

RESOLUTION NUMBER R- 311972

DATE OF FINAL PASSAGE SEP 25 2018

ITEM #202 A
9/17/18

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING PROGRAM ENVIRONMENTAL IMPACT REPORT NO. 561546/SCH NO. 2015111013, ADOPTING THE FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE COMPREHENSIVE UPDATE TO THE MIDWAY-PACIFIC HIGHWAY COMMUNITY PLAN.

WHEREAS, on September 17, 2018, the City Council of the City of San Diego held a public hearing for the purpose of considering adoption of the comprehensive update to the Midway-Pacific Highway Community Plan, amendments to the General Plan, amendments to the Land Development Code, associated rezoning actions, associated amendments to the City's Local Coastal Program, and other associated actions (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 City Council considered the issues discussed in Program Environmental Impact Report No. 561546/SCH No. 2015111013 (Report) prepared for this Project; NOW THEREFORE,

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

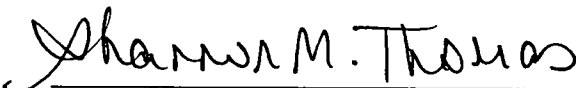
BE IT FURTHER RESOLVED, that pursuant to State CEQA Guidelines Section 15093, the City Council hereby adopts the Statement of Overriding Considerations with respect to the Project, which is attached hereto as Exhibit B.

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 

Shannon M. Thomas
Senior Deputy City Attorney

SMT:ccm:als

08/27/2018

09/18/2018 Cor. Copy

Or.Dept: Planning

Doc. No. 1822209_2

Attachments: Exhibit A, Findings_ Cor. Copy

Exhibit B, Statement of Overriding Considerations

Exhibit C, Mitigation Monitoring and Reporting Program

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 17 2018.

ELIZABETH S. MALAND
City Clerk

By *Cennie Patterson*
Deputy City Clerk

Approved: 9/25/18
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

CORRECTED COPY

EXHIBIT A
CANDIDATE FINDINGS
FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR)
FOR THE
MIDWAY-PACIFIC HIGHWAY COMMUNITY PLAN UPDATE

PROJECT NUMBER 561546
SCH No. 2015111013

September 2018

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I. INTRODUCTION

A. Findings of Fact

The following Candidate Findings are made for the Midway-Pacific Highway Community Plan Update (CPU) and associated discretionary actions (hereinafter referred to as the "project"). The environmental impacts of the project are addressed in the Revised Final Program Environmental Impact Report ("Final PEIR") dated May 14, 2018 (State Clearinghouse No. 2015111013), which is incorporated by reference herein.

The California Environmental Quality Act (CEQA) (Public Resources Code [PRC] 21000 *et seq.*) and the State CEQA Guidelines (CEQA Guidelines) (14 California Code of Regulations Sections 15000 *et seq.*) promulgated therein, require that the environmental impacts of a proposed project be examined before a project is approved. In addition, once significant impacts have been identified, CEQA and the CEQA Guidelines require that certain findings be made before project approval. It is the exclusive discretion of the decision maker certifying the environmental impact report (EIR) to determine the adequacy of the proposed candidate findings. Specifically, regarding findings, CEQA Guidelines Section 15091 provides:

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

These measures must be fully enforceable through permit conditions, agreements, or other measures.

- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

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

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

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

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

determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed, and considered the Final PEIR for the project, State Clearinghouse No. 2015111013, as well as all other information in the Record of Proceedings on this matter, the following Findings are made by the City of San Diego (City) in its capacity as the CEQA lead agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies (as applicable) for the implementation of the project.

B. Record of Proceedings

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

- The Notice of Preparation (NOP), dated November 4, 2015, and all other public notices issued by the City in conjunction with the project;
- The Draft PEIR, dated December 15, 2017;
- The Final PEIR, dated April 6, 2018;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR and included in the Final PEIR;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The reports and technical memoranda included or referenced in Responses to Comments and/or in the Final PEIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft PEIR and the Final PEIR;
- Matters of common knowledge to the City, including but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings and the Statement of Overriding Considerations; and
- Any other relevant materials required to be included in the Record of Proceedings pursuant to PRC Section 21167.6(e).

II. PROJECT SUMMARY

A. Project Location

The Midway-Pacific Highway CPU area encompasses roughly 1,324 acres of relatively flat area and is located in west-central San Diego, to the north of the San Diego International Airport, and south of Mission Bay. The CPU area lies between the north end of the Peninsula Community Plan area to the west and the Old Town San Diego Community Plan area to the east. The CPU area is composed of

three main elements: the Midway area, which consists mainly of an urbanized commercial core; the narrow Pacific Highway corridor, which runs along I-5 from the southern end of the Midway area south to Laurel Street; and the Marine Corps Recruit Depot (MCRD).

B. Project Background

The adopted Midway/Pacific Highway Corridor Community Plan and Local Coastal Program was originally adopted in 1991 and last amended in 2010. The City initiated the process of updating the Midway-Pacific Highway and Old Town community plans in 2008, and staff began work on the community plan updates in 2010. The NOP for the PEIR, including both the Midway-Pacific Highway and Old Town CPUs, was issued on November 4, 2015 (State Clearinghouse No. 2015111013). Public scoping meetings were held on November 18, 2015 and November 20, 2015 for the Midway-Pacific Highway and Old Town communities, respectively, to gather agency and public input on the scope and content of the PEIR. As a result of City management direction, the environmental analysis for the Old Town CPU has been analyzed in a separate CEQA document and was assigned a new State Clearinghouse number. These findings pertain only to the Midway-Pacific Highway CPU and associated discretionary actions.

Between 2010 and 2017, an extensive outreach program was undertaken to solicit input from residents, business owners, property owners, public officials, and other interested parties within the Midway-Pacific Highway CPU area. The outreach program included almost monthly meetings of the Midway-Pacific Highway Community Planning Group, serving as the Community Plan Update Advisory Committee (CPUAC), focusing on land use, areas of change and stability, village opportunity areas, mobility, urban design, and recreation for the CPU area culminating in a land use, mobility, and urban design framework that would set the foundation for developing land use policies and recommendations. In addition, a "Walk Audit", or guided walk to assess conditions in the community, provided another opportunity for participants to identify issues and opportunities to consider in the CPU. The goals, proposed land use map, policies, and urban design and mobility concepts of the CPU were developed and shaped through this process. Workshops were held to present the draft land uses, as well as the first public review draft plan to gather additional community input.

C. Project Description and Purpose

The project analyzed in the Final PEIR includes implementation of the Midway-Pacific Highway CPU and associated discretionary actions described below. These Findings address the Midway-Pacific Highway CPU and discretionary actions relevant to that community as described below. The purpose of the Midway-Pacific Highway CPU is to provide a long-range, comprehensive policy framework and vision for growth and development in the community through 2035 that is consistent with, and expands upon relevant policies from the City of San Diego General Plan (General Plan).

The project includes amendments to the General Plan to incorporate the CPU as a component of the General Plan's Land Use Element and add the Mixed Commercial Residential land use designation, rezoning of the CPU area with Citywide zones, and amendments to the City's certified Local Coastal Program (LCP) to incorporate the CPU. The project also requires adoption of amendments to the San Diego Municipal Code (SDMC), which include the Community Plan Implementation Overlay Zone (CPIOZ) related to the Midway-Pacific Highway CPU area, the addition of new Citywide base zones and

parking requirements, and application of the Residential Tandem Parking Overlay Zone to the community as a whole. A comprehensive update to the Impact Fee Study (IFS) (formerly known as the Public Facilities Financing Plan) is also proposed for adoption. Collectively, these actions together with the CPU form the “project” for this Final PEIR.

Specific project elements are further detailed below:

1. Community Plan Elements

The Midway-Pacific Highway CPU contains nine elements and an Introduction and Implementation chapter. Applicable goals and policies are provided within each of the following elements: Land Use, Villages and Districts; Mobility; Urban Design; Economic Prosperity; Public Facilities, Services, and Safety; Recreation; Conservation; Noise; and Historic Preservation.

The Land Use, Villages and Districts Element defines Villages, Districts and key corridors where future growth is targeted, consistent with the General Plan’s City of Villages strategy. The Land Use Element includes the land use designations to be applied within the community and the Land Use Map, which shows the location of these land use designations. While the CPU sets forth procedures for implementation, it does not on its own establish regulations or legislation, nor does it, on its own, rezone property. The action to rezone public and private property, which includes development regulations, is included as part of the Midway-Pacific Highway CPU.

The Mobility Element identifies proposed mobility facilities and infrastructure improvements to be implemented through future capital improvement and development projects. The Recreation Element identifies planned parks and recreation facilities to meet the population-based requirements for these facilities established in the General Plan.

2. Zoning

Throughout the CPU area, Citywide zones would be applied. Two new Citywide zones are proposed to be created to implement CPU land uses: CO-3-1 and CN-1-6 (see paragraph 4.b, New Zones and Parking Regulations, below, for additional information).

3. LCP

Portions of the community north of Interstate 8 and in the Pacific Highway corridor area are within the Coastal Zone and subject to the California Coastal Act. The Coastal Act requires all jurisdictions within the Coastal Zone to prepare a LCP, which includes issue identification, a land use plan and implementation (zoning) ordinances. The LCP for the Coastal Zone areas in Midway-Pacific Highway is integrated into this CPU. The Land Use Element contains policies to protect and enhance coastal resources and addresses land use, public access and recreation, and view preservation within the Coastal Zone. Additional policies in the Mobility, Urban Design, Conservation, and Recreation elements support the goals of the Coastal Zone to meet the intent of the Coastal Act.

4. SDMC Amendments

a. CPIOZ

The project would amend the CPIOZ to repeal existing CPIOZ areas and adopt new CPIOZ areas to allow flexibility in application of development regulations and implement additional development regulations related to development on City-owned property within the Sports Arena Community Village, planned linear parks in the Dutch Flats Urban Village, and streetscape enhancements along Sports Arena Boulevard near Rosecrans Street.

The CPIOZ regulations in the Municipal Code establish two CPIOZ types, differentiated by the required review process: Type A (ministerial review) and Type B (discretionary review). The CPU would revise the CPIOZ to rescind the mapped boundaries of the existing CPIOZ within the Midway-Pacific Highway community and implement new CPIOZ in three areas to provide supplemental development regulations and flexibility in application of certain Citywide development regulations. The Sports Arena Community Village CPIOZ (Type B) would require preparation of a comprehensive specific plan or master plan for the City-owned parcels within the Sports Arena Community Village, consistent with the policies identified within the CPU, prior to significant new development within the village, and allow density and/or intensity to be calculated based on site area before dedication of the right-of-way for planned streets or area for planned linear parks, parks, and other park equivalencies. The Dutch Flats Urban Village CPIOZ (Type A) would reserve land for the future implementation of planned linear parks and allow density and/or intensity to be calculated based on site area before dedication of the right-of-way for planned streets or area for planned linear parks, parks, and other park equivalencies as new development is proposed. The Sports Arena Boulevard Streetscape CPIOZ (Type A) would provide enhanced streetscapes to provide continuity between planned linear parks in the Sports Arena and Dutch Flats villages. Maps depicting areas where the CPIOZ-Type A and CPIOZ-Type B would be applied are included in the Midway-Pacific Highway CPU's Land Use, Villages and Districts Element.

b. New Zones and Parking Regulations

The project would amend the SDMC to revise the existing CO-3-1 zone, which permits residential use at densities of 0-54 du/acre (1 DU per 800 SF lot area), to change its name to CO-3-2; revise the existing CO-3-2 zone, which permits residential use at densities of 0-73 du/acre (1 DU per 600 SF lot area), to change its name to CO-3-3 zone; and introduce a new Commercial-Office (CO) zone (CO-3-1) that permits residential use at densities of 0-44 du/acre (1 DU per 1,000 SF lot area), a new Commercial-Neighborhood (CN) zone (CN-1-6) that permits residential use at a density at 0-54 du/acre (1 DU per 800 SF lot area), and corresponding parking requirements. The new CO zone (CO-3-1) allows for research and development and office uses with a pedestrian orientation, as well as supporting commercial and residential uses, and permits residential uses at densities of 0-44 du/acre (1DU per 1,000 SF of lot area). The new CN zone (CN-1-6) allows development with a

pedestrian orientation and permits residential at densities of 0-54 du/acre (1 DU per 800 SF lot area).

