's review and comment may include further review and action by the HSB. Such relocation effort shall include making the structure available to any known interested, responsible party under procedures to be established by the Redevelopment Agency (or City, as applicable). Any improvements, renovation, rehabilitation and/or adaptive reuse of a locally designated historic structure shall ensure its preservation according to applicable guidelines; and,
- c. In the event that the Redevelopment Agency and/or City finds that the historic structure cannot be feasibly retained onsite or relocated, the applicant/developer shall provide for documentation of the historic structure before it is removed from the development site, including, but not limited to photographic documentation of the exterior and interior of the structure, and "as built" drawings of the structure according to the standards of the Historic American Building Survey (HABS). Such historic documentation shall be provided to the Redevelopment Agency (or City) and the Historical Site Board before a demolition permit is issued by the City for said structure.

F. With respect to Biological Resources

Habitats:

The proposed Project and revitalization activities could result in significant impacts to existing wetland habitats at the San Diego River. As described in the existing setting, these wetland communities are, as a class, considered to be sensitive resources, for which most impacts would be considered significant and require mitigation. Because of the tiered approach to environmental review that is proposed for the North Bay Revitalization Area and as a result of multiple additional permitting requirements for work which would effect wetlands, the risk of inadvertent or unmitigated impacts being authorized through adoption of the Project and revitalization activities is minimized. To further reduce the potential for significant unmitigated impacts, the implementation of Mitigation Measures 1 through 4 is required. Through these measures, the impacts to sensitive habitats will be reduced to a less than significant level.

Sensitive Animal Species:

Implementation of the proposed Project and revitalization activities could result in significant impacts to light-footed clapper rail, Belding's savannah sparrow, yellow warbler, and yellow-breasted chat, as well as a wide variety of nesting birds which are defined as migratory under the MBTA. At the present level, it is not possible to determine that a significant impact will occur.

Implementation of Mitigation Measures 1-4 will provide reasonable avenues for completion of any necessary mitigation to provide adequate protection of light-footed clapper rail and Belding's savannah sparrow populations. Because these species carry state and/or federal endangered species status, any action which may result in a "take" as defined under the federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA) would result in a mandatory finding of significance under CEQA, and would require coordination with the USFWS and/or the CDFG. Mitigation Measure 5 requires this coordination to be completed as early as possible and to be substantially completed in conjunction with, or prior to, the CEQA process for actions which may effect these species. With these measures, the potential for impacts to light-footed clapper rail and Belding's savannah sparrow are reduced to a level less than significant at this level.

The potential for significant impacts to the yellow warbler and yellow-breasted chat revolve around habitat loss and potential loss of active nest sites. To mitigate these issues, Mitigation Measures 1-4 would apply along with Measure 6, which imposes seasonal timing constraints for wetland habitat clearing, or requires completion of work corridor surveys for nesting birds and, if necessary, a MBTA Special Purpose Permit (50 CFR §21.27) (USFWS) to be completed prior to removal of active nests of MBTA covered species. With these measures, the potential for impacts to yellow warbler, yellow-breasted chat, and other nesting MBTA migratory birds are reduced to a less than significant level.

Bay-to-Bay Connection:

The environmental impacts associated with a waterway connection between the San Diego Bay and the San Diego River would result in significant impacts to saltwater marsh and freshwater marsh habitats, and the associated sensitive resources within these habitats. The Bay-to-Bay concept includes several potential variations of the alignment depicted in the Project Description. Each of these alignments would have a varying effect on the level of biological impact that would occur to saltwater marsh and freshwater marsh habitats. The magnitude of impact of a Bay-to-Bay connection is unknown at this time and future design, planning, engineering, and environmental studies will be required before impacts of this connection to biological resources can be quantified.

The impact of the Bay-to-Bay connection is considered significant. Mitigation Measures 1 through 7, identified below, are proposed to minimize biological impacts as they relate to the Bay-to-Bay connection, will provide assurances that biological impacts of the proposed project and revitalization activities, including the approval of a conceptual bay-to-bay linkage, will be reduced to a less than significant level.

