

RESOLUTION NUMBER R- 308809

DATE OF FINAL PASSAGE MAR 25 2014

S501

SUB-A

3/11/14

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT SCH. 2004651076 AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, ADOPTING THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE COMPREHENSIVE UPDATE TO THE OTAY MESA COMMUNITY PLAN.

WHEREAS, the City of San Diego undertook a comprehensive update to the 1981 Otay Mesa Community Plan, which project includes amendments to the Otay Mesa Community Plan and General Plan and Implementation Plan, amendments to the Land Development Code, an update of the Otay Mesa Public Facilities Financing Plan, and related actions; and

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

WHEREAS, the issue was heard by the City Council on January 13, 2014; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 2004651076 (Report) prepared for this Project; NOW, THEREFORE,

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

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

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

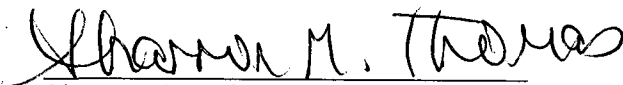
BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15093, the City Council hereby adopts the Statement of Overriding Considerations with respect to the Project, which is attached hereto as Exhibit C.

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

BE IT FURTHER RESOLVED, that 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 after final passage of the ordinances associated with the Project.

APPROVED: JAN GOLDSMITH, CITY ATTORNEY

By:



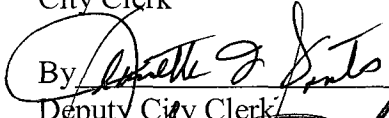
Shannon M. Thomas
Deputy City Attorney

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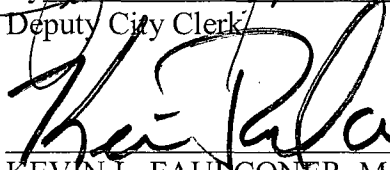
ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program
Exhibit B, Findings
Exhibit C, Statement of Overriding Considerations

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 11 2014.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 3/20/2014
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

OTAY MESA COMMUNITY PLAN UPDATE ENVIRONMENTAL IMPACT REPORT

No. 30330/304032
SCH No. 2004651076

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 Development Services Department Advanced Planning and Engineering Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No. 30330/304032, SCH No. 2004651076 are further described below.

LAND USE

Mitigation Framework

LU-1a: Future development project types that are consistent with the CPU, base zone regulations, and the supplemental regulations for CPIOZ Type A and can demonstrate that there are no biological resources present on the project site can be processed ministerially and would not be subject to further environmental review under CEQA. Development proposals that do not comply with the CPIOZ Type A supplemental regulations shall be subject to discretionary review in accordance with CPIOZ Type B and the Mitigation Framework LU-2 and BIO 1-4 in Section 5-4, Biological Resources.

LU-1b: Future development project types that are consistent with the CPU, base zone regulations, and the supplemental regulations for CPIOZ Type A and can demonstrate that there are no archaeological resources present on the project site can be processed ministerially and would not be subject to further environmental review under CEQA. Development proposals that do not comply with the CPIOZ Type A supplemental regulations shall be subject to discretionary review in accordance with CPIOZ Type B and the Mitigation Framework HIST-1 in Section 5-5, Historical Archaeological Resources.

Mitigation for direct impacts to sensitive vegetation, wetlands, and vernal pools from construction of community plan circulation/mobility element roads; collector streets essential for area circulation, and necessary maintenance/emergency access roads within the MHPA shall be accomplished with implementation of Mitigation Framework measures BIO-1 through BIO-4.

Boundary Adjustments

Potential impacts to MHPA preservation configuration as a result of MHPA boundary adjustments shall be addressed through the required MHPA Boundary Line equivalency analysis. Impacts would be less than significant; therefore, no mitigation is required.

MHPA Land Use Adjacency Guidelines

MHPA adjacency impacts would be addressed at the project-level. Projects adjacent to the MHPA would incorporate features into the project and/or permit conditions that demonstrate compliance with the MHPA Land Use Adjacency Guidelines. To ensure avoidance or reduction of potential MHPA impacts resulting from new development adjacent to the MHPA, the following Mitigation Framework measures shall be required for all future projects as part of the subsequent environmental review and development permit processing:

LU-2: All subsequent development projects that are implemented in accordance with the CPU which is adjacent to designated MHPA areas shall comply with the Land Use Adjacency Guidelines of the MSCP in terms of land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management requirements. Mitigation measures include, but are not limited to: sufficient buffers and design features, barriers (rocks, boulders, signage, fencing, and appropriate vegetation) where necessary, lighting directed away from the MHPA, and berms or walls adjacent to commercial or industrial areas and any other use that may introduce construction noise or noise from future development that could impact or interfere with wildlife utilization of the MHPA. The project biologist for each proposed project would identify specific mitigation measures needed to reduce impacts to below a level of significance. Subsequent environmental review would be required to determine the significance of impacts from land use adjacency and compliance with the Land Use Adjacency Guidelines of the MSCP. Prior to approval of any subsequent development project in an area adjacent to a designated MHPA, the City of San Diego shall identify specific conditions of approval in order to avoid or to reduce potential impacts to adjacent the MHPA.

Specific requirements shall include:

- Prior to the issuance of occupancy permits, development areas shall be permanently fenced where development is adjacent to the MHPA to deter the intrusion of people and/or pets into the MHPA open space areas. Signage may be installed as an additional deterrent to human intrusion as required by the City.
- The use of structural and nonstructural best management practices (BMPs), including sediment catchment devices, shall be required to reduce the potential indirect impacts associated with construction to drainage and water quality. Drainage shall be directed away from the MHPA or, if not possible, must not drain directly into the MHPA. Instead, runoff shall flow into sedimentation basins, grassy swales, or mechanical trapping

devices prior to draining into the MHPA. Drainage shall be shown on the site plan and reviewed satisfactory to the City Engineer.

- All outdoor lighting adjacent to open space areas shall be shielded to prevent light over-spill off-site. Shielding shall consist of the installation of fixtures that physically direct light away from the outer edges of the road or landscaping, berms, or other barriers at the edge of development that prevent light over spill.
- The landscape plan for the project shall contain no exotic plant/invasive species and shall include an appropriate mix of native species which shall be used adjacent to the MHPA.
- All manufactured slopes must be included within the development footprint and outside the MHPA.
- All brush management areas shall be shown on the site plan and reviewed and approved by the Environmental Designee. Zone 1 brush management areas shall be included within the development footprint and outside the MHPA. Brush management Zone 2 may be permitted within the MHPA (considered impact neutral) but cannot be used as mitigation. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the Zone 2 area shall be the responsibility of a homeowners association or other private party.
- Access to the MHPA, if any, shall be directed to minimize impacts and shall be shown on the site plan and reviewed and approved by the Environmental Designee.

Land uses, such as recreation and agriculture, that use chemicals or generate by-products such as manure, that are potentially toxic or impactful to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. Such measures shall include drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials. Regular maintenance should be provided. Where applicable, this requirement shall be incorporated into leases on publicly owned property as leases come up for renewal.

AIR QUALITY

Mitigation Framework

The goals, policies, and recommendations of the City combined with the federal, state, and local regulations provide a framework for developing project-level air quality protection measures for future discretionary projects. The City's process for the evaluation of discretionary projects includes environmental review and documentation pursuant to CEQA as well as an analysis of those projects for consistency with the goals, policies, and recommendations of the General Plan and CPU. In general, implementation of the policies in the CPU and General Plan would preclude or reduce air quality impacts. Compliance with the standards is required of all projects and is not considered to be mitigation. However, it is possible that for certain projects, adherence

to the regulations would not adequately protect air quality, and such projects would require additional measures to avoid or reduce significant air quality impacts. These additional measures would be considered mitigation.

Where mitigation is determined to be necessary and feasible, these measures shall be included in a Mitigation Monitoring and Reporting Program for the project.

Mitigation measures AQ-1 and AQ-2 shall be implemented to reduce project-level impacts. These measures shall be updated, expanded and refined when applied to specific future projects based on project-specific design and changes in existing conditions, and local, state and federal laws.

AQ-1: For projects that would exceed daily construction emissions thresholds established by the City of San Diego, best available control measures/technology shall be incorporated to reduce construction emissions to below daily emission standards established by the City of San Diego. Best available control measures/technology shall include:

- a. Minimizing simultaneous operation of multiple pieces of construction equipment;
- b. Use of more efficient or low pollutant emitting, equipment, e.g. Tier III or IV rated equipment;
- c. Use of alternative fueled construction equipment;
- d. Dust control measures for construction sites to minimize fugitive dust, e.g. watering, soil stabilizers, and speed limits; and
- e. Minimizing idling time by construction vehicles.

AQ-2: Development that would significantly impact air quality, either individually or cumulatively, shall receive entitlement only if it is conditioned with all reasonable mitigation to avoid, minimize, or offset the impact. As a part of this process, future projects shall be required to buffer sensitive receptors from air pollution sources through the use of landscaping, open space, and other separation techniques.

AQ-3: Prior to the issuance of building permits for any new facility that would have the potential to emit toxic air contaminants, in accordance with AB 2588, an emissions inventory and health risk assessment shall be prepared. If adverse health impacts exceeding public notification levels (cancer risk equal to or greater than 10 in 1,000,000; see Section 5-3-5-1(b & c)) are identified, the facility shall provide public notice to residents located within the public notification area and submit a risk reduction audit and plan to the APCD that demonstrates how the facility would reduce health risks to less than significant levels within five years of the date the plan.

AQ-4: Prior to the issuance of building permits for any project containing a facility identified in Table 5.3-7, or locating air quality sensitive receptors closer than the recommended buffer distances, future projects implemented in accordance with the CPU shall be required to prepare a health risk assessment (HRA) with a Tier I analysis in accordance with APCD HRA Guidelines and the Office of Environmental Health Hazard Assessment (OEHHA) Air Toxics "Hot Spots" Program Risk Assessment Guidelines (APCD 2006; OEHHA 2003).

All HRAs shall include:

1. the estimated maximum 70-year lifetime cancer risk,
2. the estimated maximum non-cancer chronic health hazard index (HHI), and
3. the estimated maximum non-cancer acute health hazard index (HHI).

Risk estimates shall each be made for the off-site point of maximum health impact (PMI), the maximally exposed individual resident (MEIR), and the maximally exposed individual worker (MEIW). The location of each of these receptors shall be specified. The lifetime cancer risk, non-cancer chronic and acute health hazard indexes for nearby sensitive receptors shall also be reported. Cancer and non-cancer chronic risk estimates shall be based on inhalation risks. HRAs shall include estimates of population exposure, including cancer burden, as well as cancer and non-cancer chronic and acute risk isopleths (contours). The HRA shall identify best available control technology (BACT) required to reduce risk to less than 10 in 1,000,000.

BIOLOGICAL RESOURCES

Mitigation Framework

Mitigation is required for impacts that are considered significant under the City of San Diego's Biology Guidelines (2012) and the City of San Diego's CEQA Significance Determination Thresholds (2011d). All impacts to sensitive biological resources shall be avoided to the maximum extent feasible and minimized when avoidance is not possible. For future projects that are consistent with the CPU, base zone regulations and the supplemental regulations for CPIOZ Type A and can demonstrate that no biological resources are present, the project can be processed ministerially and would not be subject to further environmental review under CEQA. Future development which does not comply with CPIOZ Type A shall be subject to review in accordance with CPIOZ B and shall implement the Biological Resources Mitigation Framework detailed below. Where impacts are not avoidable or cannot be minimized, mitigation shall be required to reduce significant impacts to below a level of significance. Mitigation measures typically employed include resource avoidance, restoration, or creation of habitat, dedication, or acquisition of habitat, or payment into the City of San Diego's Habitat Acquisition Fund or other City-approved mitigation bank. Mitigation measures shall be determined and implemented at the project-level. Adherence to the recommendations below is anticipated to minimize impacts to sensitive biological resources.

BIO-1: To reduce potentially significant impacts that would cause a reduction in the number of unique, rare, endangered, sensitive, or fully protected species of plants or animals, if present within the CPU area, all subsequent projects implemented in accordance with the CPU shall be analyzed in accordance with the CEQA Significance Thresholds, which require that site-specific biological resources surveys be conducted in accordance with City of San Diego Biology Guidelines (2012). The locations of any sensitive plant species, including listed, rare, and narrow endemic species, as well as the potential for occurrence of any listed or rare wildlife species shall be recorded and presented in a biological resources report. Based on available habitat within CPU area, focused presence/absence surveys shall be conducted in accordance with the biology

guidelines and applicable resource agency survey protocols to determine the potential for impacts resulting from the future projects on these species. Engineering design specifications based on project-level grading and site plans shall be incorporated into the design of future projects to minimize or eliminate direct impacts on sensitive plant and wildlife species consistent with the FESA, MBTA, Bald and Golden Eagle Protection Act, California Endangered Species Act (CESA), MSCP Subarea Plan, and ESL Regulations.

In addition to the requirements detailed above, specific measures shall be implemented when the biological survey results in the identification of Burrowing Owls on the project site. Future projects shall be required to conduct a habitat assessment to determine whether or not protocol surveys are needed. Should burrowing owl habitat or sign be encountered on or within 150 meters of the project site, breeding season surveys shall be conducted. If occupancy is determined, site-specific avoidance and mitigation measures shall be developed in accordance with the protocol established in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). Measures to avoid and minimize impacts to burrowing owl shall be included in a Conceptual Burrowing Owl Mitigation Plan which includes take avoidance (pre-construction) surveys, site surveillance, and the use of buffers, screens, or other measures to minimize construction-related impacts.

Mitigation for Impacts to Sensitive Upland Habitats

Future projects implemented in accordance with the CPU resulting in impacts to sensitive upland Tier I, II, IIIA, or IIIB habitats shall implement avoidance and minimization measures consistent with the City Biology Guidelines and MSCP Subarea Plan and provide suitable mitigation in accordance with the City's Biology Guidelines (see Table 5.4-7) MSCP Subarea Plan. Future project-level grading and site plans shall incorporate project design features to minimize direct impacts on sensitive vegetation communities including but not limited to riparian habitats, wetlands, oak woodlands, and coastal sage scrub consistent with federal, state, and City guidelines. Any required mitigation for impacts on sensitive vegetation communities shall be outlined in a conceptual mitigation plan following the outline provided in the City Biology Guidelines.

Mitigation for impacts to sensitive vegetation communities shall be implemented at the time future development projects are proposed. Project-level analysis shall determine whether the impacts are within or outside of the MHPA. Any MHPA boundary adjustments shall be processed by the individual project applicants through the City and Wildlife Agencies during the early project planning stage.

Mitigation for impacts to sensitive upland habitats shall occur in accordance with the MSCP mitigation ratios as specified within the City's Biology Guidelines (City of San Diego 2012a). These mitigation ratios are based on Tier level of the vegetation community, the location of the impact and the location of the mitigation site(s). For example, impacts to lands inside of the MHPA and mitigated outside the MHPA would have the highest mitigation ratio whereas impacts to lands outside the MHPA and mitigated inside the MHPA would have the lowest mitigation ratio.

If mobility element roads (i.e., Beyer Boulevard, Airway Road, and Del Sol Boulevard) impact existing conserved lands, an additional 1:1 ratio shall be added to the City required mitigation ratio in order to replace the lands that were previously preserved as open space. Mitigation lands purchased to compensate for impacts to areas within conserved lands shall be located in the Otay Mesa area if feasible.

**TABLE 5.4-7
MITIGATION RATIOS FOR IMPACTS TO UPLAND VEGETATION COMMUNITIES
AND LAND COVER TYPES**

Tier	Habitat Type	Mitigation Ratios					
TIER I (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					
				Inside	Outside		
		Location of Impact	Inside*	2:1	3:1		
			Outside	1:1	2:1		
		TIER II (uncommon uplands)	Coastal Sage Scrub Coastal Sage Scrub/ Chaparral	Location of Preservation			
						Inside	Outside
				Location of Impact	Inside*	1:1	2:1
Outside	1:1	1.5:1					
TIER III A (common uplands)	Mixed Chaparral Chamise Chaparral	Location of Preservation					
				Inside	Outside		
		Location of Impact	Inside*	2:1	3:1		
Outside	1:1		2:1				
TIER III B (common uplands)	Non-Native Grasslands	Location of Preservation					
				Inside	Outside		
		Location of Impact	Inside*	1:1	1.5:1		
Outside	0.5:1		1:1				

Notes:

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

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

Mitigation for Short-term Impacts to Sensitive Species from Project Construction

Specific measures necessary for reducing potential construction-related noise impacts to the coastal California gnatcatcher, least Bell’s vireo burrowing owl, and the cactus wren are further detailed in LU-2 and BIO-2.

Mitigation for impacts to sensitive wildlife species (including temporary and permanent noise impacts) resulting from future projects implemented in accordance with the CPU are included in Sections 5.1.6.3 (Land Use) and 5.4.4.3 (Biological Resources). Please refer to Mitigation Framework BIO-1 through BIO-4 and LU-2 (MHPA Land Use Adjacency Guidelines).

Mitigation Framework - Migratory Wildlife

BIO-2: Mitigation for future projects to reduce potentially significant impacts that would interfere with the nesting, foraging, or movement of wildlife species within the CPU area, shall be identified in site-specific biological resources surveys prepared in accordance with City of San Diego Biology Guidelines as further detailed in BIO-1 during the subsequent development review process. The Biology Report shall include results of protocol surveys and recommendations for additional measures to be implemented during construction-related activities; shall identify the limits of any identified local-scale wildlife corridors or habitat linkages and analyze potential impacts in relation to local fauna, and the effects of conversion of vegetation communities (e.g., non-native grassland to riparian or agricultural to developed land) to minimize direct impacts on sensitive wildlife species and to provide for continued wildlife movement through the corridor.

Measures that shall be incorporated into project-level construction documents to minimize direct impacts on wildlife movement, nesting or foraging activities shall be addressed in the Biology report and shall include recommendations for preconstruction protocol surveys to be conducted during established breeding seasons, construction noise monitoring and implementation of any species specific mitigation plans (such as a Burrowing Owl Mitigation Plan) in order to comply with the FESA, MBTA, Bald and Golden Eagle Protection Act, State Fish and Game Code, and/or the ESL Regulations.

Mitigation Framework for Impacts to Wetlands

Future projects implemented in accordance with the CPU which cannot demonstrate compliance with CPIOZ A because impacts to wetlands/jurisdictional resources cannot be avoided shall be required to implement the following Mitigation Framework:

BIO-4: To reduce potential direct impacts to City, state, and federally regulated wetlands, all subsequent projects developed in accordance with the CPU shall be required to comply with USACE Clean Water Act Section 404 requirements and special conditions, CDFW Section 1602 Streambed Alteration Agreement requirements and special conditions, and the City of San Diego ESL Regulations for minimizing impacts to wetlands. Achieving consistency with these regulations for impacts on wetlands and special aquatic sites would reduce potential impacts to regulated wetlands and provide compensatory mitigation (as required) to ensure no net-loss of wetland habitats.

Prior to obtaining discretionary permits for future actions implemented in accordance with the CPU, a site-specific biological resources survey shall be completed in accordance with City of San Diego Biology Guidelines. Any required mitigation for impacts shall be outlined in a conceptual wetland mitigation plan prepared in accordance with the City's Biology Guidelines (2012a). In addition, a preliminary or final jurisdictional wetlands delineation of the project site shall be completed following the methods outlined in the USACE's 1987 *Wetlands Delineation Manual* and the *Regional Supplement to the Corps of Engineers Delineation Manual for the Arid West Region*. A determination of the presence/absence and boundaries of any WoUS and WoS shall also be completed following the appropriate USACE guidance documents for determining the OHWM boundaries. The limits of any riparian habitats on-site under the sole jurisdiction of

CDFW shall also be delineated, as well as any special aquatic sites (excluding vernal pools) that may not meet federal jurisdictional criteria but are regulated by California Coastal Commission and the RWQCB. Engineering design specifications based on project-level grading and site plans shall be incorporated into the project design to minimize direct impacts to wetlands, jurisdictional waters, riparian habitats, vernal pools, etc. consistent with federal, state, and City guidelines.

Additionally, any impacts to wetlands in the City of San Diego would require a deviation from the ESL wetland regulations. Under the wetland deviation process, development proposals that have wetland impacts shall be considered only pursuant to one of three options; Essential Public Projects, Economic Viability Option, or Biologically Superior Option. ESL Regulations require that impacts to wetland be avoided. Unavoidable impacts to wetlands shall be minimized to the maximum extent practicable and mitigated as follows:

- As part of the project-specific environmental review pursuant to CEQA, all unavoidable wetland impacts shall be analyzed, and mitigation shall be required in accordance with ratios shown in Tables 5.4-8a and b below. Mitigation shall be based on the impacted type of wetland and project design. Mitigation shall prevent any net loss of wetland functions and values of the impacted wetland.
- For the Biologically Superior Option, the project and proposed mitigation shall include avoidance, minimization, and compensatory measures, which would result in a biologically superior net gain in overall function and values of (a) the type of wetland resource being impacted and/or (b) the biological resources to be conserved. The Biologically Superior Option mitigation shall include either (1) standard mitigation per Table 5.4-8a, including wetland creation or restoration of the same type of wetland resource that is being impacted that results in high quality wetlands; and a biologically superior project design whose avoided area(s) (i) is in a configuration or alignment that optimizes the potential long-term biological viability of the on-site sensitive biological resources, and/or (ii) conserves the rarest and highest quality on-site biological resources; or (2) for a project not considered consistent with "1" above, extraordinary mitigation per Table 5.4-8b is required.

TABLE 5.4-8a
CITY OF SAN DIEGO WETLAND MITIGATION RATIOS
(With Biologically Superior Design)

Vegetation Community	Mitigation Ratio
Riparian	2:1 to 3:1
Vernal pool*	2:1 to 4:1
Basin with fairy shrimp*	2:1 to 4:1
Freshwater marsh	2:1

*The City currently does not have take authority for vernal pools. A draft vernal pool HCP is currently being prepared by the City in coordination with the Wildlife Agencies. If adopted, the City would have "take" authority for the vernal pool species occurring within the vernal pool HCP areas.

TABLE 5.4-8b
CITY OF SAN DIEGO WETLAND MITIGATION RATIOS
(Without Biologically Superior Design)

Vegetation Community	Mitigation Ratio
Riparian	4:1 to 6:1
Vernal pool*	4:1 to 8:1
Basin with fairy shrimp*	4:1 to 8:1
Freshwater marsh	4:1

*The City currently does not have take authority for vernal pools. A draft vernal pool HCP is currently being prepared by the City in coordination with the Wildlife Agencies. If adopted, the City would have "take" authority for the vernal pool species occurring within the vernal pool HCP areas.

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

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

- **Wetland acquisition** may be considered in combination with any of the three mitigation activities above.

Wetland enhancement and wetland acquisition focus on the preservation or the improvement of existing wetland habitat and function and do not result in an increase in wetland area; therefore, a net loss of wetland may result. As such, acquisition and/or enhancement of existing wetlands shall be considered as partial mitigation only for any balance of the remaining mitigation requirement after restoration or creation if wetland acreage is provided at a minimum of a 1:1 ratio.

For permanent wetland impacts that are unavoidable and minimized to the maximum extent feasible, mitigation shall consist of creation of new in-kind habitat to the fullest extent possible and at the appropriate ratios. If on-site mitigation is not feasible, then at least a portion of the mitigation must occur within the same watershed. The City's Biology Guidelines and MSCP Subarea Plan require that impacts on wetlands, including vernal pools, shall be avoided, and that a sufficient wetland buffer shall be maintained, as appropriate, to protect resource functions/values. The project specific biology report shall include an analysis of on-site wetlands (including City, state, and federal jurisdiction analysis) and, if present, include project alternatives that fully/substantially avoid wetland impacts. Detailed evidence supporting why there is no feasible less environmentally damaging location or alternative to avoid any impacts must be provided for City staff review, as well as a mitigation plan that specifically identifies how the project is to compensate for any unavoidable impacts. A conceptual wetland mitigation plan (which includes identification of the mitigation site) shall be approved by City staff prior to the release of the draft environmental document. Avoidance shall be the first requirement; mitigation shall only be used for impacts clearly demonstrated to be unavoidable.

Prior to the commencement of any construction-related activities on-site for projects impacting wetland habitat (including earthwork and fencing) the applicant shall provide evidence of the following to the Assistant Deputy Director (ADD)/Environmental Designee prior to any construction activity:

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

Vernal Pools and Vernal Pool Species

Mitigation for projects impacting vernal pools shall include salvage of sensitive species from vernal pools to be impacted, introduction of salvaged material into restored vernal pool habitat where appropriate (e.g., same pool series) and maintenance of salvaged material pending successful restoration of the vernal pools. Salvaged material shall not be introduced to existing vernal pools containing the same species outside the vernal pool series absent consultation with and endorsement by vernal pool species experts not associated with the project (e.g., independent expert). The mitigation sites shall include preservation of the entire watershed and a buffer based

on functions and values; however, if such an analysis is not conducted, there shall be a default of a 100-foot buffer from the watershed.

HISTORICAL RESOURCES

Mitigation Framework for Prehistoric or Historical Archaeological Resources

Future commercial, business park and industrial development project types that are consistent with the CPU, base zone regulations and the supplemental regulations for CPIOZ Type A and can demonstrate that there are no archaeological resources present on the project site; the project can be processed ministerially and would not be subject to further environmental review under CEQA. Development proposals that do not comply with the CPIOZ Type A supplemental regulations shall be subject to discretionary review in accordance with CPIOZ Type B and the Mitigation Framework for Historical Archaeological Resources further detailed below.

