Item #207
December 9, 2013
(R-2014-138)
Sub item A

RESOLUTION NUMBER R- 308596

DATE OF FINAL PASSAGE DEC 26 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 290781/SCH NO. 2012061075, ADOPTING FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING MITIGATION, MONITORING, AND REPORTING PROGRAM FOR THE BICYCLE MASTER PLAN UPDATE.

WHEREAS, the City of San Diego undertook an update to the 2002 Bicycle Master Plan (Project); and

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

WHEREAS, issue was heard by the City of San Diego on December 9, 2013; and

WHEREAS, the City of San Diego considered the issues discussed in Program Environmental Impact Report No. 290781/SCH No. 2012061075 (Report) prepared for this Project; NOW, THEREFORE,

BE IT RESOLVED, by 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 of San Diego 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 of San Diego hereby adopts the Findings made with respect to the Project, and that pursuant to State CEQA Guidelines Section 15093, the City of San Diego hereby adopts the Statement of Overriding Considerations with respect to the Project, which is attached hereto as Exhibit A.

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

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 City Clerk, 202 "C" Street, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Corrine L. Neuffer
Deputy City Attorney

CLN:dr:als
11/21/13
Or.Dept:DSD
Doc. No. 632011_2

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

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 09 2013.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved pursuant to Charter section 265(i):

_____ _____
(date) TODD GLORIA, Council President

EXHIBIT A

CANDIDATE FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE BICYCLE MASTER PLAN UPDATE
Project No. 290781
SCH No. 2012061075

I. INTRODUCTION

The following Candidate Findings and Statement of Overriding Considerations are made for the Bicycle Master Plan Update project (hereinafter referred to as the "BMP Update" or "project"). The environmental effects of the project are addressed in the Final Program Environmental Impact Report (EIR) dated December 2013, which is incorporated by reference herein.

A. Findings of Fact and Statement of Overriding Considerations

The California Environmental Quality Act (CEQA) [§21081(a)] and the State CEQA Guidelines [§15091(a)] require that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof, unless such public agency makes one or more of the following findings:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment;

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can or should be, adopted by that other agency; or

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

CEQA also requires that the findings made pursuant to §15091 be supported by substantial evidence in the record (§15091(b) of the State CEQA Guidelines). Under CEQA, substantial evidence means enough relevant information has been provided (and reasonable inferences from this information may be made) that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.

Substantial evidence must include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (§15384 of the State CEQA Guidelines).

CEQA further requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" (§15093(a) of the State CEQA Guidelines). When the lead agency approves a project which will result in the occurrence of significant effects that are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the Final EIR and/or other information in the record. The 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 (§15093(b) and (c) of the State CEQA Guidelines).

The following Candidate Findings and Statement of Overriding Considerations have been submitted by the City of San Diego Development Services Department, Planning Division, as Candidate Findings and Statement of Overriding Considerations to be made by the decision- making body. The Development Services Department (DSD), Environmental Analysis Section of the Entitlements Division, does not recommend that the discretionary body either adopt or reject these Findings. They are attached to allow readers of this report an opportunity to review the City of San Diego Development Services Department, Planning Division's position on this matter. It is the exclusive discretion of the decision-maker certifying the EIR to determine the adequacy of the proposed Candidate Findings and Statement of Overriding Considerations. It is the role of staff to independently evaluate the proposed Candidate Findings and Statement of Overriding Considerations, and to make a recommendation to the decision-maker regarding their legal adequacy.

B. Record of Proceedings

For purposes of CEQA and these Findings, the record of proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP), dated June 25, 2012, and all other public notices issued by the City in conjunction with the project;
- The Final Program EIR for the project;
- All written comments submitted by agencies or members of the public during the public review comment period of the Draft Program EIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period of the Draft Program EIR;
- The project's Mitigation Monitoring and Reporting Program (MMRP);

- The reports, documents, studies, technical memoranda or other materials included or referenced in the Final Program EIR;
- Matters of common knowledge to the City, including but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings and/or the Statement of Overriding Considerations;
- All notices issued by the City to comply with CEQA or with any other law governing the processing and approval of the project; and
- Any other relevant materials required to be in the record of proceedings by §21167.6(e) of CEQA.

C. Custodian and Location of Records

The documents and other materials which constitute the record of proceedings for the City's actions on the project are located at the City DSD, 1222 First Avenue, 5th Floor, San Diego, CA 92101. The City DSD is the custodian of the project's administrative record. Copies of the documents that constitute the record of proceedings are and at all relevant times have been available upon request at the offices of the City DSD. The Draft Program EIR also was placed on the City's website at: http://clerkdoc.sannet.gov/Website/publicnotice/pubnotceqa.html.

This information is provided in compliance with Public Resources Code §21081.6(a)(2) and CEQA Guidelines §15091(e).

II. PROJECT SUMMARY

A. Project Location

The project area for the BMP Update includes the jurisdictional boundaries of the City of San Diego (City), which encompasses approximately 342.5 square miles.

B. Project Description

The proposed project is the update of the City's 2002 BMP. The 2002 BMP is a policy document that addressed issues such as bikeway planning, community involvement, facility design, bikeway classifications, utilization of existing resources, multi-modal integration, safety and education, support facilities, implementation, maintenance and funding strategies.

The City is updating the 2002 BMP to provide a renewed bicycle plan for the City and a framework for making cycling a more practical and convenient transportation option for a wide variety of San Diegans with different riding purposes and skill-levels.

The project proposes the following project features:

- Bikeways;
- Bike Parking and End-of-Trip Facilities;
- Bicycle Signal Detection;
- Signage and Striping;
- Multi-Modal Connections; and
- Other Bikeway-related Improvements.

There are approximately 511 miles of existing facilities, the majority of which are Class II Bike Lanes. The City's existing bicycle network is comprised of Bike Paths, Bike Lanes, Bike Routes, and freeway shoulder where Caltrans permits bicycle use. Class I Bike Paths consist of off-street paved right-of-way for exclusive use by bicyclists, pedestrians, and those using non-motorized modes of travel; Class II Bike Lanes are one way facilities on either side of a roadway designated for exclusive or preferential bicycle travel with striping and signage; and Class III Bike Routes use signage to provide shared use with motor vehicle traffic within the same travel lane.

The proposed bicycle network includes an additional 595 miles of bicycle facilities, for a future network totaling approximately 1,090 miles (not including approximately 16 miles of existing freeway shoulder bikeway facilities that are anticipated to not be needed when the proposed network is completed). For purposes of analysis in the Final Program EIR, proposed bikeways[1] are grouped into three categories:

- Off-street Bikeways;
- On-street Bikeways With Widening; and
- On-street Bikeways Without Widening.

Off-street Bikeways are not associated with a roadway carrying motorized vehicle traffic. They would be constructed within their own right-of-way outside of a roadway "footprint." On-street Bikeways would provide bicycle facilities in association with a roadway carrying motorized vehicle traffic. This may only involve the addition of bikeway signage, striping, and related improvements without the need for roadway modifications outside of the existing roadway "footprint." Such bikeways are grouped together for analysis as On-street Bikeways Without Widening. On-street Bikeways requiring roadway modifications beyond the existing roadway "footprint" are referred to as On-street Bikeways With Widening.

[1] "Bikeway," as used in the Program EIR and this document, refers to Bike Paths, Bike Lanes, and Bike Routes (as defined in the Caltrans Highway Design Manual [2012b]), as well as Bicycle Boulevards and Cycle Tracks (that are not currently classified in the Highway Design Manual).

The proposed network is summarized in Table 1, *Proposed San Diego Bicycle Network.*

Table 1
PROPOSED SAN DIEGO BICYCLE NETWORK

Facility Type	Miles of Existing Facility	Miles of Proposed Unbuilt Facility	Total Miles of Facility
Class I - Bike Path	72.3	94.1	166.4
Class II - Bike Lane	309.4	140.6	450.0
Class III - Bike Route	112.9	171.2	284.1
Class II or III[1]	NA	143.4	143.4
Freeway Shoulder[2]	16.1	0	16.1[2]
Bicycle Boulevard	0	39.4	39.4
Cycle Track	0	6.6	6.6
TOTAL	**510.7**	595.3	1,089.9

[1] It is undetermined at this point whether 143.4 miles of proposed bikeways would be Class II or Class III bikeways.
[2]Facility not included in the total miles summary because it is anticipated that freeway shoulder bikeways will not be needed when the network is completed.
NA = not applicable
Source: BMP Update 2013

The BMP Update recommends provision of additional bicycle parking facilities in new and existing commercial, retail, and employment areas. Bicycle parking recommendations include the City's standard inverted-U bike racks, lockers, high-capacity bike parking such as corrals, and a bike station. In addition to parking accommodations, end-of-trip facilities such as restrooms, changing rooms, showers, and storage for bicycling clothes (helmet and other gear) are especially important for cyclists who commute to work or school.

Signal detection would be provided at signalized intersections for new bikeways, where possible.

Signage would be provided for bikeways implemented under the BMP Update where no signs exist. Proposed signage includes:

- "Share the Road" signs for Class III bike routes;
- Designated bikeway signs;
- Bicycle boulevard identification;
- Wayfinding signs; and
- Warning signage.