Habitat Linkages and Regional Conservation Plans:

The San Diego River forms the only existing wildlife and habitat corridor within the Revitalization Area. This biological linkage is recognized under the MSCP. Further, this portion of the San Diego River channel is identified for conservation under the MSCP with

allowances for essential public infrastructure construction. The Famosa Slough is similarly identified for preservation within the MSCP. The proposed Project and revitalization activities would provide for development which has the potential to conflict with the MSCP Multiple Habitat Protection Area (MHPA) preservation guidelines for the San Diego River. This is considered a potentially significant impact which will be mitigated by implementation of Mitigation Measure 7, which requires that future specific actions undertaken at or near the San Diego River channel be reviewed for consistency with the MSCP preserve requirements.

Environmental Permits:

The implementation of the majority of the proposed Project and revitalization activities will not require additional permits from state and federal agencies. Portions of the proposed program would require changes to the various Local Coastal Plans and approval by the California Coastal Commission. Individual development proposals associated with wetland and jurisdictional water changes, most notably along the San Diego River, would require permitting of fill under §404 of the Clean Water Act (ACOE) and state water quality certification under §401 of the Act (RWQCB). Work within tidally influenced waters, such as found at the West Mission Bay Boulevard bridge crossing of the San Diego River, would require permitting under §10 of the Rivers and Harbors Act of 1899 (ACOE). Also, Section 1601 of the California Fish and Game Code requires the development of a Streambed Alteration Agreement with the California Department of Fish and Game (CDFG) for any alterations to jurisdictional streambeds. These are limited within the Revitalization Area to the San Diego River, Tecolote Creek, and minor urban drainages.

Implementation of Mitigation Measure 1 through 4 will reduce the impact associated with disturbance to the existing wetland area to a less than significant level.

Mitigation measures for biological resources are as follows:

1. The North Bay Revitalization Area shall include a requirement to make use of development proposal designs, engineering, and construction practices which minimize impacts to wetland habitats. Further, specific attention and efforts shall be made to coordinate future infrastructure crossings of the San Diego River with existing facilities in order to minimize the number and size of crossings, and thereby minimize habitat fragmentation.
2. Further environmental review shall be conducted in accordance with appropriate CEQA documentation requirements where specific actions could result in impacts to wetland habitats. These reviews shall be conducted at the earliest possible period of tiered proposal review. This would ensure the most flexibility in planning and proposal design to resolve conflicts with significant biological resources.
3. Prior to any Project and revitalization activities impacts occurring within areas under the jurisdiction of federal, state, or local biological resource regulatory agencies, the

applicant for the specific work shall obtain any and all applicable resource agency permits which may include, but are not limited to, a Local Coastal Plan Amendment or Coastal Development Permit, Clean Water Act §404 and §401 permits and certifications, Rivers and Harbors Act of 1899 §10 permit, and California Fish and Game Code §1601 or §1603 streambed alteration agreements.

4. Any significant wetland resource impacts identified during lower tier environmental review shall be mitigated within the lower San Diego River watershed, preferably within the immediate area of the impact action.
5. Where potential impacts to endangered, threatened, or candidates for future state or federal listing may occur as a result of proposed Project and revitalization activities actions, coordination with responsible listing agencies (USFWS and/or CDFG) shall be completed as early as possible and shall be substantially completed in conjunction with, or prior to, the CEQA process for actions which may affect these species.
6. Project and revitalization activities actions which would result in impacts to nesting migratory birds (as defined under the Migratory Bird Treaty Act) shall incorporate seasonal timing constraints for any wetland habitat clearing or shall require work corridor surveys for nesting birds. Where active nests are identified, these shall be avoided if practical, and if necessary, a MBTA Special Purpose Permit (50 CFR §21.27) is to be completed prior to removal of active nests of MBTA covered species.
7. All future specific Project and revitalization activities actions undertaken at or near the San Diego River channel shall be reviewed for consistency with the MSCP preserve and buffer development requirements.

