

RESOLUTION NUMBER R- 311298

ADOPTED ON SEP 11 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE ENVIRONMENTAL IMPACT REPORT NO. 417090/SCH NO. 1993121032 AND ADOPTING THE MITIGATION, MONITORING, AND REPORTING PROGRAM FOR UNIVERSITY OF SAN DIEGO MASTER PLAN UPDATE – PROJECT NO. 417090.

ITEM # 601A
9/11/17

WHEREAS, on November 20, 2015, Ky Snyder, University of San Diego, submitted an application to Development Services Department for a Conditional Use Permit, Site

Development Permit, and Easement Vacations for the USD Master Plan Update (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 September 11, 2017; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 417090/SCH No. 1993121032 (Report) prepared for this Project; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; 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 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the Project, which are attached hereto as Exhibit A.

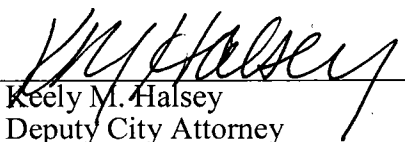
BE IT FURTHER RESOLVED, that pursuant to State CEQA Guidelines Section 15093, the City Council hereby adopts the Statement of Overriding Considerations with respect to the Project, which is attached hereto as Exhibit B.

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

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the 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: 
Keely M. Halsey
Deputy City Attorney

KMH:als
08/24/2017
09/05/2017 Cor. Copy
Or. Dept: DSD
Doc. No. 1560489_2

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

Passed by the Council of The City of San Diego on SEP 11 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 SEP 11 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.

(Seal)

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

By Stacy Beach, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 311298

EXHIBIT A

FINDINGS REGARDING THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE USD MASTER PLAN UPDATE PROJECT

Project No. 417090
SCH No. 1993121032
September 2017

SECTION 1: THE PROJECT

I. INTRODUCTION

The University of San Diego (USD or University) Master Plan Update will provide a comprehensive revision of the existing Master Plan and Design Guidelines, as well as the campus' building space and infrastructure needs. USD received approval of its existing Master Plan, including Design Guidelines, in 1996 (1996 Master Plan) to guide the phased buildout of the campus through the year 2030. Concurrent with the City's approval of the 1996 Master Plan, Conditional Use Permit (CUP)/Resource Protection Ordinance (RPO) Permit No. 92-0568 was issued to allow the campus to construct 23 projects outlined in the 1996 Master Plan and expand student population to 7,000 FTE. The Final Environmental Impact Report (Final EIR) prepared for the 1996 Master Plan (1996 Master Plan FEIR; State Clearinghouse #1993121032) was prepared pursuant to the California Environmental Quality Act (CEQA).

As the CEQA Lead Agency, the City reviewed the Master Plan Update and determined that proposed revisions to the 1996 Master Plan, and/or the circumstances surrounding its implementation, require revisions to the existing City entitlements and certified CEQA document, pursuant to §15162(a) of the State CEQA Guidelines. Specifically, CEQA Guidelines §15162 provides that a Subsequent Environmental Impact Report (SEIR) is warranted if the Lead Agency determines, among other things, that substantial changes have occurred to a project that will have one or more significant effects not discussed in the previous EIR, or the revised project has the potential to increase the severity of significant impacts in the previous EIR. For the proposed Project, described below under Section I.II, the amount of campus development and student enrollment would increase beyond levels that were previously contemplated in the 1996 Master Plan and addressed in the 1996 Master Plan FEIR, potentially resulting in new and/or substantially more severe impacts.

The Final SEIR prepared for the Master Plan Update considered, pursuant to Public Resources Code §21166, whether any new potentially significant impacts would result or whether there would be an increase in the severity of previously identified significant impacts, from the project due to substantial changes in circumstances or from new information discovered since adoption of the 1996 Master Plan. The new information presented in the Final SEIR reflects changes in circumstances or contains information that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified. As permitted by §15150 of the State CEQA Guidelines, the Final SEIR incorporates by reference information and analysis contained in the project- level analysis conducted in the 1996 Master Plan FEIR (Project

No. 92-0568 / SCH No. 1993121032), including its associated technical studies.

II. PROJECT DESCRIPTION

USD proposes to update its existing campus Master Plan, which provides a framework for guiding the physical development of the USD campus. The USD Master Plan Update (or Project) provides a comprehensive revision of the 1996 Master Plan and Design Guidelines, as well as the campus' building space and infrastructure needs associated with increasing enrollment from 7,000 to 10,000 full-time equivalent (FTE) students over the next 20 years. The Project would increase the amount of physical development permitted on the USD campus, as well as the number of enrolled students. The USD campus includes approximately 180 acres within a generally rectangular-shaped area devoted to university-related uses. The campus is located in the Linda Vista Community of the City of San Diego (City), approximately five miles east of the Pacific Ocean, four miles north of downtown San Diego, 0.5 mile east of Interstate (I-) 5 and 0.5 mile north of I-8.

The Project includes 14 projects that would occur as the campus grows over the next 20 years, within the following categories: academic/administrative buildings (including support uses); student housing; student services uses; athletics/athletic support/administrative buildings; physical plant and facilities; parking structures and lots; pedestrian circulation/plaza/bridge; and trails/landscape enhancements. The noted categories are not mutually exclusive, however, and in many cases multiple uses would be grouped into one building or complex. The phased development of the 14 projects would collectively add 471,738 assignable square feet (ASF) of new building space to the campus, including 1,003 student housing beds. This new ASF and housing would be contained within the approximately 922,230 gross square feet (GSF) of the new or renovated structures. Specifically, ASF is the space within a room that can be designated for a particular use, while GSF is the total space within the exterior walls of a building.

In addition to the 14 project sites noted above, the Project addresses other potential physical changes to support optimal future campus development, including modifications related to mobility, circulation, and recreation, as well as off-site roadway/intersection improvements. Additional proposed projects within the campus include: (1) improvements to the existing campus Loop Road alignment and campus perimeter to accommodate multi-modal circulation, including two-way traffic, bike lanes, parking, pedestrian walkway and/or trails, and multiple tram stops (with additional tram stops also proposed along internal and perimeter roads on the west and east sides of campus); (2) pedestrian, trail and plaza improvements, including creation of a pedestrian promenade ("Paseo") that would generally bisect the campus from west to east, vehicular drop-off areas at the west and east Paseo entrances (with non-emergency traffic to be routed to the Loop Road), three north-south pedestrian connections across the Paseo, and up to four new traditional university-style "quads" or "commons" to encourage gatherings among campus users; (3) additional paths, trails, stairs, and connecting walkways in other portions of the campus (with connections to off-site roadways and neighborhoods); and (4) a boundary line correction for the Multi-Habitat Planning Area (MHPA) along the northern University interface with Tecolote Canyon.

The Project includes general and detailed Design Guidelines that provide the primary means for consistently implementing the campus landscape and recognizable architectural character. The Design Guidelines provide direction on the physical development of the campus, and support key overall planning principles and framework plans for different areas of campus as established in the Master Plan Update. More specifically, the Design Guidelines document frames the aesthetics of campus development by describing and illustrating site planning, vehicular and pedestrian circulation, parking, architecture, landscape, lighting, and signage as related to existing campus and future development. Future campus planners, architects, landscape architects, and designers of lighting, signs, and other amenities, as well as maintenance personnel, would use the USD Design Guidelines to provide direction for their campus-related work. The Design Guidelines include General Design Guidelines and Focus Area Guidelines, as well as Sustainability Guidelines, intended to encourage resource conservation, energy efficiency, and healthy and quality living and working environments.

The discretionary approvals required from the City to implement the Project include a Conditional Use Permit (CUP) a Site Development Permit (SDP), and six public utility easement vacations and new easement dedications, which would be recorded separately as part of future project applications under the Master Plan Update. All of the noted approvals would be subject to review and approval by City Council.

III. PROJECT OBJECTIVES

The main purpose of the Project is to serve as an updated framework for guiding the physical development of the USD campus over the next 20 years, further achieving the academic goals and objectives of the campus outlined in the 1996 Master Plan. Many of the goals and objectives identified in the 1996 Master Plan FEIR are relevant and applicable to the Project, including those related to:

- Developing new and renovated facilities and capital improvements;
- Renovating or replacing buildings to improve degraded conditions;
- Siting new buildings in locations that offer programmatic advantages;
- Siting facilities to enhance spatial usage of the campus;
- Designing to be compatible with the established style and scale of existing campus structures;
- Improving pedestrian access to, from, and within campus;
- Incorporating accessibility features into existing and new buildings; and
- Providing additional on-campus housing and proximate parking.

Additional Project objectives have been identified by USD as part of the Master Plan Update planning process, including:

- Prioritize the campus mesa for the highest and best use of campus land, especially the academic core, wherein all traditional degree programs will be focused into instructional spaces;
- Ensure adequate space is available for projected academic growth and for an on-campus population of up to 10,000 FTE students;
- Develop a framework and design guidelines for building and landscape improvements;
- Identify campus development opportunities that balance the University's mission and its financial sustainability;
- Allow the campus to expand internally without altering its physical boundary by infilling surface parking lots and underutilized or vacant campus lands, thereby reducing the need to acquire additional property and reducing potential conflicts with neighbors;
- Guide the intensification of the campus as it grows in a way that does not significantly alter the campus character, but contributes to its enhancement and quality;
- Integrate administrative, academic, housing, athletic, and recreational uses into a cohesive physical campus and campus experience;
- Update the living and learning environment to better reflect campus residential life and academic goals;
- Enhance the student experience, elevate academic excellence on campus, and
- Enhance mobility and access throughout the campus and expand mobility options on campus; and
- Guide the creation of an aesthetically pleasing, well-functioning university campus that is integrated within, contributes positively to, and respects the surrounding community.

SECTION 2: ENVIRONMENTAL REVIEW PROCESS

The Lead Agency approving the Project and conducting environmental review under CEQA (California Public Resources Code §§21000, et seq.), and the Guidelines promulgated thereunder in California Code of Regulations, Title 14, §§15000 et seq. (CEQA Guidelines), hereinafter collectively, (CEQA) shall be the City. The City as Lead Agency shall be primarily responsible for carrying out the Project. In compliance with §15082 of the CEQA Guidelines, the City published a Notice of Preparation (NOP) on April 4, 2016, which began a 30-day period for comments on the appropriate scope of the Project EIR. The City received NOP comment letters from the California Department of Fish and Wildlife, California Department of Transportation, Native American Heritage Commission, and San Diego Association of Governments. A copy of

the NOP and SEIR Scoping Letter, the NOP distribution list, and public comment letters received on the NOP are provided in Appendix A of the Final EIR.

