

RESOLUTION NUMBER R- **309830**

DATE OF FINAL PASSAGE JUL 16 2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT PROJECT NO. 364960 / SCH NO. 2013121057 AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, FINDINGS, AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR AN AMENDMENT TO THE MID-CITY COMMUNITIES PLAN FOR THE CHOLLAS TRIANGLE.

ITEM # 334
SUB-A
6/30/15

WHEREAS, the City of San Diego undertook (1) a Community Plan Amendment (CPA) to the Mid-City Communities Plan and General Plan; (2) an Amendment to the Land Development Code to add a CPIOZ "Type-B" to provide supplemental design regulations tailored specifically for the Chollas Triangle site; (3) the processing of rezones to citywide zones contained in the Land Development Code (LDC); 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 matter was heard by the City Council on June 30, 2015; and

WHEREAS, the City Council considered the issues discussed in the Environmental Impact Report Project No. 364960 / SCH NO. 2013121057 (Report) prepared for this Project;

NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it is hereby certified that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (California Public Resources Code Section 21000 et seq.), as amended, and the State 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; and

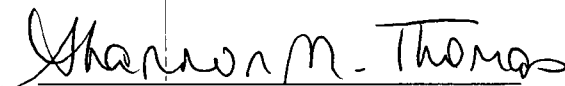
BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation and Monitoring Reporting Program, or alterations to implement the changes to the Project as required by the City Council in order to mitigate or avoid significant effects on the environment, a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

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and CEQA Guidelines Sections 15091 and 15093, the City Council hereby adopts Findings and a Statement of Overriding Considerations with respect to the Project, a copy of which is attached hereto as Exhibit B and incorporated herein by reference; and

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; and

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

APPROVED: JAN I. GOLDSMITH, City Attorney

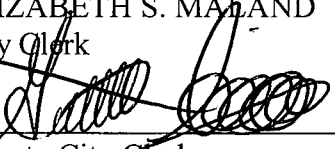
By: 
Shannon M. Thomas
Deputy City Attorney

SMT:als
06/10/2015
Or.Dept: Planning
Doc. No. 1021037

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

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 30 2015.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7/18/15
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM
MID-CITY COMMUNITIES PLAN AMENDMENT –
CHOLLAS TRIANGLE, GENERAL PLAN AMENDMENT AND REZONE
ENVIRONMENTAL IMPACT REPORT SCH No. 2013121057
PROJECT No. 364960

Section 21081.6 of the CEQA Guidelines requires that a mitigation, monitoring, and reporting program be adopted upon certification of an EIR to ensure that the mitigation measures are implemented. The mitigation monitoring and reporting program specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The project is described in this PEIR. The PEIR, incorporated herein as referenced, focused on issues determined to be potentially significant by the City. The issues addressed in the PEIR include air quality/odor; biological resources; greenhouse gas emissions and energy; historical resources; health and safety; hydrology and water quality; land use; noise; paleontological resources; population and housing; public services and facilities; public utilities; parks and recreation; transportation/circulation and parking; and visual effects and neighborhood character.

Public Resources Code section 21081.6 requires monitoring of only those impacts identified as significant or potentially significant. After analysis, potentially significant impacts requiring mitigation were identified for biological resources; historical resources; land use; noise; paleontological resources; parks and recreation; and transportation/circulation and parking. The environmental analysis resulted in the identification of a mitigation framework which would reduce potentially significant impacts, but not to below a level of significance for all environmental issue areas noted above. Specifically, mitigation measures for significant impacts related to Transportation/Circulation and Parking were identified, but the program-level impact remains significant and unavoidable, even with adherence to the Mitigation Framework.

The mitigation monitoring and reporting program for the project is under the jurisdiction of the City and other agencies as specified below. The mitigation monitoring and reporting program for the project addresses only the issue areas identified above as significant. The following is an overview of the mitigation monitoring and reporting program to be completed for the project.

BIOLOGICAL RESOURCES

Impact

Loss of active bird nests during construction associated with redevelopment of the area north of Chollas Parkway would be a significant impact. Disturbance of birds nesting along Chollas Creek during construction associated with roadway removal and park space development would also be a significant impact if it results in nest failure and loss of individuals.

Construction activities associated with the future removal of Chollas Parkway and park space development could result in substantial adverse effects to habitat for two-striped garter snake along Chollas Creek. Such effects could be significant if they result in mortality of individuals.

Mitigation Framework

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, all subsequent projects that could affect habitat along Chollas Creek shall be analyzed in accordance with the CEQA Significance Thresholds, which require that site-specific biological resources surveys be conducted in accordance with the Biology Guidelines. 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 the proposed open space 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. Measures 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, CESA, MSCP Subarea Plan, and ESL Regulations.

Impacts at the plan level would be less than significant, as the project does not include specific Chollas Creek restoration and/or open space and active park projects, and future development projects would be required to implement the Mitigation Framework.

Mitigation Measure

BIO-1: The City shall ensure the following measures are implemented to avoid and minimize potentially significant impacts on special-status species:

- A qualified biologist shall monitor and confirm compliance with applicable MSCP Subarea Plan policies and guidelines during construction activities adjacent to sensitive habitats, including suitable habitat for special-status species. The biological monitor shall be familiar with local habitats, plants, and wildlife, and shall maintain communications with the contractor to ensure that issues relating to biological resources are appropriately and lawfully managed. Biological monitoring shall occur within designated areas during critical times, such as installation of best management practices (BMPs) and fencing to protect sensitive habitats, and to ensure that all avoidance and minimization measures are properly constructed and maintained. The project biologist shall provide a final report documenting compliance with avoidance and minimization measures within 60 days of completion of construction activities.
- Project employees and contractors on-site shall complete a worker-awareness training conducted by the biological monitor. The training shall advise workers of potential impacts on sensitive habitats and species and the potential penalties for such impacts. At a minimum, the program shall address the following topics: importance of sensitive habitats, known and potential occurrence of sensitive species in the area, a physical description, and their general ecology, sensitivity of the species to human activities, legal protection afforded species and sensitive habitats, and work features designed to reduce the impacts to species and sensitive habitats. Employees and contractors shall be instructed to immediately notify the biological monitor of any incidents, such as construction vehicles that move outside of the work area boundary. The biological monitor shall be responsible for notifying the City within 72 hours of any incident.
- Orange construction fencing shall be placed along the perimeter of the identified construction, laydown, and equipment storage areas adjacent to Chollas Creek.

- BMPs shall be implemented during construction to prevent impacts to water quality in Chollas Creek.
- Spill prevention and cleanup measures shall be practiced on-site. Fuel and equipment shall be stored at least 100 feet from Chollas Creek.
- Prior to construction, the project contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the State's General Construction Storm Water Permit – 99-08-DWQ, and implement the SWPPP during construction. Specific measures to be incorporated into the SWPPP include the following:
 - a. All equipment shall be maintained in accordance with manufacturer's recommendations and requirements.
 - b. Equipment and containers shall be inspected daily for leaks.
 - c. The contractor shall use off-site maintenance and repair shops as much as possible for maintenance and repair of equipment.
 - d. If maintenance of equipment occurs on-site, within all areas, fuel/oil pans, absorbent pads, or appropriate containment shall be used to capture spills/leaks.

All food-related trash such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and/or closed trash bags and regularly removed from the project site. Feeding of wildlife shall be strictly prohibited.

Impact

Disturbance of birds nesting along Chollas Creek during construction associated with roadway removal and park space development would be a significant impact if it results in nest failure and loss of individuals.

Mitigation Framework

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, all subsequent projects that could affect habitat along Chollas Creek shall be analyzed in accordance with the CEQA Significance Thresholds, which require that site-specific biological resources surveys be conducted in accordance with the Biology Guidelines. 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 the proposed open space 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. Measures 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, CESA, MSCP Subarea Plan, and ESL Regulations.

Impacts at the plan level would be less than significant, as the project does not include specific Chollas Creek restoration and/or open space and active park projects, and future development projects would be required to implement the Mitigation Framework.

Mitigation Measure

BIO-2: The City shall ensure the following measures are implemented to minimize potentially significant impacts on nesting birds:

To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction (precon) survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the precon survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City DSD for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction. If nesting birds are not detected during the precon survey, no further mitigation is required.

HISTORICAL RESOURCES

Impact

Archaeological resources, if present on-site, could be substantially damaged or destroyed during the excavation for future development projects as part of future project implementation. Damage or destruction of archaeological resources could result in a significant project impact.

Mitigation Measure

AR-1:

- I. Prior to Permit Issuance (for future projects that include ground disturbance)**
 - A. Entitlements Plan Check
 1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction (precon) meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.
 - B. Letters of Qualification have been submitted to ADD
 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
 3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site-specific records search (1/4-mile radius) has been completed. Verification includes, but is not limited to, a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4-mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a precon meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American monitor shall attend any grading/excavation-related precon meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the precon meeting, the Applicant shall schedule a focused precon meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to Be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents that indicate site conditions such as depth of excavation and/or site graded to bedrock, etc. that may reduce or increase the potential for resources to be present.

III. During Construction

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

1. The Archaeological Monitor shall be present full-time during all soil-disturbing and grading/excavation/trenching activities that could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances Occupational Safety and Health Administration safety requirements may necessitate modification of the AME.**

2. The Native American consultant/monitor shall determine the extent of their presence during soil-disturbing and grading/excavation/ trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B–C and IV.A–D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The Archaeological Monitor and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSVs shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

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

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program that has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground-disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also a historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. **Discovery of Human Remains**

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains, and the

following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Section 5097.98) and State Health and Safety Code (Section 7050.5) shall be undertaken:

A. Notification

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

B. Isolate discovery site

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

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

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health and Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with Public Resources Code 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground-disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures, the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

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

1. The PI shall contact the Medical Examiner with notification of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. **Night and/or Weekend Work**

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

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8 a.m. of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III – During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8 a.m. of the next business day, to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

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

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

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

VI. **Post Construction**

A. Preparation and Submittal of Draft Monitoring Report

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

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

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
 3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing, and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC that includes the Acceptance Verification from the curation institution.

Impact

Any deviation from the plans reviewed by City Plan-Historic staff could result in a significant impact to a Historic Resource.

Mitigation Measure

HR-1: The City shall ensure the following measure is implemented to minimize potentially significant impacts on historic architectural resources. Prior to the issuance of any construction permits, including but not limited to, the first grading permit, demolition plans/permits, and building plans/permits for

future development projects, the structures identified in the Preliminary Historical Assessment shall be evaluated for historic significance at the project level in accordance with San Diego Municipal Code Section 143.0212 when a ministerial or discretionary application is submitted to the City to alter or demolish the building.

NOISE

Impact

Noise generated by short-term construction activities is estimated to generate an average maximum noise level of 75 dBA Leq at the nearest on site receptor, which would exceed existing ambient noise levels by more than 10 dBA and, therefore, would be a significant project noise impact.