Corresponding parking regulations for the new zones would be added to the SDMC. Also, the Residential Tandem Parking Overlay Zone in the SDMC would be amended to apply to the Midway-Pacific Highway CPU area as a whole. The Residential Tandem Parking Overlay Zone currently applies to portions of the CPU area along transit corridors and near transit stations, and allows tandem parking to be counted as two parking spaces in the calculation of required parking under specified conditions.

5. Adoption of the Midway-Pacific Highway IFS

The project would include adoption of the Midway-Pacific Highway IFS, which provides a list of facilities that are needed to implement the goals of the Community Plan and to develop applicable Development Impact Fees (DIFs) pursuant to the California Government Code through, in which new development will pay a share of the cost of those facilities based on a clear nexus. The IFS functions as an implementation document of the City of San Diego's General Plan and the Midway-Pacific Highway CPU.

D. Statement of Objectives

As described in Section 3.3 of the Final PEIR, the project has the following nine objectives:

1. Establish multiple-use villages and districts within the community.
2. Enhance community identity and visual character through land use and urban design.
3. Create a complete mobility system that promotes access for pedestrians, bicycles, and transit, including within existing superblocks.
4. Create a Bay-to-Bay pedestrian and bicycle linkage (replacing the Bay-to-Bay canal concept).
5. Identify park and recreation facilities to serve the community.
6. Provide housing and commercial uses in proximity to transit.
7. Maintain employment uses including industrial, business park, and commercial office uses to support the City's economy.
8. Improve localized water quality and conveyance through facility improvements and design.
9. Identify future alternative uses for government-owned land in the community

In summary, this project would update the existing Midway/Pacific Highway Corridor Community Plan and Local Coastal Program that was adopted by the City Council in 1991 and last amended in 2010. The Midway-Pacific Highway CPU would meet all of the nine objectives listed above and be compatible with the adopted General Plan City of Villages strategy that would: provide guidance for future growth and redevelopment with regard to the distribution and arrangement of land uses (public and private);

the street, multi-modal mobility, and transit network; provision of parks and public facilities; community-wide and area-specific urban design guidelines; and recommendations to preserve and enhance historic and cultural resources within the Midway-Pacific Highway community.

The overall vision of the Midway-Pacific Highway CPU is to facilitate, over the next 20 to 30 years, future mixed-development within villages and districts to enhance community character and vitality and to create a mobility system that supports all modes of transportation including walking and bicycling. The proposed land use plan would locate the highest intensity land uses within the community in Villages located along transit corridors and mixed-use villages where existing and future commercial, residential and mixed-use development can take advantage of and support existing and planned transit investments.

Following adoption of the Midway-Pacific Highway CPU, changes may be required as a result of subsequent project submittals in order to address changed circumstances and opportunities. If approved, they would take the form of amendments to the Community Plan. The City's Planning Commission and City Council are responsible for reviewing and evaluating recommendations, and/or approving any amendments. Any proposed amendment would be subject to environmental review.

III. SUMMARY OF IMPACTS

The project addressed in these findings is a comprehensive update to the existing Midway-Pacific Highway Community Plan as described in Chapter 3.0 of the Final PEIR. The CPU is a component of the City's General Plan as it expresses the General Plan policies in the CPU area through the provision of more site-specific recommendations that implement goals and policies contained within the 10 elements of the General Plan. As such, the CPU sets forth procedures for implementation and provides goals and policies for future development within the CPU area.

Controls on development and use of public and private property including zoning, development regulations, and implementation of mobility improvements are included as part of the implementation program for the Midway-Pacific Highway CPU.

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

1. Agriculture and Forestry Resources
 - Farmland Mapping and Monitoring Program
 - Agricultural Zoning/Williamson Act
 - Forest, Timberland, Timberland Production Zone
 - Loss of Forest Land
 - Natural Conversion of Farmland or Forest
2. Mineral Resources
3. Population and Housing
4. Energy

- Construction-Related Energy Consumption
- Long-Term Operation-Related Energy Consumption

The Final PEIR concludes that the CPU would have **less than significant impacts** and require no mitigation measures with respect to the following issues:

1. Land Use
 - Conflicts with Applicable Plans
 - Conversion of Open Space or Farmland
 - Conflicts with the MSCP Subarea Plan
 - Conflicts with an Adopted ALUCP
2. Transportation
 - Alternative Transportation
3. Geologic Conditions
 - Seismic Hazards
 - Erosion or Loss of Topsoil
 - Geologic Instability
 - Expansive Soils
4. Noise
 - Ambient Noise (Discretionary Projects Only)
 - Vehicular Noise (Discretionary Projects Only)
 - Airport Compatibility
 - Noise Ordinance Compliance
 - Temporary Construction Noise (Operational Vibration)
5. Health and Safety
 - Wildland Fire Risk
 - Hazardous Emissions and Materials
 - Emergency Plan Consistency
 - Hazardous Materials Site
 - Aircraft Hazards
6. Hydrology and Water Quality
 - Flooding and Drainage Patterns
 - Water Quality
 - Groundwater
7. Visual Effects and Neighborhood Character
 - Scenic Vistas or Views
 - Neighborhood Character

- Distinctive or Landmark Trees
 - Landform Alteration
 - Light and Glare
8. Air Quality
- Conflict with Air Quality Plan
 - Air Quality Standards
 - Substantial Pollutant Concentrations
 - Odors
9. Greenhouse Gas Emissions
- Greenhouse Gas Emissions
 - Conflicts with Plans or Policies
10. Public Services and Facilities
- Police Protection
 - Parks and Recreation
 - Fire/Life Safety Protection
 - Libraries
 - Schools
11. Public Utilities
- Water Supply
 - Utilities (Storm Water, Sewer, Water Facilities, Communications Systems)
 - Solid Waste and Recycling
12. Biological Resources
- Sensitive Species
 - Sensitive Habitats
 - Wetlands
 - Wildlife Corridors and Nursery Sites
 - Multiple Species Conservation Program

Potentially **significant impacts of the Midway-Pacific Highway CPU will be mitigated** to below a level of significance with respect to the following issues:

1. Noise
 - Temporary Construction Noise (Construction Noise)
2. Paleontological Resources (Discretionary Projects Only)

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

1. Transportation and Circulation
 - Traffic Circulation (Note: there is a partial mitigation at the Lytton/Rosecrans intersection)
2. Noise
 - Ambient Noise (Ministerial Projects Only)
 - Vehicular Noise (Ministerial Projects Only)
 - Temporary Construction Noise (Vibration During Construction)
3. Historical and Tribal Cultural Resources
 - Historic Structures, Objects, or Sites
 - Prehistoric and Historic Archaeological Resources, Sacred Sites, and Human Remains
 - Tribal Cultural Resources
4. Paleontological Resources (Ministerial Projects Only)

IV. FINDINGS REGARDING SIGNIFICANT IMPACTS

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

The City, having independently reviewed and considered the information contained in the Final PEIR and the public record for the project, finds, pursuant to PRC §21081(a)(1) and State CEQA Guidelines §15091(a)(1), that mitigation is determined to be feasible and would mitigate or avoid the significant effects on the environment from the project. The following is a list of those environmental impacts that will be mitigated to below a level of significance, as identified within the Final PEIR:

1. Noise – Temporary Construction Noise (Construction Noise)

Significant Effect

Construction activities related to implementation of the project would potentially generate short-term noise levels in excess of 75 dB(A) L_{eq} at adjacent properties (**Impact 5.5-4**).

Facts in Support of Finding

While the City regulates noise associated with construction equipment and activities through enforcement of its Noise Abatement and Control Ordinance's standards (e.g., days of the week and hours of operation) and imposition of conditions of approval for building or grading permits, a permit may be obtained to deviate from the noise ordinance under certain circumstances. Due to the highly developed nature of the CPU area with sensitive receivers potentially located in proximity to construction sites, there is a potential for construction noise sensitive land uses to be exposed to noise levels in excess of noise ordinance standards. At a program-level of analysis, it is not possible to conduct site-specific noise evaluations to verify anticipated construction noise levels.

Rationale and Conclusion

Future development implemented in accordance with the CPU would be required to incorporate standard controls detailed in the Final PEIR mitigation measure **NOISE-5.5-2**, which would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance. With the implementation of this mitigation measure and the limited duration of the noise-generating construction period, the substantial temporary increase in ambient noise levels from construction would be less than significant.

2. Paleontological Resources (Discretionary Projects Only)

Significant Effect

A potentially significant impact would result from implementation of future discretionary projects within the Midway-Pacific Highway CPU area associated with grading into the Mount Soledad and Bay Point formations, which have a high sensitivity for paleontological resources. Grading into these formations could potentially destroy fossil resources (**Impact 5.14-1**).

Facts in Support of Finding

A potentially significant impact would occur because future development would have the potential to disturb geologic formations during grading that contain fossils. The Midway-Pacific Highway CPU area is underlain with Mount Soledad and Bay Point formations, which have high paleontological resource sensitivity. If grading associated with future development destroys fossil remains occurring within these formations, a significant impact would occur.

Rationale and Conclusion

While not yet effective in the Coastal Zone, an amendment to the Land Development Code has been adopted that provides requirements for grading activities that could affect paleontological resources, allowing for regulatory compliance; and as such, impacts would be considered less than significant under CEQA. This does not change any current permitting or discretionary review processing. In addition, mitigation measure **PALEO 5.14-1** assures that future discretionary projects implemented in accordance with the Midway-Pacific Highway CPU would be screened by City staff to determine the potential for grading to impact sensitive geologic formations. If future development projects would exceed the grading thresholds specified in the mitigation framework, the City would require paleontological monitoring, which would ensure any inadvertent fossil discoveries during construction are identified, recovered, and handled in accordance with the required paleontological Mitigation Monitoring and Reporting Program (MMRP). Thus, implementation of the mitigation framework would reduce potentially significant impacts to paleontological resources for future discretionary projects (but not ministerial projects) within the Midway-Pacific Highway CPU area to less than significant. Implementation of this mitigation framework would be assured because it would be incorporated into the project's MMRP.

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

The City, having independently reviewed and considered the information contained in the Final PEIR and the public record, finds, pursuant to PRC §21081(a)(2) and State CEQA Guidelines §15091(a)(2), that there are changes or alterations which would mitigate or avoid the significant effects on the environment that are within the responsibility and jurisdiction of another public agency.

The following cumulative impacts to freeway segments and ramp meters were determined to be significant:

1. Traffic and Circulation – Freeway Segments and Ramp Meters

Significant Effect

a. Freeway Segments

- I-5 NB (AM and PM peak hours) & SB (PM peak hour) from Clairemont Drive to Sea World Drive (**Impact 5.2-17**)
- I-5 NB from Sea World Drive to I-8 in the AM and PM peak hours (**Impact 5.2-18**)
- I-5 NB from Old Town Avenue to Washington Street in the AM and PM peak hours (**Impact 5.2-19**)
- I-8 EB from Morena Boulevard to Hotel Circle Drive in the PM peak hour (**Impact 5.2-20**)
- I-5 SB from I-8 to Old Town Avenue in the PM peak hour (**Impact 5.2-21**)
- I-5 SB from Washington Street to Pacific Highway in the PM peak hour (**Impact 5.2-22**)
- I-5 SB from Laurel Street to Hawthorn Street in the PM peak hour (**Impact 5.2-23**)

b. Ramp Meters

- I-5 SB/Sea World Drive Ramp in the PM peak hour (**Impact 5.2-24**)

Facts in Support of Finding

a. Freeway Segments

At the project-level, significant impacts at locations outside of the jurisdiction of the City could be partially mitigated in the form of fair share contribution for the construction of a managed lane or other operational improvements along freeway segments or transportation demand management (TDM) measures that encourage carpooling and other alternative means of transportation consistent with the Midway-Pacific Highway CPU policies. Fair share contributions could be provided toward the construction of the projects that are identified in SANDAG's San Diego Forward: The Regional Plan (RP) and in mitigation measures **TRANS 5.2-17** through **TRANS 5.2-23**.

