RESOLUTION NUMBER R- 308483

DATE OF FINAL PASSAGE OCT 22 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT No. 208889/SCH No. 2010071054, ADOPTING FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING MITIGATION, MONITORING, AND REPORTING PROGRAM FOR THE METROPOLITAN AIRPARK PROJECT – PROJECT NO. 208889.

WHEREAS, on July 8, 2010, the City of San Diego, Owner, and Brown Field International Business Park, LLC, dba DPC Brown Field, Applicant, submitted an application to Development Services Department for Easement Vacation No. 1099992, Tentative Map Waiver No. 1099991, and Site Development Permit No. 768683, with project changes described in Environmental Impact Report No. 208889 to implement the No Museum Alternative for the project (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 October 7, 2013; and

WHEREAS, under Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and,

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 208889/SCH No. 2010071054 (Report) prepared for this Project; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, 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 Development Services Department, 1222 First Avenue, San Diego, CA 92101 or office of the City Clerk at 202 C Street, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that 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, upon final passage of O-20215, ordinance related to the Project.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Corrine L. Neuffer
Deputy City Attorney

CLN:jls:dkr
8/26/2013
9/26/2013 Cor. Copy.2
11/6/2013 Revised Cor. Copy.2
Or.Dept: DSD
Doc. No. 668508

EXHIBIT A

CANDIDATE FINDINGS

REGARDING THE FINAL ENVIRONMENTAL IMPACT

REPORT FOR METROPOLITAN AIRPARK PROJECT

PROJECT NO. 208889/SCH NO. 2010071054

I. INTRODUCTION

The following Candidate Findings and Statement of Overriding Considerations are made for the Metropolitan Airpark Project with the implementation of the No Museum Alternative (hereinafter referred to as the "Project"). The environmental effects of the Project are addressed in the Final Environmental Impact Report ("FEIR") dated May 2013 (State Clearinghouse No. 2010071054), which is incorporated by reference herein.

The California Environmental Quality Act ("CEQA") (Public Resources Code §21000 *et seq.*) and the CEQA Guidelines (14 Cal. Code Regs. §15000 *et seq.*) require that no public agency shall approve or carry out a project for which an environmental impact report has been certified which 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 and should be, adopted by that other agency.
(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 environmental impact report.

(Pub. Res. Code § 21081(a); *see also* CEQA Guidelines §15091(a)).

CEQA also requires that the findings made pursuant to Public Resources Code § 21081(a) and CEQA Guidelines §15091(a) be supported by substantial evidence in the record (CEQA Guidelines §15091(b)). 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 predicted upon facts, and expert opinion supported by facts (CEQA Guidelines §15384).

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

environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" (CEQA Guidelines §15093(a)). When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the FEIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the FEIR 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 (CEQA Guidelines §15093(b) and (c)).

The following Candidate Findings and Statement of Overriding Considerations have been submitted by the applicant, Brown Field International Business Park dba DPC-Brown Field ("DPC Brown Field," sometimes known as Metropolitan Air Park or "MAP") as Candidate Findings and Statement of Overriding Considerations to be made by the decision-making body. The City 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 FEIR.

It is the exclusive discretion of the decision-maker certifying the FEIR 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 Project is proposed by DPC-Brown Field to develop Brown Field Municipal Airport. The stated objectives of the Project are to:

- Create an aviation-based business community that would offer a viable alternative for private aircraft to Lindbergh Field and Montgomery Field.
- Redevelop airport property into a real estate asset that would provide a dependable and reasonable revenue stream for the City of San Diego.
- Create job growth for the local economy.
- Provide for industry that compliments aviation related development and/or promotes environmental stewardship with a focus on "green" products and services.
- Provide for a retail commercial center that serves the needs of airport users and the surrounding community.
- Create a development that is a showcase example in applying sustainable development techniques.
- Create an aesthetically pleasing, high-quality design that reflects the property's location as an aviation gateway to southern California.
- Enable DPC-Brown Field to fulfill its contractual obligations to the City of San Diego which include negotiating exclusively and in good faith to develop aviation, commercial, and industrial uses on City owned land of the Brown Field Municipal Airport.

- Plan and implement a project that is consistent with the goals and policies of the Otay Mesa Community Plan.
- Earn a reasonable return on investment through efficient operation of services and long-term leasing arrangements with prospective tenants.
- Utilize airport property owned by the City to the extent feasible, to minimize capital costs and maximize operational flexibility for planned aviation uses.

The Project includes the development of multiple land uses on approximately 331 acres of land within the limits of Brown Field Municipal Airport. The initially proposed project included an 180,000 square foot San Diego Air and Space Museum with expansions of the Museum in the third and fourth phases of development. However, in response to comments received during public review related to the burrowing owl and burrowing owl habitat, and staff recommendation for the No Museum Alternative, DPC-Brown Field has agreed to remove the Museum component from the Project. As discussed below, a No Museum Alternative was analyzed in the FEIR as a feasible alternative to the initially proposed project. The Project, which no longer includes the Museum component, consists of general aviation facilities and supportive non-aviation facilities such as office uses, hotels, restaurants, industrial uses, commercial uses, a fueling station, and a solar energy generation facility (FEIR Table ES-1, Project Components).

The Project would be constructed in four phases over a 20-year period. Each phase is estimated to take five years to develop. Initial construction is anticipated to begin within twelve months of Project approval by the City. Each phase of the Project would involve site clearing, grading and excavation, site contouring, installation of improvements and structural development, and site clean-up. A total of approximately 350,000 cubic yards of balanced cut and fill would be required to facilitate site development.

III. ISSUES ADDRESSED IN FEIR

The FEIR contains an environmental analysis of the potential impacts associated with implementing the Project. The FEIR provides a project-level analysis of environmental effects that are reasonably foreseeable if the Project is implemented. Although the Project will be developed in phases, the environmental analysis assumes impacts will occur with the onset of construction grading. Environmental issues addressed in the FEIR include: Land Use; Transportation and Circulation; Visual Effects and Neighborhood Character; Air Quality and Odor; Greenhouse Gas Emissions; Biological Resources; Historical Resources; Human Health and Public Safety, Hydrology; Water Quality and Flooding; Geology, Soils and Seismicity; Energy Conservation; Noise; Paleontological Resources; Public Services; Utilities; Water Supply; and Population and Housing. The City of San Diego Development Services Department, located at 1222 First Avenue, San Diego, CA 92101, is the custodian of the documents (including the FEIR and supporting technical reports) and other materials which constitute the entire record and the proceedings upon which the decision is based (Administrative Record).

The analysis in the FEIR concluded that significant, direct and/or indirect environmental impacts would result in the following issue areas:

- Land Use (direct and cumulative)
- Transportation and Circulation (direct and cumulative)
- Visual Effects and Neighborhood Character (direct and cumulative)
- Air Quality (direct and cumulative)
- Biological Resources (direct and cumulative)
- Historical Resources (direct)
- Water Quality and Flooding (cumulative)
- Human Health/Public Safety/Hazardous Materials (direct)
- Paleontological Resources (direct)

With the exception of impacts related to Land Use, Transportation and Circulation, Visual Effects and Neighborhood Character, Air Quality, and Biological Resources, feasible mitigation measures are proposed that would reduce Project impacts to below a level of significance.

IV. CANDIDATE FINDINGS

IV.A FINDINGS REGARDING IMPACTS THAT CAN BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE (PUB. RES. CODE §21081(a)(1))

The decision-maker, having independently reviewed and considered the information contained in the FEIR and the public record for the Project, finds, pursuant to Pub. Res. Code §21081(a)(1) and CEQA Guidelines §15091(a)(1), that changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment related to:

- Land Use (Issues 1 and 4);
- Biological Resources (Issues 1, 2, 5, 6, and 8);
- Historical Resources;
- Human Health/Public Safety/Hazardous Materials; and
- Paleontological Resources.

1. LAND USE

Potential Impact: The Project has the potential to be inconsistent with the land use compatibility guidelines established by the Airport Land Use Compatibility Plan ("ALUCP"), as adopted by the Airport Land Use Commission ("ALUC") (Issue 1). The Project has the potential to be inconsistent with the City's Environmentally Sensitive Lands ("ESL") regulations because it will impact sensitive biological resources present on the project site, including wetlands, and to be inconsistent with the City's Historical Resources, Storm Water, and Brush Management regulations (Issue 3). The Project has the potential to be inconsistent, or conflict, with adopted environmental plans for the Project site, including the Multiple Species Conservation Plan ("MSCP") Subarea Plan and the Multi-Habitat Planning Area ("MHPA") (Issue 4).

Finding: Pursuant to Pub. Res. Code §21081(a)(1) and CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment.

Facts in support of Finding: Potential impacts related to inconsistency with the ALUCP will be mitigated below a level of significance through implementation of Mitigation Measures MM-LU-1A (Issue 1). Potential impacts related to Project inconsistency with the City's Historical Resources, Storm Water, and Brush Management Regulations will be mitigated below a level of significance with implementation of Mitigation Measures MM-HIST-1 through MM-HIST-4 (see Historical Resources, below), and MM-LU-5, however, potential impacts related to the Project's potential inconsistency with the City's ESL regulations will not be mitigated below a level of significance (see Section IV.C.1, below) (Issue 3). Potential impacts to burrowing owl habitat will be mitigated below a level of significance through implementation of Mitigation Measures MM-BIO-1 and MM-BIO-3 (see Biological Resources, below), and potential impacts to the MHPA would be mitigated below a level of significance through the implementation of Mitigation Measures MM-LU-1 through MM-LU-9 and MM-BIO-10 (Issue 4), as further detailed in Subchapter 5.1, Land Use, of the FEIR.

These mitigation measures are feasible and made binding via the Site Development Permit conditions and Mitigation Monitoring Reporting Program ("MMRP"). Implementation of these measures will reduce potential impacts to land use for Issues 1 and 4 to below a level of significance.

Mitigation Measure MM-LU-1 requires lighting to be directed away from the MHPA and shielded if necessary.

Mitigation Measure MM-LU-1A requires the Owner to obtain a consistency determination from the ALUC before the issuance of any construction permits for Phases 2 through 4 of the Project.

Mitigation Measure MM-LU-2 requires drainage to be directed away from the MHPA, or if not possible, not to drain directly into the MHPA.

Mitigation Measure MM-LU-3 requires the landscape plan to be reviewed and approved by the environmental designee to ensure no invasive non-native plant species are planted in or adjacent to the MHPA.

Mitigation Measure MM-LU-4 requires all manufactured slopes to be shown on the grading plans within the development footprint and outside the MHPA.

Mitigation Measure MM-LU-5 requires all brush management areas to be shown on a Brush Management Plan to be reviewed and approved by the environmental designee prior to and grading or building permit issuance for the portion of the Project that abuts native or naturalized vegetation. Zone 1 and Zone 2 brush management areas shall be located completely outside the MHPA and any approved areas for mitigation. All structures shall be set back a minimum of 100 feet from the MHPA. A Brush Management Plan shall be prepared for the portion of the Project that abuts native or naturalized vegetation.

Mitigation Measure MM-LU-6 requires access to the MHPA to minimize impacts and to be shown on the grading and building permit plans. Construction access to the MHPA shall be confined to the limits of the construction easements shown therein.

Mitigation Measure MM-LU-7 requires that prior to any authorization to proceed the environmental designee shall verify that the MHPA boundaries and Project requirements regarding the Coastal California gnatcatcher and Coastal cactus wren are shown on grading and building permit plans.

Mitigation Measure MM-LU-8 requires that if ground-disturbing activities are proposed during the breeding season for migratory birds, the Project biologist shall conduct a pre-activity survey for active nests no more than three days prior to ground-disturbing activities. The Project biologist shall submit a letter report prior to the preconstruction meeting and if active nests are detected, the letter report shall include mitigation in conformance with the City's Biology Guidelines. Mitigation requirements determined by the Project biologist shall be incorporated into the Project's Biological Construction Monitoring Exhibit.

Mitigation Measure MM-LU-9 requires at the completion of the preliminary grading for Development Area J and/or Phase 3 of the Development Area I the Owner to install fencing along the perimeter where grading has been completed and where the Development Area abuts the MHPA. The Owner shall consult with the City and the FEE on the fencing material and design.

2. BIOLOGICAL RESOURCES

Potential Impact: The Project has the potential to directly impact federal and State-listed species including two federally and State-endangered vernal pool obligate species (San Diego button-celery and San Diego fairy shrimp), non-native grassland habitat for California Department of Fish and Wildlife ("CDFW") Species of Special Concern ("SSC") including the loggerhead shrike, northern harrier, burrowing owl, and non-native grassland foraging habitat for CDFW SSC the San Diego black-tailed jackrabbit, and habitat for MSCP-covered burrowing owls. The Project also has the potential to cause indirect impacts through noise and artificial nighttime lighting as a result of construction activities, which may disrupt breeding and behavior patterns for the federally threatened coastal California gnatcatcher within the MHPA lands adjacent to the northern Project boundary, CDFW special status species including the San Diego black-tailed jackrabbit, grasshopper sparrow, loggerhead shrike, white-tailed kite, horned lark, coastal cactus wren, and northern harrier located within the MHPA lands adjacent to the northern Project boundary, and MSCP-covered species including the burrowing owl, northern harrier, coastal California gnatcatcher, coastal cactus wren and black-tailed jackrabbit (Issue 1). The Project has the potential to result in on-site impacts to non-native grassland habitat, disturbed areas, vernal pools, and non-vegetated channels, and off-site impacts to non-native grassland, disturbed areas, Maritime succulent scrub, Diegan coastal sage scrub, and freshwater marsh (Issue 2). The Project has the potential to conflict with the terms, conditions, and provisions of the MSCP Subarea Plan (Issue 5). The Project also has the potential to significantly effect MHPA lands adjacent to the Project site from increased human activity, night lighting, storm water discharge at designed storm water pipe outfalls in the MHPA, and invasive plant species (Issue

6). Finally, the Project has the potential to introduce invasive species of plants into natural open space areas adjacent to the Project site, including the MHPA and proposed mitigation lands that would remain as natural open space. (Issue 8).

Finding: Pursuant to Pub. Res. Code §21081(a)(1) and CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment.

Facts in support of Finding: The Project would result in a direct loss of 181.67 acres of Tier IIIB non-native grassland habitat and 54.05 acres of Tier IV disturbed habitat which support non-listed sensitive species, and 0.275 acre of San Diego mesa claypan vernal pool habitat which supports federally and State-endangered species. The non-native grassland and disturbed habitats support CDFW SSC and MSCP covered burrowing owl. Additionally, the non-native grassland habitat supports northern harrier as well as SSC loggerhead strike, grasshopper sparrow, and San Diego blacktailed jackrabbit. In addition, the non-native grasslands support the non-listed, but sensitive, white-tailed kite and California horned lark and other migratory bird species and nesting habitats regulated by the Migratory Bird Treaty Act ("MBTA"). The San Diego mesa claypan vernal pool habitat supports the only federally and State-endangered species on the property, the San Diego fairy shrimp and the San Diego button-celery. Potential direct and indirect impacts to all of the species supported by these habitats will be mitigated below a level of significance through implementation of Mitigation Measures MM-LU-1 through MM-LU-9 (see above) and MM-BIO-1 through MM-BIO-12 (Issue 1).

Potential impacts to non-native grasslands, Diegan coastal sage scrub, and Maritime succulent scrub, and adjacent habitats and species within the MHPA will be mitigated below a level of significance through implementation of Mitigation Measures MM-LU-1 through MM-LU-9 (see above), and Mitigation Measures MM-BIO-1, MM-BIO-3, and MM-BIO-8 through MM-BIO-10 (Issue 2). Potential impacts related to compliance with the City's MSCP Subarea Plan will be mitigated below a level of significance through implementation of Mitigation Measures MM-LU-1 through MM-LU-9 (see above), and Mitigation Measures MM-BIO-1 through MM-BIO-12 (Issue 5). Potential impacts to MHPA lands adjacent to the Project site from increased human activity, night lighting, storm water discharge at designed storm water pipe outfalls in the MHPA, and invasive plant species, and through the introduction of non-native invasive species, will be mitigated below a level of significance through implementation of Mitigation Measures MM-LU-1 through MM-LU-9 (see above) and Mitigation Measure MM-BIO-10 (Issues 6 and 8), as further detailed in Subchapter 5.6, Biological Resources, of the FEIR.

These mitigation measures are feasible and made binding via the Site Development Permit conditions and MMRP. Implementation of these measures will reduce potential impacts to biological resources for Issues 1, 2, 5, 6, and 8 to below a level of significance.

> Mitigation Measure MM-BIO-1 requires that, prior to the issuance of any construction permits for each phase (or portion thereof) the Owner shall provide suitable burrowing owl habitat mitigation at a ratio of 0.5:1 for a total of 61.76 acres for Phase 1, consisting of both on-site and off-site mitigation lands. The 46.32 acres on site shall be created through conversion of 16.40 of disturbed and developed land to functional grassland, and construction of artificial burrowing owl burrows as part of the Project's vernal pool mitigation to be located on a 3.5 acre

area and a 10.18 acre area (known, respectively, as the "tongue" and the "thumb"), and the conservation of 16.24 acres on site to be managed as suitable burrowing owl foraging habitat. The 15.44 acres to be acquired off-site shall be occupied by burrowing owls or considered suitable burrowing owl habitat: if sufficient acreage cannot be acquired, lands shall be considered if they may be deemed appropriate through restoration, enhancement and management efforts. Such lands shall contain sufficient populations of fossorial mammals to support nesting and predatory requirements for burrowing owls. The offsite lands shall be within or contiguous to the MHPA lands, or other preserve lands, or be large enough to be biologically defensible to support a disjunct population of burrowing owls. For Phases 2-4 of the Project, off-site burrowing owl habitat shall be obtained and preserved at the 0.5:1 ratio as well.

Mitigation Measure MM-BIO-2 requires that no less than 14 days prior to any ground disturbing activities, the area shall be surveyed by a qualified biologist for burrowing owls and occupied burrows. The area to be surveyed shall include any area involving construction activity. If burrowing owls are found, construction shall not occur within the setback buffers established based on the level of disturbance. Should construction be necessary within the setback area, surveillance and monitoring shall be conducted by a qualified biologist and construction shall be limited to the period of the day when burrowing owls are less active. Burrowing owls within the Project site would be relocated to suitable breeding habitat, and construction may occur once a qualified biologist has deemed the burrows unoccupied. Any occupied or potentially occupied burrows located in the existing earthen berm that is to remain shall be avoided. Within 12 months after completion of Phases 1 and 2, post-construction surveys shall be conducted for this area, and if the burrows have been abandoned, the Project proponent shall coordinate with the California Department of Fish and Game (now the California Department of Fish and Wildlife, but referred to herein as ("CDFG") for additional compensation for abandonment.

Mitigation Measure MM-BIO-3 requires preparation of a Burrowing Owl Mitigation Plan (Appendix U) which will identify suitable off-site mitigation areas, identify enhancement methods if mitigation lands are unoccupied, describe the method to convert 16.40 acres within the MHPA to suitable breeding habitat, describe the proposed squirrel release, include a method of preservation and management to ensure the in-perpetuity preservation of suitable mitigation lands and owl burrows, and be consistent with the Long-Term Management Plan for all mitigation lands (MM-BIO-9) and the Vernal Pool Restoration Plan (MM-BIO-7). The performance criteria set forth in Appendix U shall be satisfied by the Project, within the time periods specified, unless superseded by equivalent or more stringent performance criteria imposed by the Resource Agencies, including the CDFW and USFWS.

Mitigation Measure MM-BIO-4 requires preparation of a Passive Burrowing Owl Translocation Plan to establish burrowing owl occupation in the mitigation lands adjacent to the Project site. The Plan shall describe the methods used for passive translocation, include specific criteria for the timing of relocation activities, include daily surveys for a minimum of two weeks, include measureable success criteria and a contingency plan, and be consistent with the Burrowing Owl Mitigation Plan (MM-BIO-3). The Plan shall be approved by the CDFW and USFWS in consultation with the City and the Federal Aviation Administration ("FAA").

Mitigation Measure MM-BIO-5 requires evidence of a take authorization (and accompanying Biological Opinion) for impacts on the San Diego fairy shrimp and San Diego button-celery

through Section 7 consultation between FAA and USFWS prior to the issuance of any construction permits. Any mitigation and conservation measures must be consistent with those identified in the City's Multiple Species Conservation Program ("MSCP") Subarea Plan.

Mitigation Measure MM-BIO-6 requires mitigation for impacts to 0.275 acre of vernal pools and the associated San Diego fairy shrimp and San Diego button-celery to be mitigated at a ratio of 5:1 on proposed mitigation lands to the north of the Project site.

Mitigation Measure MM-BIO-7 requires mitigation for impacts to vernal pools to be mitigated through the creation and restoration of 1.38 acres of vernal pool habitat at the "Tongue" and "Thumb" areas (Figure 5.6-6 of the FEIR) prior to the issuance of any Project construction permits. The Owner shall prepare a Vernal Pool Restoration Plan ("VPRP") (Appendix S) which will include measures for creating habitat appropriate for supporting San Diego fairy shrimp and San Diego button-celery. The VPRP shall be approved by the FAA and USFWS and shall: identify locations and prove feasibility of proposed vernal pool creation and restoration; establish enhancement goals and measurable objectives; identify reference site(s) for use in comparing efforts; achieve successful and sustainable restoration within five years; conduct additional feasibility studies to develop grading plans for proposed enhancement areas; collect, store and distribute salvaged soil, cyst and seed material from impacted pools; conduct regular monitoring; establish an enhancement area protection instrument such as a conservation easement and a Long Term Management Plan, as well as a funding mechanism for long term maintenance. The performance criteria set forth in Appendix S shall be satisfied by the Project, within the time periods specified, unless superseded by equivalent or more stringent performance criteria imposed by the Resource Agencies, including but not limited to USFWS and FAA.