Mitigation Measure

NOI-1: The City shall require through the discretionary approval process for future development projects that any construction activities and contractors adopt the following measures to control noise generated by construction activities:

- Construction equipment shall be properly maintained per manufacturers' specifications and fitted with the best available noise-suppression devices (e.g., mufflers, silencers, wraps).
- Heavy-duty construction equipment shall not be operated within 15 feet of adjacent structures to prevent structural damage from construction generated vibration.
- If heavy-duty construction equipment must be operated within 15 feet of adjacent structures, before and after crack survey shall be taken of all structures that are within 15 feet of any construction operations. If any damage occurs to such structures from heavy equipment operations, those damages shall be repaired by the project proponent.
- All impact tools shall be shrouded or shielded, and all intake and exhaust ports on power equipment shall be muffled or shielded.
- Heavy-duty construction equipment shall be staged and used at the farthest distance feasible from adjacent sensitive receptors.
- Construction equipment shall not be idled for extended periods.
- Fixed/stationary equipment (such as generators, compressors, rock crushers, and cement mixers) shall be located as far as possible from noise-sensitive receptors.
- An on-site coordinator shall be employed by the project applicant/contractor, and his or her telephone number along with instructions on how to file a noise complaint shall be posted conspicuously around the project site during construction phases. The coordinator's duties shall include fielding and documenting noise complaints, determining the source of the complaint (e.g., piece of construction equipment), determining whether noise levels are within acceptable limits and according to City standards, and reporting complaints to the City. The coordinator shall contact nearby noise-sensitive receptors, advising them of the construction schedule.

Impact

Noise generated by stationary HVAC systems could increase ambient noise levels at adjacent sensitive receptors by more than 3 dBA and, therefore, would be a significant project noise impact.

Mitigation Measure

NOI-2: The City shall ensure that design and installation of stationary noise sources for the project meet the measures described below:

- Implement best design considerations and shielding, including installing stationary noise sources associated with HVAC systems indoors in mechanical rooms.
- Prior to the issuance of a building permit, the applicant or its designee shall prepare an acoustical study(s) of proposed mechanical equipment, which shall identify all noise-generating equipment, predict noise level property lines from all identified equipment, and recommended mitigation to be implemented (e.g., enclosures, barriers, site orientation), as necessary, to comply with the City of San Diego noise ordinance.

With implementation of Mitigation Measure NOI-2, stationary noise sources would be designed and controlled to comply with the City of San Diego noise ordinance.

PALEONTOLOGICAL RESOURCES

Impact

Damage or destruction of a paleontological resource would be a significant project impact.

Mitigation Measure

PALEO-1:

- I. Prior to Permit Issuance
 - A. Entitlements Plan Check
 1. Prior to issuance of any construction permits including but not limited to the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.
 - B. Letters of Qualification have been submitted to ADD
 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the Paleontological Monitoring Program, as defined in the City of San Diego Paleontology Guidelines.
 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
 3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.
- II. Prior to Start of Construction
 - A. Verification of Records Search
 1. The PI shall provide verification to MMC that a site-specific records search has been completed. Verification includes, but is not limited to, a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
 - B. PI Shall Attend Preconstruction (Precon) Meetings
 1. Prior to beginning any work that requires monitoring; the applicant shall arrange a precon meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related precon meetings

to make comments and/or suggestions concerning the Paleontological Monitoring Program with the CM and/or Grading Contractor, and to consult with the grading and excavation contractors concerning excavation schedules, paleontological field techniques, and safety issues. (A qualified paleontologist is defined as an individual with MS or PhD degree in paleontology or geology who is familiar with paleontological procedures and techniques, who is knowledgeable in the geology and paleontology of San Diego County, and who has worked as a paleontological mitigation project supervisor in the county for at least 1 year.)

- a. If the PI is unable to attend the precon meeting, the applicant shall schedule a focused precon meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to Be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11 x 17 inches) to MMC identifying the areas to be monitored, including the delineation of grading/excavation limits. The PME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents that indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

- A. A paleontological monitor should be on-site on a full-time basis during any original cutting of previously undisturbed deposits of high paleontological resource potential (Mission Valley Formation) or during any grading, excavation, or trenching activities, to inspect exposures for contained fossils. (A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials. The paleontological monitor should work under the direction of a qualified paleontologist.) The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances, Occupational Safety and Health Administration safety requirements may necessitate modification of the PME.
- B. In the event of a discovery, the paleontological monitor shall direct the contractor to temporarily divert activities in the area of discovery and immediately notify the RE or BI, as appropriate. The paleontological monitor shall immediately notify the PI (unless paleontological monitor is the PI) of the discovery. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. When fossils are discovered, the paleontologist (or paleontological monitor) should recover them. In most cases, this fossil salvage can be completed in a short period of time. However, some fossil specimens (such as a complete large mammal skeleton) may require an extended salvage period. In these instances the paleontologist (or paleontological monitor) should be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a

timely manner. Because of the potential for the recovering of small fossil remains, such as isolated mammal teeth, it may be necessary to set up a screenwashing operation on the site. Fossil remains collected during monitoring and salvage should be cleaned, repaired, sorted, and catalogued as part of the mitigation program. Prepared fossils, along with copies of all pertinent field notes, photographs, and maps, should be deposited (as a donation) in a scientific institution with permanent paleontological collections such as the San Diego Natural History Museum. Donation of the fossils should be accompanied by financial support for initial specimen storage. A final summary report should be completed that outlines the results of the mitigation program (described below). This report should include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils.

IV. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines that describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

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

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

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

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.

2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC, which includes the Acceptance Verification from the curation institution.

TRANSPORTATION/CIRCULATION, AND PARKING

Impact

University Avenue between 54th Street and 58th Street: Roadway segment is classified as a Four-Lane Major, but is currently constructed and operated as a Four-Lane Collector due to the lack of a continuous raised median. The project would have significant horizon year transportation impacts at this roadway segment.

Mitigation Measure

T-1: University Avenue between 54th and 58th Street

Provide a raised median from 54th Street to 58th Street, satisfactory to the City Engineer. Project significant traffic impact to this roadway segment would be fully mitigated with the implementation of this mitigation measure. This intersection improvement project is identified in the Mid-City PFFP (T28 & T30).

Impact

College Avenue and University Avenue Intersection. The project would contribute a total of 70 and 120 additional trips to the intersection during the AM and PM peak hours, respectively, causing the intersection operations to degrade further (worse LOS E in the AM and PM peak hours) under future with project conditions.

Mitigation Measure

T-2: College Avenue and University Avenue

Restripe the southbound and northbound approaches to provide dual left turn lanes and modify the traffic signal accordingly, satisfactory of the City Engineer. This project will also provide for Class III bicycle lanes on College Avenue north of University Avenue. Project significant traffic impact to this roadway segment would be fully mitigated with the implementation of this mitigation measure. This intersection improvement project is identified in the Mid-City PFFP (T30 & B2).

Impact

Collwood Boulevard between Montezuma Road and 54th Street Roadway Segment is classified as a Four-Lane Major and is currently constructed and operated as a Two-Lane Collector with Class II bike facility on both sides of the street.

Mitigation Measure

Restriping this roadway segment to a four-lane roadway would impact existing bike facility and on street parking that is heavily utilized by existing residential developments in the area. Widening this roadway to accommodate a four-lane roadway configuration and maintaining existing bike facility would require ROW acquisition which would have adverse impact to existing residential properties.

Impact

54th Street and El Cajon Boulevard Intersection. The project would contribute a total of 150 additional trips to the intersection during the PM peak hour causing the intersection LOS to degrade from LOS D to E.

Mitigation Measure

Widening the southbound approach to accommodate a dual left turn lane would require R-O-W acquisition which would have adverse impact on the on-site parking (11 parking stalls) of existing commercial property, pedestrian crossing distance to transit stops on El Cajon Boulevard and 54th Street and newly constructed public improvements related to Mid-City Rapid Bus (Route 215) station at the northwest corner of this intersection on El Cajon Boulevard (transit corridor) that included curb extension, bus shelter and landscaping.

EXHIBIT B

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
MID-CITY COMMUNITIES PLAN AMENDMENT – CHOLLAS TRIANGLE,
GENERAL PLAN AMENDMENT AND REZONE
PROJECT NUMBER 364960
SCH No. 2013121057**

May 21, 2015

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I. INTRODUCTION

A. Findings of Fact and Statement of Overriding Considerations

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 environmental impact report (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 (FEIR).
 - 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 FEIR.
- (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 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. 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 Mid-City Communities Plan Amendment – Chollas Triangle, General Plan Amendment and Rezone, Project No. 364960, State Clearinghouse No. 2013121057 (FEIR), as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) are made, and a Statement of Overriding Considerations (Statement) is adopted by the City of San Diego (City) in its capacity as the CEQA Lead Agency. These Findings and Statement 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.

B. Record of Proceedings

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

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the proposed project;
- All responses to the NOP received by the City;
- The FEIR;
- The Draft EIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to the written comments included in the FEIR;
- All written and oral public testimony presented during a noticed public hearing for the proposed project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in any responses to comments in the FEIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft EIR and the FEIR;
- Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings and Statement; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

C. Custodian and Location of Records

The documents and other materials which constitute the administrative record for the City's actions related to the project are located at the City of San Diego, Planning Department, 1222 First Avenue, Fourth Floor, San Diego, CA 92101. The City Planning Department is the custodian of the administrative record for the project. Copies of these documents, which constitute the Record of Proceedings, are and at all relevant times have been and will be available upon request at the offices of the City Planning Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

II. PROJECT SUMMARY

A. Project Location

The Mid-City Communities Plan Amendment – Chollas Triangle, General Plan Amendment and Rezone (project) area is located in the Eastern Area of the Mid-City planning area within the City of San Diego and is adjacent to the City Heights community to the west (FEIR Figure 2-2). The Chollas Triangle site (site) is bounded by 54th Street to the west, University Avenue to the north, and Chollas Creek and Parkway to the south and east. The project site is located in a San Diego Association of Governments (SANDAG) planned Smart Growth area.

The site is located in an older area within the City with automobile-oriented land uses that are characterized by those developed after the 1940s and 50s. The project site contains approximately 43 acres and is currently occupied by approximately 115,000 square feet of retail commercial businesses and 24 multi- and single-family residences. As shown in FEIR Figure 2-3, a large Kmart store currently occupies the center of the site and is the largest use on-site. An SDG&E electric substation is located south of Lea Street on the southern portion of the site, and three single-family residences are located east of 54th Street and north of Chollas Parkway. A 21-unit apartment complex and a residential care facility (the Teen Challenge Center) are located east of 54th Street and north of Lea Street. A gas station and restaurant/ballroom are located at the southeast corner of 54th Street and University Avenue. A church, bookstore, used car facility, and a liquor store are located at the south of University Avenue and north of Chollas Parkway near the eastern portion of the site. Some undeveloped areas exist north of Chollas Parkway the majority of the site consists of impervious surface that serves as parking and circulation for the various uses on-site.

B. Project Background

The SANDAG Smart Growth Incentive Program funded the preparation of a study, community plan amendment, and environmental analysis for the Chollas Triangle site. The proposed project will help implement the goals of the City of San Diego General Plan's City of Villages Strategy, the Regional Transportation Plan (RTP) and the Sustainable Communities Strategy

(SCS). The project is consistent with the intent of the RTP/SCS in that it facilitates the development of a commercial and housing center, which would maximize density and transit opportunities. The RTP/SCS goals are twofold: first, maximize transit ridership in the greater urbanized area of the region; and second, test the role of the transit network to reduce vehicle miles traveled and greenhouse gas emissions. The proposed project will also help implement the Chollas Creek Enhancement Program to ensure the biological resources of the creek are protected and enhanced while allowing the area adjacent to the creek to be developed as a primary recreational and open space amenity within the community to help meet the needs of the Mid-City Communities for population-based parks acreage.

