

Item 333-2/14/17

(R-2017-242)  
COR. COPY

RESOLUTION NUMBER R- 310959 *Subitem A*

DATE OF FINAL PASSAGE FEB 14 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 2982/SCH NO. 1999071104, AND ADOPTING FINDINGS, A STATEMENT OF CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE EL CAMINO REAL ROAD BRIDGE PROJECT – PROJECT NO. 2982.

WHEREAS, the City of San Diego, Public Works Department submitted an application to Development Services Department for a Site Development Permit for the El Camino Real Road Bridge Project (Project); and

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

WHEREAS, the issue was heard by the City Council on FEB 14 2017, and

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

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 2982/SCH NO. 1999071104 (Report) prepared for this Project; NOW THEREFORE,

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

thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project.

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

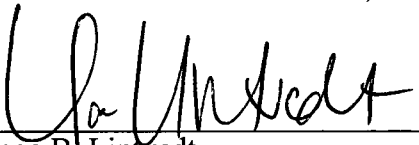
BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the Project, which are attached hereto as Exhibit B.

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

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the DEVELOPMENT SERVICES DEPARTMENT, 1222 FIRST AVENUE, SAN DIEGO, CA 92101 or CITY CLERK, 202 C STREET, SAN DIEGO, CA 92101.

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

APPROVED: MARA W. ELLIOTT, CITY ATTORNEY

By:   
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Inga B. Lintvedt  
Deputy City Attorney

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Doc. No. 1432779

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

## EXHIBIT A

### MITIGATION MONITORING AND REPORTING PROGRAM

#### SITE DEVELOPMENT PERMIT

PROJECT NO. 2982

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No.2982 SCH No. shall be made conditions of the Site Development Permit as may be further described below.

### MITIGATION MONITORING AND REPORTING PROGRAM

#### 1 CITY GENERAL REQUIREMENTS

This Mitigation Monitoring and Reporting Program (MMRP) is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the MMRP will be maintained at the offices of the Entitlement Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report (Project Tracking System [PTS] No. 277550) shall be made conditions of the project as may be further described below.

#### A. GENERAL REQUIREMENTS – PART I Plan Check Phase (prior to permit issuance)

1. Prior to issuance of a Notice to Proceed (NTP), the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division shall verify that the Mitigation Measures have been included in entirety on the submitted construction documents and contract specifications, and included under the heading, "Environmental Mitigation Requirements." In addition, the requirements for a Preconstruction Meeting shall be noted on all construction documents.

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

3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>

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

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

**B. GENERAL REQUIREMENTS – PART II**

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

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

**[List project specific consultants here]**

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

**CONTACT INFORMATION:**

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
- b) For ENVIRONMENTAL REQUIREMENTS, it is required to call **MMC at 858-627-3360**

**2. MMRP COMPLIANCE:** This Project, PTS No. 2982 and /or Environmental Document #SCH No. 1999071104, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the Development Services Department's (DSD) Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc

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

**3. OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

**[List project specific required permits and civil penalty documents here]**

**4. MONITORING EXHIBITS**

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

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

**5. OTHER SUBMITTALS AND INSPECTIONS:**

The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

<b>DOCUMENT SUBMITTAL/INSPECTION CHECKLIST</b>		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Land Use	Land Use Adjacency Issues CVSRs	Land Use Adjacency Issue Site Observations
Traffic	Verification of Traffic Mitigation	Prior to Issuance of Grading or Building Permits for Each Phase
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Biology Monitoring Reports	Biology/Habitat Inspection
Archaeology	Archaeology Reports	Archaeology/Historic Site Observation
Paleontology	Paleontology Reports	Paleontology Site Observation
Waste Management	Waste Management Reports	Waste Management Inspections
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

**C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS**

The specific measures provided in this recirculated EIR for issues determined to be significant are presented individually in each applicable section in Chapter 3 of the EIR and duplicated below.

**2 LAND USE**

**2.1 Impacts**

Only potential land use impacts related to the Multi-Habitat Planning Area (MHPA) on-site would be significant but mitigable under CEQA for this project. MHPA land use adjacency mitigation measures are necessary for each of the build alternatives, as the project is located within and/or adjacent to the MHPA. These measures are to be used in addition to the “Biological Resource Protection During Construction MMRP” and with the direct habitat impact and species specific mitigation requirements specified in Section 3.12 of this recirculated EIR.

## 2.2 Mitigation Measures

**Lan-1** The following measures shall be implemented as required by the City:

- I. As specified in the mitigation measures in Section 3.1, prior to issuance of any construction permit or notice to proceed, DSD/ LDR, and/or MSCP staff shall verify the Applicant has accurately represented the project's design in or on the Construction Documents (CD's/CD's consist of Construction Plan Sets for Private Projects and Contract Specifications for Public Projects) are in conformance with the associated discretionary permit conditions and Exhibit "A," and also the City's Multi-Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines. The applicant shall provide an implementing plan and include references on/in CD's of the following:
  - A. **Grading/Land Development/MHPA Boundaries** - MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. DSD Planning and/or MSCP staff shall ensure that all grading is included within the approved development/construction footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA. For projects within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
  - B. **Drainage** - All new and proposed parking lots, staging areas, and developed areas in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All staging and developed/paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved temporary and permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
  - C. **Toxics/Project Staging Areas/Equipment Storage** - Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactful to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Provide a note in/on the CD's that states: *"All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."*
  - D. **Lighting** - Lighting within or adjacent to the MHPA shall be directed away/shielded from the MHPA, or limited to the immediate area and be subject to City Outdoor Lighting Regulations per LDC Section 142.0740.
  - E. **Barriers** - Construction and new development within or adjacent to the MHPA shall be required to provide barriers (e.g., non-invasive vegetation; rocks/boulders; 6-foot high, vinyl-coated chain link or equivalent fences/walls; and/or signage) along the MHPA boundaries to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.
  - F. **Invasives**- No invasive non-native plant species shall be introduced into areas within or adjacent to the MHPA.

**G. Noise** - Due to the site's location adjacent to or within the MHPA where the Qualified Biologist has identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for the following: Least Bell's vireo (3/15-9/15). If construction is proposed during the breeding season for the species, USFWS protocol surveys shall be required in order to determine species presence/absence. If protocol surveys are not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring.

When applicable (i.e., habitat is occupied or if presence of the covered species is assumed), adequate noise reduction measures shall be incorporated. These measures are provided in Section 3.12 of this recirculated EIR (see Mitigation Measures Bio-10 and Bio-13). In addition, habitat-based mitigation shall also be implemented for impacts to occupied least Bell's vireo habitat (see Mitigation Measures Bio-10 and Bio-13).

### **3 VISUAL/AESTHETICS**

#### **3.1 Impacts**

All build alternatives would have significant aesthetic impacts from degradation of visual character. These impacts would be mitigable to below a level of significance under CEQA by the measures listed below. For the issue of views, all build alternatives would have significant view impacts from blocking a view corridor and blocking a view of a public resource. The view blockage would be due to the fencing needed on the outside of the cantilever equestrian trail on the west side of the bridge. This impact would not be mitigable to below a level of significance under CEQA.

The Road Capacity and Bicycle Safety alternatives would have significant neighborhood character and development feature impacts due to the retaining walls that would exceed 6 feet in height. These impacts would be mitigable to below a level of significance under CEQA by the measures listed below.

#### **3.2 Mitigation Measures**

The following measures shall be implemented to minimize visual/aesthetics impacts:

**Vis-1** To mitigate impacts associated with Aesthetics issue 1a (change resulting from the removal of the vegetation that constitutes a visual resource), prior to bid opening/bid award, the Public Works Department shall submit a landscape plan to be verified as reviewed and approved by the LDR-Landscape and/or ADD Environmental designee prior to being incorporated into the plans and specifications. This study has assumed that a revegetation plan will be part of a formal mitigation measure related mostly to biological impacts and mitigations. To assure that Aesthetic Issue 1a, Changes to the Quality of Current Scenic Resources, is addressed, the following requirements must be met: prior to bid opening/bid award, the Public Works Department shall submit a landscape plan to be verified as reviewed and approved by the LDR-Landscape and/or ADD Environmental designee prior to being incorporated into the plans and specifications. This program would require the preparation of a revegetation plan prepared by a landscape architect. The revegetation plan for the river vegetation disturbed by construction shall be conducted as addressed in Section 3.12.5. Monitoring and maintenance would be required for a 5-year period to assure that the visual quality change has been fully mitigated, although the vegetation is expected to establish for visual purposes within 3 years, which is a standard protocol for establishment purposes of a restored area. This mitigation measure applies to all build alternatives.



- Vis-2** To mitigate impacts associated with Aesthetics issue 1c(1) (change resulting from the change in the character of the bridge and the change in scale associated with the heightened nature of the bridge and its abutments), prior to bid opening/bid award, the Public Works Department and LDR-Landscape or ADD shall verify that the bridge railing system was designed to integrate the concrete barrier requirements of a K-rail with those commonly associated with a wood rail barrier. The barrier shall include a steel backed wood-appearing faced railing barrier. The railing shall have a dominant horizontal look and be painted white to match the existing rails. These treatments shall be extended down the roadway and substitute standard steel barriers with wood-appearing rail barriers. This mitigation measure applies to all build alternatives. An Optional Type ST-40 railing approved by Caltrans would be more consistent with the existing rural character and would allow for higher visibility through the railing, especially as seen from the roadway.
- Vis-3** To mitigate impacts associated with Aesthetics issue 1c(3) (change resulting from the removal of visual resources that make up the current visual character of an important public view, specifically the Polo Fields as seen from the existing and proposed bridge), prior to bid opening/bid award, the Public Works Department shall submit to LDR-Landscape and ADD for review and approval a landscape plan that has been incorporated into the plans and specifications. This program would require the preparation of a revegetation plan prepared by a landscape architect. As mitigation for the grove of trees removed at the southern end of the drainage ditch parallel to El Camino Real, in order to provide a visually comparable tree massing, the Eucalyptus tree grove (assumed to be 12 trees) and the Sycamore grove (assumed to be three trees) are proposed to be replaced at a 3:1 ratio (based on the mature size of the trees removed) utilizing varying container sizes up to 36-inch box trees for a total of 45 new trees. These trees are proposed to all be sycamore, even though many of the existing trees are eucalyptus. They shall be planted in a grove-like arrangement near the river, on each side of the bridge abutment, in a pattern that emulates a naturalized condition. In order to provide a visually comparable tree massing, the row of trees along the fence (assumed to be 30) are proposed to be replaced at a 3:1 ratio for a total of 90 new 24-inch box trees. These trees are proposed to be planted as part of the parkway planter area (25-35 feet on center). The parkway trees to replace the row trees would be planted in a clustered, informal manner in accordance with City landscaping guidance. The fence itself is proposed to be reconstructed on each side of the new alignment. The entry gate into the Polo Fields is also proposed to be replaced at the new entry to the Polo Fields. This mitigation measure applies to the Central Alignment, Eastern Alignment, Roundabout, and Lower Elevation alternatives.
- Vis-4** To mitigate impacts associated with Aesthetics issue 1c(4), Neighborhood Character issue 3a, and Development Features issue 4c (impacts associated with large-scale walls associated with the Road Capacity and Bicycle Safety alternatives), prior to bid opening/bid award, the Public Works Department shall submit to LDR-Environmental, LDR-Landscape, and ADD plans that incorporate the use of colored and textured concrete or alternating split face block with integral color for the retaining wall, depending on the material selected for the wall construction. In addition, prior to bid opening/bid award, the Public Works Department shall submit to LDR-Landscape and ADD a landscape plan prepared by a Landscape Architect that includes the use of vegetation placed in front of the wall, consisting of approved City trees and shrubs. This mitigation measure applies to the Road Capacity and Bicycle Safety alternatives only.

## **4 HISTORICAL RESOURCES**

### **4.1 Impacts**

The records search and field reconnaissance surveys identified no significant historical resources within the APE. Based on the results of the surveys and record search, no unique resources as defined in Section 21083.2 of CEQA would be impacted with this project. However, because there is the possibility for buried resources, there is a potential for significant impacts, which necessitates construction monitoring.

