

RESOLUTION NUMBER R- 308195

DATE OF FINAL PASSAGE JUN 5 2013

ITEM # 200  
SWB-A  
5/20/13

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 121886/SCH No. 2009041036, ADOPTING FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING MITIGATION, MONITORING, AND REPORTING PROGRAM FOR THE SAN DIEGO RIVER PARK MASTER PLAN PROJECT (PROJECT NO. 121886).

WHEREAS, on April 6, 2009, Development Services Department - Park Planning Division submitted an application to Development Services Department for the San Diego River Park Master Plan project, including adoption of the Master Plan, Community Plan amendments, and Land Development Code amendments, (the Project); and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on MAY 20 2013; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 121886/SCH No. 2009041036 (Report) prepared for this Project; NOW,

THEREFORE,

BE IT RESOLVED, by the City Council that it is certified that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the Project, which are attached hereto as Exhibit A.

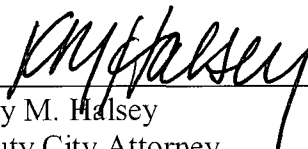
BE IT FURTHER RESOLVED, that pursuant to State CEQA Guidelines Section 15093, the City Council hereby adopts the Statement of Overriding Considerations with respect to the Project, which is attached hereto as Exhibit B.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit C.

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the City Clerk, 202 C Street, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file Notice(s) of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project, pursuant to State CEQA Guidelines Section 15075, after final passage of O- 20263, O- 20264, and O- 20265, ordinances related to implementation of the San Diego River Park Master Plan project.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  \_\_\_\_\_  
Keely M. Halsey  
Deputy City Attorney

KMH:als  
4/30/2013  
Or.Dept:DSD  
Doc. No.: 555213

ATTACHMENT(S): Exhibit A, Findings  
Exhibit B, Statement of Overriding Considerations  
Exhibit C, Mitigation Monitoring and Reporting Program

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 20 2013.

ELIZABETH S. MALAND  
City Clerk

By *Mary Zumaiga*  
Deputy City Clerk

Approved: *6/5/13*  
(date)

*Bob Filner*  
BOB FILNER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
BOB FILNER, Mayor

# EXHIBIT A

## CANDIDATE FINDINGS REGARDING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE SAN DIEGO RIVER PARK MASTER PLAN PROJECT

### I. INTRODUCTION

The following Candidate Findings and Statement of Overriding Considerations are made for the San Diego River Park Master Plan Project (hereinafter referred to as the "PROJECT"). The environmental effects of the PROJECT are addressed in a PEIR (Project No. 121886 /SCH No. 2009041036), dated April 1, 2013, which is incorporated by reference herein.

The California Environmental Quality Act (CEQA [§21081 (a)] et seq. and the State CEQA Guidelines §150091(a)) require that no public agency shall approve or carry out a project for which an environmental impact report has been completed that identifies one or more significant environmental effects thereof, unless such public agency makes one or more of the following written findings for each of those significant effects:

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

CEQA also requires that the findings made pursuant to §15091(b) shall be supported by substantial evidence in the record. Under CEQA, substantial evidence means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (Guidelines §15384).

CEQA further requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining whether to approve the project. If specific benefits of a proposed project outweigh the unavoidable adverse environmental effects, the effects may be considered "acceptable" (Guidelines §15093(a)). CEQA further requires that, where the decision of the public agency allows the occurrence of significant effects that are identified in the EIR, but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record and does not substitute for, and shall be in addition to, findings required pursuant to §15091 (Guidelines §15093(b) and (c)).

The following Findings and Statement of Overriding Considerations have been submitted by the applicant as candidate findings to be made by the decision-making body. The Development Services Department does not recommend that the discretionary body adopt or reject these findings. They are attached to allow readers of this report an opportunity to review potential reasons for approving the PROJECT despite the significant and unavoidable effects identified in the Final PEIR. It is the exclusive discretion of the decision-maker certifying the EIR to determine the adequacy of the draft Candidate Findings and Statement of Overriding Considerations. It is the role of staff to independently evaluate the draft Candidate Findings and Statement of Overriding Considerations and to make a recommendation to the decision-maker regarding their legal adequacy.

## **II. PROJECT DESCRIPTION AND PURPOSE**

The San Diego River Park Master Plan project is designed to guide future development along a 17.5-mile stretch of the San Diego River (River) and involves adoption of a policy document that will provide vision and guidance through Design Guidelines and Recommendations to address the long-term development along the San Diego River. Design Guidelines include site planning and architectural elements that would be specific to two distinct planning areas referred to as the River Corridor Area (RCA) and the River Influence Area (RIA). The RCA consists of the 100-year floodway along both sides of the River, plus a 35-foot path corridor on each side, and the RIA consists of the first 200 feet adjacent to the RCA. Recreation facilities included in the PROJECT are the River Pathway, trails, picnic areas, and scenic overlooks within a River Park, which would be developed within the RCA and RIA.

The Recommendations describe specific strategies for achieving the intent of the PROJECT. Recommendations include both general recommendations as well as specific “Reach Recommendations” that relate to the different geographic conditions or reaches of the River. The Design Guidelines also contain a series of illustrations that would be referred to during discretionary review by the City to ensure that the intent of the regulations is followed. Implementation of the general Recommendations and specific Reach Recommendations are considered subsequent projects that could be implemented in accordance with the PROJECT. It is uncertain how many of the Recommendation projects would be implemented; therefore, a project-level review of Recommendation projects is not included in the PEIR. Projects that are subject to discretionary review by the City, as well as subsequent project-level CEQA environmental review, will occur when future development applications are submitted to the City.

The PROJECT also includes a set of Principles, which describe the intent and role of the San Diego River Park in the City and in the region. For the purposes of CEQA, these Principles are the objectives of the PROJECT because they are the guiding ideas against which future design and implementation decisions would be measured. The Principles are:

- Restore and maintain a healthy river system;
- Unify fragmented lands and habitats;
- Create a connected continuum, with a sequence of unique places and experiences;

- Reveal the river valley history; and
- Reorient development toward the River to create value and opportunities for people to embrace the River.

Lastly, implementation of the PROJECT would require amendments to sections of the San Diego Municipal Code, including the Mission Valley Planned District Ordinance, the Navajo Community Plan Implementation Overlay Zone (also known as CPIOZ), and the Mission Trails Design District Ordinance, as well as amendments to the following community planning documents: Mission Valley, Tierrasanta, East Elliot, and Navajo (Community Plan Amendments). All amendments would include identifying the PROJECT as the guiding policy document for development within and adjacent to the River, and amending existing policy language to reflect the policies of the PROJECT.

### **III. ISSUES ADDRESSED IN EIR**

The Final PEIR contains an environmental analysis of the potential impacts associated with implementing the PROJECT. This program-level assessment provided a broad-spectrum analysis of environmental effects that are reasonably foreseeable if the Master Plan is implemented. In and of itself, the Master Plan does not incorporate policies that would actually cause a physical change in the environment; however, if approved, future development proposals would be regulated by its contents and future development would be shaped accordingly. Thus, the PROJECT could indirectly lead to physical changes in the environment, and environmental impacts associated with the implementation of the Master Plan were found to be significant and unavoidable in some issue areas. This significance determination was made not because the Master Plan policies themselves are considered harmful to the environment, but because there is uncertainty related to future implementation through the Master Plan. Because the degree of impact and applicability, feasibility, and success of mitigation framework measures cannot be adequately known for each future specific development project at the program-level of analysis, program-level impacts were called out as significant and unavoidable. The PEIR also concludes that the specific impacts of any future development project under the Master Plan can only be determined at the project-level of analysis.

Environmental issues addressed in the PEIR include: land use; visual effects and neighborhood character; air quality; biological resources; historical resources; human health, public safety, and hazardous materials; hydrology and water quality; geology and soils; paleontological resources; traffic and circulation; public services; population and housing; greenhouse gas emissions/climate change; public utilities; energy conservation; and growth.

The analysis conducted in PEIR concluded that significant environmental impacts would result to the following issue areas:

- Land use (direct);
- Air quality (direct and cumulative);
- Biological resources (direct);
- Historical resources (direct and cumulative);

- Human health, public safety, and hazardous materials (direct and cumulative);
- Hydrology and water quality (direct and cumulative);
- Geology and soils (direct and cumulative);
- Paleontological resources (direct and cumulative);
- Traffic and circulation (direct);
- Greenhouse gas emissions/climate change (direct and cumulative); and
- Public utilities (cumulative).

Mitigation measures have been identified; however, it is not certain if implementation of those mitigation measures would reduce direct impacts to below a level of significance at the project level. Therefore, all direct impacts would remain significant and unavoidable. Similarly, cumulative environmental impacts associated with the following issues would not be fully mitigated even with adherence to the Mitigation Framework identified in the PEIR for the PROJECT:

- Land use;
- Air quality;
- Historical resources;
- Human health, public safety, and hazardous materials;
- Hydrology and water quality;
- Geology and soils;
- Paleontological resources;
- Traffic and circulation;
- Greenhouse gas emissions/climate change; and
- Public utilities.

#### **IV. CANDIDATE FINDINGS**

##### **IV.A FINDINGS REGARDING IMPACTS THAT CAN BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE**

The City, having reviewed and considered the information contained in the PEIR, finds pursuant to Public Resources Code §21081(a)(1) and Guidelines §15091(a)(1) that changes or alterations have been required in, or incorporated into, the PROJECT which mitigate or avoid, the significant effects on the environment related to: hydrology/water quality (flooding) and public utilities (changes to existing and planned utilities).

## 1. HYDROLOGY AND WATER QUALITY (DIRECT – FLOODING)

**Potential Impacts:** The PROJECT could have significant direct and cumulative impacts on the following environmental issues:

- Results in alterations to the course or flow of flood waters.

**Facts in Support of Findings:** The PROJECT encourages improvements to the hydrology of the River, acknowledging that human activity from mining and for flood control activities has pushed and squeezed the River resulting in constrictions, channelization, and creation of ponds. The PROJECT would look for opportunities to separate River flow from ponds, remove River constrictions, and broaden the width of the River's meander belt (that portion of the flood plain in which the River alters its course as a result of a major flood event) to allow the necessary width for meandering and braiding. These improvements would result in a longer river, which will, in turn, expand riparian habitat and improve water quality through the increased duration of water contact with soil and vegetation. The specific timing or location of any of these improvements is not identified in the PROJECT. In addition the City has not proposed any specific projects designed to implement the Recommendations of the PROJECT. However, these improvements could result in significant alterations to the floodway within the RCA, or to flood control features such as the First San Diego River Improvement Project (FSDRIP), and potential encroachment into the portions of the River that are in a Special Flood Hazard Area. Implementation of the measures presented below would reduce hydrology and water quality impacts (flooding) to below a level of significance.

**Mitigation Framework HYD/WQ-1:** Prior to approval of Reach Recommendations or development projects implementing the Design Guidelines within the RCA, the applicant shall demonstrate to the satisfaction of the City Engineer, based on the project application, that future projects are sited and designed to minimize impacts on absorption rates, drainage patterns, and surface runoff rates and floodwaters in accordance with the PROJECT and current City and RWQCB regulations. Future design of projects shall incorporate feasible mitigation measures in accordance with the RWQCB, the City Storm Water Runoff and Drainage Regulations (Chapter 14, Article 2, Division 2 of the LDC), and the LDC, and shall be based on the recommendations of a detailed hydraulic analysis.

Future projects would be required to avoid or mitigate potential conflicts with existing utilities and planned or existing access pathways in accordance with the regulations and performance standards outlined in the Mitigation Framework. Therefore, impacts would be mitigated to below a level of significance.

## 2. PUBLIC UTILITIES (DIRECT – ALTERATION OF EXISTING AND PLANNED UTILITIES)

**Potential Impacts:** The PROJECT could have significant direct and cumulative impacts on the following environmental issues:



- Results in the need for new systems or require substantial alterations to existing utilities, the construction of which would create physical impacts.

**Facts in Support of Findings:** The PROJECT does not propose development and, thus, would have no impact related to the creation of, or demand for additional utilities. Impacts on utilities or the need for additional utilities associated with implementation of the PROJECT would therefore be less than significant.

However, the potential exists that construction and grading for amenities such as pedestrian trails and overlooks, as well as any improvements made to the River banks in accordance with the PROJECT could be proposed in areas with underlying utilities or within an existing or planned City utility access path or road. Potential relocation of existing utilities or an existing or planned access road is considered to be a significant impact. Implementation of the measures presented below would reduce public utilities impacts (alteration of existing and planned utilities) to below a level of significance.

**Mitigation Framework UTIL-1:** Prior to approval of Reach Recommendations or development projects implementing the Design Guidelines within the RCA, the City Director of the Public Utilities Department shall determine, based on review of the project application, that future projects are sited and designed to avoid conflicts with existing public utilities in accordance with the PROJECT and City of San Diego Public Utilities Department guidance. Future design of projects shall be based on the recommendations of an anticipated detailed grade and alignment study that addresses potential conflicts with existing utilities and access road realignments implemented in compliance with Council Policies 400-13 and 400-14. The realignments of utilities or access roads implemented in compliance with Council Policies 400-13 and 400-14 could result in secondary impacts on biological or archaeological resources.

Future projects would be required to avoid or mitigate potential conflicts with existing utilities and planned or existing access pathways in accordance with the regulations and performance standards outlined in the Mitigation Framework. Therefore, impacts would be mitigated to below a level of significance.

Further, changes or alterations have been required in, or incorporated into, the project that mitigate significant effects on the environment for the following significant effects, though not to a level below significance: Land Use, Air Quality, Biological Resources, Historical Resources, Human Health, Public Safety and Hazardous Materials, Hydrology and Water Quality, Geology and Soils, Paleontological Resources, Traffic and Circulation, and Greenhouse Gas Emissions. That mitigation is described in Section IV.C and is incorporated by reference.

#### **IV.B FINDINGS REGARDING INFEASIBLE MITIGATION MEASURES WHICH ARE THE RESPONSIBILITY OF ANOTHER AGENCY (PUBLIC RESOURCES CODE §21081(a)(2))**

The decision-maker, having independently reviewed and considered the information contained in the Final PEIR for the PROJECT and the public record, finds pursuant to CEQA §21081(a)(2) and CEQA Guidelines §15091 (a)(2) that there are no changes or alterations to the PROJECT that avoid or substantially lessen the significant environmental impacts that are within the responsibility and jurisdiction of another public agency.

## IV.C FINDINGS REGARDING INFEASIBLE MITIGATION MEASURES AND ALTERNATIVES (PUBLIC RESOURCES CODE §21081(a)(3))

### IV.C.1 Infeasible Mitigation Measures (Public Resources Code §21081(a)(3))

The City, having reviewed and considered the information contained in the PEIR, finds pursuant to Public Resources Code §21081(a)(3) and Guidelines §15091(a)(3) that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the PEIR, and that potentially significant and unavoidable project- and cumulative-level environmental effects identified in the PEIR will remain significant and unavoidable, for environmental issues evaluated in: land use; air quality; biological resources; historical resources; human health, public safety, and hazardous materials; hydrology and water quality; geology and soils; paleontological resources; traffic and circulation; and greenhouse gas emissions/climate change.

#### 1. LAND USE (DIRECT)

**Potential Impacts:** The PROJECT could have significant direct impacts on the following environmental issues:

- Conflicts with adopted environmental plans, including the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and the Multi-Habitat Planning Area (MHPA) adopted for the purpose of avoiding or mitigating an environmental effect for the area.

**Facts in Support of Findings:** Structures constructed with future projects within the RCA and the RIA in association with Reach Recommendations and Design Guidelines would result in increased impacts on biological resources within the MHPA and/or exceed development limits within the MHPA. Construction of these facilities is considered a potentially significant impact. Implementation of the measures presented below would reduce land use impacts, but not to below a level of significance.

**Mitigation Framework LU-1:** To reduce potentially significant impacts on Environmentally Sensitive Lands (ESL) within the MHPA, all subsequent projects developed in accordance with the PROJECT, including future projects implemented within the RCA and RIA in association with Reach Recommendations, Design Guidelines, and the San Diego Municipal Code Amendments, would be submitted for review in accordance with the CEQA Significance Thresholds for consistency determination with the City's MSCP Subarea Plan, the MSCP Land Use Adjacency Guidelines, the ESL Regulations, the PROJECT PEIR, and all other applicable federal and state regulations. The regulations for new development would reduce potential impacts on Environmentally Sensitive Lands inside the MHPA and help conserve the long-term biological resources consistent with the MCSP. Additionally, future actions implemented in accordance with Reach Recommendations, Design Guidelines, and the San Diego Municipal Code Amendments, shall be submitted for review in accordance with the CEQA Significance Thresholds, which requires that a site-specific biological resources survey be prepared in accordance with City of San Diego Biology Guidelines. Any

future projects resulting in impacts on ESL inside the MHPA, on sensitive plant or wildlife species, and/or on resources resulting from projects that exceed the allowable level of development within the MHPA shall complete an MHPA Boundary Line Adjustment and obtain City, California Department of Fish and Game (CDFG), and U.S. Fish and Wildlife Service concurrence prior to project approval/construction. Projects proposing impacts on ESL would implement avoidance and minimization measures consistent with the City Biology Guidelines and provide suitable mitigation in accordance with the MSCP Subarea Plan. Furthermore, for all projects adjacent to or within the MHPA, the development shall conform to all applicable MHPA Land Use Adjacency Guidelines (Section 1.4.3) of the MSCP Subarea Plan. In particular, lighting, drainage, landscaping, grading, access, and noise must not adversely affect the MHPA.

Implementation of the Mitigation Framework would serve to reduce impacts to a degree, but cannot guarantee that all future impacts will be avoided or mitigated to below a level of significance. Considering the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at the program-level of analysis, the program-level impacts related to conflicts with the MHPA remains significant and unavoidable at both direct and cumulative levels.