The proposed land use designations for the project site would allow for a concentrated mix of multi-family residential, retail, and office uses along a transportation corridor that would help to maximize use of transit and to reduce long commutes. Through the planning process, City staff and the planning consultant prepared multiple site plans with varying circulation networks, densities and block patterns for a multi-day charrette with stakeholders and community members. Common elements across the proposals included focusing commercial and retail uses along University Avenue, and generally increasing building heights as the site transitions from north to south. The four proposals evaluated during the charrette contained varying degrees of parcel consolidation. The multi-day outreach process resulted in a plan with equivalent densities and intensities to the preferred alternative, and a circulation network with local streets provided connections within and through the site.

C. Project Description and Purpose

The project is to amend the Mid-City Communities Plan, the City of San Diego General Plan, and rezone the Chollas Triangle project site to allow for the project site to develop as a mixed-use neighborhood village and implement the General Plan City of Villages strategy with up to 486 residential units and 130,000 square feet of nonresidential uses that would include a mixture of retail, office, and other commercial uses.

The project site comprises an approximately 43-acre area between University Avenue to the north, Chollas Creek and Chollas Parkway to the south and east, and 54th street to the west. The proposed land use changes to the Mid-City Communities Plan—Chollas Triangle are to redesignate 24.46 acres of land designated Commercial and Mixed-Use and 3.56 acres of Industrial to Neighborhood Village. The project would also revise the Communities Plan Future Recommended Street Network to redesignate the 11.4-acre portion of Chollas Parkway within the project site to 4.99 acres as population-based park land, 5.5 acres as open space, and 0.91 acres as Neighborhood Village. These changes would allow for the development of multi-family housing in a mixed-use setting with nearby shopping and services.

The project would revise the Mid-City Communities Plan to add a two-lane collector at the location of Lea Street, extending north to intersect with University Avenue, to the future recommended street network. To ensure consistency with the community plan amendment

land use designation changes, the project would also include rezoning the current Community Commercial (CC-5-3) and Industrial Light (IL-2-1) zones to CC-3-5 and Agricultural—Residential (AR-1-1). The AR-1-1 zone allows public park and open space uses without the requirement to dedicate the park land pursuant to City Charter Section 55. The 3-acre City-owned open space located south of Chollas Parkway will retain the existing Open Space-Residential zone (OR-1-1). This would also ensure consistency with the land use designations recommended in the General Plan and the Community Plan Implementation Overlay Zone (CPIOZ Type B), which limits the total square footage of nonresidential development to no more than 130,000 square feet of commercial. The project also includes a General Plan Amendment (FEIR Figure 3-4) to make the land use designations and zoning classifications consistent.

The amendments to the various elements of the Mid-City Communities Plan, General Plan Amendment and the rezone are further described in Chapter 2 of the FEIR. The FEIR provides the public and the decision makers with the ability to plan for the future of the project site at Chollas Triangle.

D. Discretionary Actions

The project would require City of San Diego (City) approval of the following discretionary actions.

- An amendment to the Mid-City Communities Plan for the approximately 43-acre Chollas Triangle site as described in Section 3.2 of the FEIR.
- An amendment to the General Plan for the Chollas Triangle site as described in Section 3.2 of the FEIR.
- A rezone of the majority of the Chollas Triangle project site as described in FEIR Section 3.2 and as identified in FEIR Table 3-1.
- Adoption of a CPIOZ Type B to provide supplemental design guidelines and development regulations tailored specifically for the Chollas Triangle project site.
- Approval and certification of a Final EIR.

E. Statement of Objectives

Pursuant to CEQA Guidelines Section 15124(b) and as described in Section 3.2 of the FEIR, the project has the following objectives:

- Amend the Mid-City Communities Plan policies to allow the site to develop as a transit-oriented, neighborhood village with adequate density to support a neighborhood village concept consistent with the General Plan.
- Create a safe and comfortable neighborhood village that enhances pedestrian connectivity within and to the site from adjacent neighborhoods.
- Provide a diverse array of attractive and affordable housing types that cater to a full range of households and living styles.

- Create a healthy and sustainable urban environment by allowing a land use mix and density that allows for residences, retail, and employment in proximity to each other.
- Create an expanded transit plaza that connects the site to the larger regional system.
- Create a safe, accessible and attractive park environment along Chollas Creek consistent with the Chollas Creek Enhancement program.
- Provide a mixture of passive and active recreation opportunities that will serve families and residents of different ages and cultures and that is consistent with the goal of enhancing the linear open space system identified in the Chollas Creek Enhancement Program.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

On December 20, 2013, in accordance with Guidelines Section 15082, the City distributed an NOP of an Environmental Impact Report to the State Clearinghouse, local and regional responsible agencies, and other interested parties. Various agencies and other interested parties responded to the NOP. The City's NOP, associated responses, and comments made during the scoping meeting held on January 16, 2014, are included in Appendix A of the FEIR.

The Draft EIR for the proposed project was then prepared and circulated for review and comment by the public, agencies, and organizations for a public review period that began on December 24, 2014, and concluded on February 9, 2015. A Notice of Completion of the Draft EIR was sent to the State Clearinghouse, and the Draft EIR was circulated to state agencies for review through the State Clearinghouse, Office of Planning and Research (SCH No. 2013121057). A Notice of Availability of the Draft EIR for review was mailed to organizations and parties expressing interest in the project. The Notice of Availability was also filed with the City Clerk and published in the San Diego Union Tribune and San Diego Daily Transcript. As noted, the public comment period on the Draft EIR concluded on February 9, 2015. The City received numerous comments on the proposed project. The City completed responses to those comments in April 2015. Those responses have been incorporated into the FEIR.

IV. SUMMARY OF IMPACTS

As described in Section 3.3 of the FEIR, the proposed project includes the following actions:

- An amendment to the Mid-City Communities Plan for the approximately 43-acre Chollas Triangle site, to include new community plan land use designations and the realignment and classification of Lea Street as a two-lane collector, and the removal of Chollas Parkway from the Future Recommended Street Network to allow for the future vacation of Chollas Parkway.
- An amendment to the General Plan for the Chollas Triangle site.
- A rezone of the majority of the Chollas Triangle project site.
- Adoption of a CPIOZ Type B to provide supplemental design guidelines and development regulations tailored specifically for the Chollas Triangle project site.

As such, the proposed project sets forth procedures for implementation and provides goals and policies for future development within the Chollas Triangle site.

Controls on development and use of public and private property including zoning and design controls, as well as policies that identify future transportation and park improvements, are included as part of the project. Impacts associated with specific issues (e.g., land use, transportation, air quality, etc.) resulting from approval of the proposed project and future implementation are discussed below.

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

- Agricultural Resources
- Air Quality and Odor
 - Construction and Operational Impacts
 - Exposure of Sensitive Receptors to Pollutant Concentrations
 - Air Quality Thresholds
 - Odor
- Biological Resources
 - Sensitive Habitat
 - Local Plans, Policies and Ordinances: Environmentally Sensitive Lands, Multiple Species Conservation Program/Multiple Habitat Planning Area, Las Chollas Creek Enhancement Program
- Geological Conditions
 - Geologic hazards, soil erosion, geologic stability
- Greenhouse Gas Emissions and Energy
 - Greenhouse Gas Emission Generation
 - Emissions Reduction Plan Consistency
- Health and Safety

- Fire Hazard
- Hazardous Materials
- Hydrology and Water Quality
 - Runoff and Drainage Patterns
 - Flooding
 - Pollutant Discharge
 - Water Quality
 - Erosion
 - Storm Water
- Land Use
 - Development Regulations:
 - Environmentally Sensitive Lands
 - Historical Resources Regulations
 - Plan Consistency:
 - City of San Diego General Plan
 - Mid-City Communities Plan
 - Multiple Species Conservation Program (MSCP)
 - Chollas Creek Enhancement Program
 - San Diego Association of Governments (SANDAG) Regional Comprehensive Plan
 - SANDAG Regional Transportation Plan and Sustainable Communities Strategy
- Mineral Resources
- Noise
 - Land Use Compatibility – New residential, office, and commercial uses
 - Project-Related Traffic Noise
- Population and Housing
- Public Services and Facilities
 - Libraries, schools, fire, police services, parks
- Public Utilities
 - Water Supply
 - Utilities: storm water, wastewater, water utilities; communications; solid waste and recycling; and energy.
- Transportation/Circulation and Parking
 - Alternative Transportation Modes
- Visual Effects and Neighborhood Character
 - Public Views
 - Neighborhood Character/Architecture
 - Landform Alteration

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

- Biological Resources
 - Sensitive Animal Species
 - Wildlife Movement and Corridors

- Wetlands
- Historic Resources
 - Archaeological Resources
 - Significant Buildings
- Land Use
 - MSCP Land Use Adjacency
- Noise
 - Construction Noise Levels
 - Stationary Noise Sources
- Paleontological Resources
- Parks and Recreation
 - Biological Resources
- Transportation/Circulation and Parking
 - Intersection of College Avenue and University Avenue
 - Roadway Segment of University Avenue between 54th Street and 58th Street

Potentially significant impacts of the proposed project are within the responsibility and jurisdiction of another public agency and cannot be reduced to below a level of significance for the following issue:

No issues were identified for which potentially significant impacts are within the responsibility and jurisdiction of another public agency.

Significant and unmitigated project impacts remain for the following issues:

- Transportation/Circulation and Parking
 - Intersection of 54th Street and El Cajon Boulevard
 - Roadway Segment of Collwood Boulevard between Montezuma Road and 54th Street

V. FINDINGS REGARDING SIGNIFICANT IMPACTS

In making each of the findings below, the City has considered the Project Design Features and Plans, Programs, and Policies discussed in the FEIR. The Project Design Features described in the FEIR are part of the proposed CPU that the City has considered, and are explicitly made conditions of proposed CPU's approval. The Plans, Programs, and Policies discussed in the FEIR are existing regulatory plans and programs the proposed CPU is subject to, and, likewise, are explicitly made conditions of proposed CPU's approval.

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 Record of Proceedings pursuant to Public Resource Code §21081(a)(1) and State

CEQA Guidelines §15091(a)(1), adopts the following findings regarding the significant effects of the proposed project, as follows:

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment as identified in the FEIR (Project No. 240982/SCH No. 2009091021) as described below:

Biological Resources (Sensitive Animal Species)

Potentially Significant Effect

Loss of active bird nests during construction associated with redevelopment of the area north of Chollas Parkway would be a significant impact. Disturbance of birds nesting along Chollas Creek during construction associated with roadway removal and park space development would also be a significant impact if it results in nest failure and loss of individuals.

Construction activities associated with the future removal of Chollas Parkway and park space development could result in substantial adverse effects to habitat for two-striped garter snake along Chollas Creek. Such effects could be significant if they result in mortality of individuals.