### **4.2 Mitigation Measures**

Although no cultural resources identified within the Area of Potential Effect (APE) are considered significant, construction monitoring by a qualified archaeologist and a Native American is required to address potential impacts to buried cultural resources in the alluvial deposits within the project area. The monitoring program shall be conducted according to City guidelines as follows.

**His-1** Due to the potential for buried cultural resources to be encountered on-site, a qualified archaeological monitor and a Native American monitor shall be present during project-related grading activities, including on the Joint Powers Authority (JPA) Mitigation Site and the additional mitigation area identified for the Roundabout Alternative, should that alternative be selected. This shall include removal of existing pavement and concrete hardscaping such as walkways. The following measures shall be implemented:

#### **I. Prior to Permit Issuance**

##### **A. Entitlements Plan Check**

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

##### **B. Letters of Qualification have been submitted to ADD**

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

### **B. PI Shall Attend Precon Meetings**

1. Prior to beginning any work that requires monitoring; the 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 which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

### III. During Construction

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

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The CM 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 and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSRs 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 which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground-disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that 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 (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

### A. Notification

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

### B. Isolate Discovery Site

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

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

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

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

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

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

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

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the preconstruction 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 CSV 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 8:00 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 (Appendix B/C) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
    - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.

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

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

B. Handling of Artifacts

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

C. Curation of artifacts: Accession Agreement and Acceptance Verification

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

D. Final Monitoring Report(s)

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



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

## **5 HYDROLOGY/WATER QUALITY**

### **5.1 Impacts**

Impacts in terms of changes to stream flow velocities were concluded to be significant because all of the build alternatives would slightly increase 100-year velocities in the river upstream (east) of the road and bridge. At one cross section upstream of the new bridge, velocities would increase from being borderline erosional (from 3 fps to 6 fps) to erosional (greater than 6 fps). Also, at several cross sections around the new bridge, velocities already in the erosional range (greater than 6 fps) in existing conditions would be faster in the 100-year flood event with the proposed project. These changes in 100-year flood velocities are concluded to be substantial. These impacts would be mitigable to below a level of significance under CEQA by the measures listed below.

In terms of water quality, all alternatives would comply with the City Water Quality Standards. However, impacts during construction were concluded to be significant for all build alternatives because additional Best Management Practices (BMPs) may be required by the permitting agencies to protect clapper rail and their habitat upstream of the bridge. These measures would be developed during negotiations for the permits, but negotiations cannot be held until the Draft EIR is completed and provided for public review. These impacts would be mitigable to below a level of significance under CEQA by the measures listed below.

### **5.2 Mitigation Measures**

**Hyd-1** The following measure will be incorporated into the project plans and specifications to mitigate impacts associated with the increase of 100-year velocities in the river to above erosional levels. Prior to bid opening/bid award, the Public Works Department shall verify that plans to provide buried bank protection along the northern bank of the river for 500 feet east of the new bridge have been incorporated into the project plans and specifications. The bank protection shall be designed in accordance with the following concept to prevent impacts to wetlands in the river: place a temporary construction fence/environmental fence at the point of the slope where the habitat line ends. On the upstream side, remove the slope, creating a notch that is back cut from the environmental fence to the desired elevation. Fill in and rebuild the slope, with buried riprap and/or matting, up to the necessary height. The construction zone would be from the trail edge on top down to the environmental habitat limit lower on the slope. The slope would be refilled and re-contoured and revegetated with native coastal sage scrub plant materials as directed by the permitting agencies. The existing trail shall be repaired to existing condition or better. A temporary trail would be provided so there would be no interruption in access during construction.

**Hyd-2** To mitigate construction impacts associated with water quality, prior to bid opening/bid award, City staff shall verify that a Stormwater Pollution Prevention Plan (SWPPP) is incorporated into the construction specifications and plans, and that the SWPPP includes all conditions that may have been added by the permitting agencies to protect the endangered clapper rail upstream of the bridge. The SWPPP shall identify all construction BMP requirements required by the City of San Diego Storm Water Standards, January 14, 2011, in accordance with SWRCB NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ NPDES No. CAS000002 (adopted September 2, 2009) and/or the most recent update. Both erosion and sediment control BMPs shall be installed and maintained in addition to good housekeeping and site and materials management. Copies of the SWPPP

shall be retained at the construction site and at City offices. Examples of Construction BMPs that may be included in the SWPPP are as follows:

- BMPs for physical and vegetation stabilization, such as geotextiles, mats, fiber blankets, hydraulic mulch, Bonded Fiber Matrix, and sprayed-on binders.
- BMPs for sediment control such as silt fencing, gravel bag barriers, and fiber rolls.
- BMPs for prevention of off-site sediment tracking, such as stabilized construction entrances/exits, corrugated steel panels, and dust control.
- BMPs for materials management, such as protecting stockpiles from wind and rain, covering and/or providing secondary containment of storage areas, and specifying precautions for materials handling.

## **6 PALEONTOLOGICAL RESOURCES**

### **6.1 Impacts**

Impacts to fossils could occur during earthwork activities at the northern and southern ends of the project, such as removal of existing roadway and digging of trenches for widened drainage channels or relocated utilities. The impacts would be direct and short-term, as potential for damage to paleontological resources would only occur during project construction. These impacts would be mitigable to below a level of significance under CEQA by the measures listed below.

### **6.2 Mitigation Measures**

The following measures shall be implemented to minimize the impacts associated with the disturbance of a formation with the potential to contain fossils, a monitoring program shall be conducted according to City guidelines as specified in the mitigation measures in Section 3.9:

**Pal-1** The Applicant shall implement the procedures outlined below as a condition of approval.

#### **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 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 MMC identifying the PI for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City 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 Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, CM and/or Grading Contractor, RE, 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.
  - 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 11x17) to MMC identifying the areas to be monitored, including the delineation of grading/excavation limits. The PME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

### **III. During Construction**

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

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

2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition, such as trenching activities, does not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
  3. The monitor shall document field activity via the CSV. The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
  2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
  3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or e-mail with photos of the resource in context, if possible.
- C. Determination of Significance
1. The PI shall evaluate the significance of the resource.
    - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
    - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
    - c. If the resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils), the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
    - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

#### **IV. Night and/or Weekend Work**

- A. If night and/or weekend work is included in the contract:
1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Preconstruction 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 CSV and submit to MMC via fax by 8 A.M. on the next business day.
  - b. Discoveries  
All discoveries shall be processed and documented using the existing procedures detailed in Section III - During Construction.
  - c. Potentially Significant Discoveries  
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
  - d. The PI shall immediately contact MMC, or by 8 A.M. on the next business day, to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction:
  1. The CM shall notify the RE, or BI as appropriate, a minimum of 24 hours before the work is to begin.
  2. The RE or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

## **V. Post Construction**

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

4. MMC shall provide written verification to the PI of the approved report.
  5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and cataloged.
  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 Monitoring 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.

## **7 BIOLOGICAL RESOURCES**

### **7.1 Impacts**

Potential impacts to species identified as a candidate, sensitive, or special status species would include direct impacts to the habitat of least Bell's vireo and the light-footed clapper rail. These impacts would be significant. Potential indirect impacts to sensitive and native wildlife species would also be significant. Significant impacts to Tier II Habitats would include direct impacts to disturbed Diegan coastal sage scrub with portions located both in and outside the MHPA. Project impacts to riparian scrub and coastal wetland habitats would be significant. The impact of potential introduction of invasive plant species into a natural open space area would be significant. These impacts would be mitigable to below a level of significance under CEQA by the measures listed below.

### **7.2 Mitigation Measures**

#### **7.2.1 Mitigation for Impacts to Vegetation Communities**

Projects within the City of San Diego are required to avoid wetlands to the maximum extent possible (City of San Diego 2002). Where wetlands cannot be avoided, impacts must be minimized and mitigation provided to offset these impacts. The project involves the widening/replacement of a bridge that currently crosses over the San Dieguito River. Consequently, there are limitations to the measures that can be implemented to reduce and minimize impacts to wetlands. During project development, the width

of the bridge was reduced to the minimum required to accomplish the purpose and need of the project. Thus, the current width of the four full roadway cross section alternatives has been reduced compared to widths reported in the draft EIR circulated in 2006.

**Bio-1: Wetland Habitat Mitigation Measures.** Mitigation for unavoidable impacts to sensitive wetland habitats would be accomplished by: (1) creating or restoring habitat of equal value/type in the watershed or vicinity of the project and (2) enhancing degraded wetland habitats in the project watershed/vicinity through the removal of exotic plant species. The City also requires that unavoidable wetland impacts within the Coastal Overlay Zone be mitigated in the Coastal Overlay Zone (City of San Diego 2002).

Implementation of a wetland creation/restoration/enhancement plan on the JPA Mitigation Site is the principal proposed mitigation for impacts to wetland communities. The conceptual restoration plan is fully described in Appendix K of the Natural Environment Study (Conceptual Mitigation Plan ["restoration plan"]) for the El Camino Real Bridge/Road Widening Project dated April 2015). Prior to the start of road or bridge construction, a final restoration plan is required to be prepared. The El Camino Real restoration project (i.e. the JPA Mitigation Site) would be included with the 127-acre San Dieguito Lagoon W19 Restoration Project currently being developed by the San Diego Association of Governments (SANDAG). The final restoration plan would include all elements described in the conceptual restoration plan – Appendix K. Restoration of the JPA site would include approximately 20.4 acres of wetland habitat enhancement and creation, including enhancement of a 2.0-acre parcel of existing mulefat scrub/southern willow scrub habitat located in the San Dieguito River; creation of 3.0 acres of mulefat scrub/southern willow scrub habitat in the San Dieguito River; creation of 3.0 ac of mule-fat scrub/southern willow scrub habitat in an area currently consisting of disturbed Diegan Coastal Sage Scrub- Baccharis dominated, tamarisk scrub, and disturbed habitat located south of the enhancement area; and creation of approximately 15.4 acres of freshwater marsh habitat, 12.5 acres of which would be protected by an earthen berm and weir. The freshwater marsh creation area currently consists primarily of disturbed Diegan Coastal Sage Scrub- Baccharis dominated, disturbed habitat, and small areas of alkali marsh and disturbed wetland. Specific requirements for each alternative are summarized in Section 3.12.5.1. The Roundabout Alternative would require additional acreage of wetland mitigation beyond the JPA Mitigation Site. Additional suitable mitigation opportunities exist within the project vicinity; therefore, additional off-site mitigation would be achievable for the Roundabout Alternative on a site owned by the City. Specific requirements for each alternative are summarized below.

Western Alignment Alternative. Mitigation requirements for impacts of this alternative to vegetation communities are listed in Table 3.12-8a. Mitigation for impacts to 4.07 acres of impacts to wetland habitats would require 15.0092 acres of mitigation. In addition, 2.22 acres of mitigation would be required for implementing the proposed restoration plan, for a total requirement of 17.23 acres. Because a total acreage of 20.4 acres would be available for mitigation, the total mitigation would exceed City requirements for road and bridge improvements by 3.17 acres.

Central Alignment Alternative. Mitigation requirements for impacts of this alternative to vegetation communities are listed in Table 3.12-8b. Mitigation for impacts to 4.6 ac of impacts to wetland habitats would require 16.98 acres of mitigation. In addition, 2.22 acres of mitigation would be required for implementing the proposed restoration plan, for a total requirement of 19.2 acres. Because a total acreage of 20.4 acres would be available for mitigation, the total mitigation would exceed City requirements for road and bridge improvements by 1.2 acres.

Eastern Alignment Alternative. Mitigation requirements for impacts of this alternative to vegetation communities are listed in Table 3.12-8c. Mitigation for impacts to 4.5751 acres of impacts to wetland habitats would require 17.496 acres of mitigation. In addition, 2.22 acres of mitigation would be required for implementing the proposed restoration plan, for a total requirement of 19.716 acres. Because a total

acreage of 20.4 acres would be available for mitigation, the total mitigation would exceed City requirements for road and bridge improvements by 0.684 acre.