Mitigation Measure MM-BIO-8 requires that, prior to the issuance of any construction permits for Phase 1 of the Project, the Owner shall mitigate for impacts to non-native grassland at a ratio of 0.5:1, to Diegan coastal sage scrub at a ratio of 1:1 by preserving in perpetuity 68.28 acres of Type I-III habitats on airport-owned property within the MHPA, converting 16.40 acres of disturbed lands located on airport-owned property within the MHPA, and preserving 0.20 acre of Diegan coastal sage scrub within the MHPA. The mitigation areas shall have long-term viability and biological values equal to or greater than the impacted site.

Mitigation Measure MM-BIO-9 requires the Owner to manage the mitigation and conservation areas in accordance with the City's MSCP Subarea Plan and to prepare a Long Term Management Plan (Appendix V) prior to the issuance of any construction permits. The performance criteria set forth in Appendix V shall be satisfied by the Project, within the time periods specified, unless superseded by equivalent or more stringent performance criteria imposed by the Resource Agencies, including the CDFW and USFWS.

Mitigation Measure MM-BIO-10 requires that, to offset impacts from construction of the two proposed off-site storm drains and outfall structures, a Drainage Revegetation Plan (Appendix R) be prepared by the Owner for impacts to non-native grassland and Diegan coastal sage scrub habitats. The Plan shall be submitted and approved by the City prior to any construction permits for the storm drains and outfalls and shall: restrict activities to outside the breeding season of coastal California gnatcatcher and coastal cactus wren and conduct pre-activity surveys if heavy equipment is to be used; salvage and transplant all succulent plants

and suitable shrub material; salvage and stockpile all excavated topsoil up to the first six inches; include success criteria for transplanted and restored areas and require specific BMPs and maintenance. The performance criteria set forth in Appendix R shall be satisfied by the Project, within the time periods specified, unless superseded by equivalent or more stringent performance criteria imposed by the City or resource agencies having jurisdiction over the areas in question.

Mitigation Measure MM-BIO- 11 requires the Owner to obtain a Section 404 Clean Water Act permit from the U.S. Army Corps of Engineers ("ACOE"), a Section 401 Water Quality Certification from the Regional Water Quality Control Board ("RWQCB"), and a Section 1602 Streambed Alternation Agreement from CDFW to address impacts to non-wetland waters of the U.S. and State, freshwater marsh wetlands and waters of the State. A formal delineation of potential wetlands and other waters of the U.S. within the Project area shall be performed.

Mitigation Measure MM-BIO-12 requires impacts to wetlands outside the Project boundary to be mitigated at a 2:1 ratio. Prior to the issuance of any construction permits for Phase 1, the Owner shall initiate mitigation for off-site wetland impacts through creation and enhancement of wetlands on Airport property through a Habitat Mitigation and Management Plan ("HMMP") (Appendix T). The performance criteria set forth in Appendix T shall be satisfied by the Project, within the time periods specified, unless superseded by equivalent or more stringent performance criteria imposed by the Resource Agencies, including the CDFW, RWQCB, and ACOE.

3. HISTORICAL RESOURCES

Potential Impact: The Project has the potential to impact 19 historical resources identified within or adjacent to the Project area, as well as previously unknown historical resources (Issue 1). Additionally, the Project has the potential to impact previously unknown human remains (Issue 3).

Finding: Pursuant to Pub. Res. Code §21081(a)(1) and CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment.

Facts in support of Finding: A records search was performed by the staffs at the South Coastal Information Center and the San Diego Museum of Man of survey records, historic maps, known historical resources and archaeological sites. A Sacred Lands record search was also conducted with the Native American Heritage Commission. An archaeological field survey was conducted in three phases in the Project area in 2010 and 2011, and a survey of the proposed off-site roadway improvement areas was conducted in 2012. These efforts revealed that the Project area and immediate surrounding areas contain 19 archaeological resources. Potential impacts to both known and unknown historical resources will be mitigated through implementation of Mitigation Measures MM-HIST-1 through MM-HIST-4 (Issue 1), and potential impacts to previously unknown human remains will be mitigated through implementation of Mitigation Measure MM-HIST-4 (Issue 3), as further detailed in Subchapter 5.7, Historical Resources, of the FEIR. These mitigation measures are feasible and made binding via the Site Development Permit conditions and MMRP. Implementation of these measures will reduce potential impacts to historical resources to below a level of significance.

Mitigation Measure MM-HIST-1 requires the Project to retain a qualified archaeologist to carry out all mitigation measures related to archaeological resources.

Mitigation Measure MM-HIST-2 requires a qualified archaeologist to carry out a Phase 1 cultural resources survey in those portion of the Project area not already surveyed, to identify any cultural resources and evaluate their significance. The Phase 1 survey shall be documented in an addendum to the current Phase 1 Cultural Resources Survey Report.

Mitigation Measure MM-HIST-3 requires that, prior to the issuance of any construction permits, the owner shall demonstrate avoidance of all impacts to sites CA-SDI-10623,CA-SDI-14559 and the significant portion of CA-SDI-10628/H, which shall also be designated as Environmentally Sensitive Areas to ensure avoidance. All ground-disturbing activities adjacent to the designated Areas shall be monitored by a qualified archaeologist and Native American monitor.

Mitigation Measure MM-HIST-4 requires that, prior to issuance of any construction permits, an archaeological monitor shall be retained to monitor ground-disturbing activities, along with at least one Native American monitor.

4. HUMAN HEALTH/PUBLIC SAFETY/HAZARDOUS MATERIALS

Potential Impact: New development under the Project has the potential to expose people or structures to a significant risk of loss, injury or death involving wildfires if not constructed appropriately, or adequately served by fire rescue services (Issue 1). Given the history of industrial and military uses that have occurred at the Project site, the potential exists for release or exposure of hazardous materials during construction activities (Issue 2). In addition, given the proposed uses of the Project, the potential exists for explosion, release or exposure of hazardous materials during operational activities due to the transport, use, and disposal of aviation fuel and other chemicals required for airplane maintenance (Issue 2). Finally, the Project has the potential to expose people to contaminants located onsite due to a number of sites in or immediately adjacent to the Project site where past releases of hazardous materials occurred (Issue 3).

Finding: Pursuant to Pub. Res. Code §21081(a)(1) and CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment.

Facts in support of Finding: The Project must comply with the City of San Diego and Fire-Rescue Department requirements, as well as Municipal Code regulations specific to wildfire resistant construction and development of areas near natural vegetation. These requirements include adequate fire flow, ongoing maintenance of defensible space, use of fire/wildfire resistant construction, and preparation and implementation of a Brush Management Plan. The Project will also comply with local, state and federal regulations regarding the handling and disposal of any hazardous substances encountered during construction on the site, and will develop a Hazardous Materials Business Plan with the Fire Department specifying the types, quantities, applications, emergency response procedures and contingency plan measures for hazardous materials during operation of the Project. Any hazardous wastes generated by Project operations would be managed in accordance with state and local requirements. Potential risks from wildfire would be less than significant with adherence to regulatory code requirements combined with continued fire response from Station No. 43 and implementation of

Mitigation Measure MM-LU-5 (see above) (Issue 1). The risks of an explosion or release of hazardous materials, or the exposure of people or the environment to hazardous materials, associated with the Project is considered to be less than significant, and implementation of Mitigation Measures MM-HAZ-1 and MM-HAZ-2 would further reduce any potential impacts below a level of significance (Issue 2). With the implementation of Mitigation Measure MM-HAZ-3, the potential for soil vapors to affect proposed new development would be reduced to less than significant levels (Issue 3). These mitigation measures, found in Subchapters 5.1, Land Use, and 5.8, Human Health and Public Safety, of the FEIR, are feasible and made binding via the Site Development Permit conditions and MMRP. Implementation of these measures will reduce human health and public safety impacts to below a level of significance.

Mitigation Measure MM-HAZ-1 requires a detailed asbestos and lead base paint survey on all existing structures prior to the issuance of any demolition permits. Any identified asbestos containing materials and lead based paints shall be removed, handled, and properly disposed of by licensed and qualified individuals in accordance with all applicable local, state and federal regulations.

Mitigation Measure MM-HAZ-2 requires preparation of a health and safety plan by a licensed industrial hygienist for sites where contamination is suspected or identified through the Phase I assessment. The plan shall identify potential contaminants, appropriate personal protective equipment and worker safety procedures. Any contaminated soils shall be properly disposed of at a licensed waste disposal facility.

Mitigation Measure MM-HAZ-3 requires an assessment of soil vapor quality prior to the issuance of any building permits within Area L or other area where volatile contaminants have been identified. If soil vapors are present, a soil vapor barrier shall be installed unless a risk assessment demonstrates that no adverse effects would be encountered.

5. PALEONTOLOGICAL RESOURCES

Potential Impact: The Project anticipates excavation of well over 2,000 cubic yards soil as a result of site preparation and grading, installation of foundations and building pads, and potentially the use of on-site borrow areas, including excavation of undisturbed terrace deposits, into a geologic unit with moderate sensitivity (Lindavista Formation) (Issue 1).

Finding: Pursuant to Pub. Res. Code §21081(a)(1) and CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment.

Facts in support of Finding: Soil borings were completed across the Project site, as well as a geotechnical report. Potential impacts to paleontological resources will be mitigated to less than significant with implementation of Mitigation Measure MM-PAL-1, found in Subchapter 5.14, Paleontological Resources, of the FEIR (Issue 1). This mitigation measure is feasible and made binding via the Site Development Permit conditions and MMRP. Implementation of this measure will reduce impacts to paleontological resources to below a level of significance.

Mitigation Measure MM-PAL-1 requires that a qualified paleontologist attend preconstruction meetings and be on-site at all times during excavation to monitor construction activities, and to be on call through the life of the Project. If any fossils are unearthed, construction shall halt

immediately in the area of the find so that fossils may be salvaged. If large specimens are unearthed, the paleontologist shall have the authority to halt or divert grading and construction equipment to allow for removal. In the event any discovery is made, the paleontologist shall conduct or supervise the salvage, recovery, laboratory, cataloging and identification, transferal and preparation of a final report as required by the City of San Diego Paleontological Guidelines. At the completion of each phase of development, the paleontologist shall submit a monitoring report to the Mitigation Monitoring Coordination ("MMC") staff.

IV.B FINDINGS REGARDING MITIGATION MEASURES THAT ARE THE RESPONSIBILITY OF ANOTHER AGENCY (PUB. RES. CODE §21081(a)(2))

1. TRANSPORTATION/CIRCULATION (CUMULATIVE IMPACT)

Potential Impact: The following are Horizon Year with Project impacts that cannot be mitigated to less than significant, based on allowable significance thresholds. The following feasible intersection and roadway improvements, as listed in their associated mitigation measures, would only partially mitigate impacts:

- Caliente Road/SR 905 WB ramps - The Caliente Road/SR-905 interchange is assumed to have two lanes (one lane and one HOV lane) in the Horizon Year scenario. It should be noted that MM-TRA-77 is a Phase 4 mitigation measure that pays a fair share contribution towards the widening of this ramp to three lanes (two lanes and one HOV lane) to increase storage capacity. However, this same mitigation will only partially mitigate the Project's cumulative impacts under Horizon Year conditions.
- Heritage Road/SR 905 WB ramps - The Heritage Road/SR-905 interchange is assumed to have two lanes (one lane and one HOV lane) in the Horizon Year scenario. Widening this onramp to three lanes (two lanes and one HOV lane) is expected to increase storage capacity and partially mitigate the Project's cumulative impacts under Horizon Year conditions. (See MM-TRA-116).
- Main Street/I-805 NB ramps - Currently, the northbound onramp at the Main Street/I-805 interchange has three lanes (two lanes and one HOV lane). There is a potential opportunity to increase the existing 180-foot storage length of the dual westbound right-turn lanes (to northbound onramp) along Main Street. However, there is no opportunity to increase the storage length of the eastbound left- turn to the northbound on-ramp movement due the storage limitations of the Main Street undercrossing, and therefore partially mitigate the Project's cumulative impacts under Horizon Year conditions. (See MM-TRA-117).

In addition, as no further improvements are planned for SR-905 (between SR-125 and I-5) and I-805 (between Main Street and SR 905) per the 2050 San Diego Association of Governments ("SANDAG") Regional Transportation Plan ("RTP"), the following impacted segments of SR-905 and I-805 cannot be mitigated to less than significant as no increased capacity improvements are planned by the California Department of Transportation ("Caltrans") other than what is outlined in the RTP.

- SR 905 Between I-805 and Picador Blvd
- SR 905 Between Picador Blvd and Beyer Blvd

- SR 905 Between Britannia Blvd and Heritage Road
- SR 905 Between Heritage Road and Caliente Ave
- SR 905 Between Caliente Ave and I-805
- I-805 Between Main Street and Palomar Street
- I-805 Between Main Street and Palm Avenue

Findings: Pursuant to Pub. Res. Code §21081(a)(1) and (2) and CEQA Guidelines §15091(a)(1) and (2), changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment related to the Project; however, these impacts cannot be fully mitigated. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

Facts in support of Finding: The changes or alterations described above are within the responsibility and jurisdiction of Caltrans and SANDAG, not the City. At this time, no further improvements are planned for the Caliente Road/SR 905 WB ramps, Heritage Road/SR 905 WB ramps, Main Street/I-805 NB ramps, the I-805 segment, and the SR-905 segment between SR-125 and I-5, per the 2050 SANDAG RTP, and no fair share improvement fund has been established for such improvements to which the Project could contribute. Accordingly, the Project's impacts to transportation and circulation under Year 2027 Conditions with full Project build-out are expected to remain significant and unmitigated, since no increased capacity along these segments are planned other than what is outlined in the RTP.

Caltrans and SANDAG could and should plan for further improvements to the aforementioned onramps, I-805 segment, and SR-905 segment, and could and should develop a fair share fund for such improvements to which the Project could contribute, without which the Project's impacts are expected to remain significant and unmitigated.

IV.C FINDINGS REGARDING INFEASIBLE MITIGATION MEASURES AND ALTERNATIVES (PUB. RES. CODE §21081(a)(3))

IV.C.1 Potentially Significant Impacts That Cannot Be Mitigated Below a Level of Significance (Pub. Res. Code §21081(a)(1) and (3))

The Project would have significant and unmitigable impacts in the following issue areas:

- Land Use: Issue 3, Conflict with Environmentally Sensitive Lands regulation; Cumulatively Considerable Impact to Burrowing Owl Habitat;
- Biological Resources: Issue 3, Substantial Adverse Impact on Wetlands; Issue 7, Conflict with Environmentally Sensitive Lands Regulation; Cumulatively Considerable Impact to Burrowing Owl Habitat;
- Transportation/Circulation: Issue 1, Traffic Generation in Excess of Community Plan Allocation; Issue 2, Substantial Increase in Projected Traffic; and Issue 3, Substantial Traffic Addition to Congested Freeway Segment, Interchange, or Ramp (direct and cumulative impact);

- Visual Effect and Neighborhood Character: Issue 1, Substantial Obstruction of Scenic View (direct and cumulative impact);
- Air Quality: Issue 1, Conflict With or Obstruct Implementation of RAQS (direct and cumulative impact); Issue 2, Violation of Air Quality Standard or Substantial Contribution to Existing/Projected Air Quality Violation; and
- Water Quality and Flooding: Cumulative impact.

The decision-maker, having independently reviewed and considered the information contained in the FEIR and the public record for the Project, finds, pursuant to Pub. Res. Code §21081(a)(1) and (3) and CEQA Guidelines §15091(a)(1) and (3), that changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment related to the Project; however, these impacts cannot be fully mitigated. Therefore, 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 FEIR.

The City, as part of these findings, has adopted a Statement of Overriding Considerations pursuant to Pub. Res. Code §§21081(b) and 21081.5 and CEQA Guidelines §15093, which balances the economic, legal, social, technological, or other benefits of the Project against the unavoidable environmental impacts described in the FEIR. (See Exhibit B).

1. LAND USE (ISSUE 3, CONFLICT WITH ENVIRONMENTALLY SENSITIVE LANDS REGULATION) (DIRECT AND CUMULATIVE IMPACT)

Potential Impact: The Environmentally Sensitive Lands ("ESL") Regulation (San Diego Municipal Code, Chapter 14, Article 3, Division 1) requires projects to incorporate an adequate buffer to protect the functions and values of wetlands. While the best information available at this time suggests that this requirement can be achieved through a coordinated design effort in consultation with the Project Biologist and Project Engineers, there is insufficient data available at this time to conclude with certainty that an adequate wetland buffer would be included in the widening of La Media Road and Airway Road. Therefore, the Project would have a significant direct impact with respect to land use (Issue 3).

Furthermore, the Project's incremental contribution to the loss of suitable burrowing owl habitat would be cumulatively considerable considering past, present, and reasonably foreseeable future projects in the Otay Mesa area.

Finding: Pursuant to Pub. Res. Code §21081(a)(1) and (3) and CEQA Guidelines §15091(a)(1) and (3), changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment related to the Project; however, these impacts cannot be fully mitigated. Therefore, 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 FEIR. The City finds that each of these reasons, standing alone, renders this mitigation measure infeasible:

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- The City finds that the future widening of La Media Road and Airway Road is necessary to ensure safe and efficient transportation in and around the Project area, and that maintaining an adequate wetland buffer is infeasible to the extent that it conflicts with these needed improvements (Issue 3).
- The City finds that, based on the information available at this time, it is infeasible to determine with certainty that adequate wetlands buffers required under the City's ESL regulations will be available in the future widening of La Media Road and Airway Road (Issue 3).
- The City finds that requiring further mitigation from the Project to mitigate cumulative impacts to burrowing owl habitat is legally infeasible because it is not permissible to require a project to mitigate beyond its direct contribution to those cumulative impacts. CEQA Guidelines §15126.4(a)(4)(B) (mitigation measure must be "roughly proportional" to impacts of the project).

Facts in support of Finding: Although implementation of MM-BIO-12 (mitigation of impacts to wetlands outside the Project boundary at a 2:1 ratio and creation and enhancement of wetlands on Airport property; enhancement and creation of freshwater marsh mitigation) would reduce the significance of this impact, and although it is likely that an adequate wetland buffer will be included in the future widening of La Media Road and Airway Road, sufficient data to make such a determination would not be available until the detailed design phase of the roadway alignments. The future widening of La Media Road and Airway Road is necessary to ensure safe and efficient transportation in and around the Project area. Accordingly, it is infeasible to maintain an adequate wetland buffer in compliance with the ESL regulations if doing so would conflict with these needed roadway improvements. Furthermore, because it is infeasible at this time to determine with certainty that adequate wetlands buffers will be available, construction of these roadways is considered a potentially significant impact. Implementation of mitigation measures identified in MM-BIO-12, as well as all mitigation measures identified in the FEIR, is feasible and made binding via the Site Development Permit conditions and MMRP, and would reduce land use impacts, but not to below a level of significance, given the uncertainty regarding the future widening of La Media Road and Airway Road. Thus, the Project's significant impact with respect to land use is considered unavoidable.

The Project would have a direct impact on 235.72 acres of suitable burrowing owl habitat (non-native grassland and disturbed land) and burrowing owls (9 nesting pair and 2 individuals) associated with on-site development and off-site roadway improvements. The Project would mitigate for impacts to burrowing owl habitat at a 0.5:1 ratio by creating, restoring, and preserving 96.43117.86 acres of land appropriate for restoration, management, and enhancement of burrowing owl nesting and foraging requirements. Considering that past, present, and reasonably foreseeable future projects in the Otay Mesa area have a significant cumulative impact on the loss of suitable burrowing owl habitat, the Project's incremental contribution would be cumulatively considerable. Requiring further mitigation beyond the Project's direct contribution to the impact is infeasible because a project is on required to mitigate for its direct impacts. CEQA Guidelines §15126.4(a)(4)(B) (mitigation measure must be "roughly proportional" to impacts of the project).

2. BIOLOGICAL RESOURCES (ISSUES 3 AND 7, CONFLICT WITH ENVIRONMENTALLY SENSITIVE LANDS REGULATION) (DIRECT AND CUMULATIVE IMPACT)

Potential Impact: The Project could have the potential to have significant impacts to wetlands, including vernal pools (Issue 3), and could have the potential to conflict with local policies or ordinances, including the City's ESL ordinance (Issue 7).

Furthermore, the Project's incremental contribution to the loss of suitable burrowing owl habitat would be cumulatively considerable considering past, present, and reasonably foreseeable future projects in the Otay Mesa area.

Finding: Pursuant to Pub. Res. Code §21081(a)(1) and (3) and CEQA Guidelines §15091(a)(1) and (3), changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment related to the Project; however, these impacts cannot be fully mitigated. Therefore, 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 FEIR. The City finds that each of these reasons, standing alone, renders this mitigation measure infeasible:

- The City finds that the widening of La Media Road and Airway Road is necessary to ensure safe and efficient transportation in and around the Project area, and that maintaining an adequate wetland buffer is infeasible to the extent that it conflicts with these needed improvements (Issues 3 and 7).
- The City finds that, based on the information available at this time, it is infeasible to determine with certainty that adequate wetlands buffers required under the City's ESL regulations will be available in the widening of La Media Road and Airway Road (Issues 3 and 7).
- The City finds that requiring further mitigation from the Project to mitigate cumulative impacts to burrowing owl habitat is legally infeasible because it is not permissible to require a project to mitigate beyond its direct contribution to those cumulative impacts. CEQA Guidelines §15126.4(a)(4)(B) (mitigation measure must be "roughly proportional" to impacts of the project).

Facts in support of Finding: Potential impacts to biological resources will be mitigated through implementation of Mitigation Measures MM-BIO-1 through MM-BIO-12 found in Subchapter 5.6, Biological Resources, of the FEIR. These mitigation measures are feasible and made binding via the Site Development Permit conditions and MMRP. Implementation of these measures will reduce biological resources impacts to below a level of significance with the exception of wetland impacts associated with offsite roadway improvements along Airway Road and La Media Road which cannot be avoided. It is assumed that an adequate wetland buffer will be included in the design for widening of La Media and Airway Road. However, sufficient data to make such a determination would not be available until the detailed design phase of the roadway alignments. The widening of La Media Road and Airway Road is necessary to ensure safe and efficient transportation in and around the Project area. Accordingly, it is infeasible to maintain an adequate wetland buffer in compliance with the ESL regulations if doing so would conflict with these needed roadway improvements. Furthermore, because it is infeasible at this time to determine with certainty that adequate wetlands buffers will be available, construction of these roadways is considered a potentially significant impact under this category and as noted above under Land Use Section IV.C.1. Implementation of MM-BIO-12 (mitigation of impacts to

wetlands outside the Project boundary at a 2:1 ratio and creation and enhancement of wetlands on Airport property; enhancement and creation of freshwater marsh mitigation, see above) would reduce this impact, but not to below a level of significance, and therefore, this impact would remain significant and unavoidable.