The location of the freeway improvements is within the City's land use jurisdiction, but they are within the authority of Caltrans, which would require its review and approval of the project and design prior to the implementation of any improvements. The mitigation measures are therefore infeasible and not proposed as part of the CPU. The improvements identified in SANDAG's RP would improve operations along the freeway segments; however, to what extent is still undetermined, as these are

future improvements that must be defined more over time. The City will continue to coordinate with Caltrans and SANDAG on future improvements, as future project-level developments proceed, to develop potential “fair share” mitigation strategies for freeway impacts, as appropriate. The City’s Development Services Department (DSD) would collect the fair share funds from the project proponent and administer them until such time as mitigation improvements are implemented on the State Highway System (SHS), whereupon Caltrans will enter into a cooperative agreement with the City, as lead agency.

b. Ramp Meters

At the project-level, significant impacts at a location outside of the jurisdiction of the City could be partially mitigated in the form of fair share contribution for capacity improvements to address flow rate at the ramp meter or along affected travel lanes. Mitigation measure **TRANS 5.2-24**, requires the City of San Diego to coordinate with Caltrans to address ramp capacity at the impacted on-ramp location. Particularly, this impact could be reduced to less than significant by the following improvements: additional lanes, interchange reconfigurations, the implementation of a second interchange between Sea World Drive and Clairemont Drive (which is not currently included in the San Diego Forward Plan), and TDM as described in the Midway-Pacific Highway Community Plan Mobility Element in policies ME-7.1 through 7.9. However, specific capacity improvements are still undetermined, as these are future improvements that must be defined more over time. Additionally, the CPU includes a variety of transit, pedestrian, and bicycle facilities that may help to reduce single-occupancy vehicle travel, which can help improve ramp capacity. Still, implementation of freeway improvements in a timely manner is beyond the full control of the City since Caltrans has approval authority over freeway improvements.

Future development projects could identify impacts and appropriate mitigation through project specific transportation studies. Fair share contributions may be provided at the project-level for the impacted ramp where the impacted facility is identified in the SANDAG RP. Since Caltrans review and approval of the project and design is required prior to the implementation of any improvements, the mitigation measure is therefore infeasible and not proposed as part of the CPU. However, the City will continue to coordinate with Caltrans and SANDAG on future improvements, as future project-level developments proceed, to develop potential “fair share” mitigation strategies for ramp meter impacts, as appropriate. DSD would collect the fair share funds from the project proponent and administer them until such time as mitigation improvements are implemented on the State Highway System (SHS), whereupon Caltrans will enter into a cooperative agreement with the City, as lead agency.

Rationale and Conclusion

a. Freeway Segments

Implementation of the project would result in a significant impact to the seven freeway segments, **Impact 5.2-17** through **Impact 5.2-23**. The SANDAG RP identifies the construction of managed lanes along the I-5 northbound (NB) and southbound (SB) segment from Clairemont Drive to Sea World Drive (**TRANS 5.2-17**) and the I-5 NB segment from Sea World Drive to the I-8 Freeway (**Trans 5.2-18**) that would partially mitigate these impacts. The SANDAG RP also identifies operational improvements along several I-5 NB and SB segments (**TRANS 5.2-19** and **TRANS 5.2-21** through **TRANS 5.2-23**) and

the I-8 eastbound (EB) segment from Morena Boulevard to Hotel Circle Drive (**TRANS 5.2-20**) that would partially mitigate these impacts.

Although implementation of the SANDAG RP measures would partially mitigate these impacts, at a program level of analysis, actual development and associated traffic impacts for the project will materialize over time. In addition, there is uncertainty as to the timing of implementation of the improvements and whether the improvements will occur prior to the occurrence of the impacts. Future development project's transportation studies would be able to more accurately identify individual project level impacts and provide the mechanism to mitigate them through fair share contributions in addition to the forecast funding planned by SANDAG and other funding sources consistent with the SANDAG RP. DSD would collect the fair share funds from the project proponent and administer them until such time as mitigation improvements are implemented on the State Highway System (SHS), whereupon Caltrans will enter into a cooperative agreement with the City, as lead agency.

Furthermore, since the design, construction, and implementation of the freeway segment improvements are within the responsibility and jurisdiction of another public agency and not the City, who is making this Finding, the City has limited control over the implementation of these mitigation measures. The feasibility of the mitigation measures to reduce the significant impacts that would occur along these freeway segments is limited by the decision-making authority of Caltrans. Therefore, the Finding is that impacts would remain significant and unavoidable for freeway segments where another public agency has jurisdiction.

b. Ramp Meters

Mitigation measure **TRANS 5.2-24** would potentially reduce I-5 SB ramp meter impacts at Sea World Drive through improvements which could include: additional lanes, interchange reconfigurations, the implementation of a second interchange between Sea World Drive and Clairemont Drive (which is not currently included in the San Diego Forward Plan), and implementation of TDM measures that encourage carpooling and other alternate means of alternative transportation, or a combination of these measures. At a program level of analysis, actual development and associated traffic impacts for the project will materialize over time. In addition, there is uncertainty as to the timing of implementation of improvements and whether the improvements will occur prior to the occurrence of impacts. At the project-level, future projects could make fair share contributions to the impacted ramp; however, only if this ramp is included in the SANDAG RP. DSD would collect the fair share funds from the project proponent and administer them until such time as mitigation improvements are implemented on the State Highway System (SHS), whereupon Caltrans will enter into a cooperative agreement with the City, as lead agency. The impacted ramp is not currently included within the SANDAG RP; thus, fair share funding for the impacted ramps is infeasible at this time. Future development project's transportation studies would be able to more accurately identify potential transportation impacts and provide the mechanism to mitigate them through project-specific mitigation including, but not limited to, physical improvements, fair share contribution, and TDM measures which may be more cost effective than alternative infrastructure improvements, or a combination of these measures.

Furthermore, since the design, construction, and implementation of the freeway ramp improvements are within the responsibility and jurisdiction of another public agency and not the City, who is making this Finding, the City has limited control over the implementation of this mitigation measure. The feasibility of the mitigation measure to reduce the significant impacts that would occur along this freeway ramp meter is limited by the decision-making authority of Caltrans. Therefore, the Finding is that impacts would remain significant and unavoidable for freeway ramp meters where another public agency has jurisdiction.

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

The City, having independently reviewed and considered the information contained in the Final PEIR and the public record, finds, pursuant to PRC §21081(a)(3) and State CEQA Guidelines §15091(a)(3) that the project will have significant and unavoidable impacts in the following issue areas:

1. Transportation and Circulation
 - Traffic Circulation (Note: there is a partial mitigation at the Lytton/Rosecrans intersection)
2. Noise
 - Ambient Noise (Ministerial Projects Only)
 - Vehicular Noise (Ministerial Projects Only)
 - Temporary Construction Noise (Vibration During Construction)
3. Historical and Tribal Cultural Resources
 - Historic Structures, Objects, or Sites
 - Prehistoric and Historic Archaeological Resources, Sacred Sites, and Human Remains
 - Tribal Cultural Resources
4. Paleontological Resources (Ministerial Projects Only)

Although some impacts have mitigation measures identified in the Final PEIR that could reduce significant impacts due to implementation of the project, implementation of some of the mitigation measures cannot be assured since the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at the program level. "Feasible" is defined in Section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The CEQA Statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that "other" considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

Relative to the issue area of traffic circulation, for the measure included in the IFS, full funding cannot be assured to implement the mitigation measure because the adequacy and timing of funding is not known and thus, the timing of completion of the improvements is uncertain. Other identified mitigation measures would not be consistent with the policy framework and goals of the City's General

Plan and the Midway-Pacific Highway CPU. Thus, for these significant impacts, a finding of infeasibility is appropriate because there are no feasible mitigation measures available that would reduce the identified impacts to below a level of significance.

1. Transportation – Traffic Circulation

Significant Effect

The following cumulative impacts to roadway segments and intersections were determined to be significant:

a. Roadway Segments

- Kettner Boulevard: Washington Street to Laurel Street (**Impact 5.2-1**)
- Greenwood Street: Sports Arena Boulevard to Kurtz Street (**Impact 5.2-2**)
- Camino Del Rio West: Rosecrans Street to I-5/I-8 Ramps (**Impact 5.2-3**)
- Dutch Flats Parkway: Barnett Avenue to Midway Drive (**Impact 5.2-4**)
- Sassafras Street: Pacific Highway to Kettner Boulevard (**Impact 5.2-5**)
- Old Town Avenue: Hancock Street to San Diego Avenue (**Impact 5.2-6**)

b. Intersections

- Lytton Street & Rosecrans Street in the AM and PM peak hours (**Impact 5.2-7**; there is partial mitigation at this intersection)
- West Mission Bay Drive & I-8 WB Off-Ramp in the PM peak hour (**Impact 5.2-8**)
- Midway Drive & Sports Arena Boulevard/West Point Loma Boulevard in the PM peak hour (**Impact 5.2-9**)
- Midway Drive & Rosecrans Street in the PM peak hour (**Impact 5.2-10**)
- Hancock Street & Washington Street in the PM peak hour (**Impact 5.2-11**)
- Kettner Boulevard & West Laurel Street in the PM peak hour (**Impact 5.2-12**)
- Pacific Highway & Sassafras Street in the PM peak hour (**Impact 5.2-13**)
- Pacific Highway & West Laurel Street in the AM and PM peak hours (**Impact 5.2-14**)
- Nimitz Boulevard/Lowell Street & Rosecrans Street in the PM peak hour (**Impact 5.2-15**)
- Moore Street & Old Town Avenue in the PM peak hour (**Impact 5.2-16**)

Facts in Support of Finding

a. Roadway Segments

Kettner Boulevard: Washington Street to Laurel Street (Impact 5.2-1)

Kettner Boulevard from Washington Street to Laurel Street functions as a north-south, one-way, 3-lane major arterial (one way). The impact of these three consecutive roadway segments (**Impact 5.2-1**) could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-1**, which would widen the roadway to a 4-lane major (one way) arterial along three consecutive

segments of the roadway from Washington Street to Vine Street, Vine Street to Sassafras Street, and Sassafras Street to Laurel Street. This mitigation measure would improve all three roadway segments to LOS D.

Greenwood Street: Sports Arena Boulevard to Kurtz Street (Impact 5.2-2)

The Greenwood Street segment from Sports Arena Boulevard to Kurtz Street currently does not exist, but this is a proposed extension from the Greenwood Street segment from Kurtz Street to Moore Street, which currently functions as a two-way, 2-lane collector. This roadway segment impact (**Impact 5.2-2**) could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-2**, which would improve the roadway to a 2-lane collector with a center left-turn lane. This mitigation measure would improve operations to LOS C.

Camino del Rio West: Rosecrans Street to I-5/I-8 Ramps (Impact 5.2-3)

Camino del Rio West from Rosecrans Street to the I-5/I-8 ramps functions as a 6-lane prime arterial. This roadway segment impact (**Impact 5.2-3**) could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-3**, which would improve the roadway to a 6-lane expressway. This mitigation measure would improve operations to LOS D.

Dutch Flats Parkway: Barnett Avenue to Midway Drive (Impact 5.2-4)

Dutch Flats Parkway from Barnett Avenue to Midway Drive is a proposed new street that currently does not exist and is planned to function as a 2-lane collector with a center left-turn lane. This roadway segment impact (**Impact 5.2-4**) could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-4**, which would improve the roadway to a 4-lane collector with a center left-turn lane. This mitigation measure would improve operations to LOS B.

Sassafras Street: Pacific Highway to Kettner Boulevard (Impact 5.2-5)

Sassafras Street from Pacific Highway to Kettner Boulevard functions as a 3-lane collector. This roadway segment impact (**Impact 5.2-5**) could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-5**, which would widen the roadway to a 4-lane collector with a center left-turn lane. This mitigation measure would improve operations to LOS D.