The Draft SEIR for the project was then prepared and circulated for review and comment by the public, agencies, and organizations for a public review period that began on January 6, 2017, and concluded on February 21, 2017. A Notice of Completion of the Draft SEIR was sent to the State Clearinghouse, and the Draft SEIR was circulated to state agencies for review through the State Clearinghouse, Office of Planning and Research (SCH No. 1993121032). A Notice of Availability of the Draft SEIR was filed with the County Clerk. Comments on the Draft SEIR were received from the Office of Planning and Research, State Clearinghouse, California Department of Fish and Wildlife, California Department of Transportation, San Diego County Archaeological Society, San Diego Association of Governments, Save Our Heritage Organisation, Rincon Band of Luiseño Indians, Ms. Beverly Blessent and Ms. Virginia LaGuardia. After the close of the public review period, the City provided responses in writing to all comments received on the Draft SEIR.

The Final SEIR dated May 12, 2017 has been prepared in accordance with CEQA and the State CEQA Guidelines. The City, acting as the Lead Agency, has reviewed and edited as necessary the submitted drafts and certified that the Final SEIR reflects its own independent judgment and analysis under CEQA Guideline §15090(a)(3) and CEQA §21082.1(a)-(c).

The Final SEIR is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the Project. The Final SEIR addresses the potential significant adverse environmental impacts associated with the Project, and identifies feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these impacts. The Final SEIR is incorporated by reference into this CEQA Findings document.

The Final SEIR is the primary reference document for the formulation and implementation of a mitigation monitoring program for the project. Environmental impacts cannot always be mitigated to a level that is considered less than significant. In accordance with CEQA, if a Lead Agency approves a project that has significant unavoidable impacts that cannot be mitigated to a level below significance, the agency must state in writing the specific reasons and overriding considerations for approving the project based on the final CEQA documents and any other information in the public record for the project. (CEQA Guidelines §15093). This is called a "statement of overriding considerations." (SOC; CEQA Guidelines §15093).

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 §21081.6(a)(2) and CEQA Guidelines §15091(e).

SECTION 3: FINDINGS

I. INTRODUCTION

The CEQA Guidelines require that no public agency shall approve or carry out a project which identifies one or more significant environmental impacts of a project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.

The State CEQA Guidelines (§15096(g)) requires that the Lead Agency adopt mitigation measures or alternatives where feasible to avoid or mitigate significant environmental impacts that would otherwise occur with the implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency. For those significant impacts that cannot be mitigated to a less than significant level, the Lead Agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment (CEQA §21081[b]) and State CEQA Guidelines §15093). If such findings can be made, the Guidelines state in §15093 ". . . the adverse environmental effects may be considered acceptable." CEQA also requires that findings made pursuant to §15091 be supported by substantial evidence in the record (State CEQA Guidelines, §15091[b]). Under CEQA, substantial evidence means enough relevant information has been provided (reasonable inferences from this information may be made) to support a conclusion, even though other conclusions might also be reached. Substantial evidence includes facts, reasonable assumptions predicated on facts, and expert opinion supported by facts (State CEQA Guidelines, §15384).

The findings reported in the following pages incorporate the facts and discussions in the SEIR for the Project as fully set forth therein. Although §15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely "potentially significant," these findings will nevertheless fully account for all such effects identified in the Project SEIR. For each of the significant impacts associated with the project, the following sections are provided:

Description of Significant Impacts: A specific description of the environmental impacts identified

in the SEIR or 1996 Master Plan FEIR, in applicable, including a conclusion regarding the significance of the impact.

Mitigation Measures: Identified feasible mitigation measures or actions that are required as part of the Project and, if mitigation is infeasible, the reasons supporting the finding that the rejected mitigation is infeasible.

Finding: One or more of the three specific findings set forth in CEQA Guidelines §15091.

Rationale: A summary of the reasons for the finding(s).

Reference: A notation on the specific section in the SEIR which includes the evidence and discussion of the identified impact.

For environmental impacts that are identified in the SEIR to be less than significant and do not require mitigation, a statement explaining why the impacts are less than significant is provided.

II. ENVIRONMENTAL IMPACTS THAT ARE LESS THAN SIGNIFICANT AND DO NOT REQUIRE MITIGATION

The City Council of the City of San Diego hereby finds that the following environmental impacts will be less than significant. These findings are based on the discussion of impacts in Sections 5.0 and 6.0 of the SEIR.

A. Land Use

- General Plan/Community Plan/Other Applicable Plan or Code Consistency:*** The Project was found to be consistent with the City's adopted General Plan as analyzed in Section 5.1, *Land Use*, of the SEIR. The project would also be consistent with the applicable goals and policies of the Linda Vista Community Plan, the Tecolote Canyon Natural Park Master Plan (NRMP), and the Tecolote Rim Development Guidelines, and would not result in associated conflicts. The Project would be consistent with City Land Development Code (LDC) regulations associated with ESL, Historic Resources, the Community Plan Implementation Overlay Zone (CPIOZ), and the Parking Impact Overlay Zone. The Project was also found to be consistent with applicable requirements related to regional air quality strategies, water quality and Hydromodification Management requirements, and existing land uses (with related discussion of consistency with Multiple Species Conservation Program [MSCP] and MHPA standards provided below under Item 2 and in Section 3.II.B). No significant land use policy impacts related to plan consistency would occur under the Project.
- Consistency with the City MSCP or Other Approved Local, Regional or State Habitat Conservation Plans:*** The Project would not result in direct impacts to the MHPA, and the proposed Boundary Line Correction would remove developed land from the preserve. Project compliance with the Land Use Adjacency Guidelines (LUAG) through conditions of approval would avoid potential indirect impacts to the resources in the MHPA related to grading/land development,

drainage and toxics, lighting, public access, barriers, invasive species, brush management, and noise. Management of the MHPA on campus, in accordance with the Framework Management Plan of the MSCP Subarea Plan, would also be conducted by the University. As a result, the Project would comply with policies protecting environmental resources in the MHPA as outlined in the MSCP Subarea Plan. The Project would also comply with the maintenance, usage, and development guidelines of the Tecolote Canyon NRMP and Tecolote RDG as noted above. No associated significant land use policy impacts would occur under the Project.

3. ***Noise Ordinance Standards and General Plan Noise Element Compatibility Guidelines:*** The Master Plan Update would be consistent with the noise limits expressed in the Noise Element of the General Plan, and associated projects would be located outside of the 60 dBA Community Noise Equivalent Level (CNEL) noise contours associated with the San Diego International Airport (SDIA) and Montgomery Field. No significant land use compatibility impacts related to noise would occur from the Project.
4. ***Incompatibility with Airport Land Use Compatibility Plans:*** The campus is not located within any of the designated safety zones for the SDIA or Montgomery Field. The campus is in Review Area 2 of the Airport Influence Area for both noted airports, with associated requirements for overflight disclosures and project reviews to be conducted in conformance with the related policies in the adopted ALUCPs for both facilities and the San Diego Municipal Code. The Master Plan Update would not cause any new campus uses to be incompatible with the ALUCPs for SDIA and Montgomery Fields, because it would not be incompatible with the uses defined in those plans. No land use impacts related to ALUCPs would occur under the Project.

B. Transportation/Circulation

1. ***Traffic Generation, Existing Traffic Load/Capacity of Street System, and Existing/Planned Transportation Systems:*** The SEIR evaluated 27 intersections, 26 roadway segments, and nearby freeway (Interstates 8 and 5) mainline segments and ramps under the near-term plus project and long-term plus project scenarios. As described in Section 5.2, *Transportation/Circulation*, of the SEIR, no significant direct impacts were identified under the near-term plus project scenario for the following: (1) 24 of the 27 intersections evaluated; (2) 25 of the 26 roadway segments evaluated; and (3) all of the freeway segments/ramps evaluated. For the long-term plus project scenario, no significant cumulative impacts were identified for: (1) 24 of the 27 intersections evaluated; (2) 24 of the 26 roadway segments evaluated; and (3) all of the freeway segments/ramps evaluated.

As a result, the Project would not generate significant impacts at the noted intersections, roadway segments or freeway segments/ramps in relation to traffic generation, traffic loads/street system capacities, or existing/planned

transportation systems. The remaining intersections and roadway segments that were identified as exhibiting significant direct or cumulative impacts are discussed below in Sections 3.III and 3.IV.

2. ***Adopted Policies, Plans, or Programs Supporting Alternative Transportation Models:*** The Project would enhance existing bicycle, transit, and pedestrian transportation modes on campus, as well as expanding current Transportation Demand Management efforts. As a result, the Project would be consistent with the City's alternative transportation policies and no associated significant impacts would occur.
3. ***Existing Circulation Movements, Including Effects on Existing Public Access to Beaches, Parks, or Other Open Space Areas:*** The Project would enhance access to Tecolote Canyon and would not restrict circulation movements, including public access to open space. Accordingly, no significant impacts related to substantial alterations to circulation movements or access to open space areas would occur.

C. Biological Resources

1. ***Candidate, Sensitive, or Special Status Species; and Sensitive (Tier I, TIER II, Tier IIIA, or Tier IIIB) Habitats:*** Direct impacts to sensitive plant species, including San Diego barrel cactus and ashy spike-moss, are considered less than significant due to the relatively low sensitivity of these species, as well as the fact that San Diego barrel cactus is an MSCP covered species and the affected individuals are outside of the MHPA.

Direct impacts to loggerhead shrike and Nuttall's woodpecker would be less than significant due to the relatively low sensitivity of these species. Direct impacts to the San Diego black-tailed jackrabbit would be less than significant, as this species is not expected to occupy areas that would be affected by the Project. Direct impacts to coastal California gnatcatcher, Belding's orange-throated whiptail, southern California rufous-crowned sparrow, and Cooper's hawk from habitat loss outside the MHPA would be less than significant, because they are MSCP Covered Species.

Indirect impacts related to drainage and toxics, lighting, noise, public access, invasive plant species, and fugitive dust would be less than significant, based on required conformance with the MHPA LUAG noted above under Section 3.II.A.2, as well as implementation of project features related to applicable storm water standards, outdoor lighting regulations, brush management/landscaping standards, noise limits, public access, and noise/invasive plant species control.

The project would remove 0.5 acre of Diegan coastal sage scrub outside the MHPA, with direct impacts related to Tier II habitat considered significant and discussed in Section 3.III.B. Indirect impacts related to nesting Cooper's hawks in the MHPA are considered significant and discussed below in Section 3.III.C.