The project recommends improving connections to transit facilities by: (1) providing bicycle access to transit stops; and (2) providing bicycle parking facilities at transit stops. Such measures are intended to provide a convenient connection for bicyclists to continue their trips on public transit vehicles. The BMP Update's proposed bikeway network

would connect to existing transit stops and bicycle parking at major train, trolley, and bus transit stops.

Other bikeway-related improvements could include landscaping, lighting, fencing, drainage facilities, and utility work.

C. Discretionary Actions

To approve the project, the City must take the following actions:

- Certify the Final Program EIR;
- Approve these Findings and Statement of Overriding Considerations;
- Adopt the MMRP; and
- Approve the BMP Update.

D. Statement of Objectives

As described in Section 3.2 of the Final Program EIR, the primary goals and objectives of the proposed project include:

- Provide a framework to guide the implementation of an expanded bicycle network within the City to promote bicycling as a transportation mode;
- Provide improved local and regional bicycle connectivity to transit centers, employment centers, shopping districts, parks, and other local amenities;
- Provide a safe and comprehensive local and regional bikeway network; and
- Supplement the City's General Plan Mobility Element with policies focused on enhancing bicycling as a viable transportation mode in the City.

III. INTENDED USES OF THE FINAL PROGRAM EIR

A. Purpose of the Final Program EIR

The major purposes of the Final Program EIR are:

- To identify current and projected environmental conditions which may affect or be affected by the BMP Update;
- To disclose the potential environmental impacts of the BMP Update to the public and decision makers;
- To inform the public and to foster public participation in the planning process for the BMP Update;
- To identify a mitigation framework which could eliminate or reduce potentially significant environmental impacts of the BMP Update; and
- To evaluate alternatives that would reduce or avoid the proposed project's significant impacts.

B. Subsequent Environmental Review

Environmental review for subsequent BMP Update activities within the BMP Update, such as implementation of specific bikeways and related support facilities, would occur in accordance with State CEQA Guidelines Section 15168. In accordance with State CEQA Guidelines Section 15168, the City would examine project-specific activities of the BMP Update based on the Final Program EIR to determine if the scope of the project-specific activity is covered by the Final Program EIR and whether the Final Program EIR adequately addresses the potential environmental impacts associated with project-specific activity, or if subsequent CEQA documentation would be required.

It is anticipated that many bikeways implemented under the BMP Update, particularly those that would be within an existing paved roadway that would not require any roadway modifications, would be covered by the Final Program EIR and would not require additional CEQA review, since they would only require signage or pavement markings and would not necessitate other roadway modifications.

Pursuant to State CEQA Guidelines Section 15168(c), the certified Final Program EIR would satisfy CEQA requirements for subsequent BMP Update activities if the following conditions can be met:

- Pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required (Section 15168(c)(2)); and
- All feasible mitigation measures or alternatives identified in the Final Program EIR will be incorporated (Section 15168(c)(3)).

Section 15162(a) of the State CEQA Guidelines allows a previous EIR to be used in approving a subsequent activity addressed in the previous EIR, as long as none of the following conditions apply:

- Substantial changes are proposed to the project which will require major revisions to the EIR due to the involvement of new significant impacts or a substantial increase in the severity of previously identified significant impacts (Section 15162(a)(1));
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions to the previous EIR due to the involvement of new significant impacts or a substantial increase in the severity of previously identified significant impacts (Section 15162(a)(2)); or
- New information of substantial importance is identified, which was not known and could not have been known with the exercise of reasonable due diligence at the time the previous EIR was certified, and that information shows any of the following (Section 15162(a)(3)):
    - Project will have one or more significant effects not discussed in the original EIR (Section 15162(a)(3)(A));

- Significant effects previously identified will be substantially more severe than identified in the previous EIR (Section 15162(a)(3)(B));
- Mitigation measures or alternatives determined to be infeasible in the previous EIR would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the applicant declines to implement them (Section 15162(a)(3)(C)); or
- Mitigation measures or alternatives, which are considerably different from those identified in the previous EIR, would substantially reduce one or more significant effects, but the applicant declines to implement them (Section 15162(a)(3)(D)).

In accordance with State CEQA Guidelines Section 15168(c), the City would conduct a review of project-specific activities under the BMP Update, such as implementation of a specific bikeway and/or related support facilities. Subsequent project-specific activities would be examined in light of the Final Program EIR to determine whether the Final Program EIR adequately addresses the potential impacts associated with the subsequent activity or if preparation of additional environmental documentation would be required. Preparation of project-level technical studies may be required when certain conditions apply to project-specific activities under the BMP Update, as described in the Final Program EIR and MMRP. Any required project-specific technical studies would be used to determine whether such activity is within the scope of the Final Program EIR and whether the Final Program EIR adequately describes the activity for CEQA purposes.

Based on consideration of the City review and information contained in project-level technical studies required by the BMP Update Final Program EIR, the City would determine which of the following CEQA process scenarios would be appropriate for subsequent BMP Update activities.

CEQA Scenario 1: If the project-level documentation shows that the impacts associated with the subsequent BMP Update activity have been adequately addressed in the Final Program EIR and mitigation will be carried out, as defined in the Final Program EIR and MMRP, no further environmental review will be required, and the Final Program EIR will be used to satisfy CEQA review requirements for the subsequent BMP Update activity.

CEQA Scenario 2: If the project-level documentation shows that the subsequent BMP Update activity is not within the scope of the BMP Update Final Program EIR and impacts are not adequately addressed and/or adequate mitigation is not proposed, the City would prepare a tiered or new Negative Declaration, Mitigated Negative Declaration, or EIR, pursuant to State CEQA Guidelines Section 15168(c)(1) and CEQA Section 21094.

CEQA Scenario 3: If the project-level documentation shows that the subsequent BMP Update activity would require substantial modifications to the BMP Update Final Program EIR, the City would prepare a Subsequent EIR or a Supplement or Addendum to the certified Final Program EIR, pursuant to State CEQA Guidelines Sections 15162, 15163, and 15164.

IV. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

In 2012, the City determined that the proposed project may have a significant effect on the environment and that an EIR should be prepared to analyze the potential impacts associated with the project. On June 25, 2012, in accordance with State CEQA Guidelines §15082, the City distributed a Notice of Preparation (NOP) of the Draft Program EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties and held a noticed public scoping meeting on July 9, 2012 to provide information regarding the project and an opportunity for public input regarding project issues that should be addressed in the Draft Program EIR. The NOP was properly distributed under CEQA, placed on the City's website, and published in the San Diego Daily Transcript. The NOP, NOP distribution list, and NOP comments received during the 30-day public review period are contained in Appendix A to the Draft Program EIR. Comments received during the public scoping process were considered in the preparation of the Draft Program EIR.

The Draft Program EIR was circulated for a 45-day review period, from March 28, 2013 until May 13, 2013. A Notice of Completion of the Draft Program EIR was sent to the State Clearinghouse, and the Draft Program EIR was circulated to State agencies for review through the State Clearinghouse, Office of Planning Research (SCH No. 2012061075). The City received comments on the Draft Program EIR and completed responses to those comments in May 2013, and those responses to comments have been incorporated into the Final Program EIR.

V. SUMMARY OF IMPACTS

The Final Program EIR concludes that the project would have no significant direct and/or cumulative impacts with respect to the following issues:

- Agricultural and Forest Resources,
- Air Quality,
- Energy,
- Greenhouse Gas Emissions,
- Human Health and Public Safety,
- Hydrology and Water Quality,
- Land Use,
- Mineral Resources,
- Noise,
- Population and Housing,
- Public Services and Facilities,
- Public Utilities, and
- Recreation.

As described in Section VI of these Findings, potentially significant direct, indirect, and/or cumulative impacts could occur with respect to the following issues:

- Biological Resources,
- Historical Resources,
- Transportation/Circulation,
- Visual Quality/Neighborhood Character,
- Paleontological Resources, and
- Geologic Conditions.

Direct, indirect and/or cumulative impacts resulting from the project related to Biological Resources, Historical Resources, Visual Quality/Neighborhood Character, Paleontological Resources, and Geologic Conditions would be mitigated to below a level of significance by existing regulations/standard conditions and implementation of mitigation measures identified in Section VI. Direct and/or cumulative impacts related to Transportation/Circulation could be mitigated to below a level of significance by implementation of mitigation measures identified in Section VI. However, this would be verified on a project-by-project basis so the potential exists for significant, unavoidable traffic impacts to occur.

VI. FINDINGS REGARDING SIGNIFICANT IMPACTS

In making each of the findings below, the City has considered the BMP Update proposed features, programs, and policies; and mitigation measures discussed in the Final Program EIR. The mitigation measures will be made conditions of project approval and included in the MMRP.