Roundabout Alternative. Mitigation requirements for impacts of this alternative to vegetation communities are listed in Table 3.12-8d. Mitigation for impacts to 6.4353 acres of impacts to wetland habitats would require 24.6672 acres of mitigation. In addition, 2.22 acres of mitigation would be required for implementing the proposed restoration plan, for a total requirement of 26.8872 acres. Because a total acreage of 20.4 acres would be available for mitigation, the total acreage needed for mitigation would exceed the size of the JPA Mitigation Site by 6.48 acres. The City of San Diego owns a parcel in Gonzales Canyon immediately south of the JPA Mitigation Site and south of El Camino Real that is considered suitable for mitigation through a combination of creation and enhancement on up to 10.8 acres. This site is part of a 33-acre City-owned parcel (Assessor's Parcel Number [APN] 304-020-26) and is designated as open space within the City's MHPA. The City also identified an approximately 3-acre area on City-owned parcel southeast of San Dieguito Road and Fairbanks Ranch Country Club (APN 302-262-05) suitable for enhancement. A Memorandum of Understanding is in process should it become necessary to proceed with additional mitigation for the Roundabout Alternative. Additional information about wetland creation and enhancement for the Roundabout Alternative is presented in Chapter 4 of the NES.

Road Capacity and Bicycle Safety Alternatives. Mitigation requirements for impacts of either of these alternatives to vegetation communities are listed in Table 3.12-8e. Mitigation for impacts to 1.98 ac of impacts to wetland habitats would require 7.74 acres of mitigation. In addition, 2.22 acres of mitigation would be required for implementing the proposed restoration plan, for a total requirement of 9.964 acres. Because a total acreage of 20.4 acres would be available for mitigation, the total mitigation would exceed City requirements for road and bridge improvements by 10.44 acres.

Projected Mitigation Requirements for the Eastern Alignment with Fairbanks Ranch Mitigation Site Considered. Adjusted acres for road and bridge impacts within the Fairbanks Ranch mitigation area are projected to be approximately 1.7 acres if this mitigation site is implementation prior to the commencement of construction. Mitigation requirements for impacts of this alternative to vegetation communities with Fairbanks Ranch mitigation area considered are listed in Table 6-1 at the end of this section. Similar to the Roundabout Alternative, mitigation for impacts to wetland habitats would require additional offsite mitigation on up to 10.8 acres of a parcel in Gonzales Canyon immediately south of El Camino Real.

**Bio-2: Upland Habitat Mitigation Measures.** Impacts to sensitive upland habitats, including acreage of disturbed Diegan coastal sage scrub associated with road and bridge improvement and 14.33 acres disturbed Diegan coastal sage scrub habitats associated with the JPA Mitigation Site (conversion of uplands to wetlands), would be mitigated through purchase of credits from the City's Cornerstone Land Mitigation Bank (Marron Valley) using appropriate City tier and ratio. Implementation of this measure will require concurrence from the Wildlife Agencies per conditions of the Cornerstone Banking Agreement.

**Bio-3: Additional Vegetation Communities Mitigation Measures.**

The project footprint would be demarcated prior to construction in order to avoid encroachment into surrounding sensitive areas. Furthermore, a qualified biologist would monitor construction activities for the duration of the project to ensure that practicable measures are being employed to avoid incidental disturbance of habitat outside of the project footprint.



### **6.7.2.2 Mitigation for Impacts to Sensitive Plant Species**

**Bio-4: General Measures.** Prior to removal of vegetation, orange snow fencing would be installed to demarcate the project footprint in order to avoid encroachment into surrounding sensitive areas. Furthermore, a qualified biologist would monitor construction activities for the duration of the project to ensure that practicable measures are being employed to avoid incidental disturbance of special-status species outside of the project footprint. Measures for specific sensitive plant species are summarized below.

**Bio-5: Palmer's Sagewort.** Palmer's sagewort would be included in the plant palette used in the creation and enhancement of southern willow scrub/mule-fat scrub in the JPA Mitigation Site. Final success criteria for the JPA Mitigation Site will require the presence of Palmer's sagewort prior to final site signoff.

**Bio-6: San Diego Sunflower.** Habitat-based mitigation would be provided for impacts to disturbed Diegan coastal sage scrub, the vegetation community on site in which the San Diego sunflower is found, at a 1:1 ratio.

**Bio-7: San Diego Marsh-Elder.** Within the JPA Mitigation Site, San Diego marsh-elder occurring within areas to be enhanced would be flagged or fenced to ensure that these individuals are not removed by work crews and are instead incorporated into the enhancement areas. San Diego marsh-elder would be included in the plant palette used in the creation and enhancement of southern willow scrub/mulefat scrub in the JPA Mitigation Site. Final success criteria for the JPA Mitigation Site will require the presence of San Diego marsh-elder prior to final site signoff.

**Bio-8: Southwestern Spiny Rush.** Within the JPA Mitigation Site, southwestern spiny rush occurring within areas to be enhanced would be flagged or fenced to ensure that these individuals are not removed by work crews and are instead incorporated into the enhancement areas. Southwestern spiny rush would be included in the plant palette used in the creation of coastal freshwater marsh in the JPA Mitigation Site. Final success criteria for the JPA Mitigation Site will require the presence of southwestern spiny rush prior to final site signoff. Furthermore, habitat-based mitigation would be offered for impacts to coastal freshwater marsh and mulefat scrub supporting southwestern spiny rush.

### **6.7.2.3 Mitigation for Impacts to Sensitive Wildlife Species**

**Bio-9: General Mitigation Measures.** Habitat-based mitigation would occur at mitigation ratios established by the City in the Biology Guidelines (City of San Diego 2002), including 4:1 for Clark's marsh wren habitat, 3:1 for yellow-breasted chat habitat, 4:1 for light-footed clapper rail habitat, and 3:1 for least Bell's vireo habitat.

On the JPA Mitigation Site, habitat-based mitigation for species that occupy upland habitats, such as white-tailed kite, would be accomplished at a 2:1 ratio through purchase of credits from Cornerstone Lands. Habitat-based mitigation for species that occupy disturbed, isolated wetland habitats on the JPA Mitigation Site would be provided through conversion to higher quality wetlands at a 1:1 ratio.

In order to avoid direct impacts to nesting birds, removal of vegetation for all areas, including bridge/road construction and earthwork required for the JPA mitigation site preparation, would occur outside of the breeding season for birds (typically defined as February 1 to September 15). Typically, if a preconstruction nesting bird survey determines that nesting birds do not occur in the vicinity of the site (typically 300 feet for passerine birds and 500 feet for raptors), removal of vegetation can occur within the breeding season for avian species. However, for this project, the presence of least Bell's vireo precludes the removal of vegetation around a 300-foot buffer from the edge of occupied habitat from

February 1 through September 30. All areas of disturbed southern willow scrub occurring along the San Dieguito River are considered occupied by least Bell's vireo.

If vegetation removal is to occur from January to February 1, a preconstruction nesting bird survey for raptors and other early nesting species would be conducted. If a nest is found, methods consistent with the City's Biology Guidelines, the City's MSCP Subarea Plan and state and federal protocol would be implemented to avoid impacts. This would consist of a no-work buffer zone placed around the nest until the adults are no longer using it or the young have fledged. The specific buffer width would be determined by a qualified biologist at the time of discovery consistent with the City's Biology Guidelines, the City's MSCP Subarea Plan and state and federal protocol. According to the City of San Diego Biology Guidelines (City of San Diego 2002), for areas within the MHPA, a 900-foot buffer would be placed around any nesting site of a northern harrier.

**Bio-10: Least Bell's Vireo Mitigation Measures.** Habitat-based mitigation would be provided to compensate for impacts to occupied least Bell's vireo habitat. In the project area, potential least Bell's vireo habitat consists of disturbed southern willow scrub occurring in association with the San Dieguito River. To offset anticipated project impacts to this habitat, disturbed southern willow scrub would be created and enhanced at a ratio greater than 3:1. Mitigation for impacts to tamarisk scrub would also be provided because tamarisk scrub is situated adjacent to disturbed southern willow scrub and may be utilized as foraging habitat by least Bell's vireo. Mitigation would be accomplished through implementation of the conceptual restoration plan within the JPA Mitigation Site, which is in the San Dieguito River watershed.

**Bio-11: Clapper Rail Mitigation Measures.** Habitat-based mitigation would be provided for the loss of suitable/occupied light-footed clapper rail habitat. In the project area, potential light-footed clapper rail habitat consists of coastal freshwater marsh and riparian habitats within the San Dieguito River. To offset anticipated project impacts to this habitat, coastal freshwater marsh would be created or enhanced at the JPA Mitigation Site, within the San Dieguito River watershed, at a 4:1 ratio. Thus, the goal of "no net loss" of wetland habitat from the project would be achieved. Mitigation 4:1 ratios are based on the sensitivity of the light-footed clapper rail, as recommended by CDFW and USFWS in multi-agency coordination meetings held in 2005.

In order to further avoid and minimize impacts to light-footed clapper rail the following general and specific measures would be implemented:

**I. General Clapper Rail Measures**

- A. Staging and equipment storage areas, and equipment maintenance will be located outside of the river corridor and all potential habitat areas.
- B. A qualified biologist will train construction crews (including utility personnel) to avoid unnecessary impacts to the biological resources by briefing them on resource protection measures. The project biologist and crew must be familiar with the identification and life history/habits of light-footed clapper rail.
- C. Prior to the start of construction, a qualified project biologist will supervise installation of orange construction fencing or equivalent along the limits of disturbance within and surrounding sensitive habitats as shown on the approved construction plans. Temporary fencing will be removed after project completion.
- D. The project biologist will monitor all phases of construction to minimize impacts on sensitive species, check that wildlife is not entrapped, verify that the boundary fencing is maintained in good condition, and ensure that construction activities do not encroach into biologically sensitive areas beyond the approved limits of construction.

- E. A wildlife corridor will be maintained during all construction within the river corridor during non-breeding season. Should the berm option be exercised, the wildlife corridor will consist of a spanned low flow channel of the river, approximately 40 feet wide. Orange construction fencing will be installed parallel to the low flow channel to discourage wildlife from accessing the construction areas approved in the plans. The trestle option would provide for a wildlife corridor that maintains the current geometry of the river corridor with the exception of the rows of driven piles that would function similarly to the existing bridge support columns, i.e., would result in a series of passageways across the river.
- F. Construction lighting in upland areas will be the lowest illumination necessary, and directed away, or shielded from the river corridor.
- G. The project site will be kept as clean of debris as possible to avoid attracting predators of sensitive wildlife. All food-related trash items will be enclosed in sealed containers and regularly removed from the site.
- H. Pets of project personnel will not be allowed on the project site.
- I. Disposal or temporary placement of excess fill, brush, or other debris will not be allowed in Waters of the U.S. or within their banks.

**II. Specific Clapper Rail Measures**

- A. No construction will occur within the river corridor during the clapper rail breeding season (February 1 – September 30).
- B. Noise from construction activities outside of the river corridor will not exceed 60 dBA (1-hour) at the river corridor (or ambient, whichever is greater) during the light-footed clapper rail breeding season. If the noise limit is exceeded, the noise will be reduced by using temporary noise measures such as plywood barriers, equipment mufflers, or sound blankets.
- C. Outside of the breeding season, construction in the river corridor will be limited to daylight hours. No temporary lighting will be installed for construction at night.
- D. Once the clapper rail breeding season has ended (i.e. on October 1), all vegetation within the approved limits of disturbance will be removed prior to the beginning of construction to eliminate the potential for rails to seek vegetative cover within the work area. The project biologist will monitor vegetation removal activities to avoid impacts to rails during this process. Should any rails be detected in the limits of disturbance, vegetation removal activities will be halted temporarily by the project biologists. As part of daily monitoring, the project biologist shall evaluate the response of the fully protected species that come near the project site and implement the appropriate response actions. Biological monitors will notify the construction manager of any activities that may harm or harass a fully protected species and recommend suspending those activities so that the key personnel may be notified and apprised of the situation and the potential conflict can be resolved.
- E. A wildlife corridor will be maintained during all construction within the river corridor during non-breeding season to allow east/west movement by rails. For the berm option, the wildlife corridor would consist of a low flow channel of the river, approximately 40 feet wide. Orange construction fencing will be installed parallel to the low flow channel to discourage clapper rails from accessing the construction areas approved in the plans. The trestle option would provide a series of openings across the width of the river.