Old Town Avenue: Hancock Street to San Diego Avenue (Impact 5.2-6)

Old Town Avenue from Hancock Street to San Diego Avenue functions as a 2-lane collector. The impact of these two consecutive roadway segments (**Impact 5.2-6**) could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-6**, which would widen the roadway to a 2-lane collector with a center left-turn lane along two consecutive roadway segments of the roadway from Hancock Street to Moore Street and Moore Street to San Diego Avenue. Along Old Town Avenue between Hancock Street to Moore Street, this mitigation measure would improve operations to LOS D, while along Old Town Avenue between Moore Street and San Diego Avenue this mitigation measure would improve operations to LOS B.

b. Intersections

Lytton Street and Rosecrans Street (Impact 5.2-7)

The Lytton Street and Rosecrans Street intersection westbound (WB) through movement, as well as the SB left-turn and through movements are projected to be over capacity with implementation of the project. This impact will result in LOS F during the AM peak hour and LOS E during the PM peak hour (**Impact 5.2-7**) and could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-7a**. This mitigation measure would require adding a second SB left-turn lane from Lytton Street to EB Rosecrans Street, adding an additional WB through movement lane on Rosecrans Street (three total), and implementing right-turn overlap (RTOL) phases at all legs of the intersection to improve LOS to D or better during both peak hours.

Partial mitigation with implementation of mitigation measure **TRANS 5.2-7b** would require adding a second SB left-turn lane from Lytton Street to EB Rosecrans Street and implementing RTOL phases at all legs of the intersection, which are feasible improvements that would reduce intersection delay to LOS E during the AM peak hour and LOS D during the PM peak hour.

West Mission Bay Drive and I-8 WB Off-Ramp (Impact 5.2-8)

The West Mission Bay Drive and I-8 WB off-ramp WB right-turn movement, from I-8 WB to NB West Mission Bay Drive, is projected to be over capacity during the PM peak hour with implementation of the project. This impact will result in LOS E during the PM peak hour (**Impact 5.2-8**) and could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-8**. This mitigation measure would require providing a third exclusive WB right-turn lane to improve intersection operations to LOS D during the PM peak hour.

Midway Drive and Sports Arena Boulevard/West Point Loma Boulevard (Impact 5.2-9)

All four left-turn movements at the Midway Drive and Sports Arena Boulevard/West Point Loma Boulevard intersection are projected to be over capacity during the PM peak hour with implementation of the project. This impact will result in LOS E in the PM peak hour (**Impact 5.2-9**) and could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-9**. This mitigation measure would require providing dual left-turn lanes on Midway Drive in the NB direction, on Sports Arena Boulevard in the SB direction, and on West Point Loma Boulevard in the EB direction lane to improve intersection operations to LOS D during the PM peak hour.

Midway Drive and Rosecrans Street (Impact 5.2-10)

Rosecrans Street is projected to be over capacity during the PM peak hour with implementation of the project. This impact will result in LOS E during the PM peak hour (**Impact 5.2-10**) and could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-10**. This mitigation measure would require widening the EB and WB approaches of Rosecrans Street to include a fourth through lane to improve intersection operations to LOS D during the PM peak hour.

Hancock Street and Washington Street (Impact 5.2-11)

The SB Hancock Street to WB Washington Street right-turn movement is projected to be over capacity during the PM peak hour with implementation of the project. This impact will result in LOS E during the PM peak hour (**Impact 5.2-11**) and could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-11**. This mitigation measure would require restriping the SB approach to include a second SB right-turn lane to improve intersection operations to LOS C during the PM peak hour.

Kettner Boulevard and West Laurel Street (Impact 5.2-12)

The EB through movement on West Laurel Street is projected to be over capacity during the PM peak hour with implementation of the project. This impact will result in LOS F during the PM peak hour (**Impact 5.2-12**) and could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-12**. This mitigation measure would require widening the EB approach of West Laurel Street to include a third through lane to improve intersection operations to LOS D during the PM peak hour.

Pacific Highway and Sassafras Street (Impact 5.2-13)

The SB Pacific Highway to EB Sassafras Street left-turn movement is projected to be over capacity during the PM peak hour with implementation of the project. This impact will result in LOS E during the PM peak hour (**Impact 5.2-13**) and could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-13**. This mitigation measure would require adding a second SB left-turn lane to improve intersection operations to LOS D during the PM peak hour.

Pacific Highway and West Laurel Street (Impact 5.2-14)

West Laurel Street is projected to be over capacity during both peak hours with implementation of the project. This impact will result in LOS F during the AM and PM peak hours (**Impact 5.2-14**) and could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-14**. This mitigation measure would require widening the EB and WB approaches to include a second EB left-turn lane and a third through lane in each direction along West Laurel Street, as well as widening the NB approach of Pacific Highway to include a second NB left-turn lane and exclusive right-turn lane to improve intersection operations to LOS D.

Nimitz Boulevard/Lowell Street and Rosecrans Street (Impact 5.2-15)

The Nimitz Boulevard/Lowell Street and Rosecrans Street intersection is located outside of the Midway-Pacific Highway community. This intersection was included in the analysis due to its influence and impact to the community. The EB approach on Rosecrans Street is anticipated to be over capacity during the PM peak hour with implementation of the project. This impact will result in LOS F during the PM peak hour (**Impact 5.2-15**) and could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-15**. This mitigation measure would require widening the Rosecrans Street EB approach of the intersection to include a third through lane to improve intersection operations to LOS D during the PM peak hour.

Moore Street and Old Town Avenue (Impact 5.2-16)

The Moore Street and Old Town Avenue intersection is located within the Old Town community, near the border of the Midway-Pacific Highway community. This intersection was included in the analysis due to its influence and impact to the Midway-Pacific Highway community. The EB and WB approaches along Old Town Avenue are projected to be over capacity during the PM peak hour with implementation of the project. This impact will result in LOS F during the PM peak hour (**Impact 5.2-16**) and could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-16**. This mitigation measure would require implementing exclusive EB and WB left-turn lanes on the Old Town Avenue approaches of the intersection, and converting the EB/WB signal phasing from permitted to protected phasing to improve intersection operations to LOS D during the PM peak hour.

Rationale and Conclusion

The CPU identifies bicycle and pedestrian facility improvements that work in concert with the proposed land use. The CPU envisions a more balanced mobility network that provides viable options aimed at shifting trips to transit, walking, and bicycling, while also accommodating vehicle traffic and minimizing conflicts between travel modes. While unquantifiable at this time, studies have shown that improving walking and cycling conditions can reduce automobile trips and associated traffic congestion. Therefore, it can be inferred that the active transportation improvements proposed as part of this CPU may stimulate this mode shift.

Although improvements are identified in the Final PEIR that would reduce impacts to local roadways and intersections, the City is unable to rely on these measures to reduce the impacts to less than significant levels based on three categories of reasons for infeasibility. First (1), for the mitigation measure that is included in the IFS, full funding for construction of the improvement and timing of construction cannot be assured at the time the improvement is needed. Second (2), although some of the identified improvements would reduce traffic congestion, their implementation would be contrary to achieving the smart growth and mobility goals of the General Plan, Midway-Pacific Highway CPU, and Climate Action Plan (CAP). Specifically, the potential mitigation measures which involve road widening or other automobile-related improvements would create potentially hazardous conditions for active transportation users as it could impede implementation of planned pedestrian and bicycle improvements. Lastly (3), the roadway segment or intersection is currently built to the limits of the existing right-of-way, which prevents construction of some of the identified improvements while maintaining existing features such as on-street parking and sidewalks. Thus, impacts of the project on local roadway segments and intersections will be significant and unavoidable. Findings for specific roadway segment and intersection impacts are discussed below with reference to the three reasons for infeasibility (Infeasibility Categories: 1, 2, and/or 3).

a. Roadway Segments

Kettner Boulevard: Washington Street to Laurel Street (Impact 5.2-1)

The functional classification of these three consecutive roadway segments from Washington Street to Vine Street, Vine Street to Sassafras Street, and Sassafras Street to Laurel Street segments is a 3-lane major arterial with no center lane. Implementation of mitigation measure **TRANS 5.2-1** would require

widening the roadway segments to a 4-lane major (one way) arterial to fully mitigate the impact at all three segments. However, the project would maintain existing travel lanes (3), parking (on the west side of the roadway), and a proposed Class II Buffered Bicycle Lane through restriping. There will not be enough right-of-way on Kettner Boulevard to accommodate the additional lane and maintain existing features and proposed bicycle facility improvements. Also, this improvement's implementation would not be in conformance with General Plan, Midway-Pacific Highway CPU, and CAP goals and policies for multi-modal transportation and neighborhood urban design. Therefore, the measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 2, 3).

Greenwood Street: Sports Arena Boulevard to Kurtz Street (Impact 5.2-2)

The functional classification of this roadway segment is a 2-lane collector. Implementation of mitigation measure **TRANS 5.2-2** would require improving the roadway segment to a 2-lane collector with a center left-turn lane to fully mitigate the impact at this location. However, this improvement will create longer street crossing distances for pedestrians within a commercial and residential mixed-use village, which could act as a barrier for pedestrians and conflict with pedestrian-oriented plan policies that support a pedestrian-scale environment. As such, this improvement's implementation would not be in conformance with General Plan, Midway-Pacific Highway CPU, and CAP goals and policies for walkable neighborhoods. In addition, there would be insufficient right-of-way for the proposed new center lane at the intersection with the existing roadway segment, which is narrow in width. Therefore, the measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 2, 3)

Camino del Rio West: Rosecrans Street to I-5/I-8 Ramps (Impact 5.2-3)

The functional classification of this roadway segment is a 6-lane prime arterial. Implementation of mitigation measure **TRANS 5.2-3** would require improving the roadway to a 6-lane expressway to fully mitigate the impact at this location. However, this improvement would require grade separating all intersections along this segment of the roadway which is not in conformance with General Plan, Midway-Pacific Highway CPU, and CAP goals and policies for community urban design and multi-modal transportation. These grade separations would separate areas of planned future residential and mixed-use development from the center of the community, particularly in the triangular area located between Camino del Rio West, Rosecrans Street, and I-5, and detracting from the walkable community and improved access to the Old Town Transit Center that the CPU is trying to foster. Therefore, the measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 2).

Dutch Flats Parkway: Barnett Avenue to Midway Drive (Impact 5.2-4)

The functional classification of this roadway segment is a 2-lane collector with a center left-turn lane. Implementation of mitigation measure **TRANS 5.2-4** would require improving the roadway to a 4-lane collector with a center left-turn lane to fully mitigate the impact at this location. However, this improvement will create longer street crossing distances for pedestrians within a commercial and residential mixed-use village, which could act as a barrier for pedestrians, and conflict with pedestrian-oriented plan policies that support a pedestrian-scale environment. As such, implementation of this

improvement would not be in conformance with General Plan, Midway-Pacific Highway CPU, and CAP goals and policies for walkable villages. In addition, there would be insufficient right-of-way for the proposed new travel lanes at the intersection with the existing roadway segment, which is narrow in width. Therefore, the measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 2, 3).