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. Future development on the project site excluding the area along Chollas Creek shall implement the biological resources mitigation framework detailed in Section 4.2 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 Measure BIO-1 for impacts to special-status species would require that biological monitoring be conducted to confirm compliance with applicable MSCP Subarea Plan policies and guidelines during construction activities adjacent to sensitive habitats, including suitable habitat for special-status species. The biological monitor shall also provide a worker-awareness training for project employees and contractors on-site, and BMPs shall be implemented during construction to prevent impacts to water quality in Chollas Creek. The contractor shall be required to prepare a Storm Water Pollution Prevention Plan and implement the plan during construction.

Mitigation Measure BIO-2 for impacts to nesting birds would require that removal of vegetation or structures that could be used by nesting birds be conducted outside of bird nesting season (February 1 through September 15) and construction activities adjacent to Chollas Creek be conducted outside of the bird nesting season to the maximum extent feasible. If vegetation or structure removal is not completed during the non-nesting season, or if construction occurs adjacent to Chollas Creek during the nesting season, a pre-construction survey shall be conducted by a qualified biologist to determine if active bird nests are present and determine an appropriately sized protective buffer for active nests.

Potentially significant impacts to sensitive animal species would be mitigated to below a level of significance with implementation of Mitigation Measures BIO-1 and BIO-2 identified in Section 4.2 of the FEIR. Adherence to BIO-1 and BIO-2 would reduce impacts to sensitive biological resources.

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, all subsequent projects that could affect habitat along Chollas Creek, pursuant to the Mitigation Framework established in Section 4.2 of the FEIR, shall be analyzed in accordance with the CEQA Significance Thresholds, which require that site-specific biological resources surveys be conducted in accordance with the Biology Guidelines. Measures 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, CESA, Subarea Plan, and ESL Regulations.

Rationale and Conclusion

Mitigation Measures BIO-1 and BIO-2 together would assure that future development excluding Chollas Creek that is implemented in accordance with the proposed plan amendment would be able to mitigate impacts to sensitive animal species. These mitigation measures would reduce potentially significant impacts to biological resources to below a level of significance. Implementation of these mitigation measures would be assured through incorporation into the Chollas Triangle Amendment's MMRP.

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, all subsequent projects that could affect habitat along Chollas Creek shall be analyzed in accordance with the CEQA Significance Thresholds. Measures, based upon the Mitigation Framework in Section 4.2 of the FEIR, 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, CESA, Subarea Plan, and ESL Regulations.

Biological Resources (Wildlife Movement and Corridors)

Potentially Significant Effect

Chollas Creek does not function as a regional wildlife corridor, but it does provide refuge for wildlife and may act as a local habitat linkage, corridor for local wildlife movement, and stopover for migrating birds. Impacts from construction activities associated with urban redevelopment and development of park space north of the existing Chollas Parkway would be less than significant, because they would not substantially interfere with wildlife use or movement. Construction activities associated with the future roadway removal and park space development within the Chollas Parkway alignment would likely require movement of heavy equipment, increased noise levels, and increased human disturbance associated with construction personnel. These increased disturbance levels adjacent to the creek during could substantially interfere with wildlife use along Chollas Creek and would be a potentially significant impact.

Facts in Support of Finding

All impacts to wildlife movement shall be avoided to the maximum extent practicable and minimized when avoidance is not possible.

Future development on the project site excluding Chollas Creek shall implement the BIO-1 and BIO-2 Mitigation Measures detailed in Section 4.2 of the FEIR and discussed further below. Mitigation Measure BIO-1 for impacts to special-status species would require that biological monitoring be conducted to confirm compliance with applicable MSCP Subarea Plan policies and guidelines during construction activities adjacent to sensitive habitats, including suitable habitat for special-status species. The biological monitor shall also provide a worker-awareness training for project employees and contractors on-site, and BMPs shall be implemented during construction to prevent impacts to water quality in Chollas Creek. The contractor shall be required to prepare a Storm Water Pollution Prevention Plan and implement the plan during construction.

Mitigation Measure BIO-2 for impacts to nesting birds would require that removal of vegetation or structures that could be used by nesting birds be conducted outside of bird nesting season (February 1 through September 15) and construction activities adjacent to Chollas Creek be conducted outside of the bird nesting season to the maximum extent feasible. If vegetation or structure removal is not completed during the non-nesting season, or if construction occurs adjacent to Chollas Creek during the nesting season, a pre-construction survey shall be conducted by a qualified biologist to determine if active bird nests are present and determine an appropriately sized protective buffer for active nests.

Adherence to recommendations in mitigation measures BIO-1 and BIO-2 would reduce impacts to sensitive biological resources for future projects excluding Chollas Creek. Potentially significant impacts to wildlife movement would thereby be mitigated to below a level of significance.

For future projects along Chollas Creek, impacts at the plan level would be less than significant, as the project does not include specific Chollas Creek restoration and/or open space and active park projects.

Future projects along Chollas Creek will require discretionary permits under the proposed CPIOZ Type B for the project area. During the project-level review process for future projects along Chollas Creek, the preparation of site-specific biological resources surveys and Biology Reports in accordance with the City's Biology Guidelines will be required. The Biology Report(s) shall include results of protocol surveys and recommendations for additional measures to be implemented during construction-related activities and incorporated into project-level construction documents. The report(s) shall identify the limits of habitat linkages and analyze potential impacts in relation to local fauna to minimize direct impacts on sensitive wildlife species and to provide for continued wildlife movement through the corridor.

Rationale and Conclusion

With implementation of Mitigation Measures BIO-1 and BIO-2, potentially significant indirect impacts on wildlife movement from projects excluding Chollas Creek would be minimized. After mitigation, this impact would be less than significant. Implementation of these mitigation frameworks would be assured through incorporation into the proposed project's MMRP.

Impacts at the plan level for future projects along Chollas Creek would be less than significant, as the proposed project does not include specific Chollas Creek restoration and/or open space and active park projects. Under the CPIOZ Type B proposed to be applied to the project site, all subsequent projects that could affect habitat along Chollas Creek will require site-specific biological resources surveys and biology reports be conducted in accordance with the City's Biology Guidelines during the project-level review process. Measures to minimize direct impacts on wildlife movement, nesting activities, and/or foraging activities shall be identified in the Biology Report(s) for subsequent projects and incorporated into project level construction documents. The Biology Report(s) shall also include recommendations for pre-construction protocol surveys to be conducted during established breeding seasons, construction noise monitoring, and implementation of any species-specific mitigation plans to comply with the FESA, MBTA, CFGC, and/or ESL Regulations.

Biological Resources (Wetlands)

Potentially Significant Effect

Indirect impacts on wetlands during construction could be significant if they result in sedimentation or contamination that has a substantial adverse effect on water quality. Removal of the Chollas Parkway roadway would partially occur within the proposed Chollas Creek open space area but would not directly impact wetlands. Wetlands could, however, be indirectly impacted by fugitive dust, sedimentation, and exposure to contaminants during construction activities associated with roadway removal and subsequent park space development.

Although potential future enhancement projects along Chollas Creek could result in an overall benefit to wetland quality, short-term impacts could be considered significant, and significant long-term impacts could result from enhancement of public access to the creek. Because no specific projects are currently proposed with the project, additional environmental review will be required to accurately quantify and evaluate significance of impacts associated with future projects within the proposed Chollas Creek open space area and future development projects would be required to implement the Mitigation Framework in 4.2 of the FEIR. Impacts at the plan level, therefore, would be less than significant.

Facts in Support of Finding

All impacts to wetlands shall be avoided to the maximum extent practicable and minimized when avoidance is not possible. Future development on the project site excluding Chollas Creek shall implement the biological resources mitigation framework detailed in Section 4.2

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 measure BIO-1 would be implemented for impacts to wetlands for future projects excluding Chollas Creek. Mitigation measure BIO-1 for impacts to wetlands would require that BMPs be implemented during construction to prevent impacts to water quality in Chollas Creek, and require that the contractor prepare a Storm Water Pollution Prevention Plan and implement the plan during construction. With implementation of Mitigation Measure BIO-1, potentially significant indirect impacts on wetlands from projects excluding Chollas Creek would be minimized and compensated. After mitigation, this impact would be less than significant.

To reduce potential direct impacts to City, state, and federally regulated wetlands, all future projects along Chollas Creek shall be required to comply with USACE CWA Section 404 requirements and special conditions, CDFW Section 1602 Streambed Alteration Agreement requirements and special conditions, and the City's ESL Regulations for minimizing impacts to wetlands. Achieving consistency with these regulations for impacts on wetlands and special aquatic sites shall 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, a site-specific biological resources survey shall be completed in accordance with the Biology Guidelines. The Biology Guidelines and Subarea Plan require that impacts on wetlands be avoided and that a sufficient wetland buffer be maintained, as appropriate, to protect resource functions/values. The project-specific Biology Report(s) 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. Any required mitigation for impacts shall be outlined in a conceptual wetland mitigation plan that is prepared in accordance with the guidelines. At the plan level, impacts to wetlands would be less than significant.

Rationale and Conclusion

With implementation of Mitigation Measures BIO-1, potentially significant impacts on wetlands from projects excluding Chollas Creek would be minimized. After mitigation, this impact would be less than significant. Implementation of these mitigation measures would be assured through incorporation into the Chollas Triangle Amendment's MMRP.

To reduce potentially significant impacts to City, state, and federally regulated wetlands, all future projects along Chollas Creek shall be required to comply with USACE CWA Section 404 requirements and special conditions, CDFW Section 1602 Streambed Alteration Agreement requirements and special conditions, applicable RWQCB regulations, and the City's ESL Regulations for minimizing impacts to wetlands. Such projects shall also conduct site-specific biological resources surveys in accordance with the Biology Guidelines during the project-level review process. The Biology Guidelines and Subarea Plan require that impacts on wetlands be avoided and that a sufficient wetland buffer be maintained, as appropriate, to protect resource functions/values. The project-specific Biology Report(s) 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. Any required mitigation for impacts shall be outlined in a conceptual wetland mitigation plan that is prepared in accordance with the guidelines. Should unavoidable impacts to wetlands associated with future Chollas Creek restoration and park and open space projects occur, they shall be minimized to the maximum extent practicable and mitigated as described in Section 4.2 of the FEIR. The project, a General Plan and Mid-City Community Plan Amendment and Rezone does not include such activities, and at the plan level, therefore, impacts would be less than significant.

Historical Resources (Archaeological Resources)

Potentially Significant Effect

As discussed in Section 4.4.1 of the FEIR, archaeological sites have not been identified in or directly adjacent to the project area boundary. However, archaeological resources sites are known to be present in the general project vicinity. The analysis conducted by a City archaeological specialist did not reveal the presence of any known archaeological sites within or adjacent to the project site. Due to the fact that the site is currently occupied with development, extent of existing development and surface disturbance of the site, it would be infeasible to conduct archaeological surveys at this time over most of the project site. Archaeological resources, if present on-site, could be substantially damaged or destroyed during the excavation for future development projects, as part of overall project implementation. Damage or destruction of archaeological resources would be a significant project impact.

Facts in Support of Finding

Due to the potential significant project impact of damage or destruction of archaeological resources if present on-site, any ground disturbance would require an archaeological investigation to identify and evaluate archaeological resources on the parcels within the project site, including the undeveloped portion of the project site south of Chollas Parkway that is proposed to remain as open space and within Chollas Creek.