- F. These measures have been developed in an effort to prevent clapper rails from being injured or killed by construction activities within the fenced construction footprint by removing vegetation that might provide cover; fencing to discourage access by the clapper rail; and monitoring to determine the effectiveness of these measures. Should earthen berms be employed for access across the San Dieguito River, a minimum of one 40-foot-wide corridor opening will be provided via installation of a construction bridge to allow river flow and rails and other species to move east and west along the river corridor. Should the trestle option be employed, wildlife movement can occur between parallel rows of driven piles.
- G. The river corridor is defined as all water and wetland vegetation occurring between the banks of the river, similar to area delineated as being CDFW jurisdictional. Where those banks are steep and/or armored, such as the area immediately upstream of the existing bridge, this definition is more obvious. Where the banks are less steep and vegetation exists on the banks, this definition may be less obvious; however, once upland habitats or developed areas occur, these are considered outside of the corridor. Thus, the polo fields and golf course to the east of the bridge are not considered within the river corridor, nor are the Horse Park or fallow agricultural fields to the west of the bridge.
- H. Wetland regulations that require no-net-loss of wetlands would provide additional protection for this species. The proposed project conforms to the conditions of coverage established by the MSCP for this species because proposed mitigation would result in no-net-loss of wetlands. This species is covered by the MSCP because 93 percent of its potential habitat would be preserved under this plan. Although covered by the MSCP, the federal MSCP permit does not authorize harm or lethal take for the species. Also, light-footed clapper rail is a fully protected species; therefore, "take" of this species cannot be authorized by the state.

#### **6.7.2.4 Mitigation for Invasive Species**

**Bio-12: Invasive Species Mitigation Measures.** To ensure the project does not promote the introduction of invasive species to the surrounding undeveloped areas, construction equipment would be cleaned of mud or other debris that may contain invasive plants and/or seeds and would be inspected to reduce the potential of spreading noxious weeds before mobilizing to the site and before leaving the site, during the course of construction. Also, trucks with loads carrying vegetation would be covered, and vegetation materials removed from the site would be disposed of in accordance with applicable laws and regulations. In addition, invasive species will be monitored during the protracted construction period and removed or treated in an environmentally sound manner.

#### **6.7.2.5 Additional Mitigation Measures**

**Bio-13: Mitigation, Monitoring and Reporting Conditions for Least Bell's Vireo.** The following Mitigation, Monitoring and Reporting conditions are required by the City for potential impacts to habitats occupied by sensitive avian species. The measures for State Endangered/Federally Endangered least Bell's vireo, which is the only species applicable to the project, are provided below.

Prior to the preconstruction meeting, the City Manager (or appointed designee) shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

- I. NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 15 AND SEPTEMBER 15, THE BREEDING SEASON OF THE LEAST BELL'S VIREO, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE WETLAND AREAS THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE LEAST BELL'S VIREO. SURVEYS FOR THE THIS SPECIES SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. IF THE LEAST BELL'S VIREO IS PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:
1. BETWEEN MARCH 15 AND SEPTEMBER 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED LEAST BELL'S VIREO HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
  2. BETWEEN MARCH 15 AND SEPTEMBER 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED LEAST BELL'S VIREO OR HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB (A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF ANY OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR
  3. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE LEAST BELL'S VIREO. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING\* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB (A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (SEPTEMBER 16).
- \* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.
- B. IF LEAST BELL'S VIREO ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES

SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 15 AND SEPTEMBER 15 AS FOLLOWS:

1. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR LEAST BELL'S VIREO TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
2. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

**Bio-14: Biological Resource Protection During Construction**

The following general biological construction protection measures are used within the City of San Diego for protection of ESL, MHPA, ESA species, and CEQA related biological resources.

**I. Prior to Construction**

- A. **Biologist Verification** -The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Preconstruction Meeting** - The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. **Biological Documents** - The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- D. **BCME** -The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. **Avian Protection Requirements** - 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 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 pre-construction 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 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.

- F. **Resource Delineation** - Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- G. **Education** - Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

## **II. During Construction**

- A. **Monitoring**- All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to MMC on the 1<sup>st</sup> day of monitoring, the 1<sup>st</sup> week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.
- B. **Subsequent Resource Identification** - The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

## **III. Post Construction Measures**

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

**Table 6-1  
Projected Mitigation Requirements for the Eastern Alignment Alternative  
with Fairbanks Ranch Mitigation Area Considered**

<b>Vegetation Community</b>	<b>Impacts (acres)</b>	<b>Mitigation Ratio</b>	<b>Mitigation Requirement (acres)</b>
<b>Wetland impacts associated with road and bridge improvement</b>			
Disturbed southern willow scrub (DSWS)	0.12	3:1	0.36
Mulefat scrub (MFS)	0.29	3:1	0.87
Disturbed mulefat scrub (DMFS)	0.25	3:1	0.75
Disturbed wetland (DW)	0.07	2:1	0.14
Tamarisk scrub	0.003	2:1	0.006
<b>Subtotal DSWS, MFS, DMFS, DW</b>	<b>0.733</b>		<b>2.126</b>
Coastal freshwater marsh (CFM)	1.1921	4:1	4.7684
Disturbed coastal freshwater marsh (DCFM)	0.384	4:1	1.52
<b>Subtotal CFM, DCFM</b>	<b>1.5761</b>		<b>6.2884</b>
Disturbed southern coastal salt marsh (CSM)	2.27	4:1	9.08
<b>Subtotal CSM</b>	<b>2.27</b>		<b>9.08</b>
<b>Subtotal wetland impacts associated with road and bridge improvement</b>	<b>4.5761</b>		<b>17.4944</b>
<b>Wetland impacts associated with JPA Mitigation Site</b>			
Disturbed southern willow scrub	0.07	1:1	0.07
Alkali marsh	0.48	1:1	0.48
Disturbed wetland	0.23	1:1	0.23
Tamarisk scrub	1.22	1:1	1.22
Tamarisk scrub (berm)	0.11	2:1	0.22
<b>Subtotal wetland impacts associated with JPA Mitigation Site</b>	<b>2.11</b>	<b>1:1</b>	<b>2.22</b>
<b>Total wetland impacts and mitigation</b>	<b>6.6891</b>		<b>19.7144</b>
<b>Upland impacts associated with road and bridge improvement</b>			
Disturbed Diegan coastal sage scrub – coastal form	0.44	1:1	0.44
Disturbed Diegan coastal sage scrub – <i>Baccharis</i> dominated	0.0002	1:1	0.0002
Disturbed Land	2.94	0:1	0.0
Eucalyptus woodland	0.285	0:1	0.0
Ornamental	0.49	0:1	0.0
Bare ground	0.37	0:1	0.0
Urban/Developed	8.44	0:1	0.0
<b>Subtotal upland impacts associated with road and bridge improvement</b>	<b>17.67</b>		<b>0.4402</b>
<b>Upland impacts associated with JPA Mitigation Site</b>			
Disturbed Diegan coastal sage scrub – coastal form (berm)	0.03	1:1	0.03
Disturbed Diegan coastal sage scrub – <i>Baccharis</i> dominated (berm)	1.13	1:1	1.13
Disturbed Diegan coastal sage scrub – <i>Baccharis</i> dominated	13.17	1:1	13.17
Disturbed Land	3.41	0:0	0.0
Non-native grassland	0.04	1:1	0.04
<b>Subtotal upland impacts associated with JPA Mitigation Site</b>	<b>17.81</b>		<b>14.37</b>
<b>Total upland impacts and mitigation</b>	<b>35.48</b>		<b>14.8102</b>



**Table 6-1  
 Projected Mitigation Requirements for the Eastern Alignment Alternative  
 with Fairbanks Ranch Mitigation Area Considered**

<b>Vegetation Community</b>	<b>Impacts (acres)</b>	<b>Mitigation Ratio</b>	<b>Mitigation Requirement (acres)</b>
<b>ORIGINAL TOTAL IMPACTS AND MITIGATION</b>	<b>42.169 1</b>		<b>34.5246</b>
<b>ADJUSTED MITIGATION CALCULATION*</b>			
<b>Impacts outside Fairbanks Ranch Mitigation Site</b>	<b>40.469 1</b>	<b>0:1-4:1</b>	<b>30.1306†</b>
<b>Impact within Fairbanks Ranch Mitigation Site</b>	<b>1.70</b>	<b>4:1</b>	<b>6.80</b>
<b>PROJECTED TOTAL IMPACTS AND MITIGATION*</b>	<b>42.169 1</b>		<b>36.9306</b>
<p>*The adjusted mitigation calculation assumes the following impacts fall within the boundary of the Fairbanks Ranch Mitigation Site: 0.29 acre mulefat scrub, 0.04 acre disturbed mulefat scrub, 0.80 acre coastal freshwater marsh, 0.04 acre disturbed coastal freshwater marsh, 0.06 acre disturbed Diegan coastal sage scrub – coastal form, 0.06 acre disturbed land, 0.22 acre eucalyptus woodland, and 0.18 acre urban/developed.</p> <p>†For the adjusted mitigation calculation, the impacts and associated mitigation for each of these vegetation categories were subtracted from the original road and bridge subtotals. Wetland and upland impacts required for the road and bridge were then re-calculated separately from wetland and upland impacts for the road and bridge that overlap with the Fairbanks Ranch mitigation site.</p> <p>Mitigation for road and bridge impacts was calculated at the ratios listed above. The adjusted wetland mitigation needed for road and bridge improvements subtotaled to 13.1604 acres; total wetland mitigation (including JPA mitigation site) was 15.3804 acres. The adjusted subtotal for upland impacts associated with road and bridge improvements was 0.3802; total upland mitigation (including JPA mitigation site) was 14.7502 acres. In total, project impacts outside of the Fairbanks Ranch mitigation site require mitigation of 30.1306 acres. Mitigation for project impacts that fall within the boundary of the Fairbanks Ranch mitigation site was calculated at a 4:1 ratio for a total of approximately 6.8 acres.</p>			

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

**EXHIBIT B**  
**FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

**1.0 INTRODUCTION**

**1.1 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 (14 Cal. Code Regs §§ 15000, et seq.) promulgated hereunder, require that the environmental impacts of a 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 Final Environmental Impact Report (EIR) to determine the adequacy of the proposed candidate findings. Specifically, regarding findings, CEQA Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
  - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
  - 3. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The "changes or alterations" referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in CEQA 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, CEQA Guidelines Section 15093 provides the following:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed, and considered the Final EIR for the Site Development Permit (SDP) for the Eastern Alignment as the preferred alternative for the El Camino Real Bridge/Road Widening Project (proposed project), Project No. 2982, State Clearinghouse No. 1999071104, as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) and Statement of Overriding Considerations are hereby adopted by the City of San Diego (City) in its capacity as the CEQA Lead Agency. These Findings and Statement of Overriding Considerations 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 proposed project.

The following Findings and Statement of Overriding Considerations have been submitted by the applicant as candidate findings to be made by the decision-making body. The Environmental Analysis Section does not recommend that the discretionary body either adopt or reject these findings. They are attached to allow readers of this report an opportunity to review the City's position on this matter.