G. With respect to Geology/Soils

New development in the Revitalization Area will need to comply with current City codes and building standards. New development will also include demolition of existing sub-standard structures that do not comply with current development codes or standards which will effectively improve the existing condition of these structures from a geotechnical stability standpoint. The following discusses geology and soils conditions specific to the Revitalization Area.

Soils:

Liquefiable Soils: The presence of loose granular soils and the shallow depth of groundwater underlying portions of the Revitalization Area increases the likelihood for the occurrence of liquefaction and dynamic settlement in the event of strong ground shaking. Based on City guidelines, the relatively high potential for liquefaction is considered a significant constraint, and could result in a significant impact to people or structures.

Fills Soils/Bay Sediments: Relatively loose fill soils and bay sediments underlie portions of the Revitalization Area. In addition, abundant organic debris, as well as various types of other debris are locally present in the fill. The potential for differential settlement occurring in the Revitalization Area may occur as a result of additional fill placement or structural development through redevelopment activities and improvements.

Corrosive Soils: Potentially corrosive soils may be present in the Revitalization Area. The presence of these soils will need to be evaluated at the design stage of future development and improvements. Because portions of the Revitalization Area located near the San Diego Bay any steel reinforcement of structures should be protected from the corrosive elements of the environment, and may require special concrete designs. The potential for the presence of corrosive soils is a significant impact. Implementation of Mitigation Measure 1 will reduce this impact to a less than significant level.

Groundwater:

The presence of a relatively shallow groundwater table in portions of the Revitalization Area located near the San Diego Bay could significantly impact people or structures to seismic related hazards and unstable soil conditions.

Slope Stability:

No deep seated landslide deposits were observed in the Revitalization Area as part of the geotechnical reconnaissance. However, surficial instability of some slopes observed adjacent to the Revitalization Area has the potential to impact development. The potential impact to Revitalization Area development due to slope instability is a significant impact. Implementation of Mitigation Measure 1 will reduce the impact to a less than significant level.

Faulting/Seismicity:

No active faults are known to underlie the Revitalization Area, however active faulting has been mapped in the vicinity, and has the potential to impact development within the Revitalization Area. In addition, deep seated landslides are not expected to impact the Revitalization Area (Ref. C-15). The potential for strong ground motions to occur in the Revitalization Area is significant. San Diego has been upgraded to a Seismic Zone 4 in the 1994 edition of the Uniform Building Code (ICBO, 1994). This is considered a significant impact. The potential for relatively strong seismic accelerations will need to be considered in the design of proposed improvements. Implementation of Mitigation Measure 1 will reduce the impact the a less than significant level.

Existing City policies require the preparation of geotechnical studies at the time specific development proposals come forward to address site specific geotechnical considerations. The scope of each geotechnical study is based on the underlying geotechnical conditions of the individual site.

1. Prior to design and construction of any future developments within the Revitalization Area, a comprehensive geotechnical evaluation, including development-specific subsurface exploration and laboratory testing shall be conducted. The purpose of the subsurface evaluation is to:
 - a. Further evaluate the subsurface conditions in the area of the proposed structures.
 - b. Provide specific data on potential geologic and geotechnical hazards.
 - c. Provide information pertaining to the engineering characteristics of earth materials in the Revitalization Area.

From this data, recommendations for grading/earthwork, surface and subsurface drainage, temporary and/or permanent dewatering, foundations, pavement structural sections, and other pertinent geotechnical design considerations may be formulated and shall be included in the grading and building plans for individual developments. General recommendations are as follows:

- Liquefiable Soils - Geological mitigation measures to address liquefiable soils include ground modification, such as dynamic compaction, or the use of deep foundations. Due to the existing improvements within the Revitalization Area, ground modification is probably not feasible. It is anticipated that measures to address liquefiable soils will be founded on some type of deep foundation system, such as driven piles embedded into the underlying Bay Point Formation.
- Fill Soils/Bay Sediments - Measures to address this condition include remedial grading or surcharging and monitoring by means of settlement monuments.
- Corrosive Soils - Because portions of the Revitalization Area located near the San Diego Bay any steel reinforcement of structures should be protected from the corrosive elements of the environment, and may require special concrete designs.
- Groundwater - Measures to address this condition will need to be implemented on a site-specific basis and may include temporary dewatering during construction. Dewatering may have an adverse effect on nearby improvements, therefore recommendations for dewatering as well as an evaluation of the effect of dewatering on nearby structures need to be considered during the design phase.
- Slope Stability - Measures to address slope stability would include partially or completely removing the unstable surface materials, placing proper drainage measures above the affected area, and the installation of "pipe and board" or other suitable retaining structures.

1. **With respect to Human Health**

(Not Applicable - impact is less than significant)

2. **With respect to Water Quality**

Increases in urban runoff in the Revitalization Area will be minimal, as the Revitalization Area is already urbanized, however the cumulative impact of this project and other project development will remain significant.

- Any grading activity within the Revitalization Area where more than five acres will be graded will be required to comply with the provisions of the California NPDES general permit.
- Construction activity resulting in soil disturbances of less than five acres also requires a permit if the construction activity is part of a larger common plan of development or sale. General permit conditions address notifications, prohibitions, effluent limitations, preparation and implementation of a stormwater pollution prevention plan (SWPPP), and monitoring program and record keeping requirements.
- If temporary construction dewatering occurs in the Revitalization Area and the effluent is to be discharged to the San Diego Bay, then the discharge must comply with the effluent limits specified by the RWQCB Order No. 90-31, NPDES Permit No. CA0108707. If temporary construction dewatering effluent is to be discharged to any other surface water body, then the discharge will be required to meet the requirements specified by the RWQCB Order No. 91-10, NPDES Permit No. CA0108804 (General Waste Discharge Requirements for Groundwater Remediation and Dewatering Waste Discharges to Surface Waters within the San Diego Region, Except for San Diego Bay).
- If additional underground storage tanks (USTs) are to be installed in the Revitalization Area, then the tanks will be required to be installed, operated and maintained in accordance with the manufacturers recommendations and applicable federal, state, and local laws and regulations. All USTs must comply with the requirements that will become effective on December 22, 1998. These requirements include: replacement of USTs containing hazardous substances (other than motor fuel) with new USTs having primary and secondary containment; replacing or upgrading steel USTs containing motor fuel with interior lining and cathodic protection, or bladder system, interior lining and cathodic protection; installing adequate spill and overflow prevention equipment; upgrading underground piping (e.g., secondary containment, cathodic protection, automatic line leak detection; and providing dispenser containment.

- If large areas of turf are installed as part of the park/open space expansion, BMPs are required to minimize the potential for the relatively soluble turf amendments (e.g., fertilizers, pesticides) to migrate to groundwater. Such practices include, but are not limited to: managing irrigation to avoid excess water percolation and runoff; when possible, leaving grass clippings on the turf because it has been estimated that if grass clippings are not removed, nitrogen fertilization can be reduced by one-third; using organic nitrogen sources rather than nitrate fertilizers; as necessary, applying low rates of fertilizers and pesticides frequently rather than high rates infrequently; applying fertilizers only when the grass is growing and the roots are active; when seeding turf areas, making maximum use of less nitrogen-demanding grasses; using minimal rates of nitrogen-supplying fertilizers at times of seeding and after sodding; and reducing nitrogen rates on turf that has been intensely managed for several years because the soil-turf system can become nitrogen-saturated, and nitrate infiltration to groundwater can increase. Applying these and other best management practices to turf maintenance can reduce nitrate and pesticide leaching rates to less than 5 percent of that applied to the turf.
- If the effluent is to be discharged to the City of San Diego sewer system, then the effluent will be required to meet the discharge requirements of the City.
- Hazardous or potentially hazardous materials (e.g., cement, lubricants, solvents, fuels, other refined petroleum hydrocarbon products, wash water, raw sewage) that are used or generated during construction will be required to be handled, stored, used and disposed of in accordance with NPDES permitting requirements and applicable federal, state, and local laws and regulations. BMPs include preparation and implementation of a hazardous substance spill prevention/contingency plan (including material safety data sheets); providing adequate worker training and education; minimizing the volume of hazardous or potentially hazardous materials stored at the site or any one time; providing secured storage areas for compatible materials, with adequate spill containment; labeling containers; and keeping records, manifests and other tracking information up to date.