The only way to avoid the PROJECT's contribution to this direct land use impact would be to avoid any type of development that conflicts with the MSCP Subarea Plan and MHPA. The following alternatives were identified in the PEIR that would not result in impacts associated with inconsistency with the MSCP Subarea Plan and MHPA: No Project/Development under Existing Regulations Alternative and the Reduced Project Alternative. As described in Chapter 11 of the PEIR these alternatives would avoid conflicts with the MSCP Subarea Plan and MHPA boundary adjustments. However, as discussed in Section IV.C.2 of these Findings, these alternatives are not considered feasible, for the reasons provided in that section. Thus, the PROJECT's significant impact with respect to land use is considered unavoidable.

## 2. AIR QUALITY (DIRECT AND CUMULATIVE)

**Potential Impacts:** The PROJECT could have significant direct and cumulative impacts on the following environmental issues:

- Results in air emissions that would substantially deteriorate ambient air quality, including the exposure of sensitive receptors to substantial pollutant concentrations.

**Facts in Support of Findings:** The PROJECT is not anticipated to result in objectionable odors or disperse pollutants beyond the premises of the RCA and RIA. It is also consistent with the San Diego Municipal Code and relevant Community Plans. However, projects constructed in accordance with the PROJECT Reach Recommendations could generate short-term emissions that would result in a violation of air quality standards. Likewise, diesel particulate matter (DPM) from delivery trucks would increase long-term cancer risk for nearby sensitive receptors. Without more detailed information on construction emissions and delivery vehicles, a quantitative analysis is not possible and is considered a significant impact. Implementation of the measures presented below would reduce air quality impacts, but not to below a level of significance.

**Mitigation Framework AQ-1:** In accordance with SDAPCD Rule 55, future projects that exceed the SDAPCD's thresholds for PM10 and PM2.5 shall implement fugitive dust controls during construction activities. Although Rule 55 does not prescribe specific dust control measures, the County's Air Quality Guidelines list several measures that would be implemented as part of construction activities tied to issuance of any future grading permit. The control measures that would most likely be implemented during construction of future projects are listed in the PEIR. During the grading plan check process, the lead agency shall require dust control measures and performance standards in accordance with APCD requirements, and control measures to reduce fugitive dust from related construction activities.

Future development proposals implementing the PROJECT will be required to incorporate feasible mitigation measures, and alternatives adopted in conjunction with the certification of this PEIR. However, because the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at this program level of analysis, the program-level impact related to a deterioration in ambient air quality, including the exposure of sensitive receptors to substantial pollutant concentrations remains significant and unavoidable, even with adherence to the Mitigation Framework.

The only way to avoid the PROJECT's contribution to this direct and cumulative air quality impact would be to avoid any type of development associated with the Reach Recommendations and Design Guidelines that generates emissions. The following alternative was identified in the PEIR that would not result in impacts associated with air quality emissions: No Project/Development under Existing Regulations Alternative because it would avoid implementation associated with the PROJECT Reach Recommendations and Design Guidelines that would generate emissions. All other alternatives are expected to involve some degree of construction involving equipment which would generate air emissions. However, as discussed in Section IV.C.2 of these Findings, this alternative is not considered feasible, for the reasons provided in that section. Thus, the PROJECT's significant impact with respect to air quality is considered unavoidable.

### **3. BIOLOGICAL RESOURCES (DIRECT)**

**Potential Impacts:** The PROJECT could have significant direct impacts on the following environmental issues:

- Results in reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals;
- Results in interference with the nesting/foraging/movement of any resident or migratory fish or wildlife species;
- Results in an impact on a sensitive habitat, including, but not limited to streamside vegetation, oak woodland, vernal pools, wetland, coastal sage scrub, or chaparral;
- Affects the long-term conservation of biological resources as described in the City's MSCP Subarea Plan, or conflicts with the provisions of the City's MSCP Subarea Plan, or other approved local, regional, or state conservation plans; or

- Results in an impact on city, state, or federally regulated wetlands (including but not limited to salt marsh, vernal pool, lagoon, riparian habitat, etc.) through direct removal, filling, hydrological interruption, or other means.

**Facts in Support of Findings:** Structures constructed with future projects within the RCA and the RIA in association with Reach Recommendations and Design Guidelines would result in several impacts on biological resources. Implementation of the PROJECT would potentially reduce the number of unique, rare, endangered, sensitive, or fully protected species of plants or animals, if present, and interfere with the nesting, foraging, or movement of wildlife species within the RCA and RIA. Also, sensitive habitats including riparian vegetation, oak woodlands, wetlands, coastal sage scrub, and chaparral would be directly or indirectly impacted. Additionally, through direct removal, filling, hydrological interruption, or other means (including indirect impacts from increased dust, soil erosion, and human and pet access/trampling), impacts on regulated wetlands would occur. Restoration and enhancement activities in and of themselves (e.g., grading) would also result in impacts on regulated wetlands. Therefore, construction of future projects is considered a potentially significant impact. Implementation of the measures presented below would reduce biological resources impacts, but not to below a level of significance.

**Mitigation Framework BIO-1 and BIO-3:** To reduce potentially significant impacts that would cause a reduction in the number of unique, rare, endangered, sensitive, or fully protected species of plants or animals, if present within the RCA/RIA, all subsequent projects developed in accordance with the PROJECT, including future Reach Recommendations implemented within the RCA and RIA shall be analyzed in accordance with the CEQA Significance Thresholds, which require that site-specific biological resources surveys be conducted in accordance with City of San Diego Biology Guidelines (2002). In addition, a preliminary or final jurisdictional wetlands delineation of the RCA/RIA shall be completed following the methods outlined in the USACE's 1987 *Wetlands Delineation Manual* and the *Regional Supplement to the Corps of Engineers Delineation Manual for the Arid West Region* (2008).

**Mitigation Framework BIO-2:** To reduce potentially significant impacts that would interfere with the nesting, foraging, or movement of wildlife species within the RCA/RIA, all future projects implemented within and outside of the RCA and RIA in association with Reach Recommendations and Design Guidelines shall be analyzed in accordance with the CEQA Significance Thresholds, which require that site-specific biological resources surveys be conducted in accordance with City of San Diego Biology Guidelines.

**Mitigation Framework BIO-4:** To reduce impacts on wetlands, a preliminary or final jurisdictional wetlands delineation of the RCA and RIA shall be completed following the methods outlined in the U.S. Army Corps of Engineers' (USACE) 1987 *Wetlands Delineation Manual* and the *Regional Supplement to the Corps of Engineers Delineation Manual for the Arid West Region*. Future development proposals implementing the PROJECT will be required to incorporate feasible mitigation measures based on the mitigation ratios outlined in Table 2 of the adopted Biology Guidelines and Appendix A of the MSCP Subarea Plan, and alternatives adopted in conjunction with the certification of this PEIR. However, because the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future

project at this program level of analysis, the program-level impact related to biological resources remains significant and unavoidable, even with adherence to the Mitigation Framework.

The only way to avoid the PROJECT's contribution to these direct biological resources impacts would be to avoid any type of development associated with the PROJECT Reach Recommendations and Design Guidelines that results in significant impacts on biological resources. The following alternatives were identified in the PEIR that would not result in impacts associated with biological resources: No Project/Development under Existing Regulations Alternative and the Reduced Project Alternative. As described in Chapter 11 of the PEIR, these alternatives would avoid impacts related to biological resources. However as discussed in Section IV.C.2 of these Findings, these alternatives are not considered feasible, for the reasons provided in that section. Thus, the PROJECT's significant impact with respect to biological resources is considered unavoidable.

#### **4. HISTORICAL RESOURCES (DIRECT AND CUMULATIVE)**

**Potential Impacts:** The PROJECT could have significant direct and cumulative impacts on the following environmental issues:

- Results in the alteration or destruction of a prehistoric or historical archaeological site;
- Results in any adverse physical or aesthetic effects on a prehistoric or historic building, structure, object, or site;
- Results in any impacts on existing religious or sacred uses within the potential impact area; or
- Results in the disturbance of any human remains, including those interred outside of formal cemeteries.

**Facts in Support of Findings:** Impacts on known historical/archaeological resources and those not yet found and formally recorded could occur anywhere within the RCA and RIA. Grading of original in situ soils could also expose buried historical/archaeological resources and features, including sacred sites. Therefore, potential impacts on these resources associated with construction of projects implemented in accordance with Reach Recommendations and Design Guidelines of the PROJECT, and the modifications to the development regulations associated with the Mission Valley PDO and the Navajo Community Plan would be considered significant. Implementation of the measures presented below would reduce historical resources impacts, but not to below a level of significance.

**Mitigation Framework HIST-1 and HIST-3:** Prior to issuance of any permit that could directly affect an archaeological resource or resources associated with prehistoric Native American activities, the City shall require that steps be taken to determine: (1) the presence of archaeological resources and (2) the appropriate mitigation for any significant resources that may be impacted by a development activity.

**Mitigation Framework HIST-2 and HIST-3:** Prior to issuance of any permit that could directly affect a historical resource, the City shall require an evaluation to determine: (1) the

presence of historical resources and (2) the appropriate mitigation for any significant resources that may be impacted by a development activity.

**Mitigation Framework HIST-4:** It is not possible to mitigate for impacts on human remains. It is preferable in all cases to avoid impacting human remains, but this is not always possible given the uncertainties of late discoveries during construction. When data recovery of an archaeological site is required, all possible pre-excavation planning should be implemented to guard against the accidental discovery of human remains. This would also apply to subsequent destruction of an archaeological site during project implementation because archaeological data recovery can never fully recover all the data from a site. The discovery of human remains also demands that certain laws and protocols be followed before proceeding with any action that might disturb the remains further. If human remains are discovered, then the provisions set forth in California PRC Section 5097.98 and State Health and Safety Code Section 7050.5 would be implemented in consultation with the assigned Most Likely Descendant.

Similar to historical/archeological impacts, because the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at the program-level of analysis, program-level impacts related to human remains are significant and unavoidable.

The only way to avoid the PROJECT's contribution to these direct and cumulative historical resources impacts would be to avoid any type of development associated with the PROJECT Reach Recommendations and Design Guidelines that impacts historical and/or archaeological resources. The following alternatives were identified in the PEIR that would not result in impacts associated with Historical Resources: No Project/Development under Existing Regulations Alternative and the Reduced Project Alternative. As described in Chapter 11 of the PEIR, these alternatives would avoid impacts on archaeological resources. However as discussed in Section IV.C.2 of these Findings, these alternatives are not considered feasible, for the reasons provided in that section. Thus, the PROJECT's significant impact with respect to historical resources is considered unavoidable.

## **5. HUMAN HEALTH, PUBLIC SAFETY, AND HAZARDOUS MATERIALS (DIRECT AND CUMULATIVE)**

**Potential Impacts:** The PROJECT could have significant direct and cumulative impacts on the following environmental issues:

- Exposes people or property to health hazards, including fire; or
- Uses are located on a site which is included on a list of hazardous materials sites compiles pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment.

**Facts in Support of Findings:** Structures constructed within the RCA and RIA in association with Reach Recommendations, Design Guidelines, and San Diego Municipal Code and Community Plan Amendments would expose people or structures to risk involving wildland fires. Additionally, structures built within the RCA and RIA in association with the Reach Recommendations, Design Guidelines, San Diego Municipal Code Amendments, and associated

Development Regulations would result in ground disturbance and grading activities on a site that is included on a list of hazardous materials sites. For both of these issues implementation of the PROJECT would result in potentially significant impacts. Implementation of the measures presented below would reduce human health, public safety, and hazardous materials impacts, but not to below a level of significance.

**Mitigation Framework HAZ-1:** To reduce potential impacts, all subsequent projects developed in accordance with the PROJECT, including future projects implemented in the RCA and RIA in association with Reach Recommendations, Design Guidelines, and amendments to the San Diego Municipal Code and Community Plans, shall be required to adhere to the City's Municipal Code, Section 42.0801 (Hazardous Waste Establishments) and Section 42.0901 (Disclosure of Hazardous Materials), as well as Section 54.0701 (Investigation and Cleanup of Contaminated Property). The regulations for use of explosive materials within the City are included in Section 55.3301 (Explosives and Fireworks). The San Diego County Department of Environmental Health, Hazardous Materials Division established the San Diego County Operational Area Emergency Plan for emergency response to a release or threatened release of a hazardous material within the County. The San Diego County Multi-Jurisdictional Hazard Mitigation Plan was developed with the participation of all jurisdictions in the County of San Diego including every incorporated City and the unincorporated County. The plan includes an overview of the risk assessment process and identifies hazards present in the jurisdiction, hazard profiles, and vulnerability assessments. The plan also identifies goals, objectives, and actions for each jurisdiction in the County.

**Mitigation Framework HAZ-2:** Prior to any discretionary review and approval of a future action implemented in accordance with Reach Recommendations and Design Guidelines, projects are required to adhere to the hazardous materials policies of the San Diego Municipal Code as well as implementing the following actions:

1. A Phase I Environmental Site Assessment in conformance with federal, state, and local regulations shall be completed. The report shall include an existing conditions survey, detailed project description, and specific measures proposed to preclude upset conditions (accidents) from occurring. If hazardous materials are identified, a risk assessment and remediation efforts shall be conducted in conformance with federal, state, and local regulations.
2. To mitigate for soil or water contamination sources in areas suspected of containing hazardous materials storage systems, a site-specific soil/groundwater assessment shall be performed by a certified geologist/hydrologist prior to soil disturbance in conformance with federal, state, and local regulations if necessary. Such an assessment shall include collecting and analyzing soil and/or groundwater samples. Soil and/or groundwater contamination shall be remediated, if necessary, according to federal, state, and local regulations prior to development of the site.
3. A site-specific informational review and geophysical survey shall be conducted, if necessary, to identify locations of USTs. A contingency plan for removal and remediation shall be prepared that addresses contactor procedures in the event that an unknown UST is encountered during site redevelopment. Permits to operate or close tanks must be



obtained by the tank owner or operator in conformance with federal, state, and local regulations.

4. A Phase II investigation shall be conducted if necessary to test soils to determine if regulatory action and/or hazardous waste limits are exceeded. This investigation shall include an assessment of human health risks associated with any detected concentrations of the contaminants of concern within areas proposed for development. If levels exceed typical regulatory action and/or waste limits or present a public health concern, the site shall be remediated per government regulations prior to site development.

Future development proposals implementing the PROJECT will be required to incorporate feasible mitigation measures and alternatives adopted in conjunction with the certification of this PEIR. However, because the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at the program-level of analysis, impacts related to health hazards, including fire and being located on a site included on a hazardous materials list would remain significant and unavoidable.

The only way to avoid the PROJECT's contribution to these direct and cumulative human health, public safety, and hazardous materials impacts would be to avoid any type of development associated with the PROJECT's Reach Recommendations and Design Guidelines that do not involve use of hazardous materials or would not be subject to hazards from hazardous materials sites or from other hazards such as fire. The following alternative was identified in the PEIR that would not result in impacts associated with the PROJECT related to hazards: No Project/Development under Existing Regulations Alternative because it would avoid implementation of PROJECT that would be subject to hazards. All other alternatives are expected to involve some implementation of the PROJECT that may be subject to hazards. However, as discussed in Section IV.C.2 of these Findings, this alternative is not considered feasible, for the reasons provided in that section. Thus, the PROJECT's significant impact with respect to hazards is considered unavoidable.

## 6. HYDROLOGY AND WATER QUALITY (DIRECT AND CUMULATIVE)

**Potential Impacts:** The PROJECT could have significant direct and cumulative impacts on the following environmental issues:

- Results in an increase in impervious surfaces and associated increased runoff or results in a substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes;
- Causes an effect on the drainage basins within the San Diego River watershed;
- Creates discharges into surface or ground water, results in any alteration of surface or ground water quality (including but not limited to temperature, dissolved oxygen, or turbidity), or results in increases in pollutant discharges including downstream sedimentation; or
- Results in cumulative significant impacts on hydrology and water quality.

**Facts in Support of Findings:** Operation and construction of the Reach Recommendations and future projects that implement the Design Guidelines could result in significant impacts on

drainage patterns, water quality, flooding, and groundwater, and an increase in stormwater runoff within the RCA and RIA. Implementation of the measures presented below would reduce hydrology and water quality impacts, but not to below a level of significance.

**Mitigation Framework HYD/WQ-1:** Prior to approval of Reach Recommendations or development projects implementing the Design Guidelines within the RCA, the applicant shall demonstrate to the satisfaction of the City Engineer, based on the project application, that future projects are sited and designed to minimize impacts on absorption rates, drainage patterns, and surface runoff rates and floodwaters in accordance with the PROJECT and current City and RWQCB regulations. Future design of projects shall incorporate feasible mitigation measures outlined below in accordance with the RWQCB, the City Storm Water Runoff and Drainage Regulations (Chapter 14, Article 2, Division 2 of the LDC), and the LDC, and shall be based on the recommendations of a detailed hydraulic analysis.

**Mitigation Framework HYD/WQ-2:** For each future discretionary project requiring mitigation, site-specific measures shall be identified that reduce significant project-level impacts to less-than-significant levels, or the project-level impact would remain significant and unavoidable when no feasible mitigation exists. Where mitigation is determined to be necessary and feasible, these measures shall be included in an MMRP for the project.

Future projects shall be sited and designed to minimize impacts on receiving waters, in particular the discharge of identified pollutants to an already impaired water body. Prior to approval of any entitlements for any future project, the City shall ensure that any impacts on receiving waters shall be precluded and, if necessary, mitigated in accordance with the requirements of the City's Storm Water Runoff and Drainage Regulations (Chapter 14, Article 2, Division 2 of the LDC) and other appropriate agencies (e.g., RWQCB). To prevent erosion, siltation, and transport of urban pollutants, all future projects shall be designed to incorporate any applicable stormwater improvement, both off- and on-site in accordance with the City of San Diego Stormwater Standards Manual satisfactory to the City Engineer.