The Project would have a direct impact on 235.72 acres of suitable burrowing owl habitat (non-native grassland and disturbed land) and burrowing owls (9 nesting pair and 2 individuals) associated with on-site development and off-site roadway improvements. The Project would mitigate for impacts to burrowing owl habitat at a 0.5:1 ratio by creating, restoring, and preserving 117.86 acres of land appropriate for restoration, management, and enhancement of burrowing owl nesting and foraging requirements. Considering that past, present, and reasonably foreseeable future projects in the Otay Mesa area have a significant cumulative impact on the loss of suitable burrowing owl habitat, the Project's incremental contribution would be cumulatively considerable. Requiring further mitigation beyond the Project's direct contribution to the impact is infeasible because a project is not required to mitigate beyond its direct contribution for its cumulative impacts. CEQA Guidelines §15126.4(a)(4)(B) (mitigation measure must be "roughly proportional" to impacts of the project).

All mitigation measures identified in the FEIR are feasible and made binding via the Site Development Permit conditions and MMRP. Adoption of any of the project alternatives (the No Project Alternative, Aviation-Only Alternative, or the Reduced Development Alternative) discussed below in Section IV.C.2 of these Findings would lessen, to varying degrees, the impacts to biological resources by reducing the footprint of the proposed development or eliminating certain elements therein. 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.

3. TRANSPORTATION/CIRCULATION (DIRECT AND CUMULATIVE IMPACTS)

Potential Impact: The Project could have the potential to have a significant impact through traffic generation in excess of the Community Plan allocation, result in a substantial increase in projected traffic in relation to the capacity of the system, and add a substantial amount of traffic to congested freeway segments, interchanges, or ramps (Issues 1, 2, and 3). All impacted intersection, roadway segment, freeway segment and ramp locations can be mitigated to less than significant levels with the implementation of the mitigation measures MM-TRA-1 through MM-TRA-117, with the exception of the following. The following are Horizon Year with Project mitigation measures that cannot be mitigated to less than significant, based on allowable significance thresholds. The following feasible intersection and roadway improvements as listed in their associated mitigation measures would be partially mitigated:

- Otay Mesa Road/Heritage Road, (See MM-TRA-80)
- Heritage Road/Datsun Street/Otay Valley Road, (See MM-TRA-88)
- Caliente Avenue/Beyer Boulevard, (See MM-TRA-93)
- Cactus Road/Airway Road (See MM-TRA-95)
- Cactus Road/Siempre Viva Road, (See MM-TRA-96)
- Otay Mesa Road between Cactus Road and Heritage Road, (See MM-TRA-99)

- Otay Mesa Road between Corporate Center Drive and Ocean View Hills Parkway, (See MM-TRA-100)

Finding: Pursuant to Pub. Res. Code §21081(a)(1) and (3) and CEQA Guidelines §15091(a)(1) and (3), changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment related to the Project; however, these impacts cannot be fully mitigated. Therefore, 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 FEIR. The City finds that each of these reasons, standing alone, renders this mitigation measure infeasible:

- The City finds that safety considerations make infeasible the implementation of any additional mitigation measures because the roadways lack available space to implement additional mitigation measures due to a high volume of large trucks, which require more room to implement additional mitigation measures than what is available.
- The City finds that job growth considerations make infeasible the implementation of any additional mitigation measures because the roadways lack available space to implement additional mitigation measures due to a high volume of commuter traffic associated with the additional jobs provided by the Project.
- The City finds that provision of the retail commercial center that serves the needs of the surrounding community and that is consistent with the goals and policies of the Otay Mesa Community Plan make infeasible any additional mitigation measures because the roadways lack available space to implement additional mitigation measures due to a high volume of traffic associated with these commercial amenities.

Facts in support of Finding: Although implementation of MM-TRA-1 through MM-TRA-117 would reduce the significance of these impacts to below a level of significance for numerous roadways, intersections and ramps, all impacts on transportation /circulation cannot be mitigated fully. Section 5.2 of the FEIR and the MMRP contain all the relevant traffic and circulation mitigation measures which require the Owner to bond for and construct numerous roadway and intersection improvements as each phase of the Project is implemented. All mitigation measures identified in the FEIR are feasible and made binding via the Site Development Permit conditions and MMRP. However, even with implementation of the mitigation measures, the impacts would remain cumulatively considerable.

4. VISUAL EFFECTS AND NEIGHBORHOOD CHARACTER (BLOCKAGE OF SCENIC VIEW) (DIRECT AND CUMULATIVE IMPACT)

Potential Impact: The proposed development, particularly development associated with the central airside fixed based operator ("FBO") terminal and large hangars, would block middle ground and background views of Brown Field and distant mountain ranges, and would partially block views of the sky along a substantial length of Otay Mesa Road. While the impact would not be immediately felt, each phase of the Project would increasingly cause view blockage, ultimately resulting in an unavoidable significant impact on existing public views along adjacent roads (Issue 1). Furthermore, the Project has the potential to result in a cumulative effect on visual resources when combined with other past, present, or reasonably foreseeable actions.

Finding: Pursuant to Pub. Res. Code §21081(a)(1) and (3) and CEQA Guidelines §15091(a)(1) and (3), changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment related to the Project; however, these impacts cannot be fully mitigated. Therefore, 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 FEIR. The City finds that each of these reasons, standing alone, renders this mitigation measure infeasible, and no mitigation measures or alternatives available or identified would further reduce this impact:

- The City finds that it is infeasible to mitigate the significant impact on existing public views along adjacent roads because the property is required to have aviation uses, which in this case results in the construction of large buildings, including the FBO terminal and hangars, which are required to house aircraft and the associated businesses and personnel (Issue 1).
- The City finds that it is infeasible to mitigate the significant impact on existing public views along adjacent roads because the impacts to views are primarily associated with the airside structures, and it is infeasible to reduce these impacts without substantially lessening the available employment opportunities associated with the construction and operation of the Project (Issue 1) (*See* Job Generation Calculation for Brown Field FEIR Alternatives, and discussion of Alternatives 3 and 4, below).
- The City finds that it is infeasible to mitigate the cumulatively considerable effect on visual resources because large buildings, including the FBO terminal and hangars, are required to house aircraft and the associated businesses and personnel (cumulative impacts).
- The City finds that it is infeasible to mitigate the cumulatively considerable effect on visual resources because impacts to views are primarily associated with the airside structures, and it is infeasible to reduce these impacts without substantially lessening the available employment opportunities associated with the construction and operation of the Project (cumulative impacts) (*See* Job Generation Calculation for Brown Field FEIR Alternatives, and discussion of Alternatives 3 and 4, below).

Facts in support of Finding: Several measures are built into Project plans that minimize the Project's degree of view blockage, such as "visibility triangles" that limit the height and mass of trees, landscaping and other structures, and the layout of landscaping and parking areas assure that tall building such as hangars and other airside facilities are substantially set back from the public roadways. However, because the hangars and other airside facilities are by their intended use required to be substantial in size, this visual impact cannot be avoided. Because each of the alternatives addressed in the FEIR would include aviation-related facilities including the FBO terminal and large hangars, selection of any of the Project alternatives would not reduce the visual resource impact to below a level of significance. Therefore, the Project's significant direct impact with respect to visual effects and neighborhood character is considered unavoidable.

Similarly, due to the large geographic extent of the Project relative to other projects in the cumulative scenario, the Project's incremental contribution to visual resource impacts would be cumulatively considerable. There are no feasible mitigation measures that would reduce the impacts to below a level of significance.

5. AIR QUALITY AND ODOR (EMISSIONS OF CRITERIA POLLUTANTS) (DIRECT AND CUMULATIVE IMPACT)

Potential Impact: The San Diego Air Basin is considered to be a basic non-attainment area for the 8-hour National Ambient Air Quality Standards ("NAAQS") for ozone and a non-attainment area for the California Ambient Air Quality Standards ("CAAQS") for ozone, PM10 and PM2.5. If a project proposes development that is greater than that anticipated in the SANDAG growth projections, the project would be in conflict with the Regional Air Quality Strategy ("RAQS") and State Implementation Plan ("SIP"), and may have a potentially significant impact on air quality. Because the Project would intensify development on unzoned land and generate a net increase of 52,861 average daily trips at build-out, this development intensity would not have been considered in the RAQS or SIP and would therefore have the potential to result in a significant impact on air quality due to inconsistency with the RAQS and SIP (Issue 1). Furthermore, because the Project would affect local pollutant concentrations through an increase in emissions due to increased aircraft operations and motor vehicle trips associated with the Project from delivery trucks and commuting employees, the Project would exceed SDAPCD significance thresholds for VOC, NOx, CO and PM10 (Issue 2). Finally, because the Project is inconsistent with the RAQS and SIP and could obstruct the ability of the San Diego Air Basin to attain and maintain the ambient air quality standards for ozone, PM10 and PM2.5, the Project's contribution to a permanent increase of these criteria pollutants, in combination with other cumulative projects in the region, would be cumulatively considerable.

Finding: Pursuant to Pub. Res. Code §21081(a)(1) and (3) and CEQA Guidelines §15091(a)(1) and (3), changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment related to the Project; however, these impacts cannot be fully mitigated. Therefore, 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 FEIR. The City finds that each of these reasons, standing alone, renders this mitigation measure infeasible:

- The City finds that it is infeasible to apply further mitigation measures to reduce vehicle trip generation and its associated emissions of ozone precursors because transportation demand management ("TDM"), transit, and bicycle accessibility strategies have already been employed to reduce trip generation to the extent feasible (Issues 1 and 2; cumulative impacts).
- The City finds that it is a goal of the Project to optimize the use of the Brown Field Airport property, which has space and capacity to expand its aviation services as an alternative for private aircraft from Lindbergh Field. This goal makes infeasible any additional mitigation to reduce trip generation and associated air quality impacts because such additional mitigation would reduce the use of the Brown Field Airport property (Issues 1 and 2; cumulative impacts).
- The City finds it is infeasible to reduce the cumulative air quality impacts to below a level of significance because the majority of the Project emissions stem from vehicles accessing the various uses on site (aviation and non-aviation), and all available Transportation Demand Management (TDM) strategies have been implemented by the Project (cumulative impacts).

Facts in support of Finding: Together, motor vehicle and aircraft operations represent 82 percent of VOC emissions, 91 percent of NOx emissions, 98 percent of CO emissions and 99 percent of PM10 emissions. The Traffic Impact Analysis for the Project considered transit and bicycle accessibility as well as TDM strategies, to reduce trip generation to the extent feasible. Accordingly, mitigation

measures to reduce vehicle trip generation and its associated emissions of ozone precursors are not available. The majority of emissions would be the result of vehicles accessing the various uses proposed on-site, and aircraft operations. Therefore, this impact would be considered direct and cumulatively significant and unavoidable.

6. WATER QUALITY AND FLOODING (INCREASED POLLUTANT DISCHARGE) (CUMULATIVE IMPACT)

Potential Impact: Water quality impacts within the Tijuana River and the Tijuana River Estuary are caused primarily from various point and non-point source effluents derived from Mexico. The Tijuana River is about 120 miles long and crosses the U.S./Mexico international border approximately 7 miles upstream of its mouth, which is located just north of the international border. Thus, most of the water quality burdens carried by the river result from pollution sources located in Mexico. However, several categories of potential water quality constituents that could be released from the Project resulting in additional impacts to this 303(d) impaired water body. As indicated in Section 5.10 of the FEIR, Project features would minimize water quality discharges during Project construction and operation. However, some residual amount of nitrogen/phosphorous, sedimentation, oxygen demand and pesticides could still be released. Therefore, the Project's contribution to water quality impacts, in combination with other cumulative projects in the region, discharging to the Tijuana River would be cumulatively considerable.

Finding: Pursuant to Pub. Res. Code §21081(a)(1) and (3) and CEQA Guidelines §15091(a)(1) and (3), changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment related to the Project; however, these impacts cannot be fully mitigated. Therefore, 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 FEIR. The City finds that each of these reasons, standing alone, renders this mitigation measure infeasible:

- The City finds that the Project will implement storm water Best Management Practices to the BAT/BCT standard as provided by the General Industrial Storm Water Permit, and the General Construction Storm Water Permit. However, the City also finds that it is technologically infeasible to reduce residual discharges of nitrogen/phosphorous (from fertilizers), sedimentation, oxygen demand, and pesticides from the Project site to the Tijuana River to zero.
- The City finds that requiring further mitigation from the Project to mitigate cumulative impacts to Tijuana River is legally infeasible because it is not permissible to require a project to mitigate beyond its direct contribution to those cumulative impacts. CEQA Guidelines §15126.4(a)(4)(B) (mitigation measure must be "roughly proportional" to impacts of the project).
- The City finds that it is legally infeasible to require further mitigation because those changes or alterations are within the responsibility and jurisdiction of the Country of Mexico, beyond the reach of applicable CEQA mitigation.

Facts in support of Finding: Because the existing water quality in the Tijuana River does not meet applicable standards for the pollutants identified in Section 6.3.1 of the FEIR, implementation of the Project is expected to result in a small but cumulatively considerable increase in water quality pollutant

emissions. Implementation of the Project would result in several potential direct impacts to water quality and flooding, as further discussed in Sections 5.9 and 5.10 of the FEIR. These potential impacts would be minimized as a result of implementing measures via the design or permitting criteria that would support the Project such as the proposed LID design criteria, BMPs, and adherence to permit requirements which would minimize water quality discharges during Project construction and operation. Water quality along the Tijuana River is impaired, under existing conditions, for several of the categories of potential water quality constituents that could be released from the Project. Although the Project's LID design criteria, BMPs, and adherence to permit requirements which would minimize water quality discharges during Project construction and operation, some residual amount of nitrogen/phosphorous (from fertilizers), sedimentation, oxygen demand, and pesticides would still be released from the Project site. However, minimization of a direct impact does not necessarily guarantee that no additional cumulative impacts would occur. Because existing water quality in the Tijuana River does not meet applicable standards for these pollutants, implementation of the Project is expected to result in a small but cumulatively considerable increase in water quality pollutant emissions for nitrogen, phosphorous, sediment, oxygen demand, and pesticides. No additional feasible mitigation has been identified and impacts to water quality within the Tijuana River Basin would remain cumulatively considerable.

IV.C.2 Infeasibility of Project Alternatives to Reduce or Avoid Significant Impacts (Public Resources Code §21081(a)(3))

Because the Project will cause one or more unavoidable significant environmental effects, the City must make findings with respect to the alternatives to the Project considered in the FEIR, evaluating whether these alternatives could feasibly avoid or substantially lessen the Project's unavoidable significant environmental effects while achieving most of its objectives.

The City, having reviewed and considered the information contained in the FEIR, finds pursuant to Public Resources Code §21081(a)(3) and Guidelines §15091(a)(3) that the FEIR (Project No. 208889, SCH No. 2010071054) (i) 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 FEIR, as described below.

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

Pursuant to §15126.6(a) of the CEQA Guidelines, the FEIR examines project alternatives in terms of their ability to meet most of the basic objectives of the Project and reduce significant environmental impacts. Based on these two parameters, the FEIR analyzes alternatives which would reduce significant environmental impacts stemming from the Project to varying degrees.

Six alternatives to the Project were evaluated, including one no project alternative, one alternative location, and four design alternatives. Two alternatives were rejected as infeasible, and four alternatives were considered in detail. These alternatives are compared to the impacts of the Project as described in the FEIR

and are assessed relative to their ability to meet the project objectives, as follows:

- Create an aviation-based business community that would offer a viable alternative for private aircraft to Lindbergh Field and Montgomery Field.
- Redevelop airport property into a real estate asset that would provide a dependable and reasonable revenue stream for the City of San Diego.
- Create job growth for the local economy.
- Provide for industry that compliments aviation related development and/or promotes environmental stewardship with a focus on "green" products and services.
- Provide for a retail commercial center that serves the needs of airport users and the surrounding community.
- Create a development that is a showcase example in applying sustainable development techniques.
- Create an aesthetically pleasing, high-quality design that reflects the property's location as an aviation gateway to southern California.
- Enable Metropolitan Airpark to fulfill its contractual obligations to the City of San Diego which include negotiating exclusively and in good faith to develop aviation, commercial, and industrial uses on City owned land of the Brown Field Municipal Airport.
- Plan and implement a project that is consistent with the goals and policies of the Otay Mesa Community Plan.
- Earn a reasonable return on investment through efficient operation of services and long-term leasing arrangements with prospective tenants.
- Utilize airport property owned by the City to the extent feasible, to minimize capital costs and maximize operational flexibility for planned aviation uses.

The initially proposed Project included an 180,000 square foot San Diego Air and Space Museum with expansions of the Museum in the third and fourth phases of development. However, in response to comments received during public review related to the burrowing owl and burrowing owl habitat, and staff recommendation for the No Museum Alternative, DPC-Brown Field has agreed to remove the Museum component from the Project. As discussed below, a No Museum Alternative, which now is the Project, was analyzed in the FEIR. These alternatives include:

- No Project Alternative (Alternative 1)
- No Museum Alternative (Alternative 2)
- Aviation-Only Alternative (Alternative 3)
- Reduced Development Alternative (Alternative 4)

A brief description of each of the alternatives and the basis for concluding their feasibility or infeasibility, except for the No Museum Alternative which is now the Project, follows.

1. NO PROJECT ALTERNATIVE (ALTERNATIVE 1)

This alternative is required under CEQA Guidelines §15126.6(e)(2). Under this alternative, the Project would not be approved by the City and the aviation-related uses proposed would not be developed, however, because the No Project Alternative would not preclude future development of the site, it is

reasonable to expect that other projects would be developed on the site that are consistent with approved plans and regulations for the site, such as the ALP and ALUCP.

Description of Alternative: Under this alternative, the Airport proper would continue to have airside facilities that include two runways, a 3,180-foot runway (Runway 8R/26L), and a 7,972-foot runway (Runway 8L/26R); a taxiway system; and navigational aids. South of these airside facilities, the City's terminal building and restaurant would remain, as would several World War II-era wooden structures, some that house multiple hangars leased by private aviation-related businesses involving flight training, aircraft storage and maintenance, and air charter services; above ground fuel storage tanks; a U.S. Customs building; the FAA air traffic control tower; and vacant land. North of the airside facilities the vacant, undeveloped land; auto salvage and storage yards; and two abandoned munitions bunkers formerly used by the military would remain. With no future development of the Project site, no environmental impacts would occur to the identified resource areas. However, because the No Project Alternative would not preclude future development of the site, it is reasonable to expect that other projects would be developed on the site that are consistent with approved plans and regulations for the site, such as the ALP and ALUCP. Such projects would likely have impacts similar to or equivalent to those of the Project. Impacts of these other potential projects could be more or less severe than the Project. However, because the No Project Alternative would likely result in development of other similar projects with land use types, densities and intensities not unlike the Project, resulting impacts of the No Project Alternative would likely be similar to those of the Project. A summary of the environmental impacts of the No Project Alternative is provided in Chapter 8 of the EIR.

Finding: The City finds that the No Project Alternative would likely result in development of other similar projects with land use types, densities and intensities not unlike the Project, resulting impacts similar to those of the Project. Therefore, the No Project Alternative could meet most of the objectives outlined for the Project. However, the No Project Alternative would have greater environmental impacts than the other Alternatives, including Alternative 2.

Facts in Support of Finding: The Project would not be approved under the No Project Alternative and the existing conditions of the site would remain the same. However, because the No Project Alternative would not preclude future development of the site, it is reasonable to expect that other projects would be developed on the site that are consistent with approved plans and regulations for the site, such as the ALP and ALUCP. Such projects would likely have impacts similar to or equivalent to those of the Project. Impacts of these other potential projects could be more or less severe than the Project. However, because the No Project Alternative would likely result in development of other similar projects with land use types, densities and intensities not unlike the Project, resulting impacts of the No Project Alternative would likely be similar to those of the Project. A summary of the environmental impacts of the No Project Alternative is provided in Chapter 8 of the EIR.

2. NO MUSEUM ALTERNATIVE (ALTERNATIVE 2)

Description of Alternative: The initially proposed project included an 180,000 square foot San Diego Air and Space Museum with expansions of the Museum in the third and fourth phases of development. Therefore, the FEIR analyzed the initially proposed project with a Museum. Under this alternative, the

Air and Space Museum proposed for Area J (Figure 3-2 of the FEIR) would be removed from the initially proposed project. This alternative has now become the proposed Project and a total of 16.24 acres north of Aviator Road will be preserved in perpetuity for the burrowing owl habitat. The balance of Area J south of Aviator Road (approximately 6 acres) will remain in its current, undeveloped state.

Finding: The City finds that the No Museum Alternative is feasible because it would result in fewer environmental impacts than the Project or any other alternative, and would meet all the basic objectives of the Project.

Facts in Support of Finding: This alternative, which is now the Project, would avoid impacts to 12.32 acres of non-native grassland and preserve an additional 16.24 acres of suitable burrowing owl habitat, thereby reducing required off-site mitigation, and would also avoid impacts to 0.20 acre of Maritime succulent scrub and 0.22 acre of Diegan coastal sage scrub by eliminating two storm water pipe outfalls in the City's MHPA. All other impacts would remain roughly the same. The Project would result in fewer environmental impacts than the initially proposed project.

3. AVIATION-ONLY ALTERNATIVE (ALTERNATIVE 3)

Description of Alternative: This alternative considers a reduced project associated only with aviation, including proposed office space if necessary for airport support and administration. All business hotels would be eliminated, as well as all commercial and light industrial development. The Air and Space Museum and solar energy generation facility would remain. A summary of the environmental impacts of the Aviation-Only Alternative is provided in Chapter 8 of the FEIR.