HIST-1: Prior to issuance of any permit for a future development project implemented in accordance with the CPU area that could directly affect an archaeological resource, 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 which may be impacted by a development activity. Sites may include, but are not limited to, residential and commercial properties, privies, trash pits, building foundations, and industrial features representing the contributions of people from diverse socio-economic and ethnic backgrounds. Sites may also include resources associated with pre-historic Native American activities.

INITIAL DETERMINATION

The environmental analyst will 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 City's "Historical Inventory of Important Architects, Structures, and People in San Diego") and conducting a site visit. If there is any evidence that the site contains archaeological resources, then a historic evaluation consistent with the City Guidelines would be required. All individuals conducting any phase of the archaeological evaluation program must meet professional qualifications in accordance with the City Guidelines.

STEP 1:

Based on the results of the Initial Determination, if there is evidence that the site contains historical resources, preparation of a historic evaluation is required. The evaluation report would generally include background research, field survey, archaeological testing and analysis. Before actual field reconnaissance would occur, background research is required which includes a record search at the SCIC at San Diego State University and the San Diego Museum of Man. A review of the Sacred Lands File maintained by the NAHC must also be conducted at this time. Information about existing archaeological collections should also be obtained from the San Diego Archaeological Center and any tribal repositories or museums. In addition to the record searches mentioned above, background information may include, but is not limited to: examining primary sources of historical information (e.g., deeds and wills), secondary sources (e.g., local histories and genealogies), Sanborn Fire Maps, and historic

cartographic and aerial photograph sources; reviewing previous archaeological research in similar areas, models that predict site distribution, and archaeological, architectural, and historical site inventory files; and conducting informant interviews. The results of the background information would be included in the evaluation report.

Once the background research is complete, a field reconnaissance must be conducted by individuals whose qualifications meet the standards outlined in the City Guidelines. 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 historical 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 which 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 Guidelines.

The results from the testing program will be evaluated against the Significance Thresholds found in the Guidelines. If significant historical resources are identified within the Area of Potential Effect, 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 Department of Parks and Recreation (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 indicates 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 historical 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 is required, 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. The data recovery program must be reviewed and approved by the City's Environmental Analyst prior to draft CEQA document distribution. Archaeological monitoring may 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 or any archaeological site located on City property or within the Area of Potential Effect 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 Public Resources Code Section 5097 must be followed. These provisions are outlined in the Mitigation Monitoring and Reporting Program (MMRP) 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 by qualified professionals as determined by the criteria set forth in Appendix B of the Guidelines. The discipline shall be tailored to the resource under evaluation. In cases involving complex resources, such as traditional cultural properties, rural landscape districts, sites involving a combination of prehistoric and historic archaeology, or historic districts, a team of experts will be necessary for a complete evaluation.

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

Archaeological Resource Management reports shall be prepared in conformance with the California Office of Historic Preservation "Archaeological Resource Management Reports: Recommended Contents and Format" (see Appendix C of the 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 resources reports for archaeological sites and traditional cultural properties 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 which result in a substantial collection of artifacts and must address the management and research goals of the project and the types of materials to be collected and curated based on a sampling strategy that is acceptable to the City. Appendix D (Historical Resources Report Form) may 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 historic 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., Assembly Bill 2641 and California Native American Graves Protection and Repatriation Act of 2001) and federal (i.e., Native American Graves Protection and Repatriation Act) 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 Collection (dated May 7, 1993) and, if federal funding is involved, 36 Code of Federal Regulations 79 of the Federal Register. Additional information regarding curation is provided in Section II of the Guidelines.

Mitigation Framework for Historic Buildings, Structures, and Objects

HIST-2: Prior to issuance of any permit for a future development project implemented in accordance with the CPU that would directly or indirectly affect a building/structure in excess of 45 years of age, the City shall determine whether the affected building/structure is historically significant. The evaluation of historic architectural resources shall be based on criteria such as: age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in the Historical Resources Guidelines.

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

- a. Preparing a historic resource management plan;

- b. Designing new construction which is compatible in size, scale, materials, color and workmanship to the historic resource (such additions, whether portions of existing buildings or additions to historic districts, shall be clearly distinguishable from historic fabric);
- c. Repairing damage according to the Secretary of the Interior's Standards for Rehabilitation;
- d. Screening incompatible new construction from view through the use of berms, walls, and landscaping in keeping with the historic period and character of the resource; and
- e. Shielding historic properties from noise generators through the use of sound walls, double glazing, and air conditioning.

Specific types of historical resource reports, outlined in Section III of the HRG, are required to document the methods to be used to determine the presence or absence of historical resources, to identify potential impacts from a proposed project, and to evaluate the significance of any historical resources identified. If potentially significant impacts to an identified historical resource are identified these reports will also recommend appropriate mitigation to reduce the impacts to below a level of significance. If required, mitigation programs can also be included in the report.

HUMAN HEALTH/PUBLIC SAFETY/HAZARDOUS MATERIALS

Mitigation Framework

Please refer to Sections 5.3, 5.6.4, and 5.6.5. In accordance with the CPU policies, mitigation identified in Sections 5.3, 5.6.4, and 5.6.5 shall be required to reduce potential health hazards to future development from hazardous sites. Please refer to Mitigation Frameworks AQ-3, AQ-4 and HAZ-3.

HAZ-1: Future projects implemented in accordance with the CPU shall be required to incorporate sustainable development and other measures into site plans in accordance with the City's Brush Management Regulations, and Landscape Standards pursuant to General Plan and CPU policies intended to reduce the risk of wildfires. In addition, all future projects shall be reviewed for compliance with the 2010 California Fire Code, Section 145.0701 through 145.0711 of the LDC, and Chapter 7 of the California Building Code.

HAZ-2: To prevent the development of structures that may pose a hazard to air navigation, the City shall inform project applicants for future development concerning the existence of the Part 77 imaginary surfaces and Terminal Instrument Procedures and FAA requirements. The City shall also inform project applicants when proposed projects meet the Part 77 criteria for notification to the FAA as identified in City of San Diego Development Services Department Information Bulletin 520. The City shall not approve ministerial projects that require FAA notification without a FAA determination of "No Hazard to Air Navigation" for the project. Also, the City shall not recommend approval of subsequent development projects that require

FAA notification without a FAA determination of "No Hazard to Air Navigation" for the project until the project can fulfill state and ALUC requirements.

In accordance with CPU policies 6.11-1 and 6.11-2, future projects implemented in accordance with the CPU shall be required to identify potential conditions which require further regulatory oversight and demonstrated compliance based on the following measures prior to issuance of any ministerial permit:

HAZ-3:

- a. A Phase I Site Assessment shall be completed in accordance with federal, state, and local regulations for any property identified on a list compiled pursuant to Government Code Section 65962.5. The report shall include an existing condition survey, detailed project description and specific measures proposed to preclude upset conditions (accidents) from occurring. If hazardous materials are identified, a Phase II risk assessment and remediation effort shall be conducted in conformance with federal, state, and local regulations.
- b. The applicant shall retain a qualified environmental engineer to develop a soil and groundwater management plan to address the notification, monitoring, sampling, testing, handling, storage, and disposal of contaminated media or substances.(soil, groundwater). The qualified environmental consultant shall monitor excavations and grading activities in accordance with the plan. The groundwater management and monitoring plans shall be approved by the City prior to development of the site.
- c. The applicant shall submit documentation showing that contaminated soil and/or groundwater on proposed development parcels have been avoided or remediated to meet cleanup requirements established by the local regulatory agencies (RWQCB/DTSC/DEH) based on the future planned land use of the specific area within the boundaries of the site (i.e., commercial, residential), and that the risk to human health of future occupants of these areas therefore has been reduced to below a level of significance.
- d. The applicant shall obtain written authorization from the regulatory agency (RWQCB/DTSC/DEH) confirming the completion of remediation. A copy of the authorization shall be submitted to the City to confirm that all appropriate remediation has been completed and that the proposed development parcel has been cleaned up to the satisfaction of the regulatory agency. In the situation where previous contamination has occurred on a site that has a previously closed case or on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, the DEH shall be notified of the proposed land use.
- e. All cleanup activities shall be performed in accordance with all applicable federal, state, and local laws and regulations, and required permits shall be secured prior to commencement of construction to the satisfaction of the City and compliance with applicable regulatory agencies such as but not limited to San Diego Municipal Code Section 42.0801, Division 9 and Section 54.0701.

HYDROLOGY/WATER QUALITY

Mitigation Framework

HYD/WQ-1: Prior to approval of development projects implemented under the CPU, the applicant shall demonstrate to the satisfaction of the City Engineer, based on the project application, that future projects are sited and designed to minimize impacts on absorption rates, drainage patterns, and surface runoff rates and floodwaters in accordance with current City and RWQCB regulations identified below. Future design of projects shall incorporate all practicable measures as further outlined below in accordance with the RWQCB, the City Storm Water Runoff and Drainage Regulations (Chapter 14, Article 2, Division 2 of the LDC), and the LDC, and shall be based on the recommendations of a detailed hydraulic analysis.

a. San Diego RWQCB

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

b. City of San Diego

- To prevent flooding, future projects shall be designed to incorporate any applicable measures from the City of San Diego LDC. Flood control measures that shall be incorporated into future projects within a SFHA, or within a 100-year floodway, include but are not limited to the following:
- Prior to issuance of building permits or approval of any project within or in the vicinity of a floodway or SFHA, all proposed development within a SFHA is subject to the following requirements and all other applicable requirements and regulations of FEMA and those provided in Chapter 14, Article 3, Division 1 of the LDC.
- In all floodways, any encroachment, including fill, new construction, significant modifications, and other development, is prohibited unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge except as allowed under Code of Federal Regulations Title 44, Chapter 1, Part 60.3(c) (13).
- If the engineering analysis shows that development will alter the floodway or floodplain boundaries of the Special Flood Hazard Area, the developer shall obtain a Conditional Letter of Map Revision from FEMA.

- Fill placed in the Special Flood Hazard Area for the purpose of creating a building pad shall be compacted to 95 percent of the maximum density obtainable with the Standard Proctor Test Fill method issued by the American Society for Testing and Materials (ASTM) Granular fill slopes shall have adequate protection for a minimum flood water velocity of five feet per second.
- The applicant shall denote on the improvement plans "Subject to Inundation" all areas lower than the base elevation plus two feet.
- If the structures will be elevated on fill such that the lowest adjacent grade is at or above the base flood elevation, the applicant must obtain a Letter of Map Revision based on Fill (LOMR-F) prior to occupancy of the building. The developer or applicant shall provide all documentation, engineering calculations, and fees required by FEMA to process and approve the LOMR-F.
- In accordance with Chapter 14, Article 3, Division 1 of the LDC channelization or other substantial alteration of rivers or streams shall be limited to essential public service projects, flood control projects, or projects where the primary function is the improvement of fish and wildlife habitat. The channel shall be designed to ensure that the following occur:
 - Stream scour is minimized.
 - Erosion protection is provided.
 - Water flow velocities are maintained as specified by the City Engineer.
 - There are neither significant increases nor contributions to downstream bank erosion and sedimentation of sensitive biological resources; acceptable techniques to control stream sediment include planting riparian vegetation in and near the stream and detention or retention basins.
 - Wildlife habitat and corridors are maintained.
 - Groundwater recharge capability is maintained or improved.
- Within the flood fringe of a SFHA or floodway, permanent structures and fill for permanent structures, roads, and other development are allowed only if the following conditions are met:
 - The development or fill shall not significantly adversely affect existing sensitive biological resources on-site or off site.
 - The development is capable of withstanding flooding and does not require or cause the construction of off-site flood protective works including artificial flood channels,

revetments, and levees nor shall it cause adverse impacts related to flooding of properties located upstream or downstream, nor shall it increase or expand a FIRM Zone A.

- Grading and filling are limited to the minimum amount necessary to accommodate the proposed development, harm to the environmental values of the floodplain is minimized including peak flow storage capacity, and wetlands hydrology is maintained.
- The development neither significantly increases nor contributes to downstream bank erosion and sedimentation nor causes an increase in flood flow velocities or volume.
- There shall be no significant adverse water quality impacts to downstream wetlands, lagoons, or other sensitive biological resources, and the development is in compliance with the requirements and regulations of the NPDES as implemented by the City of San Diego.

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

Storm water improvements and water quality protection measures that shall be required for future projects include:

- Increasing onsite filtration;
- Preserving, restoring, or incorporating natural drainage systems into site design;
- Directing concentrated flows away from MHPA and open space areas. If not possible, drainage shall be directed into sediment basins, grassy swales, or mechanical trapping devices prior to draining into the MHPA or open space areas;
- Reducing the amount of impervious surfaces through selection of materials, site planning, and narrowing of street widths where possible;
- Increasing the use of vegetation in drainage design;
- Maintaining landscape design standards that minimize the use of pesticides and herbicides; and

- To the extent practicable, avoiding development of areas particularly susceptible to erosion and sediment loss.

San Diego Regional Water Quality Control Board and Municipal Code Compliance

- The requirements of the RWQCB for storm water quality are addressed by the City in accordance with the City NPDES requirements and the participation in the regional permit with the RWQCB.
- Prior to permit approval, the City shall ensure any impacts on receiving waters are precluded or mitigated in accordance with the City of San Diego Stormwater Regulations.
- In accordance with the City of San Diego Stormwater Standards Manual, development shall be designed to incorporate on-site storm water improvements satisfactory to the City Engineer and shall be based on the adequacy of downstream storm water conveyance.

GEOLOGY/SOILS

Mitigation Framework

GEO-1: Impacts associated with geologic hazards shall be mitigated at the project-level through adherence to the City's Seismic Safety Study and recommendations of a site-specific geotechnical report prepared in accordance with the City's Geotechnical Report Guidelines. Impacts shall also be avoided or reduced through engineering design that meets or exceeds adherence to the City's Municipal Code and the California Building Code.

More specifically, compressible soils impacts shall be mitigated through the removal of undocumented fill, colluvium/topsoil, and alluvium to firm the ground. Future development shall also be required to clean up deleterious material and properly moisture, condition, and compact the soil in order to provide suitable foundation support.

Regarding impacts related to expansive soils, future development shall be required to implement typical remediation measures, which shall include placing a minimum 5-foot cap of low expansive (Expansion Index [EI] of 50 or less) over the clays; or design of foundations and surface improvements to account for expansive soil movement.

GEO-2: As part of the future development permitting process, the City shall require individual projects to adhere to the Grading Regulation and NPDES permit requirements. All subsequent projects developed in accordance with the CPU shall also adhere to the California Building Code to avoid or reduce geologic hazards to the satisfaction of the City Engineer.

Submittal, review and approval of site specific geotechnical investigations shall be completed in accordance with the City's Municipal Code requirements. Engineering design specifications based on future project-level grading and site plans shall be incorporated into all future projects implemented in accordance with the CPU to minimize hazards associated with site-level geologic and seismic conditions satisfactory to the City Engineer and shall include the following measures to control erosion during and after grading or construction:

- Desilting basins, improved surface drainage, or planting of ground covers installed early in the improvement process in areas that have been stripped of native vegetation or areas of fill material;
- Short-term measures, such as sandbag placement and temporary detention basins;
- Restrictions on grading during the rainy season (November through March), depending on the size of the grading operation, and on grading in proximity to sensitive wildlife habitat; and
- Immediate post-grading slope revegetation or hydroseeding with erosion-resistant species to ensure coverage of the slopes prior to the next rainy season.

Conformance to mandated City grading requirements shall ensure that future grading and construction operations would avoid significant soil erosion impacts. Furthermore, any development involving clearing, grading, or excavation that causes soil disturbance of one or more acres, or any project involving less than one acre that is part of a larger development plan, shall be subject to NPDES General Construction Storm Water Permit provisions. Additionally, any development of this significant size within the City shall be required to prepare and comply with an approved SWPPP that shall consider the full range of erosion control BMPs such as, but not limited to, including any additional site-specific and seasonal conditions. Project compliance with NPDES requirements would significantly reduce the potential for substantial erosion or topsoil loss to occur in association with new development.

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

- Control erosion by minimizing the area of slope disturbance and coordinate the timing of grading, resurfacing, and landscaping where disturbance does occur.
- On sites for industrial activities require reclamation plans that control erosion, where feasible, in accordance with the LDC.
- Control erosion caused by storm runoff and other water sources.
- Preserve as open space those hillsides characterized by steep slopes or geological instability in order to control urban form, insure public safety, provide aesthetic enjoyment, and protect biological resources.
- Replant with native, drought-resistant plants to restore natural appearance and prevent erosion.

- Practice erosion control techniques when grading or preparing building sites.
- Utilize ground cover vegetation when landscaping a development in a drainage area to help control runoff.
- Incorporate sedimentation ponds as part of any flood control or runoff control facility.
- During construction, take measures to control runoff from construction sites. Filter fabric fences, heavy plastic earth covers, gravel berms, or lines of straw bales are a few of the techniques to consider.
- Phase grading so that prompt revegetation or construction can control erosion. Only disturb those areas that will later be resurfaced, landscaped, or built on. Resurface parking lots and roadways as soon as possible, without waiting until completion of construction.
- Promptly revegetate graded slopes with groundcover or a combination of groundcover, shrubs, and trees. Hydroseeding may substitute for container plantings. Groundcovers shall have moderate to high erosion control qualities.
- Where necessary, design drainage facilities to ensure adequate protection for the community while minimizing erosion and other adverse effects of storm runoff to the natural topography and open space areas.
- Ensure that the timing and method of slope preparation protects natural areas from disturbance due to erosion or trampling. The final surface shall be compacted and spillovers into natural areas shall be avoided.
- Plant and maintain natural groundcover on all created slopes.

When required, the geologic technical report shall consist of a preliminary study, a geologic reconnaissance, or an in-depth geologic investigation report that includes field work and analysis. The geologic reconnaissance report and the geologic investigation report shall include all pertinent requirements as established by the Building Official.

In addition, the Building Official shall require a geologic reconnaissance report or a geologic investigation report for any site if the Building Official has reason to believe that a geologic hazard may exist at the site.

Section 145.1803 of the San Diego Municipal Code discusses in more detail the requirements related to the geotechnical report outlined in the SDSSS (City of San Diego 2009).

NOISE

Mitigation Framework

With implementation of the framework of regulations, standards, and policies, project-level noise protection measures for future subsequent development projects' noise impacts would be reduced. However, it is possible that for certain projects, adherence to the regulations would not adequately reduce noise levels, and therefore, these projects would require additional measures to avoid or reduce significant impacts. Implementation of Mitigation Framework measures NOI-1 and NOI-2 would reduce future development project-level impacts. The identified measures shall be updated, expanded and refined when applied to future projects based on project-specific design and changes in existing conditions, and local, state, and federal laws.

NOI-1: Prior to the issuance of building permits, site-specific exterior noise analyses that demonstrate that the project would not place residential receptors in locations where the exterior existing or future noise levels would exceed the noise compatibility standards of the City's General Plan shall be required as part of the review of future residential development proposals. Noise reduction measures, including but not limited to building noise barriers, increased building setbacks, speed reductions on surrounding roadways, alternative pavement surfaces, or other relevant noise attenuation measures, may be used to achieve the noise compatibility standards. Exact noise mitigation measures and their effectiveness shall be determined by the site-specific exterior noise analyses.

NOI-2: Prior to the issuance of building permits, site specific interior noise analyses demonstrating compliance with the interior noise compatibility standards of the City's General Plan and other applicable regulations shall be prepared for noise sensitive land uses located in areas where the exterior noise levels exceed the noise compatibility standards of the City's General Plan. Noise control measures, including but not limited to increasing roof, wall, window, and door sound attenuation ratings, placing HVAC in noise reducing enclosures, or designing buildings so that no windows face freeways or major roadways may be used to achieve the noise compatibility standards. Exact noise mitigation measures and their effectiveness shall be determined by the site specific exterior noise analyses.

The framework of regulations, standards, and policies by the City combined with the federal state and local regulations described above provide a framework for developing project-level noise protection measures for future subsequent development projects implemented in accordance with the CPU. The City's process for the evaluation of discretionary projects includes environmental review and documentation pursuant to CEQA as well as an analysis of those projects for consistency with the goals, policies and recommendations of the General Plan and the CPU.

Operational noise from various land uses could adversely impact adjacent properties, either individually or cumulatively. In general, implementation of the policies included in the CPU and General Plan shall preclude or reduce noise impacts relative to construction noise and collocation issues. Compliance with the standards is required of all projects and is not considered to be mitigation. However, it is possible that for certain projects, adherence to the regulations would

not adequately reduce noise levels, and, as such, would require additional measures to avoid or reduce significant impacts.

For each future development projects requiring mitigation (i.e., measures that go beyond what is required by existing regulations), site-specific measures shall be identified that reduce significant project-level impacts to below a level of significance or the project-level impact shall remain significant and unavoidable where no feasible mitigation exists. Where mitigation is determined to be necessary and feasible, these measures shall be included in a future MMRP for the project. Where mitigation is determined to be infeasible, a project shall not be approved unless all feasible measures have been incorporated into the project design.

The following mitigation measure shall be implemented to reduce project-level impacts and may ensure that on-site generated noise does not exceed the limits of Section 59.5.0101 et seq. of the City's Municipal Code, the Noise Abatement and Control Ordinance. This measure shall be updated, expanded and refined when applied to specific future projects based on project-specific design and changes in existing conditions, and local, state and federal laws.

NOI-3: Prior to the issuance of a building permit, a site-specific acoustical/noise analysis of any on-site generated noise sources, including generators, mechanical equipment, and trucks, shall be prepared which identifies all noise-generating equipment, predicts noise levels at property lines from all identified equipment, and recommends mitigation to be implemented (e.g., enclosures, barriers, site orientation), to ensure compliance with the City's Noise Abatement and Control Ordinance. Noise reduction measures shall include building noise-attenuating walls, reducing noise at the source by requiring quieter machinery or limiting the hours of operation, or other attenuation measures. Additionally, future projects shall be required to buffer sensitive receptors from noise sources through the use of open space and other separation techniques as recommended after thorough analysis by a qualified acoustical engineer. Exact noise mitigation measures and their effectiveness shall be determined by the site specific noise analyses.

The following mitigation measure shall be implemented to reduce project-level impacts. This measure shall be updated, expanded, and refined when applied to specific future projects based on project-specific design and changes in existing conditions, and local, state, and federal laws.

NOI-4: For projects that exceed daily construction noise thresholds established by the City of San Diego, best construction management practices shall be used to reduce construction noise levels to comply with standards established by the Municipal Code in Chapter 5, Article 9.5, Noise Abatement and Control. Project applicant shall prepare and implement a Construction Noise Management Plan. Appropriate management practices shall be determined on a project-by-project basis, and are specific to the location. Control measures shall include:

- a. Minimizing simultaneous operation of multiple construction equipment units;
- b. Locating stationary equipment as far as reasonable from sensitive receptors;
- c. Requiring all internal combustion-engine-driven equipment to be equipped with mufflers that are in good operating condition and appropriate for the equipment; and
- d. Construction of temporary noise barriers around construction sites that block the line-of-sight to surrounding receptors.

The MHPA Land Use Adjacency Guidelines in the MSCP Subarea Plan address noise impacts associated with industrial, commercial, mixed-use, or recreation uses that generate stationary noise adjacent to MHPA areas and are specifically detailed in Mitigation Framework LU-2 in Section 5.1. Additional construction-related noise measures are identified in Section 5.4, Biological Resources.

PALEONTOLOGICAL RESOURCES

Mitigation Framework

For future development project types that are consistent with the OMCP, base zone regulations and the supplemental regulations for CPIOZ Type A and can demonstrate that no paleontological fossil resources are present on the project site; the project can be processed ministerially and would not be subject to further environmental review under CEQA. Development proposals that do not comply with the CPIOZ Type A supplemental regulations shall be subject to discretionary review in accordance with CPIOZ Type B and the Mitigation Framework for Paleontological Resources further detailed below.

PALEO-1: Prior to the approval of subsequent development projects implemented in accordance with the CPU, the City shall determine the potential for impacts to paleontological resources based on review of the project application submitted under CPIOZ TYPE B, and recommendations of a project-level analysis completed in accordance with the steps presented below. Future projects shall be sited and designed to minimize impacts on paleontological resources in accordance with the City's Paleontological Resources Guidelines and CEQA Significance Thresholds. Monitoring for paleontological resources required during construction activities shall be implemented at the project-level and shall provide mitigation for the loss of important fossil remains with future subsequent development projects that are subject to environmental review.

I. Prior to Project Approval

- A. The environmental analyst shall complete a project-level analysis of potential impacts on paleontological resources. The analysis shall include a review of the applicable USGS Quad maps to identify the underlying geologic formations, and shall determine if construction of a project would:
- Require over 1,000 cubic yards of excavation and/or a 10-foot, or greater, depth in a high resource potential geologic deposit/formation/rock unit.
 - Require over 2,000 cubic yards of excavation and/or a 10-foot, or greater, depth in a moderate resource potential geologic deposit/formation/rock unit.
 - Require construction within a known fossil location or fossil recovery site. Resource potential within a formation is based on the Paleontological Monitoring Determination Matrix.

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

- Monitoring is always required when grading on a fossil recovery site or a known fossil location.
- Monitoring may also be needed at shallower depths if fossil resources are present or likely to be present after review of source materials or consultation with an expert in fossil resources (e.g., the San Diego Natural History Museum).
- Monitoring may be required for shallow grading (<10 feet) when a site has previously been graded and/or unweathered geologic deposits/formations/ rock units are present at the surface.