VI.A. Findings Regarding Impacts that Can Be Mitigated to Below a Level of Significance (CEQA §21081(a)(1) and State CEQA Guidelines §15091(a)(1)

The City, having reviewed and considered the information contained in the Final Program EIR and the Record of Proceedings, finds pursuant to CEQA §21081(a)(1) and State CEQA Guidelines §15091(a)(1) that changes or alterations have been required in, or incorporated into, the project which would mitigate, avoid, or substantially lessen to below a level of significance potentially significant direct, indirect, and/or cumulative environmental effects related to Biological Resources, Historical Resources, Visual Quality/Neighborhood Character, Paleontological Resources, and Geologic Conditions impacts. The basis for this conclusion follows.

1. Biological Resources (DIRECT and INDIRECT impacts to candidate, sensitive, or special status species.)

Impact: On-street Bikeways With Widening and Off-street Bikeways are envisioned throughout the City, including areas that may be near wetlands, riparian habitats, sensitive upland habitats, or other sensitive natural areas that may support candidate, sensitive, or special status species. Structures such as retaining walls, bridges or culverts

associated with bikeways could also interfere with wildlife corridors or nesting areas used by such species. Development of On-street Bikeways With Widening and Off-street Bikeways may require the removal of existing trees and/or plants, which are located either adjacent to existing roadways or within undeveloped natural areas through which a bikeway would traverse. For all bikeway types, including On-street Bikeways Without Widening, increased public access, particularly unauthorized access, can disturb or damage special status plants, as well as habitats suitable for certain protected species. Litter and debris associated with human activity in protected areas can also result in adverse effects to candidate, sensitive, or special status species. New lighting adjacent to or within natural areas may be relatively substantial compared to the existing condition.

Finding: Significant but mitigated.

Facts in support of Finding: Significant direct and indirect impacts to candidate, sensitive, or special status species would be fully mitigated by implementation of Mitigation Measures *Bio-1* through *Bio-10*, the details of which are described in the Final Program EIR in Section 5.1.2, and incorporated by reference herein. The studies, surveys, and monitoring that would mitigate direct, indirect and cumulative impacts to candidate, sensitive, or special status species include preparation of a biological resources report for bikeways proposed in naturally vegetated areas or within or adjacent to the Multi-Habitat Planning Area (MHPA); incorporation of designs that conform to requirements of the management directives of the City's Subarea Plan and that minimize impacts to biological resources; conformance with all applicable MHPA Land Use Adjacency Guidelines; implementation of biological mitigation for direct impacts to upland habitat in accordance with the City's Biology Guidelines; avoidance of impacts to wetlands and development of a conceptual mitigation program (which includes identification of the mitigation site) for locations where impacts to wetlands cannot be avoided; provision for continued wildlife movement through wildlife corridors as identified in the Multiple Species Conservation Program (MSCP) Subarea Plan or as identified through project-level analysis; limiting of construction activities where the coastal California gnatcatchers, least Bell's vireo, and/or the southwestern willow flycatcher are present; pre-grading survey for active raptor nests if project grading is proposed during the raptor breeding season; pre-grading survey for active nests if project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season; and on-site biological resources monitoring at a minimum when initial grading of Off- Street Bikeways is occurring adjacent to wetland habitats and/or potential occupied avian or sensitive species habitat.

Mitigation Measures *Bio-1* through *Bio-10* are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

2. Biological Resources (DIRECT and INDIRECT impact to sensitive habitats, including wetlands.)

Impact: There is the potential for implementation of On-street Bikeways Without Widening to result in indirect impacts to adjacent sensitive habitats, including bogs,

marshes, riparian habitat, or other wetlands, if a bikeway is located adjacent to the MHPA or other sensitive habitats. On-street Bikeways With Widening and Off-street Bikeways are proposed throughout the City, including areas that may be within or adjacent to Tier I, Tier II, Tier IIIA, or Tier IIIB Habitats, or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS, such as wetlands, including vernal pools. The development of On-street Bikeways With Widening and Off-street Bikeways in proximity to sensitive habitats may also result in increased public access (authorized or unauthorized) near these sensitive areas, creating the potential for adverse impacts.

Finding: Significant but mitigated.

Facts in support of Finding: Significant direct and indirect impacts to sensitive habitats would be fully mitigated by implementation of Mitigation Measures *Bio-1* through *Bio-10*, the details of which are described in the Final Program EIR in Section 5.1.2, and incorporated by reference herein.

Mitigation Measures *Bio-1* through *Bio-10* are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

3. Biological Resources (DIRECT and INDIRECT impacts to wildlife movements.)

Impact: Off-street Bikeways could require construction of structures, such as retaining walls, bridges, or culverts, which could interfere with wildlife corridors, resulting in potentially significant direct impacts. Potentially significant short and long-term indirect impacts related to construction noise, lighting, and increased public access also could occur for On-street Bikeways Without Widening, On-street Bikeways With Widening, and Off-street Bikeways.

Finding: Significant but mitigated.

Facts in support of Finding: Significant direct and indirect impacts to wildlife movement would be fully mitigated by implementation of Mitigation Measure *Bio*-6, the details of which are described in the Final Program EIR in Section 5.1.2, and incorporated by reference herein.

Mitigation Measure *Bio-6* is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP.

4. Biological Resources (INDIRECT adverse edge effects to the MHPA.)

Impact: Although trails, including Class I Bike Paths, are considered to be a compatible land use within preserve areas, possible indirect impacts (edge effects) to the MHPA by adjacent bikeways could include water quality degradation, exotic plant species, fugitive dust, lighting, noise, and human intrusion.

Finding: Significant but mitigated.

Facts in support of Finding: Significant indirect adverse edge effects to the MHPA would be fully mitigated by implementation of Mitigation Measure *Bio-3*, the details of which are described in the Final Program EIR in Section 5.1.2, and incorporated by reference herein.

Mitigation Measure *Bio-3* is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP.

5. Biological Resources (DIRECT and INDIRECT impacts related to invasive species.)

Impact: Non-native plants could colonize areas disturbed during construction of On-street With Widening or Off-street Bikeways in proximity to natural open space areas, and potentially spread into these adjacent open space areas. Such invasions could displace native plant species, reducing diversity, increasing flammability and fire frequency, change ground and surface water levels, and adversely affect the native wildlife that are dependent on native vegetation.

Finding: Significant but mitigated.

Facts in support of Finding: Significant direct and indirect impacts related to invasive species would be fully mitigated by implementation of Mitigation Measure *Bio-3*, the details of which are described in the Final Program EIR in Section 5.1.2, and incorporated by reference herein.

Mitigation Measure *Bio-3* is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP.

6. Historical Resources (DIRECT and INDIRECT impacts to prehistoric or historic buildings, structures, objects or sites or existing religious or sacred uses.)

Impact: Although construction of bikeways and other facilities implemented under the BMP Update would not likely involve extensive excavation or grading, all earthmoving activities have the potential to adversely affect archaeological resources. While it is unlikely that an historical structure would be altered or demolished to accommodate new bikeways or other facilities implemented under the BMP Update, the setting of an historical resource may be directly affected, for instance, by removal of landscaping. Historical resources can include open spaces, trees (i.e., heritage trees), or landscaping—in and of themselves—or as part of an historical structure's setting that could be disturbed. Implementation of proposed bikeways and other facilities implemented under the BMP Update may introduce new facilities in proximity to a resource and thereby indirectly impact the setting of an historical resource. Bikeway projects and other facilities implemented under the BMP Update may also result in increased public

accessibility to historical resources that could result in an increased potential for vandalism and site destruction.

Finding: Significant but mitigated.

Facts in support of Finding: Potentially significant direct and indirect impacts to historical resources would be fully mitigated by implementation of Mitigation Measure *Hist-1*, the details of which are described in the Final Program EIR in Section 5.2.2, and incorporated by reference herein. This measure involves implementation of five steps to determine: (1) the presence of archaeological resources and (2) the appropriate mitigation for any significant resources that may be impacted by a development activity.

Mitigation Measure *Hist-1* is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP.

7. Historical Resources (DIRECT and INDIRECT impacts to human remains.)

Impact: On-street bikeways could involve the installation of traffic lights (new or relocated), utility work, or major signage requiring excavation, all earthmoving activities would have the potential to adversely affect buried human remains. The potential for encountering human remains in the area of proposed bikeway improvements and other facilities implemented under the BMP Update exists, particularly for Off-street Bikeways. Increased public access, particularly unauthorized access, to open space areas that could contain previously inaccessible subsurface artifacts such as human remains could result in indirect impacts due to increased potential for vandalism and site destruction.

Finding: Significant but mitigated.

Facts in support of Finding: Potentially significant direct and indirect impacts to human remains would be fully mitigated by implementation of Mitigation Measure *Hist-1*, the details of which are described in the Final Program EIR in Section 5.2.2, and incorporated by reference herein. This measure involves implementation of five steps to determine: (1) the presence of archaeological resources (including human remains), and (2) the appropriate mitigation for any significant resources that may be impacted by a development activity. In the event that human remains are encountered during data recovery and/or a monitoring program, the provisions of Public Resources Code Section 5097 et seq. must be followed. These provisions would be outlined in the Mitigation Monitoring and Reporting Program included in the environmental document prepared for the specific bikeway project.

Mitigation Measure *Hist-1* is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP.