Mitigation Measure AR-1 would be implemented to avoid potentially significant impacts to archaeological resources if present on-site, and is described in detail in Section 4.4.4 of the FEIR. The mitigation measure includes actions to be taken for specific development projects within the project site the prior to permit issuance, prior to start of construction, during construction, upon discovery of human remains, during night and/or weekend work, and post-construction. The actions include development of an Archaeological Monitoring Exhibit that is in compliance with the requirements for Archaeological Monitoring and Native American Monitoring, and protocols for discovery noticing, significance determination, and artifact handling. The Archaeological Monitor shall be present full-time during all soil-disturbing and grading/excavation/ trenching activities that could result in impacts to archaeological resources as identified on the Archaeological Monitoring Exhibit. If human remains are discovered, work must stop in that area, and the procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) will be followed.

Rationale and Conclusion

As discussed in Section 4.4.4 of the FEIR, future projects implementing the proposed amendment that include ground disturbance will be required to incorporate Mitigation Measure AR-1 adopted in conjunction with the certification of the FEIR and comply with regulatory measures. With implementation of Mitigation Measure AR-1, potentially significant impacts to archeological resources would be minimized and the project would result in less than significant impacts to archeological resources.

Historical Resources (Significant Buildings)

Potentially Significant Effect

The records search conducted for the project did not reveal the presence of local, state, or nationally significant buildings within the project site. In June 2014 Historical Resources staff from the City of San Diego conducted a preliminary historical assessment of Chollas Triangle properties for each site, including water and sewer permits and building permit records, and conducted a site visit. Of the 14 extant structures within the project site, most were determined to be 45 years old or older. Based upon a cursory examination of the buildings and their features, as well as their construction dates including available contexts and resources such as the San Diego Modernism Context Statement, it does not appear likely that the buildings on site would be eligible for listing on the local, State or National Register of historic resources, with the possible exception of 5460-5466 Lea Street. However, due to the limited, preliminary nature of this evaluation, the structures within the project site cannot conclusively be determined to be not significant, and have been given a California Historic Resource Status Code of 7R, "Identified in Reconnaissance Level Survey: Not evaluated."

Therefore, future projects that alter an existing structure could result in a significant impact to a Historic Resource. All other improvements not affecting existing buildings and the demolition of any buildings newer than 45 years of age would result in a less than significant impact.

Facts in Support of Finding

Due to the potential significant project impact of alteration of an existing structure older than 45 years of age, mitigation measure HR-1 shall be implemented to minimize impacts on historical architectural resources.

Mitigation measures HR-1 would require the evaluation for historical significance of the structures identified in the Preliminary Historical Assessment prior to the issuance of any construction permits, including but not limited to, the first grading permit, demolition plans/permits, and building plans/permits for future development projects in accordance with San Diego Municipal Code Section 143.0212 when an application is submitted to the City to alter or demolish the building.

Rationale and Conclusion

With implementation of Mitigation Measure HR-1, potentially significant impacts on historical architectural resources would be minimized and the project would result in less than significant impacts to historical resources.

Land Use (MSCP Land Use Adjacency)

Potentially Significant Effect

A portion of the project site along Chollas Creek is within the Multi-Habitat Planning Area (MHPA), as defined in the City's MSCP Subarea Plan (Figure 4.2-4). Potential future projects could conflict with the MSCP if they are not implemented in compliance with policies and guidelines designed to promote the goals and objectives of the plan. Chollas Creek is part of the MHPA system of urban habitat lands designed to provide habitat for native species remaining in urban areas, "stepping stones" for migrating birds and those establishing new territories, and environmental educational opportunities. Because a portion of the project site is within the MHPA and other portions are adjacent to the MHPA, impacts of potential future projects could conflict with the MSCP Subarea Plan policies and directives applicable to the MHPA and the Land Use Adjacency Guidelines that specifically address potential indirect effects to the MHPA.

Redesignation of Chollas Parkway and potential future creek enhancement projects would facilitate implementation of the Chollas Creek Enhancement Program. The overall goal of the program is to create a linear park encompassing the multiple branches of Chollas Creek, including the portion immediately south of Chollas Parkway. Redesignating the approximately 11.4-acre Chollas Parkway as primarily population-based parkland and open space would directly contribute to the fulfillment of this vision. However, the future development of the Chollas Parkway right-of-way for active park and open space use could potentially result in indirect impacts to sensitive biological resources.

Facts in Support of Finding

Although potential future enhancement projects along Chollas Creek could result in an overall benefit to the MHPA and success of the Chollas Creek Enhancement Program, short-term impacts could be considered significant, and significant long-term impacts could result from enhancement of public access to the creek. Because no specific projects are currently proposed, additional environmental review will be required to accurately quantify and evaluate significance of impacts associated with future projects (other than roadway removal) within the proposed Chollas Creek open space area. Adherence to the Land Use Adjacency Guidelines as specified in Section 4.2 of the FEIR would ensure that indirect impacts would be reduced to below a level of significance.

At the plan level, the proposed open space boundary would provide a greater buffer than the current distance between the creek and existing roadway and pedestrian shoulder. Also, the proposed park space would be a more compatible land use adjacent to the MHPA than the Chollas Parkway roadway. Because the proposed park space is adjacent to a portion of the

MHPA, roadway removal and park space development and maintenance would be implemented in accordance with relevant Subarea Plan general planning policies and guidelines and the Land Use Adjacency Guidelines listed in FEIR Section 4.2.1, Multi Habitat Planning Area.

Consistency of future projects adjacent to the MHPA with the policies of the MSCP will be addressed at the project level. Projects will be required to comply with the Land Use Adjacency Guidelines of the MSCP in terms of land use, drainage, access, lighting, noise, invasive plant species, grading, brush management, and toxic substances in runoff. During the project permitting process, environmental review would be required to determine the significance of land use adjacency impacts and consistency with the MSCP. Prior to project approval, the City will identify specific conditions of approval designed to avoid or reduce potential impacts to the MHPA to below a level of significance and demonstrate compliance with Subarea Plan policies and guidelines, including the MHPA Land Use Adjacency Guidelines. Potential mitigation measures would include 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 uses that may introduce construction noise or noise from future projects that could impact or interfere with wildlife use of the MHPA.

Rationale and Conclusion

As discussed in Section 4.2 of the FEIR, future projects implementing the Chollas Creek Enhancement program or proposed park within or adjacent to the MHPA will be required to comply with the MSCP Subarea Plan and the MHPA Land Use Adjacency Guidelines and to undergo project-specific environmental analysis and mitigation if land use adjacency impacts are identified. Adherence to the Land Use Adjacency Guidelines as specified in Section 4.2 of the FEIR would ensure that indirect impacts would be reduced to below a level of significance.

Noise

Potentially Significant Effect

A. Temporary Construction Noise

Future project development consistent with the project may involve demolition of buildings and a roadway (Chollas Parkway segment), and the construction of new buildings and a new roadway within the project site. Construction activities associated with improvements at the project site would generate short-term, temporary, and intermittent noise, which would be audible at or near the existing noise-sensitive receptors within and adjacent to the project site when construction activities are in proximity. The noise-sensitive receptors on-site that would be nearest to construction activities would be the three single-family residents and Teen Challenge Center near the potential Chollas Parkway demolition, and the 21-unit multi-family residential units near the proposed mixed-use development village. Construction activities could occur within proximity of these uses.

Noise levels generated during construction would fluctuate depending on the physical location of construction activities on the project site and the particular type, number, and duration of use of various pieces of construction equipment. The exact types of equipment to be used for construction within the project site are not available at this time, but typical equipment for urban excavation and building construction is loaders, excavators, backhoes, trenchers, cranes, generators, pneumatic tools, and material transport trucks. As shown in Table 4.8-6 in the FEIR, the maximum noise levels produced by these construction activities at a distance of 50 feet from the nearest noise source range from 80 to 90 dBA without the implementation of feasible noise control.

The City's significance threshold defines a significant increase in the existing ambient noise level as a direct project-related temporary increase of +10 dBA L_{eq} above existing levels. Ambient noise levels were estimated for this project based on the predominant noise source on site, the traffic on adjacent roadways. Traffic noise levels were estimated in FEIR Table 4.8-2 at 64, 65, and 69 dBA L_{eq} (daytime) at 50' from the project roadways of Chollas Parkway, 54th Street, and University Avenue, respectively. Typical ambient levels for urban areas range up to approximately 65 CNEL, (based on land use and noise compatibility guidelines for housing in urban areas (City of San Diego 2008b)).

Therefore, ambient noise levels on-site due to traffic surrounding roadways (i.e., in the centroid of the site) would be less than 65 dBA L_{eq} , and project construction noise levels of approximately 75 dBA L_{eq} on-site would result in a temporary increase in existing ambient noise levels on-site of greater than 10 dBA near construction activities, which would exceed the City's significance threshold for a temporary significant increase. Therefore project construction could result in potentially significant noise impacts.

B. Permanent Operational Noise

HVAC equipment would be a primary operational noise source on-site associated with the proposed multi-family buildings and nonresidential development. Noise levels from HVAC equipment vary significantly depending on unit efficiency, size, and location, but generally average from 45 dBA to 70 dBA L_{eq} at 50 feet (USEPA 1971). Ambient noise levels for the project site were estimated based on the predominant noise source on site, the traffic on adjacent roadways. Traffic noise levels were estimated in Table 4.8-2 at 64, 65, and 69 dBA L_{eq} (daytime) at 50' from the project roadways of Chollas Parkway, 54th Street, and University Avenue, respectively. Typical ambient levels for urban areas range up to approximately 65 dBA CNEL, based on land use and noise compatibility guidelines for housing in urban areas (City of San Diego 2008b). Title 24 requires multi-family dwellings be designed to prevent interior noise levels not exceed 45dBA CNEL.

Based on the estimated existing ambient noise levels and noise levels predicted for HVAC operations (e.g., 45 to 70 dBA L_{eq}), project HVAC systems could increase ambient noise levels in the project site by more than 3 dBA depending on attenuation measures included in the design and the orientation of the exhaust vents. Therefore, long-term noise levels from project HVAC

sources would potentially result in a substantial permanent increase in ambient noise levels (3 dB or greater) for sensitive receptors under existing and cumulative conditions which would be a significant project noise impact.

Facts in Support of Finding

A. Temporary Construction Noise

In order to reduce the impact of temporary construction noise on sensitive receptors, Mitigation Measure NOI-1 will be included in the project's MMRP and implemented through the discretionary development permit approval process. The Community Plan Implementation Overlay Zone (CPIOZ) "Type B" that would be approved as part of the project to provide supplemental design guidelines and development regulations tailored to the Chollas Triangle site requires a discretionary permit (Site Development Permit, Process Three) for future proposed projects on the project site.