Monitoring is not required when grading documented artificial fill. When it has been determined that a future project has the potential to impact a geologic formation with a high or moderate fossil sensitivity rating a Paleontological MMRP shall be implemented during construction grading activities.

TRAFFIC/CIRCULATION

Mitigation Framework

At the program-level, impacts shall be reduced through the proposed classifications of roadways and identification of necessary roadway, intersection and freeway improvements. Mitigation or construction of these improvements shall be carried out at the project-level via the Public Facilities Financing Plan and future development projects. Funding shall be through construction by individual development projects, collection of FBA fees, fair share contributions to be determined at the project-level, and potentially other sources.

The following standards apply to the area designated for commercial and industrial uses as shown in Figure 3-9 (Project Description) within OM-CPIOZ. Future commercial and industrial development applications for properties identified on Figure 3-9 that are consistent with the CPU, the based zone regulations, and these supplemental regulations will be processed ministerially (CPIOZ A) in accordance with the procedures of the CPIOZ (Municipal Code Chapter 13, Article 2, Division 14). Development that complies with all of the following shall be processed as CPIOZ A: Development that includes construction of the abutting street(s) to the street classification identified in the Mobility Element of the Otay Mesa Community Plan and intersection configurations identified in Figures 5.12-4a-g; and development projects that can provide documentation from a California Registered Traffic Engineer, confirmed and accepted by the City Engineer, stating that the proposed project's traffic volumes are based on the City's trip generation rates and are less than 1,000 ADT's.

Development proposals that do not comply with the supplemental regulations for CPIOZ Type A and the regulations of the underlying zone shall apply for a Process 3 CPIOZ Type B permit. Applications for a Process 3 CPIOZ Type B permit shall meet the purpose and intent of the regulations of the underlying zone and the supplemental regulations. Deviations from these

regulations may be granted by the City Manager in accordance with the procedures of the CPIOZ (Municipal Code Section 132.1403).

Even with incorporation of the recommended street classifications in Table 5.12-4 in the CPU, Public Facilities Financing Plan, and future project development review and (ministerial) and discretionary review through the CPIOZ, 24 roadway segments would operate unacceptably in the Horizon Year Plus CPU condition. The TIA identified additional potential improvement measures that are not recommended as part of the CPU and are not included as part of the project. The reasons for not recommending the improvements include various factors such as adjacency to environmentally sensitive land and/or steep hillsides, existing development conflicts, and/or multi-modal and urban design context. The impacts are considered significant and unmitigated. At the project-level, partial mitigation may be possible in the form of transportation demand management measures that encourage carpooling and other alternate means of transportation. At the time future subsequent development projects are proposed, project-specific traffic analyses would contain detailed recommendations. All project-specific mitigation for direct impacts shall be implemented prior to the issuance of Certificate of Occupancy in order to provide mitigation at the time of impact.

The 24 roadway segments that would operate unacceptably in the Horizon Year plus CPU Condition are listed below.

1. Otay Mesa Road, Caliente Ave. to Corporate Center Dr.
2. Otay Mesa Road, Heritage Rd. to Cactus Rd.
3. Airway Road, Caliente Ave. to Heritage Rd.
4. Airway Road, Heritage Rd. to Cactus Rd.
5. Siempre Viva Road, Otay Center Dr. to SR-905
6. Siempre Viva Road, SR-905 to Paseo de las Americas
7. Caliente Avenue, Airway Rd. to Beyer Blvd.
8. Caliente Avenue, Beyer Blvd. to Siempre Viva Rd.
9. Heritage Road/Otay Valley Road, Main St. to Avenida de Las Vistas
10. Heritage Road/Otay Valley Road, Avenida de las Vistas to Datsun St.
11. Cactus Road, Otay Mesa Rd. to Airway Rd.
12. Cactus Road, Airway Rd. to Siempre Viva Rd.
13. Britannia Boulevard, SR-905 to Airway Rd.
14. La Media Road, SR-905 to Airway Rd.
15. Dennery Road, Black Coral Ln. to East End
16. Avenida de las Vistas, Vista Santo Domingo to Dennery Rd.
17. Del Sol Boulevard, Surf Crest Dr. to Riviera Pointe
18. Del Sol Boulevard, Riviera Pointe to Dennery Rd.
19. Old Otay Mesa Road, Crescent Bay Dr. to Beyer Blvd.
20. Camino Maquiladora, Heritage Rd. to Pacific Rim Ct.
21. Camino Maquiladora, Pacific Rim Ct. to Cactus Rd.
22. Progressive Avenue, Corporate Center Dr. to Innovative Dr.

23. Datsun Street, Innovative Dr. to Heritage Rd.

24. Exposition Way/Vista Santo Domingo, Avenida de las Vistas to Corporate Center Dr.

Mitigation Framework for Intersections

A total of 49 intersections would be significantly impacted by the CPU. Even with incorporation of the recommended land configurations shown in Figure 5.12-4a-4g for the 53 intersections analyzed into the projects to be funded through the Public Facilities Financing Plan, and through future development projects (ministerial and discretionary through the CPIOZ, a total of 39 intersections would continue to be significantly impacted. The TIA identified further potential improvement measures such as additional intersection turning movement lanes that are not recommended as part of the CPU and are not included as part of the project. The reasons for not recommending the improvements include considerations such as adjacency to environmentally sensitive land, steep hillsides, routes to schools, and multi-modal and urban design context, or because additional study would be required in order to make additional recommendations. At the project-level, partial mitigation may be possible in the form of transportation demand management measures that encourage carpooling and other alternate means of transportation. At the time future subsequent development projects are proposed, project-specific traffic analyses would contain detailed recommendations. All project-specific mitigation for direct impacts shall be implemented prior to the issuance of Certificate of Occupancy in order to provide mitigation at the time of impact.

The impacts are considered significant and unmitigated. To reduce impacts the following mitigation shall be provided:

TRF-1: Intersections shall be improved per the intersection lane designations identified in Figures 5.12-4a-g.

Mitigation Framework for Freeway Segments

While providing one HOV lane in each direction on the SR-905 would reduce impacts associated with buildout of the CPU, the additional lanes are not funded; therefore, impacts would remain significant and unmitigated at the programmatic level. At the project-level, partial mitigation may be possible in the form of auxiliary lanes, and/or transportation demand management measures that encourage carpooling and other alternate means of transportation. At the time future subsequent development projects are proposed, project-specific traffic analyses would contain detailed recommendations. All project-specific mitigation for direct impacts shall be implemented prior to the issuance of Certificate of Occupancy in order to provide mitigation at the time of impact.

Mitigation Framework for Freeway Ramp Metering

Mitigation that would reduce freeway ramp metering impacts at the five significantly impacted SR-905 locations consists of adding a lane to the freeway on-ramp, auxiliary lanes, and/or implementation of transportation demand management (TDM) measures that encourage carpooling and other alternate means of transportation. At the time future subsequent development projects are proposed, project-specific traffic analyses would contain detailed

recommendations. All project-specific mitigation for direct impacts shall be implemented prior to the issuance of Certificate of Occupancy in order to provide mitigation at the time of impact. However, due to the uncertainty associated with implementing freeway ramp improvements, and uncertainty related to implementation of TDM measures, the freeway ramp impacts associated with the CPU would remain significant and unmitigated at the program-level.

UTILITIES

Mitigation Framework

UTIL-1: Pursuant to the City's Significance Determination Thresholds, future subsequent development projects (including construction, demolition, and /or renovation) that would generate 60 tons or more of solid waste shall be required to prepare a Waste Management Plan (WMP). The WMP shall be prepared by the applicant, conceptually approved by the ESD and discussed in the environmental document. The WMP shall be implemented by the applicant and address the demolition, construction, and occupancy phases of the project as applicable to include the following:

- a. A timeline for each of the three main phases of the project (demolition, construction, and occupancy).
- b. Tons of waste anticipated to be generated (demolition, construction, and occupancy).
- c. Type of waste to be generated (demolition, construction, and occupancy).
- d. Describe how the project will reduce the generation of C&D debris.
- e. Describe how the C&D materials will be reused on-site.
- f. Include the name and location of recycling, reuse, and landfill facilities where recyclables and waste will be taken if not reused on-site.
- g. Describe how the C&D waste will be source separated if a mixed C&D facility is not used for recycling.
- h. Describe how the waste reduction and recycling goals will be communicated to subcontractors.
- i. Describe how a "buy recycled" program for green construction products, including mulch and compost, will be incorporated into the project.
- j. Describe how the Refuse and Recyclable Materials Storage Regulations (LDC Chapter 14, Article 2 Division 8) will be incorporated into design of building's waste storage area.
- k. Describe how compliance with the Recycling Ordinance (Municipal Code Chapter 6, Article 6, Division 7) will be incorporated in the operational phase.
- l. Describe any International Standards of Operation 1, or other certification, if any.

GREENHOUSE GAS EMISSIONS

Mitigation Framework

GHG-1: Future projects implemented in accordance with the CPU shall be required to demonstrate their avoidance of significant impacts related to long-term GHG emissions. The Mobility, Urban Design, and Conservation elements of the CPU include specific policies to require dense, compact, and diverse development, encourage highly efficient energy and water conservation design, increase walkability and bicycle and transit accessibility, increase urban

forestry practices and community gardens, decrease urban heat islands, and increase climate-sensitive community design. These policies would serve to reduce consumption of fossil-fueled vehicles and energy resulting in a reduction in communitywide GHG emissions relative to BAU. Future projects implemented in accordance with the CPU shall be required to incorporate GHG reducing features or mitigation measures in order to show a 28.3 percent reduction in GHG emissions, relative to BAU, to meet AB 32 year 2020 target levels. Quantifiable GHG reduction measures at the level of subsequent projects consist of:

- Building and non-building energy use
- Indoor and outdoor water use
- Area sources
- Solid waste disposal
- Vegetation/carbon sequestration
- Construction equipment
- Transportation/vehicles

GHG-2: Future projects implemented in accordance with the CPU shall be required to demonstrate their avoidance of significant impacts related to long-term operational emissions as identified in mitigation measure GHG-1 in Section 5.18.3.3.

The approximate gap of 16.9 to 19.2 percent in meeting the target reductions shall consist of one or a combination of several effective and quantifiable GHG reduction measures that pertain to: building and non-building energy use; indoor and outdoor water use; area sources; solid waste disposal; vegetation/carbon sequestration; construction equipment; and transportation/vehicles. Project-level GHG reduction design features shall demonstrate a reduction in BAU GHG emissions to 28.3 percent or more relative to BAU, and to the extent practicable, shall be required for future development projects implemented in accordance with the CPU.

EXHIBIT B
CANDIDATE FINDINGS
REGARDING FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
OTAY MESA COMMUNITY PLAN UPDATE
PROJECT NUMBER 30330/304032
SCH No. 2004651076

February 2014

I. INTRODUCTION

The following Candidate Findings are made for the Otay Mesa Community Plan Update (hereinafter referred to as the "Project"). The environmental effects of the Project are addressed in the Final Environmental Impact Report ("FEIR") dated December 2013 (State Clearinghouse No. 2004651076), which is incorporated by reference herein.

The California Environmental Quality Act (CEQA) (Pub. Res. Code §§ 21000, *et seq.*) and the State CEQA Guidelines (Guidelines) (14 Cal. Code Regs. §§ 15000, *et seq.*) promulgated thereunder, require that the environmental impacts of a proposed project be examined before a project is approved. In addition, once significant impacts have been identified, CEQA and the CEQA Guidelines require that certain findings be made before project approval. It is the exclusive discretion of the decision maker certifying the EIR to determine the adequacy of the proposed candidate findings. Specifically, regarding findings, Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation

measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

These requirements also exist in Section 21081 of the CEQA statute. The "changes or alterations" referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Should significant and unavoidable impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations must be prepared. The statement provides the lead agency's views on whether the benefits of a project outweigh its unavoidable adverse environmental effects. Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

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

benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed and considered the Final Environmental Impact Report for the Otay Mesa Community Plan Update Project, State Clearinghouse No. 2004651076 (FEIR), as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) are made by the City of San Diego (City) in its capacity as the CEQA Lead Agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

II. PROJECT SUMMARY

A. Project Location

The Otay Mesa Community Plan Update (CPU) area encompasses approximately 9,300 acres located in the southeastern portion of the City of San Diego just north of the United States International Border with Mexico (Figure 2-1). Multiple jurisdictions govern land surrounding Otay Mesa, including but not limited to City of San Diego, City of Chula Vista, County of San Diego, and City of Tijuana, Baja California, Mexico. Additionally, federal and state facilities exist within and adjacent to the CPU area (Figure 2-2). As described below, the topography, land use, transportation, and infrastructure are entwined among these jurisdictions.

The CPU area is bounded by the Otay River Valley and the City of Chula Vista on the north; an unincorporated area of San Diego County to the east; the U.S. International Border and the City of Tijuana on the south; and Interstate 805 (I-805) on the west. The communities of San Ysidro, Otay Mesa-Nestor, and the Tijuana River Valley in the City of San Diego are located west of the CPU area (Figure 2-3).

B. Project Background

The focus of the adopted 1981 community plan was annexation of Otay Mesa into the City of San Diego, which would allow the City to benefit from the planned second Point of Entry (POE), now the Otay Mesa POE. According to the adopted plan, a principal purpose for designating industrial lands (also designated a foreign trade zone) was to accommodate the “twin plants” concept. The twin plants concept envisioned initial manufacturing with less costly labor in Mexico and final assembly in the United States when more skilled labor and sophisticated production facilities would be needed. To date, the twin plants concept has never been fully realized, as very little manufacturing actually occurs in the United States in proximity to the Mexican *maquiladoras*. In actuality, some of the raw material inputs for the *maquiladoras* are transported through Otay Mesa and finished goods are then shipped into the United States through Otay Mesa or other nearby POEs. Much of the industrial land that has been developed is occupied by warehousing, distribution, truck depots, and customs brokerages, thus differing from that assumed and planned for in the adopted community plan.

The adopted community plan established a goal to develop Brown Field as a cargo airport to stimulate industrial opportunities in Otay Mesa. Due to constraints on cargo aircraft operations by the nearby San Ysidro Mountains, community opposition to increased noise, and concern over fiscal impacts to the City of San Diego, a proposal to provide cargo operations at Brown Field was rejected by the City Council in the mid-1990s and again in the early 2000s. In addition, freight and passenger rail service that was envisioned to be extended into the CPU area has not occurred and current regional transportation plans (including the 2050 Regional Transportation Plan (RTP [SANDAG 2011])) do not contemplate an expansion of rail service into Otay Mesa.

The adopted community plan also intended for Otay Mesa to develop in a phased manner. The phasing plan contemplated the western residential areas to develop first, but actual development occurred in reverse of this phasing plan. Residential development has only occurred since the late 1990s. The phasing plan also proved to be unsuccessful in guiding or predicting the timing and location of industrial development which occurred earlier than anticipated. Additionally, unlike the residential areas; development within industrial areas has been relatively scattered, occurring on a piecemeal basis. This has created a situation where road improvements, required of property owners at the time of permit issuance, have been constructed only along the property frontage where development occurred. The scattered pattern of development resulted in missing roadway segments to crucial network elements that hampered circulation in Otay Mesa.

The City’s adoption of the MSCP in 1997 and consequential amendment to the Otay Mesa Community Plan resulted in the loss of approximately 6,000 dwelling units and approximately 200 acres for industrial development from the adopted community plan. The MSCP resulted in the preservation of approximately 2,570 acres of lands into Open Space, comprising 28 percent of the planning area.

At a regional level, the freeway system improvements have and will continue to change the CPU area from the 1981 plan. The southern portion of SR-125 that extends from SR-54 to Otay Mesa

Road was completed in 2007. This portion of SR-125 provides a regional connection from Otay Mesa, through the cities of Chula Vista, Lemon Grove, La Mesa and El Cajon, to the City of Santee. SR-905 opened to motorists July 30, 2012. The improvements consist of a six-lane freeway extending 6.4 miles from just east of I-805 to Britannia Boulevard, and complete the connection from the POE to I-805. Two more phases of improvements to SR-905 are planned: construction of the SR-905/SR-125 interchange and completion of the Heritage Road interchange ramp.

The area to the east of the CPU area, known as East Otay Mesa, was designated as a future growth and annexation area in the adopted community plan. It was not annexed along with the CPU area in 1981, and the County of San Diego has now adopted the East Otay Mesa Specific Plan that envisions over 2,000 acres of technology park, business park and industrial land uses. The East Otay Mesa Specific Plan accommodates a new East Otay Mesa POE to be accessed by a tolled freeway (future SR-11).

As described above, much has changed over the past 32 years since the adoption of the Otay Mesa Community Plan. The changing characteristics of industry, the need for more housing, the need for more middle income jobs, and a better understanding of the transportation – land use connection, have created a need for a more integrated land use plan. The CPU was therefore undertaken by the City to address present and future trends for the assumed build out year of the planning area (2062), consistent with the General Plan.

C. Project Description and Purpose

The CPU is an update to the adopted 1981 Otay Mesa Community Plan. Approval of the CPU would establish land use designations and policies to guide future development consistent with the City's General Plan (2008a). The CPU is intended to implement the General Plan policies through the provision of community-specific recommendations. The concurrent rezoning would rescind the OMDD and update zoning regulations within the CPU area. Amendments to the LDC also would be required to create implementing zones for proposed commercial and industrial land use designations under the CPU. An updated PFFP would be adopted with the CPU to allow for implementation of the CPU.

The CPU includes the same nine elements contained in the City's 2008 General Plan, with goals and policies for each element. The nine elements are: Land Use; Mobility; Urban Design; Economic Prosperity; Public Facilities, Services, and Safety; Recreation; Conservation; Noise; and Historic Preservation. Procedures for implementation of the goals and policies are also set forth.

1. Community Plan Update

- a. **Land Use Element.** Provide land use designations and zoning specific to five planning districts within Otay Mesa: 1) the Northwest District, 2) the Southwest District, 3) the Central District, 4) the Airport District and 5) the South District. The Land Use Element provides: refined residential densities; two delineated Village

Centers, around which housing and commercial services would be located, and specific policies for the development of new commercial, industrial, and institutional uses. The CPU addresses these complex issues through proposed land uses that respect the existing and evolving industrial character and border-related industries and support the economic viability of businesses. One of the focuses of the CPU is to minimize and address potential conflicts and compatibility issues associated with the collocation of residential and industrial uses, balancing economic viability of employers, and building upon successful developments.

- b. **Mobility Element.** The CPU provides direction on how to achieve mobility and environmental goals through a balanced, multi-modal transportation network. The CPU refines the Mobility Element of the General Plan through community-specific pedestrian, bicycle, transit, street, goods movement, truck traffic, and regional collaboration recommendations and policies. The Mobility Element builds upon the Land Use Element and Urban Design Element, which are designed to support walkability, transit-orientation, and sustainability goals consistent with SANDAG's Regional Comprehensive Plan (RCP), which calls for smart growth land use patterns.
- c. **Urban Design Element.** Provides updated goals and policies that include design guidelines for respecting the community's natural setting, strengthening linkages and connectivity, improving the built environment, and creating mixed-use walkable villages.
- d. **Economic Prosperity Element.** The Economic Prosperity Element addresses the community's growing economic diversity by establishing policies and recommendations pertaining to the varied industrial and commercial land uses allowed under the new plan. Prime Industrial Lands are designated in the CPU. The Economic Prosperity Element is designed to allow industries enough flexibility to respond to global economic forces over the long term.
- e. **Public Facilities, Services and Safety Element.** Identifies public facilities and services needed to serve the existing and future population of the community and addresses facilities financing, prioritizes facilities and services, fire-rescue, police, stormwater, water and sewer infrastructure, waste management, libraries, schools, parks, public utilities, and regional facilities.
- f. **Recreation Element.** Provides specific policies and recommendations addressing Parks and Recreation Facilities, Preservation, Accessibility, and Open Space Lands, Resource-based Parks, and Joint Use and Cooperative Agreements. Goals and policies provide a comprehensive parks strategy to improve the variety of park facilities offered and site them equitably throughout the community.
- g. **Conservation Element.** The Conservation Element addresses: habitat and sensitive lands protection; climate change and sustainable development; water and urban runoff management; the urban forest; community farms and gardens and air quality. The

CPU addresses habitat protection through conformance with the City's ESL Regulations and Biology Guidelines, General Plan guidelines, the MSCP Subarea Plan, and the draft Vernal Pool HCP. As water supply is a critical issue, water conservation policies have been developed for this community and are included in this element. The CPU is also responsive to state legislation calling for greenhouse gas emissions reductions to be achieved in part through coordinated land use and transportation planning and more sustainable development practices.

- h. **Noise Element.** The Noise Element of the CPU complements the General Plan goals and policies by addressing Otay Mesa specific noise sources and issues. Because Otay Mesa is an active suburban community with a mix of residential, commercial, and industrial uses, the Noise Element addresses noise sources of many types. These include aircraft noise from the Brown Field and Rodriguez International Airport activities; delivery activities in the commercial areas; and noise from vehicle and truck traffic on the nearby I-805, SR-11, SR-125, and SR-905 freeways.
- i. **Historic Preservation Element.** The CPU Historic Preservation Element builds upon the General Plan's Historic Preservation Element by including specific policies addressing the community's unique historical and cultural resources. Specifically, the CPU provides for the identification, retention, and interpretation of the area's historical resources, including historic districts, buildings, structures and objects; archaeological and Native American sites; and cultural landscapes. The element addresses treatment of historical resources according to established standards and guidelines.
- j. **Implementation.** The CPU would be implemented through a number of different mechanisms that are outlined in Chapter 11 of the CPU. It describes the necessary actions and key parties responsible for realizing the CPU's vision. Implementing these mechanisms would require the active participation of the City departments and agencies; regional agencies such as SANDAG and MTS; and the community. The CPU also recommends a number of funding mechanisms for the City to pursue as ways to finance the implementation of the CPU in a viable manner.

2. Zoning

One of the associated actions with the CPU includes adoption of a zoning ordinance which would rescind the existing Otay Mesa Development District (OMDD) zoning and replace it with citywide zones contained within the Land Development Code (LDC) (Figure 3-9). Amendments to Chapter 13, Article 01 of the LDC would also be required to: 1) incorporate an IBT-1-1 zone to implement the IBT land use category; and 2) incorporate the IP-3-1 Zone to implement the Business Park – Residential Permitted land use category. Additionally, two new Community Plan Implementation Overlay Zones (CPIOZs) would be adopted concurrent with the CPU requiring amendments to Chapter 13, Article 02, Division 14 of the LDC. The first, the Otay Mesa (OM) CPIOZ, would apply to the areas designated for commercial and industrial uses except for the industrial

acreage within the second CPIOZ. The second CPIOZ is the Business Park, Residential Permitted (BPRP) CPIOZ. The BPRP CPIOZ area includes the approximately 26-acre site designated Business Park, Residential Permitted just west of Britannia Boulevard and north of Airway Road.

In summary, this project would update the Otay Mesa Community Plan adopted by the City Council in 1981. The proposed CPU would be compatible with the adopted City of San Diego General Plan and would provide guidance for future growth and redevelopment within Otay Mesa as to the distribution and arrangement of land uses (public and private), local street and transit network, prioritization and provision of public facilities, community and site-specific urban design guidelines, and recommendations to preserve and enhance natural and cultural resources within the Otay Mesa community. The proposed CPU addresses infrastructure and planning needs of the community while meeting the City of Villages strategy which strives to respect the open space network and to increase the housing supply and diversity through development of compact, mixed-use villages in specific areas that are linked to an improved regional transit system integrated into the larger community, and maintaining Otay Mesa as a diverse, international community.

Following adoption of the CPU, changes may be required as a result of subsequent projects submittals in order to address changed circumstances and opportunities. If approved, they would take the form of amendments. Within the Southwest and Central Village areas, specific plans would be processed as plan amendments. The City's Planning Commission and City Council are responsible for reviewing and evaluating recommendations, and/or approving any amendments. Any proposed amendment would be subject to environmental review.

D. Statement of Objectives

As described in Section 3.3 of the FEIR, the project has the following ten objectives:

1. **Regional Center:** Enhance Otay Mesa's role as a bi-national regional center.
2. **Economic Diversification:** Broaden the economic profile to increase employment and growth opportunities.
3. **Industrial Capacity:** Enhance and sustain Otay Mesa's strong economic base and potential for expansion.
4. **International Trade:** Support activities that promote greater interregional and bi-national activities.
5. **Housing:** Provide more and varied housing and meet workforce needs close to employment centers.
6. **Complete Places:** Create balanced, integrated mix of uses in Otay Mesa while minimizing collocation compatibility issues.
7. **Transit:** Coordinate land use planning with high frequency transit service planning.

8. **Open Space:** Protect the canyon lands, adjacent mesa tops, and sensitive biological resources while providing recreational opportunities.
9. **Infrastructure:** Include financing mechanisms that can secure infrastructure improvements concurrent with development.
10. **Environmental Leadership and Sustainability:** Follow environmentally sensitive design and sustainable development practices.

IV. SUMMARY OF IMPACTS

As described in Section 3.0 of the FEIR, the proposed CPU is a comprehensive update to the current adopted 1981 Otay Mesa Community Plan. The proposed CPU is also a component of the City's General Plan as it expresses the General Plan policies in the proposed CPU area through the provision of more site-specific recommendations that implement goals and policies contained within the 10 elements of the General Plan. As such, the proposed CPU sets forth procedures for implementation and provides goals and policies for future development within the portion of the proposed CPU area under the City's jurisdiction.