## **1.2 RECORD OF PROCEEDINGS**

A Draft EIR was circulated in 2006 but was not certified. As discussed in Section 2.5, History of Project Changes, of the Draft EIR, the City conducted an extensive and lengthy outreach effort to the public and resource agencies for several years following close of the comment period. Based on that effort, changes were made to the alternatives and the proposed mitigation plan. In order to provide a meaningful

opportunity for the public to comment on these changes, the entire EIR was recirculated for public review. Therefore, for purposes of CEQA and these Findings, the Record of Proceedings for the Recirculated Draft EIR for the proposed project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) of an EIR, dated November 6, 2002, and all other public notices issued by the City in conjunction with the proposed project;
- The Final EIR for the proposed project;
- The Recirculated Draft EIR, circulated for public review between September 26, 2015 to November 20, 2015;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR and Recirculated Draft EIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Recirculated Draft EIR and included in the Final EIR;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The reports and technical memoranda included or referenced in Responses to Comments and/or in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the Recirculated Draft EIR and the Final EIR;
- Matters of common knowledge to the City, including but not limited to federal, state and local laws and regulations;
- Any documents expressly cited in these Findings and Statement of Overriding Considerations; and
- Any other relevant materials required to be included in the record of proceedings pursuant to Public Resources Code Section 21167.6(e).

### **1.3 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, Development Services Center, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. The City Development Services Center 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 Development Services Center. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

## **2.0 PROJECT SUMMARY**

### **2.1 PROJECT LOCATION**

The project site is in the northwestern part of the City of San Diego. The City of Del Mar is to the west, the Fairbanks Ranch Country Club development within the City of San Diego is to the east, and County of

San Diego lands are to the north. The road being modified is El Camino Real from Via de la Valle on the north to San Dieguito Road on the south. This portion of El Camino Real, classified as a two-lane collector, is approximately 2,400 feet long, 23 feet wide, has one travel lane in each direction, and has no shoulders, bike lanes, or pedestrian walkways. The road segment includes a bridge over the San Dieguito River that is 340 feet long and 27 feet wide. The San Dieguito River crosses under El Camino Real approximately 1,500 feet south of Via de la Valle.

## **2.2 PROJECT BACKGROUND**

In this location, El Camino Real would be inundated during a 100-year flood at several low points north of the river. Although the bridge surface would not be inundated, the 100-year flood level would rise to the bottom of the bridge deck, so there is not adequate room to allow debris to pass under the bridge. Also, the bridge is not structurally adequate for the local seismic conditions, because the piles are relatively shallow and buried in sediments that could fail in an earthquake due to liquefaction. In addition, this segment of El Camino Real is subject to severe congestion during peak travel times. The segment of El Camino Real included in the project currently operates at Level of Service (LOS) F at peak hours, reflecting congested traffic conditions. The proposed improvements include raising and widening El Camino Real roadway and replacing the bridge with a structure that is higher, wider, and has deeper piles. Modifications to Via de la Valle from El Camino Real on the west to El Camino Real North on the east are also part of this project. This segment of Via de la Valle also operates at LOS F. Most of this segment would need to be widened for appropriate transitions from widened El Camino Real.

## **2.3 PROJECT DESCRIPTION**

The City of San Diego proposes to modify the segment of El Camino Real between Via de la Valle and San Dieguito Road in order to improve the structural integrity of the vehicular bridge over the San Dieguito River, alleviate problems associated with high flood events, improve pedestrian and vehicular access to nearby coastal and recreational resources, relieve traffic congestion, and improve consistency with the adopted land use plan and adopted Circulation Element for the project area. Specifically, the proposed project will include the construction of the following key components:

- The roadway of El Camino Real would be raised on fill above the 100-year flood level between San Dieguito Road and Via de la Valle and would meet existing grade at these locations.
- The bridge over the San Dieguito River would be demolished and replaced with a new structure that would be approximately the same length as the existing bridge and raised above the 100-year flood level. The new bridge would be supported on bridge piles that would have a continuous cylindrical shape about 7 feet in diameter, and would extend to a depth of approximately 90 feet below the ground. Above the ground, the piles would become cylindrical finished concrete columns (piers) about 5 feet in diameter. Abutments at the bridge would be protected from erosion by riprap, and the bank slope at the new bridge would be steepened to be approximately 1.5:1. The south bank of the river is currently protected by a buried stabilization system, and the river bed under and upstream of the existing bridge is protected by a rip rap blanket. As mitigation for higher 100-year velocities with the project, the unprotected north bank upstream of the bridge would be similarly protected.
- Via de la Valle would be widened to its ultimate width from the modified intersection with El Camino Real eastward to El Camino Real North. The existing dual reinforced concrete pipe (RCP) storm drain culvert under Via de la Valle near El Camino Real North would be replaced with an underground triple reinforced concrete box (RCB) sized to pass the 100-year peak storm event from the upstream tributary north of Via de la Valle onto the property south of Via de la Valle. The 100-year peak storm event from the upstream one-square-mile drainage area is approximately 680 cubic feet per second (cfs). Large storm events would continue to flow

overland in a southerly direction towards the San Dieguito River. A low-flow storm drain would be constructed within widened Via de la Valle to convey nuisance flows from the upstream edge of the proposed culvert system at El Camino Real North to the existing ditch just east of El Camino Real.

- Project impacts to wetlands would be mitigated by enhancement and creation on the JPA Mitigation Site west of the affected portion of El Camino Real.

#### **2.4 DISCRETIONARY ACTIONS**

The required discretionary approvals from the City of San Diego include selection of the Eastern Alignment as the preferred alternative for the El Camino Real Bridge/Road Widening Project (proposed project) followed by approval of a Site Development Permit for the proposed project. As the designated lead agency, the City has assumed responsibility for preparing the EIR for the proposed project. The decision to approve the project is within the purview of the City Planning Commission (Process 5). In the final review, environmental considerations and economic and social factors will be weighed to determine the most appropriate course of action. The City would use the Final EIR and supporting documentation in its decision to approve the required discretionary permits identified above.

#### **2.5 STATEMENT OF PROJECT OBJECTIVES**

In accordance with CEQA Guidelines Section 15124, the following objectives describe the underlying purpose of the project, assist the Lead Agency in developing reasonable range of alternatives to be evaluated in the EIR, and ultimately aid decision-makers in preparing findings and overriding considerations, if necessary:

- To provide structurally sound and operationally efficient access across the San Dieguito River during flood and non-flood events
- To provide congestion relief in order to improve traffic flow
- To obtain improved consistency with the adopted land use plans in the project area
- To improve pedestrian and vehicular access to nearby coastal and recreational resources

#### **3.0 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION**

The City determined that the proposed project may have a significant effect on the environment and that an EIR should be prepared to analyze the potential impacts associated with approval and implementation of the proposed project. A Notice of Preparation (NOP) was distributed to agencies and the general public on July 22, 1999. A Scoping Meeting to present the proposed project to interested stakeholders was held at the Carmel Valley Library on August 25, 1999. The scope of analysis for the EIR was determined by the City in the Scope of Work and updated NOP dated November 6, 2002, as well as a result of public responses to the NOP. In accordance with Section 15082(a) of the CEQA Guidelines, the City Development Services Department circulated the NOP to the State Clearinghouse as well as interested agencies, groups, and individuals. The 30-day public review period for the updated NOP ended on December 5, 2002. Comments received during the 2002 NOP scoping period and meeting were considered during the preparation of the EIR. The 2002 NOP, Scoping Letter, and comments received are included as Appendix A of the Final EIR.

The original Draft EIR was circulated for public review from July 25, 2006 to September 7, 2006. Twenty letters of comment were received by the City. The City conducted an extensive and lengthy outreach effort to the public and resource agencies following close of the comment period. Based on that effort, changes have been made to the alternatives and the proposed mitigation plan. In order to provide a meaningful opportunity for the public to comment on these changes, the entire EIR was recirculated for public review. The Recirculated Draft EIR for the proposed project was prepared and circulated for review and comment by the public, agencies, and organizations for a 56-day public review period that

began on September 25, 2015 and concluded on November 20, 2015. The 2015 comments received are included as Appendix F of the Final EIR.

A Notice of Completion (NOC) and copies of the EIR and technical appendices were provided to the State Clearinghouse, and the Recirculated Draft EIR was circulated to state agencies for review through the State Clearinghouse, Office of Planning and Research (SCH No. 1999071104). A Notice of Availability (NOA) of the Recirculated Draft EIR for review was mailed to organizations and parties expressing interest in the project. The Notice of Availability was also filed with the San Diego County Clerk, published in the San Diego Union Tribune, and posted on the City of San Diego's website.

As noted, the public comment period on the Recirculated Draft EIR concluded on November 20, 2015. The City received nine (9) letters of comment on the Recirculated Draft EIR for the proposed project. The City completed responses to those comments, which are incorporated into the Final EIR.

#### **4.0 GENERAL FINDINGS**

The City hereby finds as follows:

- The City is the "Lead Agency" for the proposed project evaluated in the Final EIR;
- The Recirculated Draft EIR and Final EIR were prepared in compliance with CEQA and the CEQA Guidelines;
- The Recirculated EIR analyzes seven build alternatives at an equal level of detail and identifies the Eastern Alignment Alternative as the City's Preferred Alternative and Environmentally Superior Alternative; the Eastern Alignment Alternative is herein discussed as the proposed project evaluated in the Final EIR;
- The City has independently reviewed and analyzed the Recirculated Draft EIR and the Final EIR, and these documents reflect the independent judgment of the Planning Commission and the City of San Diego;
- The City of San Diego's review of the Recirculated Draft EIR and the Final EIR is based upon CEQA, the State CEQA Guidelines, and the City of San Diego CEQA Significance Determination Thresholds – Development Services Department (CEQA Significance Determination Thresholds, January 2011);
- A MMRP has been prepared for the proposed project, which the City has adopted or made a condition of approval for the proposed project. That MMRP is included as Section 6.0 of the Final EIR, is incorporated herein by reference and is considered part of the record of proceedings for the proposed project;
- In determining whether the proposed project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2;
- The impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the Final EIR;
- The City has reviewed the comments received on the Recirculated Draft EIR and Final EIR and the responses thereto and has determined that, in accordance with CEQA Guidelines Section 15088.5, neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Recirculated Draft EIR or Final EIR and

that recirculation of the EIR is not necessary. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings and Statement of Overriding Considerations, concerning the environmental impacts identified and analyzed in the Final EIR. The City has included new information in the Final EIR, but the new information merely clarifies and amplifies the information in the Recirculated Draft EIR. This new information does not alter the EIR in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. No significant new information is provided by the inclusion of this information that would require recirculation of the EIR;

- The responses to the comments on the Recirculated Draft EIR, which are contained in the Final EIR, clarify and amplify the analysis in the Recirculated Draft EIR;
- The City has made no decisions that constitute an irretrievable commitment of resources toward the proposed project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the proposed project;
- Copies of all the documents incorporated by reference in the Final EIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials; and,
- Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the proposed project and finds as stated in these Findings.

## 5.0 SUMMARY OF IMPACTS

Section 3.0 of the Final EIR presents the *Environmental Analysis* of the proposed project. Based on the analysis contained in Section 3.0 of the Final EIR, the Final EIR concludes that the proposed project will have **no significant impacts** and require no mitigation with respect to the following issue areas:

- Traffic/Circulation
- Farmlands
- Public Utilities/Services
- Geology/Seismicity/Soils
- Air Quality
- Noise
- Greenhouse Gas Emissions

Section 4.5 of the Final EIR presents the *Effects Not Found To Be Significant* of the proposed project. However, the EIR did not dismiss any technical issue; all possible effects of the project were analyzed in detail in Section 3.0.

Based on the analysis contained in Section 3.0 of the Final EIR, potentially significant impacts of the proposed project will be mitigated to below a level of significance with respect to the following issue areas:

- Land Use
- Visual/Aesthetics (Aesthetics, Neighborhood Character, Development Features)
- Historical Resources
- Hydrology/Water Quality
- Paleontological Resources
- Biological Resources



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

- Visual/Aesthetics (View Corridor)

## **6.0 FINDINGS REGARDING SIGNIFICANT IMPACTS**

In making each of the findings below, the City has considered the project design and plans, programs, and policies discussed in the Final EIR. The project components described in the Final EIR are part of the proposed project that the City has considered, and are explicitly made conditions of the proposed project's approval. The plans, programs, and policies discussed in the Final EIR are existing regulatory plans and programs the proposed project is subject to, and, likewise, are explicitly made conditions of the proposed project's approval.