2. ***Wetland Habitats:*** The project would not involve effects to federal-, State-, or City- designated wetlands from direct removal, filling, hydrological interruption, or other means, and no associated impacts would result.
3. ***Wildlife Corridors, Movements and Nursery Sites:*** The Project would not interfere with wildlife corridors or movements, and would not impede the use of any wildlife nursery sites. As a result, no associated significant impacts would result.
4. ***Habitat Conservation Plans:*** The Project would conform to the MSCP Subarea Plan LUAG and the Area Specific Management Directives for MSCP Covered Species. Therefore, the project would not conflict with the provisions of the MSCP.
5. ***Edge Effects/MSCP Land Use Adjacency Guidelines, Invasive Species, and Local Policies/Ordinances:*** As noted above in Section 3.II.A.2, the Project would comply with the City MSCP LUAG related to grading/land development, drainage and toxics, lighting, public access, barriers, invasive species, brush management, and noise. Additionally, while significant indirect impacts could occur to nesting Cooper's hawks in the MHPA during construction, those impacts would be reduced below a level of significance through implementation of related mitigation as discussed below in Section 3.III.B. As a result, the Project would not conflict with applicable regulations under the MSCP or local policies/ordinances, and associated impacts would be less than significant.

D. Historical Resources

Religious/Sacred Uses, or Human Remains: There are no known archaeological materials or sites located within the Project impact areas, with potential impacts related to known resources therefore considered less than significant. Potentially significant impacts associated with historic structures and currently unknown resources/human remains are discussed below in Section 3.III.C.

E. Air Quality

1. ***Conflict with Applicable Air Quality Plan:*** The Project would not conflict with the applicable air quality plan because it would not generate population growth beyond the levels assumed for the region, nor would it conflict with any regional population projections. In addition, the Project would comply with all existing and new rules and regulations as they are implemented by the Air Pollution Control District, California Air Resources Board, and/or U.S. Environmental Protection Agency in relation to emissions generated during construction. As a result, the Project would be consistent with the Regional Air Quality Strategies/State Implementation Plan and no associated significant impacts would occur.
2. ***Violate Air Quality Standards, Contribute to an Existing or Projected Air Quality Violation, or Exceed 100 Pounds Per Day of Particulate Matter (PM,***

Dust): The Project would not result in a violation of any air quality standard, nor would it contribute substantially to an existing or projected air quality violation that would contribute to a direct impact to air quality. Additionally, as described in Section 5.5, *Air Quality*, of the SEIR, none of the Project construction phases would exceed 100 pounds per day of particulate matter (PM) dust. Accordingly, associated potential construction period and operational air quality impacts would be less than significant.

3. ***Expose Sensitive Receptors to Substantial Pollutant Concentrations:*** No exceedance of standards related to Carbon Monoxide or construction-related generation of toxic air contaminants (TACs) would result from the Project, with associated impacts to sensitive receptors therefore less than significant. Potentially significant impacts to sensitive receptors related to new sources of TACs from Project operation are discussed below in Section 3.III.D.

F. Hydrology/Water Quality

1. ***Substantial Increases in Impervious Surfaces and Runoff, and Substantial Alteration to Drainage Patterns:*** As discussed in Section 5.6, *Hydrology/Water Quality*, of the SEIR, the Project includes a number of design considerations to address hydrologic concerns and accommodate post-development runoff, such as designing drainage systems in conformance with applicable City and related storm water standards. As a result, potential Project-related on- and off-site impacts associated with additional impervious surfaces, increased runoff rates and amounts, drainage alteration/environmental resources (including biological communities and archaeological sites), and flood-related hazards would be less than significant.

2. ***Pollutant Discharge and Local/Regional Water Quality:***

Based on Project design elements, including construction and post-construction BMPs/maintenance efforts, as well as required conformance with City storm water standards and related requirements (including the NPDES Construction General, Municipal and Groundwater permits, and applicable hazardous material regulations), potential construction and long-term Project-related water quality impacts would be less than significant.

G. Public Utilities

1. ***Water Supply/Conservation and Water/Wastewater Infrastructure:*** The Water Supply Assessment (WSA) conducted for the proposed Project determined that additional demands for potable water would be consistent with Metropolitan Water District/Sand Diego County Water Authority supply/demand projections and applicable water supply regulations. The City determined that there would be sufficient water supply over a 20- year planning horizon to meet the projected demands of the Project, as well as other applicable existing and planned development projects. The Project would connect to existing water lines adjacent

to the campus, and would not require any off-site pipeline upsizing or new water facilities. On-campus water infrastructure would be designed and sized to meet Project water needs in conformance with City standards. Therefore, Project impacts to water infrastructure would be less than significant. Based on the described conditions, potential impacts related to potable water supplies/demand and related infrastructure from Project implementation would be less than significant. Potentially significant impacts related to several reaches of wastewater infrastructure are discussed below in Section 3.III.E.

2. ***Solid Waste:*** A Waste Management Plan (WMP) was prepared for the Project and approved by the City, with implementation of the approved WMP to be a condition of the Project CUP approval. As a result, impacts related to solid waste management during Project construction, demolition and operation would be less than significant.

H. Visual Effects and Neighborhood Character

1. ***Obstruction of Scenic Views/Vistas From Public Viewing Areas:*** The Project would not substantially alter or block scenic vistas/views from public areas, including Linda Vista Road, Tecolote Canyon, and Edward Tyler Cramer Park, based on the following considerations: (1) the majority of public views from these locations are screened by existing landscaping and topography; (2) existing and proposed buildings would blend in with existing campus development; (3) Project sites would be an extension of existing campus uses and would not be substantially more visible than existing structures or be at a location or scale to obstruct existing scenic public views; and (4) the Project would implement design guidelines intended to protect views of open space areas, and individual projects would require conformance with the proposed Master Plan Update. As a result, Project-related impacts to public view blockage would be less than significant.
2. ***Negative Aesthetics, Incompatible Bulk/Scale, Character Alteration:*** Project implementation would be compatible with surrounding development and would not create a negative aesthetic effect. The Project would also not cause substantial alteration to existing/planned character of the area, because: (1) the size, scale, architectural style, color, and exterior details of new buildings and facilities are required to be consistent with existing campus development and comply with applicable City development regulations; (2) buildings would be designed to integrate with existing slopes and topography through stepped or terraced configurations, and provide breaks in façades to reduce the overall massing and scale, and (3) landscaping would be placed near buildings to soften architectural lines and building mass and to buffer adjacent uses. As a result, impacts related to aesthetics, development bulk/scale, and community character would be less than significant. Potentially significant impacts related to alteration of steep slopes from Project implementation are discussed below in Section 3.III.F.

I. Cumulative Impacts

The following discussion addresses potential cumulative impacts related to the implementation of the proposed Project and several off-site projects proposed in the project study area and outlined in Table 6-1 and concluded to be less than significant without mitigation in Section 6.0, *Cumulative Impacts*, of the SEIR. Cumulative impacts related to transportation/circulation and air quality that were concluded to be potentially significant are addressed separately below in Sections III and IV.

1. ***Land Use:*** As discussed in Section 6.2.1 of the SEIR, the effect of the Project on land use in conjunction with other projects in the area specified in Table 6-1 would be less than significant and not be cumulatively considerable, based on the following considerations: (1) the Project would be a continuation of existing uses on campus; (2) the Project would be compatible with surrounding uses; and (3) the Project would comply with all applicable plans and policies. As a result, implementation of the Project, in concert with the additional cumulative projects identified in Table 6-1 (which would be subject to similar land use requirements), would not result in significant cumulative land use impacts.
2. ***Biological Resources:*** The discussion in Section 6.2.2 of the SEIR notes that the Project would comply with the City MSCP Subarea Plan through conformance with the MHPA LUAG, Area Specific Management Directives for Covered Species, and by appropriate mitigation measures pursuant to ESL requirements. Based on these considerations, as well as the fact that the cumulative projects identified in Table 6-1 of the SEIR would be subject to similar regulatory requirements, the Project would not contribute considerably to cumulative biological resource impacts.
3. ***Historical Resources:*** As described in Section 6.2.3 of the SEIR, the Project would conform with applicable City requirements related to protecting historic and archaeological resources. Specifically, this would entail implementing mitigation to provide appropriate evaluation, investigation, recovery, and/or documentation of cultural resources. Because the additional cumulative projects identified in Table 6-1 of the SEIR would be subject to similar regulatory requirements, the Project would not result in significant cumulative impacts to historical resources.
4. ***Hydrology/Water Quality:*** The discussion in Section 6.2.4 of the SEIR notes that the Project would conform with all applicable regulatory requirements related to hydrology/water quality, and that these requirements constitute a regional effort to ensure watershed-based (cumulative) conformance with applicable criteria such as the Basin Plan. Based on these considerations, as well as the fact that the cumulative projects identified in Table 6-1 would be subject to similar regulatory requirements, potential cumulative impacts associated with hydrology/water quality from Project implementation would be less than significant.
5. ***Public Utilities:*** As outlined in Section 6.2.5 of the SEIR, the Project WSA

concludes that adequate water supplies and related infrastructure would be sufficient to avoid associated significant direct and cumulative impacts. While potentially significant impacts related to wastewater infrastructure are identified, associated mitigation would be implemented to address this concern and reduce associated impact below a level of significance (refer to Section 3.III.E). Based on these considerations, as well as the fact that the cumulative projects identified in Table 6-1 of the SEIR would be subject to similar requirements as applicable, potential Project-related impacts cumulative to public utilities would be less than significant.

6. **Visual Effects/Neighborhood Character:** The discussion in Section 6.2.6 of the SEIR concludes that potential Project-related cumulative impacts related to visual/neighborhood character would be less than significant, based on the following considerations: (1) the Project includes required mitigation to address potential impacts to existing landforms (e.g., slopes); (2) USD is not located in proximity to a State Scenic Highway; (3) the Project would be consistent with the existing character in the associated viewshed; (4) none of the additional cumulative projects listed in Table 6-1 of the SEIR are located within the same viewshed as the Project; and (5) the Project would conform with applicable City regulatory requirements to address potential glare and nighttime lighting effects.

III. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION

The City, having reviewed and considered the information contained in the Final SEIR, finds pursuant to Public Resources Code §210819(a)(1) that the following environmental impacts will be less than significant after implementation of the specified mitigation measures. These findings are based on the discussion of impacts in Section 5.0 of the Final SEIR.