Controls on development and use of public and private property including zoning, design controls, and implementation of transportation improvements are included as part of the plan implementation program.

The FEIR concludes that the proposed CPU will have **no significant impacts** and require no mitigation measures with respect to the following issues:

- Land Use
 - Land Use Plan Conflict
 - Land Use Compatibility
 - Regulation Consistency (Brush Management)
 - Environmental Plan Consistency (MSCP Specific Management Directives for Otay Mesa)
- Visual/Aesthetics
 - Public Views
 - Compatibility
 - Landform Alteration
 - Unique Physical Features

- Air Quality
 - Plan Consistency
 - Sensitive Receptors (hot spot and particulate matter)
 - Odors
- Human Health/Public Safety/Hazardous Materials
 - Hazardous Substances
- Energy Conservation
- Noise
 - Airport Noise
- Transportation/Circulation
 - Traffic Hazards
 - Circulation and Access
 - Alternative Transportation
- Public Services
 - Fire, police services, schools, parkland, and libraries
- Public Utilities
 - Water, Wastewater, Reclaimed Water, Storm Water Infrastructure Communication Systems
- Water Supply
- Population/Housing
 - Population Growth
 - Affordable Housing
- Agricultural and Mineral Resources
 - Conversion of Agricultural Land
 - City and Regional Consequences of Agricultural Land Conversion

- Mineral Resources

Potentially significant impacts of the proposed CPU will be mitigated to below a level of significance with respect to the following issues:

- Land Use
 - Environmentally Sensitive Lands Regulations
 - Historical Resources Regulations
 - MHPA / Land Use Adjacency Guidelines

- Biological Resources
 - Sensitive Plants and Animals
 - Migratory Wildlife
 - Sensitive Habitat
 - MHPA Land Use Adjacency Guidelines
 - Invasive Plants
 - Wetland Impacts
 - Noise Generation

- Historical Resources
 - Prehistoric/Historical Sites
 - Religious or Sacred Uses
 - Human Remains

- Human Health/Public Safety/Hazardous Materials
 - Health and Safety Hazards (Wildfire and Aircraft Hazards)
 - Hazardous Sites

- Hydrology/Water Quality
 - Runoff
 - Natural Drainage System
 - Flow Alteration
 - Water Quality

- Paleontological Resources

- Geology and Soils
 - Geologic Hazards
 - Erosion

No feasible mitigation measures are available to reduce impacts to below a level of significance for the following issues:

- Air Quality
 - Criteria Pollutants
 - Sensitive Receptors (stationary sources, collocation)
- Transportation/Circulation
 - Capacity
- Noise
 - Traffic Generated Noise
 - Stationary Source Noise (Collocation)
 - Construction Noise
- Public Utilities
 - Solid Waste
- Greenhouse Gas Emissions
 - Consistency with Adopted Plans, Policies, and Regulations
 - Cumulative GHG Emissions

V. FINDINGS REGARDING SIGNIFICANT IMPACTS

A. Findings Regarding Impacts That Will be Mitigated to Below a Level of Significance (CEQA §21081(a)(1) and CEQA Guidelines §15091(a)(1))

The City, having independently reviewed and considered the information contained in the FEIR and the public record for the project, finds, pursuant to Public Resource Code §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 or avoid the significant effects on the environment related to:

- *Land Use (Issues 3 and 4)*
- *Biological Resources (Issues 1-7)*
- *Historical Resources (Issues 1-3)*
- *Health and Safety Hazards (Issues 1-3)*
- *Hydrology/Water Quality (Issues 1-4)*
- *Geology/Soils (Issues 1 and 2)*
- *Paleontological Resources (Issue 1)*

Land Use (Regulation Consistency – ESL)

Significant Effect

A potentially significant impact could result from a conflict with the purpose and intent of the City's ESL Regulations, as the development footprint of the CPU would encroach into sensitive ESL areas.

Facts in Support of Finding

The potentially significant impact would be mitigated to below a level of significance with implementation of the mitigation framework LU-1a identified in Section 5.1.5.3 of the FEIR. Implementation of the mitigation framework would require that future public and private development proposals would be required to comply with the ESL Regulations or process a Site Development Permit in order to deviate from the regulations. Additionally, all subsequent discretionary projects would be subject to review in accordance with CEQA, at which time, appropriate site-specific mitigation in accordance with the Mitigation Framework LU-2 and BIO-1 through BIO-4 would be identified for impacts to sensitive biological resources covered under the ESL. For other resource areas covered under the ESL Regulations, such as steep hillsides and floodplains, future projects would be designed to ensure compliance with the supplemental regulations and any other regulatory requirements to ensure that no impacts would occur. The CPU also includes several policies (see Table 5.4-5 of PEIR), which aim to reduce impacts to sensitive and other resources covered under the ESL Regulations as well as development regulations required for projects within areas covered by CPIOZ Type A, which address sensitive biological resources.

Rationale and Conclusion

Mitigation framework LU-1a assures that future development project types that are consistent with the CPU, base zone regulations, and the supplemental regulations for CPIOZ Type A and can demonstrate that there are no biological resources present on the project site can be processed ministerially and would not be subject to further environmental review under CEQA. Development proposals that do not comply with the CPIOZ Type A supplemental regulations shall be subject to discretionary review in accordance with CPIOZ Type B and the Mitigation Framework LU-2 and BIO-1 through BIO-4 in Section 5.4, Biological Resources. This mitigation framework would reduce potentially significant land use (regulatory compliance) impacts to below a level of significance.

Implementation of this mitigation framework would be assured through incorporation into the CPU's MMRP.

Land Use (Regulation Consistency – Historical Resources Regulation)

Significant Effect

A potentially significant impact could result from a conflict with the purpose and intent of the City's Historical Resources Regulations. Given the presence of historical resources distributed throughout the CPU area, implementation of the CPU has the potential to result in significant impacts to historical resources.

Facts in Support of Finding

The potentially significant impact would be mitigated to below a level of significance with implementation of the mitigation framework LU-1b identified in Section 5.1.5.3 of the FEIR. Implementation of this mitigation framework would require that future development project types that are consistent with the CPU, base zone regulations, and the supplemental regulations for CPIOZ Type A and can demonstrate that there are no archaeological resources present on the project site can be processed ministerially and would not be subject to further environmental review under CEQA. Development proposals that do not comply with the CPIOZ Type A supplemental regulations shall be subject to discretionary review in accordance with CPIOZ Type B and the Mitigation Framework HIST-1 in Section 5.5, Historical Resources (Archaeology).

Rationale and Conclusion

Mitigation framework LU-1b assures that future development project types that are consistent with the CPU, base zone regulations, and the supplemental regulations for CPIOZ Type A and can demonstrate that there are no archaeological resources present on the project site can be processed ministerially and would not be subject to further environmental review under CEQA. Development proposals that do not comply with the CPIOZ Type A supplemental regulations shall be subject to discretionary review in accordance with CPIOZ Type B and the Mitigation Framework LU-1b and HIST-1 in Section 5.5, Historical Resources (Archaeology). This mitigation framework would reduce potentially significant land use (regulatory compliance) impacts to below a level of significance.

Implementation of this mitigation framework would be assured through incorporation into the CPU's MMRP.

Land Use (MHPA / Land Use Adjacency Guidelines)

Significant Effect

Implementation of the CPU would introduce land uses adjacent to MHPA, which would potentially result in a significant impact at the program-level.

Facts in Support of Finding

The potentially significant impact would be mitigated to below a level of significance with implementation of the mitigation framework LU-2 identified in Section 5.1.6.3 of the FEIR. Implementation of this mitigation framework would require that all subsequent development projects implemented in accordance with the CPU which are adjacent to the MHPA shall comply with the Land Use Adjacency Guidelines of the MSCP in terms of land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management requirements. Mitigation measures include, but are not limited to: sufficient buffers and design features, barriers (rocks, boulders, signage, fencing, and appropriate vegetation) where necessary, lighting directed away from the MHPA, and berms or walls adjacent to commercial or industrial areas and any other use that may introduce construction noise or noise from future development that could impact or interfere with wildlife utilization of the MHPA. The biologist for each proposed project would identify specific mitigation measures needed to reduce impacts to below a level of significance. Subsequent environmental review would be required to determine the significance of impacts related to compliance with the Land Use Adjacency Guidelines of the MSCP Subarea Plan (SAP). Prior to approval of any subsequent development project in an area adjacent to the MHPA, the City of San Diego shall identify specific conditions of approval in order to avoid or to reduce potential impacts to adjacent the MHPA.

Rationale and Conclusion

Mitigation framework LU-2 assures that future projects adjacent to the MHPA comply with the Land Use Adjacency Guidelines of the MSCP in terms of land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management requirements. This mitigation framework would reduce potentially significant land use (regulatory compliance) impacts to below a level of significance.

Implementation of this mitigation framework would be assured through incorporation into the CPU's MMRP.

Biological Resources (Sensitive Plants and Animals)

Significant Effect

Implementation of the CPU has the potential to impact sensitive plants and animals directly through the loss of habitat or indirectly by placing development adjacent to the MHPA.

Facts in Support of Finding

All impacts to sensitive biological resources shall be avoided to the maximum extent practicable and minimized when avoidance is not possible. For future residential and village development, Specific Plans will be required with further analysis for potential impacts to sensitive biological resources. For future commercial, business park residential permitted, and industrial

development projects that are consistent with the CPU, base zone regulations and the supplemental regulations for CPIOZ Type A and can demonstrate that no biological resources are present, the project can be processed ministerially and would not be subject to further environmental review under CEQA.

Future development which does not comply with CPIOZ Type A, shall be subject to review in accordance with CPIOZ B and shall implement the biological resources mitigation framework detailed in Section 5.4 of the FEIR and discussed further below. Where impacts are not avoidable or cannot be minimized through project design, site-specific mitigation shall be required to reduce significant impacts to below a level of significance. Mitigation measures typically employed include resource avoidance, restoration, or creation of habitat, dedication, or acquisition of habitat, or payment into the City of San Diego's Habitat Acquisition Fund or other City-approved mitigation bank.

Mitigation framework BIO-1 for impacts to sensitive plants and animals would require that site-specific biological resources surveys be conducted in accordance with City of San Diego Biology Guidelines (2012), and mitigation for impacts to sensitive upland habitats shall occur in accordance with the MSCP mitigation ratios as specified within the City's Biology Guidelines (City of San Diego 2012a).

Specific measures necessary for reducing potential construction-related noise impacts to the coastal California gnatcatcher, least Bell's vireo, burrowing owl, and the cactus wren are further detailed in mitigation framework LU-2 and mitigation framework BIO-2, detailed in Section 5.4.5.3 of the FEIR. (The details pertaining to LU-2 are discussed above under *Land Use (MHPA Land Use Adjacency Guidelines)*).

Potentially significant impacts to wetlands would be mitigated through implementation of the Mitigation Framework found in BIO-4, detailed in Section 5.4.9.3 of the FEIR.

Potentially significant impacts to sensitive plants and animals would be mitigated to below a level of significance with implementation of the mitigation frameworks in BIO-1, BIO-2, BIO-4 and LU-2 identified in Sections 5.1 and 5.4 of the FEIR. Mitigation measures for sensitive biological resources would be determined and implemented at the project-level. Adherence to the recommendations in mitigation framework BIO-1, BIO-2, BIO-4 and LU-2 would reduce impacts to sensitive biological resources.

Rationale and Conclusion

Mitigation frameworks BIO-1, BIO-2, BIO-4 and LU-2 together would assure that future development implemented in accordance with the CPU would be able to mitigate impacts to sensitive plant and animal species. This mitigation framework would reduce potentially significant impacts to biological resources to below a level of significance:

Implementation of this mitigation framework would be assured through incorporation into the CPU's MMRP.

Biological Resources (Migratory Wildlife)

Significant Effect

Future development, including construction or extension of CPU roadways, utility lines, and/or temporary construction activities, has the potential to interfere with nesting, reduce foraging habitat, and obstruct wildlife movement as a result of noise, construction activities, habitat loss and/or fragmentation. Direct or indirect impacts to migratory wildlife nesting, foraging, and movement would be significant.

Facts in Support of Finding

The potentially significant impact would be mitigated to below a level of significance with implementation of the mitigation framework BIO-2 under Section 5.4.4.3 of the FEIR. Implementation of mitigation framework BIO-2 would require identification of site-specific mitigation for future projects to reduce potentially significant impacts that would interfere with the nesting, foraging, or movement of wildlife species within the CPU area, prepared in accordance with City of San Diego Biology Guidelines as further detailed in BIO-1 during the discretionary review process.

Rationale and Conclusion

Mitigation Framework BIO-2 would assure that future development implemented in accordance with the CPU would be able to mitigate impacts to migratory wildlife. This mitigation framework would reduce potentially significant impacts to biological resources (migratory wildlife) to below a level of significance.

Implementation of this mitigation framework would be assured through incorporation into the CPU's MMRP.

Biological Resources (Sensitive Habitat)

Significant Effect

Impacts to Tier I, II, IIIA, and IIIB habitats through implementation of the CPU would be significant. These sensitive habitats include: maritime succulent scrub, native grassland, Diegan coastal sage scrub, southern mixed chaparral, non-native grassland, and riparian scrub.

Facts in Support of Finding

All impacts to sensitive biological habitats shall be avoided to the maximum extent practicable and minimized when avoidance is not possible. For future projects that are consistent with the CPU, base zone regulations, and the supplemental regulations for CPIOZ Type A and can demonstrate that no biological resources are present; the project can be processed ministerially and would not be subject to further environmental review under CEQA.

Future development, which does not comply with CPIOZ Type A, shall be subject to review in accordance with CPIOZ B and shall implement the biological resources mitigation framework detailed in Section 5.4 of the FEIR. Where impacts are not avoidable or cannot be minimized through project design, site-specific mitigation shall be required to reduce significant impacts to below a level of significance. Mitigation measures include resource avoidance, restoration, or creation of habitat, dedication, or acquisition of habitat, or payment into the City of San Diego's Habitat Acquisition Fund or other City-approved mitigation bank.

The potentially significant impact to sensitive habitat would be mitigated to below a level of significance with implementation of the measures detailed in Mitigation Framework BIO-1 under Section 5.4.4.3 of the FEIR. Implementation of mitigation framework BIO -1 would require that site-specific biological resources surveys be conducted in accordance with City of San Diego Biology Guidelines (2012), and mitigation implemented for impacts to sensitive upland habitats in accordance with the MSCP mitigation ratios specified within the City's Biology Guidelines (City of San Diego 2012a) for all subsequent projects implemented in accordance with the CPU.

Rationale and Conclusion

Mitigation framework BIO-1 would assure that future development implemented in accordance with the CPU would mitigate impacts to sensitive habitat. This mitigation framework would reduce potentially significant impacts to biological resources (sensitive habitat) to below a level of significance.

Implementation of this mitigation framework would be assured through incorporation into the CPU's MMRP.

Biological Resources (MSCP)

Significant Effect

Implementation of the CPU would introduce land uses adjacent to MHPA; this is a potentially significant impact at the program-level.

Facts in Support of Finding

The potentially significant impact would be mitigated to below a level of significance with implementation of mitigation framework LU-2, detailed in Section 5.1.6 of the FEIR. Implementation of mitigation framework LU-2 would require that MHPA adjacency impacts be addressed at the project-level, as discussed above under Land Use (MHPA / Land Use Adjacency Guidelines).

Rationale and Conclusion

Mitigation framework LU-2 assures that future projects located adjacent to the MHPA would comply with the Land Use Adjacency Guidelines of the MSCP in terms of land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management requirements. This mitigation framework would reduce potentially significant land use (regulatory compliance) impacts to below a level of significance.

Implementation of this mitigation framework would be assured through incorporation into the CPU's MMRP.

Biological Resources (Invasive Plants)

Significant Effect

Due to the large extent of future grading and development anticipated within the CPU, the CPU has the potential to introduce invasive species into the MHPA. If uncontrolled, invasive species could significantly impact the integrity of the MHPA in the CPU area.

Facts in Support of Finding

All future projects would be required to implement the MHPA Land Use Adjacency Guidelines and mitigation framework LU-2, detailed in Section 5.1.6 of the FEIR, which require that the project's landscape plan would not contain any exotic plant/invasive species and would include an appropriate mix of native species which would be used adjacent to the MHPA. Please also refer to mitigation framework LU-2, discussed above.

Rationale and Conclusion

Mitigation framework LU-2 assures that future projects located adjacent to the MHPA would comply with the Land Use Adjacency Guidelines of the MSCP in terms of invasive plant species. This mitigation framework would reduce potentially significant Biological Resources (Invasive Plants) impacts to below a level of significance.

Implementation of this mitigation framework would be assured through incorporation into the CPU's MMRP.

Biological Resources (Wetlands)

Significant Effect

Impacts to wetlands vernal pools and other jurisdictional water resources resulting from subsequent development projects implemented in accordance with the CPU would be significant. These sensitive habitats include but are not limited to riparian habitat, vernal pools and vernal pool species, and basins with fairy shrimp.

Facts in Support of Finding

All impacts to wetlands, vernal pools and other jurisdictional water resources shall be avoided to the maximum extent feasible and minimized when avoidance is not possible. For future projects that are consistent with the CPU, base zone regulations, and the supplemental regulations for CPIOZ Type A and can demonstrate that no biological resources are present; the project can be processed ministerially and would not be subject to further environmental review under CEQA.

Future development, which does not comply with CPIOZ Type A, shall be subject to review in accordance with CPIOZ B and shall implement the biological resources mitigation framework detailed in Section 5.4 of the FEIR. Where impacts are not avoidable or cannot be minimized through project design, site-specific mitigation shall be required to reduce significant impacts to below a level of significance. Mitigation measures include resource avoidance, restoration, or creation of habitat, dedication, or acquisition of habitat, or payment into the City of San Diego's Habitat Acquisition Fund or other City-approved mitigation bank.

The potentially significant impact to sensitive habitat would be mitigated to below a level of significance with implementation of the mitigation framework BIO-4 under Section 5.4.9.3 of the FEIR. Implementation of mitigation framework BIO-4 would require site-specific biological resources surveys be conducted in accordance with City of San Diego Biology Guidelines (2012), and mitigation implemented for impacts to wetlands, vernal pools and other jurisdictional water resources in accordance with the MSCP mitigation ratios specified within the City's Biology Guidelines (City of San Diego 2012a) for all subsequent projects implemented in accordance with the CPU.

Rationale and Conclusion

Mitigation framework BIO-4 would assure that future development implemented in accordance with the CPU would mitigate impacts to wetlands, vernal pools and other jurisdictional water resources. This mitigation framework would reduce potentially significant impacts to biological resources (wetlands, vernal pools and other jurisdictional water resources) to below a level of significance.

Implementation of this mitigation framework would be assured through incorporation into the CPU's MMRP.

Biological Resources (Noise Generation)

Significant Effect

There is a potential for temporary noise impacts to wildlife from construction and permanent noise impacts from the introduction of noise generating land uses adjacent to MHPA. Temporary and/or permanent noise impacts to wildlife within the MHPA would be significant.

Facts in Support of Finding

Mitigation for impacts to sensitive wildlife species from temporary and permanent noise impacts) resulting from future projects implemented in accordance with the CPU are included in Sections 5.1.6.3 (Land Use) and 5.4.4.3 and 5.4.5.3 (Biological Resources). Please refer to Mitigation Framework BIO-1 and BIO-2 and LU-2 (MHPA Land Use Adjacency Guidelines).

Rationale and Conclusion

Mitigation frameworks BIO-1, BIO-2 and LU-2 together would assure that future development implemented in accordance with the CPU would be able to mitigate impacts to sensitive wildlife species. The mitigation framework would reduce potentially significant impacts to biological resources (noise generation) to below a level of significance.

Implementation of this mitigation framework would be assured through incorporation into the CPU's MMRP.

Historical Resources (Prehistoric/Historical Sites)

Significant Effect

Impacts to known resources and those not yet found and formally recorded could occur anywhere within the CPU area. Future grading of original in situ soils could also expose buried historical (archaeological) resources and features. Potential impacts to historical resources associated with construction of future projects implemented in accordance with the CPU would be considered significant.

Facts in Support of Finding

For future residential and village development, Specific Plans will be required with further analysis for potential impacts to historical resources. Future commercial, business park and industrial development project types that are consistent with the CPU, base zone regulations and the supplemental regulations for CPIOZ Type A and can demonstrate that there are no archaeological resources present on the project site; the project can be processed ministerially and would not be subject to further environmental review under CEQA.

Development proposals that do not comply with the CPIOZ Type A supplemental regulations shall be subject to discretionary review in accordance with CPIOZ Type B and shall implement the mitigation framework for Historical Resources (HIST-1 and HIST-2) detailed in Section 5.5.3.3 of the FEIR.

Implementation of mitigation framework HIST-1 would require that prior to issuance of any permit for a future development project implemented in accordance with the CPU area that could directly affect an archaeological resource, (1) the preparation of a site-specific study to determine

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

Mitigation Framework HIST-2 would require that the City determine whether the affected building/structure is historically significant as outlined in the Historical Resources Guidelines prior to issuance of any permit for a future development project implemented in accordance with the CPU that would directly or indirectly affect a building/structure in excess of 45 years of age.

Preferred mitigation for historic buildings or structures shall be to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm to the resource shall be taken. These measures would be detailed in a site-specific report prepared at the project-level.

Rationale and Conclusion

HIST-1 and HIST-2 would require that implemented in accordance with future development within the CPU area that site-specific surveys be conducted to identify any significant on-site cultural resources, and if such resources are found, that appropriate measures are taken in accordance with CEQA and the City's Historical Resources Regulations . This mitigation framework would reduce potentially significant impacts to historical resources (prehistoric/historic sites) to below a level of significance.

Implementation of this mitigation framework would be assured through incorporation into the CPU's MMRP.

Historical Resources (Religious or Sacred Uses)

Significant Effect

Impacts to religious or sacred uses in association with construction of future projects implemented in accordance with the CPU would be significant.

Facts in Support of Finding

The mitigation framework for impacts to religious or sacred uses would be the same as outlined for Archaeological Resources. Please refer to mitigation framework HIST-1, discussed above and described in detail in Section 5.5.3.3 of the FEIR.

Rationale and Conclusion

HIST-1 would require that implemented in accordance with future development within the CPU area that site-specific surveys be conducted to identify any significant on-site cultural resources, and if such resources, including sacred sites, are found, that appropriate measures are taken in accordance with CEQA and the City's HRR. This mitigation framework would reduce

potentially significant impacts to historical resources (religious or sacred sites) to below a level of significance.

Implementation of this mitigation framework would be assured through incorporation into the CPU's MMRP.

Historical Resources (Human Remains)

Significant Effect

Future grading of original in-situ soils could also expose buried human remains. Potential impacts to human remains associated with construction of projects implemented in accordance with the CPU would be significant.

Facts in Support of Finding

The mitigation framework for impacts human remains would be the same as outlined for Archaeological Resources. Please refer to mitigation framework HIST-1 described in detail in Section 5.5.3.3 of the FEIR.

Rationale and Conclusion

HIST-1 requires that future development projects implemented in accordance with the CPU conduct site-specific surveys to identify any significant or potentially significant cultural resources, including human remains, and identify appropriate measures to be undertaken to address potential impacts in accordance with CEQA and the City's Historical Resources Regulation and Guidelines. This mitigation framework would reduce potentially significant impacts to historical resources (human remains) to below a level of significance.

Implementation of this mitigation framework would be assured through incorporation into the CPU's MMRP.

Health and Safety Hazards (Wildfire Hazards)

Significant Effect

Due to the existing and proposed land use patterns around which the community is formed, new development in the wildland interface areas may expose additional people and structures to wildland fire hazards, representing a potentially significant impact. Potential impacts associated with wildfires would be significant.

Facts in Support of Finding

The potentially significant impact would be mitigated to below a level of significance with implementation of mitigation framework HAZ-1 identified in Section 5.6.3.3 of the FEIR.

Implementation of this mitigation framework would require that future projects, implemented in accordance with the CPU, incorporate sustainable development and other measures into site plans in accordance with the City's Brush Management Regulations and Landscape Standards pursuant to GP and CPU policies intended to reduce the risk of wildfires. In addition, all future projects shall be reviewed for compliance with the 2010 California Fire Code, Section 145.0701 of the LDC, and Chapter 7 of the California Building Code.

Rationale and Conclusion

These individual actions making up mitigation framework HAZ-1 assure that future projects implemented in accordance with the CPU are required to incorporate sustainable development and other measures into site plans in accordance with the City's Brush Management Regulations, and Landscape Standards pursuant to GP and CPU policies intended to reduce the risk of wildfires. This mitigation framework would reduce potentially significant impacts associated with wildfire hazards to below a level of significance.

Implementation of this mitigation framework would be assured through regulatory compliance.

Health and Safety Hazards (Aircraft Hazards)

Significant Effect

Future projects could conflict with the FAA requirements unless the City implements a mechanism to ensure that either the project wouldn't include features identified in Part 77 (criteria for notification); or that the project obtains a No Hazard to Air Navigation from the FAA. Thus, aircraft hazards impacts would be potentially significant.

Facts in Support of Finding

The potentially significant impact would be mitigated to below a level of significance with implementation of mitigation framework HAZ-2 identified in Section 5.6.3.3 of the FEIR. Implementation of this mitigation framework would require that, for future developments, the City inform project applicants about the existence of the Part 77 Imaginary Surfaces and Terminal Instrument Procedures and FAA requirements. The City shall also inform project applicants when proposed projects meet the Part 77 criteria for notification to the FAA as identified in City of San Diego Development Services Department Information Bulletin 520. The City shall not approve ministerial projects that require FAA notification without a FAA determination of "No Hazard to Air Navigation" for the project. Also, the City shall not recommend approval of discretionary projects that require FAA notification without a FAA determination of "No Hazard to Air Navigation" for the project until the project can fulfill state and ALUC requirements.