Finding: Pursuant to Pub. Res. Code §21081(a)(3) and CEQA Guidelines §15091(a)(3), the City finds that specific economic, legal, social, or other considerations, including considerations for the provision of employment opportunities for highly trained workers make the No Project Alternative infeasible. The City finds this alternative is infeasible because it would eliminate approximately 6,300 construction and 3,600 permanent non-construction jobs. These significant job losses would be a serious detriment to the community, local economy and region, at a time when economic recovery is just beginning to take hold. In addition, the City finds this alternative is infeasible because it would not meet several basic project objectives.

As explained in the Statement of Overriding Considerations, the City has determined that the benefits of the Project outweigh any environmental impacts that would be avoided by this alternative, because of specific overriding considerations.

Facts in Support of Finding: Although the Aviation-Only Alternative would result in fewer environmental impacts than the Project, it fails to meet several of the basic objectives of the Project. First and foremost, by eliminating commercial and industrial development, this alternative would eliminate approximately 6,300 construction and 3,600 permanent non-construction jobs as compared to the Project (*See* Job Generation Calculation for Brown Field FEIR Alternatives). These significant job losses would be a serious detriment to the community, local economy and region, at a time when economic recovery is just beginning to take hold. In addition, this alternative would fail to provide industry that compliments aviation-related development; provide for a retail commercial center that serves the needs of airport users and the surrounding community; redevelop the airport into a real estate asset that would provide a dependable and reasonable revenue stream for the City; and earn a reasonable return on investment through

efficient operation of services and long-term leasing arrangements with prospective tenants. *See* Economic & Planning Systems, Inc., Metropolitan Airpark Environmental Impacts Report Financial Feasibility Analysis Review (Sept. 6, 2013). This alternative would cause DPC-Brown Field to be in breach of its contractual obligations, make the Project financially unsustainable and fail to meet the Project objectives. Therefore, this alternative is considered infeasible.

4. REDUCED DEVELOPMENT ALTERNATIVE (ALTERNATIVE 4)

Description of Alternative: This alternative would reduce the number of business hotel rooms, commercial uses, and industrial uses by half. This alternative would retain the aviation uses and the Air and Space Museum; however, the proposed museum expansion space would be reduced by half. The total building square footage would be reduced by approximately 33 percent. The solar energy generation facility would remain the same. A summary of the environmental impacts of the Reduced Development Alternative is provided in Chapter 8 of the FEIR.

Finding: Pursuant to Pub. Res. Code §21081(a)(3) and CEQA Guidelines §15091(a)(3), the City finds that specific economic, legal, social, or other considerations, including considerations for the provision of employment opportunities for highly trained workers make the No Project Alternative infeasible. The City finds this alternative is infeasible because it would eliminate approximately 3,100 construction and 1,800 permanent non-construction jobs. These significant job losses would be a serious detriment to the community, local economy and region, at a time when economic recovery is just beginning to take hold. The City also finds this alternative is infeasible because it would fail to provide a retail commercial center that fully serves the needs of airport users and the surrounding community. In addition, the City finds this alternative is infeasible because it would not meet several basic project objectives.

As explained in the Statement of Overriding Considerations, the City has determined that the benefits of the Project outweigh any environmental impacts that would be avoided by this alternative, because of specific overriding considerations.

Facts in Support of Finding: This alternative would potentially avoid direct impact to one vernal pool, direct impacts to an additional 2 to 3 pairs of burrowing owls, reduce impacts to non-native grassland by approximately 25 acres and reduce the traffic generated by the Project at build-out, resulting in less impacts from air quality pollutants and greenhouse gas emissions. This alternative would fail to meet several Project objectives. Specifically, by reducing the scope of the construction and operations of the Project, this alternative would eliminate approximately 3,100 construction and 1,800 permanent non-construction jobs as compared to the Project (*See* Job Generation Calculation for Brown Field FEIR Alternatives). This would be detrimental to the local community and economy. Additionally, by reducing the planned commercial uses by half, this alternative fails to provide for a retail commercial center that fully serves the needs of airport users and the surrounding community. This alternative would also fail to redevelop the airport into a real estate asset that would provide a dependable and reasonable revenue stream for the City; earn a reasonable return on investment through efficient operations of services and long-term leasing arrangements with prospective tenants (by reducing the commercial, industrial and museum areas by 50%, the project revenues are reduced below a level where the project remains financially viable); enable DPC-Brown Field to fulfill its contractual obligations to the City to develop aviation commercial and industrial uses on City owned land; and utilize airport property owned by the City to the maximum extent feasible by minimizing capital costs and maximizing operational flexibility for

planned aviation uses. Due to the substantial reduction in the square footage of industrial, hotel, and commercial uses, this alternative would generate insufficient revenue to remain economically viable to develop. *See* Economic & Planning Systems, Inc., Metropolitan Airpark Environmental Impacts Report Financial Feasibility Analysis Review (Sept. 6, 2013). The City finds that this alternative would be infeasible because the projected revenues are insufficient to support an economically viable project and no reasonable developer would commit the capital required to proceed with the development of this alternative. Therefore, the Reduced Development Alternative is considered an infeasible alternative to the Project.

EXHIBIT B

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

Pursuant to Public Resources Code §§21081(b) and 21081.5, and CEQA Guidelines §§15093 and 15043, CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental 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, the 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 FEIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the FEIR and/or other information in the record.

Pursuant to the Public Resources Code §21081(b) and CEQA 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, including region-wide or statewide environmental benefits, associated with the proposed Project outweigh unavoidable adverse direct and cumulative impacts related to land use, traffic/circulation, biological resources, visual resources and neighborhood character, air quality and odor, and water quality and flooding. 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 initially proposed project included an 180,000 square foot San Diego Air and Space Museum with expansions of the Museum in the third and fourth phases of development. However, in response to comments received during public review, the Museum component was removed from the Project and analyzed as an alternative to the initially proposed project in the FEIR. The decision-making body also has examined alternatives to the Project, none of which are both environmentally preferable to the Project and meet 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 it 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.

Therefore, the decision-making body expressly finds that in accordance with Public Resources Code §§21081(b) and 21081.5, and CEQA Guidelines §§15093 and 15043, based on the following specific considerations, the benefits of the Project would outweigh the Project's significant effects on the environment:

- The Project would help to create an aviation-based asset to the community, which will offer a viable alternative for private aircraft and help accommodate forecasted general aviation activity. The Project would reduce the demands on Lindbergh Field airport's single runway and constrained ability to expand its capacity, thereby extending its practical service life, and would similarly reduce demands on Montgomery Field airport and other San Diego County airports. In addition, it will allow Brown Field to fulfill its important role as General Aviation Reliever Airport as recognized in both the Regional Aviation Strategic Plan ("RASP") and National Plan of Integrated Airport Systems ("NPIAS"). According to the NPIAS, due to different operating requirements between small general aviation aircraft and large commercial aircraft, general aviation pilots often find it difficult to operate at congested commercial services airports. In acknowledgement of this issue, the FAA has encouraged the development of high-capacity general aviation airports in large, metropolitan areas (USDOT, 2011). The NPIAS identifies Brown Field Municipal Airport ("SDM" or "Brown Field") as a general reliever airport. While Brown Field is one of twelve public-use airports in San Diego County, including two air carrier airports (San Diego International Airport and Palomar Airport) and ten general aviation airports, it is only one of two general aviation airports located within and operated by the City of San Diego (Montgomery Field is the other). The importance of Brown Field is also recognized at the local level by both the City of San Diego General Plan and the San Diego County Regional Airport Authority's ("SDCRAA") RASP. Brown Field is identified in the General Plan as a potential catalyst for providing economic growth through offering business, corporate, training, and charter aviation services that support commercial and industrial activities within the region; while also acting as a port of entry for private aircraft arriving from Mexico (City of San Diego, 2008). At the regional level, the RASP has identified the need to optimize the Airport System in San Diego County in order to meet projected demands for air travel over the next twenty years. Brown Field was identified in the RASP as a facility that could potentially relieve San Diego International Airport of some of its general aviation traffic. The Project would further the objectives identified in the General Plan and the RASP.
- The Project would help to create high wage, highly skilled employment opportunities for the community and the region, both during construction and operation of the Project. The Project would redevelop an underutilized City property into a valuable real estate asset and provide a revenue stream for Otay Mesa, the City of San Diego and the region at large by being a source of jobs, commercial and industrial activity and aviation growth, thereby allowing Brown Field to meet its full potential. The Project would also contribute to the infrastructure in the Otay Mesa community, which would foster additional economic

development and job opportunities in the area. Roadway improvements, sewer and water capacity upgrades, and a solar power development are all incorporated into the Project and benefit of the greater Otay Mesa community by allowing for other future development in the area that can then rely upon the upgraded infrastructure. Furthermore, the Project would serve as a catalyst for further cross-border cooperation, capabilities and job creation. Given the close proximity of the Project to the recently approved cross-border terminal less than two miles away, the two facilities will be able to take advantage of synergies in the region's development, and act as a magnet to businesses that either currently require cross-border access or that are looking to expand such opportunities.

- The Project would encourage development of the industries that complement aviation-related development, as well as employment in those industries. Over the 20-year development of the Project, in addition to the aviation facilities there will be on-site commercial buildings, manufacturing and industrial buildings, warehousing and storage, retailers and office services, hotels and food service sites. In addition to the on-site construction, however, the Project will serve as a magnet to outside businesses who wish to take advantage of this new aviation, commercial, and industrial center. The Project would also provide a retail commercial center that serves the need of airport users and the community of Otay Mesa, including but not limited to hotel space, office space, alternative fueling stations, and general retail. Finally, the Project would serve as a model of large-scale "green" development, with LEED Silver Standard design for all facilities, a solar facility enabling the Project to be a net generator of electricity at build-out, and promotion of environmental stewardship with green products and services incorporated throughout the Project design and operation.

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 (MMRP)

EASEMENT VACATION No. 1099992, MAP WAIVER No. 1099991 and SITE DEVELOPMENT PERMIT No. 768683 With PROJECT CHANGES DESCRIBED in ENVIRONMENTAL IMPACT REPORT No. 208889/SCH No. 2010071054 TO IMPLEMENT THE NO MUSEUM ALTERNATIVE For the METROPOLITAN AIR PARK PROJECT

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.208889/SCH No. 2010071054 shall be made conditions of SITE DEVELOPMENT PERMIT No. 768683 as may be further described below.

A. General Requirements – Part I

Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the Mitigation Monitoring and Reporting Program (MMRP) requirements are incorporated into the design.

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."

3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website: http://www.sandiego.gov/development-services/industry/index.shtml

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. General Requirements – Part II

Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit Holder's Representative(s), Job Site Superintendent and the following consultants:

   Archaeological Consultants and Native American Monitor
   Biological Consultants/Monitor
   Restoration Biologist
   Vernal Pool Restoration Specialist
   Paleontological Monitor

   Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

   CONTACT INFORMATION:

   a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**

   b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) #208889, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

   Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency. Federal and State discretionary approvals required to implement the Project include, but are not limited to, the following:

Permit or Approval	Approving Agency
404 Individual Permit	U.S. Corps of Engineers
401 Water Quality Certification; NPDES General Construction Activity Permit	Regional Water Quality Control Board
Biological Opinion	U.S. Fish and Wildlife Service
1602 Streambed Alteration Agreement	California Department of Fish and Game
Forms 7460-1 and 7480-1	Federal Aviation Administration
Airport Layout Plan	Federal Aviation Administration
Environmental Assessment	Federal Aviation Administration
Section 106 concurrence	State Historic Preservation Office
Authority to Construct and Permit to Operate	San Diego Air Pollution Control District
Advice Letter or Permit to Construct	California Public Utilities Commission

4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

   NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to or at the Pre-Construction meeting
General Consultant	Construction Monitoring Exhibits	Prior to Pre-Construction Meeting
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
	Biology Reports	Biology/Habitat Restoration Inspection
Paleontology	Paleontology Reports	Paleontology site observation
Archaeology	Archaeology Reports	Archaeology/Historic site observation
		Limits of delineation of environmentally sensitive areas
Traffic	Traffic Reports	Traffic features site observation
Land Use	Land Use Adjacency Issues CSVRs	Land Use Adjacency Issue site observations
Health and Safety	Hazardous Materials Report	Prior to construction
Bond Release	Request for Bond Release letter	Final MMRP inspections prior to Bond Release Letter
Final MMRP	Final monitoring report	Final MMRP Inspection

C. Specific MMRP Issue Area Conditions/Requirements

Land Use

Mitigation Measure MM-LU-1A: Prior to the issuance of any construction permits for Phases 2 through 4 of the Project, the Owner shall obtain a consistency determination from the ALUC for each of these phases.

Lighting

Mitigation Measure MM-LU-1: Lighting shall be directed away from the MHPA, and shielded if necessary and a note to this effect shall be included on the plans to the satisfaction of the Environmental Designee (ED).

Drainage

Mitigation Measure MM-LU-2: Drainage shall be directed away from the MHPA, or if not possible, must not drain directly into the MHPA. Instead, runoff should flow into sedimentation basins, grassy swales or mechanical trapping devices prior to draining into the MHPA. Drainage shall be shown on the grading plan and reviewed satisfactory to the City Engineer. The drainage plans shall be in conformance with the approved site plan, BMPs identified in the final Water Quality Technical Report, and applicable restoration plans for the Project.

Landscaping

Mitigation Measure MM-LU-3: The landscape plan shall be reviewed and approved by the ED to ensure that no invasive non-native plant species shall be planted in or adjacent to the MHPA.

Grading

Mitigation Measure MM-LU-4: All manufactured slopes must be shown on the grading plans and shall be included within the development footprint and outside the MHPA. No manufactured slopes shall occur within the MHPA.

Brush Management

Mitigation Measure MM-LU-5: All brush management areas shall be shown on a Brush Management Plan to be reviewed and approved by the ED prior to the issuance of any grading and/or building permit for that portion of the Project that abuts native or naturalized vegetation. Zone 1 and Zone 2 brush management areas shall be located within the development footprint and completely outside the MHPA and any approved areas for mitigation as identified in this EIR. All structures proposed as part of the Project shall be setback a minimum of 100 feet from the MHPA, where the Project is adjacent to native or naturalized vegetation. The Applicant shall prepare a Brush Management Plan for that portion of the Project that abuts native or naturalized vegetation along the northern boundary of the Project site. The Plan shall comply with Section 142.0412 of the San Diego Municipal Code.

Access

Mitigation Measure MM-LU-6: Access to the MHPA shall be directed to minimize impacts and shall be shown on the grading and building permit plans and reviewed and approved by the ED. Construction access to the MHPA, for the purpose of installing off-site storm drains, shall be confined to the limits of the construction easements shown on the grading and building permit plans.

Noise and Sensitive Species

Mitigation Measure MM-LU-7: Prior to the issuance of any authorization to proceed, the ED (or appointed designee) shall verify that the MHPA boundaries and the following Project requirements regarding the federally threatened *Coastal California gnatcatcher* and the non-listed sensitive *Coastal cactus wren* are shown on the grading and building permit plans:

1. If construction is proposed during the breeding season of the *Coastal California gnatcatcher* (March 1 – August 15) and the *Coastal cactus wren* (February 15 – August 15), a qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(A) Recovery Permit for *Coastal California gnatcatcher*) shall survey habitat areas (only within the MHPA) that would be subject to the construction noise levels exceeding 60 decibels [dB (A)] hourly average, or the ambient noise level if noise levels already exceed 60 dBA hourly LEQ, for the presence of the *Coastal California gnatcatcher* and *Coastal cactus wren*. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of construction. If evidence concludes that the *Coastal California gnatcatcher* or *Coastal cactus wren* is present, then the following conditions shall be met:

    a. Between March 1 and August 15 for occupied *Coastal California gnatcatcher* habitat or between February 15 and August 15 for occupied *Coastal cactus wren* 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 *Coastal California gnatcatcher* habitat, or between February 15 and August 15 for occupied *Coastal cactus wren* 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, or the ambient noise level if noise levels already exceed 60 dBA hourly LEQ. An analysis showing that noise generated by construction activities would not exceed 60 dB (A) hourly average at the edge of occupied habitat, or the ambient noise level if noise levels already exceed 60 dBA hourly LEQ, must be completed by a qualified acoustician (possessing a current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the ED at least two weeks prior to the commencement of construction activities; or,

c. At least two 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 *Coastal California gnatcatcher* or *Coastal cactus wren*, or the ambient noise level if noise levels already exceed 60 dBA hourly LEQ. 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 at the edge of habitat, or the ambient noise level if noise levels already exceed 60 dBA hourly LEQ. 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.

d. Construction noise monitoring shall continue to be monitored during the breeding season 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 ED, 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.

e. If *Coastal California gnatcatcher* or *Coastal cactus wren* are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the ED and applicable resource agencies which demonstrate whether or not mitigation measures such as noise walls are necessary during the applicable breeding seasons between March 1 and August 15 for *Coastal California gnatcatcher* and February 15 and August 15 for *Coastal cactus wren*, as follows:

- 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.
- If this evidence concludes that no impacts to the species are anticipated, no new mitigation measures are necessary.
- If construction of the Project begins 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 in Conditions 1 a, b, and c.

Mitigation Measure MM-LU-8: If Project-related ground-disturbing activities (including, but not limited to: grading, vegetation clearing and grubbing, earth moving, the use of heavy equipment, manual removal of vegetation) are proposed during the breeding season for migratory birds (January 15 -September 15), the Project biologist shall conduct a-pre-activity survey for active nests of migratory species within 100 feet for non-raptor species, and 300 feet for raptor species, of the Project-related activity site no more than three days prior to commencement of ground-disturbing activities. In addition, the Project biologist shall submit a letter report to the Mitigation Monitoring Coordinator prior to the preconstruction meeting. If active nests are detected, the letter 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 and the ERM shall be incorporated into the Project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report. If no nesting migratory birds are detected during the pre-grading survey, no mitigation is required. Mitigation measures for nesting birds include, but are not limited to:

- If a nesting bird is found, Project activities within 100 feet of on- and off-site suitable nesting habitat (300 feet for raptors) shall be delayed until August 31 or until the nest has fledged or failed as determined by the Project biologist in consultation with appropriate wildlife Agencies and the City.
- Flagging, stakes, and/or construction fencing shall be used to demarcate the inside boundary of the buffer of a minimum of 100 feet (300 feet for raptors) between the Project activities and the nest. Project personnel, including all contractors working on-site, shall be instructed on the sensitivity of the area.

Fencing

Mitigation Measure MM-LU-9: At the completion of the preliminary grading for Development Area J and/or Phase 3 of Development Area I, the Owner shall install fencing along the perimeter of the respective Development Area where grading has been completed. The fencing shall be located where the respective Development Area abuts the MHPA to direct animals within the MHPA away from the Project, and to reduce domestic predation. The Owner shall consult with the City and the FAA on the fencing material and design prior to installation.

Transportation and Circulation

Opening Year 2013 Intersection Mitigation Measures

Mitigation Measure MM-TRA-1: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Otay Mesa Road/Continental Road/Project Access 4. Also, prior to the issuance of any Certificate of Occupancy (CO) for Phase 1 of the Project, the improvements must be constructed and accepted by the City.

- Install a traffic signal
- Widen the northbound Continental Road approach to provide one left turn lane and a shared through-right turn lane
- Widen to provide a separate left turn lane and a shared through-right turn lane for the southbound Project access approach
- Widen to provide an exclusive left turn lane on the eastbound Otay Mesa Road approach for a total of one left turn lane, two through lanes and a shared through-right turn lane
- Widen to provide an exclusive left turn lane and right turn lane on the westbound Otay Mesa Road approach for a total of one left turn lane, three through lanes, and a right turn lane

Mitigation Measure MM-TRA-2: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Otay Mesa Road/Project Access 5. Also, prior to the issuance of any CO for Phase 1 of the Project, the improvements must be constructed and accepted by the City.

- Install a stop sign and restrict the Project access to right turn in/right turn out only
- Widen to provide a separate right turn lane from the westbound Otay Mesa Road approach into the Project access

Mitigation Measure MM-TRA-3: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Otay Mesa Road/Britannia Boulevard/Project Access 6. Also, prior to the issuance of any CO for Phase 1 of the Project, the improvements must be constructed and accepted by the City.

- Widen to provide a separate left turn lane and a shared through-right lane for the southbound Project access approach
- Widen to provide a separate left turn lane from the eastbound Otay Mesa Road approach
- Widen to provide a separate right turn lane from the westbound Otay Mesa Road approach into the Project access
- Widen to provide a through lane from the northbound Britannia Boulevard approach into the Project access

Mitigation Measure MM-TRA-4: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Otay Mesa Road/Otay Mesa Center Road/Project Access 8. Also,

prior to the issuance of any CO for Phase 1 of the Project, the improvements must be constructed and accepted by the City.

- Widen to provide a separate left turn lane and a shared through-right lane for the southbound Project access approach
- Widen to provide a separate left turn lane from the eastbound Otay Mesa Road approach
- Widen to provide a separate right turn lane from the westbound Otay Mesa Road approach into the Project access
- Restripe to provide a total of one left turn lane and a shared through-right turn lane for the northbound Otay Mesa Center Road approach

Mitigation Measure MM-TRA-5: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of La Media Road/Project Access 9. Also, prior to the issuance of any CO for Phase 1 of the Project, the improvements must be constructed and accepted by the City.

- Install a stop sign for the eastbound emergency access approach
- Provide a shared left turn-right turn lane from the eastbound emergency access approach onto La Media Road

Mitigation Measure MM-TRA-6: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of La Media Road/Project Access 10. Also, prior to the issuance of any CO for Phase 1 of the Project, the improvements must be constructed and accepted by the City.

- Install a stop sign for the eastbound emergency access approach
- Provide a shared left turn-right turn lane from the eastbound emergency access approach onto La Media Road

Mitigation Measure MM-TRA-7: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of La Media Road/Aviator Road. Also, prior to the issuance of any CO for Phase 1 of the Project, the improvements must be constructed and accepted by the City.