A. Transportation/Circulation

1. **Description of Significant Impacts:** As described in Section 5.2.2 of the Final SEIR, the Project would result in significant direct (Near-Term plus Project) and cumulative (Year 2035 plus Project) traffic-related impacts at the following intersections:

- Linda Vista Road/Colusa Way and
- Linda Vista Road/Acala Vista Apartments Entrance

Mitigation Measures: Improvements to both intersections are required by Mitigation Measures Tra-1, Tra-3, Tra-4, Tra-7, and/or Tra-8. Specifically, improvements at the Linda Vista Road/Colusa Way intersection under Tra-3 and Tra-7 include: (1) installation of a traffic signal and (2) elimination of six parking spaces along the east curb of Colusa Street.

Improvements at the Linda Vista Road/Acala Apartments Entrance intersection under Tra- 1, Tra-4 and Tra-8 include: (1) traffic monitoring to determine when/if signalization is required; and (2) depending on the results of the traffic monitoring, either; (a) Option 1 - installation of a

traffic signal; or (b) Option 2 - construction of a raised median within Linda Vista Road to restrict left-turns out of the Acala Apartments Entrance.

Finding: The City finds that with implementation of Mitigation Measures Tra-1, Tra-3, Tra- 4, Tra-7, and/or Tra-8, significant direct and cumulative impacts to the Linda Vista Road/Colusa Way and Linda Vista Road/Acala Apartments Entrance intersections would be reduced to less than significant levels.

Reference: SEIR, pages 5.2-10 through 5.2-36.

B. Biological Resources

1. *Description of Significant Impacts:* As described in Section 5.3.2 of the Final SEIR, the Project would result in significant direct impacts to 0.5 acre of Diegan coastal sage scrub (Tier II) habitat.

Mitigation Measures: Implementation of Mitigation Measures Bio-1 and Bio-2 are required to address the noted impacts. Specifically, Mitigation Measure Bio-1 requires: (1) pre- construction biologist verification, meetings, documentation, resource delineation, and applicant/construction worker education; (2) construction monitoring and resource identification; and (3) post-construction mitigation of additional (unanticipated) impacts, if applicable, and post-construction. Mitigation Measure Bio-2 requires that impacts to 0.5 acre of Diegan coastal sage scrub be mitigated at a ratio of 1:1 for impacts outside the MHPA, through appropriate payment into the City Habitat Acquisition Fund for mitigation inside the MHPA.

Finding: The City finds that with implementation of Mitigation Measures Bio-1 and Bio-2 significant direct impacts to Diegan coastal sage scrub habitat would be reduced to a less than significant level.

Reference: SEIR, pages 5.3-30 through 5.3-41.

2. *Description of Significant Impacts:* As described in Section 5.3.2 of the Final SEIR, the Project would result in potentially significant indirect impacts to nesting Cooper's Hawks in the MHPA.

Mitigation Measures: Implementation of Mitigation Measure Bio-3 is required to address the noted impacts. Specifically, Mitigation Measure Bio-3 requires either: (1) limiting the removal of habitat that supports active Cooper's hawk's nests to outside of the associated breeding season (February 1 to September 15); or (2) if removal of habitat within 300 feet of the MHPA must occur during the noted breeding season, a qualified biologist shall conduct a pre-construction presence/ absence survey for nesting Cooper's hawks within 10 calendar days prior to beginning construction and monitoring would be conducted if active nests are detected.

Finding: The City finds that with implementation of Mitigation Measures Bio-3, potentially significant indirect impacts to nesting Cooper's hawks in the MHPA would be reduced to a less than significant level.

Reference: SEIR, pages 5.3-30 through 5.3-41.

3. *Description of Significant Impacts:* As described in Section 5.3.6 of the Final SEIR, the Project would result in potentially significant indirect impacts to biological resources in the MHPA through edge effects to nesting Cooper's hawks during construction.

Mitigation Measures: As noted above in Section 3.III.B.2, implementation of Mitigation Measure Bio-3 would address potential impacts to nesting Cooper's hawks in the MHPA.

Finding: The City finds that with implementation of Mitigation Measure Bio-3, potentially significant indirect impacts to nesting Cooper's hawks in the MHPA would be reduced to a less than significant level and no additional mitigation is required.

Reference: SEIR, pages 5.3-44 through 5.3-46.

C. Historical Resources

1. *Description of Significant Impacts:* As described in Section 5.4.2 of the Final SEIR, The Project would potentially result in significant impacts to historic structures.

Mitigation Measures: Implementation of Mitigation Measure Hist/Arch-1 would be required to address the noted impacts to potentially historic structures consistent with the City's regulations. Specifically, Mitigation Measure Hist/Arch-1 requires that proposed additions or modifications to structures or landscape features that are at least 45 years old be reviewed by qualified staff at the City to determine if the resource meets applicable criteria for historic designation. If the subject structure or landscape feature is not determined to be potentially historic, the associated project may proceed without further mitigation requirements. If the subject structure or landscape feature is determined to be potentially historic, then an evaluation shall be performed to determine if the project is consistent with the U.S. Secretary of the Interior Standards for the Treatment of Historic Properties) If the evaluation determines that the project is not consistent with regulations, the project shall be redesigned, or a historic report that evaluates the building or landscape feature's integrity and eligibility under all designation criteria shall be completed and forwarded to the Historical Resources Board for review and consideration.

Finding: The City finds that with implementation of Mitigation Measure Hist/Arch-1, significant potential impacts to potentially historic structures would be reduced to a less than significant level.

Reference: SEIR, pages 5.4-4 through 5.4.7.

2. *Description of Significant Impacts:* As described in Section 5.4.3 of the Final SEIR, the Project would potentially result in significant impacts to currently unknown archaeological resources/human remains.

Mitigation Measures: Implementation of Mitigation Measure Hist/Arch-2 would be required to address the noted impacts. This mitigation measure establishes protocols for archaeological monitoring, investigation/recovery and reporting, including requirements for the following specific timelines/events; prior to permit issuance, prior to construction, during construction,

upon discovery of human remains, during night or weekend work, and post construction.

Finding: The City finds that with implementation of Mitigation Measure Hist/Arch-2, significant potential impacts to currently unknown archaeological resources/human remains would be reduced to a less than significant level.

Reference: SEIR, pages 5.4-7 through 5.4-18.

D. Air Quality

1. *Description of Significant Impacts:* As described in Section 5.5.4 of the Final SEIR, the Project would result in potentially significant impacts to sensitive receptors from new operational sources of TAC emissions.

Mitigation Measures: Implementation of Mitigation Measure AQ-1 would be required for project sites proposing new sources of TAC emissions. This mitigation measure requires that a health risk assessment be conducted in accordance with AB 2588 for any new facility with potential to emit TACs, prior to issuance of associated grading permits. Additionally, Mitigation Measure AQ-1 requires that building permits only be issued for facilities that demonstrate TAC emissions below the associated standards listed in Table 5.5-4 of the Final SEIR.

Finding: The City finds that with implementation of Mitigation Measure AQ-1, potentially significant impacts related to new sources of TAC emissions would be reduced to less than significant levels.

Reference: SEIR, pages 5.5-12 through 5.5-15.

E. Public Utilities

1. *Description of Significant Impacts:* The analysis contained in Section 5.7.2 of the Final SEIR concludes that development of the Project Site Nos. 22, 23, 25 and 26, located within the Linda Vista Road sewer basin, may increase the amount of wastewater flow within the basin and result in potentially significant impacts related to reduced functioning of reaches 10 through 13 of existing wastewater infrastructure.

Mitigation Measures: Mitigation Measure PU-1 requires that the University conduct sewer flow metering of the undersized sewer mains located within the off-site Linda Vista sewer basin, prior to issuance of building permits for Project Site Nos. 22, 23, 25, and/or 26. If the results of the sewer flow metering are different than those included in the Master Plan Sewer Study (Appendix J of the SEIR), the University shall present the results to the City Public Utilities Department (PUD) for review and approval. The University will work with the City PUD to either: (1) determine appropriate phasing and potential cost sharing for the upsizing of sewer reaches or (2) pursue redirecting, via a private sewer pump station, the project(s)'s sewer flows from the existing public off-site Linda Vista sewer system into the existing public Tecolote Canyon Trunk Sewer.

Finding: The City finds that with implementation of Mitigation Measure PU-1, potentially

significant impacts to wastewater facilities within the Linda Vista Road sewer basin would be reduced to a less than significant level.

Reference: SEIR, pages 5.7.10 through 5.7-16.

F. Visual Effects/Neighborhood Character

1. *Description of Significant Impacts:* As described in Section 5.8.4 of the Final SEIR, Project implementation could potentially result in significant landform impacts related to alteration of existing steep slopes protected by City ESL regulations and creation of manufactured slopes in excess of 10 feet in height.

Mitigation Measures: Mitigation Measure Vis-1 would ensure that the described potential impacts related to the alteration and creation of slopes would be properly addressed. Specifically, this mitigation measure requires the submittal and approval of grading plans for proposed alteration or creation of applicable slopes, prior to issuance of associated grading permits. The noted grading plans would be required to demonstrate, to the satisfaction of the City Engineer, that proposed activities would substantially conform with associated grading policies through efforts such as the use of applicable design requirements and sensitive grading techniques.

Finding: The City finds that with implementation of Mitigation Measure Vis-1, potential impacts related to slope alteration/creation would be reduced to a less than significant level.

Reference: SEIR, pages 5.8-16 through 5.8-19.

G. Paleontological Resources

1. *Description of Significant Impacts:* As outlined in Section 7.2.1 of the Final SEIR, the 1996 Master Plan FEIR identified potentially significant impacts related to Project excavation/disturbance in geologic formations with moderate or high paleontological resource sensitivity, including the Scripps, Friars, Linda Vista and Bay Point formations. The SEIR analysis notes that a number of the proposed Project sites are underlain by these same geologic formations, and identifies associated potentially significant impacts.

Mitigation Measures: Mitigation Measure Paleo-1 would ensure paleontological resources uncovered during grading activities are addressed in accordance with the City's Paleontological Resource Guidelines. Specifically, this mitigation measure establishes protocols for project paleontological monitoring, investigation/recovery and reporting, including requirements for the following specific timelines; prior to permit issuance, prior to construction, during construction, during night or weekend work, and post construction.

Finding: The City finds that with implementation of Mitigation Measure Paleo-1, potential impacts to paleontological resources would be reduced to a less than significant level.

Reference: SEIR, pages 7-16 through 7-21.

IV. FINDINGS REGARDING IMPACTS THAT ARE FOUND TO BE SIGNIFICANT AND UNMITIGABLE

The City hereby finds that the following environmental impacts are significant and unmitigated, and that there is no feasible mitigation that is sufficiently certain to mitigate the impacts.