The PROJECT encourages improvements to the hydrology of the River and further states that human activity from mining and for flood control has pushed and squeezed the River resulting in constrictions, channelization, and the creation of ponds. The PROJECT would look for opportunities to separate River flow from ponds, remove River constrictions, and broaden the width of the River's meander belt (that portion of the flood plain in which the River alters its course as a result of a major flood event) to allow the necessary width for meandering and braiding. These improvements would result in a longer river, which will, in turn, expand riparian habitat and improve water quality through the increased duration of water contact with soil and vegetation. The specific timing or location of any of these improvements is not identified in the PROJECT. In addition the City has not proposed any specific projects designed to implement the Recommendations in of the PROJECT. However, these improvements could result in significant alterations to the floodway within the RCA, or to flood control features such as the First San Diego River Improvement Project (FSDRIP), and potential encroachment into the portions of the River that are in a Special Flood Hazard Area.

Although the PROJECT includes a Mitigation Framework intended to improve the River's hydrology function and water quality as well as address potential development within Special

Flood Hazard areas as defined by the City LDC, the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at the program-level analysis. Therefore, the PROJECT and cumulative program-level impacts related to hydrology and water quality would remain significant and unavoidable.

The only way to avoid the PROJECT's contribution to these direct and cumulative hydrology and water quality impacts would be to avoid any type of development associated with the PROJECT Reach Recommendations and Design Guidelines that would result in any changes to hydrology and/or water quality. The following alternative was identified in the PEIR that would not result in impacts associated with the PROJECT Reach Recommendations and Design Guidelines related to hydrology and water quality: No Project/Development under Existing Regulations Alternative because it would avoid implementation of the PROJECT's Reach Recommendations and Design Guidelines that would potentially alter existing hydrology and/or result in impacts on water quality. All other alternatives are expected to involve some implementation of the PROJECT that may impact hydrology and water quality. However, as discussed in Section IV.C.2 of these Findings, this alternative is not considered feasible, for the reasons provided in that section. Thus, the PROJECT's significant impact with respect to hydrology and water quality is considered unavoidable.

## **7. GEOLOGY AND SOILS (DIRECT AND CUMULATIVE)**

**Potential Impacts:** The PROJECT could have significant direct and cumulative impacts on the following environmental issues:

- Exposes people or property to geologic hazards such as earthquakes, landslides, mudslides, liquefaction, ground failure, or similar hazards; or
- Increases the potential for erosion of soils on or off site.

**Facts in Support of Findings:** It is possible that seismic events within local fault zones would be capable of damaging structures such as the multi-use pathways, pedestrian trails, pedestrian/bicycle bridges, boardwalks, or overlook platforms that could be future projects implemented within the RCA. Construction of these facilities could occur within areas identified as susceptible to geologic hazards in accordance with the City Geologic Hazards Mapping Program. Thus, significant impacts would occur. It is also possible that future projects developed within the RCA and RIA in accordance with Reach Recommendations and San Diego Municipal Code Amendments could result in an increase in impervious surfaces and the removal of vegetative cover, generally increasing the potential for erosion into offsite areas within the River Valley. Construction of these facilities and the associated potential for increasing erosion in the River Valley would also be a potentially significant impact. Implementation of the measures presented below would reduce geology and soils impacts, but not to below a level of significance.

**Mitigation Framework GEO-1:** All subsequent projects developed in accordance with the PROJECT, including future Reach Recommendations implemented within the RCA and RIA, shall be required to adhere to the City's Seismic Safety Study and Municipal Code, as well as the California Building Code to avoid or reduce geologic hazards. Measures designed to reduce potential geologic hazards may be implemented at the project-level as required by

the San Diego General Plan, San Diego Municipal Code, Seismic Safety Study, and community plans.

**Mitigation Framework GEO-2:** To reduce potential impacts, all subsequent projects developed in accordance with the PROJECT, including future projects implemented within the RCA/RIA in association with Reach Recommendations and Municipal Code Amendments, shall adhere to the City's design regulations, grading, and construction practices as well as to the CBC to avoid or reduce geologic hazards to the satisfaction of the City Engineer.

Prior to obtaining grading permits for future actions implemented in accordance with Reach Recommendations, Design Guidelines, and Municipal Code Amendments a site-specific geotechnical investigation shall be completed as necessary in accordance with the City of San Diego Guidelines for Preparing Geotechnical Reports. Engineering design specifications based on project-level grading and site plans shall be incorporated into the project design to minimize hazards associated with site-level geologic and seismic conditions satisfactory to the City Engineer.

Future development proposals implementing the PROJECT will be required to incorporate feasible mitigation measures and alternatives adopted in conjunction with the certification of this PEIR. However, because the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at this program level of analysis, the program-level impacts related to geologic hazards (such as earthquakes, landslides, mudslides, liquefaction, ground failure, or similar hazards) and erosion of soils remain significant and unavoidable, even with adherence to the Mitigation Framework.

The only way to avoid the PROJECT's contribution to these direct and cumulative geology and soils impacts would be to avoid any type of development associated with the PROJECT's Reach Recommendations and Design Guidelines that would result in any grading or development of structures that would be subject to geologic or soils hazards. The following alternative was identified in the PEIR that would not result in impacts associated with the PROJECT related to geology and soils: No Project/Development under Existing Regulations Alternative because it would avoid implementation of PROJECT that would could potentially require grading and or development of structures that may be subject to geologic hazards. All other alternatives are expected to involve some implementation of PROJECT's Reach Recommendations and Design Guidelines that involve grading and/or development of structures that could be subject to geology and soils hazards. However, as discussed in Section IV.C.2 of these Findings, this alternative is not considered feasible for reasons provided in that section. Thus, the PROJECT's significant impact with respect to geology and soils is considered unavoidable.

## 8. PALEONTOLOGICAL RESOURCES (DIRECT AND CUMULATIVE)

**Potential Impacts:** The PROJECT could have significant direct and cumulative impacts on the following environmental issue:

- Results in the loss of paleontological resources.

**Facts in Support of Findings:** Impacts could occur with any planned project implemented within the RCA and RIA in accordance with the Reach Recommendations and Design

Guidelines that disturbs underlying formations that could possibly contain paleontological resources. Construction and associated grading for these facilities could occur within formations known to contain paleontological resources. Impacts on paleontological resources associated with grading would be significant. Implementation of the measures presented below would reduce paleontological resources impacts, but not to below a level of significance.

**Mitigation Framework PALEO-1:** Prior to approval of Reach Recommendations or development projects implementing the Design Guidelines within the RCA, the City shall determine, based on review of the project application, that future projects are sited and designed to minimize impacts on paleontological resources in accordance with the City's CEQA Significance Thresholds and Paleontological Resources Guidelines (2002). Monitoring for paleontological resources required during construction activities would be implemented at the project-level and would provide mitigation for the loss of important fossil remains with future discretionary projects that are subject to environmental review. Future design of projects in accordance with the City's Significance Thresholds and Paleontology Guidelines shall be based on the recommendations of a project-level analysis of potential impacts on paleontological resources.

Future development proposals implementing the PROJECT will be required to incorporate feasible mitigation measures based on the mitigation ratios, and alternatives adopted in conjunction with the certification of this PEIR. However, because the degree of future impacts and applicability; feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at this program level of analysis, the program-level impact related to the loss of paleontological resources remains significant and unavoidable, even with adherence to the Mitigation Framework.

The only way to avoid the PROJECT's contribution to these direct and cumulative paleontological resources impacts would be to avoid any type of development associated with the PROJECT that would result in any grading or development of structures that may involve disturbance of formations that contain paleontological resources. The following alternative was identified in the PEIR that would not result in impacts associated with the PROJECT's Reach Recommendations and Design Guidelines related to paleontological resources: No Project/Development under Existing Regulations Alternative because it would avoid implementation of the PROJECT that would could potentially require grading and or development of structures. All other alternatives are expected to involve some implementation of the PROJECT's Reach Recommendations and Design Guidelines that involve grading and/or development of structures that could result in disturbance of formations that contain paleontological resources. However, as discussed in Section IV.C.2 of these Findings, this alternative is not considered feasible for the reasons provided in that section. Thus, the PROJECT's significant impact with respect to paleontological resources is considered unavoidable.

## **9. TRAFFIC AND CIRCULATION (DIRECT)**

**Potential Impacts:** The PROJECT could have significant direct impacts on the following environmental issue:

- Creates alterations to present circulation movements in the area including effects on existing public access points.

**Facts in Support of Findings:** Implementation of the PROJECT could potentially result in significant impacts related to conflicts between pedestrians/bicyclists and vehicles associated with the River Pathway. Implementation of the measures presented below would reduce traffic and circulation impacts, but not to below a level of significance.

**Mitigation Framework TR-1:** All subsequent projects developed in accordance with the Master Plan, including future projects implemented within the RCA/RIA in association with Reach Recommendations, shall mitigate impacts at the project level and shall include measures to minimize potential impacts from pedestrian/bicyclist/vehicle conflicts.

Future development proposals implementing the PROJECT will be required to incorporate feasible mitigation measures and alternatives adopted in conjunction with the certification of this PEIR. However, because the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at this program level of analysis, the program-level impact related to alterations to present circulation movements remains significant and unavoidable, even with adherence to the Mitigation Framework.

The only way to avoid the PROJECT's contribution to this direct traffic and circulation impact would be to avoid any type of development associated with the Reach Recommendations and Design Guidelines that create potential conflicts between pedestrians/bicyclists and vehicles. The following alternative was identified in the PEIR that would not result in impacts associated with traffic and circulation: No Project/Development under Existing Regulations Alternative because it would avoid implementation associated with the PROJECT's Reach Recommendations and Design Guidelines that would create potential conflicts between pedestrians/bicyclists and vehicles. All other alternatives are expected to involve some type of development associated with the PROJECT that would create potential conflicts between pedestrians/bicyclists and vehicles. However, as discussed in Section IV.C.2 of these Findings, this alternative is not considered feasible for the reasons provided in that section. Thus, the PROJECT's significant impact with respect to traffic and circulation is considered unavoidable.

## 10. GREENHOUSE GAS EMISSIONS/CLIMATE CHANGE (DIRECT AND CUMULATIVE)

**Potential Impacts:** The PROJECT could have significant direct and cumulative impacts on the following environmental issues:

- Generates greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflicts with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases.

**Facts in Support of Findings:** The City considers a significant cumulative impact on climate change to occur when total project-generated emissions exceed 900 metric tons per year. It is not anticipated that future projects implemented in accordance with the PROJECT would result in substantial adverse impacts related to GHG emissions. A detailed analysis of all project-level GHG emissions and associated impacts cannot be conducted based on the policy-level information for future recommendations and Design Guidelines included in the PROJECT. Therefore, the potential exists that future projects would result in significant impacts because emissions from future projects are unknown at this time and could exceed the City's interim GHG screening criteria. Implementation of the measures presented below would reduce greenhouse gas/climate change impacts, but not to below a level of significance

**Mitigation Framework GHG-1:** Individual projects implemented pursuant to the Master Plan shall be required to demonstrate their avoidance of significant impacts related to long-term operational emissions. The PROJECT includes several policies that would help reduce GHG emissions. There are several transportation-related measures that would encourage alternative modes of transportation. The PROJECT area itself would also serve as a natural open space that would increase natural vegetation, which sequesters atmospheric carbon dioxide (CO<sub>2</sub>). These activities would help offset some project-generated GHG emissions and shall be considered in subsequent, project-level analyses. Future projects shall be required to incorporate one or more GHG project-reducing features or mitigation measures in order to show a 28.3% reduction in GHG emissions to meet AB 32 (2020) target levels.

The only way to avoid the PROJECT's contribution to this direct and cumulative greenhouse gas/climate change impact would be to avoid any type of development associated with the Reach Recommendations and Design Guidelines that generates GHG emissions. The following alternative was identified in the PEIR that would not result in impacts associated with GHG emissions: No Project/Development under Existing Regulations Alternative because it would avoid implementation associated with the PROJECT's Reach Recommendations and Design Guidelines that would generate emissions. All other alternatives are expected to involve some degree of construction involving equipment which would generate GHG emissions. However, as discussed in Section IV.C.2 of these Findings, this alternative is not considered feasible for the reasons provided in that section. Thus, the PROJECT's significant impact with respect to greenhouse gas/climate change is considered unavoidable.

## IV.C.2 Infeasibility of Project Alternatives to Reduce or Avoid Significant Impacts

The City, having reviewed and considered the information contained in the PEIR, finds pursuant to Public Resources Code §21081(a)(3) and Guidelines §15091(a)(3) that (i) the PEIR considers a reasonable range of project alternatives which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and (ii) specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the project alternatives identified in the PEIR. The PEIR for the PROJECT considered the following alternatives: (1) No Project/Development under Existing Regulations; and (2) Reduced Project.

### 1. NO PROJECT/DEVELOPMENT UNDER EXISTING REGULATIONS ALTERNATIVE

This alternative is required under CEQA Guidelines §15126.6(e)(2). Under this alternative, the PROJECT would not be adopted by the City. The Reach Recommendations and Design Guidelines for the PROJECT Study Area would not be implemented. The associated Community Plan and San Diego Municipal Code Amendments would also not be adopted by the City.

**Description:** Although the PROJECT and associated amendments would not be implemented under the No Project/Development Alternative, development would continue under existing regulations. The following assumptions regarding planned development as it relates to the River are incorporated into this alternative:

- Grantville Redevelopment Process would move forward.
- All existing land use plans or policies, community plans and San Diego Municipal Code regulations would be implemented under the No Project Alternative.

A summary of the environmental impacts of the No Project/Development under Existing Regulations Alternative is provided in Table 11-1 of the PEIR. This alternative would result in less-than-significant impacts on all issue topics and areas except for greenhouse gas emissions/climate change, which would be significant and unavoidable with implementation of this alternative.

Implementation of certain Reach Recommendation projects and Design Guideline improvements that contribute to impacts related to climate change would not occur, and, therefore, impacts identified in the PEIR for the PROJECT would be avoided with implementation of this alternative. However, cumulative impacts from emissions and resulting issues related to greenhouse gas emissions and hazards from effects of climate change would continue as development is implemented in accordance with existing planning documents and regulations. Therefore, potential impacts related to greenhouse gas emissions and effects from climate change would not be avoided with implementation of this alternative.

**Finding:** The No Project/Development under Existing Regulations Alternative would result in future developments implemented in accordance with the existing community plans and municipal codes, which allow for development to build closer to the River and contain fewer design guidelines for buildings, landscaping, and site planning. Although the No Project/Development under Existing Regulations Alternative would avoid impacts associated



with the PROJECT relative to Land Use, Visual Effects and Neighborhood Character; Air Quality; Biological Resources; Historical Resources; Human Health, Public Safety, and Hazardous Materials; Hydrology and Water Quality; Paleontological Resources; and Traffic and Circulation, the City rejected the alternative as infeasible because the Principles of the PROJECT which are also considered to be the basic objectives of the PROJECT under CEQA would not be accomplished. The following Project Goals and Objects which are further outlined in Chapter 3 are the guiding ideas against which future design and implementation decisions would be measured:

1. Restore and maintain a healthy river system.
2. Unify fragmented lands and habitats.
3. Create a connected continuum, with a sequence of unique places and experiences.
4. Reveal the river valley history.
5. Reorient development toward the River to create value and opportunities for people to embrace the River.

The No Project/Development under Existing Regulations Alternative would not implement the PROJECT's Reach Recommendations or the Design Guidelines and, therefore, benefits from implementation of the PROJECT as they relate to the above Project Goals and Objectives listed below would not occur.

- **Visual Character:** Improve the visual character of portions of the River because existing San Diego Municipal Code requirements and community plans do not include the Reach Recommendations that would improve the visual character of the River and the Design Guidelines for plant placement and visual openings to the river and; placement of structures in the RCA to allow views of the river; building heights and setbacks that would allow for views into the River from surrounding areas; transparency and building reflectivity to reduce glare; set back and screening of equipment enclosures, outdoor storage, loading areas and refuse collection area;;
- **Biological Resources:** Use non-invasive plant materials within the RCA; restoration within the RCA would be completed using native species; building setbacks within the RIA are required to allow for light and air into the RCA between the buildings and the River; parking structures would be buffered from the River; structures would be required to be designed to reduce reflectivity;
- **Hydrology and Water Quality:** Remove obstacles that impede flow, remove invasive vegetation species, encourage the growth of appropriate native riparian and upland vegetation, rehabilitate the channel to encourage meander and braiding, expand the River's recharge area, and adopt programs to reduce and remove non-point source loads;
- **Traffic/Circulation:** Pedestrian and Bicycle path separated from the public streets, public access pathway across development to provide access to the river; connecting pathways to existing pathways; Grade-separated crossing at public streets, steel bollards to prevent vehicles from entering the River Pathway, safety call boxes, kiosks to provide information at street crossings, directional signage to direct users on how to access the

pathway, design guidelines for intersections that establish a clear pedestrian priority on streets, and sidewalks located for pedestrian safety;

- **Public Services:** The pathway in the RCA would provide public recreation and increase the amount of park land within the City; Picnic areas, overlooks and site furnishing to be provided to enhance use of the RCA; and
- **Energy Conservation:** The River Pathway would provide an alternative transportation route for bicycles, thus reducing car use.