8. **Visual Quality/Neighborhood Character (DIRECT impacts due to view blockage.)**

Impact: The bikeways themselves are expected to have a small footprint and low profile. However, On-street Bikeways With Widening and Off-street Bikeways could require the installation of retaining walls, bridges, or embankments. Depending on the height, bulk, placement, and design of such elements, a substantial view blockage could occur.

Finding: Significant but mitigated.

Facts in support of Finding: Potentially significant direct impacts due to view blockage would be fully mitigated by implementation of Mitigation Measures *Vis-1* and *Vis-2*, the details of which are described in the Final Program EIR in Section 5.4.2, and incorporated by reference herein. These measures involve preparation of a visual study during design of a proposed bikeway or facility implemented under the BMP Update that proposes features that could result in visual impacts related to view blockage to adequately assess the potential visual impacts. The visual study shall include assessment of the existing visual environment, including existing views, aesthetics, neighborhood character, and landforms, and evaluate the feasibility of designing the particular feature that could generate visual impacts so that it does not cause impacts, including issues associated with blocking scenic views. If a feature cannot be redesigned or screened visually by incorporating elements such as landscaping or berming to avoid the impact, or the bikeway cannot be designed to eliminate the need for that particular feature, the City's process for subsequent evaluation of discretionary projects shall be followed. The process includes environmental review and documentation pursuant to CEQA, as well as an analysis of the individual project for consistency with the goals, policies, and recommendations of the General Plan and the applicable Community Plan. The process may require development of additional site-specific measures to avoid or reduce significant impacts.

Mitigation Measures *Vis-1* and *Vis-2* are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

9. **Visual Quality/Neighborhood Character (DIRECT impacts due to negative aesthetic appearance.)**

Impact: On-street Bikeways With Widening and Off-street Bikeways could require the installation of retaining walls, bridges, embankments, or shoreline protection. Depending on the height, bulk, placement, and design of such elements, potentially significant direct impacts related to negative aesthetics could occur.

Finding: Significant but mitigated.

Facts in support of Finding: Potentially significant direct impacts due to negative aesthetic appearance would be fully mitigated by implementation of Mitigation Measures

Vis-1 and *Vis-2*, the details of which are described in the Final Program EIR in Section 5.4.2, and incorporated by reference herein. These measures include preparation of a visual study during design of a proposed bikeway or facility implemented under the BMP Update that proposes features that could result in visual impacts related to negative aesthetics to adequately assess the potential visual impacts, and following the City's process for subsequent evaluation of discretionary projects, which may require development of additional site-specific measures to avoid or reduce significant impacts.

Mitigation Measures *Vis-1* and *Vis-2* are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

10. Visual Quality/Neighborhood Character (DIRECT impacts to neighborhood character.)

Impact: On-street bikeways With Widening and Off-street Bikeways could require the installation of retaining walls, bridges, embankments, or other stabilizing structures. Depending on the height, bulk, placement, and design of such elements, potentially significant direct impacts to neighborhood character could occur. Additionally, bikeways and other facilities implemented under the BMP Update could potentially result in the loss of trees or a landmark within a particular corridor, which could result in potentially significant direct neighborhood character impacts.

Finding: Significant but mitigated.

Facts in support of Finding: Potentially significant direct impacts to neighborhood character would be fully mitigated by implementation of Mitigation Measures *Vis-1* through *Vis-3*, the details of which are described in the Final Program EIR in Section 5.4.2, and incorporated by reference herein. These measures include preparation of a visual study during design of a proposed bikeway or facility implemented under the BMP Update that proposes features that could result in visual impacts related to neighborhood character to adequately assess the potential visual impacts, and following the City's process for subsequent evaluation of discretionary projects, which may require development of additional site-specific measures to avoid or reduce significant impacts. Also, when avoidance is not possible, tree protection during construction, tree transplanting or tree replacements shall be required. Any mature trees that must be removed shall be replaced at a minimum 1:1 ratio with like or acceptable substitute, as determined by the City.

Mitigation Measures *Vis-1* through *Vis-3* are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

11. Visual Quality/Neighborhood Character (DIRECT impacts to landform alteration.)

Impact: On-street Bikeways With Widening and Off-street Bikeways could require the installation of retaining walls, bridges, embankments, or shoreline protection. Depending

on the placement and design of such elements, potentially significant direct impacts to landform alternation could occur.

Finding: Significant but mitigated.

Facts in support of Finding: Potentially significant direct impacts to landform alteration would be fully mitigated by implementation of Mitigation Measures *Vis-1* and *Vis-2*, the details of which are described in the Final Program EIR in Section 5.4.2, and incorporated by reference herein. These measures include preparation of a visual study during design of a proposed bikeway or facility implemented under the BMP Update that proposes features that could result in visual impacts related to landform alter ration to adequately assess the potential visual impacts, and following the City's process for subsequent evaluation of discretionary projects, which may require development of additional site-specific measures to avoid or reduce significant impacts.

Mitigation Measures *Vis-1* and *Vis-2* are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

12. Visual Quality/Neighborhood Character (DIRECT impacts due to new lighting.)

Impact: Night lighting would be installed where appropriate for Off-street Bikeways. New lighting adjacent to or within natural or residential areas may be relatively substantial compared to the existing condition, resulting in potentially significant direct impacts related to lighting.

Finding: Significant but mitigated.

Facts in support of Finding: Potentially significant direct impacts due to lighting would be fully mitigated by implementation of Mitigation Measure *Vis-4*, the details of which are described in the Final Program EIR in Section 5.4.2, and incorporated by reference herein. This measure includes the requirement for lighting of Off-street Bikeways adjacent to open space or residential areas to be limited to that required for safety, and for lighting to be shielded and directed away from open space areas and residences and onto the bikeway itself.

Mitigation Measure *Vis-4* is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP.

13. Paleontological Resources (DIRECT impacts to fossils.)

Impact: Construction of On-street or Off-street Bikeways could require over 1,000 cubic yards of excavation within a high resource potential geologic deposit/formation/rock unit, or over 2,000 cubic yards of excavation within a medium resource potential geologic deposit/formation/rock unit, which would exceed the City's significance thresholds for

paleontological resources. This results in potentially significant direct impacts to paleontological resources.

Finding: Significant but mitigated.

Facts in support of Finding: Potentially significant direct impacts to paleontological resources with a high or medium paleontological resource sensitivity rating would be fully mitigated by implementation of Mitigation Measure *Paleo-1*, the details of which are described in the Final Program EIR in Section 5.5.2, and incorporated by reference herein. This measure includes a project level analysis of potential impacts on paleontological resources and monitoring during construction.

Mitigation Measure *Paleo-1* is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP.

14. Geologic Conditions (DIRECT and INDIRECT impacts due to geologic conditions, including by being located in an area subject to geologic hazards, unstable geologic materials, or erosion.)

Impact: Segments of the proposed facilities could be sited over or near a fault, within or near landslides and slide prone areas, on ground with the potential for liquefaction, along or adjacent to coastal bluffs subject to erosion or landslides, and on or near other terrain with unfavorable geology. Facilities may also be located on highly erodible soils or in areas subject to erosion due to factors including location near flowing water. Although all facilities built under the BMP Update are expected to comply with all applicable regulations, the success of such efforts would be specific to each particular bikeway or facility and is unknown at this level of planning.

Finding: Significant but mitigated.

Facts in support of Finding: Potentially significant direct and indirect impacts due to geologic conditions would be fully mitigated by implementation of Mitigation Measures *Geo-1* and *Geo-2*, the details of which are described in the Final Program EIR in Section 5.6.2, and incorporated by reference herein. These measures include preparation of a project-specific geologic report during design of a proposed bikeway or facility that proposes features that could generate impacts to geologic conditions, including by being located in an area subject to geologic hazards, unstable geologic materials, or erosion to adequately assess the potential impacts due to geologic conditions, and incorporation of the recommendations of the project-specific report into each project design.

Mitigation Measures *Geo-1* and *Geo-2* are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

VI.B. Findings Regarding Mitigation Measures which are the Responsibility of Another Agency (CEQA §21081(a)(2))

The City, having reviewed and considered the information contained in the Final Program EIR and administrative record of proceedings, finds pursuant to CEQA §21081(a)(2) and State CEQA Guidelines §15091(a)(2) that there are no changes or alterations which would reduce significant impacts that are within the responsibility and jurisdiction of another public agency.

VI.C. Findings Regarding Infeasible Mitigation Measures And Alternatives (CEQA §21081(a)(3))

The City, having reviewed and considered the information contained in the Final Program EIR and administrative record of the proceedings, finds pursuant to CEQA §21081(a)(3) and State CEQA Guidelines §15091(a)(3) that (i) the Final Program EIR considers a reasonable range of project alternatives, and (ii) specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible specific mitigation measures and project alternatives identified in the Final Program EIR which could reduce the following significant direct and/or cumulative Transportation/Circulation impacts to below a level of significance:

- Construction and operational impacts to the existing street system (direct and cumulative); and
- Impacts to circulation movements and access to public areas due to changes in lane configurations (direct and cumulative).

1. Infeasibility of Mitigation for Significant Unmitigated Impacts

a. Transportation/Circulation (DIRECT and CUMULATIVE impacts to the existing street system.)