"Feasible" is defined in §15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The City may reject a mitigation measure if it finds that it would be infeasible to implement the measure because of specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers. These findings are based on the discussion of impacts in Sections 5.0 and 6.0 of the SEIR.

A. Transportation/Circulation

1. *Description of Significant Impacts:* As described in Sections 5.2.2 and 6.1.1 of the Final SEIR, Project implementation would result in the following significant traffic-related impacts:

- Direct (Near-Term plus Project) and cumulative (Year 2035 plus Project) impacts at the Linda Vista Road/Napa Street intersection.
- Direct (Near-Term plus Project) impacts to the segment of Linda Vista Road between Napa Street and Marian Way/Mildred Street.
- Cumulative (Year 2035 plus Project) impacts to the segments of Friars Road between Avenida de las Tiendas and the SR 163 Southbound Ramps.

Mitigation Measures: Recommend mitigation measures for the described direct (Near-Term plus Project) impacts include the following feasible mitigation measures; however, future funding has not been identified for the improvements:

- Mitigation Measures Tra-2 and Tra-5. Payment of a "fair-share" contribution of \$297,000 over a five-year period towards future improvements identified in the Morena Corridor Specific Plan area, to address direct impacts to the Linda Vista Road/Napa Street intersection (Tra-2) and the segment of Linda Vista Road between Napa Street and Marian Way/Mildred Street (Tra-5). The noted payment would be required prior to enrolling 7,350 FTE students, and related improvements must be implemented to the satisfaction of the City Engineer.

No specific mitigation is identified for the Cumulative (Year 2035 plus Project) impact to Friars Road between Avenida de las Tiendas and the SR 163 Southbound Ramps because planned (Phase II and III) improvements to the SR 163/Friars Road interchange would not address the deficient road segment. Thus, there are no improvement plans towards which the Project can contribute a "fair-share" payment.

Finding: The City finds that specific economic, legal, social, technological, or other

considerations make potential mitigation for the described direct and cumulative impacts infeasible.

Rationale: Mitigation Measures Tra-2 and Tra-5 would partially mitigate the Project contribution to the described direct impacts at the Linda Vista Road/Napa Street intersection, and the segment of Linda Vista Road between Napa Street and Marian Way/Mildred Street. Because the balance of costs for future related (but currently undefined) improvements in the Morena Corridor Specific Plan area are unfunded and not assured, however, the associated described direct impacts would be significant and unmitigated.

Similarly (as noted above), the timing and scope of the SR 163/Friars Road Interchange Project, which includes improvements to the segment of Friars Road between Avenida de las Tiendas and the SR 163 Southbound Ramps, are not currently assured. As a result, there are no improvement plans towards which the Project can contribute a “fair-share” payment, and the associated described cumulative impact would be significant and unmitigated.

Reference: SEIR, pages 5.2-10 through 5.2-36, and 6-2 through 6-3.

B. Air Quality

1. *Description of Significant Impacts:* As noted in Sections 5.2.2 and 6.1.2 of the Final SEIR, the 1996 Master Plan FEIR concluded that construction period emissions would result in a significant and unmitigable cumulative impact because of the non-attainment status of the San Diego Air Basin and the inability of any individual project to control emissions in the region. Because the Master Plan analyzed in the 1996 FEIR has not been fully implemented and 16 entitled projects remain unbuilt, any additional project development associated with the proposed Project could exacerbate the described cumulative effect. As a result, the Project would incrementally add to the noted construction period emissions and contribute to the cumulatively significant and unmitigable impacts disclosed in the 1996 Master Plan FEIR.

Mitigation Measures: While the Project’s contribution would not be considerable and construction period impacts would not be significant, the 1996 Master Plan FEIR concludes that: “There is no mitigation for this impact since mitigation could only be achieved through a regional program addressing specific types of emissions.”

Finding: The City finds that specific economic, legal, social, technological, or other considerations make potential mitigation for the described cumulative impacts infeasible.

Rationale: Although standard construction-period BMPs would be implemented on a project-by-project basis as individual construction projects proceed, there are no feasible mitigation measures to address the cumulative impacts related to construction period emissions due to non-attainment status of the San Diego Air Basin described above. Accordingly, these cumulative air quality impacts would remain significant and unmitigated.

Reference: SEIR, pages 5.5-8, 5.5-10, and 6-3 through 6-4.

V. FINDINGS REGARDING PROJECT ALTERNATIVES

A. Project Objectives

An important consideration in the analysis of alternatives to the project is the degree to which such alternatives will achieve the objectives of the project. To facilitate this comparison, the Project objectives are described above in Section 1.II (and in Section 3.1 of the Final SEIR).

B. Project Alternatives

In addition to the Project, the Final SEIR evaluated the following three alternatives and compared the impacts of each alternative to those of the proposed Project:

- Alternative 1 - No Project/No Development Alternative
 - Alternative 2 - No Project/Existing Master Plan Alternative
 - Alternative 3 - Environmentally Sensitive Lands (ESL) Avoidance Alternative
1. *No Project/No Development Alternative* (Final SEIR, Section 8.4.1)

Alternative Description: Under the No Project/No Development Alternative, no change would occur to the current student enrollment or university footprint, and all existing structures and related facilities would remain in their current condition. With the exception of slopes along the northern and western campus border, the majority of the campus is already developed and supports university facilities (buildings, parking lots, athletic fields, etc.) and associated landscaping.

The No Project/No Development Alternative would avoid all of the significant and potentially significant impacts associated with the Project, including: (1) significant and unmitigated transportation/circulation and cumulative air quality (construction-period) impacts; and (2) significant and/or potentially significant but mitigable impacts related to land use, transportation/circulation, biological resources, historical resources, and air quality public utilities and visual effects (all of which would be avoided or reduced below a level of significance through identified mitigation measures and/or design features).

Finding: The City finds that although this alternative would avoid impacts associated with transportation/circulation, air quality, land use, biological resources, historical resources, air quality, public utilities and visual effects, specific economic, legal, social, technological, or other considerations make the No Project/No Development Alternative infeasible, and rejects the No Project/No Development Alternative on such grounds.

Rationale: This alternative would not meet any of the basic Project objectives listed above and in Section 3.1 of the Final SEIR.

2. *No Project/Existing Master Plan Alternative* (Final SEIR, Section 8.4.2)

Alternative Description: Under this alternative, the University would continue to build out the remaining applicable portions of the 1996 Master Plan, which includes the 16 previously approved projects identified in Figure 1-1 and Table 1-1 of the SEIR. All other areas within the campus would remain in their current condition, including the 14 project sites proposed for development under the Master Plan Update. In addition, campus enrollment would be restricted to 7,000 FTE, in accordance with the existing CUP/Resource Protection Ordinance (RPO) permit, which is the existing level of enrollment at the USD campus. The existing Design Guidelines would be applied to all new construction in this alternative, with no updates to the guidelines to be implemented.

The No Project/Existing Master Plan Alternative would avoid a number of significant and potentially significant impacts associated with the Project, including: (1) significant and unmitigated transportation/circulation impacts; and (2) significant and/or potentially significant impacts related to land use, transportation/circulation, biological resources, historical resources, air quality, public utilities and visual effects (all of which would be avoided or reduced below a level of significance through identified mitigation measures and/or design features). The No Project/Existing Master Plan Alternative would also, however, result in: (1) significant and unmitigated cumulative impacts to transportation/circulation and air quality; and (2) significant (but mitigable) impacts related to transportation/circulation, biological resources, air quality, and visual effects. This alternative would fail to meet most or all of the basic project objectives listed above in Section 8.2.1.

Finding: The City finds that although the No Project/Existing Master Plan Alternative would eliminate an unmitigated Project impact to transportation/circulation, as well as significant but mitigable impacts to biological resources, air quality, and visual effects, specific economic, legal, social, technological, or other considerations make this alternative infeasible, and rejects the No Project/Existing Master Plan Alternative on such grounds.

Rationale: The No Project/Existing Master Plan Alternative would fail to meet most or all of the basic Project objectives listed above and in Section 3.1 of the Final SEIR, including proposed expansion of student enrolment to 10,000 FTE and the construction of additional university facilities, including student housing, needed to accommodate the related academic growth.

3. *ESL Avoidance Alternative (Final SEIR, Section 8.4.3)*

Alternative Description: Under the ESL Avoidance Alternative, applicable projects under the Master Plan Update that impact ESL habitats or steep slopes would be eliminated or modified to avoid associated ESL impacts. Specifically, this would include Project Site Nos. 19, 22 and 23 (refer to Figure 3-6 and Table 3-1 in the SEIR). Specifically, the ESL Alternative would eliminate a Plaza/Mall/Bridge over Marian Way (Project Site No. 19) and an Academic/Administrative building (Project No. 22). The proposed building containing Student Housing/Parking Structure (Project No. 23) would be modified to avoid ESL. While Project Site Nos. 20 and 27 would technically encroach into the existing MHPA, these sites have been previously developed/disturbed and contain no biological value, and an MHPA Boundary Line Correction would be included as part of this alternative (similar to the Project) to remove these areas from the MHPA. Based on the removal of Project Site Nos. 19 and 22 and

slight modification to Project Site No. 23 from the Master Plan Update under this alternative, the following alterations to development under the Master Plan Update would result:

- The lot area square footage would be reduced from 827,650 square feet (SF) to 638,730 SF (approximately 23 percent).
- The building footprint (the approximate portion of the lot that would be covered by a building) would be reduced from 312,450 SF to 275,450 SF (approximately 18 percent).
- The building GSF would be reduced from 922,230 to 746,230 (approximately 19 percent).

The ESL Avoidance Alternative would avoid or reduce significant and potentially significant impacts associated with issue areas including transportation/circulation, biological resources, historical resources (archaeology), air quality and visual effects (all of which would be avoided or reduced below a level of significance under the Project through identified mitigation measures and/or design features). This alternative would, however, still result in cumulatively significant and unmitigated transportation and construction-related air quality impacts, as well as significant (but mitigable) impacts related to transportation/circulation, biological resources, historical resources, air quality, public utilities and visual effects.

Finding: The ESL Avoidance Alternative would avoid or reduce a number of significant impacts identified for the Project in association with transportation/circulation, biological resources, historical resources (archaeology), air quality and visual effects. As described in the SEIR, however, all of these impacts would be reduced below a level of significance under Project implementation through identified mitigation measures. This alternative would also (similar to the Project) still result in cumulatively significant and unmitigated transportation and construction-related air quality impacts, as well as in significant (but mitigable) impacts related to transportation/circulation, biological resources, historical resources, air quality, public utilities and visual effects. Accordingly, while the ESL Avoidance Alternative is considered feasible, the City finds that legal, social, technological, or other considerations justify rejecting this alternative on such grounds.