### **6.1 FINDINGS REGARDING IMPACTS THAT WOULD BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE (CEQA §21081(A)(1) AND CEQA GUIDELINES §15091(A)(1))**

The City, having reviewed and considered the information contained in the Final EIR 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 which avoid or substantially lessen the significant environmental effect as identified in the Final EIR as described below:*

#### **A. Land Use**

**Environmental Impact:** The project does not conflict with the stated goals, objectives, and recommendations of the City of San Diego General Plan, the Multiple Species Conservation Program (MSCP) Subarea Plan. However, there is a potential for land use impacts to occur in regard to the MSCP Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines. Therefore, the project could result in significant indirect impacts and be inconsistent with the City's MSCP Subarea Plan.

**Finding:** It is not anticipated that the proposed project will result in significant land use impacts; however, due to the proposed project's proximity to the MHPA, additional mitigation shall be implemented to ensure any potential impacts that may arise during construction are mitigable.

**Facts in Support of Finding:** The potentially significant indirect impact to the adjacent MHPA would be mitigated to below a level of significance with implementation of mitigation measure LAN-1 identified in Section 3.1.5 of the EIR. This mitigation was provided in order to ensure there would be no significant land use impacts specifically with regards to project compliance with the MSCP. Therefore, with the implementation of Mitigation Measure LAN-1, a less than significant land use impact would result with the implementation of the proposed project.

**Reference:** Final EIR § 3.1

#### **B. Visual/Aesthetics**

**Environmental Impact:** For the issue of aesthetics, there would be potentially significant aesthetic impacts from degradation of visual character due to loss of distinctive bridge railing, tree removal, and vertical walls.

**Finding:** The potentially significant impacts related to aesthetics, neighborhood character, and development features would be mitigated to below a level of significance with implementation of mitigation measures. However, as detailed previously in Section 5.0, one issue (view corridor/blocking view of a public resource) would not be fully mitigable. Findings for this issue are discussed in Section 6.3.

**Facts in Support of Finding:** Mitigation measures Vis-1 through Vis-4 primarily intend to ensure that the proposed project would not substantially alter the character of the bridge itself or the vegetation surrounding it, views from the bridge, or result in walls that would be out of character with the surrounding area. The mitigation measures ensure that several departments of the City would prepare and subsequently approve landscaping/revegetation plans, bridge railing system design plans, and retaining walls design plans. These plans would approximate the existing condition to a certain degree, while also allowing for the project to blend in with the character of the neighborhood and surrounding area.

**Reference:** Final EIR § 3.3

### C. Historical Resources

**Environmental Impact:** There is a potential for a significant impact to prehistoric/historic resources as a result of the project's grading. The potential for buried and undiscovered archaeological resources does exist within the APE, which is essentially made up of Holocene alluvium. Based on this information, there is a potential for buried cultural resources to be impacted through implementation of the project. The proposed project has the potential to result in significant impacts to sensitive archaeological resources potentially located on the project site

**Finding:** The proposed project would potentially result in significant impacts to sensitive archaeological resources. These impacts are considered significant but mitigable.

**Facts in Support of Finding:** Implementation of mitigation includes archaeological monitoring during construction, which would prevent potential impacts to any archaeological resources during the grading process. With implementation of mitigation during construction, the proposed project would result in less than significant impacts to historical resources

**Reference:** Final EIR § 3.4

### D. Hydrology/Water Quality

**Environmental Impacts:** The proposed project would slightly increase 100-year velocities in the river upstream (east) of the road and bridge. At one cross section upstream of the new bridge, velocities would increase from being borderline erosional to erosional. Also, at several cross sections around the new bridge, velocities in the erosional range in the existing condition would increase in the 100-year flood event with the proposed project. These changes in 100-year flood velocities are concluded to be substantial, and impacts in terms of changes to stream flow velocities are concluded to be significant.

The proposed project would comply with the City Water Quality Standards. However, impacts to surface water quality during construction were concluded to be significant because additional BMPs may be required by the permitting agencies to protect clapper rail and their habitat upstream of the bridge. These measures would be developed during negotiations for the permits, but negotiations cannot be held until the Draft EIR is completed and provided for public review. In addition, runoff from the project discharges into receiving waters within Environmentally Sensitive Lands and the San Dieguito River, which is listed on the Regional Water Quality Control Board 303(d) Impaired Water Body List, and the potential exists for significant impacts to biological resources.

**Finding:** The proposed project would potentially result in significant impacts associated with hydrology and water quality. These impacts are considered significant but mitigable.

**Facts in Support of Finding:** Mitigation measure HYD-1 requires buried bank protection along the northern bank of the river for 500 feet east of the new bridge. Mitigation measure HYD-2 requires the verification of a Stormwater Pollution Prevention Plan (SWPPP) that includes all conditions that may have been added by the permitting agencies to protect the endangered clapper rail upstream of the bridge. The SWPPP shall identify all construction Best Management Practices (BMPs), such as physical and vegetation stabilization measures, silt fencing, stabilized construction entrances/exits, etc. These mitigation measures would reduce potentially significant impacts to hydrology and water quality to a less than significant level.

**Reference:** Final EIR § 3.7

## **E. Paleontological Resources**

**Environmental Impact:** The proposed project has the potential to result in significant impacts to sensitive paleontological resources potentially located on the project site. Because paleontological resources are largely a buried resource, there is no way to accurately predict what fossils are buried beneath a site or their individual significance to the scientific community before they are discovered. Paleontological resources are typically impacted when earthwork activities such as mass excavation or grading cut into geological deposits (formations) within which fossils are buried. Specifically, due to the high sensitivity potential for paleontological resources, project grading could destroy fossil remains resulting in significant impacts to paleontological resources.

**Finding:** The proposed project would potentially result in significant impacts to paleontological resources. These impacts are considered significant but mitigable.

**Facts in Support of Finding:** Mitigation measure PAL-1 has been developed by the City of San Diego to reduce potential impacts to paleontological resources to a less than significant level. This measure encompasses a comprehensive program to protect paleontological resources should they be found at a construction site. The mitigation program is consistent with standard programs employed at other sites within the City of San Diego. Implementation of these measures would allow preservation and future scientific study of any important paleontological resources encountered, thereby reducing the potential impact to below a level of significance. Therefore, with implementation of mitigation measure PAL-1 during construction, the proposed project would result in less than significant impacts to paleontological resources.

**Reference:** Final EIR § 3.9

## **F. Biological Resources**

**Environmental Impact:** As the location of the project is in a biologically sensitive area, the proposed project has the potential to result in impacts to wetland and upland vegetation communities due to the both the bridge and road widening and restoration at the JPA Mitigation Site. The project would also result in impacts to several sensitive plant species. The project has the potential to result in impacts to occupied habitat for sensitive wildlife, including light-footed clapper rail and least Bell's vireo. The project has the potential to result in significant direct and indirect (i.e., construction noise) impacts to sensitive bird species. With regards to the introduction of invasive plant species, roadway and bridge projects are some of the principal dispersal vectors for invasive plant species under both existing and proposed conditions. The control of such species during and after construction is critical to preventing establishment in the project area. Therefore, impacts would be potentially significant.

**Finding:** The proposed project has the potential to result in significant impacts related to vegetation communities (wetland and upland habitat), sensitive plant species, sensitive wildlife species, and the introduction of invasive species.

**Facts in Support of Finding:**

Implementation of wetland habitat mitigation measures would ensure the creation, restoration, or enhancement of similar vegetation using the appropriate tier and ratio. Impacts to sensitive upland habitats would be mitigated through purchase of credits from the City's Cornerstone Land Mitigation Bank (Marron Valley) using the appropriate tier and ratio. In addition, a qualified biologist would monitor construction activities for the duration of the project to ensure that practicable measures are being employed to avoid incidental disturbance of habitat outside of the project footprint.

With regards to sensitive plant species, Palmer's sagewort, San Diego marsh-elder, and southwestern spiny rush would be included in the plant palette used in the creation and enhancement of southern willow scrub/mulefat scrub in the JPA Mitigation Site. The loss of San Diego sunflower individuals would be mitigated through purchase of credits of sensitive upland habit (Diegan coastal sage scrub), the vegetation community on site in which it's found, at a 1:1 ratio.

In order to avoid direct impacts to nesting birds, removal of vegetation for all areas, would occur outside of the breeding season for birds (typically defined as February 1- September 15). The presence of least Bell's vireo precludes the removal of vegetation around a 300-foot buffer from the edge of occupied habitat from February 1 through September 30. If vegetation removal is to occur from January to February 1, a preconstruction nesting bird survey for raptors and other early nesting species would be conducted.

Habitat-based mitigation would be provided to fully reduce impacts to habitat utilized by least Bell's vireo and light-footed clapper rail. Mitigation would be accomplished through implementation of the conceptual restoration plan within the JPA Mitigation Site. In order to further avoid and minimize impacts to light-footed clapper rail, additional general and specific measures that would be implemented, such as the installation of protective fencing during construction, a biological monitor, and maintaining a wildlife corridor within the river corridor during the non-breeding season. Specific measures include that construction will not occur within the river corridor during the clapper rail breeding season (February 1 – September 30); outside of the breeding season, construction in the river corridor will be limited to daylight hours, etc. Implementation of mitigation would reduce species impacts to less than significant.

To ensure the project does not promote the introduction of invasive species to the surrounding undeveloped areas, mitigation measures require that construction equipment would be cleaned of mud or other debris that may contain invasive plants and/or seeds and would be inspected to reduce the potential of spreading noxious weeds before mobilizing to the site and before leaving the site, during the course of construction. Also, trucks with loads carrying vegetation would be covered, and vegetation materials removed from the site would be disposed of in accordance with applicable laws and regulations. Implementation of mitigation would reduce potential invasive species impacts to less than significant.

**Reference:** Final EIR § 3.12

**6.2 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 EIR and Record of Proceedings, finds pursuant to CEQA Section 21081(a)(2) and Guidelines Section 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.

### **6.3 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 Final EIR 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 visual/aesthetics (view blockage):

*Specific economic, legal, social, technological, or other considerations, including considerations of the provision of a protective barrier for equestrian users along the outer edge of the cantilever, make infeasible the mitigation measures or alternatives identified in the Final EIR (Project No. 2982/SCH No. 1999071104) as described below.*

#### **A. Visual/Aesthetics**

**Environmental Impact:** The project has been analyzed with the inclusion of an equestrian cantilever for a trail and fence on the bridge, although the cantilever would not be installed until funding is identified. The proposed equestrian cantilever would require the use of an 8-foot-high fence to protect equestrian users in accordance with the San Dieguito River Park Joint Power Authority (JPA) requirements for equestrian trails above steep drop-offs. This project feature is common to all of the build alternatives studied in the Recirculated EIR. This 8-foot-high chain link fence would block the westward view of San Dieguito River as seen from the vehicular driver's perspective. The view would also be blocked from the perspective of cyclists and pedestrians, as well as equestrian users themselves (though if riding on horseback they are likely to see over it). This view blockage is of a view scene that is considered to be a regionally significant view. The proposed project (and all build alternatives) would cause a moderately high adverse impact to regionally significant views, and this impact cannot be mitigated because 1) the fence cannot be lowered substantially due to the structure of the bridge, and 2) the barrier cannot have more than 4-inch openings per current safety standards.

**Finding:** The cantilever fencing component of the proposed project is anticipated to result in significant direct impacts to a view scene that is considered to be a regionally significant view for drivers, cyclists and pedestrians, as well as equestrian users. This impact is considered unavoidable because the fencing is required for safety purposes to protect trail users from the steep drop off over the bridge, the fence cannot be lowered such that all viewers could see over it, and there is no design identified at this time that would assure the view blockage would be avoided. Since there are no feasible mitigation measures identified at this time that will mitigate the impacts to below a level of significance, and all of the build alternatives identified in the Final EIR have the cantilever fencing component so all alternatives would generate this significant impact, the significant and unavoidable direct view corridor impact would remain. As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because of specific overriding considerations, and the rationale for why mitigation is not feasible is discussed below.