## 2. REDUCED PROJECT ALTERNATIVE

**Description:** Under the Reduced Project Alternative the following River Corridor Area Design Guidelines would be modified to reduce the extent of direct and indirect impacts associated with the PROJECT:

- The River Pathway would be located adjacent to the RIA farthest from sensitive biological resources, and the maximum width of the River Pathway would be 4 feet;
- Use of lighting in the Path Corridor near riparian areas would be avoided;
- Design of the River Pathway would be aligned to avoid important archaeological/historical resources that have a high sensitivity if mitigation of impacts is not feasible;
- The number of recreational elements such as overlooks, benches, and trails along the River Pathway would be limited if impacts on biological resources are identified at the project-level. The River Pathway would be limited to one side of the River as necessary to reduce impacts on biological resources. The PROJECT currently contains language limiting the River Pathway to one side of River if topography prohibits access. Under this alternative language would be added to the PROJECT to note that trails and the River Pathway be limited to one side of the River if sensitive biological resources could be substantially reduced; and
- The PROJECT would require use of porous concrete for the River Pathway. The PROJECT currently proposes that the River Pathway be concrete and where possible use porous concrete.

Similar to the PROJECT, the Reduced Project Alternative would result in significant and unavoidable impacts since the degree of impact and applicability, feasibility, and success of mitigation framework measures cannot be adequately known for each future specific development project at the program-level of analysis. However, due to the modification of certain elements in the PROJECT, as proposed by this alternative, impacts on land use, historical resources, archaeological resources, and biological resources associated with City's MSCP Subarea Plan and MHPA could be reduced to less-than-significant levels, as explained below.

Implementation of the Reduced Project Alternative would ensure that future projects implemented under the PROJECT are consistent with the City's MSCP Subarea Plan and the ESL. As discussed previously, implementation of the PROJECT's Recommendations and Design Guidelines could result in significant impacts on sensitive biological resources, including species

and habitats. Implementation of the River Pathway and associated improvements within the RCA could require an MHPA boundary adjustment. Under this alternative the River Pathway would be located on the edge of Path Corridor farthest from sensitive biological resources, and the maximum width of the River Pathway would be 4 feet. The maximum width allowed for trails within the MHPA is 4 feet according to the City's MSCP Subarea Plan. In addition, under this alternative, language would be added to the PROJECT to note that trails and the River Pathway would be limited to one side of the River if sensitive biological resources could be substantially reduced. Requiring projects to adhere to the 4-foot trail maximum in the PROJECT and confining the River Pathway to one side of the River to avoid impacts on biological resources would ensure that future projects that may need to extend a trail or a portion of the River Pathway within the MHPA would not be inconsistent with the biological resources preservation goals of the City's MSCP Subarea Plan. Therefore, implementation would avoid impacts of the proposed PROJECT related to potential alignments of the River Pathway and Path Corridor that could require MHPA boundary adjustments. Limiting a path corridor to one side of the River could also minimize or avoid impacts of the PROJECT on sensitive biological resources.

Impacts on known historical and archaeological resources and those not yet found and formally recorded could occur anywhere within the PROJECT Study Area. Grading and movement of original in situ soils could also expose buried cultural resources and features. Potential impacts on archaeological and historical resources associated with construction of projects implemented in accordance with Reach Recommendations and Design Guidelines, and Community Plan and Municipal Code Amendments would be considered significant. Implementation of the Reduced Project Alternative would reduce potential impacts on historical and archaeological resources compared to the PROJECT. Under the Proposed Project the River Pathway would be designed to avoid recorded resources; however, not all significant historical resources would be avoided. Mitigation in the form of data recovery or other measures (e.g., monitoring, capping, etc.) would still be required to reduce impacts, but not necessarily to a level below significance. This alternative would modify the PROJECT language to require future River Pathway alignments to avoid resources with a high sensitivity or characteristics that make mitigation through data recovery infeasible.

**Finding:** Although the Reduced Project Alternative could potentially result in fewer impacts on biological resources, the City rejected the alternative as infeasible for factors related to public safety, implementation of City circulation standards, potential costs from reduced development potential, less access to scenic River resources, and environmental impacts.

### **Public Safety**

With respect to public safety this alternative would be less effective in ensuring safety of pedestrians and bicyclists using the River Pathway because lighting on the Path Corridor would be prohibited, and the River Pathway and Path Corridor would be too narrow. The proposed PROJECT Design Guidelines state that, "Lighting of the River Pathway would be necessary in some areas for safety and security." Under the Reduced Project Alternative lighting would be avoided near riparian areas. There are many areas within the Lower Valley Reach, Confluence Reach, and Upper Valley Reach where lighting would not be allowed because the Path Corridor would be located adjacent to riparian areas.

The four foot trail required under the Reduced Project Alternative would not implement the accessibility standards of the City related to accessibility and public safety. Under the Reduced Project Alternative the River Pathway would be reduced to 4 feet. As stated in the PROJECT Design Guidelines, the proposed 14-foot-wide River Pathway (10' feet wide with 2' on each side of soft material) within a 35-foot corridor RCA would provide design treatments at all intersections with pedestrian sidewalks and vehicular travel paths (e.g., bike lanes, bike paths, streets) that appropriately address safety and access of all users, using current City of San Diego and Caltrans standards (i.e., Street Design Manual, Council Policy 200-07, and Caltrans Chapter 1000 Bikeway Planning and Design). In addition, the proposed River Pathway within the RCA and 35-foot corridor allows for plant placement that enhances public safety and security of the River Pathway users. However, the plant placement for enhanced security and safety may not be possible in certain areas under the Reduced Project Alternative where the River Pathway and Path Corridor width are limited to avoid impacts on biological resources.

The four foot trail size limitations of the Reduced Project Alternative would not conform to City standards for emergency vehicle access. The four foot trail would not be wide enough to allow for emergency vehicle access. The 14-foot River Pathway combined with the 35-foot River Corridor would be designed to be wide enough to allow for emergency vehicle use.

### **City Circulation Standards**

The trail size limitations under the Reduced Project Alternative would not conform to City standards for accessibility by trails by bicycle or the design guidelines of the PROJECT designed to allow for access to the River Park. Under the Reduced Project Alternative the River Pathway would be reduced to four feet which would affect the following:

- The four foot trail does not meet City standards to allow for access by bicycle. The proposed 14-foot River Pathway and 35-foot River Corridor allows for access by bicycles. Under the Reduced Project Alternative, bicycles accessing the River Park would be directed to the existing public streets.
- The four foot trail would generally only allow for pedestrians to walk in single file.
- The narrow trail width under the Reduced Project Alternative would create crowded conditions at river crossings where the trail extends to public streets and through existing developments. It is anticipated that park visitors could go off of the narrow trail and access park facilities through existing developments or at unsafe roadway crossings.
- The four foot trail width would limit the number and size of interpretive signage that could be placed along the trail route.

### **Loss of Revenue from Reduced Development Potential**

The Reduced Project Alternative could result in a loss of revenue and/or increased processing costs associated with redesign and need for additional technical studies due to possible reduction in development potential available to property owners for areas within the RCA. Under the Reduced Project Alternative, the River Pathway would be located adjacent to the RIA farthest from sensitive biological resources. As noted in the following language from the PROJECT Design Guidelines, the intent of the PROJECT is to allow for flexibility in the location of facilities such as trails: "Flexibility in the master plan design guidelines and site development can be achieved

and administered through the Planned Development Permit (PDP) Regulations process. The intent of the PDP regulations is to accommodate, to the greatest extent possible, an equitable balance of development types, site constraints, development regulations, and community and city benefits.” The flexibility incorporated into the PROJECT is intended to allow for site plans to include a pathway alignment and design that works with the planned development. Under the PROJECT, minimal disturbance of sensitive habitat is allowed if the impact is mitigated in accordance with the City’s ESL Regulations and Biological Resource Guidelines and in some cases an MHPA boundary adjustment may be required and approved by the City and the Resource Agencies. This flexibility regarding mitigable impacts on biological resources would not be allowed under the Reduced Project Alternative. A pathway alignment that avoids all disturbances of biological resources would need to be located in the portion of the parcel where the City, in accordance with the ESL and City MSCP Subarea Plan, would require that the development footprint be located. The potential exists, therefore, under the Reduced Project Alternative, that a private/public applicant may need to substantially reduce development intensity within a parcel (for example, a reduction in residential units or in the square footage of commercial/industrial development) because the City would require that the River Pathway alignment be placed outside of biologically sensitive areas that would typically be used for a portion of the development footprint.

### **Access to River Resources Reduced**

The reduction in the trail width, the requirement that the trail be limited to one side of the river, prohibition of lighting, and reduction in the number of recreation elements that could be developed with implementation of the PROJECT would also allow less access to visually scenic features of the River resulting in fewer opportunities to enjoy the scenic features of the River. These factors would therefore would not meet the PROJECT Goals and Objectives for the River or implement the policies as stated in the General Plan for the San Diego River.

### **Environmental Impacts Associated with the Reduced Development Alternative**

- Reduced Project Alternative would result in significant and unmitigated impacts

The Reduced Project alternative does not reduce impacts of the PROJECT to a less than significant level. Lastly, this alternative could result in adverse significant and unavoidable impacts on air quality; historical resources; human health, public safety, and hazardous materials; hydrology and water quality; geology and soils; paleontological resources; traffic and circulation; and greenhouse gas emissions/climate change.

- Impacts to Public Services and Parkland

The Mission Valley Community Plan and the Navajo Community Plan areas are currently deficient in the amount of population based parkland based on the requirements of the General plan. Under the Reduced Project Alternative the trail width would be reduced to four feet and the number of recreation elements placed along the river would be reduced from that proposed as a part of the PROJECT. The reduction in the trail width and limiting the number of recreational facilities would reduce the amount of population based parkland from that proposed as a part of the PROJECT.

## EXHIBIT B

### STATEMENT OF OVERRIDING CONSIDERATIONS (PUBLIC RESOURCES CODE §21081(b))

Pursuant to CEQA Guidelines §15093, CEQA requires the decision-making agency to balance as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project.

If the specific economic, legal, social, technological, or other benefits including considerations for the provision of employment opportunities for highly trained workers outweigh the unavoidable adverse environmental effects, outweigh the unavoidable adverse environmental effects may be considered acceptable pursuant to Public Resources Code §21081. CEQA further requires that when the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record.

Pursuant to the Public Resources Code §21081(b) and Guidelines § 15093, the decision-making body, having considered all of the foregoing, finds that the following specific overriding economic, legal, social, technological, or other benefits associated with the proposed PROJECT outweigh unavoidable adverse direct impacts related to Land Use, Air Quality/Odor, Biological Resources, Historical Resources, Human Health/Public Safety/Hazardous Materials, Hydrology/Water Quality, Geology/Soils, Paleontological Resources, Traffic/Circulation, and Greenhouse Gas Emissions/Climate Change. Each of the separate benefits of the proposed project as stated herein is determined to be, unto itself and independent of the other project benefits, a basis for overriding all unavoidable adverse environmental impacts identified in these Findings. The decision-making body also has examined alternatives to the PROJECT, none of which is both environmentally preferable to the PROJECT and meets the basic project objectives.

The California Supreme Court has stated that, “[t]he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply is simply requires that those decisions be informed, and therefore balanced.” *Citizens of Goleta Valley v. Bd. of Supers.* (1990) 52 Cal.3d 553, 576.

Courts have upheld overriding considerations that were based on policy considerations including but not limited to, new jobs, stronger tax base, implementation of an agency’s economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plans and general plans, and provision of construction jobs. See *Towards Responsibility in Planning v. City Council* (1988) 200 Cal. App.3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal. App.3d 1029; *City of Poway v. City of San Diego* (1984) 155 Cal.App.3d 1037; *Markley v. City Council* (1982) 131 Cal.App.3d 656.

Each of the separate benefits of the proposed project, as stated herein, is determined to be, unto itself and independent of the other project benefits, a basis for overriding all unavoidable adverse environmental impacts identified in these findings, so that if a court were to set aside the determination that any particular benefit would occur and justifies the project's approval, the City Council determines that it would stand by its determination that the remaining benefits are sufficient to warrant the project's approval.

Therefore, the decision-making body expressly finds that in accordance with Public Resources Code §21081, based on the following specific considerations, the benefits of the PROJECT outweigh the PROJECT's significant effects on the environment.

1. **The PROJECT would help to Create a Healthy River System:** The PROJECT is designed 1) Augment flows to the river periodically, 2) remove obstacles that impede flow, 3) remove invasive species, 4) encourage the growth of appropriate native riparian and upland vegetation, 5) rehabilitate the channel to encourage meander and braiding, 6) expand the river's recharge area, and 7) adopt programs to reduce /remove non-point source loads and including litter and solid waste all of which will enhance the health of the river and water quality.
2. **The PROJECT would help to Reconnect Existing Habitats:** The PROJECT is designed to 1) establish appropriate corridors for the river, wildlife and people, 2) to acquire open space lands or pursue conservation easements, 3) eliminate invasive species and reintroduce native species, 4) naturalize floodway areas, 5) use biological systems to treat all storm water before it enters the river, 6) separate pedestrian/wildlife and vehicular river crossings, 6) establish habitat corridors as secondary gateways at side canyons and tributaries, and 7) use native plant material in the river corridor which will reduce the loss of habitat associated with fragmentation.
3. **The PROJECT would help to Link Neighborhoods and Parks:** The PROJECT is designed to 1) create a continuous multi-use pathway from the Pacific Ocean to the City of Santee, 2) linking the pathway to adjacent canyons and neighborhoods, 3) acquire open space land to expand connectivity, 4) create overlooks at unique places, 5) upgrade and link existing parks into the River Park system, 6) look for opportunities to add additional public parks, integrate art into the identity and experience of the River Park, 7) provide way finding signs, and 8) explore opportunities for the water recreation which will enhance the use of the River Park with adjacent neighborhoods and public parks
4. **The PROJECT would help River Education:** The PROJECT is designed to 1) encourage development of an interpretive program based on the historical, biological and cultural resources of the river, 2) create a San Diego River park Interpretive Center and 3) use maps, art and signage to integrate the history of the river valley in appropriate locations which will allow the River Park to function as an open-air living museum to tell the story of settlement, and the ecology of the San Diego river Region
5. **The PROJECT would help to Encourage Appropriate Development and Property Investment Near the River:** The PROJECT is designed to 1) treat the river area as an amenity, 2) encourage development to provide active uses fronting the river, 3)

encourage development to face the river, 4) include access to the river from adjacent buildings an across development, 5) enhance the development edge facing the river with active uses which will provide significant value and advantages for urban environments and connect communities to each other.

6. **The PROJECT would help to Enhance Visual Character:** The PROJECT improves the visual character of the River Park area by providing design guidelines for 1) a multi-purpose pathway that allows views into the river area by creating visual openings and plant placement to increase the views of the natural habitat, 2) the use of native plants along the river frontage, 3) building height and setbacks for structures to ensure views of the river, 4) the location of exterior equipment and the screening for parking lots and parking structures, 5) building massing that calls for buildings to create visual interest by varying form and façade, and 6) reduce building reflectivity.
7. **The PROJECT would help to Remove Invasive Species:** The PROJECT uses non-invasive plant materials within the San Diego River Corridor Area (RCA); restoration within the RCA would be completed using native plant material
8. **The PROJECT would help to Provide Visitor Safety for Recreational Activities Within the River:** The PROJECT includes grade-separated crossing at public streets, steel bollards to prevent vehicles from entering the San Diego River Pathway, safety call boxes for visitor safety, kiosks to provide information at street crossings, directional signage to direct users on how to access the pathway, design guidelines for intersections that establish a clear pedestrian priority on streets, and sidewalks located for pedestrian safety.
9. **The PROJECT would help to Increase the amount of park land within the City of San Diego:** The PROJECT provides the River Corridor Area would serve as a natural open space and a recreation system for the surrounding communities by providing a river pathway, a trail network, and other park amenities. Its purpose is also to establish the valley as a common gathering place for all San Diego citizens. Recommended park amenities in addition to the River Pathway include: interpretive kiosks, benches, picnic areas, interpretive signage, connecting pathways to adjacent parks, overlooks, bicycle racks, native landscaping, art opportunities and interpretive centers.
10. **The PROJECT would help to Increase Revenue to the City and Property Owners:** The PROJECT would provide substantial beneficial fiscal impacts to public and private land, and would have a net positive impact on the City. The San Diego River Park Economic Analysis, prepared in 2010 states that the assumed incremental residential value appreciation is estimated to be between 5 and 15 percent, with the mid estimate (10 percent) used to evaluate potential value creation associated with the River Improvements. A slight premium is placed on both office and for-rent residential properties with adjacency to open space. Some of this enhance value could be captured to help fund Special Assessment Districts for the management, maintenance and security of the park.