J. With respect to Aesthetics/Urban Design

(Not Applicable - impact is less than significant)

K. With respect to Population, Housing and Employment

(Not Applicable - impact is less than significant)

L. With respect to Public Services**Schools:**

Implementation of the proposed Project and revitalization activities would generate an increase in the demand for educational facilities. Based on existing capacity, schools serving the Revitalization Area could not accommodate the increase in student population and the subsequent demand for facilities generated by the proposed Project and revitalization activities.

No financing is currently budgeted for such increases in schools facilities. Developer impact fees represent one means of financing new school facilities. School impact fees are allocated to San Diego City Schools for new residential and commercial uses. Currently, development fees are \$1.84/square foot per residential unit and \$0.30/square foot for new commercial construction. If San Diego City Schools are able to collect fees in time to build additional facilities that can accommodate the increase in the student population, the adverse impacts on schools could be reduced to a less than significant level.

Additionally, SDUSD is currently assessing its facility needs to complete the update of its Long-Range Facilities Master Plan (LRFMP). The final LRFMP will address the forecast school facilities needs from the Project and revitalization activities, as well as potential financial resources to address the need. The LRFMP is scheduled to be completed in May 1998, and will be updated periodically to reflect current conditions.

The Project and revitalization activities will result in a significant impact to schools as implementation would generate an increase in the demand for facilities to serve students generated within the Revitalization Area. Implementation of Mitigation Measures 1 and 2 will reduce the impact to a less than significant level.

1. Residential development within the Revitalization Area shall be subject to state-authorized school fees which shall be applied to the expansion and/or construction of school facilities as needed to accommodate increases in students within the Revitalization Area.
2. School facilities expansion and/or construction demand resulting from residential development within the Revitalization Area will utilize funding from a variety of sources, including redevelopment tax increment, future general obligation bond revenue, state school building program, and a future community facilities district.

M. With respect to Public Utilities

(Not Applicable - impact is less than significant)

N. With respect to Recreation**Park Demand:**

The Project and revitalization activities will generate a demand for approximately 18.98 to 22.76 acres of population based parks. Of the total demand for population based parks, 12.60 to 14.38 acres would be generated within the Redevelopment Project Area and 6.38 to 8.38 acres would be generated within the Influence Area. The project will result in an increase of open space/recreational uses of 8 acres in the Redevelopment Project Area, and 7.40 acres within the Influence Area, for a total increase of approximately 15.4 acres over existing conditions. This 15.4 acres of open space and/or recreational uses does not fully satisfy the population-based park requirements of the Progress Guide and General Plan.

Specific public improvements identified in Table 2-2 in Section 2.0 of the Final EIR identify the installation of a two-acre park with a recreation building and a 1/2 acre mini-park in the Midway portion of the Revitalization Area. Modifications to the Midway Community Plan also recommend that a five acre park be built adjacent to Dewey Elementary School as part of redevelopment of the Gateway Village Housing site. Other improvements may include the provision of a Class II bike lane over West Mission Bay Drive over the San Diego River, and designing a 4.8 mile Class II bikeway along Pacific Highway from Harbor Drive to Sea World Drive and other bike paths (see Figure 4.2-4). Also, the canal will provide recreational opportunities. New residential development in the Midway Community will also be expected to provide private recreational facilities. These improvements will also facilitate recreational activity in the Revitalization Area.