**Facts in Support of Finding:** As previously discussed, an 8-foot high fence is required on the west side of the cantilever to protect trail users from the steep drop off over the bridge. The typical fencing assumed to be applied consists of chain link with openings no larger than 4 inches. The fencing is legally required for safety purposes, and from a technical and regulatory standpoint, openings cannot be larger. Also, to achieve the required protection for equestrians, the fence cannot be lowered such that all viewers could see over it. At this time, no technical design has been identified that would assure avoidance of a view blockage. The cantilever and fencing are common to all build alternatives. Therefore, the impact cannot be avoided by choosing a different alternative. As such, this impact would be considered significant and unavoidable.

Therefore, significant and unavoidable impacts are identified for the proposed project, because no feasible mitigation measures have been identified to reduce the impact to a level less than significant in the near term. In addition, as discussed below in Section 11.0 – Statement of Overriding Considerations, there are several benefits of the proposed project which will help to reduce other related environmental issues of concern such as land use (facilitation of land use and park plans) and transportation (traffic operation and multi-modal access for equestrians/pedestrians/bicyclists) as well as the additional restoration on the JPA Mitigation Site which will provide higher quality habitat.

## **7.0 FINDINGS REGARDING CHANGES OR ALTERATIONS THAT ARE WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY**

There are no changes or alterations that are within the responsibility and jurisdiction of another public agency and not the agency making the finding.

## **8.0 FINDINGS REGARDING ALTERNATIVES (CEQA § 21081(A)(3) AND CEQA GUIDELINES §15091(A)(3))**

In accordance with Section 15126.6(a) of the CEQA Guidelines, an EIR must contain a discussion of "a range of reasonable alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Section 15126.6(f) further states that "the range of alternatives in an EIR is governed by the 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." Thus, the following discussion focuses on project alternatives that are capable of eliminating significant environmental impacts or substantially reducing them as compared to the proposed project, even if the alternative would impede the attainment of some project objectives, or would be more costly. In accordance with Section 15126.6(f)(1) of the State CEQA Guidelines, among the factors that may be taken into account when addressing the feasibility of alternatives are: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.

As required in CEQA Guidelines Section 15126.6(a), in developing the alternatives to be addressed in this section, consideration was given regarding an alternative's ability to meet most of the basic objectives of the proposed project. Because the proposed project will cause unavoidable significant environmental effects related to Visual/Aesthetics, the City must consider the feasibility of any environmentally superior alternatives to the proposed project, evaluating whether these alternatives could avoid or substantially lessen the unavoidable significant environmental effects while achieving most of the objectives of the proposed project.

The alternatives presented and considered in the Final EIR constitute a reasonable range of alternatives necessary to permit a reasoned choice among the options available to the City and/or the project proponent. Based upon the administrative record for the project, the City makes the following findings concerning the alternatives to the proposed project.

### **A. Alternatives Considered and Rejected**

The following design alternatives were considered for the proposed project. These alternatives were rejected from further consideration because they fail to meet most of the project objectives and are considered infeasible.

**Traffic Diversion Alternative:** Route traffic on Via de la Valle and San Dieguito Road over a new bridge on El Apajo in Fairbanks Ranch, a two-lane road that currently terminates on either side of the San Dieguito River in Morgan Run Resort and Club. This alternative was rejected because it would create new impacts to the San Dieguito River in a different location, increase traffic and noise along narrow roadways, and generate inconsistencies with the North City Future Urbanizing Area (NCFUA) Framework Plan. This alternative also would not address most of the purposes of the proposed project.

**Alignment to El Camino Real North Alternative:** Place a wider roadway and new bridge east of existing El Camino Real, to line up with El Camino Real North, located 1,200 feet east of the intersection with Via de la Valle. This alternative was rejected because it would have greater impacts to wetlands in the river providing clapper rail habitat than any of the build alternatives studied in detail.

**Bridge over 100-year Floodplain ("Viaduct") Alternative:** Construct a very long bridge or "viaduct" that would span the entire 100-year floodplain in the study area, which is a length of approximately 2,500 feet. This alternative was rejected because it would cost more than approximately \$50 million, compared to approximately \$20 million for the proposed project, without substantially reducing impacts.

**River Channel Widening Alternative:** Avoiding increases in upstream water surface elevations due to the embankment across the floodplain by excavating the existing San Dieguito River channel to be approximately 100 feet wider under the new bridge for approximately 800 feet upstream of the bridge, and excavating the existing river channel to be 100 to 300 feet wider for approximately 1,000 feet downstream of the bridge. The new bridge would be about 100 feet longer than the existing bridge. This alternative was rejected because it would generate additional wetlands impacts in the river and potentially change sedimentation patterns, reducing beach sand delivery downstream.

**Task Force Alternatives:** In September 2006, a community task force was formed to discuss roadway widening alternatives other than those evaluated in the 2006 EIR. The work of the Western San Dieguito River Valley/NCFUA Subarea II Task Force was documented in their Final Recommendations report (Task Force Report) dated February 7, 2007. The Task Force studied a number of widening alternatives that they rejected in their own deliberations. The alternatives the Task Force considered but rejected are described in the Task Force Report and are similarly considered but rejected in Section 5 of this recirculated EIR.

In addition to the alternative alignments, two build alternatives with a narrow right-of-way were also carried forward from the 2006 Draft EIR. Although these two alternatives are included and considered at an equal level of detail with all build alternatives in the detailed analysis of the EIR, they are not considered feasible by FHWA. As discussed in Section 5.0, they would have additional impacts to the transportation and circulation system and were determined not be environmentally superior or be preferred by the City.

**Road Capacity Alternative:** Narrow roadway cross section with an alignment shifted west to avoid impacts to the wetlands in the drainage ditch parallel to the eastern edge of El Camino Real. For this alternative, the roadway would be raised above the 100-year flood level on retaining walls to keep the road width as narrow as possible. This alternative would not provide pedestrian walkways, a parkway, bicycle lanes, or a usable central median.

**Bicycle Safety Alternative:** Narrow roadway cross section with an alignment shifted west to avoid impacts to the wetlands in the drainage ditch parallel to the eastern edge of El Camino Real. For this alternative, the roadway would be raised above the 100-year flood level on retaining walls to keep the road width as narrow as possible. This alternative would not provide pedestrian walkways, a parkway, or additional travel lanes to increase road capacity.

## **B. Alternatives Analyzed in Depth in the Final EIR**

The impacts of each alternative are analyzed in detail in Section 3.0 of the Final EIR. The review of alternatives includes an evaluation to determine if any specific environmental characteristic would have an effect that is "*substantially less*" than the proposed project. A significant effect is defined in Section 15382 of the CEQA Guidelines as "*a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.*" The potential significant impacts that may result from implementation of the proposed project are:

- Land Use
- Visual/Aesthetics
- Historical Resources
- Hydrology/Water Quality
- Paleontological Resources
- Biological resources

Alternatives considered for the proposed project, including a discussion of the "No Project" alternative, are addressed in detail in Section 3.0. Relative to the requirement to address a "No Project" alternative, CEQA Guidelines Section 15126.6(e) states that:

- (A) *When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or operation into the future.*
- (B) *If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the "no project" alternative is the circumstance under which the project does not proceed.*

Alternatives to the proposed project considered and discussed in the Final EIR include the "No Project (No Build) Alternative" that is mandated by CEQA and seven build alternatives that were developed in the course of project planning and environmental review for the proposed project. The seven build alternatives would generate similar impacts and perform similarly in terms of the following issues: historical resources, farmland, public utilities, hydrology/water quality, paleontology, air quality, noise, and greenhouse gas emissions.

### **Alternative 1 – No Project (No Build) Alternative**

**Description:** The No Build Alternative would maintain the current two-lane, unimproved design of El Camino Real between Via de la Valle and San Dieguito Road. The bridge over the San Dieguito River would not be replaced with a higher structure that is above the 100-year flood level and conforms to current seismic standards.

**Finding:** The City finds that the No Project (No Build) Alternative would not meet any of the project objectives as listed above and in Chapter 1.0 of the Final EIR, and is therefore infeasible.

**Facts in Support of Finding:** Because the No Project (No Build) Alternative would not replace a new bridge over the San Dieguito River with a higher structure that is above the 100-year flood level and conforms to current seismic standards, it would result in greater risk associated with damage from an earthquake and environmental effects related to geology, seismicity, and soils associated with ground shaking and liquefaction. The No Build alternative was determined to be not consistent with key goals and policies of planning documents because it would not facilitate pedestrian connections. Also, the current bridge height does not provide adequate clearance for a trail under the bridge. However, the No Build Alternative would have no change on adjacent properties compared to the Eastern Alignment which would be located east of the existing road alignment. No additional capacity would be provided for traffic in



this road segment. No pedestrian walkways or bicycle lanes would be provided in this road segment for additional access and safety. No signals for pedestrian/equestrian crossings at the Horsepark and Polo Club entrance driveways would be provided. This segment of El Camino Real would continue to be subject to periodic flooding. The existing congested traffic conditions, flood risk, and potential for bridge damage during a seismic event would continue. However, the existing low-level, rural appearance of the road and bridge would not be affected. Also, there would be no potential impacts to wetlands in the drainage ditch parallel to El Camino Real, in the drainage ditch parallel to Via de la Valle, or in the San Dieguito River. The existing driveways and property at Horsepark and Polo Club recreational facilities would not be affected. Other potential adverse effects of the project construction would not occur. Similarly, the No Project Alternative would avoid impacts to biological, archaeological, and paleontological resources which can result from any ground disturbing activities and construction. However, the No Project (No Build) Alternative would not meet any of the objectives of the project as identified above and in Chapter 2.0 of the Final EIR, and is, therefore, not recommended for selection and implementation.

**Reference:** Final EIR § 5.3.1

In order to fully evaluate the range of possible alternatives that would avoid or reduce the impacts associated with the proposed project, a full range of alignments and lane configurations was considered for affected roadways and intersections. The following provides the analysis for five additional build alternatives.

### **Alternative 2 – Central Alignment Alternative**

**Description:** The Central Alignment Alternative would be a full widened roadway cross section roughly centered on the existing alignment of El Camino Real to impact neighboring properties on the east and west sides relatively equally. For this alternative, the roadway would be raised above the 100-year flood level on embankment. This Alternative would include the construction of similar project components as discussed in Section 2.2.1 of the Final EIR. As shown in Table 2.2-1, it has the following distinct features as compared to the Eastern Alignment Alternative (proposed project):

- Eight bridge piers (two sets of four);
- Three breeding seasons spanned for construction;
- Centered on the existing alignment of El Camino Real, this alternative would impact neighboring properties on the east and west sides relatively equally.

**Finding:** The City finds that this alternative would meet most of the project objectives, but not to the same level as the preferred alternative. The Central Alignment Alternative was found to involve a construction area that is moderately constrained, spans an additional year into the avian breeding seasons with noise impacts to sensitive birds, and would also require an additional bridge staging area. This alternative provides four travel lanes, but the full intersection would not be constructed at El Camino Real and Via de la Valle. Therefore, this alternative is infeasible.

**Facts in Support of Finding:** When compared to the proposed project, the Central Alignment Alternative would result in similar impacts for all other issue areas; however, this alternative, in comparison to the Eastern Alignment, would have more impacts/intrusion along west side of El Camino Real and more permanent intrusion along eastern edge of property of the Del Mar Horsepark. This alternative also results in greater total wetland impacts. Therefore, this alternative is infeasible.

### **Alternative 3 – Western Alignment Alternative**

**Description:** The Western Alignment Alternative would be a full widened roadway cross section with an alignment shifted west to avoid impacts to the wetlands in the drainage ditch parallel to the eastern edge

of El Camino Real. For this alternative, the roadway would be raised above the 100-year flood level on embankment. This Alternative would include the construction of the following:

- Eight bridge piers (two sets of four);
- Three breeding seasons spanned for construction;
- Located west of the existing alignment of El Camino Real, this alternative would impact neighboring properties on the west to a greater extent than those on the east.