Rationale and Conclusion

These individual actions making up mitigation framework HAZ-2 assure that future projects, implemented in accordance with the CPU, shall obtain an FAA determination of "No Hazard to Air Navigation." This mitigation framework would reduce potentially significant impacts associated with aircraft hazards to below a level of significance.

Implementation of this mitigation framework would be assured through incorporation into the CPU's MMRP.

Health and Safety Hazards (Hazardous Sites)

Significant Effect

The presence of sites compiled pursuant to Government Code Section 65962.5, along with any unknown hazardous sites, would have potentially significant impacts on future development and land uses within the CPU area.

Facts in Support of Finding

Potentially significant impacts associated with hazardous sites would be mitigated to below a level of significance with implementation of the mitigation framework HAZ-3, identified in Section 5.6.5.3 of the FEIR. Mitigation framework HAZ-3 generally requires: 1) a Phase I Site Assessment shall be completed in accordance with federal, state, and local regulations for any property identified on a list compiled pursuant to Government Code Section 65962.5; 2) the project applicant shall retain a qualified environmental engineer to develop a soil and groundwater management plan to address the notification, monitoring, sampling, testing, handling, storage, and disposal of contaminated media or substances (soil, groundwater); 3) the applicant shall submit documentation showing that contaminated soil and/or groundwater on proposed development parcels have been avoided or remediated to meet cleanup requirements established by the local regulatory agencies (RWQCB/DTSC/DEH); 4) the applicant shall obtain written authorization from the regulatory agency (RWQCB/DTSC/DEH) confirming the completion of remediation; and 5) all cleanup activities shall be performed in accordance with all applicable federal, state, and local laws and regulations, and required permits shall be secured prior to commencement of construction.

Rationale and Conclusion

These individual actions making up mitigation framework HAZ-3 assure that all subsequent development projects implemented in accordance with the CPU would be required to complete a Phase I, and potentially a Phase II Environmental Site Assessment and ultimately ensure that all existing on-site contamination has been avoided or remediated in compliance with federal, state and local regulations. This mitigation framework would reduce potentially significant impacts associated with hazardous sites to below a level of significance.

Implementation of this mitigation framework would be assured through incorporation into the CPU's MMRP and regulatory compliance.

Hydrology/Water Quality (Runoff)

Significant Effect

Buildout in accordance with the CPU would result in an increase in impervious surfaces and associated increased runoff, and could result in alterations to on- and off-site drainage. Therefore, implementation of the CPU has the potential to result in significant direct and indirect impacts associated with runoff and alternations to on-and off-site drainage patterns.

Facts in Support of Finding

Potentially significant impacts associated with increased runoff would be mitigated to below a level of significance with implementation of mitigation framework HYD/WQ-1 identified in Section 5.7.3.3 of the FEIR.

HYD/WQ-1 would require, prior to approval of future projects implemented under the CPU, the applicant to demonstrate to the satisfaction of the City Engineer, based on the project application, that the future project is sited and designed to minimize impacts on absorption rates, drainage patterns, and surface runoff rates and floodwaters in accordance with current City and RWQCB regulations. Future design of projects shall incorporate all practicable measures in accordance with the RWQCB, the City Storm Water Runoff and Drainage Regulations (Chapter 14, Article 2, Division 2 of the LDC), and the LDC; and shall be based on the recommendations of a detailed hydraulic analysis.

Rationale and Conclusion

These individual actions making up mitigation framework HYD/WQ-1 assure that future projects implemented in accordance with the CPU are subject to the requirements of the Storm Water Standards Manual, which includes design of new or improved system to meet local and state regulatory requirements satisfactory to the City Engineer. Strict adherence to the mitigation framework, which requires regulatory compliance as noted above, along with GP and CPU policy compliance for reducing storm water runoff, would ensure that potential impacts to downstream resources would be reduced to below a level of significance.

Implementation of this mitigation framework would be assured through regulatory compliance.

Hydrology/Water Quality (Natural Drainage System)

Significant Effect

Buildout in accordance with the CPU has the potential to result in a substantial change to stream flow velocities and drainage patterns on downstream properties. Therefore, implementation of

the CPU has the potential to result in significant direct and indirect impacts to the natural drainage system.

Facts in Support of Finding

The potentially significant impact to the natural drainage system would be mitigated to below a level of significance with implementation of the mitigation framework HYD/WQ-1 identified in Section 5.7.3.3 of the FEIR, and as summarized above.

Rationale and Conclusion

These individual actions making up mitigation framework HYD/WQ-1 assures that future development, implemented in accordance with the CPU, is subject to the requirements of the Storm Water Standards, which includes design of a new or improved system to meet local and state regulatory requirements satisfactory to the City Engineer. Strict adherence to the mitigation framework, which requires regulatory compliance as noted above, would ensure impacts associated with storm water run-off and associated impacts to natural drainage systems and downstream resources would be reduced to below a level of significance.

Implementation of this mitigation framework would be assured through regulatory compliance.

Hydrology/Water Quality (Flow Alteration)

Significant Effect

Future development within the CPU area would potentially impact the existing course and flow of flood waters, resulting in potentially significant impacts.

Facts in Support of Finding

The potentially significant impact associated with flow alteration would be mitigated to below a level of significance with implementation of the mitigation framework HYD/WQ-1 identified in Section 5.7.3.3 of the FEIR, and as summarized above.

Rationale and Conclusion

The individual actions making up mitigation framework HYD/WQ-1 assure that future projects associated with altering the course of flood waters would be reviewed for compliance with the City's Storm Water Standards and conform to all applicable plans and polices; thereby assuring the design and function of each project does not impact downstream drainage patterns. Strict adherence to the mitigation framework, which requires regulatory compliance, would ensure potential impacts associated with flooding would be reduced to below a level of significance.

Implementation of this mitigation framework would be assured through regulatory compliance.

Hydrology/Water Quality (Water Quality)

Significant Effect

Future projects constructed during buildout of the CPU could result in impacts to water quality, including discharges to surface or groundwater. The construction of such facilities and, to a lesser degree, the operation of these facilities, could impact water quality. Grading and exposed soil could result in sedimentation.

Facts in Support of Finding

The potentially significant impact would be mitigated to below a level of significance with implementation of mitigation framework HYD/WQ-2 identified in Section 5.7.6.3 of the FEIR. Implementation of this mitigation framework would require that future projects be sited and designed to minimize impacts on receiving waters, in particular the discharge of identified pollutants to an already impaired water body. Prior to approval of any entitlements for any future project, the City shall ensure that any impacts on receiving waters be precluded and, if necessary, mitigated in accordance with the requirements of the City's Storm Water Runoff and Drainage Regulations (Chapter 14, Article 2, Division 2 of the LDC) and other appropriate agencies (e.g., RWQCB). To prevent erosion, siltation, and transport of urban pollutants, all future projects shall be designed to incorporate any applicable storm water improvement, both off- and on-site, in accordance with the City of San Diego Stormwater Standards Manual. Future projects shall incorporate storm water improvements and water quality protection measures as determined by project-specific water quality reports.

Rationale and Conclusion

These individual actions making up mitigation framework HYD/WQ-2 reiterate that future development implemented in accordance with the CPU would be subject to the requirements of the Storm Water Standards, which includes design of new or improved system to meet local and state regulatory requirements satisfactory to the City Engineer. Strict adherence to the mitigation framework detailed in HYD/WQ-2, which also requires regulatory compliance, would ensure that potential impacts related to discharges into surface or ground water, alterations to surface or groundwater, increases in pollutant discharges (erosion) and downstream sedimentation would be reduced to below a level of significance.

Implementation of this mitigation framework would be assured through incorporation into the CPU's MMRP and regulatory compliance.

Geology and Soils (Geological Hazards)

Significant Effect

The CPU area contains geologic conditions, which would pose significant risks for future development if not properly addressed at the project-level. Unstable geologic conditions represent a potentially significant impact.

Facts in Support of Finding

The western and southern edges of the CPU area are within a moderate to high geotechnical and relative risk area. This area includes a complex of deep-seated landslides and several discontinuous faults. Unstable conditions relating to compressible soils, landslides, seismicity (faults), and expansive soils found throughout the CPU area would expose people or property to hazards if not properly remediated. The potentially significant impact would be mitigated to below a level of significance with implementation of the mitigation framework GEO-1 identified in Section 5.8.3.3 of the FEIR. Implementation of this mitigation framework generally would require that future projects adhere to the City's Seismic Safety Study and recommendations of a site-specific geotechnical report, prepared in accordance with the City's Geotechnical Report Guidelines. Impacts shall also be avoided or reduced through engineering design that meets or exceeds adherence to the City's Municipal Code and the California Building Code (CBC).

Rationale and Conclusion

The individual actions making up mitigation framework GEO-1 assure that future development implemented in accordance with the CPU is required to: comply with the recommendations included in a geotechnical report prepared in accordance with City Geotechnical Report Guidelines, the CBC, and the LDC; and would be designed satisfactory to the City Engineer. Implementation of the GP and CPU policies, compliance with established development and engineering standards, as well as strict adherence to the mitigation framework detailed in GEO-1, which requires regulatory compliance, ensures that impacts related to geological hazards would be reduced to below a level of significance.

Implementation of this mitigation framework would be assured through incorporation into the CPU's MMRP and regulatory compliance.

Geology and Soils (Erosion)

Significant Effect

Based on the steep nature of many of the hillsides and the generally poorly consolidated nature of the sedimentary materials and soils found throughout the CPU area, erosion would represent a potentially significant impact, particularly in conjunction with some portions of the San Diego Formation and in drainages and stream valleys.

Facts in Support of Finding

Potentially significant impacts associated with erosion would be mitigated to below a level of significance with implementation of the mitigation framework GEO-2 identified in Section 5.8.4.3 of the FEIR. Implementation of this mitigation framework would require that future projects adhere to the Grading Regulation and NPDES permit requirements. All future projects developed in accordance with the CPU shall also adhere to the California Building Code to avoid or reduce geologic hazards to the satisfaction of the City Engineer.

Submittal, review and approval of site specific geotechnical investigations shall be completed in accordance with the City's Municipal Code requirements. Engineering design specifications based on future project-level grading and site plans shall be incorporated into all future projects implemented in accordance with the CPU to minimize hazards associated with site-level geologic and seismic conditions satisfactory to the City Engineer; and shall include measures, detailed in GEO-2, to control erosion during and after grading or construction.

Rationale and Conclusion

The individual actions making up mitigation framework GEO-2 assure that future development implemented in accordance with the CPU would be required to comply with the recommendations included in a geotechnical report prepared in accordance with City Geotechnical Report Guidelines, the CBC, the LDC and be designed satisfactory to the City Engineer. Implementation of the GP and CPU policies, compliance with established development and engineering standards, as well as strict adherence to the mitigation framework detailed in GEO-2, which requires regulatory compliance, would ensure that impacts related to an increase in the potential for erosion of soil, on or off-site, would be reduced to below a level of significance.

Implementation of this mitigation framework would be assured through incorporation into the CPU's MMRP and regulatory compliance.

Paleontological Resources

Significant Effect

Because the CPU contains geology with moderate and high sensitivity potential for paleontological resources, implementation of the CPU, including future project grading, could potentially destroy fossil remains, resulting in a significant impact to paleontological resources.

Facts in Support of Finding

The CPU's potentially significant impacts to paleontological resources would be mitigated to below a level of significance with implementation of the mitigation framework PALEO-1 identified in Section 5.11.3.3 of the FEIR. For future development project types that are consistent with the CPU, base zone regulations and the supplemental regulations for CPIOZ

Type A and can demonstrate that no paleontological fossil resources are present on the project site; the project can be processed ministerially and would not be subject to further environmental review under CEQA. Development proposals that do not comply with the CPIOZ Type A supplemental regulations shall be subject to discretionary review in accordance with CPIOZ Type B and mitigation framework PALEO-1.

Implementation of this mitigation framework would require that future projects be sited and designed to minimize impacts on paleontological resources in accordance with the City's Paleontological Resources Guidelines and CEQA Significance Thresholds. Monitoring for paleontological resources shall be required during construction activities, shall be implemented at the project-level, and shall provide mitigation for the loss of important fossil remains with future discretionary projects that are subject to environmental review.

Rationale and Conclusion

Future development implemented in accordance with the CPU and the supplemental development regulations for CPIOZ Type A (ministerial) would not be required to incorporate the mitigation framework and alternatives adopted in conjunction with the certification of this PEIR. However, for future development subject to review under CPIOZ Type B (discretionary), implementation of mitigation framework PALEO-1, adopted in conjunction with the certification of this PEIR, would be required. Therefore, the program-level impact related to paleontological resources would be reduced to below a level of significance.

Implementation of this mitigation framework would be assured through incorporation into the CPU's MMRP.

B. Findings Regarding Mitigation Measures Which are the Responsibility of Another Agency (CEQA §21081(a)(2)) and CEQA Guidelines §15091(a)(2))

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, finds pursuant to CEQA §21081(a)(2) and CEQA Guidelines §15091(a)(2) that there are changes or alterations which could reduce significant impacts that are within the responsibility and jurisdiction of another public agency.

Caltrans

State Route 905 – HOV Lanes

The CPU would significantly impact five segments of SR-905. Caltrans has designed the SR-905 to allow for the construction of HOV lanes, which would reduce the CPU impacts to below a level of significance at two of the five impacted freeway segments. However, the additional lanes are not part of the Regional Transportation Plan (RTP) "Reasonably Expected" projects in the region and no regional funding source has been identified. Therefore, improvements to these facilities cannot be guaranteed to be implemented by the City. Thus, at the program-level, CPU impacts to the five SR-905 freeway segments would remain significant and unmitigated.

City of Chula Vista

Heritage Road / Otay Valley Road

Otay Valley Road between Main Street in Chula Vista and Avenida de las Vistas currently operates at Level of Service "F". A reclassification to more than the current six-lane Primary Arterial would be a decision within the jurisdiction of the City of Chula Vista. A wider roadway and bridge over the Otay River Valley would increase environmental impacts to the Otay River Valley. Therefore, the impact to this segment would remain significant and unmitigated.

C. Findings Regarding Infeasible Mitigation Measures and Alternatives (CEQA §21081(a)(3) and CEQA Guidelines §15091(a)(3))

Potentially Significant Impacts that cannot be Mitigated Below a level of Significance (Public Resource Code §21081(a)(1) and (3):

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

- Air Quality (criteria pollutants, sensitive receptors - stationary sources/collocation)
- Transportation/Circulation (capacity)
- Utilities (solid waste)
- Noise (traffic, stationary, and construction sources)
- Greenhouse Gas Emissions

Although mitigation measures are identified in the FEIR that could reduce significant impacts resulting from implementation of the proposed CPU, these measures have been found to be infeasible and Findings for each unmitigated impact are provided below. "Feasible" is defined in Section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that "other" considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

Air Quality

Significant Effect

Criteria Pollutants

a. Construction Emissions

Construction-related pollutants result from dust raised during demolition and grading, exhaust emissions from construction vehicles, and products used during construction. Air pollutants generated by the construction of projects within the CPU area would vary depending upon the number of projects occurring simultaneously and the size of each individual project. If several projects were to occur simultaneously, there is the potential for multiple projects to exceed significance thresholds. This would be a potentially significant impact of the CPU.

b. Operational Emissions

Operational impacts would occur primarily due to emissions within the basin from mobile sources associated with the vehicular travel along the roadways within the CPU area.

Sensitive Receptors

c. Stationary Sources

The CPU includes industrial uses which could generate air pollutants. Without appropriate controls, air emissions associated with planned industrial uses would represent a significant adverse air quality impact.

d. Collocation

The CPU would place residential, commercial, and industrial uses in proximity to one another, which would have potential air quality impacts associated with exposure to pollutants from the operation of the facility, which can include diesel particulate matter (DPM) emitted by heavy trucks and diesel engines, chromium emitted by chrome platers, and perchloroethylene emitted by dry cleaning operations.

Facts in Support of Finding

a. Construction Emissions

The goals, policies, and recommendations of the City combined with the federal, state, and local regulations provide a framework for developing project-level air quality protection measures for future discretionary projects. The City's process for the evaluation of discretionary projects includes environmental review and documentation pursuant to CEQA as well as an analysis of those projects for consistency with the goals, policies, and recommendations of the General Plan and CPU. In general, implementation of the policies in the CPU and General Plan would preclude or reduce air quality impacts. Compliance with established regulations is required of all projects and is not considered to be mitigation. However, it is possible that for certain projects, adherence to the regulations would not adequately protect air quality, and such projects would require additional measures to avoid or reduce significant air quality impacts. These additional measures would be considered mitigation.

Where mitigation is determined to be necessary, these measures shall be included in a MMRP for future projects. Measures within mitigation framework AQ-1 and AQ-2 shall be implemented to reduce project-level construction impacts. These measures shall be updated, expanded and

refined when applied to specific future projects based on project-specific design and changes in existing conditions, and local, state and federal laws.

b. Operational Emissions

The CPU would be consistent with adopted regional air quality improvement plans and would represent a decrease in emissions used to develop the SDAPCD RAQS. However, as air emissions from the future developments within the CPU area cannot be adequately quantified at this time, operational air quality impacts would be significant at the program-level. The goals, policies, and recommendations of the City combined with the federal, state, and local regulations provide a framework for developing project-level air quality protection measures for future development projects implemented in accordance with the CPU. The City's process for the evaluation of development projects includes environmental review and documentation pursuant to CEQA as well as an analysis of those projects for consistency with the goals, policies, and recommendations of the General Plan and CPU. In general, implementation of the policies in the CPU and General Plan would preclude or reduce air quality impacts. Compliance with the standards is required of all projects and is not considered to be mitigation. However, it is possible that for certain projects, adherence to the regulations would not adequately protect air quality, and such projects would require additional measures to avoid or reduce significant air quality impacts. These additional measures would be considered mitigation.

Where mitigation is determined to be necessary and feasible, these measures shall be included in an MMRP for future development projects implemented in accordance with the CPU. Mitigation framework AQ-2 shall be implemented to reduce project-level operational impacts. These measures shall be updated, expanded and refined when applied to specific future projects based on project-specific design and changes in existing conditions, and local, state and federal laws.

Sensitive Receptors

c. Stationary Sources

Any new facility proposed that would have the potential to emit toxic air contaminants would be required to evaluate toxic air problems resulting from their facility's emissions. If the facility poses a potentially significant public health risk, the facility would submit a risk reduction audit and plan to demonstrate how the facility would reduce health risks. Specific project-level design information would be needed to determine stationary source emission impacts. Therefore, at the program-level, impacts would be significant.

d. Collocation

The CPU contains policies and performance standards to avoid and/or reduce potential impacts associated with collocation of diverse land uses. Future development projects would be required to comply with the collocation policies of the General Plan and CPU, which are necessary to reduce or avoid potential air quality impacts. These policies and standards would include but not be limited to the special policies and performance standards for residential-industrial interface areas, truck circulation, and industrial design, as well as the relevant and mandatory air district,

state, and federal controls on toxic air emission sources. While compliance with the CPU and General Plan policies, along with local, state, and federal regulations would reduce potential impacts, future projects may result in sensitive uses (residential uses, schools, parks being located within the buffer distances of the facilities, and therefore, sensitive receptors would be exposed to toxic air emissions. In this case, impacts would be significant.

Rationale and Conclusion

a. Construction Emissions

While the mitigation framework provided in the FEIR, along with compliance with CPU policies, would reduce construction emissions, future projects may not be able to reduce air emissions below the City's project-level thresholds. It is too speculative at the program level of environmental review to recommend additional mitigation beyond the framework provided. Further, determining the level of compliance for future projects implemented in accordance with the CPU and whether or not compliance could be accomplished in a successful manner, reducing impacts to below significance, is not possible at the program level. Therefore, mitigation beyond that provided in the framework is not feasible and impacts would remain significant and unavoidable at the program-level.

b. Operational Emissions

While the mitigation framework provided in the FEIR, along with compliance with CPU policies, would reduce operational emissions impacts, future projects may not be able to reduce air emissions below the City's project-level thresholds. It is not feasible at the program level to determine the level of compliance for future projects implemented in accordance with the CPU. Therefore, impacts would remain significant and unavoidable at the program-level.

While the mitigation framework provided in the FEIR, along with compliance with CPU policies, would reduce operational emissions, future projects may not be able to reduce air emissions below the City's project-level thresholds. It is too speculative at the program level of environmental review to recommend additional mitigation beyond the framework provided. Further, determining the level of compliance for future projects implemented in accordance with the CPU and whether or not compliance could be accomplished in a successful manner, reducing impacts to below significance, is not possible at the program level. Therefore, mitigation beyond that provided in the framework is not feasible and impacts would remain significant and unavoidable at the program-level.

Sensitive Receptors

c. Stationary Sources

While the mitigation framework identified in Section 5.3.5.4 of the FEIR would reduce the potential impacts associated with exposure to air toxics, no specific projects or improvements have been proposed as part of the CPU, and it cannot be determined whether the proposed mitigation would reduce all impacts to below a level of significance. It is too speculative at the program level of environmental review to recommend additional mitigation beyond the framework provided. Further, determining the level of compliance for future projects implemented in accordance with the CPU and whether or not compliance could be accomplished in a successful manner, reducing impacts to below significance, is not possible at the program level. Therefore, mitigation beyond that provided in the framework is not feasible and impacts would remain significant and unavoidable at the program-level.

d. Collocation

While the mitigation framework identified in Section 5.3.5.4 of the FEIR would reduce the potential impacts associated with exposure to air toxics related to collocation of residential and industrial land uses, no specific projects or improvements have been proposed as part of the CPU, and it cannot be determined whether the proposed mitigation would reduce all impacts to below a level of significance. It is too speculative at the program level of environmental review to recommend additional mitigation beyond the framework provided. Further, determining the level of compliance for future projects implemented in accordance with the CPU and whether or not compliance could be accomplished in a successful manner, reducing impacts to below significance, is not possible at the program level. Therefore, mitigation beyond that provided in the framework is not feasible and impacts would remain significant and unavoidable at the program-level.

Transportation/Circulation (Capacity)

Significant Effect

For this programmatic analysis, the CPU would result in a significant impact if a roadway segment, intersection, freeway segment, or freeway ramp meter would operate unacceptably in the Horizon Year PLUS CPU condition. Since much of the community is undeveloped, a majority of the Circulation Element roadways are not built, are only partially built, or are not operating near capacity. The result of this is that for many facilities, an analysis of the CPU land uses on the existing transportation network was not possible or meaningful for purposes of identifying significant impacts or recommended mitigation measures. Therefore, in order to provide meaningful analysis and identify ultimate recommendations, the traffic study analyzed roadways based on the Adopted Community Plan Classifications and CPU networks instead of the existing functional classifications. Roadway segments, intersections, and freeway segments are considered to operate acceptably from LOS A to LOS D, and unacceptably at LOS E or F. Metered freeway ramps are considered to operate unacceptably if the delay exceeds 15 minutes and the downstream freeway segment operates at an unacceptable LOS E or F.

a. Roadway Segments

Even with the proposed classifications, a total of 24 roadway segments under the Horizon Year Plus CPU condition would be expected to operate at unacceptable LOS. Therefore, the CPU would have a significant impact at all 24 of these roadway segment locations.

b. Intersections

A total of 49 intersections would be expected to operate at unacceptable levels under the Horizon Year Plus CPU condition. Therefore, the CPU would have a significant impact at all 49 of these intersections.

c. Freeway Segments

Five SR-905 freeway segments would be expected to operate at unacceptable levels in the Horizon Year Plus CPU condition. Thus, the CPU impact at these five SR-905 freeway segments would be significant.

d. Freeway Ramp Metering

Five SR-905 freeway ramps would be expected to experience delays over 15 minutes with downstream freeway operations at unacceptable levels in the Horizon Year Plus CPU condition. The CPU impact at these five freeway ramps would be significant.

Facts in Support of Finding

a. Roadway Segments

At the program-level, impacts to roadway segments shall be reduced through the proposed classifications of roadways and identification of necessary roadway improvements. Roadway improvements necessary to implement the CPU Mobility Element roadway network would be included in the PFFP for Otay Mesa and implemented in accordance with future development projects, as conditions of approval or through collection of Facilities Benefit Assessment (FBA) fees.

Even with the proposed reclassifications, 24 roadway segments would operate unacceptably in the Horizon Year Plus CPU condition. The TIA identified additional potential improvements, or mitigation measures, that are not included as part of the CPU Mobility Element roadway network. The rationale and conclusions for why the additional improvements are not feasible and therefore not included in the CPU Mobility Element are detailed below.

b. Intersections

A total of 49 intersections would be significantly impacted by the CPU. With mitigation framework TRF-1 provided in Section 5.12.3.3 of the FEIR, a total of 39 intersections would continue to be significantly impacted. The TIA identified further potential improvement measures, such as additional intersection turning movement lanes. The rationale and conclusions

for why additional improvements are not feasible and therefore not included in the CPU Mobility Element are detailed below.