- Install a stop sign for the eastbound Aviator Road approach
- Provide a shared left turn-right turn lane from the eastbound Aviator Road approach onto La Media Road

Mitigation Measure MM-TRA-8: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Aviator Road/Project Access 11. Also, prior to the issuance of any CO for Phase 1 of the Project, the improvements must be constructed and accepted by the City.

- Install a stop sign for the northbound Project access approach
- Provide a shared left turn-right turn lane from the northbound Project access approach onto Aviator Road
- Widen to provide a separate left turn lane from the westbound Aviator approach into the Project access

Opening Year 2013 Roadway Mitigation Measures

Mitigation Measure MM-TRA-9: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the eastern portion of Aviator Road between Project Access 11 and La Media Road as a two-lane collector with two-way left turn lane. Also, prior to the issuance of any CO for Phase 1 of the Project, the improvements must be constructed and accepted by the City.

Mitigation Measure MM-TRA-10: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the widening of La Media Road between SR-905 and Airway Road to provide a four-lane collector with two-way left turn lane. Also, prior to the issuance of any CO for Phase 1 of the Project, the improvements must be constructed and accepted by the City.

Mitigation Measure MM-TRA-11: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the widening of La Media Road between Airway Road and Siempre Viva Road to provide a four-lane collector with two-way left turn lane. Also, prior to the issuance of any CO for Phase 1 of the Project, the improvements must be constructed and accepted by the City.

Year 2017 with Phase 1 + 2 Intersection Mitigation Measures

Mitigation Measure MM-TRA-12: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Otay Mesa Road/Ocean View Hills Parkway. Also, prior to the issuance of any CO for development in excess of 4,574 ADT, the improvements must be constructed and accepted by the City.

- Restripe the northbound Caliente Avenue approach to provide a separate left turn lane, two separate through lanes, and a separate right turn lane with right turn overlap phasing

Mitigation Measure MM-TRA-13: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Aviator Road/Project Access 13. Also, prior to the issuance of any CO for development in excess of 4,574 ADT, the improvements must be constructed and accepted by the City.

- Install a traffic signal
- Provide a separate left turn lane and a separate right turn lane from the northbound Project access approach onto Aviator Road
- Provide a separate left turn lane from the westbound Aviator Road approach into the Project access

Mitigation Measure MM-TRA-14: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Aviator Road/Project Access 14. Also, prior to the issuance of any CO for development in excess of 4,574 ADT, the improvements must be constructed and accepted by the City.

- Install a stop sign for the northbound and southbound Project access approaches
- Provide a shared left turn-through-right turn lane from the northbound and southbound Project access approaches on Aviator Road

- Provide a separate left turn lane from the westbound and eastbound Aviator Road approaches into the Project access

Mitigation Measure MM-TRA-15: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Aviator Road/Heritage Road. Also, prior to the issuance of any CO for development in excess of 4,574 ADT, the improvements must be constructed and accepted by the City.

- Install a traffic signal
- Provide a shared left turn-right turn lane from the westbound Aviator Road approach onto Heritage Road

Mitigation Measure MM-TRA-16: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Heritage Road/Sikorsky Road. Also, prior to the issuance of any CO for development in excess of 4,574 ADT, the improvements must be constructed and accepted by the City.

- Install a stop sign for the westbound approach
- Restrict to right in/right out only access by installing a raised median along Heritage Road
- Widen to provide a separate right turn lane from the northbound Heritage Road approach onto eastbound Sikorsky Road

Mitigation Measure MM-TRA-17: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of La Media Road/Airway Road. Also, prior to the issuance of any CO for development in excess of 4,574 ADT, the improvements must be constructed and accepted by the City.

- Install a traffic signal
- Widen northbound and southbound La Media Road approaches to provide a separate left turn lane, two through lanes, and a separate right turn lane
- Widen the eastbound Airway Road approach to provide two left turn lanes, a through lane, and a separate right turn lane
- Widen the westbound Airway Road approach to provide a separate left turn lane, a through lane, and a separate right turn lane

Year 2017 with Phase 1 + 2 Roadway Mitigation Measures:

Mitigation Measure MM-TRA-18: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the western portion of Aviator Road between Heritage Road and Project Access 11 as a two-lane collector with two-way left turn lane. Also, prior to the issuance of any CO for development in excess of 4,574 ADT, the improvements must be constructed and accepted by the City.

Mitigation Measure MM-TRA-19: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the restriping and construction of a raised center median on Caliente Avenue between Otay Mesa Road and SR-905 to provide a six-lane major arterial. Also, prior to the

issuance of any CO for development in excess of 4,574 ADT, the improvements must be constructed and accepted by the City.

Mitigation Measure MM-TRA-20: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the restriping and construction of a raised center median on Caliente Avenue between SR-905 ramps to provide a six-lane major arterial. Also, prior to the issuance of any CO for development in excess of 4,574 ADT, the improvements must be constructed and accepted by the City.

Mitigation Measure MM-TRA-21: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the widening of Heritage Road between Datsun Street and Sikorsky Road to provide a four-lane collector with two-way left turn lane. Also, prior to the issuance of any CO for development in excess of 4,574 ADT, the improvements must be constructed and accepted by the City. This mitigation can also be implemented as part of the City's Otay Valley Road/Heritage Road realignment project.

Mitigation Measure MM-TRA-22: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the widening of Heritage Road between Sikorsky Street and Otay Mesa Road to provide a four-lane collector with two-way left turn lane. Also, prior to the issuance of any CO for development in excess of 4,574 ADT, the improvements must be constructed and accepted by the City.

Mitigation Measure MM-TRA-23: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the restriping of Britannia Boulevard between SR-905 and Airway Road to provide a four-lane major arterial. Also, prior to the issuance of any CO for development in excess of 4,574 ADT, the improvements must be constructed and accepted by the City.

Mitigation Measure MM-TRA-24: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the widening and construction of a raised center median on La Media Road between SR-905 and Airway Road to provide a four-lane major arterial. Also, prior to the issuance of any CO for development in excess of 4,574 ADT, the improvements must be constructed and accepted by the City.

Mitigation Measure MM-TRA-25: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the widening of Siempre Viva Road between Cactus Road and Britannia Boulevard to provide a four-lane collector with two-way left turn lane. Also, prior to the issuance of any CO for development in excess of 4,574 ADT, the improvements must be constructed and accepted by the City.

Year 2022 with Phase 1 + 2 + 3 Intersection Mitigation Measures

Mitigation Measure MM-TRA-26: Prior to the issuance of the first building permit for development in excess of 15,476 ADT, the Owner shall contribute 72.1 percent of the cost of the following improvements to the satisfaction of the City Engineer at the intersection of Otay Mesa Road/Heritage Road:

- Modify traffic signal
- Remove southbound right-turn overlap phase
- Widen the southbound Heritage Road approach to provide two separate left turn lanes, a separate through lane, a shared through-right turn lane, and a separate right turn lane

- Widen the northbound Heritage Road approach to provide a separate left turn lane, a separate through lane, and a shared through-right turn lane

Mitigation Measure MM-TRA-27: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Otay Mesa Road/Pacific Rim Court/Project Access 1. Also, prior to the issuance of any CO for development in excess of 15,476 ADT, the improvements must be constructed and accepted by the City.

- Install a traffic signal and appropriate signal interconnect
- Provide a separate left turn lane, a shared through-right turn lane, and a separate right turn lane for the southbound Project access approach
- Widen to provide two separate left turn lanes from the eastbound Otay Mesa Road approach
- Widen to provide a separate left turn and a separate right turn lane for the westbound Otay Mesa Road approach
- Restripe the northbound approach to provide a shared left turn/through/right turn lane

Mitigation Measure MM-TRA-28: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Otay Mesa Road/Project Access 2. Also, prior to the issuance of any CO for development in excess of 15,476 ADT, the improvements must be constructed and accepted by the City.

- Install a stop sign for the southbound approach
- Restrict the Project access to right turn in/right turn out only by constructing a raised median on Otay Mesa Road
- Widen to provide a separate right turn lane from the westbound Otay Mesa Road approach into the Project access

Mitigation Measure MM-TRA-29: Prior to the issuance of the first building permit for development in excess of 15,476 ADT, the Owner shall contribute 39.8 percent of the cost of the following improvements to the satisfaction of the City Engineer at the intersection of Otay Mesa Road/La Media Road:

- Widen the southbound La Media Road approach to provide two separate left turn lanes, a separate through lane, and a shared through-right turn lane
- Widen the northbound La Media Road approach to provide a separate left turn lane, as separate through lane, a shared through-right turn lane, and a separate right turn lane
- Widen the westbound Otay Mesa Road approach to provide two separate left turn lanes, two separate through lanes, and a shared through-right turn lane

Mitigation Measure MM-TRA-30: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Aviator Road/Project Access 13. Also, prior to the issuance of any CO for development in excess of 15,476 ADT, the improvements must be constructed and accepted by the City.

- Provide a separate left turn lane and a shared through-right turn lane for all approaches

- Perform traffic signal modification as necessary

Mitigation Measure MM-TRA-31: Prior to the issuance of the first building permit for development in excess of 15,476 ADT, the Owner shall contribute 24.5 percent of the cost of the following improvements to the satisfaction of the City Engineer at the intersection of Heritage Road/Datsun Street:

- Install a traffic signal
- Widen the northbound Heritage Road approach to provide two separate left turn lanes and a separate through lane
- Widen the southbound Heritage Road approach to provide a separate through lane and a shared through-right turn lane

Mitigation Measure MM-TRA-32: Prior to the issuance of the first building permit for development in excess of 15,476 ADT, the Owner shall contribute 16.3 percent of the cost of the following improvements to the satisfaction of the City Engineer at the intersection of Avenida De Las Vistas/Heritage Road/Otay Valley Road:

- Install a traffic signal

Mitigation Measure MM-TRA-33: Prior to the issuance of the first building permit for development in excess of 15,476 ADT, the Owner shall contribute 10.7 percent of the cost of the following improvements to the satisfaction of the City Engineer at the intersection of Main Street/Heritage Road/Otay Valley Road:

- Install a traffic signal
- Widen the northbound Heritage Road approach to provide two separate left turn lanes and a shared through-right turn lane
- Widen the southbound Heritage Road approach to provide a separate left turn lane and a shared through-right turn lane
- Widen the eastbound Main Street approach to provide a separate left turn lane, a separate through lane, and two separate right turn lanes
- Widen the westbound Main Street approach to provide a separate left turn lane and a shared through-right turn lane

Mitigation Measure MM-TRA-34: Prior to the issuance of the first building permit for development in excess of 15,476 ADT, the Owner shall contribute 13.4 percent of the cost of the following improvements to the satisfaction of the City Engineer at the intersection of Cactus Road/Siempre Viva Road:

- Install a traffic signal
- Widen the northbound Cactus Road approach to provide a separate through lane and a separate right turn lane
- Widen the southbound Cactus Road approach to provide a separate left turn lane and a shared left turn-through lane
- Widen the westbound Siempre Viva Road approach to provide a shared left turn-right turn lane and a separate right turn lane

Mitigation Measure MM-TRA-35: Prior to the issuance of the first building permit for development in excess of 15,476 ADT, the Owner shall contribute 6.4 percent of the cost of the following improvements to the satisfaction of the City Engineer at the intersection of Britannia Boulevard/Airway Road:

- Widen the northbound and southbound Britannia Boulevard approaches to provide two separate left turn lanes, three separate through lanes, and a separate right turn lane
- Widen the eastbound Airway Road approach to provide two separate left turn lanes, two separate through lanes, and a separate right turn lane
- Widen the westbound Airway Road approach to provide a separate left turn lane, two separate through lanes, and a separate right turn lane

Year 2022 with Phase 1 + 2 + 3 Roadway Mitigation Measures:

Mitigation Measure MM-TRA-36: Prior to the issuance of the first building permit for development in excess of 15,476 ADT, the Owner shall contribute 43.1 percent of the cost of widening the roadway to an eight-lane primary arterial for the roadway segment on Otay Mesa Road between Corporate Center Drive and Ocean View Hills Parkway.

Mitigation Measure MM-TRA-37: Prior to the issuance of the first building permit for development in excess of 15,476 ADT, the Owner shall contribute 10.5 percent of the cost of widening the roadway to a four-lane major arterial and constructing a raised center median for the roadway segment on Britannia Boulevard between Airway Road and Siempre Viva Road.

Mitigation Measure MM-TRA-38: Prior to the issuance of the first building permit for development in excess of 15,476 ADT, the Owner shall contribute 30.9 percent of the cost of widening the roadway to a six-lane major arterial and constructing a raised center median for the roadway segment on La Media Road between Otay Mesa Road and SR-905.

Mitigation Measure MM-TRA-39: Prior to the issuance of the first building permit for development in excess of 15,476 ADT, the Owner shall contribute 44.6 percent of the cost of restriping the roadway to a six-lane primary arterial and constructing a raised center median for the roadway segment on Caliente Avenue between Otay Mesa Road and SR-905.

Mitigation Measure MM-TRA-40: Prior to the issuance of the first building permit for development in excess of 15,476 ADT, the Owner shall contribute 3.6 percent of the cost of widening the roadway to a six-lane major arterial and constructing a raised center median for the roadway segment on Caliente Avenue between SR-905 EB Ramps and Airway Road.

Mitigation Measure MM-TRA-41: Prior to the issuance of the first building permit for development in excess of 15,476 ADT, the Owner shall contribute 18.8 percent of the cost of widening the roadway to a four-lane collector with two-way left turn lane for the roadway segment on Otay Valley Road between Avenida De Las Vistas and Main Street.

Mitigation Measure MM-TRA-42: Prior to the issuance of the first building permit for development in excess of 15,476 ADT, the Owner shall contribute 24.2 percent of the cost of widening the roadway to a four-lane collector with two-way left turn lane for the roadway segment on Otay Valley Road between Avenida De Las Vistas and Datsun Street.

Mitigation Measure MM-TRA-43: Prior to the issuance of the first building permit for development in excess of 15,476 ADT, the Owner shall contribute 9.8 percent of the cost of widening the roadway

to a six-lane major arterial for the roadway segment on Britannia Boulevard between SR-905 and Airway Road.

Mitigation Measure MM-TRA-44: Prior to the issuance of the first building permit for development in excess of 15,476 ADT, the Owner shall contribute 7.7 percent of the cost of widening the roadway to a six-lane major arterial and construct a raised center median for the roadway segment on La Media Road between SR-905 and Airway Road.

Mitigation Measure MM-TRA-45: Prior to the issuance of the first building permit for development in excess of 15,476 ADT, the Owner shall contribute 26.3 percent of the cost of widening the roadway segment to a four-lane collector with two-way left turn lane for the roadway segment on Airway Road between Britannia Boulevard and La Media Road.

Year 2022 with Phase 1 + 2 + 3 Freeway Segment Mitigation Measures

Mitigation Measure MM-TRA-46: Prior to the issuance of the first building permit for development in excess of 15,476 ADT, the Owner shall contribute 18.8 percent of the cost of adding two managed lanes in each direction for the freeway segment on I-805 between Palomar Street and Main Street. Based on 2050 SANDAG Regional Transportation Plan, I-805 is planned to have eight freeway lanes and four managed lanes (currently eight freeway lanes) along the significantly impacted roadway segments of I-805 between Palm Avenue and Palomar Street by Year 2030 with the implementation of Hybrid Highway Network.

Mitigation Measure MM-TRA-47: Prior to the issuance of the first building permit for development in excess of 15,476 ADT, the Owner shall contribute 17.9 percent of the cost of adding two managed lanes in each direction for the freeway segment on I-805 between Main Street and Palm Avenue. Based on 2050 SANDAG Regional Transportation Plan, I-805 is planned to have eight freeway lanes and four managed lanes (currently eight freeway lanes) along the significantly impacted roadway segments of I-805 between Palm Avenue and Palomar Street by Year 2030 with the implementation of Hybrid Highway Network.

Year 2027 Conditions with Full Project (Phase 1 + 2 + 3 + 4) Intersection Mitigation Measures

Mitigation Measure MM-TRA-48: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Otay Mesa Road/Cactus Road/Project Access 3. Also, prior to the issuance of any CO for development in excess of 41,369 ADT, the improvements must be constructed and accepted by the City.

- Widen the eastbound Otay Mesa Road approach to provide a separate left turn lane, three separate through lanes and one separate right turn lane
- Restripe the westbound Otay Mesa Road approach to provide two left turn lanes, three through lanes and a separate right turn lane

Mitigation Measure MM-TRA-49: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 37.6 percent of the cost of the following improvements, which will be constructed to the satisfaction of the City Engineer at the intersection of Otay Mesa Road/Britannia Boulevard/Project Access 6:

- Restripe the westbound Otay Mesa Road approach to provide a second left turn lane

Mitigation Measure MM-TRA-50: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Otay Mesa Road/Ailsa Court/Project Access 7. Also, prior to the issuance of any CO for development in excess of 41,369 ADT, the improvements must be constructed and accepted by the City.

- Install a traffic signal
- Provide the southbound Project access approach with a shared left turn-though-right turn lane
- Widen the eastbound Otay Mesa Road approach to provide a separate left turn lane
- Widen the westbound Otay Mesa Road approach to provide a separate left turn lane and a separate right turn lane
- Restripe the northbound approach to provide a shared left turn/through/right turn lane.

Mitigation Measure MM-TRA-51: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 77.9 percent of the cost of the following improvements to the satisfaction of the City Engineer at the intersection of La Media Road/Aviator Road:

- Install a traffic signal
- Widen the northbound La Media Road approach to provide a left turn lane and two through lanes
- Widen the southbound La Media Road approach to provide two through lanes and a right turn lane
- Widen the eastbound Aviator Road approach to provide a left turn lane, a shared left turn/right turn lane and a right turn lane.

Mitigation Measure MM-TRA-52: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Aviator Road/Project Access 11. Also, prior to the issuance of any CO for development in excess of 41,369 ADT, the improvements must be constructed and accepted by the City.

- Widen Aviator Road to provide an additional through lane for the westbound and eastbound approaches.

Mitigation Measure MM-TRA-53: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Aviator Road/Project Access 12. Also, prior to the issuance of any CO for development in excess of 41,369 ADT, the improvements must be constructed and accepted by the City.

- Install stop signs for all approaches
- Provide the southbound Project access approach with a shared left turn-right turn lane
- Widen the eastbound Aviator Road approach to provide a separate left turn lane and two through lanes
- Widen the westbound Aviator Road approach to provide a separate through lane and a shared through-right turn lane

Mitigation Measure MM-TRA-54: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Aviator Road/Project Access 13. Also, prior to the issuance of any CO for development in excess of 41,369 ADT, the improvements must be constructed and accepted by the City.

- Modify traffic signal
- Widen Aviator Road to provide an additional through lane for the westbound and eastbound approaches.

Mitigation Measure MM-TRA-55: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Aviator Road/Project Access 14. Also, prior to the issuance of any CO for development in excess of 41,369 ADT, the improvements must be constructed and accepted by the City.

- Widen Aviator Road to provide an additional through lane for the westbound and eastbound approaches.

Mitigation Measure MM-TRA-56: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the construction of the following improvements to the satisfaction of the City Engineer at the intersection of Aviator Road/Heritage Road. Also, prior to the issuance of any CO for development in excess of 41,369 ADT, the improvements must be constructed and accepted by the City.

- Modify traffic signal
- Widen the westbound Aviator Road approach to provide a separate left turn lane and a shared left turn-right turn lane
- Widen the northbound Heritage Road approach to provide a shared through-right turn lane and a separate right turn lane

Mitigation Measure MM-TRA-57: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 22.3 percent of the cost of the following improvements to the satisfaction of the City Engineer at the intersection of Heritage Road/Datsun Street:

- Modify traffic signal
- Widen the eastbound Datsun Street approach to provide a separate left turn lane and a separate right turn lane

Mitigation Measure MM-TRA-58: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 46.1 percent of the cost of the following improvements to the satisfaction of the City Engineer , at the intersection of Caliente Avenue/SR-905 WB Ramps:

- Widen the southbound Caliente Avenue approach to provide two separate through lanes, a shared through-right turn lane, and a separate right turn lane

Mitigation Measure MM-TRA-59: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 37.7 percent of the cost of the following

improvements to the satisfaction of the City Engineer at the intersection of Caliente Avenue/SR-905 EB Ramps:

- Widen the eastbound off-ramp approach to provide a separate left turn lane, a shared left turn-through lane, and a separate right turn lane

Mitigation Measure MM-TRA-60: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 7.7 percent of the cost of the following improvements to the satisfaction of the City Engineer at the intersection of Caliente Avenue/Airway Road:

- Install a traffic signal
- Widen the northbound Caliente Avenue approach to provide a separate left turn lane and a through lane
- Widen the southbound Caliente Avenue approach to provide a through lane and a separate right turn lane
- Restripe the eastbound Airway Road approach to provide a separate left turn lane and a separate right turn lane

Mitigation Measure MM-TRA-61: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 6.9 percent of the cost of the following improvements to the satisfaction of the City Engineer at the intersection of Caliente Avenue/Beyer Boulevard:

- Install a traffic signal
- Widen the northbound Caliente Avenue approach to provide a separate left turn lane and a through lane
- Widen the southbound Caliente Avenue approach to provide a through lane and a separate right turn lane

Mitigation Measure MM-TRA-62: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 19.6 percent of the cost of the following improvements to the satisfaction of the City Engineer at the intersection of Cactus Road/Airway Road:

- Install a traffic signal
- Widen the northbound Cactus Road approach to provide a through lane and a separate right turn lane
- Widen the southbound Cactus Road approach to provide a separate left turn lane and a through lane

Mitigation Measure MM-TRA-63: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 9.5 percent of the cost of the following improvements to the satisfaction of the City Engineer at the intersection of Britannia Boulevard/Siempre Viva Road:

- Restripe the eastbound Siempre Viva Road approach to provide two separate left turn lanes, a through lane, and a shared through-right turn lane

- Restripe the westbound Siempre Viva Road approach to provide a separate left turn lane, a through lane, and two separate right turn lanes

Mitigation Measure MM-TRA-64: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 5 percent of the cost of the following improvements to the satisfaction of the City Engineer at the intersection of La Media Road/Airway Road:

- Modify traffic signal
- Restripe the southbound La Media Road approach to provide a second left turn lane
- Widen to provide a third through lane for the northbound La Media Road approach

Year 2027 Conditions with Full Project (Phase 1 + 2 + 3 + 4) Roadway Mitigation Measures

Mitigation Measure MM-TRA-65: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 34.2 percent of the cost for constructing the SR-905/Heritage Road interchange for the roadway segment on Caliente Avenue between Otay Mesa Road and SR-905.