**Finding:** The City finds that this alternative would meet most of the project objectives, but not to the same level as the preferred alternative. The Western Alignment Alternative was found to involve a construction area that is unconstrained with some access issues, spans an additional year into the avian breeding seasons with noise impacts to sensitive birds, and would also require an additional bridge staging area. This alternative provides four travel lanes, but the full intersection would not be constructed at El Camino Real and Via de la Valle. Therefore, this alternative is infeasible.

**Facts in Support of Finding:** When compared to the proposed project, the Western Alignment Alternative would result in similar impacts for all other issue areas; however, this alternative, in comparison to the Eastern Alignment, would have the most impacts/intrusion along west side of El Camino Real and the most permanent intrusion along eastern edge of property of the Del Mar Horsepark, although it would avoid impacts to the Polo Club fields. This alternative also results in greater permanent wetland impacts than the Eastern Alignment Alternative. Therefore, this alternative is infeasible.

#### **Alternative 4 – Roundabout Alternative**

**Description:** The Roundabout Alternative would be a full widened roadway cross section with an alignment shifted east similar to the Eastern Alignment Alternative. Roundabouts instead of signalized intersections would be located where El Camino Real meets San Dieguito Road, the Polo Field/Horsepark driveways, and De la Valle Place, and where Via de la Valle meets El Camino Real North. At the intersection of Via de la Valle and El Camino Real North, the project footprint would extend approximately 275 feet northward on El Camino Real North and approximately 500 feet eastward on Via de la Valle to allow appropriate transitions to the existing roadways. At the intersection of El Camino Real and San Dieguito Road, the project footprint would extend 350 feet southward on El Camino Real and 600 feet eastward on San Dieguito Road to allow appropriate transitions to those existing roadways. This alternative would include the construction of the following:

- Six bridge piers (two sets of three);
- Two breeding seasons spanned for construction;
- Located east of the existing alignment of El Camino Real, this alternative would impact neighboring properties on the east to a greater extent than those on the west, similar to the Eastern Alignment Alternative, but would also impact areas beyond each intersection to allow appropriate transitions.

**Finding:** The City finds that this alternative would meet most of the project objectives, but not to the same level as the preferred alternative. The Roundabout Alternative was found to involve a construction area that is completely unconstrained for bridge and road north of bridge, spans only two years into the avian breeding seasons with noise impacts to sensitive birds, and would impact additional areas to achieve appropriate intersection transitions. This alternative provides four travel lanes, but the full roundabout intersection would not be constructed at El Camino Real and Via de la Valle. Therefore, this alternative is infeasible.

**Facts in Support of Finding:** When compared to the proposed project, the Roundabout Alternative would result in similar impacts for all other issue areas; however, this alternative, in comparison to the Eastern Alignment, would have the most impacts/intrusion along east side of El Camino Real and the

most permanent intrusion along western edge of property of the Polo Club fields. This alternative also results in the greatest permanent, temporary, and total wetland impacts of all the build alternatives. Therefore, this alternative is infeasible.

### **Alternative 5 – Lower Elevation Alternative**

**Description:** The Lower Elevation Alternative would be a full widened roadway cross section roughly centered on the existing alignment of El Camino Real to impact neighboring properties on the east and west sides relatively equally. The elevation (profile) of this alternative would be lower than for the other alternatives. For this alternative, the roadway would be raised above the 100-year flood level on embankment. This alternative would include the construction of the following:

- Eight bridge piers (two sets of four);
- Three breeding seasons spanned for construction;
- Centered on the existing alignment of El Camino Real, this alternative would impact neighboring properties on the east and west sides relatively equally.

**Finding:** The City finds that this alternative would meet most of the project objectives, but not to the same level as the preferred alternative. The Lower Elevation Alternative was found to involve a construction area that is moderately constrained, spans an additional year into the avian breeding seasons with noise impacts to sensitive birds, and would also require an additional bridge staging area. This alternative provides four travel lanes, but the full intersection would not be constructed at El Camino Real and Via de la Valle. This alternative would not be raised high enough to provide a trail undercrossing at the northern abutment. Therefore, this alternative is infeasible.

**Facts in Support of Finding:** When compared to the proposed project, the Lower Elevation Alternative would result in similar impacts for all other issue areas; however, this alternative, in comparison to the Eastern Alignment Alternative, would have more impacts/intrusion along west side of El Camino Real and more permanent intrusion along eastern edge of property of the Del Mar Horsepark. This alternative also results in greater total wetland impacts. Therefore, this alternative is infeasible.

**Reference:** Final EIR § 5.3.1

## **9.0 ENVIRONMENTAL ISSUES DETERMINED NOT TO BE POTENTIALLY AFFECTED BY THE PROJECT**

The City determined that the environmental analysis contained in the Final EIR for traffic/circulation, farmlands, public utilities/services, geology/seismicity/soils, air quality, noise, and greenhouse gas emissions had “no impact” or had a “less than significant impact,” and, therefore, will not warrant further consideration in the Final EIR. No substantial evidence has been presented to or identified by the City that will modify or otherwise alter the City’s “no impact” or “less than significant” determination for these environmental issue areas.

## **10.0 FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

As required by Section 15126.2(c) of the CEQA Guidelines, the significant irreversible environmental changes of a project must be identified. Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Irreversible commitments of resources are evaluated to assure that their use is justified. Irreversible environmental changes typically fall into three categories; primary impacts, such as the use of nonrenewable resources; secondary impacts, such as highway improvements which provide access to previously inaccessible areas; and environmental accidents associated with a project.

Development that could occur on the project site as a result of the proposed project would entail the commitment of energy and natural resources. The primary energy source would be fossil fuels, representing an irreversible commitment of this resource. Construction of the project would also require the use of construction materials, including water, cement, concrete, lumber, steel, etc., and labor. These resources would also be irreversibly committed.

Specific significant irreversible environmental changes associated with implementation of the proposed project may include the following:

- Commitment of natural, physical, human, and fiscal resources. Land used in the construction of the proposed bridge/roadways and other facilities is considered an irreversible commitment during the time period that the land would be used for these improvements. However, if a greater need arises for use of the land or if the facilities are no longer needed, the land can be converted to another use. At present, there is no reason to believe such a conversion would ever be necessary or desirable. Given the location of the project, conversion to other uses, including open space or biological habitat, would be feasible if such action became necessary. In addition, the JPA Mitigation Site is proposed to be enhanced as biological habitat.
- Commitment of energy, water, and other natural resources for the construction and maintenance of the proposed facilities is expected. This resource utilization is not expected to represent significant amounts of available resources in the region. Fossil fuels, labor, and construction materials such as cement, aggregate, and bituminous material would be expended in constructing the bridge/roadways. Additionally, labor and natural resources would be used in the making of construction materials. Construction would also require a one-time expenditure of local, state and/or federal funds which are not retrievable but would be partially offset by savings in energy resulting from improvement of traffic conditions and enhancement of multimodal transportation, such as for pedestrians and bicyclists, for most of the alternatives. Pollutant emissions from construction activities would occur but would be short-term and would not be significant. In addition to the costs of construction, there would be limited costs for maintenance and personnel. Although such resources are generally not retrievable, their commitment is based on the concept that residents in the immediate area, region and state would benefit from the improved quality of a transportation system that would facilitate other modes of travel in addition to vehicles. These benefits would consist of improved safety for bicyclists, equestrians, and pedestrians, savings in fuel, reduction in emissions of pollutants related to vehicles, and the enhancement of recreational and commuter facilities, all of which are expected to outweigh the commitment of resources.

## **11.0 STATEMENT OF OVERRIDING CONSIDERATIONS**

Pursuant to Section 21081(b) of CEQA, Section 15093 and 15043(b) of the CEQA Guidelines, the City is required to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable adverse environmental impacts when determining whether to approve the proposed project.

If the specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code Section 21081.

Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, the City has balanced the benefits of the proposed project against unavoidable adverse impacts to Visual/Aesthetics associated with the proposed project and has considered all feasible mitigation measures with respect to significant and unavoidable impacts associated with this environmental issue area. The City also has

examined alternatives to the proposed project and has rejected them as infeasible, finding that none of them would meet the project objectives to the same degree as the preferred alternative and result in substantial reduction or avoidance of the project's significant and unavoidable environmental impacts.

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

Having considered the entire administrative record on the proposed project, and (i) having made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the project, and adopting all feasible mitigation measures; (ii) having examined a reasonable range of alternatives to the project and, based on this examination, having determined that all those alternatives are either environmentally inferior, fail to meet the project objectives, or are not economically or otherwise viable, and therefore should be rejected; (iii) having recognized all significant, unavoidable impacts; and (iv) having balanced the benefits of the project against the project's significant and unavoidable effects, the City hereby finds that the following economic, legal, social, technological, aesthetic, environmental, and other benefits of the project outweigh the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable based upon the following considerations, set forth below.

**A. Social/Public Safety Benefits**

1. The project is a bridge replacement and roadway improvement project that will improve the structural integrity of the vehicular bridge over the San Dieguito River, alleviate problems associated with high flood events, improve pedestrian and vehicular access to nearby coastal and recreation resources, relieve traffic congestion, and improve consistency with the adopted land use plan and adopted Circulation Element for the project area.
2. The project will provide a new bridge on deeper piles that will extend 90 feet below ground to stable foundational materials not subject to liquefaction, in contrast to the existing bridge piles, which are relatively shallow and buried in sediments that could fail in an earthquake due to liquefaction.
3. The project will allow 100-year flood waters to pass underneath the bridge with adequate clearance, thus reducing the potential for future road and bridge closures as the result of flood damage and reducing the potential for upstream flooding.
4. The project will improve traffic conditions by improving traffic flow and reducing congestion in the project area. During peak hours, traffic in the area is currently rated at LOS F, which means that traffic volumes exceed the roadway's capacity. Daily trips are projected to increase by nearly 200 percent in the next 20 years. By increasing the roadway from two lanes to four lanes, the project will increase roadway capacity.
5. The project will improve consistency with the adopted land use plans in the project area. These include the City of San Diego General Plan and City of San Diego Strategic Framework Element.
6. The project will advance the goals of SANDAG's 2050 RTP by completing Project SD34, reconstruction and widening of El Camino Real from two lanes to four lanes and extend transition lane and additional grading to avoid biological impacts (CIP 52-479.0). The project will make this section of El Camino Real more conducive to walking and bicycling, which will contribute to the goal of an integrated multimodal transportation system by mid-century.

7. The project will include sidewalks for pedestrians and bicycle lanes for cyclists, thus providing mobility options that will improve walkability and safety for pedestrians and cyclists in the project area.

**B. Aesthetic Benefits**

1. The project includes a revegetation program for native riparian and wetland species that would be compatible with the current character of the area.
2. The project would replace a eucalyptus tree grove and a sycamore grove at a 3:1 ratio utilizing varying container sizes up to 36-inch box trees for a total of 45 new trees. This landscaping will enhance and improve the existing landscaping along the project site.

**C. Environmental Benefits**

1. The project will relieve congestion, and as a result of improved traffic flow.
2. The project includes wetland creation/enhancement on a parcel owned by the San Dieguito River Park Joint Powers Authority (JPA) adjacent to the project site. Historically, this parcel supported agricultural practices but has remained fallow for several years. This area has revegetated naturally and currently supports native and nonnative vegetation. Mitigation is proposed due to the sensitive habitats and species within the project area and extended construction timeline. All impacts are considered permanent in terms of mitigation requirements and will restore or create a higher habitat function in this area.

For each and all of these reasons, the City finds that, on balance, the benefits of the proposed project outweigh the unavoidable environmental risks. Therefore, the level of environmental risk of the project is considered to be acceptable, given the importance of this project to the overall improvements to social and public safety, aesthetics, the environment, and the local economy.

Passed by the Council of The City of San Diego on FEB 14 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 14 2017


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

AUTHENTICATED BY:

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

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

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 310959