In addition, partial mitigation may be possible in conjunction with future projects in the form of transportation demand management (TDM) measures that encourage carpooling and other alternate means of transportation. At the time future discretionary development projects are proposed, project-specific traffic analyses would contain detailed recommendations. All project-specific mitigation for direct impacts shall be implemented prior to the issuance of Certificate of Occupancy in order to provide mitigation at the time of impact.

c. Freeway Segments

Providing one HOV lane in each direction on the SR-905 would reduce impacts associated with buildout of the CPU. However, the additional lanes are not part of the RTP "Reasonably Expected" network and no regional funding source has been identified for this improvement; therefore, impacts would remain significant and unmitigated at the programmatic level. At the project-level, partial mitigation may be possible in the form of TDM measures that encourage carpooling and other alternate means of transportation. At the time future discretionary development projects are proposed, project-specific traffic analyses would contain detailed recommendations. All project-specific mitigation for direct impacts shall be implemented prior to the issuance of Certificate of Occupancy in order to provide mitigation at the time of impact.

d. Freeway Ramp Metering

Mitigation that would reduce freeway ramp metering impacts at the five significantly impacted SR-905 locations consists of adding freeway lanes, auxiliary lanes, on-ramps, on-ramp lanes and implementation of TDM measures that encourage carpooling and other alternate means of transportation. At the time future discretionary development projects are proposed, project-specific traffic analyses would contain detailed recommendations. All project-specific mitigation for direct impacts shall be implemented prior to the issuance of Certificate of Occupancy in order to provide mitigation at the time of impact.

Rationale and Conclusion

a. Roadway Segments

The following roadway segments improvements were identified in the TIA. The improvement or mitigation measure and the rationale for why it is infeasible are detailed below for each of the 24 roadway segments that would be significantly impacted by the CPU.

Otay Mesa Road

- Caliente Avenue to Corporate Center Drive: level of service "F".
- Heritage Road to Cactus Road: level of service "F".

A reclassification of these segments from a six lane Primary Arterial to eight lanes is infeasible because widening to eight lanes would require approximately an additional twenty four (24) feet of right-of-way which would encroach into existing adjacent development, lengthen pedestrian crossing distances, add delay and risk to pedestrian travel, add delay and risk to other travel modes, and cause additional traffic conflicts. Right turn only lanes at intersections are recommended to be lengthened to serve as auxiliary lanes between intersections. Without reclassification, the impact would remain significant and unmitigated.

Airway Road

- Caliente Avenue to Heritage Road: level of service "E".

This segment is slightly (8.6%) over the level of service "D" volumes for a four lane Major Arterial. This segment includes a bridge crossing an open space canyon so that a six lane bridge can be provided. Construction of this segment would have the potential to result in greater environmental impacts than four lanes. A six lane reclassification is infeasible because widening to six lanes would require approximately an additional twenty two (22) feet of right-of-way which would encroach into environmentally sensitive lands including the open space canyon and any portions within the MHPA. Therefore, the segment impact would be significant and unmitigated.

- Heritage Road to Cactus Road: level of service "F".

A reclassification to a six lane Primary Arterial is identified beginning west of the Heritage Road intersection, so six through lanes can be provided through the intersection in the east and westbound directions, and extending to Cactus Road. The Heritage Road to Cactus Road segment impact would be significant and unmitigated even with this six-lane reclassification. An 8-lane reclassification is infeasible because widening to eight lanes would require approximately an additional twenty two (22) feet of right-of-way which would encroach into existing adjacent development and would adversely affect the proposed mixed use community village area, the community's proposed main street, the community character and pedestrian orientation.

Siempre Viva Road

- Otay Center Drive to SR-905: level of service "E".
- SR-905 to Paseo de las Americas: level of service "F"

A reclassification from six to eight lanes would increase capacity along Siempre Viva Road and would require widening of the SR-905 /Siempre Viva Road interchange. Construction of these roadway improvements would require approximately an additional twenty two (22) feet of right-of-way which would encroach into existing adjacent development and would adversely affect the the community character and pedestrian orientation goals of the CPU and is therefore not feasible at the programmatic level. Specific operational improvements which cannot be known and would be too speculative to recommend at the program level will be developed at the time

future projects are submitted for review. The impact to these segments would remain significant and unmitigated.

Caliente Avenue

- Airway Road to Beyer Boulevard: level of service "F".

A reclassification from a four lane to a six lane Major Arterial is identified for this segment which would extend through a future residential area providing access to the high school. This reclassification would increase capacity along Caliente Avenue. Construction of a six-lane major arterial is not consistent with the community plan goals for providing a village development which includes a circulation network that is transit and pedestrian oriented. The construction through the proposed Village would have an adverse affect on the community character and pedestrian orientation goals of the CPU, is not consistent with the CPU objectives, and would therefore be infeasible.. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

- Beyer Boulevard to Siempre Viva Road: level of service "F".

Construction of roadway improvements along Caliente Road between Beyer Boulevard and Siempre Viva Road to increase capacity would extend into a future residential area that will need to be designed with collector loop streets for acceptable access, and local traffic will have additional access to Beyer Boulevard. The construction along this segment would have an adverse affect on the community character and pedestrian orientation goals of the CPU, is not consistent with the CPU objectives, and would therefore be infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Heritage Road / Otay Valley Road

- Otay Valley Road between Main Street in Chula Vista and Avenida de las Vistas: level of service "F".

A reclassification to more than the current six-lane Primary Arterial would be a decision required by both the City of San Diego and the City of Chula Vista. A wider roadway and bridge over the Otay River Valley would encroach into environmentally sensitive lands and MHPA open space within the Otay River Valley. The impact to this segment would be significant and unmitigated.

- Avenida de las Vistas to Datsun Street: level of service "F".

A reclassification from a six lane Major Arterial to a six lane Primary Arterial is identified. The reclassification is infeasible because a wider classification require construction within steep hillsides and therefore encroachment into environmentally sensitive lands; adjacent open space or the MHPA. There are few developed driveways along this segment so that restricting parking

and access would have minimal impacts to adjacent parcels. The segment impact would be only partially mitigated.

Cactus Road

- Otay Mesa Road to Airway Road: level of service "F".
- Airway Road to Siempre Viva Road: level of service "F".

The CPU Mobility Element identifies Cactus Road as a a four lane Major Arteria. A higher six lane classification would increase roadway capacity and reduce impacts. Because this segment would be located adjacent to the proposed mixed-use community village area a wider roadway would adversely affect the pedestrian-oriented community character for the area, and is not feasible because it is not consistent with the community plan goals for providing a village development which includes a circulation network that is transit and pedestrian oriented. While partially mitigated, the impact would remain significant and unmitigated. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Britannia Boulevard

- SR-905 to Airway Road: level of service "F".

Britannia Boulevard has been constructed as six lanes between Otay Mesa Road and the SR-905 eastbound ramps, and five lanes between the eastbound ramps and Airway Road. The Cross-Border Facility project includes reclassifying and construction of this segment to six lanes as project mitigation. The SR-905 on and off ramp intersections are closely spaced so that parking and access should be restricted along these segments. In addition, Britannia Boulevard will also be the designated truck route for southbound laden trucks between SR-905 and the planned truck route parallel to the border.

Therefore, a reclassification to a six lane Primary arterial is proposed for the segments between Otay Mesa Road and Airway Road. The segment between Airway Road and Siempre Viva Road is identified in the CPU as a six lane Major Arterial. Segment impacts would be mitigated south of Airway Road, but not on the segment between SR-905 and Airway Road. Additional right-turn lanes would enhance the capacity of this segment; however, the segment impact is only partially mitigated, and does not reduce the impact to below a level of significance. Additional roadway improvements along this segment of Britannia Boulevard would be necessary; however, this is infeasible at the program level because it would conflict with objectives and policies of the CPU related to bicycle and pedestrian movements. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

La Media Road

-SR-905 to Airway Road: level of service "F".

The addition of lanes to this currently classified six lane Primary Arterial would require modification to the SR-905 / La Media Road interchange and is infeasible because it would require approximately an additional twenty two (22) foot right-of-way that would encroach into existing adjacent development.. The segment impact would be significant and unmitigated.

Dennery Road

-Black Coral Lane to East End: level of service "F".

A reclassification along this roadway segment is infeasible for pedestrian and traffic safety reasons. Retaining a two lane Collector (no fronting property) classification would discourage speeding and through traffic not destined to the adjacent residential developments. The segment impact would be significant and unmitigated.

Avenida de las Vistas

-Vista Santo Domingo to Dennery Road: level of service "F".

A reclassification is not feasible because the street is fully developed and it would require approximately an additional twenty two (22) foot right-of-way that would encroach into the existing adjacent residential development. This street is fully constructed and has adjacent single family residences. Retaining a two lane Collector (no fronting property) classification would discourage speeding and through-traffic not destined to the adjacent residential developments. The segment impacts would be significant and unmitigated.

Del Sol Boulevard

- Surf Crest Drive to Riviera Pointe: level of service "F".

This segment will pass through environmentally sensitive lands and is on a slope. Reclassification of this roadway is infeasible because twenty two (22) feet of additional right-of-way would be required which would encroach into environmentally sensitive lands, open space or the MHPA as well as into the existing adjacent residential development. Retaining the two lane Collector (no fronting property) classification would minimize impacts to the MHPA and discourage speeding and through-traffic not destined to the adjacent residential developments. The segment impact would be significant and unmitigated.

- Riviera Pointe to Dennery Road: level of service "F".

This segment is fully constructed and surrounded by environmentally sensitive land and single family development. Reclassification of this roadway segment to four lanes is not feasible because twenty two (22) feet of additional right-of-way would be required which would encroach into environmentally sensitive lands, open space or the MHPA, as well as into the existing adjacent residential development. The segment impact would be significant and unmitigated.

Old Otay Mesa Road

- Crescent Bay Drive to Beyer Boulevard: level of service "F".

This segment is situated on a steep, rocky hillside that would be difficult to widen. Reclassification of this roadway segment is infeasible because twenty two (22) feet of additional right-of-way would be required which would encroach into environmentally sensitive lands, open space or the MHPA. The segment impact would remain significant and unmitigated.

Camino Maquiladora

-Heritage Road to Pacific Rim Court: level of service "F"

-Pacific Rim Court to Cactus Road: level of service "E".

These segments serve adjacent industrial uses but have diverted traffic from Otay Mesa Road. These segments are not meant to be through-traffic by-pass routes. Reclassification of this roadway is infeasible because twenty two (22) feet of additional right-of-way would be required which would encroach into the existing adjacent industrial development. The segment impacts would be significant and unmitigated.

Progressive Avenue

- Corporate Center Drive to Innovative Drive: level of service "F".

This segment is constructed as a two lane industrial Collector and serves adjacent industrial uses, but has diverted traffic from Heritage Road. This segment is not meant as a through-traffic, by-pass route. Reclassification of this roadway is infeasible because twenty two (22) feet of additional right-of-way would be required which would encroach into the existing adjacent industrial development. The impact would be significant and unmitigated.

Datsun Street

- Innovative Drive to Heritage Road: level of service "F".

This segment is planned to serve the adjacent industrial uses, but has high volumes due to traffic diverted from Heritage Road. This segment is not meant to be a through-traffic bypass route. A classification as a four lane Collector (with left turn lane) is proposed rather than a four lane Major Arterial. Reclassification of this roadway segment is infeasible because twenty two (22) feet of additional right-of-way would be required which would encroach into the existing adjacent industrial development. The segment impact would be significant and unmitigated.

Exposition Way / Vista Santo Domingo

- Avenida de las Vistas to Corporate Center Drive: level of service "F".

This segment has high volumes due to diverted traffic from Otay Valley Road. Vista Santo Domingo is constructed as a two lane Collector within a residential area and is not meant to be a by-pass route for through traffic. Reclassification of this roadway segment is infeasible because twenty two (22) feet of additional right-of-way would be required which would encroach into the existing adjacent residential development. Retaining the two-lane collector classification would discourage speeding and through traffic not destined for the adjacent residential neighborhood.

b. Intersections

The following intersection improvements were included in the TIA. Provided below is a summary of mitigation identified at the interchanges and major intersections significantly impacted by the CPU and the rationale for why mitigation is not provided. For intersection impacts that are not proposed to be fully mitigated at the programmatic level, the improvements generally would require further study at the project level and/or would create concerns with increased traffic conflicts (including pedestrians), wide intersections, and non-standard intersection configurations.

Palm Ave. / Dennery Road

No mitigation was identified in the TIA or FEIR for this intersection because it is fully constructed and the surrounding area is built out and new development in this area requiring intersection improvements is not anticipated. Therefore, impact would remain significant and unmitigated. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Otay Mesa Road/Caliente Avenue

At this intersection of two six lane Primary Arterials, a separate right turn only lane in the northbound direction is identified as mitigation. Although the northbound right turn volumes are expected to be high enough to warrant dual right turns, this intersection is a pedestrian route to nearby San Ysidro High School. In the interest of school pedestrian safety and convenience, dual right turn lanes are not recommended by the CPU in this area. This measure does not reduce the impact to below a level of significance and it remains unmitigated. Construction of additional northbound right turn lanes is not consistent with the objectives and policies of the CPU related to pedestrian movement and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Caliente Avenue / SR-905 Westbound Ramps

Overcrossing widening to accommodate northbound dual left turn lanes is identified as potential mitigation, but requires additional study at the project level and has not been funded at the programmatic level. Additionally, a single southbound right turn-only lane is identified.

Although southbound right turn volumes are expected to be high enough to warrant dual right turn lanes, the dual right turn lanes are not recommended by the CPU because Caliente Avenue is a pedestrian route to the San Ysidro High School. Vehicle queues from the upstream intersections are expected to extend through this intersection so that AM and PM peak hour levels of service will be at LOS "F". This measure does not reduce the impact to below a level of significance. Construction of additional left and right turn lanes is not consistent with the objectives and policies of the CPU related to pedestrian movement and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Caliente Avenue / SR-905 Eastbound Ramps

Overcrossing widening to accommodate dual northbound left turn lanes at the SR-905 westbound ramps is identified as potential mitigation, accommodating dual southbound left turn lanes. However, it would be too speculative at the programmatic level to recommend additional interchange improvements. These improvements would require further study at the project level. A separate northbound right turn lane and ramp widening for an additional eastbound right turn lane are identified. Although the eastbound right turn lanes are expected to be high enough for dual right turn lanes, the dual right turn lanes are not recommended on this pedestrian route to San Ysidro High School. Construction of this measure does not reduce the impact to below a level of significance, is not consistent with the objectives and policies of the CPU related to pedestrian movement, and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Caliente Avenue at Airway Road

Separate right turn only lanes are identified as potential mitigation in the eastbound, northbound, and westbound directions. Although the northbound and westbound right turn volumes are expected to be high enough to warrant dual right turn lanes, the dual right turn lanes are not recommended by the CPU on this pedestrian route to San Ysidro High School. This measure does not reduce the impact to below a level of significance, is not consistent with the objectives and policies of the CPU related to pedestrian movement, and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Caliente Avenue at Beyer Boulevard

Dual right turn lanes southbound to westbound are identified as potential mitigation. A separate eastbound right turn lane is also identified. This measure does not reduce the impact to below a level of significance, would adversely affect the pedestrian-oriented community character for the proposed mixed-use area, and is not feasible because it is not consistent with the community plan goals for providing a village development which includes a circulation network that is transit and pedestrian oriented. Further evaluation would be required at the project level to identify specific operational improvements at the time the specific plan for this area is submitted for review in accordance with the CPU. .

Otay Mesa Road / Heritage Road

Separate right turn only lanes are identified as potential mitigation in the northbound and southbound directions. Existing right turn lanes are in place eastbound and westbound. A second westbound right turn lane is identified. This measure does not reduce the impact to below a level of significance and is not recommended in the CPU. Provision of right turn only lanes would conflict with CPU policies and objectives related to bicycle and pedestrian movement and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Heritage Road / SR-905 Westbound Ramps

Two right turn only lanes are identified as potential mitigation in the northbound direction onto the westbound on-ramp. The vehicle queue from a downstream intersection extends through this intersection so that the AM and PM peak hour level of service will be at LOS "F". This measure does not reduce the impact to below a level of significance and is not recommended in the CPU. Provision of right turn only lanes would conflict with CPU policies and objectives related to bicycle and pedestrian movement and is therefore infeasible.. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU..

Heritage Road / SR-905 Eastbound Ramps

A separate right turn lane in the northbound direction to the eastbound on-ramp, plus an additional lane in the westbound direction on the eastbound off-ramp are identified as potential mitigation. The vehicle queue from a downstream intersection extends through this intersection so that the AM and PM peak hour level of service will be at LOS "F". This measure does not reduce the impact to below a level of significance and is not recommended in the CPU. Provision of right turn only lanes would conflict with CPU policies and objectives related to bicycle and pedestrian movement and is therefore infeasible.. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Heritage Road / Airway Road

Dual right turn lanes are identified as potential mitigation in the westbound direction. This area is identified in the CPU for the Central Village which is adjacent to environmentally sensitive lands and steep hillsides. Additionally, Airway Road is identified as the community's main street. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Construction of this measure would adversely affect the pedestrian-oriented community character for the proposed mixed-use area and encroach into environmentally sensitive lands. It is therefore not feasible because it is not consistent with the community plan goals for providing a village development which includes a circulation network that is transit and pedestrian oriented. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Otay Mesa Road / Cactus Road

Dual right turn lanes in the eastbound direction and one in the westbound direction are identified as potential mitigation. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of dual right turn lanes would conflict with CPU policies and objectives related to bicycle and pedestrian movement and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Airway Road / Cactus Road

Dual right turn lanes in the westbound direction and single right turn lanes in the south, north, and eastbound directions are identified as potential mitigation and a shared through / right turn lane is identified southbound and eastbound. This area is designated in the CPU for the Central Village, and also calls out Airway Road as the community's main street. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Construction of this measure would adversely affect the pedestrian-oriented community character for the proposed mixed-use area. It is therefore not feasible because it is not consistent with the community plan goals for providing a village development which includes a circulation network that is transit and pedestrian oriented. Further evaluation would be required at the project level to identify specific operational improvements at the time at the time the specific plan for this area is submitted for review in accordance with the CPU.

Siempre Viva Road / Cactus Road

Dual right turn lanes in the westbound direction and a single right turn lane are identified in the northbound direction as potential mitigation. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of dual right turn lanes would conflict with CPU policies and objectives related to bicycle and pedestrian movement and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time at the time the specific plan for this area is submitted for review in accordance with the CPU.

Otay Mesa Road / Britannia Boulevard

A single right turn only lane in the eastbound and westbound directions are identified as potential mitigation. This measure does not reduce the impact to below a level of significance and is not recommended in the CPU. Provision of right turn only lanes would conflict with CPU policies and objectives related to bicycle and pedestrian movement and is therefore infeasible.. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU

Britannia Boulevard / SR-905 Westbound Ramps

A single southbound right turn lane, and also restriping the third southbound through lane as an optional through / right turn are identified as potential mitigation. The middle lane in the westbound direction is also identified to be restriped for a shared left / through / right turn movement. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of multiple turn and through lanes would result in conflicts between pedestrians, bicycles, motor vehicles and laden trucks at this intersection and is not consistent with the goals and objectives of the CPU related to goods movement and would impede pedestrian and bicycle movement, as well and is therefore infeasible.. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Britannia Boulevard / SR-905 Eastbound Ramps

Dual right turn lanes northbound are identified as potential mitigation. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of multiple turn lanes would result in conflicts between pedestrians, bicycles, motor vehicles and laden trucks at this intersection and is not consistent with the goals and objectives of the CPU related to goods movement and would impede pedestrian and bicycle movement, as well and is therefore infeasible.. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Britannia Boulevard / Airway Road

Dual right turn lanes in the south and westbound directions, and a single right turn lane in the eastbound and northbound directions are identified as potential mitigation. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of multiple turn lanes would result in conflicts between pedestrians, bicycles, motor vehicles and laden trucks at this intersection and is not consistent with the goals and objectives of the CPU related to goods movement and would impede pedestrian and bicycle movement, as well and is therefore infeasible.. further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Siempre Viva Road / Britannia Boulevard

Dual right turn lanes in the west and southbound directions, and a single right turn lane in the eastbound and northbound directions are identified as potential mitigation. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of multiple turn lanes would result in conflicts between pedestrians, bicycles, motor vehicles and laden trucks at this intersection and is not consistent with the goals and objectives of the CPU related to goods movement and would impede pedestrian and bicycle movement, as well and is therefore infeasible.. further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Otay Mesa Road / La Media Road

Dual right turn lanes are identified at all approaches as potential mitigation. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of multiple turn lanes would result in conflicts between pedestrians, bicycles, motor vehicles and unladen trucks at this intersection and is not consistent with the goals and objectives of the CPU related to goods movement and would impede pedestrian and bicycle movement, as well and is therefore infeasible.. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

La Media Road / SR-905 Westbound Ramps

The TIA identified as potential mitigation that the eastbound through movement be eliminated so that the northbound right turn to the SR-905 westbound on-ramp can be a continuous movement without a conflicting movement at the traffic signal. Only a pedestrian signal would cause this traffic to stop. Additionally, a third northbound through lane is identified as potential mitigation. These recommended improvements would require widening in the northbound direction along La Media Road. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU.. Additionally, widening La Media Road in this area would require an additional twenty two (22) feet of right-of-way which would encroach into existing adjacent development. Provision of a continuous turn movement lane would result in conflicts between pedestrians, bicycles, motor vehicles and unladen trucks at this intersection and is not consistent with the goals and objectives of the CPU related to goods movement and would impede pedestrian and bicycle movement, as well and is therefore infeasible.. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

La Media Road / SR-905 Eastbound Ramps

The addition of a third southbound through lane is identified as potential mitigation. This improvement would require widening La Media Road in the southbound direction. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU.. Additionally, widening La Media Road in this area would require an additional twenty two (22) feet of right-of-way which would encroach into existing adjacent development. Provision of an additional through lane would result in conflicts between pedestrians, bicycles, motor vehicles

and unladen trucks at this intersection and is not consistent with the goals and objectives of the CPU related to goods movement and would impede pedestrian and bicycle movement, as well and is therefore infeasible.. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU..

La Media Road / Airway Road

The addition of dual right turn lanes westbound and southbound, and single right turn lanes eastbound and northbound are recommended as potential mitigation. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of additional turn lanes would result in conflicts between pedestrians, bicycles, motor vehicles and unladen trucks at this intersection and is not consistent with the goals and objectives of the CPU related to goods movement and would impede pedestrian and bicycle movement, as well and is therefore infeasible.. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU..