Impact: Some On-street Bikeways Without Widening and On-street Bikeways With Widening could require restriping of existing public streets and rights-of-way that would alter the existing lane configuration of the roadway by removing one or more travel and/or turn lanes, potentially impacting the capacity for vehicles on the roadway. Lane removal could cause an intersection or roadway segment to operate at an unacceptable level of service (LOS) or could cause the delay or volume to capacity ratio (V/C) in roadway facilities already operating at unacceptable LOS to exceed the City's significance thresholds. Off-street Bikeways could also necessitate changes in lane configurations and/or traffic signal operations, where the proposed bikeway would intersect with the roadway, resulting in potentially significant traffic impacts. In addition, potential construction impacts associated with On-street Bikeways With Widening and Off-street Bikeways would be potentially significant due to the possibility of required short-term lane closures and detours.

Finding: Significant and potentially not mitigated.

Facts in support of Finding: Projects implementing on-street bikeways would be required to implement Mitigation Measures *Trans-1* and *Trans-2*, the details of which are described in the Final Program EIR in Section 5.3.2, and incorporated by reference herein. These measures involve requirements for a project-specific analysis for specific bikeways implemented under the BMP Update to assess potential traffic impacts that includes (1) an assessment of existing LOS, (2) an evaluation of the feasibility of accommodating the proposed bike lane or route within the existing roadway so that it does not cause a significant traffic impact to any roadway segment or intersection, (3) an assessment of how the proposed roadway changes would affect bicycling conditions, and (4) an assessment of potential impacts during construction. The mitigation also requires that if the removal of a travel and/or turn lane would cause an intersection or roadway segment to operate at an unacceptable LOS, the project will be redesigned and/or mitigation measures identified in the project-specific traffic analysis will be implemented, with the goal to reduce traffic impacts on the affected intersection or roadway segment, ideally to less than significant levels, provided such redesign or mitigation is consistent with project objectives, pedestrian circulation needs, or other community goals. Such design or mitigation measures might include road or interchange widening, elimination of parking, evaluation of alternate bikeway routes, or other measures. It is unknown if such measures would reduce potential transportation/ circulation impacts to below a level of significance. This would need to be verified on a project by project basis, so the potential exists for significant, unavoidable traffic impacts to occur. Therefore, in some cases a significant unmitigated impact to LOS could remain in order to achieve an improved city-wide bicycle network. The Reduced Traffic Alternative would avoid significant impacts; however, the alternative is not feasible because it does not best promote bicycling as a safe and desirable means of transportation while reducing motor vehicle trips as much as possible.

b. Transportation/Circulation (DIRECT AND CUMULATIVE impacts to circulation movements, including public access to beaches, parks, or other open space area.)

Impact: On-street Bikeways Without Widening and On-street Bikeways With Widening would have the potential for direct significant impacts to circulation movements, including access to public areas such as beaches, parks, and open space due to the possibility for the need for restriping of existing public streets and rights-of-way that would alter the existing lane configuration of the roadway by removing one or more travel and/or turn lanes and/or sidewalks. Off-street Bikeways could also necessitate changes in lane configurations if the proposed bikeway would intersect with the roadway, resulting in potentially significant traffic impacts.

Finding: Significant and potentially not mitigated.

Facts in support of Finding: Projects implementing on-street bikeways would be required to implement Mitigation Measures *Trans-1* and *Trans-2*, the details of which are

described in the Final Program EIR in Section 5.3.2, and incorporated by reference herein. These measures involve requirements for a project-specific analysis for specific bikeways implemented under the BMP Update to assess potential traffic impacts and redesign and/or implementation of mitigation measures identified in the project-specific traffic analysis with the goal to reduce traffic impacts on the affected intersection or roadway segment, ideally to less than significant levels, provided such redesign or mitigation is consistent with project objectives, pedestrian circulation needs, or other community goals. It is unknown if such measures would reduce potential transportation/ circulation impacts to below a level of significance. This would need to be verified on a project by project basis, so the potential exists for significant, unavoidable traffic impacts to occur. Therefore, in some cases a significant unmitigated traffic impacts could remain in order to achieve an improved city-wide bicycle network. The Reduced Traffic Alternative would avoid significant impacts; however, the alternative is not feasible because it does not best promote bicycling as a safe and desirable means of transportation while reducing motor vehicle trips as much as possible.

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

Pursuant to §15126.6(a) of the State CEQA Guidelines, the Final Program EIR examines project alternatives in terms of their ability to meet the primary objectives of the project and eliminate or further reduce significant environmental effects. Based on these parameters, the following alternatives were considered:

- No Project/No New Bikeways - This alternative assumes that no new bicycle facilities are constructed beyond those in existence.
- No Project/Implementation of Current Bicycle Master Plan - This alternative assumes that the City's bicycle network is implemented pursuant to the currently adopted 2002 BMP.
- Reduced Traffic Impact - This alternative assumes that all facilities of the BMP Update would be implemented except for bikeways where lane removals and/or median modifications (or other proposed features) would significantly impact intersections or roadways.
- Reduced Biology Impact - This alternative assumes that all facilities of the BMP Update would be implemented except for bikeways that would impact sensitive habitat (Multiple Species Conservation Plan [MSCP] Tier I, II, and III habitats).

A brief description of each of the alternatives and the basis for concluding their infeasibility follows. The Final Program EIR concludes that the No Project/No New Bikeways Alternative would be the Environmentally Superior Alternative because it would have the least physical impacts to the environment. However, pursuant to State CEQA Guidelines Section 15126.6(d)(2), "if the environmentally superior alternative is the 'no project' alternative, the EIR shall identify an environmentally superior alternative among the other alternatives." Therefore, the Final Program EIR identifies the Reduced Traffic Impact Alternative as the Environmentally Superior Alternative because it would avoid potentially unmitigable impacts and possibly implement fewer miles of facilities.

a. No Project/No New Bikeways Alternative

Description: With the No Project/No New Bikeways Alternative, the existing bikeway network would remain as is. The City would maintain the approximately 511 total miles of existing bikeways. The proposed additional bikeways and other related facilities would not be constructed.

Finding and Supporting Facts: The No Project/No New Bikeways Alternative would avoid all potential impacts of the BMP Update, but the alternative would not provide the beneficial impacts of enhancing bicycle and pedestrian circulation and safety, which would result in a reduction of vehicular traffic throughout the City. The No Project/No New Bikeways Alternative also would not provide other beneficial impacts on air quality and energy, and would not provide a framework for an expanded bicycle network, improve local and regional bicycle connectivity, provide a comprehensive bikeway network, or supplement the City's General Plan Mobility Element.

The No Project/No New Bikeways Alternative would not meet any of the BMP Update objectives. As a result, the City finds that this alternative is infeasible in terms of its ability to meet the project objectives and reduce or avoid significant environmental effects.

b. No Project/Implementation of Current Bicycle Master Plan Alternative

Description: With the No Project/Implementation of Current Bicycle Master Plan Alternative, the existing bikeway network would be improved to include the bikeways and other facilities proposed in the current San Diego Bicycle Master Plan, the 2002 BMP.

Finding and Supporting Facts: Overall, the 2002 BMP would have more miles of bikeways likely to cause impacts compared to the proposed BMP Update (67 miles versus 57.5 miles of Class I or mix of Class II and III). Based on this comparison, the 2002 BMP would have greater impacts than the BMP Update. This comparison does not take into account the lower priority projects proposed for either program, however. The comparison is therefore limited in terms of determining which plan would be environmentally superior in terms of actual physical impacts. The No Project/Implementation of Current Bicycle Master Plan Alternative would provide a framework for an expanded bicycle network, improve local and regional bicycle connectivity, and provide a comprehensive bikeway network.

The No Project/Implementation of Current Bicycle Master Plan alternative would meet most of the BMP Update objectives, but would not meet the objective of supplementing the City's General Plan Mobility Element with appropriate policies to the same degree as the BMP Update, because the 2002 BMP was prepared prior to the City's updated 2008 General Plan. As a result, the City finds that this alternative is infeasible in terms of its ability to meet the project objectives and reduce or avoid significant environmental effects.

c. Reduced Traffic Impact Alternative

Description: With the Reduced Traffic Impact Alternative, all facilities and policies of the BMP Update would be implemented with the following exception: bikeways where lane removals and/or median modifications (or other proposed features) are demonstrated through project-specific traffic analysis to significantly impact intersections or roadways would not be implemented. These bikeways could include a Class I (Bike Path), Class II (Bike Lane), or Class III (Bike Route) facility, depending on the type of traffic impact determined to occur from each proposed facility on a project by project basis.

Finding and Supporting Facts: This alternative would avoid some of the temporary and permanent direct and indirect potential impacts associated with constructing the bikeways proposed by the BMP Update. In particular, the Reduced Traffic Impact Alternative would avoid the potentially significant unavoidable Traffic/Circulation impacts, and possibly avoid other impacts that could be caused by those bikeways that would otherwise have been implemented by the BMP Update. The Reduced Traffic Impact Alternative would have similar Biological Resources impacts to the BMP Update because most of the Class I bikeways would likely be implemented.