Measure NOI-1 requires that any construction activities and contractors adopt the following measures to control noise generated by construction activities as conditions of permit approval:

- Construction equipment shall be properly maintained per manufacturers' specifications and fitted with the best available noise-suppression devices (e.g., mufflers, silencers, wraps).
- Heavy-duty construction equipment shall not be operated within 15 feet of adjacent structures to prevent structural damage from construction generated vibration.
- If heavy-duty construction equipment must be operated within 15 feet of adjacent structures, before and after crack survey shall be taken of all structures that are within 15 feet of any construction operations. If any damage occurs to such structures from heavy equipment operations, those damages shall be repaired by the project proponent.
- All impact tools shall be shrouded or shielded, and all intake and exhaust ports on power equipment shall be muffled or shielded.
- Heavy-duty construction equipment shall be staged and used at the farthest distance feasible from adjacent sensitive receptors.
- Construction equipment shall not be idled for extended periods.
- Fixed/stationary equipment (such as generators, compressors, rock crushers, and cement mixers) shall be located as far as possible from noise-sensitive receptors.
- An on-site coordinator shall be employed by the project applicant/contractor, and his or her telephone number along with instructions on how to file a noise complaint shall be posted conspicuously around the project site during construction phases. The coordinator's duties shall include fielding and documenting noise complaints, determining the source of the complaint (e.g., piece of construction equipment), determining whether noise levels are within acceptable limits and according to City standards, and reporting complaints to the City. The coordinator shall contact nearby noise-sensitive receptors, advising them of the construction schedule.

B. Permanent Operational Noise

In order to reduce the impact of permanent operational noise on sensitive receptors, Mitigation Measure NOI-2 will be included in the project's MMRP.

Mitigation Measure NOI-2 states that the City shall ensure that design and installation of stationary noise sources for the project meet the measures described below:

- Implement best design considerations and shielding, including installing stationary noise sources associated with HVAC systems indoors in mechanical rooms.
- Prior to the issuance of a building permit, the applicant or its designee shall prepare an acoustical study(s) of proposed mechanical equipment, which shall identify all noise-generating equipment, predict noise level property lines from all identified equipment, and recommended mitigation to be implemented (e.g., enclosures, barriers, site orientation), as necessary, to comply with the City of San Diego noise ordinance.

Rationale and Conclusion

A. Temporary Construction Noise

With implementation of Mitigation Measure NOI-1, construction noise sources would be controlled to the extent feasible and reduced below applicable significance criteria (75 dBA L_{eq} and +10 dB increase). Therefore, this impact would be less than significant.

B. Permanent Operational Noise

With implementation of Mitigation Measure NOI-2, stationary noise sources would be designed and controlled to comply with the City of San Diego noise ordinance. After mitigation, this impact would be less than significant.

Paleontological Resources

Potentially Significant Effect

According to the Paleontological Report Assessment, good exposures of the Mission Valley Formation can be observed in the existing cut-slope in the northern portion of the project site. The cut-slope exposes about 41 feet of light gray, poorly sorted, fine- to coarse-grained sandstone capped by at least 6.5 feet of iron-oxide-stained conglomerate. Because there is an existing paleontological collecting locality within the project boundaries, and following the paleontological guidelines developed by the City of San Diego, the Mission Valley Formation is assigned a high sensitivity rating.

Because of the mapped geology and the existing paleontological locality, there is potential for fossil remains to be encountered during grading of the project site. Both the marine and non-marine strata of the Mission Valley Formation are assigned a high paleontological resource sensitivity because of their potential to contribute information important to our understanding and interpretation of the paleontological record of the City of San Diego. The

Mid-City Community Plan designates areas for commercial and residential development, with both passive and active park land and open space (City of San Diego 1998b). Per the City's Significance Determination Thresholds, any excavation into the potentially fossil-bearing strata of the Mission Valley Formation has the potential to result in an impact; therefore mitigation measures shall be required. Typically, a project that would grade more than 2,000 cubic yards at a depth of cut of 10 feet or more in a moderate-sensitivity rated area would have the potential to encounter paleontological resources during grading. Such impacts can be significant, and per the City's Significance Determination Thresholds, would require mitigation.

Facts in Support of Finding

The potential negative impacts to paleontological resources can be reduced to below the level of significance through implementation of a paleontological mitigation plan, consistent with the goals and recommendations of the City of San Diego General Plan and Mid-City Communities Plan, as outlined below.

In order to reduce the potential negative impacts to paleontological resources, Mitigation Measure PALEO-1 is included in the project's MMRP, and is described in detail in Section 4.9.4 of the FEIR. The mitigation measure includes actions to be taken for specific development projects within the project site the prior to permit issuance, prior to start of construction, during construction, and post-construction. The actions include development of a Paleontological Monitoring Program and Exhibit that are in compliance with the City of San Diego Paleontology Guidelines, and protocols for discovery noticing and fossil handling and curation. The Paleontological Monitor shall be present full-time during any original cutting of previously undisturbed deposits of high paleontological resource potential (Mission Valley Formation) or during any grading, excavation, or trenching activities, to inspect exposures for contained fossils. In the event of a discovery, all activities in the area of the discovery will be temporarily diverted so that the fossils can be recovered/salvaged.

Rationale and Conclusion

With implementation of Mitigation Measure PALEO-1, potentially significant impacts to paleontological resources would be minimized and the project would result in less than significant impacts to paleontological resources.

Parks and Recreation (Biological Resources)

Potentially Significant Effect

Redesignation of the Chollas Parkway right-of-way for neighborhood park use and potential future Chollas Creek open space enhancement projects would facilitate implementation of the Chollas Creek Enhancement Program. The overall goal of the program is to create a linear park encompassing the multiple branches of Chollas Creek, including the portion immediately south of Chollas Parkway. Redesignating the approximately 11.4-acre Chollas Parkway as

primarily population-based parkland and open space would directly contribute to the fulfillment of this vision. However, the future development of the Chollas Parkway right-of-way for active park and open space use could potentially result in indirect impacts to sensitive biological resources.

Facts in Support of Finding

For future projects along Chollas Creek, impacts at the plan level would be less than significant, as the project does not include specific Chollas Creek restoration and/or open space and active park projects.

Future restoration and/or open space and active park projects along Chollas Creek will require discretionary permits. During the project-level review process for future projects along Chollas Creek, pursuant to the Mitigation Framework in Section 4.2 of the FEIR, the preparation of site-specific biological resources surveys and Biology Reports in accordance with the City's Biology Guidelines will be required. The Biology Report(s) shall include results of protocol surveys and recommendations for additional measures to be implemented during construction-related activities and incorporated into project-level construction documents. The report(s) shall identify the limits of habitat linkages and analyze potential impacts in relation to local fauna to minimize direct impacts on sensitive wildlife species and to provide for continued wildlife movement through the corridor.

Rationale and Conclusion

Impacts at the plan level for future projects along Chollas Creek would be less than significant, as the proposed project does not include specific Chollas Creek restoration and/or open space and active park projects. Pursuant to the Mitigation Framework in Section 4.2 of the FEIR, all subsequent projects that could affect habitat along Chollas Creek will require site-specific biological resources surveys and biology reports be conducted in accordance with the City's Biology Guidelines during the project-level review process. Measures to minimize direct impacts on wildlife movement, nesting activities, and/or foraging activities shall be identified in the Biology Report(s) for subsequent projects and incorporated into project level construction documents. The Biology Report(s) shall also include recommendations for pre-construction protocol surveys to be conducted during established breeding seasons, construction noise monitoring, and implementation of any species-specific mitigation plans to comply with the FESA, MBTA, CFGC, and/or ESL Regulations.

Transportation/Circulation and Parking

Potentially Significant Effect

The proposed amendment would result in potentially significant transportation impacts (degraded level of service (LOS)) as compared to the existing condition at the following locations as a result of project traffic: 1) the intersection of College Avenue and University Avenue; and 2) the roadway segment of University Avenue between 54th Street and 58th

Street. Table 4.14-1 of the FEIR provides the signalized intersection LOS criteria. The LOS for roadway segments is based on the functional classification of the roadway, the maximum capacity, roadway geometrics, and existing or forecast Average Daily Trip (ADT) and driveway trip volumes. Table 4.14-8 of the FEIR provides roadway segment LOS for the Horizon Year and the Horizon Year with Project Conditions, and Table 4.14-9 provides peak hour intersection LOS for the Horizon Year Base plus Project Conditions.

Facts in Support of Finding

1. Intersection of College Avenue and University Avenue

The project would contribute a total of 70 and 120 additional trips to the intersection during the AM and PM peak hours respectively, causing the intersection operations to degrade further (worse LOS E in the AM and PM peak hours) in the Horizon Year (2035) with project conditions. The following mitigation measure has been identified to address this degradation in service: restripe the southbound and northbound approaches to provide dual left turn lanes and modify the traffic signal accordingly, and concurrently install bike lanes along University Avenue. The project's significant traffic impact to this roadway segment would be fully mitigated with the implementation of this mitigation measure. This intersection improvement project is identified in the Mid-City Public Facilities Financing Plan (PFFP) as improvements T30 and B2. The proposed project requires that the identified mitigation measure be completed and accepted by the City Engineer prior to development that exceeds 4,261 driveway average daily trips. The identified mitigation measure will be implemented through the discretionary review process.

2. Roadway Segment of University Avenue between 54th Street and 58th Street

This segment of University Avenue is classified as a Four-Lane Major, but is currently constructed and operates as a Four-Lane Collector due to the lack of a continuous raised median. The project would have significant horizon year cumulative transportation impacts at this roadway segment, which would degrade from LOS C to LOS E. The following mitigation measure has been identified to address the Horizon Year (2035) impacts: provide a raised median from 54th Street to 58th Street. The project's significant traffic impact to this roadway segment would be fully mitigated with the implementation of this mitigation measure. This segment improvement project is identified in the Mid-City PFFP as projects T28 and T30. The proposed project requires that the identified mitigation measure be completed and accepted by the City Engineer prior to development that exceeds 4,261 driveway average daily trips. The identified mitigation measure will be implemented through the discretionary review process.

Rationale and Conclusion

1. Intersection of College Avenue and University Avenue

With implementation of Mitigation Measure T-2, potentially significant impacts to transportation/circulation and parking at the intersection of College Avenue and University Avenue would be minimized and the project would result in a less than significant impact.

2. Roadway Segment of University Avenue between 54th Street and 58th Street

With implementation of Mitigation Measure T-1, potentially significant impacts to transportation/circulation and parking at the roadway segment of University Avenue

between 54th Street and 58th Street would be minimized and the project would result in a less than significant impact.

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 FEIR and the Record of Proceedings, finds pursuant to CEQA §21081(a)(2) and CEQA Guidelines §15091(a)(2) that there are no changes or alterations which could reduce significant impacts that are within the responsibility and jurisdiction of another public agency.

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

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 regarding transportation/circulation (intersection and roadway segment operations):

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 (Project No. 146803/SCH No. 2008061058) 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.

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. This finding is appropriate because there are no feasible mitigation measures available that would reduce the identified impacts to below a level of significance.

Transportation/Circulation

Significant Effect

The proposed amendment would result in significant and unmitigated transportation impacts in degraded level of service (LOS) as compared to the existing condition at the following locations as a result of project traffic: 1) the intersection of 54th Street and El Cajon

Boulevard; and 2) the roadway segment of Collwood Boulevard between Montezuma Road and 54th Street. Table 4.14-1 of the FEIR provides the signalized intersection LOS criteria. The LOS for roadway segments is based on the functional classification of the roadway, the maximum capacity, roadway geometrics, and existing or forecast Average Daily Trip (ADT) volumes. Table 4.14-8 of the FEIR provides roadway segment LOS for the Horizon Year and the Horizon Year with Project Conditions, and Table 4.14-9 provides peak hour intersection LOS for the Horizon Year Base plus Project Conditions.