Sassafras Street: Pacific Highway to Kettner Boulevard (Impact 5.2-5)

The functional classification of this roadway segment is a 3-lane collector. Implementation of mitigation measure **TRANS 5.2-5** would require improving the roadway segment to a 4-lane collector with a center left-turn lane to fully mitigate the impact at this location. However, there are physical constraints (existing regional transportation infrastructure and topography) that restrict the potential width of Sassafras Street. As a result, there is not enough right-of-way available along this segment of Sassafras Street to accommodate a fourth travel lane. Therefore, the measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 3)

Old Town Avenue: Hancock Street to San Diego Avenue (Impact 5.2-6)

The functional classification of this roadway segment is a 2-lane collector. Implementation of mitigation measure **TRANS 5.2-6** would require improving the roadway to a 2-lane collector with a center left-turn lane to fully mitigate the impact at this location. However, due to the historic nature of the Old Town Community, the project does not propose any road widenings or significant capacity improvements; therefore, widening this roadway would not be in conformance with the CPU goals and policies. Additionally, there is not enough right-of-way available along this segment of Old Town Avenue to accommodate a center left-turn lane and maintain existing features such as on-street parking and sidewalks. Up to 18 regular parking spaces and one loading parking space would need to be removed in order to accommodate this mitigation measure. Finally, a Class II bicycle facility is proposed along this segment, and the mitigation measure would make implementation of the planned bicycle facility infeasible, which is contrary to General Plan, Midway-Pacific Highway CPU, and CAP goals and policies regarding multi-modal transportation. Therefore, the measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 2, 3).

b. Intersections

Lytton Street and Rosecrans Street (Impact 5.2-7)

The current configuration of the SB approach from Lytton Street to EB Rosecrans Street includes a single left-turn lane, and the current configuration of the WB through movement on Rosecrans Street includes two lanes. Implementation of mitigation measure **TRANS 5.2-7a** would require a dual left-turn lane from Lytton Street to EB Rosecrans Street, an additional WB through movement lane on Rosecrans Street for three total lanes, and RTOL phases at all legs of the intersection to fully mitigate the impact at this intersection. However, there is currently not enough right-of-way on Rosecrans Street to accommodate a third WB through lane; existing development and planned multi-use urban paths constrain the acquisition of additional right-of-way; and adding vehicle lanes would create less-favorable conditions for pedestrians. Therefore, the mitigation measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 2, 3)

Implementation of mitigation measure **TRANS 5.2-7b** would require a dual left-turn lane from Lytton Street to EB Rosecrans Street and RTOL phases at all legs of the intersection to partially mitigate the traffic related impact at this intersection. This improvement is identified in the Midway-Pacific Highway IFS; however, full funding is only assured when there is a CIP project established with additional funding sources other than DIF. Therefore, full funding for the construction of this improvement and timing of construction cannot be assured at the time the improvement is needed. (Infeasibility Category: 1)

West Mission Bay Drive and I-8 WB Off-Ramp (Impact 5.2-8)

The current configuration of the West Mission Bay Drive and I-8 WB off-ramp includes two right-turn lanes from the I-8 off-ramp to NB West Mission Bay Drive and two left-turn lanes from the I-8 off-ramp to SB West Mission Bay Drive/Sports Arena Boulevard. Implementation of mitigation measure **TRANS 5.2-8** would require providing a third exclusive WB right-turn lane from the I-8 off-ramp to NB West Mission Bay Drive to fully mitigate the impact at this intersection. While the project is consistent with CIP Project #S00871: West Mission Bay Drive Bridge Over San Diego River, which was reviewed by City and Caltrans staff, further mitigations beyond what is recommended as part of this CIP project would be inconsistent with Midway-Pacific Highway CPU policies and goals for multimodal transportation, as it would create potentially hazardous conditions for pedestrians and potentially impede pedestrian and bicycle access to planned recreation facilities along the San Diego River. Therefore, the mitigation measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 2)

Midway Drive and Sports Arena Boulevard/West Point Loma Boulevard (Impact 5.2-9)

The current configuration of Midway Drive and Sports Arena Boulevard/West Point Loma Boulevard includes single left-turn lanes on Midway Drive in the NB direction, on Sports Arena Boulevard in the SB direction, and on West Point Loma Boulevard in the EB direction. Implementation of mitigation measure **TRANS 5.2-9** would require providing dual left-turn lanes on Midway Drive in the NB direction, on Sports Arena Boulevard in the SB direction, and on West Point Loma Boulevard in the EB direction to fully mitigate the impact at this intersection. However, there is not enough right-of-way within the intersection to accommodate any of the additional left-turn lanes given the proposed multi-use urban trails along Midway Drive and Sports Arena Boulevard and in-road bicycle facilities. Additionally, widening this intersection would create potentially hazardous conditions where sidewalks or bicycle facilities would need to be removed or reduced in width, which would result in impacts to non-vehicular modes of travel (pedestrians and bicyclists). Therefore, the mitigation measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 2, 3)

Midway Drive and Rosecrans Street (Impact 5.2-10)

The current configuration of Rosecrans Street includes six lanes through the intersection at Midway Drive. Implementation of mitigation measure **TRANS 5.2-10** would require widening the EB and WB approaches of Rosecrans Street to include a fourth through lane to fully mitigate the impact at this intersection. However, there is not enough right-of-way to widen Rosecrans Street to eight lanes through the intersection given the proposed multi-use urban path improvements and existing and

planned in-road bicycle facilities. Additionally, widening this intersection would create potentially hazardous conditions where sidewalks or bicycle facilities would need to be removed or reduced in width, which would result in impacts to non-vehicular modes of travel (pedestrians and bicyclists). Therefore, the mitigation measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 2, 3)

Hancock Street and Washington Street (Impact 5.2-11)

The current configuration of Hancock Street includes a single SB right-turn lane to WB Washington Street. Due to insufficient right-of-way, implementation of mitigation measure **TRANS 5.2-11** would require restriping the SB approach to include a second SB right-turn lane to fully mitigate the impact at this intersection. This improvement may require an additional engineering study. However, this improvement would also require the removal of on-street parking, which is heavily utilized by the businesses and restaurants in this area. Additionally, the proposed improvement would create potentially hazardous conditions where sidewalks or bicycle facilities would need to be removed or reduced in width, which would result in impacts to non-vehicular modes of travel (pedestrians and bicyclists). Therefore, the mitigation measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 2, 3)

Kettner Boulevard and West Laurel Street (Impact 5.2-12)

The current configuration of West Laurel Street includes four lanes through the intersection at Kettner Boulevard. Implementation of mitigation measure **TRANS 5.2-12** would require widening the EB Laurel Street approach of the intersection to include a third through lane to fully mitigate the impact at this intersection. However, there is not enough right-of-way to widen the EB Laurel Street approach to three lanes given existing development. Therefore, the mitigation measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 3)

Pacific Highway and Sassafras Street (Impact 5.2-13)

The current configuration of Pacific Highway includes a single SB left-turn only to EB Sassafras Street. Implementation of mitigation measure **TRANS 5.2-13** would require adding a second SB left-turn lane to fully mitigate the impact at this intersection. However, there is not enough right-of-way to widen the SB approach of Pacific Highway to include a second left-turn lane, given planned bicycle facilities and a multi-use urban path. Additionally, the proposed improvement would create potentially hazardous conditions where sidewalks or bicycle facilities would need to be removed or reduced in width, which would result in impacts to non-vehicular modes of travel (pedestrians and bicyclists). Therefore, the mitigation measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 2, 3)

Pacific Highway and West Laurel Street (Impact 5.2-14)

The current configuration of West Laurel Street includes two EB and WB through lanes and a single EB left-turn lane, and the current configuration of NB Pacific Highway includes a single left-turn lane and three exclusive through lanes. Implementation of mitigation measure **TRANS 5.2-14** would require widening the EB and WB approaches to include a second EB left-turn lane and a third through lane in each direction along West Laurel Street, as well as widening the NB approach of Pacific Highway

to include a second NB left-turn lane and exclusive right-turn lane. However, there is not enough right-of-way on West Laurel Street to widen to three lanes in each direction given existing development. Also, there is not enough right-of-way on NB Pacific Highway given planned bicycle facilities and a multi-use urban path. Therefore, the mitigation measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 2, 3)

Nimitz Boulevard/Lowell Street and Rosecrans Street (Impact 5.2-15)

Both the current and the future without project configurations at the intersection of Nimitz Boulevard/Lowell Street and Rosecrans Street include two EB and WB through lanes. Implementation of mitigation measure **TRANS 5.2-15** would require widening the Rosecrans Street EB approach of the intersection to include a third through lane. However, there is not enough right-of-way on Rosecrans Street to widen to six lanes given existing development. Additionally, the proposed improvement would create potentially hazardous conditions where sidewalks or bicycle facilities would need to be removed or reduced in width, which would result in impacts to non-vehicular modes of travel (pedestrians and bicyclists). Therefore, the mitigation measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 2, 3)

Moore Street and Old Town Avenue (Impact 5.2-16)

The current configuration of Old Town Avenue includes one EB and WB through lane with no exclusive left-turn lanes. Implementation of mitigation measure **TRANS 5.2-16** would require implementing exclusive EB and WB left-turn lanes on the Old Town Avenue approaches of the intersection, and converting the EB/WB signal phasing from permitted to protected phasing. However, the EB approach on the Old Town Avenue bridge is not wide enough to accommodate an EB left-turn lane. Therefore, the mitigation measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 3)

2. Noise

Significant Effect

a. Ambient Noise

Section 5.5 of the Final PEIR identifies a significant impact related to increases in ambient noise levels resulting from vehicular traffic associated with continued build-out of the CPU and increases in traffic due to regional growth. Significant ambient noise level increases would occur in the Midway-Pacific Highway CPU area adjacent to the Sports Arena Boulevard segment from Rosecrans Street to Pacific Highway and would affect both existing noise-sensitive land uses (**Impact 5.5-1**) and future noise sensitive land uses subject only to a ministerial permit process (**Impact 5.5-2**).

b. Vehicular Noise

Traffic generated from build-out of the CPU would result in vehicular noise in excess of the applicable land use and noise compatibility levels in certain areas, resulting in a potentially significant exterior noise impact for ministerial projects (**Impact 5.5-3**).

c. Temporary Construction Noise - Vibration

For pile driving or other intermittent or continuous vibratory construction activities as they apply to structure types in the Midway-Pacific Highway CPU area, maximum peak particle velocity (PPV) values range from 0.25 PPV, or 129 feet, for historic and certain older buildings to 0.5 PPV, or 69 feet, for modern industrial/commercial buildings and new residential structures. Thresholds for potential human vibration annoyance will typically occur when vibration levels reach 0.1 PPV, or 300 feet, which is the “strongly perceptible” response level. As such, pile driving activities are expected to exceed threshold levels for structural damage and human annoyance. Thus, potential vibration impacts during future construction activity associated with build-out of the Midway-Pacific Highway CPU would be potentially significant (**Impact 5.5-5**).

Facts in Support of Finding

a. Ambient Noise

A significant impact is identified for existing noise sensitive land uses (**Impact 5.5-1**) because there is no mitigation framework that can be applied to existing land use to ensure future noise levels are less than significant. Similarly, significant increases in ambient noise could also affect future ministerial projects with noise sensitive land uses because there would be no discretionary review that would allow application of the mitigation framework in the Final PEIR to ministerial projects.

A significant increase in ambient noise would occur adjacent to the Sports Arena Boulevard from Rosecrans Street to the Pacific Highway segment in the Midway-Pacific Highway CPU area due to future traffic noise that would result in exposure of noise sensitive land uses to noise levels in excess of the compatibility levels established in the General Plan (**Impact 5.5-2**). While mitigation measure **NOISE 5.5-1** would reduce potentially significant impacts related to noise-sensitive land uses that require only a ministerial permit, the mitigation measure would be infeasible as there is no procedure to ensure that an acoustical analysis would be required for ministerial projects.

b. Vehicular Noise

A regulatory framework and review process exists for new discretionary development in areas exposed to high levels of vehicle traffic noise. Individual discretionary projects would be required to demonstrate that exterior and interior noise levels would be compatible with City standards. However, in the case of ministerial projects, there is no procedure to ensure that exterior noise is adequately attenuated. Ministerial projects are not subject to a discretionary review that would allow site-specific noise evaluation and attenuation for exterior noise impacts. Thus, there is no mechanism to require future ministerial projects to comply with the mitigation framework in the Final PEIR. While mitigation measure **NOISE 5.5-1** would reduce potentially significant impacts to future ministerial projects exposed to vehicular traffic noise in excess of the compatibility levels established in the General Plan Noise Element, based on future (2035) noise contours (**Impact 5.5-3**), the mitigation measure would be infeasible as there is no procedure to ensure that an acoustical analysis would be required for ministerial projects.

c. Temporary Construction Noise – Vibration

The Final PEIR concludes that vibration during construction (primarily resulting from potential pile driving) has the potential to generate perceptible groundborne vibration levels at a range of approximately 69 feet from its source for modern industrial/commercial buildings and new residential structures, and approximately 129 feet from its source for historic and certain older buildings. Mitigation measure **NOISE 5.5-3** would require that a site-specific vibration analysis be conducted when construction includes vibration-generating activities such as pile driving. This measure would require a vibration monitoring and contingency plan, monitoring during vibration, and post survey evaluation of structures for potential damage and repairs if damage occurs as a result of construction activities.

Rationale and Conclusion

a. Ambient Noise

Exterior noise impacts to existing noise-sensitive land uses due to the increase in ambient noise levels associated with the project would remain significant and unavoidable (**Impact 5.5-1**). No feasible mitigation measures have been identified to address this impact because there is no mechanism in place to ensure noise attenuation occurs at existing structures that would be exposed to ambient noise increases. Exterior noise attenuation features such as berms or walls may also not be physically feasible given specific site layouts or be able to reduce impacts to acceptable levels given size and placement limitations.