The Reduced Traffic Impact Alternative would meet most of the BMP Update objectives, but would not provide meet the following objectives to the same degree as the complete BMP Update, including enhancing bicycle and pedestrian circulation and safety, reducing vehicular traffic, reducing vehicular emissions of pollutants and greenhouse gas emissions in the long term, and reducing overall energy consumption related to transportation.

This alternative would have fewer impacts than the BMP Update, but also would provide fewer beneficial impacts. The overall network of bicycle facilities resulting from this alternative would have reduced continuity and may create gaps since some on-street facilities would not be implemented. In addition, over-reliance on avoiding impacts to traffic circulation is counterproductive to enhancing bicycling as a viable means of transportation and thus reducing motor vehicle trips to the greatest degree. The greatest net benefit would be achieved by the alternative with the most benefits and least adverse impacts. In particular, the greatest environmental benefits (including to air quality and reduction of greenhouse gas emissions) would arise from the alternative that best promotes bicycling as a safe and desirable means of transportation and thus reduces motor vehicle trips as much as possible. Because the Reduced Traffic Impact Alternative would not provide this benefit, the City finds that this alternative is infeasible in terms of its ability to meet the project objectives.

d. Reduced Biology Impact Alternative

Description: With the Reduced Biology Impact Alternative, all facilities and policies of the BMP Update would be implemented with the following exception: bikeways where any proposed features are demonstrated through project-specific biological resources analysis to significantly impact sensitive habitat (MSCP Tier I, II, and III habitats) would

not be implemented. These bikeways would most likely be Class I (Bike Path) facilities, depending on the type of biological resources impact determined to occur from each proposed facility on a project by project basis.

Finding and Supporting Facts: This alternative would avoid potentially significant impacts to biological resources, and possibly avoid other impacts that could be caused by those bikeways that would otherwise have been implemented by the BMP Update. However, as with the proposed project, the Reduced Biology Impact Alternative would still result in potentially significant unavoidable Traffic/Circulation impacts.

Although the Reduced Biology Impact Alternative would avoid certain potentially significant impacts of the BMP Update and meet most of the BMP Update objectives, the alternative would not provide beneficial impacts to the same degree as the complete BMP Update, including enhancing bicycle and pedestrian circulation and safety, reducing vehicular traffic, reducing vehicular emissions of pollutants and greenhouse gas emissions in the long term, and reducing overall energy consumption related to transportation. It also may not fully implement General Plan policies to provide access to, and connect open space areas (Recreation Element Policies RE-D.6 and RE-D.7).

This alternative would likely have fewer impacts than the BMP Update, but also would provide fewer beneficial impacts. For this reason and the fact that it does not avoid the project's significant unavoidable Traffic/Circulation impacts, the City finds that this alternative is infeasible in terms of its ability to meet the project objectives and reduce or avoid significant environmental effects.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to §21081(b) of CEQA and§15093 and 15043(b) of the State CEQA Guidelines, the City is required to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable adverse environmental impacts 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 Final Program EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final Program EIR and/or other information in the record.

Pursuant to Public Resources Code § 21081(b) and State CEQA Guidelines §15093, the City has balanced the benefits of the project against its unavoidable adverse impacts to Transportation/Circulation (direct and cumulative), and has adopted all feasible mitigation measures with respect to these significant and unmitigable impacts. The City,

having considered all of the foregoing, finds that the following specific overriding, economic, legal, social, technological, or other benefits associated with the proposed project outweigh unavoidable adverse direct and cumulative impacts related to Transportation/Circulation. The City also has examined alternatives to the proposed project and has rejected them, finding that none of them would fully meet the project objectives and only one (Reduced Traffic Impact Alternative) would result in substantial reduction or avoidance of all the project's significant and unmitigated environmental impacts.

Having considered the entire administrative record on the project, and (i) made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the project, adopting all feasible mitigation measures; (ii) examined a reasonable range of alternatives to the project and, based on this examination, determined that all of these alternatives are either environmentally inferior or fail to meet the project objectives, and therefore should be rejected (even the Reduced Traffic Impact Alternative, which would avoid the need for a Statement of Overriding Considerations for potentially significant and unavoidable Traffic/Circulation impacts); (iii) recognized all significant, unavoidable impacts; and (iv) balanced the benefits of the project against the project's significant and unavoidable effects, the City hereby finds that the following economic, legal, social, technological, aesthetic, environmental and other benefits of the project outweigh the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable based upon the following considerations, set forth below. 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.

Therefore, the City expressly finds in accordance with Public Resources Code §21081, based on the following specific considerations, the following benefits outweigh the unavoidable adverse environmental impacts of the project:

- The proposed improvements in the BMP Update would promote bicycling as a viable means of transportation. One of the goals of the BMP is to create a city where bicycling is a viable transportation choice. Bicycling offers a low-cost and effective alternative means of transportation that is quiet, non-polluting, extremely energy-efficient, versatile, healthy and fun.

- The proposed improvements in the BMP Update would reduce motor vehicle trips, resulting in improvements in air quality and reduction in greenhouse gas emissions. Replacing vehicular trips with bicycle trips has a substantial impact on reducing human-generated greenhouse gases in the atmosphere that contribute to climate change. Fewer vehicle trips and Vehicle Miles Traveled (VMTs) translates into fewer mobile source pollutants, such as carbon dioxide, nitrogen oxides and hydrocarbons being released into the air.

- The proposed improvements in the BMP Update would enhance the overall quality and quantity of bikeways and associated support facilities. The BMP

Update's major infrastructure improvement recommendations consist of new bikeway facilities, intersections and other spot improvements as well as bicycle support facilities. The BMP Update presents a renewed vision for bicycle transportation, recreation, and quality of life in San Diego. This vision is closely aligned with the City's 2008 San Diego General Plan's mobility, sustainability, health, economic, and social goals that were not included in the City's 2002 Bicycle Master Plan.

- The proposed improvements in the BMP Update would help implement regional and local land use plans that call for bikeway improvements to reduce reliance on the automobile. The BMP Update includes a summary of legislation and other planning or policy documents from the State of California, San Diego Association of Governments (SANDAG), and the City's General Plan Mobility Element and Street Design Manual. In order to best implement the various plans and qualify for Caltrans funding, the City of San Diego is required to update the BMP.

- The proposed improvements would provide additional transportation choices for users of the City's transportation network. A goal of the BMP Update is to create a city where bicycling is a viable travel choice, particularly for trips of less than five miles. Creating a safe and effective bicycling network will elevate bicycling as a mode of transportation for bicyclists of all levels, assisting to balance the modes of transportation. San Diego residents and visitors will not have to rely on vehicular transportation and may choose to utilize bicycles as their preferred mode of transportation.

- The proposed improvements would contribute to the General Plan goal of attaining a balanced, multi-modal transportation network. A component to attaining a balanced, multi-modal transportation network is creating an efficient and safe bicycle network. The proposed improvements will close gaps and create safer facilities. With the implementation of the BMP Update, bicycling becomes a more convenient attractive mode of transportation, therefore attracting additional bicyclists to San Diego roadways where in many areas of the City vehicular transportation currently dominates the roadway.

- The proposed improvements would implement "complete streets" policies that are designed to provide convenient routes and a variety of transportation options while enabling safe access for motorists, transit users, pedestrians, and bicyclists of all ages and abilities. Complete streets concepts recognize and encourage multiple modes of transportation and seek to change the landscape of the roadway. Historically, the roadway has been designed for vehicular traffic and complete streets concepts seek to make systematic changes in the way the roadway is designed and ultimately utilized. The proposed improvements when implemented will encourage bicycling as a mode of transportation, and change the landscape of the roadway by creating facilities for bicyclists in line with complete streets concepts.

VIII. CONCLUSION

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

EXHIBIT B
MITIGATION MONITORING AND REPORTING PROGRAM

BICYCLE MASTER PLAN UPDATE
PROJECT NO.290781

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 Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Program Environmental Impact Report No. 290781 SCH No. 2012061075 shall be made conditions of project approval as may be further described below.

1.0 MITIGATION, MONITORING, AND REPORTING PROGRAM

As Lead Agency for the proposed project under CEQA, the City will administer the Mitigation, Monitoring, and Reporting Program (MMRP) for the following environmental issue areas as identified in the BMP Update EIR: Biological Resources, Historical Resources, Transportation/Circulation, Visual Quality/Neighborhood Character, Paleontological Resources, and Geologic Conditions. The mitigation measures identified below include all applicable measures from the BMP Update EIR (Project No. 290781; SCH No. 2012061075). This MMRP shall be made a requirement of project approval.

Section 21081.6 to the State of California Public Resources Code requires a Lead or Responsible Agency that approves or carries out a project where an EIR has identified significant environmental effects to adopt a "reporting or monitoring program for adopted or required changes to mitigate or avoid significant environmental effects." The City is the Lead Agency for the BMP Update EIR, and therefore must ensure the enforceability of the MMRP. An EIR has been prepared for this project that addresses potential environmental impacts and, where appropriate, recommends measures to mitigate these impacts. As such, an MMRP is required to ensure that adopted mitigation measures are implemented.