La Media Road / Siempre Viva Road

The addition of dual right turn lanes westbound, and one right turn lane southbound are identified as potential mitigation. The southbound lanes would be striped for two left turn lanes / one through / two right turn lanes. The southbound through lane will be restricted to unladen trucks destined to the Border Truck Road. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Additionally, widening La Media Road in this area would require an additional twenty two (22) feet of right-of-way which would encroach into existing adjacent development. Provision of additional turn lanes would result in conflicts between pedestrians, bicycles, motor vehicles and unladen trucks at this intersection and is not consistent with the goals and objectives of the CPU related to goods movement and would impede pedestrian and bicycle movement as well, and is therefore infeasible.. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Lone Star Road / SR-125 SB Off Ramp

Lone Star Road/SR 125 SB Off ramp intersection design and improvements beyond those proposed in Figure 5.12-4d of the FEIR would require further study at the project level. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Construction of these improvements would encroach into environmentally sensitive lands and existing adjacent development, and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Lone Star Road / SR-125 NB On Ramp

Lone Star Road/SR 125 NB On ramp intersection design and improvements beyond those proposed in Figure 5.12-4d of the FEIR would require further study at the project level. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Construction of these improvements would encroach into environmentally sensitive lands and existing adjacent development, and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Lone Star Road / Piper Ranch Road

Lone Star Road/Piper Ranch Road intersection design and improvements beyond those proposed in Figure 5.12-4d of the FEIR would require further study at the project level. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Construction of these improvements would encroach into environmentally sensitive lands and existing adjacent development, and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Otay Mesa Road / SR-125 Southbound Off-Ramp

No additional lanes are identified, but restriping the southbound middle lane for optional left-right turns is identified as potential mitigation. The vehicle queue from the upstream northbound on-ramp will extend through this intersection during the AM and PM peak hours so that the peak hour levels of service will be at LOS "F". This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of an additional optional left-right turn lane would result in conflicts between pedestrians, bicycles, motor vehicles, transit vehicles and trucks at this intersection and is not consistent with the goals and objectives of the CPU related to goods movement and would impede pedestrian and bicycle movement as well, and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Otay Mesa Road / Harvest Road

An additional eastbound right turn lane is identified as potential mitigation. An additional northbound left turn lane is also identified as potential mitigation. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of additional turn lanes would result in conflicts between pedestrians, bicycles, and motor vehicles at this intersection and is not consistent with the goals and objectives of the CPU related to pedestrian and bicycle movement as well, and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Siempre Viva Road / Otay Center Drive

Added lanes for right turns are identified as potential mitigation at all approaches and dual left turn lanes are identified as potential mitigation east, west, and southbound. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of additional turn lanes would result in conflicts between pedestrians, bicycles, motor vehicles, and trucks at this intersection and is not consistent with the goals and objectives of the CPU related to pedestrian and bicycle movement as well, and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Siempre Viva Road / SR-905 Southbound Ramps

The SR-905 southbound off-ramp to westbound Siempre Viva Road is recommended as potential mitigation to be signalized, and widened for an additional southbound right turn lane. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Additionally, widening Siempre Viva Road in this area would require an additional twenty two (22) feet of right-of-way which would encroach into existing adjacent development. Provision of additional turn lanes would result in conflicts between pedestrians, bicycles, motor vehicles, and trucks at this intersection and is not consistent with the goals and objectives of the CPU related to pedestrian and bicycle movement as well, and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Siempre Viva Road / SR-905 Northbound Ramps

A second westbound right turn lane is identified as potential mitigation. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of additional turn lanes would result in conflicts between pedestrians, bicycles, motor vehicles, and trucks at this intersection and is not consistent with the goals and objectives of the CPU related to pedestrian and bicycle movement as well, and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Siempre Viva Road / Paseo de las Americas

Added westbound and southbound right turns are identified as potential mitigation, plus an eastbound left turn lane. The northbound lanes would be restriped for one left, one shared left /through, one right turn lane. The southbound lanes would be restriped for one left / one through / two right turn lanes. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of additional turn lanes would result in conflicts between pedestrians, bicycles, motor vehicles, and trucks at this intersection and is not consistent with the goals and objectives of the CPU related to pedestrian and bicycle movement as well, and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Old Otay Mesa Road / Beyer Boulevard

Northbound and southbound right turn lanes are identified as potential mitigation. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of additional turn lanes would result in conflicts between pedestrians, bicycles, and motor vehicles at this intersection and is not consistent with the goals and objectives of the CPU related to pedestrian and bicycle movement as well, and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Otay Mesa Road / Corporate Center Drive

Northbound and southbound added left turn lanes and a separate eastbound right turn lane are identified as potential mitigation. The southbound through lane would be striped as a shared through / right turn lane. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of additional turn lanes would result in conflicts between pedestrians, bicycles, and motor vehicles at this intersection and is not consistent with the goals and objectives of the CPU related to pedestrian and bicycle movement as well, and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Otay Mesa Road / Innovative Drive

A second southbound left turn lane is identified as potential mitigation. The southbound through-lane would be striped as a shared through / right turn lane. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of additional turn lanes would result in conflicts between pedestrians, bicycles, and motor vehicles at this intersection and is not consistent with the goals and objectives of the CPU related to pedestrian and bicycle movement as well, and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Otay Mesa Road / Sanyo Avenue

Eastbound dual right turn lanes, and single right turn lanes northbound and westbound are identified as potential mitigation. Restriping northbound lanes for dual left turns plus one through lane is identified. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of additional turn lanes would result in conflicts between pedestrians, bicycles, and motor vehicles at this intersection and is not consistent with the goals and objectives of the CPU related to pedestrian and bicycle movement as well, and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Heritage Road / Otay Valley Road

Dual right turn lanes southbound and single right turn lanes at the other approaches are identified. East and westbound dual left turn lanes are identified. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of additional turn lanes would result in conflicts between pedestrians, bicycles, and motor vehicles at this intersection and is not consistent with the goals and objectives of the CPU related to pedestrian and bicycle movement as well, and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Otay Valley Road / Avenidas de las Vistas

Intersection improvements beyond those identified in Figure 5.12-4g of the FEIR would require further study at the project level. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of additional turn lanes would result in conflicts between pedestrians, bicycles, and motor vehicles at this intersection and is not consistent with the goals and objectives of the CPU related to pedestrian and bicycle movement as well, and is therefore infeasible. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

c. Freeway Segments

The CPU would significantly impact five segments of SR-905. Caltrans has designed the SR-905 to allow for the construction of HOV lanes, which would reduce the CPU impacts to below a level of significance at two of the five impacted freeway segments. However, the additional lanes are not part of the RTP "reasonably expected" network and no regional funding source has been identified at this time and improvements to these facilities cannot be guaranteed to be implemented by the City. Thus, at the program-level, CPU impacts to the five SR-905 freeway segments would remain significant and unmitigated.

d. Freeway Ramp Metering

Mitigation that would reduce freeway ramp metering impacts at the five significantly impacted SR-905 locations consists of adding freeway lanes, auxiliary lanes, adding a lane to the freeway on-ramp and implementation of TDM measures that encourage carpooling and other alternate means of transportation. This measure does not reduce the impact to below a level of significance and is not recommended by the CPU. Provision of the mitigation that would reduce freeway ramp impacts at the five significantly impacted locations cannot be guaranteed to be implemented by the City, and therefore is infeasible. Due to the uncertainty associated with implementing freeway improvements, limitations on increasing ramp capacity, and uncertainty regarding implementation of TDM measures, mitigation for the freeway ramp metering associated with the CPU impacts would remain significant and unmitigated. Further evaluation would be required at the project level to identify specific operational improvements at the time future projects are submitted for review in accordance with the CPU.

Noise

Significant Effect

Traffic Generated Noise

Exterior and potentially interior traffic noise impacts are anticipated at the majority of locations adjacent to I-805, SR-905, SR-125, Otay Mesa Road, and Airway Road.

Stationary Source Noise (Collocation)

The CPU has the potential to site noise-sensitive uses (i.e., residential) adjacent to noise-generating commercial and industrial uses. The juxtaposition of these land uses would result in potentially significant noise impacts.

Construction Noise

Construction activities related to implementation of the CPU would potentially generate short-term noise impacts to noise-sensitive land uses located adjacent to construction sites. Additionally, there is the potential for construction noise to impact least Bell's vireo, coastal California gnatcatcher, raptors, and other sensitive species if they are breeding or nesting in adjacent MHPA lands.

Facts in Support of Finding

Traffic Generated Noise

As discussed in Section 5.10.3.1 of the FEIR, traffic noise levels associated with buildout of the CPU would result in potentially significant impacts as noise sensitive land uses are proposed by the CPU in areas where exterior noise levels would exceed the noise and land use compatibility standards established in Table N-3 of the General Plan.

Additionally, project traffic noise effects on existing residences would be potentially significant, particularly in the western portion of the CPU along the I-805 and SR-905, where project traffic noise would exceed the exterior noise level threshold and would potentially result in interior noise levels in existing residences to exceed applicable standards. Many existing older residences would not be structurally sound enough to achieve current interior noise standards..

Stationary Source Noise (Collocation)

There are areas where noise sensitive residential uses would be located adjacent to noise generating uses. These include the mixed-use villages where there is a residential-commercial interface and residential areas adjacent to commercial and industrial land uses. Site-specific noise reduction measures such as noise barriers would allow for reduced buffer distances. However, without project-specific details, noise levels generated by these activities associated with future development under the CPU cannot be anticipated at the program-level.

Construction Noise

Some construction activities have the potential to produce noise in excess of 75 dB(A) L_{eq} , and could therefore be potentially significant if their activity is heard by sensitive receptors. The City regulates noise associated with construction equipment and activities through enforcement of Noise Abatement and Control Ordinance standards (e.g., days of the week and hours of operation) and imposition of conditions of approval for building or grading permits. Because the degree of success of these regulations and conditions cannot be adequately known for each project at this program-level of analysis, the program-level impact related to construction noise would be potentially significant.

Also, construction-generated noise above 60 CNEL would result in significant impacts during the breeding and nesting period of March 1 to August 15 if coastal California gnatcatchers are breeding or nesting in adjacent MHPA lands.

Rationale and Conclusion

Traffic Generated Noise

Future development implemented in accordance with the CPU would be required to comply with the recommendations included in an acoustical report prepared in accordance with City Acoustical Report Guidelines, the GP and CPU policies. Strict adherence to the mitigation framework detailed in NOI-1 and NOI-2 in Section 5.10.3.3 of the FEIR, which requires regulatory compliance as noted above, would ensure that impacts related to exterior and interior noise are reduced; however, even with strict adherence to the mitigation framework, these impacts may not be reduced to below a level of significance, and therefore, the impacts remain significant and unavoidable. It is too speculative at the program level of environmental review to recommend additional mitigation beyond the framework provided. Further, determining the level of compliance for future projects implemented in accordance with the CPU and whether or not compliance could be accomplished in a successful manner, reducing impacts to below significance, is not possible at the program level. Therefore, mitigation beyond that provided in the framework is not feasible and impacts would remain significant and unavoidable at the program-level.

Additionally, project traffic noise effects on existing residences would be significant. Due to the fact that these would be older homes which would not have been constructed to achieve current interior noise standards, there is the potential that project traffic would generate noise levels that exceed current standards at these existing residences. No mitigation is available for traffic noise impacts to existing residences. Impacts would remain significant and unavoidable. It is too speculative at the program level of environmental review to recommend additional mitigation beyond the framework provided. Further, determining the level of compliance for future projects implemented in accordance with the CPU and whether or not compliance could be accomplished in a successful manner, reducing impacts to below significance, is not possible at the program level. Therefore, mitigation beyond that provided in the framework is not feasible and impacts would remain significant and unavoidable at the program-level.

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D. Findings Regarding Alternatives (CEQA § 21081(a)(3) and CEQA Guidelines §15091(a)(3))

Because the proposed project will cause one or more unavoidable significant environmental effects, the City must make findings with respect to the alternatives to the proposed project considered in the FEIR, evaluating whether these alternatives could feasibly avoid or substantially lessen the proposed project's unavoidable significant environmental effects while achieving most of its objectives (listed in Section II.E above and Section 3.3 of the FEIR).

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings, and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), makes the following findings with respect to the alternatives identified in the FEIR (Project No. 30330/304032/SCH No. 2004651076):

Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR as described below.

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

Background

The EIR for the proposed CPU conducted an initial review of four alternatives, one of which was subsequently eliminated from further study. The reasons this alternative was eliminated from detailed evaluation are discussed in the FEIR.

Three alternatives received a detailed analysis in the FEIR:

- No Project (Adopted Community Plan);
- Reduced Density; and
- Reduced Biological Impacts.

These three project alternatives are summarized below, along with the findings relevant to each alternative.

No Project (Adopted Community Plan) Alternative

The No Project Alternative is the continued implementation of the adopted 1981 Otay Mesa Community Plan, consistent with CEQA Guidelines Section 15126.6(e)(3)(A). The land use plan for the No Project Alternative, as shown on FEIR Figure 10-1, incorporates several recent "clean-up" items that are not reflected on the land use plan for the adopted 1981 Otay Mesa Community Plan, such as the alignments of SR-905 and SR-125. Those changes, which more accurately depict the current conditions, have been incorporated into the No Project Alternative land use plan as identified in Table 10-2.

Potentially Significant Effects

The No Project Alternative consists of continued implementation of the adopted 1981 Otay Mesa Community Plan, consistent with CEQA Guidelines Section 15126.6(e)(3)(A). Compared to the CPU, the No Project Alternative would comprise less density for residential land use and more industrial land. The general distribution of land uses in the No Project Alternative would have residential uses on the west side of the CPU area and industrial uses in the central-eastern areas. The residential uses on the west side would be composed of conventional suburban development, while the industrial uses on the east side would mainly include labor intensive manufacturing, warehousing, and distribution, with only limited office uses.

Implementation of the No Project Alternative would not avoid any of the significant and unavoidable impacts of the CPU (air quality, [criteria pollutants, sensitive receptors - stationary sources/collocation], noise [traffic, stationary source and construction], traffic/circulation [capacity], utilities [solid waste], and greenhouse gas emissions).

This alternative would preserve less open space resulting in greater potential impacts to biological, historical, and paleontological resources because more area would be available for future development. However, mitigation is available to reduce these potential impacts to below a level of significance regardless of whether the CPU or the No Project Alternative is implemented. This alternative would also generate a greater number of ADT than the CPU, and thus traffic impacts and those related to traffic congestion (such as, air quality, traffic noise and greenhouse gas emissions) would be greater than under the CPU. However, noise associated with stationary sources would be less under the No Project Alternative because the rezone and new land use designations for IBT and BPRP would not occur.

The No Project Alternative meets several of the 10 project objectives, but none to the same extent as the CPU. This alternative does not include the same diversity and flexibility of land uses, and therefore, does not allow for a full range of industrial uses. The International Business and Trade (IBT) designation included under the CPU better implements General Plan and CPU goals relative to a subregional employment center.

The No Project Alternative also does not include the two mixed-use villages as proposed by the CPU. The village areas proposed under the CPU implement both General Plan and CPU goals for compact communities, a wider range of housing types, affordability, greater transit opportunities, etc. The No Project Alternative would allow for some suburban-type development, which would be more auto-centric, and contribute to, rather than reduce GHG impacts.

Finding and Supporting Facts

While adoption of the No Project (Adopted Community Plan) Alternative would allow future development to proceed in accordance with the adopted community plan, adoption of this alternative would not achieve important project objectives to:

- **Regional Center:** Enhance Otay Mesa's role as a bi-national regional center.
- **Economic Diversification:** Broaden the economic profile to increase employment and growth opportunities.
- **Housing:** Provide more and varied housing and meet workforce needs close to employment centers.
- **Complete Places:** Create balanced, integrated mix of uses in Otay Mesa while minimizing collocation compatibility issues.
- **Transit:** Coordinate land use planning with high frequency transit service planning.
- **Environmental Leadership and Sustainability:** Follow environmentally sensitive design and sustainable development practices.

Therefore, because this alternative fails to meet multiple project objectives, and failure to meet even a single objective would be sufficient for rejection of the alternative, this alternative is considered infeasible.

Further, the No Project Alternative is infeasible because it would not meet the General Plan policy regarding preparation of community plan updates. Specifically, Policy LU-C.1 requires that the update process "establish each community plan as an essential and integral component of the City's General Plan with clear implementation recommendations and links to General Plan goals and policies." It further states that community plan updates are important to "maintain consistency between community plans and General Plan, as together they represent the City's comprehensive plan. The No Project Alternative would not allow for the update to proceed and achieve these General Plan policies.

Reduced Biological Impacts Alternative

The Reduced Biological Impacts Alternative is intended to reduce impacts to biological resources in within the CPU area, as illustrated on Figure 10-2. Three locations of reduced impacts would occur within the western portion of the CPU area including: the Southwest Village; the community commercial site west of Ocean View Hills Parkway and north of Otay Mesa Road; and southwest of San Ysidro High School. Reduction in these areas would result in increased preservation of coastal sage scrub, maritime succulent scrub, vernal pools and vernal pool species, as well as non-native grasslands with the potential for vernal pool and burrowing owl habitat restoration. The preservation of coastal sage scrub habitat within the Southwest Village area would improve connections to local habitat corridors to the west between I-805, Beyer Boulevard, and East Beyer Boulevard. In the location west of the San Ysidro High School, this alternative would conserve vernal pool resources and non-native grasslands, consistent with the USFWS Biological Opinion that has been prepared for the Candlelight project site.

An additional location where impacts would be reduced is located along the drainage area west of La Media Road in the south-central portion of the CPU area. Preservation of non-native grassland at this location would reduce impacts to and preserve vernal pools and their associated watersheds, as well as, habitat for burrowing owl. Preservation at this location would also include riparian and mule fat scrub habitat. In addition, the local habitat corridor would be improved from the International Border north to Airway Road.

The land within these areas of reduced impact would become part of the MHPA and development potential would be restricted to 25 percent within the least sensitive portion of the site. The only exception would be the eastern mesa within the Southwest Village which would be 100% conserved. This area has a high potential for vernal pool and burrowing owl restoration due to the appropriate vernal pool soils, connectivity with the adjacent open space network, and minimum edge effects. As a partial offset for this conservation area, a MHPA Boundary Line Adjustment (see Figure 10-2) may be considered within two small canyon heads located south of the proposed Beyer Boulevard on the western edge of the Southwest Village area. The discussion of this alternative is conceptual, as detailed land use plans have not been prepared.

Potentially Significant Effects

Implementation of the Reduced Biological Impacts Alternative would reduce, but not avoid any of the identified significant and unavoidable impacts of the CPU (i.e., air quality [criteria pollutants, sensitive receptors - stationary sources/collocation], noise [traffic, construction, and stationary sources], traffic/circulation [capacity], utilities [solid waste], and greenhouse gas emissions).

However, this alternative would generate fewer ADT due to the greater preservation of open space/reduced amount of residential development within the Southwest Specific Plan Area and the reduced amount of development within areas designated as Community Commercial and IBT. Thus, impacts from traffic and associated traffic congestion (such as, air quality, noise, and greenhouse gas emissions) would be incrementally reduced when compared to the CPU. Impacts associated with utilities (including solid waste) also would be incrementally less due to the reduced amount of future development. This alternative proposes a greater amount of open space than the CPU, and therefore, would result in less grading and ground disturbance than the CPU. Therefore, this alternative would further reduce impacts to biological resources, historical resources, hydrology/water quality, human health/public safety/hazardous materials, and paleontological resources.

Although significant and mitigated under both this alternative and the CPU, impacts associated with wildfire hazards may be slightly increased under the Reduced Biological Impacts Alternative due to the greater amount of natural open space in proximity to development.

Finding and Supporting Facts

Although the Reduced Biological Impacts Alternative generally meets all the CPU objectives, it would not accommodate future population growth to the same extent as the CPU. Thirty percent of the lands within the CPU area are designated as Open Space, and further preservation would jeopardize the ability to implement the General Plan City of Villages strategies and the community plan goals and objectives.

Figure 10-2 illustrates the potential for loss of industrial lands and residential units that would result if this alternative is adopted. The methodology used to calculate this loss of land use acreage is based on gross acreage for reduced development potential within the footprint of the Reduced Biological Impacts Alternative. The information is provided for both the acreage in the Southwestern Specific Planning Area which is designated as Neighborhood Village and for the acreage in the eastern mesa area which is designated as International Business & Trade (IBT). When compared to the CPU, the total village acreage conserved in this alternative is 165 acres within the Southwestern Village, which would result in a loss of approximately 3,630 residential dwelling units. When compared to the CPU, the total industrial acreage conserved in this alternative is 204 acres within the eastern mesa, which would result in a loss of approximately 4.4 million square feet of industrial development.

The total number of reduced residential dwelling units was determined by multiplying the conserved village acreage by 22 units/acre; the number of units/acre used to determine the unit count for the entire Southwestern village area. The reduced industrial square footage was

determined by multiplying the total square footage of the conserved IBT acreage by a 0.5 Floor Area Ratio (FAR); the FAR used for industrial lands calculations for the CPU.

The alternative preserves more area in open space, and in turn reduces the extent of residential/neighborhood village development within the Southwest Specific Plan Area; reduces the amount of developable acreage within areas designated for Community Commercial and allows for less industrial/business park development within the IBT zone. The Reduced Biological Impacts Alternative would reduce the extent of residential development within areas designated for community commercial and industrial/business park development. This alternative would not achieve the level of density and intensity necessary to support the village goals and objectives that are included in the City's General Plan policies LU-B.1, the village designations contained in Table LU-4, and the Urban Design policies in the Urban Design Sections A, B and C. The alternative does not support transit-level densities in the Southwest Village area that would implement the General Plan's Mobility Element policy ME-B.9, and could result in a more suburban development pattern that is auto-centric and not consistent with compact village development where vehicle miles traveled are reduced with alternative transportation opportunities.

The alternative would preclude meeting General Plan City of Villages strategies and Community Plan goals relative to mixed-use, transit-oriented communities, and Otay Mesa as a subregional employment center. It would not provide for housing and accommodate anticipated population and employment growth to the same extent as the CPU as described above; and therefore, this alternative is considered infeasible.

Reduced Density Alternative

The Reduced Density Alternative would convert the IBT land use designation to Light Industrial and reduce the permitted residential densities within both the Southwest Specific Plan and Central Village area (Figure 10-3).

The IBT land use designation combines the uses permitted in both Business Park and Light Industrial designations and would allow for single- and multi-tenant office, research and development, in addition to those uses permitted in the Light Industrial designation. Under the CPU, the IBT would be applied in portions of the community adjacent to the border, POE, or areas in transition to higher intensity industries. Under the Reduced Density Alternative, areas designated as IBT would instead be designated as Light industrial, thereby excluding business park use types, which would serve to reduce the trip generation rates in these areas.

Under this alternative, the maximum number of permitted residential units within the Southwest Specific Plan Area would be reduced from 5,880 to 3,850. The maximum number of permitted residential units within the Central Village would be reduced from 5,246 to 1,940. The permitted densities under the Reduced Density Alternative are consistent with the City of San Diego's

Transit Oriented Development (TOD) Guidelines. Densities under this alternative are assigned based on proximity to future transit (i.e., areas closest to transit would have a density of 25 du's/ac, areas slightly further away would have a density of 12/ac, and areas well beyond transit service would have a density of 7/ac.). Buildout projections for the Reduced Density Alternative compared to the CPU are shown in Table 10-4.

Potentially Significant Effects

Implementation of the Reduced Density Alternative would not avoid any of the significant and unavoidable impacts of the CPU (i.e., air quality [criteria pollutants, sensitive receptors - stationary sources/collocation], noise [traffic, construction and stationary sources], traffic/circulation [capacity], utilities [solid waste], and greenhouse gas emissions). However, this alternative would generate fewer ADT due to the reduced intensity of residential development within the villages, and thus impacts from traffic congestion (such as; air quality emissions and noise, and greenhouse gas emissions) would be incrementally reduced from the CPU. Impacts associated with hazardous materials would be slightly less under the Reduced Density Alternative due to the removal of the IBT land use designation.

The Reduced Density Alternative also lessens the intensity of residential development within both villages. Greater density within the village areas, such as that proposed under the CPU, better implements General Plan and CPU goals for compact communities, a wider range of housing types, affordability, greater transit opportunities, etc. The Reduced Density alternative would allow for more suburban-type development, which would be more auto-centric, and contribute to, rather than reduce GHG impacts.

Although this alternative would reduce density, the development footprint within the CPU would remain generally the same, and therefore, result in similar areas requiring grading and ground disturbance as with the CPU. Therefore, this alternative would have similar, or in some cases less impacts to biological resources, historical resources, hydrology/water quality, human health/public safety/hazardous materials, utilities (including solid waste), and paleontological resources depending on the location and development footprint. As with the CPU, with the exceptions noted below, strict adherence to the applicable mitigation framework for each applicable issue area would reduce potential impacts to below a level of significance. Impacts associated with utilities (solid waste) would remain significant and unavoidable under both the CPU and the Reduced Density Alternative.

Finding and Supporting Facts

Although the Reduced Density Alternative generally meets the CPU objectives, it would replace the IBT land use designation with light industrial, which is more restrictive, and therefore, does not allow for a full range of industrial uses. It also would not achieve the level of density and intensity within both Village Areas necessary to support the Community Village goals and objectives that are included in the City's General Plan, including for compact communities, a wider range of housing types, affordability, greater transit opportunities, etc. The Reduced

Density alternative would allow for more suburban-type development, which could be more auto-centric, and contribute to, rather than reduce GHG impacts.

The Reduced Density Alternative replaces the IBT land use designation proposed by the CPU with Light Industrial, which is more restrictive, and therefore, does not allow for a full range of industrial uses. The IBT designation allowed for in the CPU better implements General Plan and CPU goals relative to a bi-national regional employment center.

Because this alternative would not avoid the significant impacts of the proposed CPU, and would not attain important objectives as discussed above, with failure to meet even a single objective sufficient for rejection of the alternative, this alternative is considered infeasible.

EXHIBIT C

**STATEMENT OF OVERRIDING CONSIDERATIONS
(PUBLIC RESOURCES CODE §21081(B))**

REGARDING FINAL ENVIRONMENTAL IMPACT REPORT FOR THE

OTAY MESA COMMUNITY PLAN UPDATE

PROJECT NUMBER 30330/304032

SCH NO. 2004651076

February 2014

Pursuant to Section 21081(b) of CEQA and CEQA Guidelines §15093 and 15043, CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project.

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

Pursuant to the Public Resources Code §21081(b) and Guidelines § 15093, the City Council, having considered all of the foregoing, finds that the following specific overriding economic, legal, social, technological, or other benefits associated with the proposed Project outweigh unavoidable adverse direct impacts related to land use, traffic/circulation, biological resources, visual resources and neighborhood character, air quality and odor, and water quality and flooding. Each of the separate benefits of the proposed Project, as stated herein, is determined to be, unto itself and independent of the other project benefits, a basis for overriding all unavoidable adverse environmental impacts identified in the Findings.

The City Council also has examined alternatives to the Project, and finds that the proposed CPU alternatives discussed in the FEIR should not be adopted because while each alternative meets some of the basic objectives of the CPU, they do not meet them to the same extent as with the CPU, and do not meet the General Plan policies as further documented below; specifically, that economic, legal, social, technological, or other considerations make the alternatives infeasible. The City also finds that the economic, legal, social, and technological benefits of the proposed CPU that the City has found to override the alternatives' environmental benefits would be negated by the proposed CPU's alternatives.

The City finds that the Project most fully implements the City's desire to incorporate the General Plan's goals and policies into its neighborhoods as part of the long-term community plan update process.

The City Council declares that it has adopted all feasible mitigation measures to reduce the proposed CPU's environmental impacts to an insignificant level; considered the entire administrative record, including the FEIR; and weighed the proposed CPU's benefits against its environmental impacts. After doing so, the City Council has determined that the proposed CPU's benefits outweigh its environmental impacts, and deem them acceptable.

The City Council identified the following public benefits in making this determination. Each of these public benefits serves as an independent basis for overriding all unavoidable adverse environmental impacts identified in these Findings and the FEIR. The City Council considers these impacts to be acceptable, consistent with CEQA Guidelines section 15093.

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

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

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

1. The CPU will provide a comprehensive guide for growth and development in the Otay Mesa Community.

The 1981 Community Plan facilitated the annexation of a portion of Otay Mesa into the City of San Diego. The existing plan generally guided the Otay Mesa Port of Entry development as well as encouraged residential and supporting commercial uses in western Otay Mesa, while reserving eastern Otay for industrial and limited commercial development.