Impacts from ambient noise level increases associated with future ministerial development within the proposed Midway-Pacific Highway CPU area (**Impact 5.5 2**) would remain significant and unavoidable. While implementation of mitigation measure **NOISE 5.5-1** has the potential to reduce impacts associated with ministerial projects, there is no procedure to ensure that an acoustical analysis would be required for a ministerial project; therefore, the mitigation measure is infeasible. Even if there were a procedure to require an acoustical analysis for a ministerial development, which would require the incorporation of controls to reduce traffic noise impacts on required open space areas, without knowing the exact spatial relationship between the open space areas and the contributing traffic noise source(s) for each future development, it is impossible to know whether every future development would be able to maintain noise levels below 65 dBA CNEL within their respective open spaces.

b. Vehicular Noise

Exterior noise impacts associated with future ministerial projects exposed to vehicular traffic noise levels in excess of the compatibility levels established in the General Plan Noise Element, based on future (2035) noise contours (**Impact 5.5-3**), would remain significant and unavoidable. While implementation of mitigation measure **NOISE 5.5-1** has the potential to reduce impacts associated with ministerial projects, there is no procedure to ensure that an acoustical analysis is required for a ministerial project; therefore, the mitigation measure is infeasible. Even if an acoustical analysis was required for a ministerial development, which would require the incorporation of controls to reduce traffic noise impacts on required open space areas, without knowing the exact spatial relationship between the open space areas and the contributing traffic noise source(s) for each future

development, it is impossible to know whether every future development would be able to maintain noise levels below 65 dBA CNEL within their respective open spaces.

c. Temporary Construction Noise – Vibration

Regarding vibration impacts during construction (**Impact 5.5-5**), implementation of the mitigation measure **NOISE 5.5-3** would reduce construction-related vibration impacts; however, at the program-level it cannot be known whether the measures would be adequate to minimize vibration levels to less than significant. Thus, even with implementation of **NOISE 5.5-3**, construction related vibration impacts at the program level would be significant and unavoidable.

3. Historical and Tribal Cultural Resources

Significant Effect

a. Historic Structures, Objects, or Sites

Section 5.3 of the Final PEIR identifies a significant impact related to the alteration of a historic building, structure, object, or site where an increase in density is proposed beyond the adopted Community Plan and current zoning (**Impact 5.3-1**).

b. Prehistoric and Historic Archaeological Resources, Sacred Sites, and Human Remains

Section 5.3 of the Final PEIR identifies a significant impact related to the disturbance of prehistoric or historic archeological resources, including religious or sacred use sites and human remains (**Impact 5.3-2**).

c. Tribal Cultural Resources

Section 5.3 of the Final PEIR identifies a significant impact related to tribal cultural resources (**Impact 5.3-3**).

Facts in Support of Finding

a. Historic Structures, Objects, or Sites

The significant impact of the Midway-Pacific Highway CPU would be mitigated partially through regulatory compliance, including conformance with the City of San Diego's General Plan, combined with federal, state, and local regulations, which provide a regulatory framework for project-level historical resources, evaluation/analysis criteria, and when applicable, mitigation measures for future discretionary projects. All development projects with the potential to affect historical resources such as designated historical resources; historical buildings, districts, landscapes, objects, and structures are subject to site-specific review in accordance with the City's Historical Resources Regulations and Historical Resources Guidelines through the subsequent project review process. Mitigation measure **HIST-5.3-1** provides a framework that would be required of all development projects with the potential to impact significant historical resources of the built environment. This framework outlines requirements for avoidance of impacts and minimization of impacts to historic buildings and

structures and required measures such as preparation of a historic resource management plan, and screening and shielding to protect the character of historical resources.

b. Prehistoric and Historic Archaeological Resources, Sacred Sites, and Human Remains

All development projects with the potential to affect prehistoric and historic archaeological resources such as important archaeological sites, religious or sacred places, and human remains are subject to site-specific review in accordance with the City's Historical Resources Regulations and Historical Resources Guidelines through the subsequent project review process. Additionally, mitigation measure **HIST-5.3-2** provides a framework that would be required of all development projects with the potential to impact significant archaeological resources. This framework outlines the process of project level reviews conducted by City staff review, requirements for field surveys and archeological testing, archeological monitoring requirements, curation, and required compliance with the City's CEQA Thresholds.

c. Tribal Cultural Resources

All development projects with the potential to affect tribal cultural resources such as significant archaeological sites with cultural and religious significance to the Native American community are subject to site-specific review in accordance with the City's Historical Resources Regulations and Historical Resources Guidelines through the subsequent project review process. Additionally, mitigation measure **HIST-5.3-2** provides a framework that would be required of all development projects with the potential to impact significant tribal cultural resources. This framework outlines the process of project level reviews conducted by City staff review, requirements for field surveys and archeological testing, archeological monitoring requirements, curation, and required compliance with the City's CEQA Thresholds.

Rationale and Conclusion

a. Historic Structures, Objects, or Sites

Implementation of mitigation measure **HIST 5.3-1** combined with the Midway-Pacific Highway CPU policies promoting the identification and preservation of historical resources in the Midway-Pacific Highway CPU area would reduce the program-level impact related to historical resources of the built environment. However, even with implementation of the mitigation framework, the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at this program level of analysis.

The Historic Resources Survey Report identified one existing historic district, the MCRD National Register Historic District, but did not identify any new areas that may be eligible as potential Historic Districts. No change in land use is proposed in the MCRD area. Thus, potential impacts to historical resources including historic structures, objects, or sites could occur only in other areas where an increase in density is proposed beyond the adopted Community Plan or current zoning. These impacts would be significant and unavoidable at the program level.

b. Prehistoric Resources, Sacred Sites, and Human Remains

Implementation of mitigation measure **HIST 5.3-2**, which addresses archaeological resources, combined with the policies of the General Plan and the Midway-Pacific Highway CPU promoting the identification, protection and preservation of archaeological resources, and compliance with CEQA and Public Resources Code Section 21080.3.1 requiring tribal consultation and the City's Historical Resources Regulations (SDMC Section 143.0212), which require review of ministerial and discretionary permit applications for any parcel identified as sensitive on the Historical Resources Sensitivity Maps, would reduce the program-level impact related to prehistoric and historical archaeological resources. However, even with application of the existing regulatory framework and mitigation framework, the feasibility and efficacy of mitigation measures cannot be determined at this program level of analysis. Thus, impacts to prehistoric and historic archaeological resources, sacred sites, and human remains would be significant and unavoidable at the program level.

c. Tribal Cultural Resources

Implementation of mitigation measure **HIST 5.3-2**, which addresses tribal cultural resources, combined with the policies of the General Plan and the Midway-Pacific Highway CPU promoting the identification, protection and preservation of tribal cultural resources, and compliance with CEQA and Public Resources Code Section 21080.3.1 requiring tribal consultation and the City's Historical Resources Regulations (SDMC Section 143.0212), which require review of ministerial and discretionary permit applications for any parcel identified as sensitive on the Historical Resources Sensitivity Maps, would reduce the program-level impact related to tribal cultural resources. However, even with application of the existing regulatory framework and mitigation framework, the feasibility and efficacy of mitigation measures cannot be determined at this program level of analysis. Thus, impacts to tribal cultural resources would be significant and unavoidable at the program level.

4. Paleontological Resources (Ministerial Projects Only)

Significant Effect

Section 5.14 of the Final PEIR identifies a significant impact related to the potential destruction of paleontological resources. Because of high sensitivity for paleontological resources within the Mount Soledad and Bay Point formations, grading into these formations could potentially destroy fossil resources. Therefore, grading activities associated with the future ministerial projects that require grading in excess of 1,000 cubic yards, extending to a depth of ten feet or greater into high sensitivity formations, could result in significant impacts to paleontological resources.

Facts in Support of Finding

Ministerial projects are not screened for grading quantities and geologic formation sensitivity, and paleontological monitoring is not required. Thus, impacts related to future ministerial development that would occur with build-out of the project would be significant and unavoidable (**Impact 5.14-2**).

Rationale and Conclusion

Build-out of future ministerial projects in conformance with the Midway-Pacific Highway CPU could result in a certain amount of disturbance to the native bedrock within the study area. Ministerial projects are screened for grading quantities and geologic formation sensitivity, and paleontological monitoring is not required. Thus, impacts resulting from future ministerial development that would occur with build-out of the project would be significant and unavoidable.

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

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

The City, having reviewed and considered the information contained in the Final PEIR and the Record of Proceedings, and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), makes the following findings with respect to the alternatives identified in the Final PEIR (Project No. 561546/SCH No. 2015111013):

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

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

Background

Three alternatives to the Midway-Pacific Highway CPU were evaluated in Chapter 8 of the Final PEIR:

- No Project Alternative (Adopted Community Plan);
- Alternative 1; and
- Alternative 2.

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

No Project Alternative (Adopted Community Plan)

The No Project Alternative is the continued implementation of the adopted Midway/Pacific Highway Corridor Community Plan and Local Coastal Program Land Use Plan (1991 [adopted Community

Plan]), consistent with CEQA Guidelines Section 15126.6(e)(3)(A). The No Project Alternative for the Midway-Pacific Highway CPU would consist of the adopted Community Plan land use designations as they apply today, including all amendments to the Midway/Pacific Highway Corridor Community Plan from its original adoption in 1991 to the most recent amendment in 2010 (as outlined in Table 8-4 of the Final PEIR). The land use plan for the No Project Alternative is shown on Final PEIR Figure 8-1. As shown in Table 8-5 of the Final PEIR, the No Project Alternative could have approximately 5,040 dwelling units at build-out. This would result in 6,545 less units, primarily multi-family and mixed business park/residential development, and slightly more industrial acreage compared to the Midway-Pacific Highway CPU.

Of the total 1,324 acres within the Midway-Pacific Highway community, the majority of the land use within the plan area is designated as Military (447.1 acres), Transportation (311.6 acres), and Retail Commercial (234.3 acres) under the adopted Community Plan. Mixed-use development is encouraged in selected areas to promote redevelopment and revitalization of the area. In Midway-Pacific Highway, the areas between Sports Arena Boulevard and the Peninsula Community west of Rosecrans Street, and areas just east of Rosecrans Street and south of Sports Arena Boulevard, are identified for community commercial use, and the industrial uses northwest of Camino del Rio West are preserved. Along the Pacific Highway corridor, industrial uses are maintained north of Sassafras Street but planned to transition to airport-related uses and commercial services south of Sassafras Street. Residential uses are concentrated within the Midway portion of the community on the City-owned Sports Arena site, other City-owned properties located adjacent to the Sports Arena site, and federal property north of Barnett Avenue. Institutional uses throughout the community are expected to remain, but alternate land use designations are identified should the institutional uses cease.

Potentially Significant Effects

The No Project Alternative consists of continued implementation of the adopted Midway/Pacific Highway Corridor Community Plan, consistent with CEQA Guidelines Section 15126.6(e)(3)(A). Compared to the project, the No Project Alternative would retain primarily industrial and retail commercial land uses. Land use impacts under this alternative would be slightly greater than the anticipated impacts of the project because it would not contain the CPU policies and land use changes intended to improve compatibility with and implement the City's General Plan and the City of Villages strategy. Additionally, the No Project Alternative would also not benefit from the Midway-Pacific Highway CPU policies that are intended to establish multiple-use villages and districts within the community and enhance community identity and visual character through land use and urban design to the same extent as the project.

In addition, in the case of both the No Project Alternative and the project, there would be the need to build new parks and recreational facilities to serve the future population, and a deficit in planned population-based parks and park equivalencies. The total planned park space under the adopted Community Plan would be 6.5 acres. The forecast future population under the adopted Community Plan is 11,775 persons, for which, under General Plan standards, a total of 32.97 acres of park space would be required. The CPU identifies a total of 29.86 acres of parks and park equivalencies to serve future residents, and a park deficit of 45.94 acres based on forecast future population. The No Project Alternative would therefore not implement the project objective to identify park and recreation facilities to serve the community to the same degree as the project.

The No Project Alternative would generate less vehicular trips than the project as it allows for fewer residential units than the project. Impacts to individual roadways and intersections would be lesser under the No Project Alternative than the project; however, these impacts would remain significant and unavoidable. The No Project Alternative would not include the CPU policies that support increasing multi-modal opportunities that encourage walking and bicycling and that connect to transit and recreational opportunities within the community and in adjacent communities, consistent with SANDAG's RP, the City's General Plan, and the City's CAP, since these plans have been created or updated since the current Community Plan was adopted.