1.1 GENERAL REQUIREMENTS

The following general measures are included in this MMRP:

1. Prior to the commencement of work on any project under the BMP Update, a pre-construction meeting shall be conducted and include City's Mitigation Monitoring and Coordination (MMC) staff, Resident Engineer, Applicant, and other parties of interest.

2. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the Assistant Deputy Director (ADD) of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading **ENVIRONMENTAL MITIGATION**

REQUIREMENTS: "*The Bicycle Master Plan Update project is subject to a Mitigation, Monitoring, and Reporting Program and shall conform to the mitigation conditions as contained in Environmental Impact Report No. 290781.*"

1.2 BIOLOGICAL RESOURCES

The following mitigation measures would reduce potential direct and indirect program impacts to biological resources to below a level of significance. These measures may be updated periodically in response to changes in federal and State laws, and new/improved scientific methods.

Bio-1: A biological resources report shall be prepared for bikeways proposed in naturally vegetated areas or within or adjacent to the MHPA. The biological resources report shall identify sensitive biological resources within and adjacent to the proposed bikeway alignment and make recommendations for avoidance and minimization of impacts to those resources identified. If the project-level biological resources report determines that sensitive biological resources are within or adjacent to the proposed bikeway alignment, one or more of the following mitigation measures shall be implemented, as applicable. As each future bikeway project implemented under the BMP Update is reviewed under CEQA, additional specificity may be required with respect to mitigation measures identified below. If a biological resources report is required at the time of a specific bikeway project submittal, the report shall be prepared utilizing current biological mitigation and monitoring in accordance with City requirements. The biological resources report will include a specific detailed analysis of consistency with MSCP policies and guidelines, including MSCP Subarea Plan policies for the particular project location.

Bio-2: Proposed bikeways shall be designed to conform to requirements of the management directives of the City's Subarea Plan and to minimize impacts to biological resources. Projects within or adjacent to sensitive biological resource areas shall incorporate the following design features:

- Existing trails shall be used whenever feasible.
- Reduction in path width shall be considered in sensitive biological resource areas.
- Bikeways shall be designed to avoid damage to trees, including street trees, where possible. When avoidance is not feasible, trees shall be protected during construction, transplanted or replaced.
- Use of decomposed granite, unpaved trail, or equivalent pervious trail surface shall be considered.

Bio-3: Proposed bikeways adjacent to the MHPA shall conform to all applicable MHPA Land Use Adjacency Guidelines (Section 1.4.3) of the MSCP Subarea Plan. In particular, lighting, drainage, landscaping, grading, access, and noise must not result in a substantial, adverse effect on the MHPA. Prior to issuance of grading permits, the following shall occur:

- Lighting shall be directed away from the MHPA, and shielded if necessary.

- 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 site plan and reviewed satisfactory to the City Engineer.
- Landscape plans for bikeways shall be reviewed and approved by the Development Services Department Environmental Review Manager (ERM) to ensure that no invasive non-native plant species shall be planted in or adjacent to the MHPA.
- Manufactured slopes shall be included within the development footprint of proposed bikeways and outside the MHPA.
- Construction activities associated with proposed bikeways located within or adjacent to the MHPA shall occur outside of the avian breeding season, if feasible. If avoidance of the breeding season is not feasible, additional measures identified in the project-specific biological resources report shall be implemented, such as temporary noise barriers.
- New development adjacent to the MHPA may be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.

In addition, litter and trash will be removed on a regular basis. Signage will be installed to prevent littering and encourage reporting of littering in trail and road access areas. Trash cans and bins will be provided at trail access points. Signage will be installed notifying users that penalties will be imposed for littering and dumping.

Bio-4: Biological mitigation for direct impacts to upland habitat shall be in accordance with the City's Biology Guidelines, as identified in Table 5.1-6, *Upland Mitigation Ratios*, below. Prior to the commencement of construction related activity (including earthwork and fencing), mitigation for direct impacts to Tier I, Tier II, Tier IIIA, and Tier IIIB upland habitat shall be assured to the satisfaction of the ERM through preservation of upland habitats in conformance with the City's Biology Guidelines, MSCP, and ESL Regulations. Mitigation for upland habitats may include on-site preservation, on-site enhancement/restoration; payment into the Habitat Acquisition Fund; acquisition/dedication of habitat inside or outside the MHPA; or other mitigation as approved by the ERM, MSCP staff, and the Park and Recreation (if applicable), as described below. Any restoration plans are subject to review by the City's EAS, Parks and Recreation, and MSCP staff prior to issuance of any grading permits. These entities also must sign off on final acceptance of the mitigation project as successful.

Table 5.1-6
UPLAND MITIGATION RATIOS

Tier	Habitat Type	Mitigation Ratios			
TIER 1 (rare uplands)	Southern Foredunes Torrey Pines Forest Coastal Bluff Scrub Maritime Succulent Scrub Maritime Chaparral Scrub Oak Chaparral Native Grassland Oak Woodlands		Location of Preservation		
		Location of Impact		Inside	Outside
			Inside*	2:1	3:1
			Outside	1:1	2:1
TIER II (uncommon uplands)	Coastal Sage Scrub (CSS) CSS/Chaparral		Location of Preservation		
		Location of Impact		Inside	Outside
			Inside*	1:1	2:1
			Outside	1:1	1.5:1
TIER IIIA: (common uplands)	Coastal Sage Scrub (CSS) CSS/Chaparral		Location of Preservation		
		Location of Impact		Inside	Outside
			Inside*	1:1	1.5:1
			Outside	0.5:1	1:1
TIER IIIB: (common uplands)	Non-Native Grasslands		Location of Preservation		
		Location of Impact		Inside	Outside
			Inside*	1:1	1.5:1
			Outside	0.5:1	1:1
TIER IV: (other uplands)	Disturbed Land Agriculture Eucalyptus Woodland Ornamental Plantings		Location of Preservation		
		Location of Impact		Inside	Outside
			Inside*	0:1	0:1
			Outside	0:1	0:1

Notes:

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

2 For impacts to Tier II, III A and III B habitats, the mitigation could (1) occur within the MHPA portion of Tiers I – III (out-of-kind) or (2) occur outside of the MHPA within the affected habitat type (in-kind).

* No mitigation would be required for impacts within the base development area (25%) occurring inside the MHPA. Mitigation for any impacts from development in excess of the 25% base development area for community plan public facilities or for projects processed through the deviation process would be required at the indicated ratios.

Bio -5: Impacts to wetlands shall be avoided. Unavoidable impacts to wetlands shall be minimized to the maximum extent practicable and fully mitigated per the Biology Guidelines. For projects with the potential to affect wetlands, the project-specific biological resources report shall include an analysis of wetlands (including City, state and federal jurisdiction analysis) within and adjacent to the footprint of the proposed bikeway and measures to avoid or minimize impacts to wetlands. If impacts to wetlands cannot be avoided, a conceptual mitigation program (which includes identification of the mitigation site) must be prepared by the City and approved by the resource agency or agencies with jurisdiction over the affected wetlands, and implemented by the City and would ensure a no net loss of wetlands.

Resource Agency Permitting

In addition, prior to the commencement of any construction related activities on-site for Off-Street Bikeway projects impacting wetland habitat (including earthwork and fencing), the applicant shall provide evidence[1] of the following to the Environmental Review Manager (ERM) prior to any construction activity:

- Compliance with ACOE Section 404 nationwide permit
- Compliance with the Regional Water Quality Control Board Section 401 Water Quality Certification; and
- Compliance with the CDFW Section 1601/1603 Streambed Alteration Agreement.

Bio-6: Proposed bikeways shall provide for continued wildlife movement through wildlife corridors as identified in the MSCP Subarea Plan or as identified through project-level analysis. Mitigation may include, but is not limited to, provision of appropriately-sized bridges, culverts, or other openings to allow wildlife movement.

The following mitigation measures shall be implemented for proposed bikeways that could potentially impact the following specific candidate, sensitive, or special status species through grading or clearing activities in areas where there is potential for these sensitive species to occur:

- Coastal California gnatcatcher (Federally Threatened);
- Least Bell's vireo (State Endangered/Federally Endangered); and
- Southwestern willow flycatcher (Federally Endangered).

Bio-7: Prior to the issuance of any authorization to proceed, the City's ERM (or appointed designee) shall verify that the MHPA boundaries and the following project requirements regarding the coastal California gnatcatcher, least Bell's vireo, and southwestern willow flycatcher are shown on the grading and building permit plans:

[1] Evidence shall include either copies of permits issued, letter of resolutions issued by the responsible agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the Assistance Deputy Director (ADD) of City Land Development Review (LDR) Department.

No clearing, grubbing, grading or other construction activities shall occur between March 1 and August 15, the breeding season of the coastal California gnatcatcher; between March 15 and September 15, the breeding season of the least Bell's vireo; and between May 1 and September 1, the breeding season of the southwestern willow flycatcher, until the following requirements have been met to the satisfaction of the Assistant Deputy Director (ADD) of Land Development Review Division LDR).