Bay-to-Bay Connection: The proposed Project and revitalization activities will also include the Bay-to-Bay connection concept. The Bay-to-Bay connection would support a variety of active and passive recreational uses, and commercial and residential uses that are oriented toward the open space connection such as walking and biking adjacent to the canal. The Project and revitalization activities incorporates the Bay-to-Bay concept through the provision of the multiple use and residential land use categories in the Midway/Pacific Highway Corridor area, allowing flexibility of design, mixed land uses, and pedestrian and recreational amenities that will complement the connection.

A five-acre park site shall be designated adjacent to Dewey Elementary School as part of the proposed project. Together, the proposed park and recreational improvements will meet the demand created by the proposed project and the impact to recreation will be mitigated to a level less than significant.

- III. The Final EIR did not identify any changes or alterations which avoid or substantially lessen certain significant environmental effects of the North Bay Revitalization Area (Including the North Bay Redevelopment Project) that are within the responsibility and jurisdiction of another public agency and not the Agency or City Council.**

IV. The following discussion explains the reasons why specific economic, social or other considerations make infeasible the mitigation measures or project alternatives with respect to each significant environmental effect of the North Bay Revitalization Area (Including the North Bay Redevelopment Project), which cannot be avoided or substantially lessened.

A. Project Alternatives

1. No Project/No Development Alternative

CEQA requires the analysis of the No Project Alternative (Public Resources Code section 15126). This alternative assumes that the Revitalization Area would not be developed with the proposed Project and revitalization activities, and the Revitalization Area would remain in its existing condition. The level of development will remain at its existing condition within the Revitalization Area under this alternative.

However, incompatible land uses currently exist throughout the Revitalization Area, which is an impetus for creating the Redevelopment Project. The No Project Alternative would avoid potential localized land use compatibility impacts as a result of future redevelopment activities, however, under the No Project Alternative, the beneficial effects of redevelopment activities, such as creating more compatible land uses in the Revitalization Area as a whole will not be achieved.

However, the beneficial effects of redevelopment activities, such as private property access improvements and public infrastructure improvements to correct existing deficiencies would not be achieved. Additionally, current deficiencies related to automobile, pedestrian and bicycle circulation would remain.

However, the beneficial air quality effects of redevelopment activities, such as private property access improvements and public infrastructure improvements to correct existing deficiencies would not be achieved. Additionally, current deficiencies related to pedestrian and bicycle circulation would remain.

The beneficial effects of redevelopment activities, which would result in rehabilitation of existing structures and compliance of structures with City noise standards could not be achieved.

The beneficial effects of redevelopment activities, which would result in demolition of existing unsound structures and compliance of new structures with City building standards could not be achieved.

The beneficial effects of redevelopment activities, which would result clean up and remediation of existing hazardous material areas within the Revitalization Area would not be achieved.

The beneficial effects of redevelopment activities, which would result in clean up and remediation of existing groundwater contamination within the Revitalization Area could not be achieved.

The beneficial impact of redevelopment activity, including improvements through private redevelopment and public improvements would not be achieved.

The beneficial impact of development activity, including public and private improvements would not be achieved.

2. No Redevelopment Plan Alternative

The "No Redevelopment Plan" alternative considers the environmental impacts of no approval of the proposed Redevelopment Plan. Under this alternative, development of the area is assumed to occur as defined in the City of San Diego Community Plans for the Redevelopment Project Area and Influence Area.

The beneficial effects of redevelopment activities, such as creating more compatible land uses in the Redevelopment Project Area may not be achieved. Development of the Revitalization Area would continue in a similar fashion as has historically occurred, under existing community plan regulations.

The beneficial effects of redevelopment activities, such as private property access improvements and public infrastructure improvements may not be implemented.

The beneficial air quality effects of redevelopment activities, including public infrastructure improvements may not be implemented. Additionally, current deficiencies related to pedestrian and bicycle circulation would remain.

This alternative will not expedite development activity in the Revitalization Area as would occur with a Redevelopment Plan, therefore existing structures that are currently subject to noise levels exceeding City codes will not be brought into compliance as quickly as could occur under the Redevelopment Plan.