11. **The PROJECT would help to Improve Hydrologic Conditions:** The PROJECT when implemented would improve the hydrologic conditions and water quality within the river. The PROJECT provides guidelines for the removal of invasive vegetation species, encourages the growth of appropriate native riparian and upland vegetation, proposes methods to rehabilitate the River by encouraging meander and braiding of the channel, expands the San Diego River's recharge area, and adopts programs to reduce and remove non-point source loads.
12. **The PROJECT would help to Improve Visitor Safety:** The PROJECT when implemented would improve visitor safety for recreational activities within the River. The PROJECT includes grade-separated crossing at public streets, steel bollards to prevent vehicles from entering the San Diego River Pathway, safety call boxes for visitor safety, kiosks to provide information at street crossings, directional signage to direct users on how to access the pathway, design guidelines for intersections that establish a clear pedestrian priority on streets, and sidewalks located for pedestrian safety.
13. **The PROJECT would help to Improve Accessibility to Alternative Transportation Routes:** The PROJECT provides the River Pathway, which offers an alternative transportation route for bicycles, thus providing an opportunity to reduce car use. The River Pathway, a multi-use pathway for bicycle and pedestrian use, would be located within the 35-foot Path Corridor and is considered the primary pathway for the entire 17.5-mile River Park from the Pacific Ocean to the City of Santee. The River Pathway would provide design treatments of all intersections with pedestrian sidewalks and vehicular travel paths (e.g., bike lanes, bike paths, streets) that appropriately address safety and access of all users, using current City of San Diego and Caltrans standards (i.e., Street Design Manual, Council Policy 200-07, and Caltrans Chapter 1000 Bikeway Planning and Design).
14. **The PROJECT would help to Increase Availability of Trails throughout River Valley:** The PROJECT provides a mostly continuous pathway for the 17.5 mile portion of the River Valley within the City and provides recommendations on pathway connections to existing regional trails.
15. **The PROJECT would Help Alleviate Traffic Congestion and Provide Alternative Transportation Route for Bicycles, thus Reducing Car Use.** The PROJECT provides the River Pathway, a multi-use pathway for bicycle and pedestrian use, would be located within the 35-foot Path Corridor and is considered the primary pathway for the entire 17.5-mile River Park from the Pacific Ocean to the City of Santee. The River Pathway would provide design treatments of all intersections with pedestrian sidewalks and vehicular travel paths (e.g., bike lanes, bike paths, streets) that appropriately address safety and access of all users, using current City of San Diego and Caltrans standards (i.e., Street Design Manual, Council Policy 200-07, and Caltrans Chapter 1000 Bikeway Planning and Design).

16. **The PROJECT would help Social Benefits/Implement General Plan Goals and Policies:** The PROJECT when implemented would require future projects to incorporate and implement the following Goals and Policies of the General Plan in order to provide a safe means of travel for pedestrians and bicyclists, provide conservation opportunities in key areas of the River, celebrate the River through innovative design and public art, as well as to enhance the recreational and social experience along the San Diego River:

**Mobility Element**

ME-F.1 Implement the Bicycle Master Plan – by providing a bicycle path along the San Diego River.

ME-F.2 Identify and implement a network of bikeways that are feasible, fundable and serve bicyclist's needs, especially for travel to employment centers, village centers – by providing a bicycle path along the San Diego River with connects to employment centers and village centers.

**Urban Design Element**

UD-D.2 The design and orientation of buildings within projects affect the pedestrian and transit-orientation – by providing a primary or equivalent building façade that faces the river and provides direct access to the river pathway from the building.

UD-F-2 Use public art and cultural amenities to celebrate San Diego's diversity, history and unique character – by providing artistic interpretive signage along the river pathway to interpret the history and unique riparian character.

**Economic Prosperity Element**

EP-1.7 Promote the development of walking, driving, and bicycling tours of San Diego's historic areas and special environments – by providing public access all along the San Diego River to allow for walking and bicycling tours of this historic area with interpretive signage to explain why this is a special environment.

**Recreation Element**

RE-A.3 Take advantage of recreational opportunities presented by the natural environment, in particular beach and open space – by providing the River Corridor area as a recreation area with recreational amenities.

RE-D.6 Provide safe and convenient linkages to, and within, park and recreation facilities and open space areas – by providing the San Diego River Pathway that will connect to existing and future recreation facilities and open space.

**Conservation Element**

CE-B.1 Protect and conserve the landforms, canyon lands, and open spaces that: define the City's urban form; provide public views/vistas' serve as core biological areas and wildlife linkages; are wetlands habitats; provide buffers within and between communities; or provide outdoor recreation opportunities by providing the San Diego River Park an open space along the

river will allow for public views, wildlife linkages, wetland habitats and outdoor recreation opportunities.

**Conclusion**

For the foregoing reasons, the City finds that the project’s adverse, unavoidable environmental impacts are outweighed by the above-referenced public benefits, any one of which individually would be sufficient to outweigh the adverse environmental effects of the project. Therefore, the City has adopted the Candidate Findings and Statement of Overriding Considerations.

## EXHIBIT C

### MITIGATION MONITORING AND REPORTING PROGRAM

#### **ADOPTION OF THE SAN DIEGO RIVER PARK MASTER PLAN, COMMUNITY PLAN AMENDMENTS AND LAND DEVELOPMENT CODE AMENDMENTS for the SAN DIEGO RIVER PARK MASTER PLAN PROJECT NO. 121886**

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Advanced Planning and Engineering Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No.121886 shall be made conditions of any future Site Development Permit, Coastal Development Permit and/or Bid Opening/Bid Award (if implemented by the applicable City department) as may be further described below.

This MMRP was prepared for the San Diego River Park Master Plan Project to comply with the mitigation monitoring stature, *Public agency shall adopt monitoring program of mitigation measures and insure their enforceability* (PRC 21081.6). This statute requires public agencies to “adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” This program shall be made a requirement of project approval. Certain changes or alterations (mitigation measures) are required for the San Diego River Park Master Project, as identified in this Program EIR, to reduce significant environmental effects. For each required mitigation measure, a monitoring and/or reporting element is identified below.

As Lead Agency for the project under CEQA, the City will administer the MMRP for the San Diego River Park Master Plan Project. Information contained within this MMRP provides a summary of significant project impacts, and identifies the mitigation measures, the entity responsible for ensuring compliance, conditions required to verify compliance, and the monitoring schedule. Tables and figures referred to in this MMRP can be found in the relevant chapters and sections of this Program EIR.

#### **Land Use**

##### **Mitigation Framework**

**LU-1:** To reduce potentially significant impacts on Environmentally Sensitive Lands within the MHPA, all subsequent projects developed in accordance with the Master Plan, including future projects implemented within the RCA and RIA in association with Reach Recommendations, Design Guidelines, and the Municipal Code Amendment, would be submitted for review in accordance with the CEQA Significance Thresholds for consistency determination with the MSCP Subarea Plan, the MSCP Land Use Adjacency Guidelines, the ESL Regulations, consistency with the Master Plan PEIR, and all other applicable federal and state regulations. The regulations for new development would reduce potential impacts on Environmentally Sensitive Lands inside the MHPA and help conserve the long-term biological resources consistent with the MCSP.

Future actions implemented in accordance with Reach Recommendations, Design Guidelines, and the Municipal Code Amendments shall be submitted for review in accordance with the CEQA Significance Thresholds, which requires that a site-specific biological resources survey be prepared in accordance with City of San Diego Biology Guidelines. Any future projects resulting in impacts on Environmentally Sensitive Lands inside the MHPA, on sensitive plant or wildlife species, and/or on resources resulting from projects that exceed the allowable level of development within the MHPA shall complete an MHPA Boundary Line Adjustment and obtain City, CDFG, and USFWS concurrence prior to project approval/construction. Projects proposing impacts on Environmentally Sensitive Lands would implement avoidance and minimization measures consistent with the City Biology Guidelines (Table 2) and provide suitable mitigation in accordance with the MSCP Subarea Plan.

For all projects adjacent to or within the MHPA, the development shall conform to all applicable MHPA Land Use Adjacency Guidelines (Section 1.4.3) of the MSCP Subarea Plan. In particular, lighting, drainage, landscaping, grading, access, and noise must not adversely affect the MHPA. Prior to issuance of any authorization to proceed, the following shall occur:

- Lighting shall be directed away from the MHPA, and shielded if necessary, and a note shall be included on the plans to the satisfaction of the Environmental Designee (ED).
- Drainage shall be directed away from the MHPA or, if not possible, must not drain directly into the MHPA. Instead, runoff shall flow into sedimentation basins, grassy swales, or mechanical trapping devices prior to draining into the MHPA. Drainage shall be shown on the site plan and reviewed satisfactory to the City Engineer.
- The landscape plan shall be review and approved by the ED to ensure that no invasive nonnative plant species shall be planted in or adjacent to the MHPA.
- All manufactured slopes must be included within the development footprint and outside the MHPA.
- All brush management areas shall be shown on the site plan and reviewed and approved by the ED. Zone 1 brush management areas must be included within the development footprint and outside the MHPA. Brush management Zone 2 may be permitted within the MHPA (considered impact neutral) but cannot be used as mitigation.
- Access to the MHPA, if any, shall be directed to minimize impacts and shall be shown on the site plan and reviewed and approved by the ED.

#### **Mitigation for Short-term Impacts on Sensitive Species from Project Construction**

- Coastal California gnatcatcher, least Bell's vireo, and Southwestern willow flycatcher mitigation, as outlined below, shall be required for any grading or clearing activities.
- Prior to the issuance of any authorization to proceed, the City's ED shall verify that the MHPA boundaries and the following project requirements regarding the coastal California gnatcatcher, least Bell's vireo, and southwestern willow flycatcher are shown on the grading and building permit plans:
- No clearing, grubbing, grading or other construction activities shall occur between March 1 and August 15, the breeding season of the coastal California gnatcatcher; between March 15 and September 15, the breeding season of the least Bell's vireo; and between May 1 and September 1, the breeding season of the southwestern willow flycatcher, until the following requirements have been met to the satisfaction of the LDR:

- A qualified biologist (possessing a valid ESA Section 10(a)(1)(A) Recovery Permit) shall survey habitat areas (only within the MHPA for gnatcatchers) that would be subject to construction noise levels exceeding 60 decibels hourly average (dB[A]) for the presence of coastal California gnatcatcher, least Bell's vireo, and southwestern willow flycatcher. Surveys for these species shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of construction. If coastal California gnatcatcher, least Bell's vireo, and/or southwestern willow flycatcher are present, then the following conditions must be met:
  - a. Between March 1 and August 15 for occupied gnatcatcher habitat, between March 15 and August 15 for occupied least Bell's vireo habitat, and between May 1 and September 1 for occupied southwestern willow flycatcher habitat, no clearing, grubbing, or grading of occupied habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; AND
  - b. Between March 1 and August 15 for occupied gnatcatcher habitat, between March 15 and August 15 for occupied least Bell's vireo habitat, and between May 1 and September 1 for occupied southwestern willow flycatcher habitat, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of the occupied habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing a current noise engineer license or registration with monitoring noise level experience with the listed animal species) and approved by the ED at least 2 weeks prior to the commencement of construction activities; OR
  - c. At least 2 weeks prior to the commencement of clearing, grubbing, grading, and/or any construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the aforementioned avian species. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB (A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the appropriate breeding season.
- Construction noise monitoring shall continue at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the Environmental Review Manager(ERM), as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- o If the aforementioned avian species are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the ED and applicable resource agencies that demonstrates whether mitigation measures such as noise walls are necessary during the applicable breeding seasons of March 1 and August 15, March 15 and September 15, and May 1 and September 1, as follows:
  - a. If this evidence indicates the potential is high for the aforementioned avian species to be present based on historical records or site conditions, then Condition 1-b or 1-c shall be adhered to as specified above.
  - b. If this evidence concludes that no impacts on the species are anticipated, no new mitigation measures are necessary.

If the permittee begins construction prior to the completion of the protocol avian surveys, then the Development Services Department shall assume that the appropriate avian species are present and all necessary protection and mitigation measures shall be required as described above.

If project grading is proposed during the raptor breeding season (February 1 to September 15), the project biologist shall conduct a pregrading survey for active raptor nests within 300 feet of the development area and submit a letter report to Mitigation Monitoring Coordination (MMC) prior to the preconstruction meeting.

If active raptor nests are detected, the report shall include mitigation in conformance with the City's Biology Guidelines (i.e., appropriate buffers, monitoring schedules, etc.) to the satisfaction of the City's ED. Mitigation requirements determined by the project biologist shall be incorporated into the project's Biological Construction Monitoring Exhibit, and monitoring results shall be incorporated in to the final biological construction monitoring report. If no nesting raptors are detected during the pregrading survey, no mitigation would be required.

## Air Quality

### Mitigation Framework

#### **AQ-1: Implement Standard Dust Control Measures to Reduce Fugitive Dust**

In accordance with SDAPCD Rule 55, projects constructed under the Master Plan that exceed the SDAPCD's thresholds for PM10 and PM2.5 shall implement fugitive dust controls during construction activities. Although Rule 55 does not prescribe specific dust control measures, the County's Air Quality Guidelines list several measures that would be implemented as part of construction activities tied to issuance of any future grading permit. The control measures that would most likely be implemented during construction of future projects are listed below. During the grading plan check process, the lead agency shall require dust control measures and performance standards in accordance with APCD requirements, and control measures to reduce fugitive dust from related construction activities, such as but not limited to:

- Water the grading areas to reduce fugitive dust.
- Apply chemical stabilizers and/or replace ground cover on graded areas as quickly as possible to reduce fugitive dust.

- Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry.
- Install wheel washers adjacent to a paved apron prior to vehicle entry on public roads.
- Remove any visible track-out into traveled public streets.
- Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred.
- Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads.
- Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling.
- Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 mph.
- Cover/water-onsite stockpiles of excavated material.
- Enforce a 15 mile-per-hour speed limit on unpaved surfaces.
- On dry days, dirt and debris spilled onto paved surfaces shall be swept up immediately to reduce re-suspension of particulate matter caused by vehicle movement. Approach routes to construction sites shall be cleaned daily of construction-related dirt in dry weather.
- Disturbed areas shall be hydroseeded, landscaped, or developed as quickly as possible and as directed by the County to reduce dust generation.
- Limit the daily grading volumes/area.

#### **Implement Standard Measures to Reduce NO<sub>x</sub> from Diesel-Powered Construction Equipment**

Projects constructed under the Master Plan exceeding the SDAPCD's threshold for NO<sub>x</sub> shall implement the following controls during construction activities. These strategies are outlined in the County's Air Quality Guidelines. These measures shall be incorporated into future projects tied to issuance of any grading permit.

- Grading or fuel use restriction (e.g., aqueous diesel fuel) shall be imposed as mitigation.
- Use of modified equipment incorporating such measures as cooled exhaust gas recirculation or lean-NO<sub>x</sub> catalysts.
- Require equipment to be maintained in good tune and to reduce excessive idling time.
- Require the use of equipment models newer than 1996.
- Require a permit to operate from the SDAPCD for any generators that produce greater than 50 horsepower.

## **Biological Resources**

### **Mitigation Framework**

**BIO-1:** To reduce potentially significant impacts that would cause a reduction in the number of unique, rare, endangered, sensitive, or fully protected species of plants or animals, if present



within the RCA/RIA, all subsequent projects developed in accordance with the Master Plan, including future Reach Recommendations implemented within the RCA and RIA shall be analyzed in accordance with the CEQA Significance Thresholds, which require that site-specific biological resources surveys be conducted in accordance with City of San Diego Biology Guidelines (2002). The locations of any sensitive plant species, including listed, rare, and narrow endemic species, as well as the potential for occurrence of any listed or rare wildlife species, as noted in Section 5.4.2, "Existing Conditions," above, shall be recorded and presented in a biological resources report. Based on available habitat within the RCA/RIA, focused presence/absence surveys shall be conducted in accordance with the biology guidelines and applicable resource agency survey protocols to determine the potential for impacts resulting from the project on these species. Engineering design specifications based on project-level grading and site plans shall be incorporated into the project design to minimize or eliminate direct impacts on sensitive plant and wildlife species consistent with the ESA, MBTA, Bald and Golden Eagle Protection Act, CESA, MSCP Subarea Plan, and ESL Regulations.

In addition, a preliminary or final jurisdictional wetlands delineation of the RCA/RIA shall be completed following the methods outlined in the USACE's 1987 *Wetlands Delineation Manual* and the *Regional Supplement to the Corps of Engineers Delineation Manual for the Arid West Region* (2008). A determination of the presence/absence and boundaries of any WoUS and WoS shall also be completed following the appropriate USACE guidance documents for determining OHWM boundaries. The limits of any riparian habitats on the site under the sole jurisdiction of CDFG shall also be delineated, as well as any special aquatic sites (e.g., vernal pools) that may not be within the USACE jurisdiction under the CWA or meet other federal jurisdictional criteria but are regulated by the FESA, CESA, CCC, and/or RWQCB. The City no longer has take authority for vernal pools containing sensitive species. A USFWS permit would be required if vernal pools were present with sensitive species.

#### **Mitigation for Impacts on Sensitive Upland Habitats**

Projects proposing impacts on sensitive upland Tier I, II, IIIA, or IIIB habitats shall implement avoidance and minimization measures consistent with the City Biology Guidelines (Table 2 – presented as Table 5.4-3 in this mitigation framework) and provide suitable mitigation in accordance with the MSCP Subarea Plan. Engineering design specifications based on project-level grading and site plans shall be incorporated into the project design to minimize direct impacts on sensitive vegetation communities including but not limited to riparian habitats, wetlands, oak woodlands, coastal sage scrub, and chaparral consistent with federal, state, and City guidelines. Any required mitigation for impacts on sensitive vegetation communities shall be outlined in a conceptual mitigation plan following the outline provided in the City Biology Guidelines.

**Table 5.4-3. Upland Mitigation Ratios**

Tier	Habitat Type	Mitigation Ratios			
TIER 1 (rare uplands)	Southern Foredunes	Location of Preservation			
	Torrey Pines Forest			Inside	Outside
	Coastal Bluff Scrub	Location of Impact	Inside*	2:1	3:1
	Maritime Succulent Scrub		Outside	1:1	2:1
	Maritime Chaparral				
	Scrub Oak Chaparral				
	Native Grassland				
Oak Woodlands					
TIER II (uncommon uplands)	Coastal Sage Scrub (CSS) CSS/Chaparral	Location of Preservation			
				Inside	Outside
		Location of Impact	Inside*	1:1	2:1
Outside	1:1		1.5:1		
TIER III A (common uplands)	Mixed Chaparral Chamise Chaparral	Location of Preservation			
				Inside	Outside
		Location of Impact	Inside*	2:1	3:1
Outside	1:1		2:1		
TIER III B (common uplands)	Non-Native Grasslands	Location of Preservation			
				Inside	Outside
		Location of Impact	Inside*	1:1	1.5:1
Outside	0.5:1		1:1		

**Notes:**

For all Tier I impacts, the mitigation could (1) occur within the MHPA portion of Tier I (in Tier) or (2) occur outside of the MHPA within the affected habitat type (in-kind).