Facts in Support of Finding

1. Intersection of 54th Street and El Cajon Boulevard

The project would contribute a total of 150 additional trips to the intersection of 54th Street and El Cajon Boulevard during the PM peak hour causing the intersection LOS to degrade from LOS D to E. The current configuration of the southbound approach includes a single left turn lane. A dual left turn lane is required to mitigate the project impact. Widening the southbound approach to accommodate a dual left turn lane will require right-of-way (R-O-W) acquisition which will reduce the on-site parking supply supporting an existing commercial property by approximately 11 parking stalls, and will have adverse impacts on the pedestrian crossing distance to transit stops on El Cajon Boulevard and 54th Street and on public improvements related to Mid-City Rapid Bus (Route 215) station at the northwest corner of this intersection that include a curb extension and bus shelter with landscaping. This improvement is not recommended as part of this project and therefore, the project impact at this location would remain significant and unmitigated.

2. Roadway Segment of Collwood Boulevard between Montezuma Road and 54th Street

Collwood Boulevard is classified as a Four-Lane Major, but is currently constructed and operates as a Two-Lane Collector with a two-way left turn lane and Class II bike facility on both sides of the street. The roadway segment currently operates at LOS F, and in the Horizon Year with project conditions the segment operations would degrade further to a worse LOS F. Restriping this roadway segment to a four-lane roadway would result in the removal of an existing bike facility, as well as on street parking that is heavily utilized by existing residential developments in the area. Alternatively, widening this roadway to accommodate a four-lane roadway configuration and maintain the existing bike facility will require R-O-W acquisition of at least 13 feet on each side of the roadway, which will require the potential partial demolition of residential structures. Neither of these improvements is recommended as part of this project and therefore, the project impact at this location would remain significant and unmitigated.

Rationale and Conclusion

1. Intersection of 54th Street and El Cajon Boulevard

The identified improvement to mitigate the significant project transportation impact is not “feasible” as defined in Section 15364 of the CEQA Guidelines because of the following specific social consideration:

- The identified mitigation measure would widen 54th Street at El Cajon Boulevard in order to improve intersection level of service for automobiles; however, implementing the mitigation measure would increase pedestrian crossing distance and thereby decrease pedestrian comfort and increase pedestrian exposure to pedestrian/vehicle conflicts on a primary transit corridor (El Cajon Boulevard).

The proposed mitigation would also be inconsistent with the following General Plan policies:

- ME-C.3(d): Where possible, design or redesign the street network, so that wide arterial streets do not form barriers to pedestrian traffic and community cohesiveness.
- ME-C.4(d): When new streets and sidewalks are built and as existing streets and sidewalks are modified – design, construct, operate, and maintain them to accommodate and balance service to all users/modes (including walking, bicycling, transit, high occupancy vehicles (HOVs), autos, trucks, automated waste and recycling collection vehicles, and emergency vehicles).
- UD-A.10: Design or retrofit streets to improve walkability, bicycling, and transit integration; to strengthen connectivity; and to enhance community identity.

2. Roadway Segment of Collwood Boulevard between Montezuma Road and 54th Street

The identified improvements to mitigate the significant project transportation impact is not “feasible” as defined in Section 15364 of the CEQA Guidelines because of the following specific social considerations:

- The roadway restriping mitigation measure would require the removal of an existing bike facility for the required R-O-W.
- The roadway restriping mitigation measure would require the removal of existing heavily utilized on-street parking serving adjacent residential uses for the required R-O-W.
- The road widening mitigation measure would require the acquisition of at least 13 feet of additional right-of-way on each side of the roadway, which would require the potential partial demolition of existing residential structures.

The proposed mitigation would also be inconsistent with the following General Plan policies:

- ME-C.3: Design an interconnected street network within and between communities, which includes pedestrian and bicycle access, while minimizing landform and community character impacts.
- ME-C.4(d): When new streets and sidewalks are built and as existing streets and sidewalks are modified – design, construct, operate, and maintain them to accommodate and balance service to all users/modes (including walking, bicycling, transit, high occupancy vehicles (HOVs), autos, trucks, automated waste and recycling collection vehicles, and emergency vehicles).
- ME-E.3: Emphasize the movement of people rather than vehicles.
- ME-F.2(a): Develop a bikeway network that is continuous, closes gaps in the existing system, improves safety, and serves important destinations.
- ME-F.4(b): Provide bicycle facilities and amenities to help reduce the number of vehicle trips.
- UD-A.10: Design or retrofit streets to improve walkability, bicycling, and transit integration; to strengthen connectivity; and to enhance community identity.

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 3.2 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. 364960/SCH No. 2013121057):

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 (Project No. 364960/SCH No. 2013121057) 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 FEIR for proposed Chollas Triangle Amendment conducted an initial review of three alternatives, which were then eliminated from further study:

- Increased Residential Unit Project
- Reduced Building Height Project
- Alternative Project Location

The reasons these three alternatives were eliminated from detailed evaluation are discussed in the FEIR and are incorporated therein.

Another two alternatives received a detailed analysis in the FEIR. These alternatives are:

- No Project (Adopted Community Plan)
- Reduced Residential Unit Project

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

No Project (Adopted Community Plan) Alternative

The No Project (Adopted Community Plan) Alternative addresses the situation that would occur if the project did not go forward and the project area continued to develop as allowed by the current Mid-City Communities Community Plan adopted in 1998. This alternative thereby allows decision makers to compare the impacts of approving the project with the impacts of not approving the project (CEQA Guidelines Section 15126.6(e)(3)(B)).

Potentially Significant Effects

Continued use of the proposed Chollas Triangle Amendment area as allowed to develop under the currently adopted Mid-City Communities Plan would have similar significant impacts to biological resources (sensitive animal species, wildlife movement and corridors, wetlands), archaeological resources, historical resources (significant buildings), noise (temporary construction noise and permanent operational noise) and paleontological resources, and traffic (intersections and roadway segments) as the proposed project.

As discussed in Section 10.3.1 of the FEIR, “the No Project Alternative assumes that the site would develop pursuant to the existing Mid-City Communities Plan, which would be regulated by the Community Commercial (CC-5-3) zone for the northern portion of the site and the Industrial Light (LI-2-1) zone for the southern portion of the site, which are more auto-oriented development regulations and would not develop as a pedestrian-oriented, multi-modal urban village.” In addition, “Chollas Parkway would not be redesignated as park

and open space land to allow the future development of Chollas Park and enhancement to Chollas Creek, and the existing conditions would remain as described in the EIR.”

Under the No Project Alternative, impacts would occur to biological resources, archaeological resources, historical resources, noise (construction and operational), and paleontological resources as the Chollas Triangle site redevelops in accordance with the existing zoning and land use policies. Traffic impacts would be similar to the project and would remain as significant and unavoidable.

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, the No Project Alternative would not feasibly avoid or substantially lessen the proposed project’s unavoidable significant environmental effects while achieving most of its objectives.

Adoption of this alternative would not achieve the following project objectives:

- Create a safe and comfortable neighborhood village that enhances pedestrian connectivity within and to the site from adjacent neighborhoods.
- Provide a diverse array of attractive and affordable housing types that cater to a full range of households and living styles.
- Create a healthy and sustainable urban environment by allowing a land use mix and density that allows for residences, retail, and employment in proximity to each other.
- Create an expanded transit plaza that connects the site to the larger regional system.
- Create a safe, accessible and attractive park environment along Chollas Creek consistent with the Chollas Creek Enhancement program.
- Provide a mixture of passive and active recreation opportunities that will serve families and residents of different ages and cultures and that is consistent with the goal of enhancing the linear open space system identified in the Chollas Creek Enhancement Program.

In addition, as discussed in FEIR Section 10.3.1, the No Project Alternative would not feasibly avoid or substantially lessen the proposed project’s unavoidable significant environmental effects. This alternative would have similar traffic impacts to the proposed project.

The increased delays at project site intersections and roadway segments would still occur from increased cumulative traffic volumes (horizon year 2035) under the No Project Alternative. One segment would operate at LOS E - University Avenue between 54th Street and 58th Street – and two roadway segments would operate at LOS F - Montezuma Road between Fairmount Avenue and Collwood Boulevard, and Collwood Boulevard between

Montezuma Road and 54th Street. Under the proposed project, the segments identified above would operate at the same LOS in the horizon year, and only one additional segment – College Avenue between El Cajon Boulevard and University Avenue – would operate at LOS E.

Regarding intersections, one intersection would operate at LOS E - College Avenue and University Avenue (PM peak hour) - and two intersections would operate at LOS F - Chollas Parkway and University Avenue (PM peak hour) and 54th Street and Chollas Parkway (PM peak hour and LOS E AM peak hour) under the No Project Alternative. Under the proposed project, the intersections identified above would operate at the same LOS in the horizon year.

Mitigation for the No Project Alternative's traffic impacts, including the project's fair-share contribution to future capacity-enhancing improvements, restriping, roadway reconfiguration, and operational improvements (e.g., optimization of intersection signal timing splits, offsets, and cycle lengths) to the impacted roadway segments and intersections, for the project's contribution to cumulative traffic growth would be provided as development projects occur in compliance with the Mid City Communities Plan. However, the R-O-W constraints that make traffic impact mitigation infeasible under the proposed project would continue to constrain mitigation of traffic impacts under the No Project Alternative.

Therefore, because this alternative fails to feasibly avoid or substantially lessen the proposed projects significant impacts and fails to meet the project objectives as listed above, and because failure to meet even a single objective would be sufficient for rejection of the alternative, this alternative is considered infeasible.

Reduced Residential Units Project Alternative

This alternative, described in FEIR Section 10.3.2, would allow development of the Chollas Triangle site at the low end of the allowable Neighborhood Village density range of 15 dwelling units per acre, which would reduce the proposed residential units by from 486 to 253 (52%) with commercial use remaining constant. This alternative would reduce project ADT to less than 7,218 net new trips.

Potentially Significant Effects

Under the Reduced Residential Units Project Alternative, impacts would occur to biological resources, archaeological resources, historical resources, noise (construction and operational), and paleontological resources as the Chollas Triangle site redevelops at a density range of 15 dwelling units per acre rather than the proposed project's density of 24.5 dwelling units per net acre. This alternative would result in a decrease in net new vehicle trips, reduced congestion and delay related to the project. However, cumulative transportation/circulation impacts to intersections and roadway segments would still occur from increased cumulative traffic volumes under the horizon year 2035 without the project.

Accordingly, reduction in the development would not reduce the cumulatively significant and unavoidable impacts to transportation/circulation to less than significant.

Finding and Supporting Facts

Although the Reduced Residential Units Project Alternative would meet some of the proposed CPU objectives, it would not meet the following objectives:

- Amend the Mid-City Communities Plan policies to allow the site to develop as a transit-oriented, neighborhood village with adequate density to support a neighborhood village concept consistent with the General Plan.
- Provide a diverse array of attractive and affordable housing types that cater to a full range of households and living styles.

The Reduced Residential Units project would not achieve the level of density and intensity necessary to support the Neighborhood Village goals and objectives in the City's General Plan, which are as follows:

- Policy LU-A.1(d): Revitalize transit corridors through the application of plan designations and zoning that permits a higher intensity of mixed-use development.
- Policy LU-A.7(b): Achieve transit-supportive density and design, where such density can be adequately served by public facilities and services.
- Policy HE-A.5: Ensure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density minimums, as well as maximums, of applicable zone and plan designations.
- Policy HE-I.5: Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.
- Policy HE-J.3: Seek to locate higher-density housing principally along transit corridors, near employment opportunities, and in proximity to village areas identified elsewhere in community plans.