Mitigation Measure MM-TRA-66: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 21.7 percent of the cost of widening the roadway to a six-lane primary arterial for the roadway segment on Caliente Avenue between SR-905 Ramps.

Mitigation Measure MM-TRA-67: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 37.2 percent of the cost of widening the bridge over I-805 to a 6-lane major arterial for the roadway segment on Palm Avenue between the I-805 Ramps.

Mitigation Measure MM-TRA-68: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 71.6 percent of the cost of widening the roadway segment to a 4-lane collector with two-way left turn lane for the roadway segment on Heritage Road between Aviator Road and Future Otay Valley Road.

Mitigation Measure MM-TRA-69: Prior to the issuance of the first building permit, the Owner shall assure by permit and bond the widening of Aviator Road between Heritage Road and La Media Road to provide a four-lane collector with two-way left turn lane. Also, prior to the issuance of any CO for development in excess of 41,369 ADT, the improvements must be constructed and accepted by the City.

Mitigation Measure MM-TRA-70: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 5.3 percent of the cost of widening the roadway segment to a 4-lane collector with two-way left turn lane for the roadway segment on Heritage Road between Otay Mesa Road and SR-905.

Mitigation Measure MM-TRA-71: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 15.9 percent of the cost of restriping the roadway to a six-lane major arterial and constructing a raised center median for the roadway segment on La Media Road between SR-905 Ramps.

Mitigation Measure MM-TRA-72: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 70.7 percent of the cost of widening the roadway segment to a 4-lane collector with two-way left turn lane for the roadway segment on La Media Road between Otay Mesa Road and Windsock Road.

Year 2027 Conditions with Full Project (Phase 1 + 2 + 3 + 4) Freeway Segment Mitigation Measures

Mitigation Measure MM-TRA-73: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, for the Owner shall contribute 17.5 percent of the cost of adding two managed lanes in each direction the freeway segment on I-805 between Palm Avenue and SR-905. Based on 2050 SANDAG Regional Transportation Plan, I-805 is planned to have eight freeway lanes and four managed lanes (currently eight freeway lanes) along the significantly impacted roadway segments of I-805 between Palm Avenue and Palomar Street by Year 2030 with the implementation of Hybrid Highway Network.

Mitigation Measure MM-TRA-74: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 6.1 percent of the cost of adding two mainline lanes in each direction for the freeway segment on SR-125 between Otay Mesa Road and Lone Star Road. Based on 2050 SANDAG Regional Transportation Plan, SR-125 is planned to have eight freeway lanes (currently four toll lanes) along the impacted roadway segments of SR-125 between Otay Mesa Road and Lone Star Road, and Lone Star Road and Otay Valley Road by Year 2050.

Mitigation Measure MM-TRA-75: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 6.1 percent of the cost of adding two mainline lanes in each direction for the freeway segment on SR-125 between Lone Star Road and Otay Valley Road. Based on 2050 SANDAG Regional Transportation Plan, SR-125 is planned to have eight freeway lanes (currently four toll lanes) along the impacted roadway segments of SR-125 between Otay Mesa Road and Lone Star Road, and Lone Star Road and Otay Valley Road by Year 2050.

Year 2027 Conditions with Full Project (Phase 1 + 2 + 3 + 4) Metered Freeway On-Ramp Mitigation Measures

Mitigation Measure MM-TRA-76: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 60.84 percent of the cost of widening this on-ramp to three lanes at the intersection of I-805 southbound on ramp at Palm Avenue. The future City CIP project to improve this interchange anticipates constructing a total of three lanes on the I-805 southbound on-ramp at Palm Avenue.

Mitigation Measure MM-TRA-77: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 66.08 percent of the cost of widening this on-ramp to three lanes at the intersection of SR-905 westbound on ramp at Caliente Avenue.

Mitigation Measure MM-TRA-78: Prior to the issuance of the first building permit for development in excess of 41,369 ADT, the Owner shall contribute 6 percent of the cost of widening this on ramp to three lanes at the intersection of SR-905 westbound on ramp at Britannia Boulevard.

Horizon Year Intersection Mitigation Measures

Mitigation Measure MM-TRA-79: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 12.72 percent of the cost of the following

improvements at the intersection of Otay Mesa Road/Innovative Drive to the satisfaction of the City Engineer:

- Install a traffic signal. The signal warrant based on estimated ADT, Table 4C-102 Traffic Signal Warrant Worksheet in California MUTCD 2010, is met under this scenario.
- NB Innovative Drive approach: Widen to provide an exclusive left turn lane to provide a total of one left turn lane and a shared through-right turn lane
- SB Innovative Drive approach: Widen to provide an exclusive left turn lane and an exclusive through lane to provide a total of one left turn lane, a shared left turn-through-right turn lane, and a right turn lane
- WB Otay Mesa Road: Widen to provide an exclusive left turn lane to provide a total of one left turn lane, three through lanes, and a right turn lane
- EB Otay Mesa Road: Widen to provide an exclusive left turn lane and an exclusive right turn lane to provide a total of one left turn lane, three through lanes, and a right turn lane

Mitigation Measure MM-TRA-80: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 35.78 percent of the cost of the following improvements at the intersection of Otay Mesa Road/Heritage Road to the satisfaction of the City Engineer:

- NB Heritage Road approach: Widen to provide two additional through lanes and an exclusive right turn lane to provide a total of one left turn lane, three through lanes, and a right turn lane
- SB Heritage Road approach: Widen to provide an exclusive left turn lane and a through lane to provide a total of two left turn lanes, two through lanes, a shared through-right turn lane, and a right turn lane
- WB Otay Mesa Road approach: Restripe to provide two left turn lanes, two through lanes, a shared through-right turn lane, and a right turn lane

Mitigation Measure MM-TRA-81 Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 44.35 percent of the cost of the following improvements at the intersection of Otay Mesa Road/Cactus Road/Project Access 3 to the satisfaction of the City Engineer:

- NB Cactus Road approach: Widen to provide an additional left turn lane to provide a total of two left turn lanes, a through lane, and a right turn lane
- EB Otay Mesa Road approach: Widen to provide two exclusive right turn lanes to provide a total of one left turn lane, three through lanes, and two right turn lanes
- WB Otay Mesa Road approach: Same as Phase 4

Mitigation Measure MM-TRA-82: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 11.00 percent of the cost of the following improvements at the intersection of Otay Mesa Road/La Media Road to the satisfaction of the City Engineer:

- NB La Media Road approach: Widen to provide an exclusive left turn lane, a through lane, and an exclusive right turn lane to provide a total of two left turn lanes, two through lanes, and a right turn lane

- SB La Media Road approach: Widen to provide an additional through lane and an exclusive right turn lane to provide a total of two left turn lanes, a through lane, a shared through-right turn lane, and a right turn lane
- WB Otay Mesa Road approach: Widen to provide an additional exclusive left turn lane and an exclusive right turn lane to provide a total of two left turn lanes, three through lanes, and a right turn lane
- EB Otay Mesa Road approach: Widen to provide an additional left turn lane to provide a total of two left turn lanes, three through lanes, and a right turn lane

Mitigation Measure MM-TRA-83: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 2.78 percent of the cost of the following improvements at the intersection of Otay Mesa Road/Harvest Road to the satisfaction of the City Engineer:

- Install a traffic signal. The signal warrant based on estimated ADT, Table 4C-102 Traffic Signal Warrant Worksheet in California MUTCD 2010, is met under this scenario.
- NB Harvest Road approach: Widen to provide two exclusive left turn lanes to provide a total of two left turn lanes and a shared through-right turn lane
- SB Harvest Road approach: Widen to provide an exclusive left turn lane to provide a total of one left turn lane and a shared through-right turn lane
- WB Otay Mesa Road approach: Widen to provide an exclusive left turn lane, two additional through lanes, and an exclusive right turn lane to provide a total of one left turn lane, three through lanes, and a right turn lane
- EB Otay Mesa Road approach: Widen to provide an exclusive left turn lane, two additional through lanes, and an exclusive right turn lane to provide a total of one left turn lane, three through lanes, and a right turn lane

Mitigation Measure MM-TRA-84: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 17.85 percent of the cost of the following improvements at the intersection of La Media Road/Project Access 9 to the satisfaction of the City Engineer:

- NB La Media Road approach: Widen La Media Road to provide a total of one left turn lane and two through lanes
- SB La Media Road approach: Widen La Media Road to provide a total of one through lane and a shared through-right turn lane
- EB Project Access approach: Same as Phase 1

Mitigation Measure MM-TRA-85: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 17.79 percent of the cost of the following improvements at the intersection of La Media Road/Project Access 10 to the satisfaction of the City Engineer::

- NB La Media Road approach: Widen La Media Road to provide a total of one left turn lane and two through lanes
- SB La Media Road approach: Widen La Media Road to provide a total of one through lane and a shared through-right turn lane
- EB Project Access approach: Same as Phase 1

Mitigation Measure MM-TRA-86: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 15.08 percent of the cost of the following improvements at the intersection of La Media Road/Winsock Road to the satisfaction of the City Engineer:

- Install a traffic signal. The signal warrant based on estimated ADT, Table 4C-102 Traffic Signal Warrant Worksheet in California MUTCD 2010, is met under this scenario.
- NB La Media Road approach: Widen to provide a total of two through lanes and a right turn lane
- SB La Media Road approach: Widen to provide a total of one left turn lane and two through lanes

Mitigation Measure MM-TRA-87: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 20.14 percent of the cost of the following improvements at the intersection of La Media Road/Aviator Road to the satisfaction of the City Engineer:

- Install a traffic signal. The signal warrant based on estimated ADT, Table 4C-102 Traffic Signal Warrant Worksheet in California MUTCD 2010, is met under this scenario.
- NB La Media Road approach: Widen La Media Road to provide a total of one left turn lane and two through lanes
- SB La Media Road approach: Widen La Media Road to provide a total of two through lanes and a right turn lane
- EB Aviator Road approach: Widen Aviator Road to provide a total of one left turn lane, a shared left turn-right turn lane, and a right turn lane

Mitigation Measure MM-TRA-88: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 19.94 percent of the cost of the following improvements at the intersection of Heritage Road/Datsun Street/Otay Valley Road to the satisfaction of the City Engineer:

- Install a traffic signal. The signal warrant based on estimated ADT, Table 4C-102 Traffic Signal Warrant Worksheet in California MUTCD 2010, is met under this scenario.
- NB Heritage Road approach: Widen to provide an additional left turn lane, two through lanes and two right turn lanes to provide a total of two left turn lanes, three through lanes, and two right turn lanes
- SB Heritage Road approach: Widen to provide two additional left turn lanes, two through lanes and two right turn lanes to provide a total of two left turn lanes, three through lanes, and two right turn lanes
- WB Heritage Road approach: Widen to provide a total of two left turn lanes, a shared through-right turn lane, and a right turn lane
- EB Datsun Street approach: Widen to provide two exclusive left turn lanes and an exclusive right turn lane to provide a total of two left turn lanes, a shared through-right turn lane, and a right turn lane

Mitigation Measure MM-TRA-89 Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 34.67 percent of the cost of the following improvements at the intersection of Heritage Road/Sikorsky to the satisfaction of the City Engineer:

- NB Heritage Road approach: Widen to provide two additional through lanes and an exclusive right turn lane to provide a total of three through lanes and a right turn lane
- SB Heritage Road approach: Widen to provide two additional through lanes to provide a total of three through lanes
- WB Project Access approach: Same as Phase 2

Mitigation Measure MM-TRA-90: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 9.57 percent of the cost of the following improvements at the intersection of Avenida De Las Vistas/Heritage Road/Otay Valley Road to the satisfaction of the City Engineer:

- Install a traffic signal.
- NB Otay Valley Road approach: Widen to provide one additional through lanes and an exclusive right turn lane to provide a total of one left turn lane, three through lanes, and a right turn lane
- SB Otay Valley Road approach: Widen to provide an exclusive left turn lane and two additional through lanes to provide a total of one left turn lane, three through lanes, and a right turn lane
- WB Avenida De Las Vistas approach: Widen to provide a left turn lane and a shared through-right turn lane
- EB Avenida De Las Vistas approach: Restripe to provide a left turn lane and a shared through-right turn lane

Mitigation Measure MM-TRA-91: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 5.73 percent of the cost of the following improvements at the intersection of Main Street/Heritage Road/Otay Valley Road to the satisfaction of the City Engineer:

- Install a traffic signal.
- NB Otay Valley Road approach: Widen to provide three exclusive left turn lanes, a through lane and an exclusive right turn lane to provide a total of three left turn lanes, two through lanes, and a right turn lane. The City of Chula Vista is expected to allow triple left turns at a signalized intersection.
- SB Otay Valley Road approach: Widen to provide a total of two left turn lanes, two through lanes, and a right turn lane
- WB Main Street approach: Widen to provide a total of two left turn lanes, two through lanes, and a right turn lane
- EB Main Street approach: Widen to provide an exclusive left turn lane, a through lane, and two exclusive right turn lanes to provide a total of one left turn lane, two through lanes, and two right turn lanes

Mitigation Measure MM-TRA-92: Prior to the issuance of the building permit for the final building planned in Phase 4, the Owner shall contribute 4.64 percent of the cost of the following improvements at the intersection of Caliente Avenue/Airway Road to the satisfaction of the City Engineer:

- Install a traffic signal.

- NB Caliente Avenue approach: Widen to provide an exclusive left turn lane, a through lane, and two exclusive right turn lanes to provide a total of one left turn lane, two through lanes, and two right turn lanes
- SB Caliente Avenue approach: Widen to provide two exclusive left turn lanes, a through lane, and an exclusive right turn lane to provide a total of two left turn lanes, two through lanes, and a right turn lane
- WB Airway Road approach: Widen to provide a total of two left turn lanes, a through lane, and a right turn lane
- EB Airway Road approach: Widen to provide an exclusive left turn lane to provide a total of one left turn lane and a shared through-right turn lane

Mitigation Measure MM-TRA-93: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 4.35 percent of the cost of the following improvements at the intersection of Caliente Avenue/Beyer Boulevard to the satisfaction of the City Engineer:

- Install a traffic signal.
- NB Caliente Avenue approach: Widen to provide two exclusive left turn lanes and a through lane to provide a total of two left turn lanes, a through lane, and a shared through-right turn lane
- SB Caliente Avenue approach: Widen to provide an exclusive left turn lane, a through lane, and an exclusive right turn lane to provide a total of one left turn lane, a through lane, a shared through-right turn lane, and a right turn lane
- WB Beyer Boulevard approach: Widen to provide a total of one left turn lane and a shared through-right turn lane
- EB Beyer Boulevard approach: Widen to provide two exclusive left turn lanes and an exclusive right turn lane to provide a total of two left turn lanes, a through lane, and a right turn lane

Mitigation Measure MM-TRA-94: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 23.21 percent of the cost of the following improvements at the intersection of Heritage Road/SR-905 WB Ramps to the satisfaction of the City Engineer:

- NB Heritage Road approach: Widen to provide an exclusive right turn lane to provide a total of two through lanes, a shared through-right turn lane, and a right turn lane

Mitigation Measure MM-TRA-95: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 5.13 percent of the cost of the following improvements at the intersection of Cactus Road/Airway Road to the satisfaction of the City Engineer:

- Install a traffic signal.
- NB Cactus Road approach: Widen to provide two exclusive left turn lanes and an exclusive right turn lane to provide a total of two left turn lanes, a through lane, and a right turn lane
- SB Cactus Road approach: Widen to provide two exclusive left turn lanes and an exclusive right turn lane to provide a total of two left turn lanes, a through lane, and a right turn lane
- WB Airway Road approach: Widen to provide two exclusive left turn lanes, a through lane, and an exclusive right turn lane to provide a total of two left turn lanes, two through lanes, and a right turn lane

- EB Airway Road approach: Widen to provide a total of two left turn lanes, two through lanes, and two right turn lanes

Mitigation Measure MM-TRA-96: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 8.69 percent of the cost of the following improvements at the intersection of Cactus Road/Siempre Viva Road to the satisfaction of the City Engineer:

- Install a traffic signal.
- NB Cactus Road approach: Same as Phase 3
- SB Cactus Road approach: Widen to provide two exclusive left turn lanes to provide a total of two left turn lanes and a through lane
- WB Siempre Viva Road approach: Widen to provide an additional left turn lane and a right turn lane to provide a total of one left turn lane and two right turn lanes

Mitigation Measure MM-TRA-97: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 2.20 percent of the cost of the following improvements at the intersection of La Media Road/Airway Road to the satisfaction of the City Engineer:

- Install a traffic signal.
- NB La Media Road approach: Widen to provide an exclusive left turn lane, two through lanes and an exclusive right turn lane to provide a total of one left turn lane, three through lanes, and a right turn lane
- SB La Media Road approach: Widen to provide an additional left turn lane, one through lane, a shared through-right turn lane, and an exclusive right turn lane to provide a total of two left turn lanes, two through lanes, a shared through-right turn lane, and a right turn lane
- WB Airway Road approach: Same as Phase 2
- EB Airway Road approach: Same as Phase 2

Horizon Year Conditions Roadway Mitigation Measures

Mitigation Measure MM-TRA-98: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 19.42 percent of the cost of widening the roadway segment to a 6-lane primary arterial for the roadway segment on Otay Mesa Road between Piper Ranch Road and La Media Road to the satisfaction of the City Engineer.

Mitigation Measure MM-TRA-99: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 41.40 percent of the cost of widening the roadway segment to an 8-lane primary arterial for the roadway segment on Otay Mesa Road between Cactus Road and Heritage Road to the satisfaction of the City Engineer.

Mitigation Measure MM-TRA-100: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 13.03 percent of the cost of widening the roadway segment to an 8-lane primary arterial for the roadway segment on Otay Mesa Road between Corporate Center Drive and Ocean View Hills Parkway to the satisfaction of the City Engineer.

Mitigation Measure MM-TRA-101: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 7.22 percent of the cost of widening the

roadway segment to a 6-lane major arterial for the roadway segment on Britannia Boulevard between Airway Road and Siempre Viva Road to the satisfaction of the City Engineer.

Mitigation Measure MM-TRA-102: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 6.12 percent of the cost of widening the roadway segment to a 6-lane major arterial for the roadway segment on Caliente Avenue between Airway Road and Beyer Boulevard to the satisfaction of the City Engineer.

Mitigation Measure MM-TRA-103: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 11.81 percent of the cost of widening the roadway segment to a 6-lane primary arterial for the roadway segment on Main Street between I-805 and Oleander Avenue to the satisfaction of the City Engineer.

Mitigation Measure MM-TRA-104: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 10.20 percent of the cost of widening the roadway segment and constructing a raised center median to provide a 6-lane primary arterial for the roadway segment on Heritage Road between Avenida De Las Vistas and Main Street to the satisfaction of the City Engineer.

Mitigation Measure MM-TRA-105: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 10.36 percent of the cost of widening the roadway segment and constructing a raised center median to provide a 6-lane primary arterial for the roadway segment on Heritage Road between Avenida De Las Vistas and Datsun Street to the satisfaction of the City Engineer.

Mitigation Measure MM-TRA-106: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 15.78 percent of the cost of widening the roadway segment and constructing a raised center median to provide a 6-lane primary arterial for the roadway segment on Otay Valley Road between Datsun Street and Sikorsky Street to the satisfaction of the City Engineer.

Mitigation Measure MM-TRA-107: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 23.68 percent of the cost of widening the roadway segment and constructing a raised center median to provide a 6-lane major arterial for the roadway segment on Otay Valley Road between Sikorsky Street and Otay Mesa Road to the satisfaction of the City Engineer.

Mitigation Measure MM-TRA-108: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 4.01 percent of the cost of widening the roadway segment and constructing a raised center median to provide a 4-lane major arterial for the roadway segment on Cactus Road between Otay Mesa Road and Airway Road.

Mitigation Measure MM-TRA-109: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 9.33 percent of the cost of widening the roadway segment and constructing a raised center median to provide a 4-lane major arterial for the roadway segment on Cactus Road between Airway Road and Siempre Viva Road to the satisfaction of the City Engineer.

Mitigation Measure MM-TRA-110: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 8.94 percent of the cost of widening the roadway segment and constructing a raised center median to provide a 4-lane major arterial for the

roadway segment on La Media Road between Airway Road and Siempre Viva Road to the satisfaction of the City Engineer.

Mitigation Measure MM-TRA-111: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 1.64 percent of the cost of widening and construction of the roadway segment as a 6-lane major arterial for the roadway segment on Airway Road between Caliente Avenue and Heritage Road to the satisfaction of the City Engineer.

Mitigation Measure MM-TRA-112: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 1.64 percent of the cost of widening and construction of this roadway segment as a 6-lane primary arterial for the roadway segment on Airway Road between Heritage Road and Cactus Road to the satisfaction of the City Engineer.

Mitigation Measure MM-TRA-113: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 8.83 percent of the cost of widening and construction of this roadway segment as a 6-lane major arterial for the roadway segment on Airway Road between Cactus Road and Britannia Boulevard to the satisfaction of the City Engineer.

Mitigation Measure MM-TRA-114: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 12.14 percent of the cost of widening the roadway segment and constructing a raised center median to provide a 4-lane major arterial for the roadway segment on Siempre Viva Road between Cactus Road and Britannia Boulevard to the satisfaction of the City Engineer.

Mitigation Measure MM-TRA-115: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 5.90 percent of the cost of widening the roadway segment and constructing a raised center median to provide a 6-lane major arterial for the roadway segment on Siempre Viva Road between Britannia Boulevard and La Media Road to the satisfaction of the City Engineer.

Horizon Year Metered Freeway On-Ramp Mitigation Measures

Mitigation Measure MM-TRA-116: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 19.21 percent of the cost of improving this on-ramp at the intersection of SR-905 westbound on-ramp at Heritage Road to the satisfaction of the City Engineer.