For impacts on Tier II, IIIA, and IIIB habitats, the mitigation could (1) occur within the MHPA portion of Tiers I – III (out-of-kind) or (2) occur outside of the MHPA within the affected habitat type (in-kind). Project-specific mitigation will be subject to applicable mitigation ratios at the time of project submittal.

**Mitigation for Impacts on Wetlands**

Please refer to Mitigation Framework BIO-4.

**Mitigation for Short-term Impacts on Sensitive Species from Project Construction**

Coastal California gnatcatcher, least Bell’s vireo, and Southwestern willow flycatcher mitigation, required for any grading or clearing activities, is presented in Mitigation Framework LU-1 in Section 5.1, “Land Use.”

**BIO-2:** To reduce potentially significant impacts that would interfere with the nesting, foraging, or movement of wildlife species within the RCA/RIA, all future projects implemented within and outside of the RCA and RIA in association with Reach Recommendations and Design Guidelines shall be analyzed in accordance with the CEQA Significance Thresholds, which require that site-specific biological resources surveys be conducted in accordance with City of San Diego Biology Guidelines. The limits of any identified local-scale wildlife corridors or habitat linkages shall be identified and analyzed in relation to local fauna, and the conversion of vegetation communities (e.g., nonnative grassland to riparian or agricultural to developed) shall be analyzed for its effects. Engineering design specifications based on project-level grading and site plans shall be incorporated into the project design to minimize direct impacts on sensitive wildlife species, and to provide for continued wildlife movement through the corridor. Measures that shall be incorporated into project level construction activities to address wildlife movement prior to issuance of any grading permits shall include the following.

- If project grading is proposed during the raptor breeding season (February 1 to September 15), the project biologist shall conduct a pregrading survey for active raptor nests within 300 feet of the development area and submit a letter report to MMC prior to the preconstruction meeting. If active raptor nests are detected, the report shall include mitigation in conformance with the City's Biology Guidelines (i.e., appropriate buffers, monitoring schedules, etc.) to the satisfaction of the City's ED. Mitigation requirements determined by the project biologist shall be incorporated into the project's Biological Construction Monitoring Exhibit, and monitoring results shall be incorporated into the final biological construction monitoring report. If no nesting raptors are detected during the pregrading survey, no mitigation is required. Pre-grading clearance surveys shall be completed as required to comply with the ESA, MBTA, Bald and Golden Eagle Protection Act, State Fish and Game Code, and/or ESL Regulations.
- Manufactured slopes within the Path Corridor shall preserve the natural character of the floodway; protect the function and values of ground water recharge, the water quality and wildlife movement and habitat. Avoid long, continuous manufactured slopes with hard edges and provide smooth transitions. All slopes shall be appropriately stabilized and re-vegetated with native plants found in the immediate vicinity.
- All lighting along the River Pathway shall be shielded and directed away from sensitive areas.
- Fences shall only be used in locations to protect sensitive habitat and historic resources. When fences are required, they shall be placed on the 100-year Floodway boundary or a minimum 5 feet from the River Pathway or trail, where possible.
- Fencing such as wood peeler log fencing or steel/steel cables shall be used for all fences within the RCA to allow for wildlife movement. Fencing shall follow grades along the River Pathway and shall be a maximum of 42 inches in height. Chain link fencing is discouraged.

**BIO-3:** Please refer to Mitigation Framework BIO-1.

**BIO-4:** To reduce potential direct impacts on city, state, and federally regulated wetlands, all subsequent projects developed in accordance with the Master Plan, including future projects implemented within the RCA and RIA in association with Reach Recommendations, Design Guidelines, and the Municipal Code Amendment Development Regulations shall be required to comply with USACE CWA Section 404 NWP requirements and special conditions, CCC

Development Permit requirements and special conditions D (if applicable impacts occur within the coastal zone portion of the Master Plan Study Area), RWQCB CWA Section 401 requirements and special conditions, CDFG Section 1602 SAA requirements and special conditions, and the City of San Diego ESL Regulations for minimizing impacts on wetlands. Achieving consistency with these regulations for impacts on wetlands and special aquatic sites would reduce potential impacts on regulated wetlands and provide compensatory mitigation (as required) to ensure no net-loss of wetland habitats.

Prior to obtaining discretionary permits for future actions implemented in accordance with Reach Recommendations and Design Guidelines, a site-specific biological resources survey shall be completed in accordance with City of San Diego Biology Guidelines. Any required mitigation for impacts shall be outlined in a conceptual mitigation plan following the outline provided in Attachment III of the City Guidelines for Conducting Biological Surveys. In addition, a preliminary or final jurisdictional wetlands delineation of the project site shall be completed following the methods outlined in the USACE's 1987 *Wetlands Delineation Manual* and the *Regional Supplement to the Corps of Engineers Delineation Manual for the Arid West Region*. A determination of the presence/absence and boundaries of any WoUS and WoS shall also be completed following the appropriate USACE guidance documents for determining OHWM boundaries. The limits of any riparian habitats on the site under the sole jurisdiction of CDFG shall also be delineated, as well as any special aquatic sites (excluding vernal pools) that may not meet federal jurisdictional criteria but are regulated by CCC and the RWQCB. Engineering design specifications based on project-level grading and site plans shall be incorporated into the project design to minimize direct impacts on wetlands, jurisdictional waters, riparian habitats, vernal pools, etc. consistent with federal, state, and City guidelines.

The City of San Diego no longer has take authorization for certain vernal pool species. As of the date of surrender, April 20, 2010, the City has relinquished coverage and does not rely on the City's Federal ITP to authorize an incidental take of the two vernal pool animal species and five vernal pool plant species. Species that have been removed from the MSCP covered species list include: San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottonii*), Otay mesa mint (*Pogogyne nuduliscula*), California Orcutt grass (*Orcuttii californica*), San Diego button celery (*Eryngium aristulatum*), San Diego mesa mint (*Pogogyne abramsii*), and spreading navarretia (*Navarretia fossalis*). Upon approval of the City of San Diego Vernal Pool Habitat Conservation Plan (VP HCP), the City will receive take authorization for the seven vernal pool species through an Incidental Take Permit and associated Implementing Agreement by and between USFWS and CDFG.

The City Biology Guidelines provides mitigation ratio goals for achieving compliance with the MSCP subarea plan (Table 2 – presented below as Table 5.4-4 of this mitigation framework).

**Table 5.4-4. City of San Diego Wetland Mitigation Ratios**

Habitat Type	Mitigation Ratio
Riparian forest	3:1
Riparian scrub	3:1
Freshwater marsh	2:1
Freshwater marsh in the coastal overlay zone	4:1
Natural flood channel	2:1
Disturbed Wetland	2:1
Vernal Pools	--1

<sup>1</sup> The City currently does not have take authority for vernal pools. Any impacts would be permitted through the RWQCB (and potentially the USACE, USFWS, and CDFG). Upon approval of the City of San Diego Vernal Pool Habitat Conservation Plan (VP HCP), the City will receive take authorization for the seven vernal pool species through an Incidental Take Permit and associated Implementing Agreement by and between USFWS and CDFG.

As part of any future project-specific environmental review pursuant to CEQA, all unavoidable wetlands impacts (both temporary and permanent) would need to be analyzed, and mitigation required in accordance with Table 3.3-4 of the City Biology Guidelines (Table 2); mitigation must be based on the impacted type of wetland habitat. Mitigation must prevent any net loss of wetland functions and values of the impacted wetland. The following provides operational definitions of the four types of activities that constitute wetland mitigation under the ESL Regulations:

- **Wetland creation** is an activity that results in the formation of new wetlands in an upland area. An example is excavation of uplands adjacent to existing wetlands and the establishment of native wetland vegetation.
- **Wetland restoration** is an activity that re-establishes the habitat functions of a former wetland. An example is the excavation of agricultural fill from historic wetlands and the re-establishment of native wetland vegetation.
- **Wetland enhancement** is an activity that improves the self-sustaining habitat functions of an existing wetland. An example is removal of exotic species from existing riparian habitat.
- **Wetland acquisition** is an activity resulting in wetland habitat that being bought or obtained through the purchase of off-site credits.

Wetland enhancement and wetland acquisition focus on the preservation or the improvement of existing wetland habitat and function, and do not result in an increase in wetland area; therefore, a net loss of wetland may result. As such, acquisition and/or enhancement of existing wetlands may be considered as partial mitigation only, for any balance of the remaining mitigation requirement after restoration or creation if wetland acreage is provided at a minimum of a 1:1 ratio. For permanent wetland impacts that are unavoidable and minimized to the maximum extent feasible, mitigation must consist of creation of new, in-kind habitat to the fullest extent possible and at the appropriate ratios. In addition, unavoidable impacts on wetlands located within the Coastal Overlay Zone must be mitigated on site, if feasible. If onsite mitigation is not feasible, then at least a portion of the mitigation must occur within the same watershed. All mitigation for unavoidable wetland impacts within the Coastal Overlay Zone must occur within the Coastal Overlay Zone. The City's Biology Guidelines and MSCP Subarea Plan require that impacts on wetlands, including vernal pools, shall be avoided, and that a

sufficient wetland buffer shall be maintained, as appropriate, to protect resource functions/values. For vernal pools, this includes avoidance of the watershed necessary for the continued viability of the ponding area. Where wetland impacts are unavoidable (determined case-by-case), they shall be minimized to the maximum extent practicable and fully mitigated per the Biology Guidelines. The City no longer has take authority for impacts on vernal pools or associated listed species, so any project that proposes impacts on vernal pools with sensitive species must process permits through the USFWS under the ESA and/or CDFG under CESA. The City biology report shall include an analysis of onsite wetlands (including City, state, and federal jurisdiction analysis) and, if present, include project alternatives that fully/substantially avoid wetland impacts. Detailed evidence supporting why there is no feasible, less environmentally damaging location or alternative to avoid any impacts must be provided for City staff review, as well as a mitigation plan that specifically identifies how the project is to compensate for any unavoidable impacts. A conceptual mitigation program (which includes identification of the mitigation site) must be approved by City staff prior to the release of the draft environmental document. Avoidance is the first requirement; mitigation can only be used for impacts clearly demonstrated to be unavoidable.

Prior to the commencement of any construction-related activities on site for projects impacting wetland habitat (including earthwork and fencing) the applicant shall provide evidence<sup>1</sup> of the following to the ADD ED prior to any construction activity:

- Compliance with USACE Section 404 nationwide permit;
- Compliance with the RWQCB Section 401 Water Quality Certification; and
- Compliance with the CDFG Section 1601/1603 Streambed Alteration Agreement.

## Historical Resources

### Mitigation Framework (Archaeological Resources)

**HIST-1:** Prior to issuance of any permit that could directly affect an archaeological resource or resources associated with prehistoric Native American activities, the City shall require the following steps be taken to determine: (1) the presence of archaeological resources and (2) the appropriate mitigation for any significant resources that may be impacted by a development activity.

#### Initial Determination

The environmental analyst shall determine the likelihood for the project site to contain historical resources by reviewing site photographs and existing historic information (e.g., Archaeological Sensitivity Maps, the Archaeological Map Book, and the California Historical Resources Inventory System) and conducting a site visit. If there is any evidence that the site contains archaeological resources, then an evaluation consistent with the City of San Diego's Historical Resources Guidelines shall be required. All individuals conducting any phase of the archaeological evaluation program must meet professional qualifications in accordance with the City's Historical Resources Guidelines.

#### Step 1

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<sup>1</sup> Evidence shall include either copies of permits issued, letter of resolutions issued by the responsible agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD ED.

Based on the results of the Initial Determination, if there is evidence that the site contains archeological resources, preparation of an evaluation report is required. The evaluation report could generally include background research, field survey, archeological testing, and analysis. Before actual field reconnaissance would occur, background research is required that includes a record search at the SCIC at San Diego State University and the San Diego Museum of Man. A review of the Sacred Lands File maintained by the NAHC must also be conducted at this time. Information about existing archaeological collections shall also be obtained from the San Diego Archaeological Center and any tribal repositories or museums.

Once the background research is complete a field reconnaissance must be conducted by individuals whose qualifications meet City standards. Consultants are encouraged to employ innovative survey techniques when conducting enhanced reconnaissance including, but not limited to, remote sensing, ground penetrating radar, and other soil resistivity techniques as determined on a case-by-case basis. Native American participation is required for field surveys when there is likelihood that the project site contains prehistoric archaeological resources or traditional cultural properties. If through background research and field surveys historical resources are identified, then an evaluation of significance must be performed by a qualified archaeologist.

## **Step 2**

Once a resource has been identified, a significance determination must be made. It should be noted that tribal representatives and/or Native American monitors will be involved in making recommendations regarding the significance of prehistoric archaeological sites during this phase of the process. The testing program may require reevaluation of the proposed project in consultation with the Native American representative, which could result in a combination of project redesign to avoid and/or preserve significant resources, as well as mitigation in the form of data recovery and monitoring (as recommended by the qualified archaeologist and Native American representative). An archaeological testing program will be required that includes evaluating the horizontal and vertical dimensions of a site, the chronological placement, site function, artifact/ecofact density and variability, presence/absence of subsurface features, and research potential. A thorough discussion of testing methodologies including surface and subsurface investigations can be found in the City of San Diego's Historical Resources Guidelines.

The results from the testing program will be evaluated against the Significance Thresholds found in the Historical Resources Guidelines and in accordance with the provisions outlined in Section 15064.5 of the State CEQA Guidelines. If significant historical resources are identified within a project's Area of Potential Effect (APE), the site may be eligible for local designation. At this time, the final testing report must be submitted to Historical Resources Board staff for eligibility determination and possible designation. An agreement on the appropriate form of mitigation is required prior to distribution of a draft environmental document. If no significant resources are found, and site conditions are such that there is no potential for further discoveries, then no further action is required. Resources found to be non-significant as a result of a survey and/or assessment will require no further work beyond documentation of the resources on the appropriate DPR site forms and inclusion of results in the survey and/or assessment report. If no significant resources are found but results of the initial evaluation and testing phase indicate there is still a potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring is required.

### **Step 3**

Preferred mitigation for archeological resources is to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm shall be taken. For archaeological resources where preservation is not an option, a Research Design and Data Recovery Program (RDDRP) is required or is required to follow alternate treatment recommendations by the Most Likely Descendant (MLD), which includes a Collections Management Plan for review and approval. The data recovery program shall be based on a written research design and is subject to the provisions as outlined in CEQA Section 21083.2. If the archaeological site is an historical resource, then the limits on mitigation provided under Section 21083.2 shall not apply, and treatment in accordance with Guidelines Section 15162.4 and 21084.1 is required. The data recovery program must be reviewed and approved by the City's Environmental Analyst prior to draft CEQA document distribution. Archaeological monitoring shall be required during building demolition and/or construction grading when significant resources are known or suspected to be present on a site, but cannot be recovered prior to grading due to obstructions such as, but not limited to, existing development or dense vegetation.

A Native American observer must be retained for all subsurface investigations, including geotechnical testing and other ground disturbing activities whenever a Native American TCP or any archaeological site located on City property, or within the APE of a City project, would be impacted. In the event that human remains are encountered during data recovery and/or a monitoring program, the provisions of PRC Section 5097 must be followed. These provisions would be outlined in the Mitigation Monitoring and Reporting Program included in the environmental document. The Native American monitor shall be consulted during the preparation of the written report, at which time they may express concerns about the treatment of sensitive resources. If the Native American community requests participation of an observer for subsurface investigations on private property, the request shall be honored.

### **Step 4**

Archaeological Resource Management reports shall be prepared in conformance with the California Office of Historic Preservation (OHP) "Archaeological Resource Management Reports (ARMR): Recommended Contents and Format" (see Appendix C of the Historical Resources Guidelines), which will be used by Environmental Analysis Section staff in the review of archaeological resource reports. Consultants must ensure that archaeological resource reports are prepared consistent with this checklist. This requirement will standardize the content and format of all archaeological technical reports submitted to the City. A confidential appendix must be submitted (under separate cover), along with historical resource reports for archaeological sites and TCPs, containing the confidential resource maps and records search information gathered during the background study. In addition, a Collections Management Plan shall be prepared for projects that result in a substantial collection of artifacts, which must address the management and research goals of the project, the types of materials to be collected and curated based on a sampling strategy that is acceptable to the City of San Diego. Appendix D (Historical Resources Report Form) shall be used when no archaeological resources were identified within the project boundaries.

### **Step 5**

For Archaeological Resources: All cultural materials, including original maps, field notes, non-burial related artifacts, catalog information and final reports recovered during public and/or



private development projects must be permanently curated with an appropriate institution, one which has the proper facilities and staffing for insuring research access to the collections consistent with state and federal standards. In the event that a prehistoric and/or historical deposit is encountered during construction monitoring, a Collections Management Plan would be required in accordance with the project MMRP. The disposition of human remains and burial-related artifacts that cannot be avoided or are inadvertently discovered is governed by state (i.e., AB 2641 and California Native American Graves Protection and Repatriation Act [NAGPRA]) and federal (i.e., federal NAGPRA) law, and must be treated in a dignified and culturally appropriate manner with respect for the deceased individual(s) and their descendants. Any human bones and associated grave goods of Native American origin shall be turned over to the appropriate Native American group for repatriation.

Arrangements for long-term curation must be established between the applicant/property owner and the consultant prior to the initiation of the field reconnaissance, and must be included in the archaeological survey, testing, and/or data recovery report submitted to the City for review and approval. Curation must be accomplished in accordance with the California State Historic Resources Commission's Guidelines for the Curation of Archaeological Collections (dated May 7, 1993) and, if federal funding is involved, Part 36, Section 79 of the Code of Federal Regulations. Additional information regarding curation is provided in Section II of the Historical Resources Guidelines.