The No Project Alternative would retain the adopted Community Plan land use map and policies, and existing regulations and the SDMC would provide for the regulation and protection of historical, tribal cultural, and archaeological resources under the No Project Alternative. While the No Project Alternative would not include the same policies as the project to support the Historic Preservation Element, future development implemented in accordance with the No Project Alternative or the project would be required to comply with all applicable local, state and federal regulations regarding the protection of historical and tribal cultural resources. However, because implementation of preservation measures at the project-level cannot be guaranteed, impacts to historical, tribal cultural, and archaeological resources would be significant and unavoidable at the program level under the No Project Alternative, similar to the project. Additionally, future development under the No Project Alternative has the potential to result in significant direct and/or indirect impacts to historical, tribal cultural, and archaeological resources and would require adherence to all applicable guidelines described in Section 5.3, Historical and Tribal Cultural Resources, of the Final PEIR. The extent and areas of disturbance by development from implementation of the No Project Alternative would be generally the same as the project and only the land use designations would change. Thus, impacts to historical, tribal cultural, and archaeological resources would be similar and significant and unavoidable at the program level under both the No Project Alternative and the project, despite adherence to the existing regulatory framework.

The No Project Alternative would result in greater greenhouse gas (GHG) emissions than the project because this alternative would not provide the land use plan focused around transit-oriented village development and enhanced pedestrian and bicycle connections that are included in the project. Since the No Project Alternative would not include the Midway-Pacific Highway CPU land uses and policies to implement CAP Strategies and the General Plan's City of Villages Strategy, this alternative would not achieve consistency with applicable GHG plans and policies to the same extent as the project. Thus, impacts related to GHGs under the No Project Alternative would be slightly greater than the project.

Finding and Supporting Facts

The No Project Alternative does not provide the same policy framework as the project relative to the provision of a multi-modal transportation network, and does not provide the same policies as the project to support the preservation of historical, tribal cultural, and archaeological resources. Furthermore, because the No Project Alternative (Adopted Community Plan) does not include the same provisions for multi-modal facilities or mixed-use development, it would not implement CAP or City of Villages strategies to the same extent as the project. The No Project Alternative would also not designate additional park and recreation land uses in combination with policies for additional amenities and equivalencies to address the community's park and recreation facilities deficit.

While adoption of the No Project Alternative would allow future development to proceed in accordance with the adopted Community Plan, adoption of the No Project Alternative would achieve the following eight project objectives to a lesser degree than the project:

- Establish multiple-use villages and districts within the community;
- Enhance community identity and visual character through land use and urban design;
- Create a complete mobility system that promotes access for pedestrians, bicycles, and transit, including within existing superblocks;
- Create a Bay-to-Bay pedestrian and bicycle linkage (replacing the Bay-to-Bay canal concept);
- Identify park and recreation facilities to serve the community;
- Provide housing and commercial uses in proximity to transit;
- Improve localized water quality and conveyance through facility improvements and design; and
- Identify future alternative uses for government-owned land in the community.

The No Project Alternative meets the project objective to maintain employment uses including industrial, business park, and commercial office uses to support the City's economy to a greater degree than the project.

Rationale and Conclusion

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

Alternative 1

Alternative 1 incorporates the land uses proposed in the November 2013 Draft Midway-Pacific Highway Community Plan which, compared to the adopted Community Plan (No Project Alternative), would redistribute planned residential units into mixed-use villages located close to transit. This would include locating Community Commercial – Residential Permitted, Business Park – Residential Permitted, and Mixed Commercial Residential land uses in the Sports Arena Community Village along Sports Arena Boulevard; in the Kemper Neighborhood Village near Midway Drive; in the Dutch Flats Urban Village near the intersection of Barnett Avenue and Pacific Highway; and in the Hancock Transit Corridor between Pacific Highway and Interstate 5 northwest of Washington Street. The planned land uses under Alternative 1 would be forecasted to result in a small increase in the number of dwelling

units in the community compared to the No Project Alternative. Additionally, as shown in Table 8-7 of the Final PEIR, the number of dwelling units and non-residential development potential would be less than the Midway-Pacific Highway CPU. The total projected population under Alternative 1 would be 13,400 persons less than under the Midway-Pacific Highway CPU. Figure 8-2 in the Final PEIR shows land use designations under Alternative 1.

As with the project, Alternative 1 would allow for the San Diego Sports Arena to be retained, rehabilitated or reconstructed, or replaced with other land uses. Similar to the analysis within the Final PEIR and as discussed in Section 3.6.1.1, for the purposes of more conservative transportation, noise, and air quality analyses, the more intensive land use assumptions (replacing the Sports Arena with other land uses) are used in the analysis of Alternative 1 impacts. However, the adoption of this alternative would not preclude an arena use on the Sports Arena site. A future specific plan or master plan for the City-owned parcels in the Sports Arena Community Village would be required under either option, and could require additional analysis if the proposed development exceeds the amount of development analyzed in the Final PEIR.

Potentially Significant Effects

Alternative 1 would include the land use map and policies in the November 2013 Draft Midway-Pacific Highway Community Plan, intended to develop residential land uses within the proposed mixed-use villages and districts in close proximity to transit, similar to the Midway-Pacific Highway CPU. Alternative 1 incorporates the same overall goals and policies as the Midway-Pacific Highway CPU, but would result in fewer acres and square feet of industrial and office commercial uses combined than under the project (based on future land use assumptions), and fewer residential units (5,850 vs. 11,585 for the CPU). Land use impacts under Alternative 1 would be greater than the anticipated impacts of the project because Alternative 1 would implement the General Plan's City of Villages strategy to a lesser degree than the CPU. In addition, although Alternative 1 would not conflict with adopted land use plans, policies, or ordinances, and would result in a less than significant land use impact overall, Alternative 1 would be less compatible than the project with applicable land use plans and policies.

In the case of both Alternative 1 and the project, there would be a deficit in planned population-based parks based on General Plan standards. Total proposed park space for the project and Alternative 1 is 29.86 acres. As with the CPU, implementation of Alternative 1 would provide policy support for increasing the acreage of population-based parks and recreational facilities in the CPU area, but does not propose design and construction of new facilities, so no impacts can be analyzed. As with the CPU, individual park projects under Alternative 1 could require a project-level analysis at the time they are proposed, based on the details of the parks and the existing conditions at the time such projects are pursued. As such, implementation of Alternative 1 would result in a less than significant impact associated with the construction of new facilities.

Alternative 1 would generate less vehicular trips than the project as it allows for less residential units and less non-residential development than the CPU. Alternative 1 would result in three less impacted roadway segments than the project (four roadway segments would be significantly impacted under Alternative 1 whereas seven roadways would be significantly impacted under the project). The number of significantly impacted intersections, freeway segments, and freeway ramps would be the same under Alternative 1 as the CPU. Alternative 1 would incorporate the same planned mobility

improvements and polices as the project that would support the goal of creating a multi-modal transportation network; thus, potential impacts related to alternative transportation would be similar to the project.

Alternative 1 potential impacts to individual historic buildings, structures, objects, or sites, including the San Diego Sports Arena, would be significant and unavoidable and similar to the project where increases in density are proposed beyond the adopted Community Plan and current zoning, despite adherence to the existing regulatory framework. In addition, the extent of impacts to tribal cultural and archaeological resources resulting from implementation of this alternative would be similar to those identified for the project, as there is limited undeveloped land in the community. While existing regulations, the SDMC, and CPU policies would provide for the regulation and protection of tribal cultural and archaeological resources and human remains under Alternative 1, it is impossible to ensure the successful preservation of all tribal cultural and archaeological resources. As with the project, implementation of Alternative 1 would result in similar impacts related to tribal cultural and archaeological resources at the program level that would be significant and unavoidable.

GHG impacts under Alternative 1 would be slightly greater than the project. The Midway-Pacific Highway CPU allows for more residential density, residential units, and office commercial and industrial square footage within proximity to transit than Alternative 1. While Alternative 1 would not conflict with CAP strategies and the General Plan's City of Villages strategy, it would achieve the associated strategies and policies to a lesser extent than the CPU. Alternative 1 would result in a less than significant GHG impact overall, but this alternative would be less compatible than the project with applicable GHG reduction plans and policies.

Finding and Supporting Facts

Alternative 1 would incorporate the land uses of the November 2013 Draft Midway-Pacific Highway Community Plan and provide 5,735 fewer residential units than the CPU. Because this alternative would allow for less planned residential and mixed-use development and less office commercial and industrial square footage located close to transit, the General Plan's City of Villages and CAP strategies would be implemented to a lesser degree than the project. Alternative 1 would not avoid any of the significant unavoidable impacts of the project with respect to transportation and circulation, historical and tribal cultural resources, noise, and paleontological resources; however, traffic circulation impacts would be slightly less under Alternative 1 compared to the project. Similar to the project, programmatic mitigation included in the Final PEIR would be implemented through future projects to reduce potential impacts associated with temporary construction noise and paleontological resources (discretionary projects only) to below a level of significance.

Adoption of Alternative 1 would allow future development to proceed in accordance with the November 2013 Draft Community Plan, and would achieve the following project objectives to the same degree as the project:

- Establish multiple-use villages and districts within the community;
- Enhance community identity and visual character through land use and urban design;

- Create a complete mobility system that promotes access for pedestrians, bicycles, and transit, including within existing superblocks;
- Create a Bay-to-Bay pedestrian and bicycle linkage (replacing the Bay-to-Bay canal concept);
- Identify park and recreation facilities to serve the community;
- Improve localized water quality and conveyance through facility improvements and design; and
- Identify future alternative uses for government-owned land in the community;

However, because there are fewer residential units and fewer acres and square feet of industrial and office commercial uses under Alternative 1, this alternative would achieve the following project objectives to a lesser degree than the project:

- Provide housing and commercial uses in proximity to transit; and
- Maintain employment uses including industrial, business park, and commercial office uses to support the City's economy.

Rationale and Conclusion

Alternative 1 is rejected as infeasible because it would not meet all of the project objectives to the same extent as the project. This alternative would incorporate the land uses of the November 2013 Draft Midway-Pacific Highway Community Plan, which would provide for fewer residential units and less mixed-use development in close proximity to transit in the CPU area. Thus, Alternative 1 would implement the General Plan's City of Villages and CAP strategies to a lesser degree than the project, and overall GHG impacts would be slightly greater than the project. While traffic circulation impacts would be slightly less than the project, Alternative 1 is rejected as infeasible because this alternative would not reduce any of the significant and unavoidable effects of the project.

Alternative 2

Alternative 2 would increase planned residential density in the Sports Arena Community Village and Hancock Transit Corridor, as well as portions of the Rosecrans, Cauby, Camino del Rio, Kurtz, Lytton, and Kettner Districts compared to the No Project Alternative (adopted Community Plan) and Alternative 1, but would not increase planned residential density as much as the project. Alternative 2 would also increase non-residential intensity in the Camino Del Rio and Kettner districts compared to the No Project Alternative, Alternative 1, and the project.

As with the project and Alternative 1, Alternative 2 would allow for the San Diego Sports Arena to be retained, rehabilitated or reconstructed, or replaced with other land uses. Similar to the analysis of the project and Alternative 1 in the Final PEIR, for the purposes of more conservative transportation, noise, and air quality analyses, the more intensive land use assumptions (replacing the Sports Arena with other land uses) are used in the analysis of Alternative 2 impacts. However, the adoption of this alternative would not preclude an arena use on the Sports Arena site. As with the project and Alternative 1, a future specific plan or master plan for the City-owned parcels in the Sports Arena

Community Village would be required and additional environmental analysis could be required if the proposed development exceeded the amount of development analyzed in this PEIR.