Mitigation Measure MM-TRA-117: Prior to the issuance of the first building permit for the final building planned in Phase 4, the Owner shall contribute 23.95 percent of the cost of improving this on-ramp at the intersection of I-805 northbound on-ramp at Main Street to the satisfaction of the City Engineer.

Biological Resources

Mitigation Measure MM-BIO-1:

Table 5.6-3A identifies Project impacts to suitable burrowing owl habitat (non-native grassland and disturbed land) by development phase.

TABLE 5.6-3A
PROJECT VEGETATION COMMUNITY IMPACTS ON SUITABLE BURROWING OWL HABITAT BY DEVEOPMENT PHASE*

Community	Phase 1	Phase 2	Phase 3	Phase 4
Project Impacts On-site				
Non-Native Grassland	77.91	41.82	20.51	25.30
Disturbed	42.00	4.24	4.26	1.43
Total Acres	**119.91**	**46.06**	**24.77**	**26.73**
Project Impacts from Off-site Storm Water Pipe Outfalls				
Non-Native Grassland		.78		
Disturbed		.04		
Total Acres		**.82**		
Project Impacts from Off-site Roadway Improvements				
Non-Native Grassland	2.10	.93		
Disturbed	1.50	.58		
Total Acres	**3.60**	**1.51**		
Grand Total (acres)	**123.51**	**48.39**	**24.77**	**26.73**

*Each phase may be partially developed depending on availability and approval of suitable burrowing owl habitat mitigation lands.

Prior to the issuance of any construction permits for each phase or portion thereof, the owner shall provide mitigation to the satisfaction of the Development Services Department (DSD) Environmental Designee and the Wildlife Agencies for impacts to burrowing owl habitat consistent with the ratios and phasing as specified below:

1. PHASE 1:

   a. For impacts to 123.51 acres of burrowing owl habitat as shown in Table 5.6-3A, the owner shall provide suitable burrowing owl habitat mitigation at a ratio of 0.5:1 for a total of 61.76 acres consisting of both on-site and off-site mitigation lands.

   b. On-site mitigation: 46.32 acres on Brown Field as identified and conditioned under items i through iv below:

      i. Convert 16.40 acres of disturbed/developed land as identified on Exhibit 'A' to functional grassland suitable as burrowing owl nesting habitat. Method for creating, maintaining, preserving and managing suitable habitat on the 16.40 acres shall be consistent with the conceptual Burrowing Owl Mitigation Plan, conceptual Long-Term Management Plan, and MM-BIO-3, MM-BIO-4, and MM-BIO-9.

      ii. Construct artificial burrowing owl burrows in selected mima mounds as part of the Project's vernal pool mitigation to be located on 3.50 acres as identified on Exhibit 'A', otherwise known as the "tongue." The number of artificial burrows along with the management of the burrows shall be consistent with the conceptual Burrowing Owl Mitigation Plan, conceptual Vernal Pool Restoration Plan, conceptual Long-Term Management Plan, and MM-BIO-7 and MM-BIO-9. The project shall also be consistent with the conservation measures, terms and conditions of the Biological Opinion for the Project.

      iii. Construct artificial burrowing owl burrows in selected mima mounds as part of the Project's vernal pool mitigation to be located on 10.18 acres as identified on Exhibit 'A', otherwise known as the "thumb." The number of artificial burrows along with the management of the burrows shall be consistent with the conceptual Burrowing Owl

Mitigation Plan, conceptual Vernal Pool Restoration Plan, conceptual Long-Term Management Plan, and MM-BIO-7 and MM-BIO-9. The project shall also be consistent with the conservation measures, terms and conditions of the Biological Opinion for the Project.

iv. Conserve 16.24 acres of non-native grassland located between Aviator Road and land identified in Item iii, above, to be managed as suitable burrowing owl foraging habitat. The Burrowing Owl Mitigation Plan shall be revised to include these lands.

v. All the mitigation areas noted in Items 1.b.(i) through (iv) shall be shown on the Development Drawings (Exhibit A) for the Project. These mitigation lands shall remain in City of San Diego, Airports Division ownership and managed and preserved consistent with the City's MSCP Subarea Plan, the Burrowing Owl Mitigation Plan, and the Long-Term Management Plan prepared for the Project.

c. Off-site mitigation: 15.44 acres of suitable burrowing owl habitat that meets the following criteria:

i. Lands shall be occupied by burrowing owls or considered suitable burrowing owl habitat. If sufficient acreage of existing occupied or suitable burrowing owl habitat cannot be acquired, lands shall be considered if through restoration, enhancement, and management they are deemed appropriate to support burrowing owl nesting and foraging requirements.

ii. Lands shall contain sufficient populations of fossorial mammals to support nesting and predatory requirements for burrowing owls. If acquired lands do not contain sufficient populations of fossorial mammals to support burrowing owls, mima mounds and artificial burrows shall be installed at a density adequate to support burrowing owls. Additionally, the release of fossorial mammals may be required, if deemed appropriate by CDFG and USFWS.

iii. Lands shall be within the MHPA, contiguous with existing MHPA lands, or other preserve lands, or be large enough to be biologically defensible to support a disjunct population of burrowing owls.

iv. A Long-Term Management Plan shall be prepared and approved by the City of San Diego and Wildlife Agencies.

v. Funding shall be provided, based on a PAR or equivalent analysis, for the implementation of the Long-Term Management Plan. Approval of the Long-Term Management Plan and PAR by the Park and Recreation Department, Open Space Division shall be required for any lands proposed to be dedicated to the City of San Diego.

vi. Lands shall be located on Otay Mesa as close as possible to the impacted burrows. If sufficient acreage cannot be acquired within Otay Mesa, suitable lands within the City of San Diego's MSCP Subarea Plan boundary shall be considered.

vii. Mitigation lands shall be approved by USFWS and CDFG, and selected in consultation with the FAA.

d. Should a Project alternative be approved that preserves and enhances additional suitable burrowing owl habitat on Brown Field, above what is identified in Items 1.b.(i) through (iii) above; the additional mitigation land shall be included in the Burrowing Owl Mitigation Plan and preserved and enhanced prior to the issuance of any construction permits for the development of additional land during Phase 1 construction or any subsequent development phases as noted in Item 2, below, at the required mitigation/development ratio of 0.5:1.

2. PHASES 2, 3, and 4

Based on Table 5.6-3A, the Owner shall preserve suitable burrowing owl habitat off-site at the required 0.5:1 mitigation ratio and in compliance with the selection criteria under Item 1.c. above and established in the Burrowing Owl Mitigation Plan and Long-Term Management Plan prior to the issuance of any construction permits for each of the remaining Phases 2 through 4. The amount of mitigation acres required for each phase shall be, at a minimum, as follows: 24.20 acres for Phase 2, 12.39 acres for Phase 3, and 13.37 acres for Phase 4.

Mitigation Measure MM-BIO-2: No less than 14 days (i.e. between 14 and 30 days) prior to any ground disturbing activities associated with any phase of Project construction, the impact area shall be surveyed by a qualified biologist in accordance with current accepted protocols for burrowing owls and occupied burrows. The impact area includes any area involving construction activity that may negatively affect burrowing owls, such as grading activities, staging of equipment and materials, heavy equipment operation, etc. and the area within 150 meters of the construction activity. If no burrowing owls are found, then no further direct impact avoidance measures are required. If burrowing owls are found, the following measures shall be implemented:

- Construction shall not occur within the setback buffers during the dates identified in the following table:

		Setback Buffers Based on Level of Disturbance		
Location	Time of Year	Low	Medium	High
Nesting Sites	March 1 – Aug 15	200 m*	500 m	500 m
Nesting Sites	Aug 16 – Oct 15	200 m	200 m	500 m
Nesting Sites	Oct 16 – Feb 29	50 m	100 m	500 m

* meters

- Should construction be necessary within the setback buffers identified in the table above, the following measures shall be required:
  - A qualified biologist shall conduct surveillance of the active burrow(s) on at least one occasion no more than 14 days prior to the occurrence of construction;
  - A qualified biologist shall monitor all construction activities occurring within the buffer area; and,
  - Construction shall be limited to the period of the day when burrowing owls are less active (from 10:00 am until two hours prior to sunset), unless different behavior patterns are observed during the surveillance efforts.
- Burrowing owls in occupied burrows within the Project site proposed for development would be relocated using passive techniques as outlined in the 2012 CDFG *Staff Report on Burrowing Owl Mitigation*, subject to a passive Burrowing Owl Translocation Plan to be approved by CDFG (MM-BIO-4), and burrows shall be excavated and collapsed in accordance with the requirements of the Burrowing Owl Mitigation Plan;

- Burrows removed as a result of Project implementation shall be mitigated through the creation of suitable burrowing owl breeding habitat, including a squirrel release program approved by CDFG and/or construction of berms or artificial burrows within on-site mitigation lands per the Burrowing Owl Mitigation Plan. Artificial burrows shall also be created within proposed parcels to be used for vernal pool mitigation, as outlined in the Burrowing Owl Mitigation Plan (MM-BIO-3). Construction activities may occur once a qualified biologist has deemed the burrows within the Project are unoccupied.
- Any occupied burrowing owl burrows or burrows that have the potential to be occupied by the burrowing owl and that are located in the existing earthen berm that is to remain (paralleling La Media Road north of Fire Station No. 43) shall be avoided. The two occupied burrows identified in the 2011 burrowing owl survey report for the Project shall be flagged/field located by the Project Biologist and necessary modifications shall be made during final engineering design between the Project Biologist and Engineer-of-Work to ensure the two burrows will not be impacted by grading operations to the satisfaction of the City Resident Engineer. Within 12 months after completion of each of Phases 1 and 2, post-construction surveys shall be conducted for the herein referenced earthen berm to determine if the occupied burrows identified during the 2011 burrowing owl survey are still occupied. Should it be determined that the previously occupied burrows have been abandoned, the Owner shall coordinate with the CDFG and USFWS regarding additional compensation for abandonment. Any additional measures shall be reflected in an update to the Burrowing Owl Mitigation Plan and shall be submitted for review/approval as indicated in MM-BIO-3.

Mitigation Measure MM-BIO-3: The Owner shall prepare a Burrowing Owl Mitigation Plan for the design, location, and timing of construction of non-native grassland, mima mounds, artificial burrows, and perching poles. The burrowing owl mitigation plan shall be approved by the City, FAA, CDFG, and USFWS prior to the issuance of any construction permits associated with the Project. The Plan shall:

- Require that proposed areas for off-site mitigation must be ground-truthed to be deemed suitable for burrowing owl nesting
- Indentify enhancement methods if mitigation lands are unoccupied. Enhancement methods may include the development of a ground squirrel release and monitoring program and/or the creation of berms or artificial burrows.
- Describe the creation methods to convert a 16.40 acre parcel to functional grassland suitable as burrowing owl breeding habitat, to be located on Airport-owned property inside the MHPA (Figure 5.6-6). Methods shall include restoration of grassland and a squirrel release program to be approved by CDFG and/or the construction of berms of artificial burrows.
- Describe the specifics of the squirrel release and monitoring program and identify the specifications of the artificial burrows and perching poles to be constructed including materials to be used, methods to be implemented and other design elements, such as burrow spacing.
- Include specific and measurable success criteria.
- Include method of preservation and management measures to ensure the in-perpetuity preservation of suitable burrowing owl mitigation lands and owl burrows (both natural and artificial) at an acceptable level of functionality and density to support existing and translocated (MM-BIO-4) burrowing owl populations.
- Be consistent with, and included in, the Long-Term Management Plan (LTMP) to be prepared for all mitigation lands (MM-BIO-9).
- Be consistent with the Vernal Pool Restoration Plan (MM-BIO-7).

Mitigation Measure MM-BIO-4: The Owner shall prepare a Passive Burrowing Owl Translocation Plan to establish burrowing owl occupation in the mitigation lands adjacent to the Project site. This would include, but not be limited to, creation of artificial burrows, perching poles, and other habitat features in mitigation lands. The translocation plan shall be approved by CDFG and USFWS, in consultation with the City and FAA, prior to the issuance of any construction permits associated with the Project. The Plan shall:

- Describe the methods used for passive translocation, including the installation of one-way doors in burrow openings to prevent the re-occupation of the burrow after owls have been evicted.
- Include specific criteria for the timing of passive relocation activities (e.g. passive relocation of existing burrowing owl populations onsite should only commence once the construction of artificial burrows on protected offsite lands is complete per MM-BIO-3).
- Include daily surveys for a minimum of two weeks to ensure burrowing owls have appropriately relocated to mitigation lands or other lands outside the Project boundary.
- Include specific and measurable success criteria (e.g. No burrowing owls present within the Project boundary for at least two consecutive weeks following burrow collapse).
- Include a contingency plan should passive relocation be unsuccessful (e.g. consultation with the Wildlife Agencies and/or the preparation of an Active Translocation Plan).
- Be consistent with, and included in, the Burrowing Owl Mitigation Plan to be prepared for construction of artificial burrows on mitigation lands (MM-BIO-3).

Mitigation Measure MM-BIO-5: The Owner shall provide evidence to the City of take authorization from the USFWS for impacts on San Diego fairy shrimp and San Diego button-celery through Section 7 consultation between FAA and USFWS prior to the issuance of any construction permits associated with the Project. Issuance of a Biological Opinion (BO), as a result of the Section 7 consultation, shall serve as a companion document to these mitigation measures. The mitigation and conservation measures must be consistent with any conservation measures identified in the City's MSCP Subarea Plan to satisfy CDFG's jurisdiction of these species. The BO would guide any take of San Diego fairy shrimp or San Diego button-celery. If there is a conflict between the Mitigation Measures proposed herein and measures in the BO, the BO shall take precedence.

Mitigation Measure MM-BIO-6: Impacts to 0.275 acre of vernal pools and the associated San Diego fairy shrimp and San Diego button-celery shall be mitigated at a ratio of 5:1; a total of 1.38 acres of vernal pool basin creation is required. Creation of vernal pools at a ratio of 5:1 shall occur on proposed mitigation lands to the north of the Project site (Exhibit A). See MM-BIO-7 for detail on vernal pool creation/restoration requirements.

Mitigation Measure MM-BIO-7: The Owner shall mitigate for 0.275 acre of impacts to vernal pools through the creation and restoration of 1.38 acres of vernal pool habitat at the "Tongue" and "Thumb" areas (Exhibit A). Mitigation of this impact shall commence prior to the issuance of any construction permits for the Project. Both sites are located on a mesa top in the northern area of the Airport, north of the Project site, and are characterized by remnants of historic mima mound topography and vernal pool affiliated soils (Stockpen gravelly loam). The Owner shall prepare a final Vernal Pool Restoration Plan (VPRP) that is consistent with the conceptual plan (Appendix S). The VPRP shall include detailed measures for creating habitat appropriate for supporting San Diego fairy shrimp and San Diego button-celery. The VPRP shall follow the outline and schedule dictated by the USFWS, and shall be approved by the FAA and USFWS prior to the issuance of any construction permits for the Project. The VPRP shall contain, at a minimum, the following content and requirements:

- Identify locations and prove feasibility of proposed vernal pool creation and restoration areas to support the necessary impermeable soils and hydrology for the San Diego fairy shrimp and San Diego button-celery.

- Establish enhancement goals and measurable objectives that can be monitored for evaluating the long-term success of the restoration. Success criteria shall include, at a minimum, a measure for sufficient hydroperiod and presence of San Diego fairy shrimp during average rainfall years, the presence of San Diego button-celery and other vernal pool indicator plant species, and native plant species cover for both wetland and upland plants.
- The goals, measurable objectives, and success criteria shall be based on achieving successful and sustainable San Diego fairy shrimp and San Diego button-celery habitat restoration within a five-year period.
- Identification of reference site(s) for use in comparing the enhancement efforts against naturally occurring pools. No natural vernal pools occur or would remain on Airport land so access arrangements for a nearby public or private vernal pool reserve would be required. The reference sites shall be approved by the Corps and USFWS and shall not be the sources for the collection of vernal pool inoculum.
- Conduct additional feasibility studies, including a hydrological analysis (e.g., water balance calculation) and soil profile examination, to develop detailed grading plans for each proposed enhancement area.
- Grading plans using half-foot contours shall detail the extent of inundation, desired depth, side slopes, watershed area, soil profile layering design, and compaction specifications. Vernal pool basin profiles shall be included in the specifications.
- Vernal pool creation shall take place either before or concurrent with the initiation of project impacts; vernal pool grading shall occur prior to the onset of the wet season.
- Planting/seeding plans providing a detailed approach to collecting, storing, and distributing salvaged soil/cyst/seed material (inoculum) from impacted pools and other functioning pools in the vicinity shall be included. Any additional seed or container stock plant material shall be specified. Donor pools for the purpose of inoculum collection shall be approved by the USFWS. Donor pools shall be documented to contain viable populations of San Diego fairy shrimp and San Diego button-celery and shall be absent of versatile fairy shrimp (*Branchinecta lindahli*).
- The planting plan shall include provisions for both the wetted portion of the enhanced pool as well as the upland slopes and areas disturbed by construction of the pools.
- All inoculum shall be collected during the dry season (between July and October) when natural dormancy mechanisms of the eggs/seeds have occurred to minimize damage to the inoculum resource. The schedule shall allow for the salvaged inoculum to be used so that it is not stored for more than four months before use in the enhanced pools. Inoculum shall be collected using hand trowels and stored in paper-lined cardboard boxes in a cool, dark and dry place.
- Best Management Practices (BMPs) shall be established for pool enhancement construction activities as well as for post-construction erosion control measures.
- A California Rapid Assessment Method (CRAM) analysis (Vernal Pool Module) shall be conducted of the impact vernal pools prior to impacts, and post-restoration of vernal pools during the five-year post-restoration monitoring period at both vernal pool restoration sites.
- Regular monitoring shall occur during the five-year monitoring period including quantitative vegetation monitoring (upland and aquatic) using point-intercept transects to yield species occurrence, richness and frequency data. In addition, focused surveys for San Diego shrimp pursuant to USFWS protocol shall be conducted annually.
- Contingency measures and adaptive management procedures may be needed during the five-year establishment period. The monitoring period may need to be extended if success criteria, including

the sustained presence of San Diego fairy shrimp and San Diego button-celery, have not been attained, until all success criteria have been fulfilled.

- An enhancement area protection instrument such as a conservation easement, or other approved method of preservation that protects the enhancement areas in perpetuity shall be placed on the vernal pool restoration sites.
- A LTMP shall be prepared that describes the long-term management, maintenance, and monitoring of the restoration in perpetuity, including invasive species removal and the in-perpetuity monitoring of the San Diego fairy shrimp and San Diego button-celery populations within the creation pools. Monitoring and management measures shall be consistent with those identified in the City of San Diego's Vernal Pool Habitat Conservation Plan (in progress).
- Funding mechanism and responsible parties to ensure implementation and long-term maintenance of the VPRP shall be developed and secured through the calculation of an endowment to generate in-perpetuity habitat management funds.

Mitigation Measure MM-BIO-8: Prior to the issuance of any construction permits associated with Phase 1 of the Project, the Owner shall mitigate for impacts to 169.35 acres of non-native grassland at a ratio of 0.5:1, and 0.20 acre of Diegan coastal sage scrub at a ratio of 1:1 by: (1) preserving, in perpetuity, 68.28 acres of Tier I – III habitats located on Airport-owned property within the MHPA north of the Project boundary for impacts to non-native grassland; (2) converting 16.40 acres of disturbed lands located on Airport-owned property within the MHPA north of the Project boundary to functional grassland habitat adjacent to the preserved lands for impacts to non-native grassland; and (3) preserving 0.20 acre of Diegan coastal sage scrub within the MHPA north of the Project boundary for impacts to Diegan coastal sage scrub. The lands shall be funded and managed in perpetuity as described in the LTMP required in MM-BIO-9. The mitigation areas shall have long-term viability and biological values that are equal to or greater than the impacted site, upon preservation or creation. The content and requirements of the creation of the 16.40 acres of grassland habitat in Item 2, above, shall be detailed in the Burrowing Owl Mitigation Plan required in MM-BIO-3.

Mitigation Measure MM-BIO-9: The mitigation and conservation areas proposed to offset the impacts to non-native grassland and Diegan coastal sage scrub are within lands currently owned and managed by the City of San Diego Airports Division. The City of San Diego Airports Division (Owner) shall be responsible for the management of the proposed mitigation and conservation areas in accordance with the City's MSCP Subarea Plan as modified by the Southwest area specific management directives. Prior to the issuance of any construction permits for the Project, a LTMP shall be prepared and approved by the City, CDFG and USFWS, in consultation with FAA, for the management of these mitigation and conservation areas, including an endowment calculation (PAR, or equivalent). The Owner shall record the endowment and an appropriate instrument to manage the property in perpetuity.

Mitigation Measure MM-BIO-10: To offset impacts from construction of the two proposed off-site storm drains and outfall structures, a Drainage Revegetation Plan consistent with City of San Diego Biology Guidelines shall be prepared by the Applicant for impacts to non-native grassland and Diegan coastal sage scrub habitats. The Plan shall be submitted for approval to the City prior to the issuance of any construction permits associated with the installation of the two proposed storm drains and outfall structures. The Plan shall include at a minimum:

- Restrictions on implementation such that activities shall occur outside the accepted breeding season of coastal California gnatcatcher (March 1- August 15) and coastal cactus wren (February 15- August 15).
- Pre-activity surveys for coastal California gnatcatcher and coastal cactus wren if heavy equipment is to be used (e.g. hydroseeding, bobcat).

- The requirement to salvage and transplant all succulent plants and suitable shrub material to be impacted as a result of the Project;
- Criteria for determining whether an individual plant is appropriate for salvage;
- The appropriate salvage season;
- The requirement to salvage and stockpile all excavated topsoil up to the first six inches for use in spreading as the top layer of soil in restoring disturbed areas;
- Equipment and methods for salvage, transport, and planting;
- Storage and pre-planting requirements for each species;
- A planting plan, including the amount and species of seed necessary to revegetate these habitat types;
- Success criteria for the transplanted and restored areas over a five-year period following installation;
- Specific BMPs for erosion control during and after salvage and restoration;
- A requirement for five years of maintenance of the transplanted and restored areas, including removal of invasive species and irrigation (if necessary); and
- A requirement for five years of monitoring to evaluate compliance with the success criteria and to adjust maintenance activities using an adaptive management approach.