The CPU provides a blueprint for future growth and development that builds on Otay Mesa’s key elements, such as border-serving industries, plentiful open space and habitat, and industrial uses. The CPU creates land use, public facilities, and development policies for Otay Mesa as a component of the City of San Diego’s General Plan. As cited in the FEIR’s 5.1 Land Use section, the CPU provides strategies and specific implementing actions to help ensure that the Community Plan’s vision is accomplished and that it is in conformance with the General Plan. Accompanying the approval of the CPU are related detailed implementing programs, including zoning regulations and a public facilities financing plan (PFFP), that will implement the community plan’s goals and policies.

The CPU provides guidance that facilitates the ability of the City of San Diego, other public agencies, and private developers to design projects that enhance the character of the community, taking advantage of its setting and amenities. The CPU's Land Use Element encompasses a broad range of land use designations defined in the General Plan, supplemented with a more detailed description and distribution of land uses for Otay Mesa. As a subregional employment area and with the vision of providing a balanced community that respects the sensitive resources and provides workforce housing near employment opportunities, the CPU land use designations include: residential with a variety of density ranges, village centers, commercial, industrial, open space, parks, and institutional uses.

The CPU provides goals and policies that will facilitate the development of a variety of uses, facilities, and services needed to serve Otay Mesa; distinct villages that include places to live, work and recreate; a variety of housing types including workforce housing in close proximity to jobs; diversified commercial uses that serve local, community and regional needs; sufficient industrial land capacity to maintain Otay Mesa as a subregional employment center; adequate public facilities and institutional resources that serve the needs of the community; a land use pattern that is compatible with existing and planned airport operations; and border facilities that facilitate the safe and efficient movement of passengers and cargo. Therefore, the goals and policies contained in the CPU utilize the General Plan as a foundation to not only ensure that this community will provide a balance of land uses that respects sensitive uses, provide workforce housing near employment opportunities, but also maintain the General Plan's identification of Otay Mesa as a subregional employment area.

The CPU provides for implementation of the General Plan's housing, economic prosperity, and mobility goals and policies. The CPU provides specific land use and urban design policies as well as the designation of two new villages that will facilitate development of additional housing and commercial opportunities in close proximity to transit and subregional / bi-national employment centers. By maintaining the South District as Heavy Industrial, the CPU ensures that the Port of Entry as an important regional economic catalyst will be protected from encroachment by incompatible uses and sensitive land uses.

To accommodate both the existing population and the anticipated new growth, the PFFP will implement the CPU as it pertains to public facilities and infrastructure. Otay Mesa has a large number of vacant parcels and there are numerous opportunities to provide public infrastructure and facilities that are sited for optimal accessibility. CPU Public Facilities, Safety, and Services Element Policies 6.1-1 through 6.5-5 provide for adequate fire and solid waste services as well as water, wastewater, and stormwater infrastructure to serve the future growth of the community. CPU Public Facilities, Safety, and Services Element Policies 6.6-1 through 6.9-2 encourage coordination of planning efforts for new schools and provide a framework for the provision of a new library, transit stops, healthcare facilities, park and recreation facilities, and other infrastructure required to support the growth anticipated by the CPU. CPU Public Facilities, Safety, and Services Element Policies 6.10-1 through 6.11-2 allow clustering of development in

the southwestern area to avoid seismic conditions and landslides and require remediation where necessary of sites contaminated by prior industrial use.

As such, the CPU provides a consistent, comprehensive approach to balancing workforce housing, respecting sensitive resources, and the retention of industrial land and other facilities required to support Otay Mesa as a bi-national and subregional employment center. These specific factors support the decision to approve the CPU despite the significant unavoidable impacts identified in the PEIR.

2. The CPU provides a balanced land use plan that meets the needs of the Otay Mesa Community

The CPU creates a balanced community through the designation of a variety of synergistic land uses. The CPU provides for two new mixed-use village areas that will promote vibrant, pedestrian-oriented residential, commercial, office, and civic uses, as well as a compatible mix of land uses that promote a healthy environment, while addressing the separation of incompatible uses. The CPU promotes regional and bi-national industrial development and employment centers and supports major international trade and border-related uses by maintaining parcels that are exclusively industrial. Also, the CPU dedicates a substantial amount of open space for the preservation of biological resources and recreation; provides for new public facilities and services and affords adequate housing to accommodate anticipated population growth.

As stated in the CPU, the northwest neighborhood contains mostly single family residential that is almost built-out and not expected to significantly change during the plan horizon. However, there are policies contained in the CPU that support diverse housing opportunities for Otay Mesa residents, including affordable housing opportunities within the two villages. Within those two new villages, one within the Southwest District and one within the Central District, the CPU encourages quality neighborhood- and community-serving commercial uses that will provide needed services, such as banks and pharmacies, in the future. CPU Land Use Element Policies 2.2-7 and 2.2-8 encourage very-low and low income affordable housing as well as moderately priced, market rate housing affordable to middle income households. CPU Land Use Element Policy 2.1-2(k) encourages an anchor grocery store within each village area.

The CPU supports existing and future institutional uses by including Land Use Element Policy 2.8.1, which recognizes the importance of Brown Field to the ongoing industrial and border-related activities. Through the retention of industrial uses around its perimeter, the CPU protects Brown Field from the encroachment of incompatible land uses in order to sustain the airport's role in border trade. The CPU also supports the development of the Cross-Border Facility within Institutional land directly across from Rodriguez International Airport. It encourages collaboration with Southwestern College and both the San Ysidro and Sweetwater Union school districts to provide innovative educational facilities close to housing.

The CPU provides for enough industrial land (27% of the CPU area) to maintain Otay Mesa as a subregional employment center. The CPU provides for Heavy Industrial uses in the South District where the Port of Entry is located and is one of the few remaining areas in San Diego where base sector manufacturing can occur without compatibility concerns. The land use designations within this District are essential for the economic sustainability of the subregional employment center goal. CPU Land Use Element Policies 2.4-1 through 2.4-3 encourage maintenance of the Heavy Industrial lands, and restrict uses such as schools, parks, and libraries, in order to prevent encroachment by sensitive receptors; thereby, reducing environmental concerns such as noise, visual, and air quality impacts.

Outside of the South District, the CPU provides for a variety of industrial uses that will provide a diversity of employment opportunities for village residents. A portion of the Business Park (BP) designation allows multi-family residential and is one of the uses encouraged by the CPU that will help to prevent potential conflicts between village and industrial uses by creating a transitional area between sensitive receptors in the Central Village and the industrial lands to the east and the south. The CPU provides clear policies and zoning to resolve land use conflicts resulting from the collocation of uses, while providing transitional land uses (International Business and Trade [IBT] and BP designations) and clustering complementary land uses to prevent future occurrences. This is crucial for both the well-being of the community and the economic prosperity of the bi-national economy that occurs in Otay Mesa.

By providing a balanced land use plan that significantly reduces collocation impacts in the community for specific uses, the CPU is consistent with the General Plan's land use, housing, and economic prosperity goals and policies. These specific factors support the decision to approve the CPU despite the significant unavoidable impacts identified in the PEIR.

3. Plan adoption and implementation will support the City of Villages strategy through the implementation of additional housing and mixed uses near job/employment centers

The CPU supports an increase in the number of potential residential units, mostly within the two new villages. The 1981 Community Plan allowed for up to 4,800 SF and 7,600 MF residential units (total of 12,400 units) while the CPU would accommodate up to 4,273 SF units and 14,501 MF units (total of 18,774 units; a 33% increase) at various densities up to 44 units per acre; much of this would occur within the two new mixed-use villages but up to 286 units are anticipated within the Business Park Residential Permitted (BPRP) designation. This will contribute to San Diego's ability to accommodate projected housing demand adequately served by public transit. As a result, the goals, policies and objectives of the General Plan and the CPU with respect to Housing and Transportation would be adequately met.

The CPU provides a consistent, comprehensive approach to balancing new housing with the retention of industrial land and building supply in the Otay Mesa in light of the collocation/sensitive receptor issues studied in the EIR. The primarily residential Northwest District is essentially built out and is not anticipated to redevelop greatly in the future; therefore,

the CPU would provide new housing, including affordable housing, in the new village areas, which would also accommodate neighborhood-serving commercial uses and services. The CPU's designation of the Southwest and Central villages would allow denser, more transit-oriented neighborhoods, than currently exists in Otay Mesa, and would intensify the use of transit services. The CPU focuses the new housing and job growth in areas that are transit-oriented; consequently, the CPU would reduce reliance on private automobile use.

The Central District also includes the BPRP land use designation, which allows office, research and development, light manufacturing uses, and up to 49% of its acreage as residential. This designation serves as a transition area, which is essential to the collocation of residential and industrial land uses and helps to ensure that the goal of employment being located near workforce housing will be successful. For all of these reasons, the CPU provides a comprehensive means of implementing the City of Villages strategy with affordable workforce housing located in transit oriented villages and supported by commercial and industrial uses to provide employment opportunities, while minimizing collocation issues.

4. The CPU would provide transitional land uses between the industrial uses east of Cactus Boulevard and the primarily residential western portion of the Mesa.

There would be three locations within the CPU area where industrial and residential uses would directly interface. The first, a 10-acre site in the Northwest District, is an area of light industrial designated land within the Airport District located near an area of medium density residential (within the Northwest District). The second residential-industrial interface area within the CPU area would occur between the Central District and the South District where the Central Village Specific Plan Area would be located west of land designated for industrial uses (business park), and separated by Cactus Road. The Central Village also would be located north of a heavy industrial designated area, separated by Siempre Viva Road and Spring Canyon.

The third area of industrial-residential interface would be development within the BPRP land use category. This BPRP designation would only be applied in one location, at the northwest corner of the intersection of Britannia and Airway Roads, south of SR-905. The BPRP area is adjacent to the eastern portion of the Central Village, and may provide opportunities for office and research and development and to serve as an additional buffer between Britannia Boulevard and the multi-family housing outside of the buffer area. The area designated BPRP would allow for the collocation of residential and industrial uses and would be subject to the BPRP Community Plan Implementation Overlay Zone (CPIOZ). The BPRP CPIOZ would ensure a maximum area for residential development and conformance with the appropriate policies from the Urban Design Element.

While these three collocation areas would remain (and are addressed in EIR Section 5.1.4(a)), the CPU nevertheless provides solution to the problem of incompatible uses by providing clusters of residential, residential serving, and office uses along transit corridors and separated from industrial by the BPRP and BP designations, which serve as a transitional designations. BP

lands are located within the Central District along Airway Road and surrounding the Great Park and School. Properties designated BP that front Britannia Boulevard and Siempre Viva Road located south of Airway Road are intended to separate the park and school uses from more traditional industrial uses that may exhibit nuisance or hazardous characteristics. This BP transition zone serves to reduce environmental impacts associated with light, air, noise and truck pollution by separating the commercial and industrial uses east of Cactus Boulevard and south of Airway Road from the villages and other residential/commercial areas to the west. Further, the urban design policies and guidelines for the South District, which contains the majority of the industrial uses, focuses on the transitions between adjacent, less intense uses and the industrial and commercial uses associated with cross border activities.

Consistent with the General Plan Economic Prosperity Element and its Residential and Industrial Collocation and Conversion Policies, the CPU seeks to minimize land use conflicts and to preserve industrial land within the CPU area. Preparation of the CPU considered citywide economic prosperity goals and, based upon a comprehensive evaluation of the General Plan's collocation/conversion suitability factors (see Appendix C, EP-2 of the General Plan), developed the land use plan and identified several design and siting policies to be included in the CPU, applicable to future development.

The CPU also provides clear policies and controls to support, maintain and enhance a mixture of land uses within the CPU area. Conflicts between incompatible uses are avoided through separation, as in the case of housing and industrial/commercial uses. Cross-border oriented uses are permitted in a portion of the CPU area, but are limited appropriately to avoid conflicts with housing and other sensitive uses. The CPU resolves land use conflicts resulting from the collocation of uses while preventing future occurrences. This is crucial for both the well-being of the community and the economic prosperity of businesses. Policies and strategies are included in the CPU to provide adequate separation of uses principally through the designation of the BP-Office Permitted and BPRP areas which serve as a "Transition Zone" which separates predominately industrial (east of Cactus and south of Airway Road) and the residential areas within the western portion of the CP. The CPU utilizes the following overarching goals in order to reduce the conflicts associated with collocation throughout the CPU area:

- Land Use Element Policy 2.4-7 - Allow for a wide range of businesses that do not negatively impact sensitive receptors to locate in the Business Park and areas adjacent to parks and village areas.
- Land Use Element 2.4-7 a - Provide adequate buffers, such as distance, landscape, berms, walls and other uses, where adjacent to public parks and village areas.
- Land Use Element Policy 2.4-8 - Allow office, research and development, and optional residential uses in the Business Park-Residential Permitted area.
- Land Use Element 2.4-8 a - Allow optional residential uses with proposals that conform to APCD and HAZMAT adjacency guidelines and regulations.

- Land Use Element 2.4-8 b - Implement proposals with optional residential uses with Business Park Residential Permitted CPIOZ, where the residential use does not exceed 49% percent of the contiguous are with the Business Park, Residential Permitted, and the density range for the multifamily residential uses is 15-44 dwelling units per acre.
- Land Use Element Policy 2.4-9 - Provide adequate buffers, such as land uses, landscape, walls, and distance between the residential component of the Business Park Residential Permitted lands, SR-905, and Britannia Boulevard to minimize negative impacts air quality, noise, and of truck transportation on residents.
- Recreation Element Policy 7.1-12 - Site the Grand Park at the southwestern corner of Cactus Road and Airway Road

5. The CPU provides a more effective means to protect and enhance character and function than existing land use controls.

The CPU area is largely undeveloped, with large amounts of natural land and a great number of vacant or underutilized parcels, which are poorly connected. The CPU builds upon the adopted Community Plan’s goal for respecting the community’s natural setting while strengthening linkages and connectivity, improving the built environment, and creating mixed-use walkable neighborhoods. The CPU seeks to encourage an urban form that reflects the land and topography as an important amenity and provides an attractive built environment while simultaneously protecting Brown Field and the industrial and heavy commercial uses that support the cross-border economy as cited in the Urban Design Element’s policies 4.1-1 through 4.1-17.

Urban Design Element Policies 4.2-1 through 4.2-10 encourage pedestrian-oriented design, multi-modal connections, and streetscaping that will promote walkability and support both the village concepts and Airway Road as a “main street”.

The CPU provides the structure to prepare for growth and development through the assumed buildout year of 2062 by providing a foundation for development that builds on Otay Mesa’s established character as a bi-national employment center. These specific factors support the decision to approve the project despite the significant unavoidable impacts identified in the FEIR.

6. The CPU promotes the City’s Complete Streets policy by restoring a more balanced street environment that prioritizes public transit, walking and bicycling over private vehicle movement.

Effective January 1, 2011, state law requires that cities address complete streets upon revisions to their general plan circulation elements. The specific requirement is to “plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.” The City’s General Plan Mobility Element as adopted in

2008 meets this requirement. In fact, the Mobility Element is cited as an example of a general plan that has multi-modal goals and policies, and the City's Street Design Manual is listed as an example of a multi-modal transportation implementation document in the "Update to the General Plan Guidelines: Complete Streets and the Circulation Element," published by the State Office of Planning & Research (December 2010).

The CPU will encourage alternative transportation and aim to reduce vehicle miles traveled (and greenhouse gas emissions) throughout Otay Mesa through a variety of transportation, pedestrian safety, and open space improvements that are included in the Urban Design, Mobility, Recreation, and Conservation elements. The two proposed villages are consistent with the smart growth land use pattern called for in SANDAG's Regional Comprehensive Plan and the multi-modal approach is also consistent with the direction provided by SB 375 to reduce GHG emissions associated with vehicle miles traveled from cars and light trucks while also addressing housing needs.

The CPU proposes significant pedestrian safety improvements within the proposed CPU area, especially along Airway Road which would be designed as Otay Mesa's "main street" as discussed in the Mobility Element. The Airway Road corridor would be designed as an Urban Parkway utilizing Urban Parkway Configurations U-4 – U-6 of the Street Design Manual. Sidewalks, street trees, LID stormwater management facilities, and other urban design treatments would be incorporated along this corridor and safe pedestrian and bicycle access to the Grand Park and Southwestern College would be provided along intersections along Airway Road.

As part of the CPU's Mobility Element, a more robust transit system is envisioned. SANDAG identifies a bus rapid transit corridor, the South Bay Bus Rapid Transit (BRT), which would provide rapid and reliable transportation to downtown San Diego and the Otay Port of Entry. The CPU supports, refines, and implements the City's Bicycle Master Plan within the Otay Mesa area. This includes the provision of Class I bikeways along Caliente Avenue, Beyer Boulevard and the south side of Airway Road. Class II bikeways would be provided along all new classified streets in Otay Mesa. The CPU also encourages bikeways within the village areas to connect to trail heads with access to the canyon system trails and pathways.

Otay Mesa has an extensive canyon system and a total of over 2,500 acres of open space. The CPU provides an opportunity to establish a comprehensive multi-use trail system throughout the MHPA that is well connected to other important mobility links and provide for passive recreation. The CPU also encourages the linking of the southern canyon system near the border with the villages, activity centers, parks, schools, Dennery Ranch Canyon System, and the Otay Valley River Park (OVRP) system to the north.

The CPU provides for the use of street design and traffic calming/management solutions to improve pedestrian safety and also includes an Urban Design Element, which encourages the village design to be both pedestrian and transit-oriented with goals and policies for activating vibrant village cores with attractive streetscaping, public art, architecture, and public facilities.

Urban Design Element Policy 4.2-2(d) calls for the separation of pedestrians from vehicular traffic along Beyer Boulevard and Ocean View Hills Parkway and for sidewalks to provide safe access to schools. Urban Design Element Policy 4.2-2(e) would design the street systems for both villages as a grid or modified-grid and (h) calls for the provision of commercial alleys within the villages in order to allow rear deliveries; thereby reducing traffic congestion, enhancing parking access, and improving aesthetics.

These specific factors support the decision to approve the project despite the significant unavoidable impacts identified in the PEIR.

7. The CPU implements the City's goal to incorporate its General Plan policies and goals into its neighborhoods as part of its long term community plan update process.

The CPU is superior in meeting the General Plan's Guiding Principles and the goals generated by the community planning group and stakeholders because it provides for an increase in preserved lands, an increase in protected employment lands, and two new transit/pedestrian-oriented compact mixed-use villages with a wide variety of housing types and densities that increases the overall residential density of the planning area by approximately one-third. The CPU implements the Housing Elements major goals 1 and 4 with the provision of sufficient housing for all income groups and providing affordable housing opportunities consistent with a land use pattern which promotes infill development and socioeconomic equity, while facilitating compliance with all applicable federal, state, and local laws and regulations.

The alternatives considered include the No Project Alternative, the Reduced Biological Impacts Alternative, and the Reduced Density Alternative. Based on CEQA guidance, the Reduced Biological Impacts Alternative would be considered the environmentally superior alternative as it would preserve more open space and result in fewer impacts resulting from a decrease in developable land. However, the Reduced Biological Impacts Alternative would reduce the extent of residential development within areas designated for community commercial and industrial/business park development. This alternative would not achieve the level of density and intensity necessary to support the village goals and objectives that are included in the City's General Plan policies LU-B.1, the village designations contained in Table LU-4, and the Urban Design policies in the Urban Design Sections A, B and C. The alternative does not support transit-level densities in the Southwest Village area that would implement the General Plan's Mobility Element policy ME-B.9, and could result in a more suburban development pattern that is auto-centric and not consistent with compact village development where vehicle miles traveled are reduced with alternative transportation opportunities.

Open Space lands constitute the largest land use designation in Otay Mesa at thirty percent, with the CPU designating approximately 268 additional acres as Open Space over the existing community plan. The CPU implements the policies of Section 8.1 of the CPU and the General Plan's Conservation Element Policies CE-B.1 and CE-B.2 to protect a network of open lands containing a full ensemble of native species and providing functional wildlife habitat and

movement capability. The CPU maintains, protects, and expands the prime industrial land supply to support the General Plan's goal of Otay Mesa as a subregional employment center and support the bi-national oriented industrial and heavy commercial needs as identified in the CPU. The CPU implements the Economic Prosperity Element's Section 5.1 policies and identifies Prime Industrial Lands in Figure 5.1 of the CPU and implements the General Plan's Economic Prosperity policies EP-A.1, EP-A.3, and Appendix C, EP-3. The increased residential density will assist in meeting the City's affordable housing needs and implement the CPU's housing policies, found in the Land Use Element's Section 2.2 and the General Plan's Land Use Element policies in Section H, Balanced Communities and Equitable Development, for a mix of housing types and the integration of affordable housing within village areas. The Southwest and Central villages are consistent with the General Plan's guiding principles, the City of Villages strategy, and the CPU policies for diverse, balanced, compact, and walkable mixed-use villages that are linked to public facilities, to recreation opportunities, and to employment centers by walkways, bikeways, transit, roadways, and freeways. The CPU Urban Design Element and the General Plan's Urban Design Element policies UD-A.1 – UD-A.17 contained in Section A General Urban Design, policies UD-B.1 – UD-B.8 in Section B Distinctive Neighborhoods and Residential Design, and policies UB-C.1-UD-C.8 in Section C Mixed-Use Villages and Commercial Areas provide policy direction for village areas, streetscape improvements, building character, street trees, and sustainability features, gateways, and view corridors that respect the community's natural setting, strengthens linkages and connectivity, improves the built environment, and creates mixed-use walkable villages. In conjunction with the Urban Design Element, the Public Facilities Element of the CPU and the PFFP would ensure that both private and public development is constructed to a high quality and high aesthetic standard.

The CPU provides the framework for minimizing collocation impacts and creates transition zones by utilizing distance separation, buffers, and the Business Park land use designation to provide a separation from the industrial lands to the south of Airway Road and east of Cactus Boulevard and the primarily residential areas within the western portion of the mesa. The CPU maintains, protects, and expands prime industrial land supply to support the bi-national oriented industrial and heavy commercial needs as identified in the CPU's Economic Prosperity Element and the General Plan's Economic Prosperity policies EP-A.1, EP-A.3, and Appendix C, EP-3. The CPU provides a multi-modal transportation strategy that will enhance the quality of life for the community through context-sensitive street design solutions as identified in the Mobility Element and the General Plan's Mobility Element policies ME-A.1-ME.A-9 in Section A Walkable Communities, policies ME.B-1-ME.B-10 in Section B Transit First, and policies ME.C-1-ME.C-10 in Section C Street and Freeway System.

These fundamental recommendations that are based on the General Plan policies cited not only will create diverse new housing near job/employment centers with transit opportunities; but will maintain the important industrial base while preserving Otay Mesa's unique natural resources and topography. Therefore, the CPU is consistent with the General Plan's Guiding Principles and Community Plan land use goals that were generated with the community during the update

process. These specific factors support the decision to approve the project despite the significant unavoidable impacts identified in the PEIR.

8. The CPU protects canyon lands and sensitive biological resources, while providing recreational opportunities

The CPU preserves approximately 268 acres of additional open space within the preserve system (30% for the CPU v. 27% for the adopted plan) including canyon lands, vernal pools, and other sensitive biological resources while simultaneously providing for recreational opportunities. The CPU provides for the preservation of biological resources, including vernal pools, through the implementation of a land use plan, which includes substantial open space, and promotes sustainable development, located outside of existing designated open space areas. The CPU Conservation Element addresses open space and habitat protection, and also contains policies on how to meet the City's sustainable development goals in areas that have been identified as suitable for development, while facilitating recreational opportunities. CPU policies call for:

- Conservation Element Policy 8.1-2 - The preservation of a network of open and relatively undisturbed canyons and adjacent mesa tops containing a full ensemble of native species and providing functional wildlife habitat and movement capability.
- Conservation Element Policy 8.1-7 - The preservation, restoration, management, and monitoring within identified vernal pool preservation areas in accordance with City, state, and federal policies and regulations. The boundaries of vernal pool preserve areas should be of sufficient size and shape to protect the vernal pool basins, watersheds, functional buffers, and areas necessary to maintain vernal pool ecosystem function and species viability.
- Recreation Element Policy 7.2-1 - Balancing goals to preserve MHPA and open space areas with opportunities for providing recreation.
 - Maintain Spring Canyon and portions of the Otay Valley Regional Park in their natural state. Future uses should be compatible with the open space concept, and may include hiking, bicycling, and sightseeing.
 - Create a close relationship between the natural environment of Spring Canyon and developed areas through an extensive parks, recreation, and open space system by connecting parks to open space trails, bike routes, and sidewalks.
- Recreation Element Policy 7.2-5 - Support efforts to designate trails and create a comprehensive trails system within Spring Canyon and the Otay Valley Regional Park's Dennery Canyon open space areas

Implementation of the CPU would include the mitigation framework set forth in the FEIR, which allows future projects that are consistent with the base zone regulations and the supplemental-regulations for CPIOZ Type A and that have no biological resources are present to be processed ministerially and without further CEQA review. All other projects that could potentially impact biological resources would implement the biological resources mitigation framework as detailed

in the FEIR. The mitigation framework also provides property owners with the information needed to readily determine exactly what would be required in order to develop their property. Implementation of the mitigation framework along with the CPIOZ regulations would ensure consistency of all future development with CPU goals and policies and would work to minimize and avoid impacts to vernal pools, wetlands, habitat, burrowing owls, and other sensitive resources.

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 this Statement of Overriding Considerations.

Passed by the Council of The City of San Diego on MAR 11 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 2 (Vacant)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 25 2014

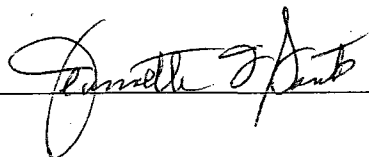
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 308809