Rationale: While the ESL Avoidance Alternative would avoid or reduce some impacts as noted above, it would generally result in similar impact types and levels as the Project. This alternative would also notably reduce campus development as described above, and would fail to meet some of the basic Project objectives listed above and in Section 3.1 of the SEIR. Specifically this would lessen the campus' ability to accommodate academic growth, in particular academic/ classroom space and student housing capacity, for an on-campus population of up to 10,000 FTE students, as well as the proposed level of enhanced pedestrian access/mobility.

V. FINDINGS REGARDING OTHER CEQA CONSIDERATIONS

A. Significant Irreversible Environmental Changes That Will be Caused by the Project (Final SEIR Section 7.5)

Section 15126.2(c) of the CEQA Guidelines requires an evaluation of significant irreversible environmental changes that may occur as a result of project implementation. Development of the Project would result in the consumption of energy and nonrenewable resources, including electricity, energy derived from fossil fuels, construction materials, potable water, and labor during the construction phases. The City finds that use of these resources would have an incremental effect on the regional consumption of these commodities, and therefore, result in long-term irretrievable losses on non-renewable resources such as fuel and energy. The use of such resources, however, would not be expected to negatively impact their availability. An incremental increase in energy demand would also occur during post-construction activities including lighting, heating, and cooling of proposed structures. The Project includes a number of sustainability elements to reduce the consumption of energy and non-renewable resources, however, and associated impacts would be less than significant. The Project site is currently used as a four-year university, and therefore contains no agricultural or forestry resources. No prime farmland or farmland of statewide importance occurs on or adjacent to the campus, and the campus is not located within a designated mineral recovery zone. In addition, no water bodies are located within the Project site or vicinity that would be impacted by the Master Plan Update.

B. Growth Inducing Impacts of the Project (Final SEIR Section 7.3)

The City finds that the Project would not result in short- or long-term growth-inducing impacts. Specifically, during construction of individual projects, demand for various construction trade skills and labor would increase. It is anticipated that this demand would be met predominantly by the local labor force, however, and would not require importation of a substantial number of workers or cause a related increased demand for temporary or permanent local housing.

While the Project would contribute to the long-term growth identified in the General Plan EIR and Linda Vista Community Plan EIR, it would be a continuation of institutional uses that have existed on the campus since the original CUP was issued in 1960. The increase in academic/administrative space, as well as the student enrollment, would also incrementally increase the amount of faculty and staff on campus, with this growth to occur gradually over a period of 15 to 20 years. The additional student population of 3,000 FTE would not induce substantial population growth in the area, however, because many of the students would come from the San Diego region or only be temporary residents. In addition, the construction of additional housing on campus would relieve pressure on local housing supplies in the surrounding communities, rather than adding to housing pressures within the region.

All of the lands surrounding the campus are already developed or contained in designated open space (i.e., Tecolote Canyon), and no new public roadway segments or extensions of other public infrastructure would be required to implement the Project. As a result, surrounding properties would not be pressured to increase existing densities due to either job opportunities or the increase in student enrollment proposed for the campus.

VII. FINDINGS REGARDING RESPONSES TO COMMENTS AND REVISIONS IN THE FINAL EIR

The Final SEIR includes the comments received on the Draft SEIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by CEQA Guidelines §15088(c).

Finding/Rationale: Responses to comments made on the Draft SEIR and revisions in the Final SEIR merely clarify and amplify the analysis presented in the document, and do not trigger the need to recirculate per CEQA Guidelines §15088.5(b).

EXHIBIT B

STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE USD MASTER PLAN UPDATE PROJECT

Project No. 417090
SCH No. 1993121032
September 2017

Public Resources Code §21081(b) prohibits approval of a project with significant, unmitigable adverse impacts resulting from infeasible mitigation measures or alternatives, unless the agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. CEQA Guidelines §15093 adds that the decision-making agency must "balance, as applicable, economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve the project." CEQA further requires that, when the Lead Agency approves a project which will result in the occurrence of significant effects which are identified in the Final SEIR, but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the Final SEIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record (§15093[b] of the State CEQA Guidelines). This statement does not substitute for, and shall be in addition to, findings required pursuant to §15091 (§15093[c] of the State CEQA Guidelines).

The City Council, (i) having independently reviewed the information in the Final SEIR and the record of proceedings; (ii) having made a reasonable and good faith effort to eliminate or substantially lessen the significant impacts resulting from the Project to the extent feasible by adopting the mitigation measures identified in the Final SEIR; and (iii) having balanced the benefits of the USD Master Plan Update Project against the significant environmental impacts, chooses to approve the Master Plan Update Project, despite its significant environmental impacts, because in its view, specific economic, legal, social, and other benefits of the project render the significant environmental impacts acceptable.

The following statement identifies why, in the City Council's judgment, the benefits of the USD Master Plan Update Project as approved outweigh the unavoidable and unmitigable significant impacts to traffic and air quality. Each of these public benefits serves as an independent basis for overriding all significant, unavoidable and unmitigable impacts. Substantial evidence supports the various benefits, and can be found either in the Findings for the Project (which are incorporated by reference into this section), the Final SEIR, or in documents that comprise the Record of Proceedings for this matter.

IX. FINDINGS FOR STATEMENT OF OVERRIDING CONSIDERATIONS

1. Expansion of a Nationally and Regionally Significant Educational Institution

USD is the youngest, independent institution on the *U.S. News & World Report* list of top 100

universities in the United States, specifically #85 on this national list. USD's eight academic divisions include the College of Arts and Sciences, the School of Business, the Shiley-Marcos School of Engineering, the School of Law, the School of Leadership and Education Sciences, the Hahn School of Nursing and Health Science, the Joan B. Kroc School of Peace Studies, and the Division of Professional and Continuing Education.

Implementation of the Project will provide much needed academic space, housing, parking, and related facilities to accommodate the existing and projected on-campus population of 10,000 FTE students, thereby allowing the University to meet its anticipated on-going demand for higher education. The Project will contribute to and enhance the ability of the University to provide world-class educational and research opportunities, implement the University's mission, maintain financial sustainability, and retain a high level of competitiveness for attracting outstanding students, faculty and staff.

The Project will benefit students in the San Diego region, state and nation by providing expanded educational opportunities at one of the nation's top college universities conveniently located in the central portion of the City with convenient access to jobs, housing, shopping and other daily conveniences and regional transportation systems.

2. Increased Spending and Employment Opportunities

USD plays a vital role in the economic health of the San Diego region. Under its current enrollment levels, USD employs 440 full time faculty/466 part time faculty (609 FTE), and 1,550 full- and part-time staff personnel in diverse positions through the campus. According to the USD Finance Office, USD's Fiscal Year (FY) 2017 operating expense budget, excluding student financial aid, is \$294.7 million (Memorandum from K. Roig 2017). In FY2016, total spending on vendors in California was \$68.3 million, plus \$19.0 million in San Diego and surrounding cities (Memorandum from K. Roig 2017). The FY2016 payroll expense for faculty, administration, staff and personnel, and student workers was \$159.9 million (Memorandum from K. Roig 2017). The current estimate for the amount USD undergraduate students spend for off-campus housing, food and other expenses for an academic year is \$58.1 million. Sales tax paid in FY2016 was \$855,000 (\$214,000 to San Diego County and \$641,000 to the State of California).

The Project will increase the number of students, faculty and staff on the USD campus which will increase the campus budget, including payroll, vendors and indirect expenditures by its students. The enrollment increase and on-campus student housing growth associated with the Project will likely increase the visibility and patronage of existing nearby commercial centers and businesses in the campus vicinity. In addition, the Project will generate \$553M of construction expenditures (Memorandum from M. Plaskonos 2017) and related temporary construction jobs as each project is implemented. Campus expansion under the Master Plan will add approximately 58 FTE faculty appointments and 174 FTE staff positions over the approximately 20-year growth period envisioned in the Master Plan Update (MS Steele 2016), contributing directly to employment opportunities in the region.

3. Enhanced Cultural Opportunities

USD hosts notable speakers and events, many of which are held at little or no cost to the general public. Since 2002, USD has hosted the annual Kyoto Prize Symposium in cooperation with San Diego State University and UC San Diego for a three-day celebration of the works of those receiving the Kyoto Prize. Throughout the year, USD hosts hundreds of musical concerts, theater performances, athletic events, speakers and lectures, exhibits and art displays, ceremonies, meetings, conferences, charitable functions, and community celebrations. USD goes to great lengths to work with outside organizations and nonprofits to enhance the engagement of USD with the local community. In addition to cultural events, USD has also opened the campus to elected officials and government agencies for committee hearings, formal proceedings, public forums and even sessions of the California Supreme Court.

The Project will allow USD to continue this tradition of cultural contributions within the community and provide facilities for expanded opportunities.

4. Increased Community Service Opportunities

As a contemporary Catholic university, USD is committed to playing a vital role in providing relevant community services to the San Diego region. While USD's impact is most significant to the Linda Vista community, given its proximity to campus, the Project would expand services to the local community as more students, faculty and staff would partake in community service. Recent examples of USD's community service efforts include the following:

- Sponsorship of and parade participant in the LV Multicultural Fair for the last 30 years;
- Organizer of the Multicultural Fair's "Education Lane" where pro-bono legal clinics and health screening are provided by the USD Law School and Hahn School of Nursing and Health Science;
- Free legal assistance to the community through a variety of clinics by USD Law School students/faculty;
- Active participation by USD administrators and staff in local non-profits/civic organizations, including Linda Vista Town Council, Linda Vista Community Planning Group and Linda Vista Collaborative;
- Student tutoring of ESL students, participating in reading programs, and assisting teachers in classrooms in the local community;
- Partnering with community leaders through the Impact Linda Vista Initiative, started in 2013, which connects students and faculty with the local community to engage and problem-solve on social needs/issues facing residents;
- Regularly hosting and/or participating in various community-wide events throughout the year, most recently including the "Relay for Life" cancer fundraiser, "6th Annual Conference on Restoring Civility to Civic Dialogue," the "Eric Paredes Save A Life Foundation" to screen teens for sudden cardiac arrest, a Fair Trade Fashion show, and

the “Taste of Morena” community event.

In addition, USD has been recognized as a Community Engagement Institution by the Carnegie Foundation for the Advancement of Teaching. Based on information from the 2014-2015 academic year, undergraduate students plus law and graduate students, along with faculty members and staff members worked a total of 418,542 hours with 135 different community partners (University Assessment Committee and Mulvaney Center 2015).