**HIST-2:** Prior to issuance of any permit that could directly affect a historical resource, the City shall require an evaluation to determine: (1) the presence of historical resources and (2) the appropriate mitigation for any significant resources that may be impacted by a development activity. The Mitigation Framework for prehistoric resources or sites is the same as HIST-1. The Mitigation Framework for historic buildings, structures, district, or objects shall include an evaluation following the requirements outlined in the Historical Resources Regulations and Guidelines as indicated below.

### **HISTORIC BUILDINGS, STRUCTURES, DISTRICT, OR OBJECTS**

Prior to issuance of any permit that would directly or indirectly affect a building/structure in excess of 45 years of age, the City shall determine whether the affected building/structure meets any of the following criteria: (1) National Register-Listed or formally determined eligible, (2) California Register-Listed or formally determined eligible, (3) San Diego Register-Listed or formally determined eligible, or (4) meets the CEQA criteria for a historical resource. The evaluation of historic architectural resources would be based on criteria such as: age, location, context, association with an important person or event, uniqueness, or structural integrity as indicated in the Historical Resources Guidelines and Historic Resources Regulations (San Diego Municipal Code Sections 143.0201–143.0280).

Preferred mitigation for historic buildings or structures is to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm to the resource shall be taken. Depending upon project impacts, measures can include, but are not limited to, the following:

- a. Preparing a historic resource management plan.
- b. Designing new construction that is compatible in size, scale, materials, color, and workmanship to the historic resource (such additions, whether portions of existing

buildings or additions to historic districts, shall be clearly distinguishable from historic fabric).

- c. Repairing damage according to the Secretary of the Interior's Standards for Rehabilitation.
- d. Screening incompatible new construction from view through the use of berms, walls, and landscaping in keeping with the historic period and character of the resource.
- e. Shielding historic properties from noise generators through the use of sound walls, double glazing, and air conditioning.
- f. Removing industrial pollution at the source of production.

Specific types of historical resource reports are required to document the methods (see Section III of the Historical Resources Guidelines) used to determine the presence or absence of historical resources; to identify the potential impacts from proposed development and evaluate the significance of any identified historical resources; in the case of potentially significant impacts on historical resources, to recommend appropriate mitigation measures that would reduce the impacts to below a level of significance; and to document the results of mitigation programs, if required.

**The Mitigation Framework for Impact HIST-3 would be the same as outlined for Impacts 1 and 2.**

**HIST-4:** It is not possible to mitigate for impacts on human remains. It is preferable in all cases to avoid impacting human remains, but this is not always possible given the uncertainties of late discoveries during construction. In the vicinity of a known cemetery or a prehistoric archaeological site suspected to be over 1,500 years old, interments are possible. Background research could help identify possible burial locations related to historic era properties. Forensic dogs or other nondestructive ground-penetrating techniques could help identify subsurface anomalies that might be related to the presence of inhumations. Forensic dogs have also been useful on sites where scattered cremation remains are present. When data recovery of an archaeological site is required, all possible pre-excavation planning shall be implemented to guard against the accidental discovery of human remains. This would also apply to subsequent destruction of an archaeological site during project implementation because archaeological data recovery can never fully recover all the data from a site.

The discovery of human remains also demands that certain laws and protocols be followed before proceeding with any action that might disturb the remains further. If human remains are discovered, then the provisions set forth in California PRC Section 5097.98 and State Health and Safety Code Section 7050.5 would be implemented in consultation with the assigned MLD.

## **Human Health, Public Safety, and Hazardous Materials**

### **Mitigation Framework**

**HAZ-1:** To reduce potential impacts, all subsequent projects developed in accordance with the Master Plan—including future projects implemented in the RCA/RIA in association with Reach Recommendations, Design Guidelines, and amendments to the Municipal Code and Community Plans—shall be required to adhere to the City's Municipal Code, Section 42.0801 (Hazardous Waste Establishments) and Section 42.0901 (Disclosure of Hazardous Materials), as well as

Section 54.0701 (Investigation and Cleanup of Contaminated Property). The regulations for use of explosive materials within the City are included in Section 55.3301 (Explosives and Fireworks). The San Diego County DEH, HMD established the San Diego County Operational Area Emergency Plan for emergency response to a release or threatened release of a hazardous material within the County. The San Diego County Multi-Jurisdictional Hazard Mitigation Plan was developed with the participation of all jurisdictions in the County of San Diego including every incorporated City and the unincorporated County. The plan includes an overview of the risk assessment process and identifies hazards present in the jurisdiction, hazard profiles, and vulnerability assessments. The plan also identifies goals, objectives, and actions for each jurisdiction in the County.

Specific City regulations associated with fire prevention are provided in Section 55.0101 (Adoption of the California Fire Code), Section 55.0901 (Fire Department Access and Water Supply), and Section 55.1001 (Fire Protection Systems and Equipment). Municipal Code Sections 142.0402, 142.0403, and 142.0412 regulate brush management and create two Brush Management Zones with different requirements. The Code was amended in October 2005 to make these zones total 100 feet of defensible space from a habitable structure (City 2009a).

The regulations for new development will reduce potential impacts regarding hazards; however, because the Master Plan does not include specific development projects, it is infeasible at the program-EIR level to provide project-specific mitigation.

Preferred mitigation for addressing fire hazards is to avoid the hazardous areas through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm to the resource shall be taken. Depending upon project impacts, measures can include, but are not limited to:

- Thinning brush to reduce fuel load for fires. All projects shall be required to implement Brush Management in accordance with the ESL described below.

Preferred mitigation for addressing hazardous materials sites is to avoid the hazardous areas through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize impacts from risk of contamination or release of hazards into the environment through compliance with a remediation plan approved by the County DEH shall be taken, including but not limited to:

- Conducting a phase 1 site investigation to determine if hazardous materials are present within the project site.
- If it is determined that hazardous materials are present and the area cannot be avoided a study shall be completed and appropriate site remediation determined. Removal of hazardous materials such as removal of contaminated soils shall be completed prior to construction.
- If the appropriate conditions exist a Community Health and Safety Plan or a Hazardous Materials Maintenance Plan shall be developed to identify appropriate measures for construction workers to take to avoid hazards from contaminated soils or the presence of hazardous materials within a construction site. The plans shall also address property handling of hazardous materials during long-term operations.
- The potential exists that a project applicant shall be required to participate in the County Voluntary Assistance Program (VAP). Participation in the County VAP would address a

methodology for site remediation that would be acceptable in accordance with County and state regulations

### **Municipal Code**

The Municipal Code provides fire safety regulations in Section (Municipal Code Section 142.0412 (Brush Management Regulations). Individual projects implemented pursuant to the Master Plan would be required to demonstrate their avoidance of significant impacts associated with safety hazards, including wildland fires, through implementation of all regulations concerning Brush Management Regulations under Section 142.0412 of the Municipal Code. These regulations include the following:

- Brush management is required in all base zones on publicly or privately owned premises that are within 100 feet of a structure and contain native or naturalized vegetation.
- Brush management activity is permitted within ESLs (except for wetlands) that are located within 100 feet of an existing structure in accordance with Section 143.0110(c)(7). Brush management in wetlands shall be requested with a development permit in accordance with Section 143.0110 where the Fire Chief deems brush management necessary in accordance with Section 142.0412(i). Where brush management in wetlands is deemed necessary by the Fire Chief, that brush management shall not qualify for an exemption under ESL Regulations, Section 143.0110(c)(7).
- Brush Management Zones. Where brush management is required, a comprehensive program shall be implemented that reduces fire hazards around structures by providing an effective fire break between all structures and contiguous areas of native or naturalized vegetation. This fire break shall consist of two distinct brush management areas called "Zone One" and "Zone Two."

**HAZ-2:** Prior to any discretionary review and approval of a future action implemented in accordance with Reach Recommendations and Design Guidelines, the following actions shall be implemented:

1. A Phase I Environmental Site Assessment in conformance with federal, state, and local regulations shall be completed. The report shall include an existing conditions survey, detailed project description, and specific measures proposed to preclude upset conditions (accidents) from occurring. If hazardous materials are identified, a risk assessment and remediation efforts shall be conducted in conformance with federal, state, and local regulations.
2. To mitigate for soil or water contamination sources in areas suspected of containing hazardous materials storage systems, a site-specific soil/groundwater assessment shall be performed by a certified geologist/hydrologist prior to soil disturbance in conformance with federal, state, and local regulations if necessary. Such an assessment shall include collecting and analyzing soil and/or groundwater samples. Soil and/or groundwater contamination shall be remediated, if necessary, according to federal, state, and local regulations prior to development of the site.
3. A site-specific informational review and geophysical survey shall be conducted, if necessary, to identify locations of USTs. A contingency plan for removal and remediation shall be prepared that addresses contactor procedures in the event that an unknown UST is encountered during site redevelopment. Permits to operate or close tanks must be obtained by the tank owner or operator in conformance with federal, state, and local regulations.

4. A Phase II investigation shall be conducted if necessary to test soils to determine if regulatory action and/or hazardous waste limits are exceeded. This investigation shall include an assessment of human health risks associated with any detected concentrations of the contaminants of concern within areas proposed for development. If levels exceed typical regulatory action and/or waste limits or present a public health concern, the site shall be remediated per government regulations prior to site development.

#### **Municipal Code**

The Municipal Code contains specific policies or measures addressing hazardous materials sites, including Section 42.0801 (Hazardous Waste Establishments) and Division 9 (Disclosure of Hazardous Materials), as well as Section 54.0701 (Investigation and Cleanup of Contaminated Property).

## **Hydrology and Water Quality**

### **Mitigation Framework**

**HYD/WQ-1:** Prior to approval of Reach Recommendations or development projects implementing the Design Guidelines within the RCA, the applicant shall demonstrate to the satisfaction of the City Engineer, based on the project application, that future projects are sited and designed to minimize impacts on absorption rates, drainage patterns, and surface runoff rates and floodwaters in accordance with the Master Plan and current City and RWQCB regulations identified below. Future design of projects shall incorporate feasible mitigation measures outlined below in accordance with the RWQCB, the City Storm Water Runoff and Drainage Regulations (Chapter 14, Article 2, Division 2 of the LDC), and the LDC, and shall be based on the recommendations of a detailed hydraulic analysis.

#### **San Diego Regional Water Quality Control Board**

- Comply with all NPDES permit(s) requirements, including the development of a SWPPP if the disturbed soil area is one acre or more, or a Water Quality Control Plan if less than one acre, in accordance with the City's Storm Water Standards.
- If a future project includes in-water work, it shall require acquiring and adhering to a 404 Permit (from USACE) and a Stream Bed Alteration Agreement (from CDFG).
- Comply with the San Diego RWQCB water quality objectives (Table 5.7-1 of the DEIR) and bacteria TMDL (Table 5.7-3 of the DEIR).

To prevent flooding future projects shall be designed to incorporate any applicable measures from the City of San Diego LDC. Flood control measures that shall be incorporated into future projects include but are not limited to the following:

- Prior to issuance of building permits or approval of any project within or in the vicinity of a floodway or Special Flood Hazard Area, all proposed development within a Special Flood Hazard Area is subject to the following requirements and all other applicable requirements and regulations of FEMA and those provided in Chapter 14, Article 3, Division 1 of the LDC.
- In all floodways, any encroachment, including fill, new construction, significant modifications and other development is prohibited unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any

increase in flood levels during the occurrence of the base flood discharge except as allowed under Code of Federal Regulations Title 44, Chapter 1, Part 60.3(c) (13).

- If the engineering analysis shows that development will alter the floodway or floodplain boundaries of the Special Flood Hazard Area, the developer shall obtain a Conditional Letter of Map Revision from FEMA.
- Fill placed in the Special Flood Hazard Area for the purpose of creating a building pad shall be compacted to 95% of the maximum density obtainable with the Standard Proctor Test Fill method issued by the American Society for Testing and Materials (ASTM) Granular fill slopes shall have adequate protection for a minimum flood water velocity of five feet per second.
- The applicant shall denote on the improvement plans "Subject to Inundation" all areas lower than the base elevation plus 2 feet.
- If the project proposes to construct nonresidential structures within the flood fringe of a Special Flood Hazard Area for the San Diego River as shown on the Flood Insurance Rate Map no work is allowed within the regulatory floodway. All structures built within the Special Flood Hazard Area shall be constructed with the lowest floor elevated a minimum of two feet above the base flood elevation at that location. Otherwise the structures shall be flood proofed to a minimum of two feet above the base flood elevation.
- If the structures will be elevated on fill such that the lowest adjacent grade is at or above the base flood elevation, the applicant must obtain a Letter of Map Revision based on Fill (LOMR-F) prior to occupancy of the building. The developer or applicant shall provide all documentation, engineering calculations, and fees required by FEMA to process and approve the LOMR-F.
- In accordance with Chapter 14, Article 3, Division 1 of the LDC channelization or other substantial alteration of rivers or streams shall be limited to essential public service projects, flood control projects or projects where the primary function is the improvement of fish and wildlife habitat. The channel shall be designed to ensure that the following occur:
  - Stream scour is minimized
  - Erosion protection is provided
  - Water flow velocities are maintained as specified by the City Engineer
  - There are neither significant increases nor contributions to downstream bank erosion and sedimentation of sensitive biological resources; acceptable techniques to control stream sediment include planting riparian vegetation in an near the stream and detention or retention basins
  - Wildlife habitat and corridors are maintained
  - Groundwater recharge capability is maintained or improved
- Within the flood fringe of a Special Flood Hazard Area permanent structures and fill for permanent structures, roads and other development are allowed only if the following conditions are met:
  - The development or fill shall not significantly adversely affect existing sensitive biological resources on site or off site.

- The development is capable of withstanding flooding and does not require or cause the construction of off-site flood protective works including artificial flood channels, revetments, and levees nor shall it cause adverse impacts related to flooding of properties located upstream or downstream, nor shall it increase or expand a (FIRM) Zone A.
- Grading and filling are limited to the minimum amount necessary to accommodate the proposed development, harm to the environmental values of the floodplain is minimized including peak flow storage capacity, and wetlands hydrology is maintained.
- The development neither significantly increases nor contributes to downstream bank erosion and sedimentation nor causes an increase in flood flow velocities or volume.
- There shall be no significant adverse water quality impacts to downstream wetlands, lagoons or other sensitive biological resources, and the development is in compliance with the requirements and regulations of the National Pollution Discharge Elimination System as implemented by the City of San Diego.

## Mitigation Framework

**HYD/WQ-2:** For each future discretionary project requiring mitigation, site-specific measures shall be identified that reduce significant project-level impacts to less-than-significant levels, or the project-level impact would remain significant and unavoidable when no feasible mitigation exists. Where mitigation is determined to be necessary and feasible, these measures shall be included in an MMRP for the project.

The discussion below summarizes general measures that shall be implemented to preclude impacts. These measures shall be updated, expanded, and refined when applied to specific future projects based on project-specific design and changes in existing conditions; as well as changes to local, state, and federal laws.

Please note that the City of San Diego is asserting Pueblo Water Rights in the San Diego Formation which has not yet been adjudicated. The City is also asserting the development potential of all of its water resources (surface and groundwater). While, at this time, the City of San Diego has no immediate plans to install a well or wells within the project area, it does reserve its right to consider and/or develop any and all available water resources, including groundwater that may be available for extraction at any City of San Diego property, including any property in the vicinity of the project area.

As a consequence, no activity should be approved on the subject site that would jeopardize the City of San Diego's ability to develop surface and groundwater resources near the project area.

Future projects shall be sited and designed to minimize impacts on receiving waters, in particular the discharge of identified pollutants to an already impaired water body. Prior to approval of any entitlements for any future project, the City shall ensure that any impacts on receiving waters shall be precluded and, if necessary, mitigated in accordance with the requirements of the City's Storm Water Runoff and Drainage Regulations (Chapter 14, Article 2, Division 2 of the LDC) and other appropriate agencies (e.g., RWQCB). To prevent erosion, siltation, and transport of urban pollutants, all future projects shall be designed to incorporate any applicable stormwater improvement, both off- and on-site in accordance with the City of San Diego Stormwater Standards Manual. Stormwater improvements and water quality protection measures that shall be required of future projects include:

- Increasing onsite filtration.
- Preserving, restoring, or incorporating natural drainage systems into site design.
- Directing concentrated flows away from MHPA and open space areas. If not possible, drainage shall be directed into sediment basins, grassy swales, or mechanical trapping devices prior to draining into the MHPA or open space areas.
- Reducing the amount of impervious surfaces through selection of materials, site planning, and narrowing of street widths where possible.
- Increasing the use of vegetation in drainage design.
- Maintaining landscape design standards that minimize the use of pesticides and herbicides.
- To the extent feasible, avoiding development of areas particularly susceptible to erosion and sediment loss.
- Use of pet signage, and providing trash cans and baggies (as available at Dog Beach), would help to limit the amount of bacteria present for transport by sediment. In addition use of BMPs such as swales along the side of the path to catch sediment and other contaminants before it reaches the River would limit the impacts.
- Include phytoremediators, where appropriate, to uptake nutrients to protect groundwater.

#### **San Diego Regional Water Quality Control Board, Municipal Code Compliance**

- The requirements of the RWQCB for stormwater quality are addressed by the City in accordance with the City NPDES requirements and the participation in the regional permit with the RWQCB.
- Prior to permit approval the City shall ensure any impacts on receiving waters are precluded or mitigated in accordance with the City of San Diego Stormwater Regulations.
- In accordance with the City of San Diego Stormwater Standards Manual, development must be designed to incorporate stormwater improvements, both off- and on-site.
- The San Diego River WURMP is required by the San Diego RWQCB and adheres to the NPDES MS4 permit, which requires periodic water quality monitoring to ensure compliance. In addition, the WURMP requires the following:
  - Develop and expand methods to assess and improve water quality.
  - Integrate watershed principles into land use planning.
  - Enhance public understanding of water pollutions sources.
  - Encourage and develop stakeholder participation.