- A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(A) Recovery Permit) shall survey habitat areas (only within the MHPA for gnatcatchers) that would be subject to the construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the coastal California gnatcatcher, least Bell's vireo, and the southwestern willow flycatcher. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of construction. **If the coastal California gnatcatchers, least Bell's vireo, and/or the southwestern willow flycatcher are present, then the following conditions must be met:**

  a. Between March 1 and August 15 for occupied gnatcatcher habitat, between March 15 and August 15 for occupied least Bell's vireo habitat, and between May 1 and September 1 for occupied southwestern willow flycatcher habitat, no clearing, grubbing, or grading of occupied habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; **AND**

  b. Between March 1 and August 15 for occupied gnatcatcher habitat, between March 15 and August 15 for occupied least Bell's vireo habitat, and between May 1 and September 1 for occupied southwestern willow flycatcher habitat, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of the occupied habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing a current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the ERM 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 the aforementioned avian species. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly

average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the appropriate breeding season.

** Construction noise monitoring shall continue to be monitored 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 ERM, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.*

- If the aforementioned avian species are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the ERM and applicable resource agencies which demonstrate whether or not mitigation measures such as noise walls are necessary during the applicable breeding seasons of March 1 and August 15, March 15 and September 15, and May 1 and September 1, as follows:

    - 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 b or 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 the City begins construction prior to the completion of the protocol avian surveys, then the Development Services Department shall assume that the appropriate avian species are present and all necessary protection and mitigation measures shall be required as described in Conditions a, b, and c, above.

The following mitigation measure shall be implemented for proposed bikeways that could potentially impact sensitive avian species through grading and clearing activities in areas where there is potential to impact sensitive avian species:

Bio-8: If project grading is proposed during the raptor breeding season (Feb. 1-Sept. 15), the project biologist shall conduct a pre-grading survey for active raptor nests within 300 feet of the development area and submit a letter report to MMC prior to the preconstruction meeting. If active raptor nests are detected, the report shall include mitigation in conformance with the City's Biology Guidelines (i.e. appropriate buffers, monitoring schedules, etc.) to the satisfaction of the City's ERM. 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 raptors are detected during the pre-grading survey, no mitigation is required.

The following mitigation measure shall be implemented to address potential impacts to avian species related to the Migratory Bird Treaty Act and Fish and Game Code 3503:

Bio-9: If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (i.e., Feb. 1-Sept. 15), or an active nest is noted, the project biologist shall conduct a pregrading survey for active nests in the development area and within 300 feet of the nest.

The following mitigation measure shall be implemented to address potential impacts to biological resources during construction of Off-Street Bikeway projects:

Bio-10: A qualified Biological Monitor shall be on site at a minimum when initial grading of Off- Street Bikeways is occurring adjacent to wetland habitats and/or potential occupied avian or sensitive species habitat, to ensure that no take of sensitive species or active bird nests occurs, grading limits are observed, and that orange fencing and silt fencing are installed to protect sensitive areas outside earthwork limits.

1.3 HISTORICAL RESOURCES

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

Initial Determination

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

Step 1

Based on the results of the Initial Determination, if there is evidence that the site contains archeological resources, preparation of an evaluation report is required. The evaluation report could generally include background research, field survey, archeological testing, and analysis. Before actual field reconnaissance would occur, background research is required that includes a record search at the South Coastal Information Center (SCIC) at San Diego State University and

the San Diego Museum of Man. A review of the Sacred Lands File maintained by the NAHC must also be conducted at this time. Information about existing archaeological collections shall also be obtained from the San Diego Archaeological Center and any tribal repositories or museums.

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

Step 2

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

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

Step 3

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

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

Step 4

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

Step 5

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

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

1.4 TRANSPORTATION/CIRCULATION

Trans-1: During design of any proposed bikeway or other facility implemented under the BMP Update that would result in (1) the removal of one or more travel lanes that could affect intersection operations; (2) the removal of one or more travel lanes that could affect volume-to-capacity ratios for roadway segments; (3) the removal of any raised center median that could affect volume-to-capacity ratios for any roadway segment; or (4) the removal of one or more turn lanes that could affect intersection operations, an analysis shall be prepared by the project proponent to assess potential traffic impacts. The traffic analysis shall include an assessment of existing LOS and shall evaluate the feasibility of accommodating the proposed bike lane or route within the existing roadway so that it does not cause a significant traffic impact to any roadway segment or intersection. In addition, the analysis shall assess how the proposed roadway changes would affect bicycling conditions. The analysis shall also include an assessment of potential impacts during construction for On-street Bikeways With Widening and Off-street Bikeways.

Trans-2: If the removal of a travel and/or turn lane would cause an intersection or roadway segment to operate at an unacceptable LOS, the project will be redesigned and/or mitigation measures identified in the project-specific traffic analysis will be implemented, with the goal to reduce traffic impacts on the affected intersection or

roadway segment, ideally to less than significant levels, if such redesign or mitigation is consistent with project objectives, pedestrian circulation needs, or other community goals. Such design or mitigation measures might include road or interchange widening, elimination of parking, evaluation of alternate bikeway routes, or other measures.

1.5 VISUAL QUALITY/NEIGHBORHOOD CHARACTER

Vis-1: A visual study shall be prepared during design of a proposed bikeway or other facility implemented under the BMP Update, to adequately assess the potential visual impacts. The visual study shall include assessment of the existing visual environment, including existing views, aesthetics, neighborhood character, and landforms, and evaluate the feasibility of designing the particular feature that could generate visual impacts so that it does not cause impacts, including issues associated with blocking scenic views.

Vis-2: Recommendations of the visual study shall be incorporated into the design of the feature that could cause visual impacts. If the alignment cannot be changed, or the feature cannot be redesigned or screened visually by incorporating elements such as landscaping or berming to avoid the impact, or the bikeway cannot be designed to eliminate the need for that particular feature, the City's process for subsequent evaluation of discretionary projects shall be followed. The process includes environmental review and documentation pursuant to CEQA, as well as an analysis of the individual project for consistency with the goals, policies, and recommendations of the General Plan and the applicable Community Plan. The process may require development of additional site-specific measures to avoid or reduce significant impacts.

Vis-3: If trees or other landmarks could be eliminated by a proposed bikeway or accompanying structure, the first focus of mitigation will be on changing the alignment or redesigning the bikeway to avoid the removal of such resources. If avoidance is not possible, compensation will be provided. Removal of trees for the purpose of bikeway or accompanying structure shall be minimized to the greatest extent practicable. When avoidance is not possible, tree protection during construction, tree transplanting or tree replacements shall be required. Any mature trees that must be removed shall be replaced at a minimum 1:1 ratio with like or acceptable substitute, as determined by the City. Trees shall be planted in a suitable location within the corridor where the trees can be maintained. No trees or shrubs exceeding 3 feet in height at maturity shall be installed within 10 feet of any water and sewer facilities.

Vis-4: Lighting of Off-street Bikeways adjacent to open space or residential areas shall be limited to that required for safety. Lighting shall be shielded and directed away from open space areas and residences and onto the bikeway itself.

1.6 PALEONTOLOGICAL RESOURCES

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

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

I. Prior to Project Approval

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

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

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

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

- Monitoring is always required when grading on a fossil recovery site or a known fossil location.
- Monitoring may also be needed at shallower depths if fossil resources are present or likely to be present after review of source materials or consultation with an expert in fossil resources (e.g., the San Diego Natural History Museum).

- Monitoring may be required for shallow grading (<10 feet) when a site has previously been graded and/or unweathered geologic deposits/formations/rock units are present at the surface.

- Monitoring is not required when grading documented artificial fill.

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

1.7 GEOLOGIC CONDITIONS

Geo-1: A project-specific geologic report shall be prepared during design of a proposed bikeway or other facility implemented under the BMP Update, to adequately assess the potential impacts due to geologic conditions. The report shall include the studies designated in Table F-1 of the City's Significance Determination Thresholds (City 2011) and defined in the City's Guidelines for Geotechnical Reports (City 2011). The report shall specify possible mitigation measures for potential impacts due to geologic hazards, unstable geologic materials, and/or erosion. Measures may include the following:

- Faulting: Applying the most rigorous building codes governing seismic safety and structural design; allowing for setback; revising the alignment to avoid fault areas.

- Landslides and Slope Failure: Providing protective barriers such as drapes, nets, fences, barriers, and catchment; allowing for setbacks; grading to reduce slope angles; removing vulnerable deposits and replacing with compacted fill; providing stabilization; and providing signage on bikeways in areas of potential rock fall or unstable ground.

- Liquefaction: Conducting ground improvement (densification and hardening); providing appropriate structural (foundation) design; removing or treating liquefiable soils; modifying drainage to lower groundwater levels; providing for temporary or permanent dewatering; allowing for setbacks.

- Coastal Hazards: Similar measures as above for landslides and slope failure; developing evacuation procedures and routes and providing signage on bikeways in areas where tsunamis and seiches could result in damage.

- Erosion: Providing erosion control and drainage facilities as specified in City regulations.

Geo-2: Recommendations of the project-specific report shall be incorporated into the design of the feature(s) that could experience impacts due to geologic conditions.

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

Passed by the Council of The City of San Diego on DEC 09 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 DEC 26 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- 308596