Implementation of the proposed Master Plan Update will allow the University to increase its enrollment by an additional 3,000 FTE on-campus students. The number of faculty, administrators and staff will also increase commensurate with the student enrollment growth and there will be a proportionate increase in the number of persons available to provide service within the Linda Vista community and the region as a whole.

5. Expanded Partnerships with Regional and Local Planning Agencies

USD administrators, faculty and staff contribute resources toward addressing many of the regional and local planning issues facing the San Diego area, including such topics as global climate change, International Border issues, open space protection and mobility enhancements.

The USD Law School operates the Energy Policy Initiative Center (EPIC), as a non-profit and academic and research center that studies energy policy issues affecting San Diego County and the state. EPIC staff serves on SANDAG’s Regional Energy Working Group (EWG) to provide input and feedback on issues related to the Regional Energy Strategy and tasks of the Regional Energy Planning Program. EPIC also assisted the City in developing its Climate Action Plan and is a member of the San Diego Climate Collaborative group that received a \$689,000 National Oceanic and Atmospheric Administration (NOAA) grant to study sea level rise and its impact.

The Trans-border Institute is part of the Joan B. Kroc School of Peace Studies whose mission is to build sustainable peace in Mexico and the border region through research, outreach and teaching. Members of the Institute participate with SANDAG’s Borders Committee to address bi-national planning issues along the U.S.-Mexico Border.

USD also cooperated directly with City staff on the recent Tecolote Canyon Natural Resource Management Plan Update regarding public hiking trails that connect to or around the USD campus. Under the Project, USD proposes adding trash receptacles, kiosks and educational signage to the trailheads that lead from the campus into Tecolote Canyon to improve accessibility and encourage stewardship of the City open space.

USD has offered to work with the City staff on the Morena Boulevard Station Area Specific Plan which is being developed adjacent to the campus. The Specific Plan will enhance community mobility and connectivity with the local trolley stops, introduce new land uses, and expand transit-oriented development opportunities in the Project area.

Expansion of the USD as part of the Project will augment the resources available on campus and within the region to continue and enhance the campus’ assistance on regional and local planning issues facing San Diego County.

6. Expanded Mobility and Alternative Transportation System Improvements

USD currently operates or promotes a number of alternative transportation programs designed to minimize the amount of single-occupancy vehicles accessing the campus. Such programs include tram service between the campus and Old Town Trolley Station; discount transit passes for purchase; carpools and car share services; preferential carpool parking; alternative transportation parking; and discount shuttle fares to San Diego International Airport. According to SANDAG ICommute Program, USD was designated a Bike Friendly University in 2013 by the League of American Bicyclists, the only university in San Diego to earn this distinction. About 1/3 of off-campus students use sustainable transportation to access USD (USD Climate Action Plan 2016).

Implementation of the Project will expand and enhance mobility and access throughout the campus; enhance existing campus pedestrian, bicycle and transit opportunities; provide connections to regional transit opportunities off-campus; and expand the transportation demand management (TDM) programs they currently operate over time.

The Master Plan Update will improve pedestrian access by closing the two streets that run through the center of campus (Marian Way and Torero Way) and establishing a Pedestrian Priority Zone in the Central Paseo, shifting vehicular and bicycle circulation to the loop/perimeter road. The Master Plan Update also proposes using buildings, paths, stairs and bridges to connect across topography and provide enhanced accessibility to the different areas of campus and the surrounding community. Additionally, the Project will promote an expansion of the campus tram/shuttle to provide a more comprehensive route and offer additional tram stops in areas where significant open spaces, buildings and uses are proposed, including improved signage and additional shelters at the tram stops. With regard to accessibility, the Central Paseo and spine of the campus will provide enhanced accessibility across the academic core of campus. Several building projects will require upgrades to accessible paths, crossings, curb ramps and sidewalks. Several of the proposed buildings (including Project Site Nos. 5, 9, 22, 23, 24 and 25) will help bridge significant changes in grade on campus by providing disabled access across the site within the internal circulation of the building and Project Site No. 19 will construct disabled access from the academic mesa along an ADA path and pedestrian bridge over Marian Way and to the West Parking Structure.

Under the Master Plan update, additional TDM programs will be implemented by USD to promote enhanced usage of existing and expanding alternative transportation. Program enhancements will include incorporating special parking areas for ride and car sharing programs; educating campus populations about transit options; providing additional transit information on the USD website; expanding car sharing services and/or providing free memberships to alternative car sharing services; and offering free or more highly discounted transit passes to commuter students, faculty, and staff willing to forgo a parking permit, among other reduction measures.

These mobility and alternative transportation efforts are not mitigation measures for the project's traffic impacts but are alternative transportation programs that the University will offer to their students, faculty and staff that will minimize off-campus traffic and help to offset some of the traffic-related impacts of expanding student enrollment. The Master Plan Update

will be consistent with the City's General Plan Mobility Element goal of supporting multi-modal transportation, as well as Urban Design Element goals to integrate transit facilities into project design, and design or retrofit streets to improve walkability, bicycling, and transit integration.

7. Increased Affordable Housing Stock Through Construction of On-Campus Student Housing

USD currently owns 11 student housing complexes containing 743 units which contain approximately 2,549 to 2,674 beds for undergraduate students. In addition, USD owns several condominiums immediately off campus which are used for housing faculty. As of 2015, both first and second year students are required to live on the USD campus. The campus also offers housing to upper class and transfer students, as well as graduate/law students, some of which chose to live off campus in private housing. With the student enrollment growth anticipated under the Master Plan Update, the campus will construct an additional 1,003 more beds on their property to meet the projected demand and goal for housing all first and second-year students.

Construction of new affordable housing is an objective of the City General Plan's Housing Element. Student housing is specifically identified in the Housing Element as a means to achieve its goal of expanding affordable housing. Policy HE-B.23 suggests the City seek to facilitate post-secondary students being able to live on campus or near transit lines that access campuses, while Policy HE-B.24 indicates the City should encourage local universities to provide as much student housing as possible. Student housing is also a recognized need in SANDAG's Regional Housing Needs Assessment Plan forecast for 2050 (SANDAG 2011). SANDAG coordinated with local universities to identify any campus expansion plans when projecting the housing needs for the region. The regional assessment was conducted before the USD expansion plans contained in the Master Plan Update were proposed.

Expansion of the USD campus under the Master Plan Update will augment local housing stock and assist both the City and SANDAG in achieving their housing goals by providing affordable on-campus housing to accommodate the student population growth projected for the University, thus, freeing up affordable off-campus housing for non-students.

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE USD MASTER PLAN UPDATE PROJECT/ CONDITIONAL USE PERMIT / SITE DEVELOPMENT PERMIT / EASEMENT VACATION

Project No. 417090
SUBSEQUENT ENVIRONMENTAL IMPACT REPORT/
SCH No. 1993121032
September 2017

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. 417090 / SCH No. 1993121032 shall be made conditions of **CONDITIONAL USE PERMIT / SITE DEVELOPMENT PERMIT / EASEMENT VACATION** as may be further described below.

Transportation/Circulation

Direct Impacts – Intersections

Tra-1 Traffic Monitoring Program

- Prior to the implementation of mitigation measure Tra-4 and upon enrollment of 7,500 FTE and each increase of 500 additional FTE, USD shall conduct a traffic mitigation monitoring program to monitor current conditions at the impacted intersection and confirm that the traffic signal warrants and LOS operations that serve as the basis for the mitigation measure are met based on the traffic volumes present at that time. The following monitoring steps shall be taken by USD to comply with this measure:
 - a. USD shall submit annual FTE numbers to the City within 6 months of the beginning of the Fall semester following approval of the Master Plan Update. Applicable increases in FTE, as summarized in b) and/or d) below, will trigger the need to conduct a mitigation monitoring study reviewing the conditions at the subject intersection.
 - b. Upon reaching an annual enrollment of 7,500 FTE and upon each subsequent increase of 500 FTE, USD shall submit a mitigation monitoring study for the Linda Vista Road/Alcalá Vista Apartments Entrance intersection. As summarized in Table 12-3 of the Project's TIA study, the significant impact at the Linda Vista Road/Alcalá Vista Apartments Entrance is expected with the addition of 500 FTE.

- c. The mitigation monitoring study requires that USD shall conduct AM and PM peak hour intersection counts at the subject intersection. The counts shall be done for one day on a Tuesday, Wednesday, or Thursday when school is in session during the Fall semester.
 - i. Two analyses shall be conducted in the mitigation monitoring study. The subject intersection shall be analyzed to determine if a significant impact is caused by USD traffic based on the City LOS criteria. The LOS and delay calculated under "Near-Term without Project" conditions in the Project's TIA study will serve as the baseline for comparing LOS and delay in the mitigation monitoring study. A peak hour traffic signal warrant shall also be conducted using the peak hour traffic counts.
 - ii. If the mitigation monitoring analysis determines that USD traffic causes a significant impact and if the peak hour signal warrant shows that the warrant is met, USD shall be responsible for implementing the intersection mitigation measure of signaling the intersection as noted in Tra-4, which includes providing a dedicated southbound left turn lane and a dedicated southbound right turn lane, and coordinating the signal with the downstream signal at the Linda Vista Road/Via las Cumbres intersection to the east.
 - iii. If the mitigation monitoring analysis identifies a significant impact, but signal warrants are not met, an alternative mitigation measure restricting left-turns out of the Alcalá Vista Apartments Entrance by constructing a raised median within Linda Vista Road shall be implemented.
 - iv. The mitigation monitoring study, including the intersection and signal warrant analyses, must be completed and turned into the City's Transportation Development Section each year a study is needed.
- d. If implementation of the mitigation measure is not found to be necessary under the FTE increases outlined in b) above, USD shall be responsible for monitoring the conditions at the intersection(s) with each subsequent increase of 500 FTE (500 FTE, 1,000 FTE, 1,500 FTE etc.).
- e. USD shall be responsible for monitoring the intersection until the need for one of the mitigation measures is triggered, or when the FTE increase reaches 3,000 FTE.

Tra-2 Linda Vista Road/Napa Street

Upon enrollment of 7,350 FTE, USD shall make the first payment of a "fair-share" contribution of \$297,000 (to be paid in equal payments over a period of five years) toward future improvements to the Morena Corridor Specific Plan area (including the Linda Vista Road/Napa Street intersection), as specified in detail under Tra-5, would partially mitigate the Project's contribution to this impact. Impacts would still be considered significant and unmitigable

because the balance of the cost for the future, undefined, improvements is unfunded and not assured.