## **Geology and Soils**

### **Mitigation Framework**

**GEO-1:** All subsequent projects developed in accordance with the Master Plan, including future Reach Recommendations implemented within the RCA and RIA, shall be required to adhere to the City's Seismic Safety Study and the Municipal Code, as well as the CBC to avoid or reduce geologic hazards. Measures designed to reduce potential geologic hazards that may be



implemented at the project level as required by the General Plan, Municipal Code, Seismic Safety Study, and Community Plans are listed below.

### **San Diego Seismic Safety Study**

The types of facilities implemented through the Reach Recommendations and Design Guidelines are considered Building Type/Land Use Group VI by the San Diego Seismic Safety Study (Table 2B). According to Table 2C of the Seismic Safety Study a geologic reconnaissance is required for Building Type/Land Use Group VI when the Relative Risk of construction within a Geologic Hazard Category is low to moderate, and a Geologic Investigation is required when the relative risk is moderate to high. The relative risk of development within each Geologic Hazard Category is shown in Table 2A of the Seismic Safety Study. Geologic Hazard Categories within the anticipated RCA/RIA include but are not limited to Category 12 – Potentially Active Fault Zones and Category 31 – High Potential for Liquefaction. These Geologic Hazard Categories have a moderate to high relative risk. Future structures in the RCA would likely be built in at least Category 31 areas because of the floodway and surrounding upland areas. Structures may also be located near or within the Category 12-fault zones. Therefore, it is likely that the design and grading for future structures in the RCA (following the Design Guidelines and Reach Recommendations in accordance with the Seismic Safety Study) would require a geologic reconnaissance and/or a geologic investigation.

Prior to obtaining building permits for future actions implemented in accordance with Reach Recommendations and Design Guidelines, a site-specific geotechnical investigation shall be completed in accordance with the City of San Diego Guidelines for Preparing Geotechnical Reports and the Seismic Safety Study. In accordance with the Seismic Safety Study, a report of the geotechnical condition is required to be prepared prior to obtaining a Building Permit for sites where geologic hazards are suspected. The geologic reconnaissance report and the geologic investigation report shall include all pertinent requirements as established by the Building Official. All reports shall be prepared in accordance with the most recent edition of the City of San Diego's "Technical Guidelines for Geotechnical Reports," on file with the City Clerk as Document No. 00-177773-5. These minimum requirements shall be augmented by geologic evaluations pertinent to the type of project and anticipated method of construction, which shall be described in the report. Regardless of the requirements of Table 145.1802 (See Figure 5.8-6 of PEIR), the Building Official shall require a geologic reconnaissance report or a geologic investigation report for a site if the Building Official has reason to believe that a geologic hazard may exist at the site.

Engineering design specifications based on project-level grading and site plans shall be incorporated into the project design to minimize hazards associated with site-level geologic and seismic conditions. Measures would need to be identified to address potential seismic activity and liquefaction. Potential measures that could be incorporated into future project designs to address these hazards include, but are not limited to:

- Liquefaction – Liquefiable soils to be removed and site surcharged with stable soils.
- Seismic Activities – Structures to be designed in accordance with the California Building Code.

### **Existing City of San Diego General Plan Policies**

Each local government is required by California Government Code Section 65302(g)(1) to prepare and adopt a Safety Element as a component of its general plan. Policies PF.Q.1 and

PF.Q.2 (included in Regulatory Setting above) under the Public Facilities, Services, and Safety Element section of the General Plan include measures to protect public health and safety through the application of effective seismic, geologic, and structural considerations. Individual projects implemented pursuant to the Master Plan will be required to demonstrate their avoidance of significant impacts associated with seismic hazards through implementation of all policies under the Public Facilities, Services, and Safety Element section of the General Plan. General measures that may be implemented to preclude or reduce geologic hazard impacts include:

- Adherence to state laws pertaining to structural design requirements to reduce seismic and geologic hazards.
- Preparation of soil and geologic conditions surveys to determine site-specific impacts and mitigation whenever seismic or geologic problems are suspected.
- Consultation with qualified geologists and seismologists to review geologic and seismic studies submitted to the City.
- Current and future planning and other specific land use planning studies required to continue to include consideration of seismic and other geologic hazards.

### **Municipal Code**

The Municipal Code provides regulations in Section 143.0101 (Development Regulations for Steep Hillside and Development Regulations for Sensitive Coastal Bluffs), Section 144.0220 (Soils and Geologic Reports Required), Section 145.1801 (Local Modifications and Additions to Chapter 18 "Soils and Foundations" of the 2007 California Building Code, Local Additions to Section 1802 "Foundation and Soils Investigations" of the California Building Code, and Local Additions to Section 1805 "Footings and Foundations" of the 2007 California Building Code), and Section 145.3701 (Preparation and Content of a Structural Survey and Engineering Report). Individual projects both ministerial and subject to discretionary review implemented pursuant to the Master Plan would be required to demonstrate their avoidance of significant impacts associated with seismic and geologic hazards through implementation of all regulations concerning geologic hazard prevention under Municipal Code Section 14. This regulation includes the following:

- Requirement of a preliminary soils report for all subdivisions and, dependent upon the city engineer's determination,
- Preparation of a geological reconnaissance report and a final engineering geology report shall be required.
- Compliance with the Steep Hillside Guidelines in the Land Development Manual for development that proposes encroachment into a steep hillside with various local conditions taken into account.
- Evaluation of a Structural Survey and Engineering Report, when required, to estimate a structure's ability to resist forces imposed by an earthquake and prevent structural failure.

### **Mission Valley Community Plan**

Policies under the Hillside subsection of the Open Space Element and Urban Design Element of the Mission Valley Community Plan currently include measures to insure public safety from geologic hazards. Individual projects implemented pursuant to the Master Plan will be required to demonstrate their avoidance of significant impacts associated with geologic hazards through

implementation of all policies under the Open Space and Urban Design Element sections of the Mission Valley Community Plan. These policies include the following:

- Preserve as open space those hillsides characterized by steep slopes or geological instability in order to control urban form, insure public safety, provide aesthetic enjoyment, and protect biological resources.
- Review historic sites, archeological resources, and geological and paleontological resources; geologic hazards shall be included as part of project review.

### **Navajo Community Plan**

The Navajo Community Plan includes measures under the Physiography, Open Space Retention and Utilization, and Implementation chapters intended to reduce geological hazard impacts. Individual projects implemented pursuant to the Master Plan will be required to demonstrate the avoidance of significant impacts associated with geologic hazards through implementation of all measures under the Community Plan. These measures include the following:

- Application of a Geologic Hazard Overlay to identify areas that, where such soil conditions exist, the developer is to provide an as-built report prior to issuance of building permits by the City, and is required to provide homeowner warranties against landslides for a period of 10 years following the first sale of any developed property.
- Minimization of development in areas subject to geological hazards such as earth slippage and landslides.
- Implementation of the geological hazard area controls including enforcement of policy in working with Planning Department owners and developers and monitoring implementation.

Each of the community plan amendments involves a new San Diego River Park Subdistrict chapter, which includes an additional measure under the Development Regulations section regarding development on slopes within the RCA. This section includes the following:

- The floodway area shall be graded per Chapter 14, Article 3, Division 1 of the LDC (Development Regulations for Special Flood Hazard Areas).
- The 35' Path Corridor shall be graded to avoid long, continuous engineered slopes with hard edges.

### **Mitigation Framework**

**GEO-2:** To reduce potential impacts, all subsequent projects developed in accordance with the Master Plan, including future projects implemented within the RCA/RIA in association with Reach Recommendations and Municipal Code Amendments, shall adhere to the City's design regulations, grading, and construction practices as well as to the CBC to avoid or reduce geologic hazards to the satisfaction of the City Engineer.

Prior to obtaining grading permits for future actions implemented in accordance with Reach Recommendations, Design Guidelines, and Municipal Code Amendments a site-specific geotechnical investigation shall be completed as necessary in accordance with the City of San Diego Guidelines for Preparing Geotechnical Reports. Engineering design specifications based on project-level grading and site plans shall be incorporated into the project design to minimize hazards associated with site-level geologic and seismic conditions satisfactory to the City Engineer. Measures designed to reduce erosion at the project level shall include the following:

- Control erosion by minimizing the area of slope disturbance and coordinate the timing of grading, resurfacing, and landscaping where disturbance does occur.
- On sites for industrial activities require reclamation plans that control erosion, where feasible, in accordance with the LDC.
- Control erosion caused by storm runoff and other water sources.
- Preserve as open space those hillsides characterized by steep slopes or geological instability in order to control urban form, insure public safety, provide aesthetic enjoyment, and protect biological resources.
- Replant with native, drought-resistant plants to restore natural appearance and prevent erosion.
- Practice erosion control techniques when grading or preparing building sites.
- Utilize ground cover vegetation when landscaping a development in a drainage area to help control runoff.
- Incorporate sedimentation ponds as part of any flood control or runoff control facility.
- During construction, take measures to control runoff from construction sites. Filter fabric fences, heavy plastic earth covers, gravel berms, or lines of straw bales are a few of the techniques to consider.
- Phase grading so that prompt revegetation or construction can control erosion. Only disturb those areas that will later be resurfaced, landscaped, or built on. Resurface parking lots and roadways as soon as possible, without waiting until completion of construction.
- Promptly revegetate graded slopes with groundcover or a combination of groundcover, shrubs, and trees. Hydro-seeding may substitute for container plantings. Groundcovers shall have moderate to high erosion control qualities.
- Where necessary, design drainage facilities to ensure adequate protection for the community while minimizing erosion and other adverse effects of storm runoff to the natural topography and open space areas.
- Ensure that the timing and method of slope preparation protects natural areas from disturbance due to erosion or trampling. The final surface shall be compacted and spillovers into natural areas shall be avoided.
- Plant and maintain natural groundcover on all created slopes.

## Paleontological Resources

### Mitigation Framework

**PALEO-1:** Prior to approval of Reach Recommendations or development projects implementing the Design Guidelines within the RCA, the City shall determine, based on review of the project application, that future projects are sited and designed to minimize impacts on paleontological resources in accordance with the City Paleontological Resources 2011 Significance Thresholds and 2002 Paleontological Resources Guidelines. Monitoring for paleontological resources required during construction activities would be implemented at the project level and would

provide mitigation for the loss of important fossil remains with future discretionary projects that are subject to environmental review.

Future design of projects as noted below in accordance with the City's Paleontological Resources 2011 Significance Thresholds and City 2002 Paleontology Guidelines shall be based on the recommendations of a project-level analysis of potential impacts on paleontological resources completed in accordance with the steps presented below.

#### **I. Prior to Project Approval**

A. The environmental analyst shall complete a project level analysis of potential impacts on paleontological resources. The analysis shall include a review of the applicable USGS Quad maps to identify the underlying geologic formations, and shall determine if construction of a project would:

- Require over 1,000 cubic yards of excavation and/or a 10-foot, or greater, depth in a high resource potential geologic deposit/formation/rock unit.
- Require over 2,000 cubic yards of excavation and/or a 10-foot, or greater, depth in a moderate resource potential geologic deposit/formation/rock unit.
- Require construction within a known fossil location or fossil recovery site.

Resource potential within a formation is based on the Paleontological Monitoring Determination Matrix.

B. If construction of a project would occur within a formation with a moderate to high resource potential, monitoring during construction would be required.

- Monitoring is always required when grading on a fossil recovery site or a known fossil location.
- Monitoring may also be needed at shallower depths if fossil resources are present or likely to be present after review of source materials or consultation with an expert in fossil resources (e.g., the San Diego Natural History Museum).
- Monitoring may be required for shallow grading (<10 feet) when a site has previously been graded and/or unweathered geologic deposits/formations/rock units are present at the surface.
- Monitoring is not required when grading documented artificial fill.

When it has been determined that a future project has the potential to impact a geologic formation with a high or moderate fossil sensitivity rating a Paleontological MMRP shall be implemented during construction grading activities.

## **Traffic and Circulation**

### **Mitigation Framework**

**TR-1:** All subsequent projects developed in accordance with the Master Plan, including future projects implemented within the RCA/RIA in association with Reach Recommendations, shall

mitigate impacts at the project level. Measures that shall be included at the project level to minimize potential impacts from pedestrian/bicyclist/vehicle conflicts include the following:

- Removable bollards placed at strategic access points along the River Pathway to prevent vehicular access and yet allow access for emergency and maintenance vehicles.
- Directional signs, such as trail markers, provided along the River Pathway to direct users.
- Lighting provided at appropriate areas to provide for surveillance of River Pathway access points and picnic areas.
- Crosswalks of a different paving material and color than the street.
- Bulb-outs incorporated at intersections to narrow crossing width and to provide traffic calming.
- Crosswalks shall have signals that count down time to cross.
- Crosswalks raised to match the level of the connecting public sidewalk and to provide traffic calming.
- For streets with on-street parking bays, provide non-contiguous public sidewalks with some public sidewalk areas that connect to the street parking to function as an access point to the River Pathway.
- For streets without on-street parking, provide non-contiguous sidewalks in the parkway.

The following pedestrian circulation improvements as described in SANDAG's Planning and Design for Pedestrians shall also be considered to improve pedestrian circulation and overall access.

- Where the path crosses the auto lane, the path shall be clearly delineated by a contrasting color, pavement pattern, and/or be raised slightly to form a speed table.

## Greenhouse Gases/Climate Change

### Mitigation Framework

**GHG-1:** Individual projects implemented pursuant to the Master Plan shall be required to demonstrate their avoidance of significant impacts related to long-term operational emissions. The Master Plan includes several policies that would help reduce GHG emissions. There are several transportation-related measures that would encourage alternative modes of transportation. The Master Plan Study Area itself would also serve as a natural open space that would increase natural vegetation, which sequesters atmospheric carbon dioxide (CO<sub>2</sub>). These activities would help offset some project-generated GHG emissions and shall be considered in subsequent, project-level analyses. Future projects shall be required to incorporate one or more of the following GHG project-reducing features or mitigation measures in order to show a 28.3% reduction in GHG emissions to meet AB 32 (2020) target levels:

- Incorporate services for employees into development (restaurant, cleaners, barbers, exercise areas, bike lockers, shower facilities, etc.).
- Develop safe bicycle and pedestrian connections between activity centers by properly designing these facilities with the street system and into other linkage systems.

- Encourage pedestrian access throughout the project by incorporating a double row of street trees, sidewalks throughout the project where needed to provide access to primary building entries and to connect with common areas, urban furniture of a consistent theme, and ground-level transparency on all buildings that front on the surrounding public street frontages. Provide on-street parking and locate required parking in side or rear yards, or underground, but not within the front yard. These design features shall enhance the walkability of the project and promote non-vehicular use to reduce traffic congestion and promote improved local air quality.
- Develop a fully integrated system of pedestrian, bicycle, public transit, and automobile facilities. The system shall link all sections of the community including residential and commercial employment areas by a safe mode best suited to the trip being made.

### **Community Plan Policies**

As discussed above, neither the Tierrasanta Community Plan nor the East Elliot Community Plan have policies that would reduce GHG emissions from vehicle trips. The Navajo Community Plan and Mission Valley Community Plan both have measures/policies geared toward reducing vehicle trips and improving air quality. These measures are summarized above.

## **Public Utilities**

### **Mitigation Framework**

**UTIL-1:** Prior to approval of Reach Recommendations or development projects implementing the Design Guidelines within the RCA, the City Director of the Public Utilities Department shall determine, based on review of the project application, that future projects are sited and designed to avoid conflicts with existing public utilities in accordance with the Master Plan and City of San Diego Public Utilities Department guidance identified below. Future design of projects shall be based on the recommendations of an anticipated detailed grade and alignment study that addresses potential conflicts with existing utilities and access road realignments implemented in compliance with Council Policies 400-13 and 400-14. The realignments of utilities or access roads implemented in compliance with Council Policies 400-13 and 400-14 could result in secondary impacts on biological or archaeological resources. Measures that could be incorporated into future projects to minimize potential conflicts with utilities shall include but are not limited to the following:

- The applicant shall coordinate the location of the River Pathway and other improvements within the RCA with the Park Planning section of the Development Services Department or the Director of the Public Utilities Department and in compliance with the Sewer Design Guidelines and other utility agencies that require access to the facilities. If feasible, access to the sewer and water facilities shall also be coordinated to provide combined access to stormwater pollution facilities in order to minimize the impact on open space and canyons by having common access. The access shall be proposed in a strategic location to facilitate Council Policies 400-13 and 400-14 and in accordance with the Canyon Sewer Program PEIR and Master SDP. If the alignment of the River Pathway shall be coordinated with planned or existing utility access roads then the following shall be considered:
  - No trees shall be planted within 10 feet of sewer mains or within water line easements.

- When feasible, locate future access in accordance with the Sewer Design Guide requirement for access roads.
- Design the River Pathway to also serve as a sewer or water access road centered over the ultimate sewer or water location if determined feasible at the project level.
- Where feasible incorporate the sewer depth, slope, and location requirements of the Sewer Design Guide into the location of the River Pathway and any extension or alteration of utilities within the River Pathway alignment.
- Grading for the River Pathway shall include, where feasible, a 20-foot bench for utilities.
- Any grade or alignment study shall include cross sections showing the River Pathway and existing and proposed utilities and access roads.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.



Passed by the Council of The City of San Diego on MAY 20 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 4 (Vacant)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 5 2013

AUTHENTICATED BY:

(Seal)

BOB FILNER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By: *Mary Zumaya*, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 308195