Mitigation Measure MM-BIO-11. Prior to issuance of any construction permits for the Project, the Owner shall obtain a Section 404 Clean Water Act permit from the Corps, Section 401 Water Quality Certification from the RWQCB, and Section 1602 Streambed Alteration Agreement from CDFG to address impacts to 0.74 acre of non-wetland waters of the U.S. and State , 0.25 acre of freshwater marsh wetlands, and 2.91 acres of waters of the State associated with the on-site drainage ditches (the 2.91 acres of impacts to CDFG jurisdiction include 0.74 acre of Corps jurisdiction).

As part of the Section 404 process, a formal delineation of potential wetlands and other waters of the U.S. located within the Project area shall be performed and submitted to the Corps for verification. State and federal regulations require that the project applicant avoid or minimize impacts to wetlands and waters and develop appropriate protection for wetlands. Wetlands that cannot be avoided must be compensated to result in "no net loss" of wetlands to ensure that the Project would maintain the current functions and values of onsite wetland habitats. Impacts to non-wetland waters of the U.S. and State within the Project boundary shall be mitigated for at a 1:1 ratio through the onsite creation of bio-swales and an ephemeral channel. The ephemeral channel shall be designed with a clear bed and bank such that an ordinary high water mark shall establish itself over time.

Mitigation Measure MM-BIO-12: Impacts to wetlands outside of the Project boundary (i.e. La Media Road and Airway Road widening) shall require mitigation at a 2:1 ratio (per City Biology Guidelines). Prior to the issuance of any construction permits for Phase 1 of the Project, the Owner shall initiate mitigation for off-site wetland impacts through creation and enhancement of wetlands on Airport property on the Southwest Parcel, located at the southwest corner of Otay Mesa Road and Heritage Road. The property contains sedimentation ponds surrounded by disturbed riparian habitat and wetlands that would benefit from enhancement and the creation of additional freshwater marsh. Enhancement of 0.25 acre and creation of 0.25 acre for a total of 0.50 acre of freshwater marsh mitigation shall be implemented according to a Corps approved Habitat Mitigation and Management Plan (HMMP). This area of impact is based on best available science and Project information available at the time of the analysis. Should detailed off-site roadway design show that additional freshwater marsh wetland impacts would occur due to an inadequate buffer, mitigation shall be adjusted accordingly, based on a

2:1 mitigation ratio, to be reviewed and approved by the Development Services Department Environmental Designee. The Plan shall include, but not be limited to:

- A document structure which complies with the Corps wetlands restoration HMMP outline which details the creation and restoration of 1.0 acre of freshwater marsh.
- An evaluation of the existing functions and values, and a description of the functions and values to be achieved through compensatory mitigation.
- Appropriate site selection criteria including evaluation of soils and hydrology (e.g. water table) on the restoration site.
- Schematics and plans to grade the site, if necessary, to an appropriate topographic layout conducive to supporting freshwater marsh.
- A native plant palette based on the vegetation composition of the freshwater marsh to be impacted. Representative species should include creeping spikerush, sedges (Carex. sp.), bulrush (Scirpus sp.) and cattail (Typha sp.).
- Specific and measurable success criteria for evaluating the success of the restoration site.
- The development of a five-year monitoring, maintenance and management plan
- Securing of a bond or line of credit to guarantee success of the restoration and enhancement installation.
- The development of a long-term management plan, including the description of a funding source for management in perpetuity and designation of a conservation easement or covenant to secure the site for conservation in perpetuity.

Historical Resources (Archaeology)

Mitigation Measure MM-HIST-1: Retention of a qualified archaeologist. The Owner shall retain a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology (Department of the Interior, 2008), who has been approved by the City, to carry out all mitigation measures related to archaeological resources.

Mitigation Measure MM-HIST-2: Additional Survey. Prior to the issuance of any construction permits for the Project, a qualified archaeologist shall carry out Phase 1 cultural resources survey efforts in those portions of the Project area not subject to survey as part of the present study, as detailed in the Cultural Resources Survey and Assessment for the Metropolitan Airpark Project, Otay Mesa, San Diego, CA (Bray and Brewster, 2011). These areas shall be cleared of the materials obscuring the surface (e.g., cars, pavement, debris, and gravel) prior to survey. The Phase 1 survey shall identify any cultural resources and shall formally evaluate the significance of any potentially eligible resources that may be directly or indirectly impacted by the Project. The Phase 1 Survey effort shall be documented in an addendum to the Phase 1 Cultural Resources Survey report.

Mitigation Measure MM-HIST-3: Avoid and protect archaeological resources. Prior to the issuance of any construction permits for the Project, the Owner shall demonstrate avoidance of all impacts to sites CA-SDI-10623, CA-SDI-14559, and the significant portion of CA-SDI-10628/H, which are all located outside of, but adjacent to, the Project area. These resources shall be designated as Environmentally Sensitive Areas (ESAs) to ensure avoidance. The ESAs shall be established by the qualified archaeologist in coordination with the City. The ESAs shall be identified on grading and

building plans. Protective fencing or other markers shall be erected around ESAs prior to any ground-disturbing activities; however, such ESAs shall not be identified specifically as cultural resources, in order to protect sensitive information and to discourage unauthorized disturbance or collection of artifacts. All ground-disturbing activities adjacent to designated ESAs shall be monitored by a qualified archaeologist and Native American monitor.

Mitigation Measure MM-HIST-4: Monitoring by a qualified archaeologist during ground-disturbing activities. Prior to issuance of any construction permits for the Project, an archaeological monitor shall be retained by the Owner to monitor ground-disturbing activities, including, but not limited to, pavement/asphalt removal, grubbing, brush removal, boring, trenching, grading, excavating, and the demolition of building foundations. The duration and timing of monitoring shall be determined by the qualified archaeologist in consultation with the City. Due to the sensitivity of the Project area for Native American resources, at least one Native American monitor shall also monitor ground-disturbing activities in the Project area. The monitor(s) shall be selected from amongst the Native American groups identified by the Native American Heritage Commission as having affiliation with the Project area. The archaeological and Native American monitoring shall conform to the following specifications:

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the Project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and that all persons involved in the archaeological monitoring of the Project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (¼-mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼-mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Owner shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
   a. If the PI is unable to attend the Precon Meeting, the Owner shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored

   Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.

   The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
   a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
   b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor(s) Shall be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly **(Notification of Monitoring Completion),** and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
    a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.

b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that the Owner may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**

c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.

3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.

4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.

5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:

   a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;

   b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,

   c. In order to protect these sites, the Landowner shall do one or more of the following:

      (1) Record the site with the NAHC;

      (2) Record an open space or conservation easement on the site;

      (3) Record a document with the County.

   d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains are **NOT** Native American

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.

2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).

3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.

2. The following procedures shall be followed.

   a. No Discoveries

      In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8AM of the next business day.

   b. Discoveries

      All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.

   c. Potentially Significant Discoveries

      If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.

   d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction

   1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.

   2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

   1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**

      a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.

      b. Recording Sites with State of California Department of Parks and Recreation.

The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
3. The cost for curation is the responsibility of the property owner.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring

Report from MMC which includes the Acceptance Verification from the curation institution.

Human Health and Public Safety

Mitigation Measure MM-HAZ-1: Prior to the issuance of any demolition permits, a detailed asbestos and lead based paint survey shall be conducted for the existing structures. Any identified ACMs, and LBPs shall be removed, handled, and properly disposed of by appropriately licensed and qualified individuals in accordance with applicable regulations during demolition of structures. The Owner shall provide documentation (for example, all required waste manifests, sampling, and air monitoring test results) to the City of San Diego showing that abatement of any ACMs, LBPs, or PCB-containing electrical fixtures identified in these structures has been completed in full compliance with all applicable regulations and approved by the appropriate regulatory agency(ies) (40 CFR, Subchapter R, TSCA, Parts 716, 745, 761, 763, and 795 and CCR Title 8, Article 2.6).

Mitigation Measure MM-HAZ-2: For sites where contamination is suspected, including the berms in Area H2, or where the Phase I assessment has identified a potential for contamination, the Owner shall prepare a health and safety plan, based on the site conditions, by a licensed industrial hygienist. The health and safety plan, in accordance with OSHA's Hazardous Waste Operations and Emergency Response Standard (HAZWOPER), shall identify potential contaminants that may be encountered, appropriate personal protective equipment, and worker safety procedures including agency notification requirements in the event that suspected contamination is encountered. Any additional investigation or remediation follow up work shall be completed by the responsible party to the satisfaction of the City of San Diego's Local Enforcement Agency or other local, state, or federal agency with regulatory oversight for the specific hazardous condition prior to change in site use. Any identified contaminated soils shall be disposed of at a licensed waste disposal facility in accordance with local and state disposal requirements and any imported soils shall be verified as free of contamination. The soils/wastes contained in the berms located in Area H2 shall be sampled in accordance with the requirements of the RWQCB, as stated in their January 31, 2003 letter (J. Robertus, written communication, January 31, 2003) and any further action required by RWQCB following analytical results shall be completed and written verification from the RWQCB that the site is in compliance with applicable regulations and statutes shall be obtained prior to issuance of any construction permit for Phase 1 of the Project.

Mitigation Measure MM-HAZ-3: Prior to the issuance of any building permits within Area L or any other area of the Project site where volatile contaminants have been identified, an assessment of soil vapor quality shall be conducted by a qualified environmental professional. If soil vapors are found present, then a soil vapor barrier shall be incorporated into the final project design plans in accordance with local regulatory oversight unless a risk assessment study prepared by a qualified professional can demonstrate that no adverse effects would be encountered.

Paleontological Resources

Mitigation Measure MM-PAL-1: Paleontological Resource Monitoring Program.
To minimize the potential adverse effects on paleontological resources, the Owner shall obtain the

services of a qualified paleontologist who shall attend preconstruction meetings and be on-site at all times during excavation to monitor construction activities, and be available on an on-call basis throughout the life of the Project. On-site monitoring shall be required for excavations within the Lindavista Formation below topsoil and man-placed fills, and any excavation deeper than 10 feet with 1,000 cubic yards of excavation (high sensitivity formations) or 2,000 cubic yards of excavation (medium sensitivity formations). If fossils are unearthed, construction shall halt immediately in the area of the find. The paleontologist shall be available to quickly salvage fossils so that construction delays can be avoided. If large specimens are unearthed, the paleontologist shall have the authority to halt or divert grading and construction equipment to allow for removal of the finds. At the completion of each phase of development, the paleontologist shall submit a monitoring report to the Mitigation Monitoring Coordination (MMC) staff.

In the event that any discovery is made, the paleontologist shall conduct or supervise the following tasks as outlined in the City of San Diego Paleontological Guidelines (2002):

- In the event of discovery, salvage of unearthed fossil remains, typically involving simple excavation of the exposed specimen but possibly also plaster-jacketing of large and/or fragile specimens, or more elaborate quarry excavations of richly fossiliferous deposits.
- Recovery of stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including description of lithologies of fossil bearing strata, measurement and description of the overall stratigraphic section, and photographic documentation of the geologic setting.
- Laboratory preparation (cleaning and repair) of collected fossil remains to a point of curation, generally involving removal of enclosing rock material, stabilization of fragile specimens (using glues and other hardeners), and repair of broken specimens.
- Cataloging and identification of prepared fossil remains, typically involving scientific identification of specimens, inventory of specimens, assignment of catalog numbers, and entry of data into an inventory database.
- Transferal, for storage, of cataloged fossil remains to an accredited institution (museum or university) that maintains paleontological collections, including the fossil specimens, copies of all field notes, maps, stratigraphic sections, and photographs.
- Preparation of a final report summarizing the field and laboratory methods used, the stratigraphic units inspected, the types of fossils recovered, and the significance of the curated collection.

I. **Prior to Permit Issuance**

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The Owner shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.

2. MMC will provide a letter to the Owner confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.

3. Prior to the start of work, the Owner shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Owner shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.

   a. If the PI is unable to attend the Precon Meeting, the Owner shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Identify Areas to be Monitored

   Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur

   a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.

b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**

2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly **(Notification of Monitoring Completion)**, and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.

3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.

a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.

b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.

c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.

d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.

2. The following procedures shall be followed.

a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM on the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.

2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

V. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,

    a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.

    b. Recording Sites with the San Diego Natural History Museum

    The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate

C. Curation of fossil remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

D. Phasing

The Project would be constructed in four phases over a 20-year period. Each phase is estimated to take five years to develop. Table 9-1 lists the mitigation measures and the particular phase it would occur in.

TABLE 9-1
MITIGATION MEASURE BY PHASE

Mitigation Measure	Phase 1	Phase 2	Phase 3	Phase 4
Land Use				
MM-LU-A1		X	X	X
MM-LU-1	X	X	X	X
MM-LU-2	X	X	X	X
MM-LU-3	X	X	X	X
MM-LU-4	X			
MM-LU-5	X			
MM-LU-6	X			
MM-LU-7	X			
MM-LU-8	X			
MM-LU-9		X	X	
Traffic				
MM-TRA-1	X			
MM-TRA-2	X			
MM-TRA-3	X			
MM-TRA-4	X			
MM-TRA-5	X			
MM-TRA-6	X			
MM-TRA-7	X			
MM-TRA-8	X			
MM-TRA-9	X			
MM-TRA-10	X			
MM-TRA-11	X			
MM-TRA-12		X		
MM-TRA-13		X		
MM-TRA-14		X		
MM-TRA-15		X		
MM-TRA-16		X		
MM-TRA-17		X		
MM-TRA-18		X		
MM-TRA-19		X		
MM-TRA-20		X		
MM-TRA-21		X		

TABLE 9-1
MITIGATION MEASURE BY PHASE

Mitigation Measure	Phase 1	Phase 2	Phase 3	Phase 4
MM-TRA-22		X		
MM-TRA-23		X		
MM-TRA-24		X		
MM-TRA-25		X		
MM-TRA-26			X	
MM-TRA-27			X	
MM-TRA-28			X	
MM-TRA-29			X	
MM-TRA-30			X	
MM-TRA-31			X	
MM-TRA-32			X	
MM-TRA-33			X	
MM-TRA-34			X	
MM-TRA-35			X	
MM-TRA-36			X	
MM-TRA-37			X	
MM-TRA-38			X	
MM-TRA-39			X	
MM-TRA-40			X	
MM-TRA-41			X	
MM-TRA-42			X	
MM-TRA-43			X	
MM-TRA-44			X	
MM-TRA-45			X	
MM-TRA-46			X	
MM-TRA-47			X	
MM-TRA-48				X
MM-TRA-49				X
MM-TRA-50				X
MM-TRA-51				X
MM-TRA-52				X
MM-TRA-53				X
MM-TRA-54				X
MM-TRA-55				X
MM-TRA-56				X
MM-TRA-57				X
MM-TRA-58				X
MM-TRA-59				X
MM-TRA-60				X
MM-TRA-61				X

TABLE 9-1
MITIGATION MEASURE BY PHASE

Mitigation Measure	Phase 1	Phase 2	Phase 3	Phase 4
MM-TRA-62				X
MM-TRA-63				X
MM-TRA-64				X
MM-TRA-65				X
MM-TRA-66				X
MM-TRA-67				X
MM-TRA-68				X
MM-TRA-69				X
MM-TRA-70				X
MM-TRA-71				X
MM-TRA-72				X
MM-TRA-73				X
MM-TRA-74				X
MM-TRA-75				X
MM-TRA-76				X
MM-TTA-77				X
MM-TRA-78				X
MM-TRA-79				X
MM-TRA-80				X
MM-TRA-81				X
MM-TRA-82				X
MM-TRA-83				X
MM-TRA-84				X
MM-TRA-85				X
MM-TRA-86				X
MM-TRA-87				X
MM-TRA-88				X
MM-TRA-89				X
MM-TRA-90				X
MM-TRA-91				X
MM-TRA-92				X
MM-TRA-93				X
MM-TRA-94				X
MM-TRA-95				X
MM-TRA-96				X
MM-TRA-97				X
MM-TRA-98				X
MM-TRA-99				X
MM-TRA-100				X
MM-TRA-101				X
MM-TRA-102				X
MM-TRA-103				X
MM-TRA-104				X
MM-TRA-105				X
MM-TRA-106				X

TABLE 9-1
MITIGATION MEASURE BY PHASE

Mitigation Measure	Phase 1	Phase 2	Phase 3	Phase 4
MM-TRA-107				X
MM-TRA-108				X
MM-TRA-109				X
MM-TRA-110				X
MM-TRA-111				X
MM-TRA-112				X
MM-TRA-113				X
MM-TRA-114				X
MM-TRA-115				X
MM-TRA-116				X
MM-TRA-117				X
Biological Resources				
MM-BIO-1	X	X		
MM-BIO-2	X	X	X	X
MM-BIO-3	X			
MM-BIO-4	X			
MM-BIO-5	X			
MM-BIO-6	X	X		
MM-BIO-7	X			
MM-BIO-8	X			
MM-BIO-9	X	X	X	X
MM-BIO-10	X			
MM-BIO-11	X			
MM-BIO-12	X			
Historical Resources				
MM-HIST-1	X	X	X	X
MM-HIST-2	X			
MM-HIST-3	X	X	X	X
MM-HIST-4	X	X	X	X
Human Health and Safety				
MM-HAZ-1	X	X	X	X
MM-HAZ-2	X	X	X	X
MM-HAZ-3	X	X	X	X
Paleontological Resources				
MM-PAL-1	X	X	X	X

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.

§112.0511 No Development During Appeal Period

Development authorized by a permit, map, or other matter may not occur before the *date of final action.*
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§ 112.0520 Environmental Determination Appeals

(a) Persons Who Can Appeal

Notwithstanding other provisions of this Code, any person may appeal an *environmental determination* not made by the City Council.

(b) Time for Filing an Appeal

An application to appeal a decision described in Section 112.0520(a) shall be filed in the Office of the City Clerk within 10 *business days* from the date of the posting of the Notice of Right to Appeal Environmental Determination.

(c) Scheduling Appeal Hearings. The appeal hearing before the City Council shall be held, or the City Clerk shall set a date for the appeal hearing, no later than 30 calendar days after the date on which the application for an appeal is filed. The appeal hearing shall be noticed in accordance with Section 112.0308.

(d) Power to Act on Appeal. The City Council shall consider the appeal and shall, by a majority vote:

(1) Deny the appeal, approve the *environmental determination* and adopt the CEQA findings and statement of overriding considerations of the previous decision-maker, where appropriate; or

(2) Grant the appeal and set aside the *environmental determination*, in accordance with Section 112.0520(e).

(e) If the City Council grants the appeal under Section 112.0520(d)(2):

(1) The lower decision-maker's decision to approve the project shall be held in abeyance. The City Council shall retain jurisdiction to act on the revised environmental document and associated project at a subsequent public hearing.

(2) The Development Services Director shall reconsider the *environmental determination* in accordance with Section 128.0103 and prepare a revised environmental document as appropriate, in consideration of any direction from the City Council.

(3) At a subsequent hearing, the City Council shall again consider the *environmental determination* and associated projects, and take action in accordance with Section 112.0520(e)(3)(A), (B), or (C) to:

(A) Certify or adopt the environmental document; adopt CEQA *findings* and statement of overriding considerations as appropriate; and affirm the previous decision to approve the associated project;

(B) Certify or adopt the environmental document; adopt CEQA *findings* and statement of overriding considerations as appropriate; condition and approve the associated project as modified; or

(C) Find that the environmental document is insufficient, in which case the document shall not be certified. The associated project shall be denied and the decision shall be deemed the final administrative action.

(Added 7-26-2004 by O-19303 N.S.; effective 8-25-2004)
(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

[Editors Note: Amendments as adopted by O-20081 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.
Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20081-SO.pdf]

§113.0237 Determining a Lot

(a) A *lot* is legal for purposes of *development* if it meets any one of the following criteria:

(1) The *lot* is an individual parcel designated with a number or letter on a *final map* or *parcel map* recorded with the County Recorder, a record of survey map approved by resolution of the City Council and recorded with the County Recorder after December 5, 1954, or a division plat approved by and filed with the Development Services Department; or

(2) The *lot* has been officially determined as a suitable building site or approved for *development* under the Land Development Code; or

(3) The *lot* was created before March 4, 1972 as a result of a boundary adjustment between two adjoining *lot* owners wherein the land was taken from one parcel and added to the adjoining parcel and no new *lots* were thereby created; or

(4) The *lot* was created before March 4, 1972, held as a separate parcel by a subsequent purchaser, and has at least 15 feet of street frontage or other legal access to a dedicated street as approved by the City Engineer; or

(5) The *lot* was held as a separate legal parcel upon annexation to the City of San Diego; or

(6) The *lot* consists of two or more parcels held by the same *record owner* that otherwise meet the requirements of Section 113.0237(a)(1), that are tied together through a recorded Lot Tie Agreement between the *record owner* and the City in accordance with Section 129.0120.

(b) Any *lot* or parcel that does not comply with the minimum lot area or required lot dimensions may nevertheless be used in compliance with the applicable zone if the *lot* is a legal *lot* as determined by Section 113.0237(a).

(c) A Certificate of Compliance may be requested in accordance with Section 125.0210 to certify that a *lot* is legal for *development*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 11-13-2008 by O-19801 N.S.; effective 12-13-2008.)
(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

Passed by the Council of The City of San Diego on OCT 07 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	☒	☐	☐	☐
Kevin Faulconer	☒	☐	☐	☐
Todd Gloria	☐	☐	☒	☐
Myrtle Cole	☒	☐	☐	☐
Mark Kersey	☒	☐	☐	☐
Lorie Zapf	☒	☐	☐	☐
Scott Sherman	☒	☐	☐	☐
David Alvarez	☒	☐	☐	☐
Marti Emerald	☒	☐	☐	☐

Date of final passage OCT 22 2013.

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

(Seal)

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

By _____, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 308483