Under this alternative, the beneficial effects of redevelopment activities, such as facilitating new development in the area, and replacing older structures will not be achieved.

Without a Redevelopment Plan, the economic incentive to remediate existing sites may be absent, and it is anticipated that many sites will remain in their existing condition. Under this alternative, the beneficial effects of redevelopment activities, such as facilitating new development and cleaning up of hazardous materials in the Revitalization Area, will not be achieved.

Under this alternative, the beneficial effects of redevelopment activities, such as facilitating new development and cleaning-up contaminated groundwater in the Revitalization Area, will not be achieved.

3. Redevelopment Plan with Current Community Plans

The "Redevelopment Plan with Current Community Plans" alternative considers the environmental impacts of implementing the Redevelopment Plan without proposed modifications to the current Community Plans for the Revitalization Area. Under this alternative, redevelopment of the area is assumed to occur as defined in the current City of San Diego Community Plans for the Revitalization Area.

Because this alternative would retain the current community plan land use designations, land use compatibility for the Revitalization Area as a whole will be difficult to achieve, as a comprehensive land use plan for the Revitalization Area could not be implemented.

Redevelopment of existing under-utilized and substandard parcels will improve the overall visual character of the area, however the multiple-use designation would not be implemented in the Midway corridor, and other urban design guidelines amendments that are proposed for the various communities would not occur. The urban design guideline amendments are intended to improve the visual quality of the area. The beneficial effect of the community plan amendments to urban design guidelines would not be achieved under this alternative.

This alternative will result in greater impacts to land use, traffic/circulation, and air quality than the proposed Project and revitalization activities.

4. Redevelopment Plan with Modifications to Proposed Community Plan Amendments

The "Redevelopment Plan with Modifications to Proposed Community Plan Amendments" alternative considers the environmental impacts of implementing the North Bay Redevelopment Plan with land use modifications to the proposed community plan amendments on selected sites within the Revitalization Area.

Modifications to the community plan amendments would consist of:

- No Bay-to-Bay Connection;
- Industrial use in the eastern Midway Area instead of amending the land use designation to Multiple Use;
- Transportation-Related Commercial in the southern portion of the Midway/Pacific Highway community instead of amending the land use designation to Industrial.

These amendments would result in approximately 60 acres of additional Industrial use over the proposed Revitalization Area.

This alternative would result in greater land use compatibility impacts in the eastern Midway Community as the Multiple Use category will not be implemented and this area would remain as Industrial use. Land use impacts would be greater than the proposed Project and revitalization activities.

This alternative would result in the generation of a greater amount of traffic than would occur under the proposed Project and revitalization activities.

Implementation of this alternative would result in the generation of a greater air emissions than would occur under the proposed Project and revitalization activities.

This alternative would result in a greater impact to aesthetics/urban design than the proposed Project and revitalization activities. Redevelopment of existing underutilized and substandard parcels will improve the overall visual character of the area, however the Multiple Use designation would not be implemented in the Midway Community.

A Redevelopment Plan would be implemented that would assist with the provision of public services.

A Redevelopment Plan would be implemented that would assist with the provision of recreational opportunities.

This alternative will result in greater impacts to land use, traffic/circulation, and air quality and aesthetics/urban design than the proposed Project and revitalization activities. It will reduce significant biological impacts identified for the proposed Project and revitalization activities. This alternative is environmentally similar to the proposed Project and revitalization activities. It also meets some of the objectives of the proposed Project and revitalization activities as set forth in Section 2.0 of this document, however without the Bay-to-Bay Connection and multiple-use designation in the eastern Midway Area, this alternative may not meet some of the objectives related to improving land use compatibility within the Revitalization Area.