Tra-3 Linda Vista Road/Colusa Street

The Project applicant shall assure by permit and bond the signalization of the Linda Vista Road/Colusa Street intersection, to the satisfaction of the City Engineer.

To improve overall intersection operations, it is also recommended, but not required, to eliminate six parking spaces along the east curb of Colusa Street to provide a dedicated 150-foot northbound left-turn lane and a dedicated northbound right-turn lane at Linda Vista Road. The provision of the dedicated northbound right-turn and left-turn lanes is not required to mitigate the significant impact.

Tra-4 Linda Vista Road/Alcalá Vista Apartments Entrance

Prior to enrolling 7,500 FTE students, one of two mitigation options shall be implemented once warranted by the mitigation monitoring program outlined in Tra-1.

Option 1: If the monitoring program identifies a significant impact and if the peak hour signal warrant shows that the warrant is met, the Project applicant shall assure by permit and bond the signalization of the Linda Vista Road/Alcalá Vista Apartments Entrance intersection, provide a dedicated southbound left turn lane and dedicated southbound right turn lane, and coordinate the signal with the downstream signal at Via las Cumbres to the east, to the satisfaction of the City Engineer.

Option 2: If the monitoring program identifies a significant impact, but signal warrants are not met, the Project applicant shall assure by permit and bond an alternative measure restricting left-turns out of the Alcalá Apartments Entrance by constructing a raised median within Linda Vista Road. Left-turns in would continue to be allowed.

Direct Impacts – Roadway Segments

Tra-5 Linda Vista Road: Napa Street to Marian Way (Mildred Street)

The following measure is required to partially mitigate the Project's direct significant impact to the subject roadway segment, with the impact still considered significant and unmitigable because the balance of the cost for the future, undefined, improvements is unfunded and not assured

- Prior to enrolling 7,350 FTE students, the Project applicant shall be required to provide a "fair share" contribution of \$297,000 (to be made in five equal payments over five years) towards future improvements to the Morena Corridor Specific Plan area (including the segment of Linda Vista Road between Napa Street and Marian Way [Mildred Street]), to the satisfaction of the City Engineer.

Cumulative Impacts – Intersections

The following measures are required to mitigate the Project's cumulatively significant impacts to intersections:

Tra-6 Linda Vista Road/Napa Street

Implementation of Tra-2, as outlined above under Direct Impacts, would partially mitigate the Project's proportionate share of the cumulative impacts; however, the identified cumulative impact to the Linda Vista Road/Napa Street intersection is considered cumulatively significant and unmitigated because the balance of the cost of the future, undefined, improvements is unfunded and not assured.

Tra-7 Linda Vista Road/Colusa Street

Implementation of Mitigation Measure Tra-3, as outlined above under Direct Impacts, would mitigate the Project-related significant cumulative impact at the Linda Vista Road/Colusa Street intersection.

Implementation of Mitigation Measures Tra-1 and Tra-4, as outlined above under Direct Impacts, would mitigate the Project-related significant cumulative impact at the Linda Vista Road/Alcalá Vista Apartments Entrance intersection.

Cumulative Impacts – Roadway Segments

The Long-Term (2035) scenario assumes the fully funded Phase I of the SR 163/Friars Road Interchange Project, which includes improvements to the segment of Friars Road from Avenida de las Tiendas to Ulric Street/SR 163 SB Ramps. The timing and scope of Phases II and III of the Interchange Project are yet to be determined, contingent on funding, and will likely not include further improvements to this segment. Since there are no improvement projects towards which the Project can contribute a fair share payment, this impact is considered cumulatively significant and unmitigated in the Long-Term condition.

Biological Resources

Bio-1 Biological Resource Protection

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 biological monitoring program in this mitigation measure. The letter shall include the names and contact information of all persons involved in the biological monitoring of the Master Plan Update area.

- B. **Preconstruction Meeting** – The Qualified Biologist shall attend a pre-construction meeting, discuss the Master Plan Update’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. **Biological Construction Mitigation/Monitoring Exhibit** – The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the Biological Documents listed above. In addition, include as applicable: 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 Master Plan Update’s biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- F. **Resource Delineation** – Prior to construction activities, the Qualified Biologist shall supervise the placement of silt and orange construction fencing or equivalent along the limits of disturbance (for Project Sites Nos. 17, 19, 20, 22, 23, and 27) and verify compliance with any other 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 (CSVR). The CSVR shall be e-mailed to MMC on the first day of monitoring, the first 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 specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction

- 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.

Bio-2 Sensitive Vegetation Communities

Impacts to 0.5 acre of Diegan coastal sage scrub shall be mitigated at a ratio of 1:1 pursuant to Table 3, Upland Mitigation Ratios, in the City’s Biology Guidelines (City 2012) for impacts outside the MHPA and mitigation inside the MHPA. Mitigation shall be accomplished via payment in to the City’s Habitat Acquisition Fund equal to 0.5 acre of habitat.

Bio-3 Nesting Cooper’s Hawks

To avoid impacts to Cooper’s hawk, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for this species (February 1 to September 15).

If removal of habitat within 300 feet of the MHPA (Projects 20, 21, 24, 27, and 28) must occur during the breeding season (February 1 to September 15), the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting Cooper’s hawk within the proposed area of disturbance. The pre-construction (precon) survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation).

The applicant shall submit the results of the precon survey to City DSD for review and approval prior to initiating any construction activities.

If nesting Cooper's hawk 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 will include the establishment of a 300-foot construction avoidance area that shall be maintained around any active Cooper's hawk nest located inside the MHPA until the nest is no longer active as determined by the Qualified Biologist. The report or plan shall be submitted to the City DSD for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction. If nesting Cooper's hawk are not detected during the precon survey, no further mitigation is required.

Historical Resources

Hist/Arch-1

Built Environment. The following measure shall be implemented for USD Master Plan Update project sites impacting structures 45 years of age or older at the time the construction permit, including any demolition permit, is submitted:

I. Prior to Permit Issuance

For any future projects that propose additions or modifications to structures or landscape features 45 years old or older, the structure or landscape feature shall be reviewed by qualified historic staff at the City of San Diego to determine whether or not the resource may meet one or more criteria for historic designation and therefore be considered potentially historic. If the structure or landscape feature being modified or removed by the construction is not assessed as potentially historic, the project shall proceed and no further mitigation will be required. If the evaluation determines that the project could affect potentially significant historic resources, then the following three listed items shall apply:

1. If the evaluation determines that the project is consistent with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties, then the potential historic significance will be documented and the project may be found to be in Substantial Conformance with the Master Plan and SEIR.
2. If the evaluation determines that the project is not consistent with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties, the project shall be redesigned to be consistent with the Standards, or a historic report that evaluates the building or landscape feature's integrity and eligibility under all designation criteria shall be completed and forwarded to the Historical Resources Board for review and consideration.

Historical Resources

Hist/Arch-2

Archaeology. The following measure shall be implemented for USD Master Plan Update project sites relative to unknown cultural resources:

I. Prior to Permit Issuance

A. Entitlements Plan Check

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

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and 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 Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the 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 Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or **BI, as appropriate.**
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.

3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that 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 Environmental Analysis Section (EAS)

of the Development Services Department to assist with the discovery notification process.

2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate Discovery Site

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

C. If Human Remains ARE determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with

PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,

- c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
- d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains are NOT Native American

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

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

A. If night and/or Weekend Work is Included in the Contract

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

- a. No Discoveries: In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries: All discoveries shall be processed and documented using the existing procedures detailed in Sections III – During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries: If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III – During Construction and IV-Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8 AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If Night and/or Weekend Work Becomes Necessary During the Course of Construction
- 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

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

- a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation: The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

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

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the **Final Monitoring Report submitted to the RE or BI and MMC.**

3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reentered, 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.

Air Quality (Air Toxics)

AQ-1 Health Risk Assessment

Prior to the issuance of grading permits for any new facility that would have the potential to emit TACs, in accordance with AB 2588, an emissions inventory and health risk assessment shall be prepared. Building permits shall only be issued for facilities that demonstrate TAC emissions below the standards listed in Table 5.5-4 (excess cancer risk of 1 in 1 million or 10 in 1 million with Toxics-Best Available Control Technology [T-BACT] and non-cancer hazard index of 1.0).

Public Utilities

PU-1 Wastewater Infrastructure Improvements

At the time of the Building Permit application for Project Site Nos. 22, 23, 25 and/or 26, located within the off-site Linda Vista sewer basin, the University shall conduct sewer flow metering of the undersized sewer mains. If the results of the sewer flow metering are different than those included in the Master Plan Sewer Study (KLE 2016b), the University shall present the results to the City PUD for review and approval. For each project located within the Linda Vista Road sewer basin that is calculated to result in increased flows to the undersized sewer main reaches 10 through 13, the University shall work with the City's PUD to either:

- Determine appropriate phasing and potential cost sharing for the upsizing of sewer reaches 10 through 13 to 10-inch sewer mains; or
- Pursue redirecting, via a private sewer pump station, the project(s)'s sewer flows from the existing public offsite Linda Vista sewer system into the existing public Tecolote Canyon Trunk Sewer. If this option is pursued, the offsite Linda Vista

undersized sewer mains would not be required to be upsized as part of the above mentioned campus projects.

Visual Effects/Neighborhood Character

Vis-1

Steep Slopes. Prior to issuance of a grading permit for construction proposed to encroach into steep slopes (i.e., Project Site No. 22), a detailed grading plan shall be submitted to the City's Development Services Department and shall demonstrate to the satisfaction of the City Engineer substantial conformance with all grading policies in place at the time of project application. Special design requirements for slopes that are to be graded shall be clearly indicated on the grading plan. At a minimum, proposed manufactured slopes shall imitate, to the extent feasible, the existing landform features through the use of: (1) contour grading and terracing to avoid extreme slope faces; (2) undulation to avoid straight slope faces; (3) rounding the tops and toes of slopes to simulate natural contours; and (4) slopes that do not exceed a grade of 2:1. Grading plans shall be reviewed by the City to ensure that sensitive grading techniques are being utilized.

SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS FROM 1996 MASTER PLAN FEIR

Paleontological Resources

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 of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site-specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

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

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant

information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence, or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

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

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the 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 email with photos of the resource in context, if possible.

C. Determination of Significance

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

- a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
- b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
- c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

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

- 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
- 2. The following procedures shall be followed.
 - a. No Discoveries: In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVr and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries: All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries: If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

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

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

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

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

V. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum

The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

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

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

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

D. Final Monitoring Report(s)

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