It would also decrease the ability of future projects to provide a diverse array of housing types to serve the residents of the Mid-City communities by reducing the total number of units that could be built on the project site. This would be inconsistent with General Plan Policy LU-H.3: "Provide a variety of housing types and sizes with varying levels of affordability in residential and village developments."

Regarding the environmental impacts of the Reduced Residential Units Project Alternative, this alternative would have the same footprint of development, demolition, excavation, and grading as the proposed project. Therefore, it would result in similar impacts to biological resources, archaeological resources, historical resources, and paleontological resources. Slightly less noise impact would result from this alternative, as traffic noise impacts from

existing and future traffic volumes would be slightly reduced by the reduction in net new trips generated by fewer residential units.

Despite the Reduced Residential Units Project Alternative's resulting reduction in net new trips, this alternative would not change the cumulative impact or LOS category at the significantly impacted roadway segments (Collwood Boulevard between Montezuma Road and 54th Street, and University Avenue between 54th Street and 58th Street) or at the significantly impacted intersection of 54th Street and El Cajon Boulevard. This alternative would avoid the intersection impact at College Avenue and University Avenue by reducing the intersection delay. In summary, the Reduced Residential Units Project Alternative would have slightly less impact on transportation and circulation compared to the proposed project, but would still result in significant and unavoidable impacts at two roadway segments and one intersection.

Therefore, because this alternative fails to avoid or substantially lessen the proposed project's significant impacts and fails to meet two important project objectives, and because failure to meet even a single objective would be sufficient for rejection of the alternative, this alternative is considered infeasible.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

A. Mid-City Communities Plan Amendment – Chollas Triangle EIR Statement of Overriding Considerations

Consistent with California Public Resources Code section 21081(b) and CEQA Guidelines Section 15093, the City declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the proposed Chollas Triangle Amendment's environmental impacts. The City also declares that any mitigation measures recommended in the FEIR, but not incorporated into the proposed project, are infeasible and cannot be implemented by the proposed project.

The City also finds that the proposed project alternatives discussed in the FEIR should not be adopted because none of them succeed in reducing environmental impacts while adequately meeting the proposed Chollas Triangle Amendment's objectives; specifically, that economic, legal, social, technological, or other considerations make the alternatives infeasible.

The City finds that the proposed Chollas Triangle Amendment, identified here as the Preferred Project, most fully implements the City's desire to incorporate the General Plan's goals and policies into its neighborhoods.

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

City Council has determined that the proposed Chollas Triangle Amendment'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.

1. The Preferred Project more fully implements the City of San Diego General Plan's City of Villages policies and goals into the Chollas Triangle site than the existing Mid-City Communities Plan.

The Preferred Project provides a blueprint for redevelopment of the Chollas Triangle site by creating land use, mobility, public facilities, and development policies specific to the project site that implement the City of San Diego General Plan City of Villages strategy. The Preferred Project provides land use designations, zoning, and urban design guidance that facilitate the City of San Diego, other public agencies, and private developers to implement public facilities (infrastructure and parks) and design projects that enhance the character of the project site, taking advantage of its setting and amenities.

The Preferred Project will encourage a development pattern that supports a vibrant and pedestrian-oriented neighborhood and streetscape through the provision of design guidelines in the proposed CPIOZ for development of mixed residential, commercial, office, and civic uses. The project improves pedestrian connections between the site and adjacent neighborhoods by establishing Lea Street as a two-lane collector in the community plan street network. The proposed Lea Street connection would increase pedestrian facilities within the site and create a safe pedestrian crossing to adjacent uses through a signalized intersection at University Avenue and Promise Drive. Additionally, the plan expands pedestrian spaces within the public park areas as compared to the existing street network. Chollas Parkway does not have any sidewalks or pedestrian paths; the removal of the roadway from the future street network would allow for the extension of sidewalks on University Avenue to the east and 54th Street to the south – expanding pedestrian access to neighboring communities.

The Preferred Project identifies an enhanced transit node at the corner of 54th Street and University Avenue that would provide ample room and comfortable waiting areas for transit patrons. Amenities identified in the project include bus shelters, seating, trash cans, bicycle parking and transit information. The Preferred Project includes policies that promote a diverse housing stock with multiple housing types; facilitates the improvement and conservation of the habitat of Chollas Creek; and designates new park space (4.99 acres) and open space (5.5 acres) to serve the residents of the Mid-City communities. The goals and policies contained in the Preferred Project utilized the General Plan as a foundation for the redevelopment of the Chollas Triangle site from an auto-oriented commercial and industrial area into a transit-oriented mixed-use village that will provide benefits to the broader community.

Through the redesignation of the project site for Neighborhood Village use, the Preferred Project will allow the development of 486 housing units to support a sustainable mixed-use neighborhood village. Additionally, the future vacation of the Chollas Parkway right-of-way will assist in meeting the General Plan's park standards by providing new recreational opportunities for future Chollas Triangle residents and residents of surrounding neighborhoods.

The Preferred Project provides a multi-modal transportation strategy that will enhance the quality of life for the community through street design policies that tailor the street system surrounding and through the project site to a human scale. This includes establishing Lea Street as a two-lane collector that will provide non-contiguous sidewalks and a signalized intersection that will expand safe pedestrian crossings within the project site. The Preferred Project promotes the City's Complete Streets policy by restoring a more balanced street environment that prioritizes public transit, walking and bicycling in equal measure with private vehicle movement. The Preferred Project proposes significant pedestrian safety improvements within the project area, especially along University Avenue and 54th Street.

Sidewalks on University Avenue would extend continuously through 58th Street, with the removal of an uncontrolled intersection from University to Chollas Parkway. Similarly, the removal of Chollas Parkway from the community's circulation network would allow for the extension of a continuous sidewalk on 54th Street that would connect the project site to the neighboring Redwood Village community to the south.

The pedestrian enhancements proposed for these corridors promote improved use of the existing right-of-way that is presently difficult for pedestrians to navigate safely. Policies supporting additional traffic calming and complete street measures including the removal of the 'free-right' turn lanes at University and 54th Street consistent with the recommendations identified in the University Avenue Mobility Study, are also proposed in the Preferred Project.

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

2. The Preferred Project will support additional housing within the Plan Area in proximity to transit.

The Preferred Project would create a denser, transit-oriented neighborhood than the existing Community Plan currently allows by redesignating portions of the project site from Industrial use to Neighborhood Village. This change allows for increased construction of housing within the project site, which would not be allowed under the current industrial land use designation (existing multi-family residential units within the project site are consistent with the proposed land use designation and zoning). The proposed new housing at the project site would be in close proximity to existing bus and rapid bus services on University Avenue, 54th Street, and El Cajon Boulevard. Consequently, the Project has increased potential to reduce reliance on private automobile use and associated traffic generation while helping to meet the City's housing needs. The Preferred Project recommends the incorporation of a variety of

housing types within the project area to meet the varying needs of the diverse residents of Mid-City. As a result, the General Plan's Housing and Mobility Elements and Preferred Project's goals and policies with respect to Housing and Transportation would be met.

These specific factors support the decision to approve the Preferred Project despite the significant unavoidable impacts identified in the FEIR.

3. The Preferred Project facilitates the future implementation of the policies of the Chollas Creek Enhancement Program.

The Preferred Project seeks to create a holistic urban form that would enhance neighborhood character by allowing for the rehabilitation and enhancement of Chollas Creek to create a park and open space amenity for the surrounding community consistent with the policies of the Chollas Creek Enhancement Program. The project would revise the Mid-City Communities Plan Future Recommended Street Network to redesignate 10.49 acres of the Chollas Parkway right-of-way within the project site, which currently has an underlying zoning designation of Industrial, to a land use designation for population-based park land (approximately 4.99 acres) and open space (5.5 acres) and a complementary Agricultural-Residential zone.

The Chollas Creek Enhancement Program is a City policy document that provides community vision, existing City policy context, design/development guidelines, and an implementation strategy for improving the Chollas Creek drainage system as a community amenity. The Preferred Project provides a rare opportunity to facilitate the implementation of the vision of Chollas Creek as a linear open space system along a significant portion of the creek, to plan for the redevelopment of an underutilized City roadway (Chollas Parkway) into a community park in a park-deficient community, and to apply tailored land use policy and design guidelines to guide residential redevelopment along Lea Street to create a transition into the open space area and take advantage of park views.

Future development of the project site and Chollas Creek Park according to the Proposed Project will also be consistent with the Chollas Creek Enhancement Program by establishing a buffer from non-compatible uses (such as commercial or residential) and incorporating passive park uses that would not adversely affect current storm water pollution impacts or the creek's water quality. The Proposed Project provides the following policy within the Urban Design section to help reduce storm water impacts to Chollas Creek:

- Incorporate green infrastructure (pervious paving, flow through planters, bio-retention swales, etc.) as a means to cleanse storm water run-off prior to entering Chollas Creek.

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

4. The Preferred Project provides a foundation and framework for the development of additional population-based park space and open space in a community that is parks-deficient.

As discussed above, the Preferred Project would facilitate the rehabilitation and enhancement of Chollas Creek to create a park and open space amenity for the surrounding community, by revising the Mid-City Communities Plan Future Recommended Street Network and Land Use maps to redesignate 10.49 acres of Chollas Parkway right-of-way within the project site, which currently has an underlying zoning designation of Industrial, to a land use designation for population-based park land (4.99 acres) and open space (5.5 acres) and a complementary Agricultural-Residential zone.

These proposed changes in land use designation would ensure that the designated park land would provide recreational opportunities that meet the needs of all residents and that are also compatible with the biological resources within Chollas Creek consistent with the Chollas Creek Enhancement Program. Active park uses are recommended to be located along the northern section of the existing right-of-way in the area redesignated for population-based parks. The open space acreage, in complement to the park space, would provide additional land for the expansion and restoration of riparian habitat within Chollas Creek. An open space buffer would extend at least 50 feet from the edge of the natural stream line of the creek, representing the boundary between the Chollas Creek wetlands and the park space to be developed within the redesignated roadway.

The General Plan park standard is to provide a minimum of 2.8 usable acres of population-based parks per 1,000 residents, or a combination of usable acreage and park equivalencies. Currently, the Eastern Area of Mid-City has 26.72 usable acres of population-based park land and an approximate population of 37,800 persons. The Preferred Project would result in an increase in population within the Eastern Area of 1,303 individuals. Based on the General Plan Park Standards, the projected population increase would generate the need for approximately 3.65 usable acres of population-based park. The project as proposed would include the designation of approximately 4.99 usable acres as population-based parkland. Therefore, the project would result in the decrease of the community's overall population-based park deficit by 1.34 acres, and would increase open space acreage as well.

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

VII. CONCLUSION

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

Passed by the Council of The City of San Diego on JUN 30 2015, 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"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 16 2015.

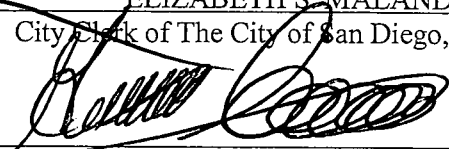
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

(Seal)

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

By  _____, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 309830