CANDIDATE FINDINGS

- V. The following discussion explains the benefits of the North Bay Revitalization Area (Including the North Bay Redevelopment Project) which outweigh the significant environmental effects of the Project and revitalization activities, which cannot be avoided or substantially lessened.
- A. The Redevelopment Plan would be implemented by the Redevelopment Agency of the City of San Diego pursuant to the Community Redevelopment Law of the State of California Health and Safety Code, Section 33000 et seq.
- The Redevelopment Plan is to be used as a tool to implement programs in the Project Area to eliminate the spread of existing blight and deterioration. Without the Redevelopment Plan, blight cannot be reasonably expected to be reversed or alleviated by private enterprise acting alone. The Redevelopment Plan provides the Redevelopment Agency with powers, duties and obligations to implement a program generally formulated for the redevelopment, rehabilitation and revitalization of the Revitalization Area. It presents a process and basic framework within which future, specific redevelopment projects can be presented and prioritized.
- B. The Redevelopment Plan and Community Plan amendments will improve or alleviate the conditions in the Revitalization Area by providing a living environment which attracts business investments, commercial retail improvements, private/public recreational facilities, and residential enhancements that promote affordable housing and home ownership and by fostering an environment which reflects a high level of concern for architecture, landscape, urban design, and land use principles appropriate to the neighborhood character and objectives of the Community Plans in which the Project and revitalization activities is located.
- C. The redevelopment and rehabilitation of the Revitalization Area will provide for a more effective use of the land by replacing deteriorated and underutilized structures with structures that meet current design standards. The project would also replace or rehabilitate residential structures that have been "converted" to non-residential uses. In addition, new development would be consistent with the land use proposals in the Community Plans. The redevelopment activities would implement several of the objectives of the Community Plans including the Bay-to-Bay connection.
- D. The Redevelopment Plan provides for public improvement activities. Enhancing the old infrastructure system will improve the community and contribute to the effort to attract private investment.
- E. Agency assistance with site assemblage, site preparation and relocation benefits can encourage the private sector to remedy problems, such as incompatible and uses. The Redevelopment Plan will also remedy factors that prevent or substantially hinder the economic viability of businesses or the capacity of buildings/lots in the Project Area. The

renovation and revitalization activities included in the Redevelopment Plan should contribute to correcting the physical conditions of blight that prevent or hinder the economic viability of properties in the area such as old and obsolete structures; structures with substandard design and inadequate size; and lack of sufficient parking, access or loading facilities.

- F. The economic environment in the Revitalization Area will be revitalized through new development, including continued increases to the property tax base and resultant increases to the tax increment funds available to assist redevelopment. The Agency's program of activities would alleviate the current constraints to rehabilitation and development in the Project Area.
- G. The funds to be derived from the Project will be used to increase and improve the supply of low and moderate income housing in the community, and will promote and enhance varied housing opportunities by improving housing stock/type and expanding affordable housing opportunities, which address community needs.
- H. Implementation of the Redevelopment Plan would provide an opportunity to recognize, preserve, and rehabilitate historically and architecturally significant buildings, districts, landscaped areas, and archaeological resources.

**NORTH BAY REDEVELOPMENT SURVEY AREA
BLIGHTING CONDITIONS CRITERIA
PURSUANT TO STATE REDEVELOPMENT LAW**

PHYSICAL CONDITIONS

- (1) Buildings in which it is unsafe or unhealthy for persons to live or work.
- (2) Factors that prevent or substantially hinder the economically viable use or capacity of buildings or lots.
- (3) Adjacent or nearby uses that are incompatible with each other and which prevent the economic development of those parcels or other portions of the project area.
- (4) The existence of subdivided lots of irregular form and shape, inadequate size or in multiple ownership.

ECONOMIC CONDITIONS

- (1) Depreciated or stagnant property values or impaired investments.
- (2) Abnormally high business vacancies, abnormally low lease rates, high turnover rates, abandoned buildings, or excessive vacant lots within a developed area.
- (3) A lack of necessary commercial facilities that are normally found in neighborhoods such as grocery stores, drug stores and banks.
- (4) Residential overcrowding or an excess of bars, liquor stores, or other businesses that cater exclusively to adults.
- (5) A high crime rate that constitutes a serious threat to the public safety and welfare.

R 290053