Potentially Significant Effects

Alternative 2 land uses would be substantially the same as the Midway-Pacific Highway CPU land uses, except that Alternative 2 includes Urban Industrial, Heavy Commercial, and Community Commercial – Residential Prohibited land uses in portions of the Camino del Rio and Channel Districts. Decreased permitted residential density in portions of the Rosecrans, Camino Del Rio, Kurtz, Cauby, Lytton, and Kettner districts and in the Hancock Transit Corridor would allow for fewer residential units to be built in proximity to transit stations and routes than under the project. Alternative 2 would facilitate transit-oriented development and mixed use development, but to a lesser degree for residential uses. However, additional industrial land and increased non-residential intensity in industrial-designated areas with Alternative 2 would allow for additional employment in proximity to transit stops and routes compared to the project. The land use changes of Alternative 2 would be compatible with the City's General Plan policies, but to a lesser degree than the project with regard to the City of Villages strategy, specifically, regarding providing housing in proximity to transit. Land use impacts under this alternative would be slightly greater than the anticipated impacts of the project.

In the case of both Alternative 2 and the project, there would be a deficit in planned population-based parks based on General Plan standards. Total proposed park space for the project and Alternative 2 is 29.86 acres. As with the CPU, implementation of Alternative 2 would provide policy support for increasing the acreage of population-based parks and recreational facilities in the CPU area but does not propose design and construction of new facilities, so no impacts can be identified. As with the CPU, individual park projects under Alternative 2 could require a project-level analysis at the time they are proposed, based on the details of the parks and the existing conditions at the time such projects are pursued. As such, implementation of Alternative 2 would result in a less than significant impact associated with the construction of new facilities.

Implementation of Alternative 2 would result in more vehicular trips than the project, as it allows for increased non-residential development compared to the CPU. Alternative 2 would result in the same number of significantly impacted roadways, intersections, and freeway segments and ramp meters as the project. Compared to the project, impacts to roadway and freeway facilities under Alternative 2 would be similar and significant and unavoidable. Alternative 2 would incorporate the same planned mobility improvements and policies as the project that would support the goal of creating a multi-modal transportation network; thus, potential impacts related to alternative transportation would be similar to the project.

Alternative 2 potential impacts to individual historic buildings, structures, objects, or sites, including the San Diego Sports Arena, would be significant and unavoidable and similar to the project where increases in density are proposed beyond the adopted Community Plan and current zoning, despite adherence to the existing regulatory framework. In addition, the extent of impacts to tribal cultural and archaeological resources resulting from implementation of this alternative would be similar to those identified for the project, as there is limited undeveloped land in the community. While existing regulations, the SDMC, and CPU policies would provide for the regulation and protection of tribal cultural and archaeological resources and human remains under Alternative 2, it is impossible to

ensure the successful preservation of all tribal cultural and archaeological resources. As with the project, implementation of Alternative 2 would result in similar impacts related to tribal cultural and archaeological resources at the program level that would be significant and unavoidable.

Air quality impacts under Alternative 2 would be slightly more than the anticipated impacts of the project due to increased non-residential development and higher vehicle miles traveled than the CPU. Alternative 2 would generate approximately five percent more vehicle miles traveled associated with trips for the increased non-residential development in the Camino del Rio and Channel Districts than the CPU.

In addition, GHG impacts under Alternative 2 would be slightly greater than the anticipated impacts of the project. The increased non-residential development in the Camino del Rio and Channel Districts under Alternative 2 would decrease opportunities for additional residential in proximity to transit, thereby increasing vehicle miles traveled by approximately five percent more than the CPU. Thus, Alternative 2 would also not support the City of San Diego in achieving the GHG emissions reduction targets of the CAP and City of Villages strategy to the same degree as the project.

Finding and Supporting Facts

Alternative 2 does not provide the same extent or density of housing as proposed under the project, especially within transit corridors; therefore, it would not be as compatible to the City of Villages strategy (specifically, regarding providing housing in proximity to transit) to the same degree as the project. Furthermore, this alternative would not avoid any of the significant unavoidable impacts of the project (traffic circulation, historical and tribal cultural resources, noise, and paleontological resources). Similar to the project, programmatic mitigation included in the Final PEIR would be implemented through future projects to reduce potential impacts associated with temporary construction noise and paleontological resources (discretionary projects only) to below a level of significance.

Adoption of Alternative 2 would increase planned residential density and non-residential intensity in the community, and would achieve the following project objectives to the same extent as the project:

- Establish multiple-use villages and districts within the community;
- Create a complete mobility system that promotes access for pedestrians, bicycles, and transit, including within existing superblocks;
- Create a Bay-to-Bay pedestrian and bicycle linkage (replacing the Bay-to-Bay canal concept);
- Identify park and recreation facilities to serve the community;
- Improve localized water quality and conveyance through facility improvements and design; and
- Identify future alternative uses for government-owned land in the community;

Alternative 2 meets the project objective to maintain employment uses including industrial, business park, and commercial office uses to support the City's economy to a greater degree than the project. However, Alternative 2 would achieve the following project objectives to a lesser degree than the project:

- Provide housing and commercial uses in proximity to transit; and
- Enhance community identity and visual character through land use and urban design;

Rationale and Conclusion

Alternative 2 is rejected as infeasible because it does not meet the project objectives to the same extent as the project. This alternative does not provide the same extent or density of housing, especially within transit corridors as proposed under the project, and would therefore not implement CAP Strategies and the General Plan City of Villages Strategy to the same degree as the project. Air quality and GHG impacts would be slightly greater than the project due to increased non-residential development and higher vehicle miles traveled. While traffic circulation impacts would be similar to than the project, Alternative 2 is rejected as infeasible because this alternative would not reduce any of the significant and unavoidable effects of the project.

EXHIBIT B
STATEMENT OF OVERRIDING CONSIDERATIONS
(PUBLIC RESOURCES CODE §21081(b))
FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR)
FOR THE
MIDWAY-PACIFIC HIGHWAY COMMUNITY PLAN UPDATE

PROJECT NUMBER 561546

SCH No. 2015111013

September 2018

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**STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE MIDWAY-PACIFIC HIGHWAY COMMUNITY PLAN UPDATE
(PUBLIC RESOURCES CODE §21081(b))**

Pursuant to Section 21081(b) of the California Environmental Quality Act (CEQA) and CEQA Guidelines Sections 15903 and 15043, CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks, when determining whether to approve the Midway-Pacific Highway Community Plan Update (CPU) and associated discretionary actions (hereinafter referred to as the Project), as defined in the Final Program Environmental Impact Report (PEIR). This statement of overriding considerations is specifically applicable to the significant and unavoidable impacts identified in Chapter 5 of the Final PEIR. As set forth in the Findings, the Project will result in unavoidable adverse impacts related to transportation and circulation, noise, historical resources, and paleontological resources.

The City Council of the City of San Diego, having:

- (i) Independently reviewed the information in the Final PEIR and the record of proceedings;
- (ii) 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 recommended mitigation measures identified in the Final PEIR; and
- (iii) Balanced the benefits of the project against the significant environmental impacts, chooses to approve the 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 Project outweigh the unavoidable significant impacts. Each of these benefits serves as an independent basis for overriding all significant and unavoidable impacts. Any one of the reasons set forth below is sufficient to justify approval of the project. Substantial evidence supports the various benefits and such evidence can be found in the preceding sections, which are incorporated by reference into this section, the Final PEIR, or in documents that comprise the Record of Proceedings in this matter.

1. The Community Plan Update provides a comprehensive guide for growth and development in the Midway-Pacific Highway community consistent with the General Plan, the City of Villages Strategy, and San Diego Forward: The Regional Plan.

Together with the General Plan, the proposed Midway-Pacific Highway Community Plan Update (CPU) guiding principles, goals and policies provide a long-range and comprehensive guide for the future physical development of the community planning area. Community-identified needs formed the basis for the CPU's guiding principles, goals and policies.

Guiding Principles

- Distinctive Districts and Villages;
- A Center of Economic Activity;
- A Complete Mobility System; and
- A Place Connected to its Context and to the Regional Recreational and Open Space Areas.

The General Plan's City of Villages strategy calls for growth to be focused into mixed-use activity centers that are pedestrian-friendly, centers of community, and linked to the transit system. A village is further defined as the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated; although it is recognized that each village will be unique to the community in which it is located. The General Plan also identifies Midway-Pacific Highway as a Subregional Employment Area, which is defined as a major employment and/or commercial district within the region containing corporate or multiple-use office, industrial, and retail uses with some adjacent multifamily residential uses. The community is also served by existing and planned trolley and bus service along key community street corridors; as a result, most of the community outside of the Marine Corps Recruit Depot is within one half-mile of a major transit stop.

Additionally, San Diego Forward: The Regional Plan, prepared by the San Diego Regional Association of Governments (SANDAG), provides a blueprint for how the San Diego region will grow. It includes a Sustainable Communities Strategy, which includes a call to focus housing and job growth in urbanized areas where there is existing and planned transportation infrastructure, including transit. The Regional Plan also includes a Smart Growth Concept Map, which identifies the Midway-Pacific Highway community as a Smart Growth Opportunity Area where higher density, transit-oriented mixed-use development is encouraged.

Citywide mobility goals contained in the General Plan's Mobility Element include greater walkability achieved through pedestrian-friendly street, site and building design; increased transit ridership; a street and freeway system that balances the needs of multiple users of the public right-of-way; an interconnected street system that provides multiple linkages within and between communities; vehicle congestion relief; improved performance and efficiency of the street and freeway system, by means other than roadway widening or construction; expanded travel options and improved personal mobility; and a safe and comprehensive local and regional bikeway network.

The Recreation Element of the General Plan establishes standards for the provision of population-based parks, recreation centers, and aquatics complexes as follows:

- Population-based parks: 2.8 acres per 1,000 residents
- Recreation center: 17,000 square feet of recreation center per 25,000 residents

- Aquatics complex: One complex per 50,000 residents

It also establishes guidelines for the provision of park equivalencies, which are alternative methods for meeting community park and recreation needs where constraints make meeting the above standards infeasible or to satisfy community specific needs and demands where applying flexibility is beneficial. The provision of parks and recreation facilities for future development is important because there are no existing parks in the community plan area.

Consistent with the General Plan, City of Villages Strategy, and Regional Plan, the CPU focuses future growth and development into mixed-use and multiple-use activity centers that are pedestrian-friendly and linked to transit and an improved regional transportation system. The CPU identifies the following villages and districts:

- Sports Arena Community Village
- Dutch Flats Urban Village
- Kemper Neighborhood Village
- Hancock Transit Corridor (Village)
- Rosecrans District
- Camino Del Rio District
- Channel District
- Cauby District
- Kurtz District
- Lytton District
- Kettner District
- Marine Corps Recruit Depot (MCRD)

These villages and districts highlight the community's history and character (existing and planned). The land use designations and residential densities in the CPU's land use map allow for an increase of 130 percent in the community's housing capacity; substantially stable employment capacity; and retail goods and services uses to meet the needs of the CPU area and adjacent communities. Ninety-nine percent of the community's housing capacity would be located within a half-mile of a major transit stop. The CPU also incorporates MCRD into the community plan area due to its physical proximity and shared reliance on the community's transportation system and identifies the importance of maintaining the facility for national defense and for the City's economy.

The CPU addresses the street and transit network with the development of a balanced, multi-modal transportation network that improves pedestrian, bicycle and transit mobility, while also addressing vehicular traffic capacity by incorporating five new street connections to be designed to be consistent with "complete streets" principles. Additionally, the CPU provides for a network of multi-use urban paths that will provide new pedestrian and bicycle connections through the community which are separated from automobile traffic. The mobility vision and multi-modal transportation network strengthen the land use vision and promote a sustainable environment.

Also identified in the CPU are 29.86 acres of proposed parks and park equivalencies, 18,400 square feet of recreation center facilities, and 54 percent of an aquatic complex. These park and recreation facilities meet the General Plan standards for recreation centers and aquatic complexes, but fall short of the 75.80 acres of population-based parks that would be required at full community build-out.

However, a substantial amount of the community's park needs will be provided for under the CPU, and community plan policies provide guidance to pursue and encourage additional park opportunities through the development permitting process.

2. The Community Plan Update follows General Plan policy direction governing the preparation of community plans, including application and refinement of citywide policies, designating land uses, and making site-specific recommendations that address the needs of the Midway-Pacific Highway community.

Based on the General Plan's City of Villages strategy and Land Use and Community Planning Element Policy LU-C.2, as well as policy direction to identify sites suitable for mixed-use village development, revitalize transit corridors through plan designations and zoning that permits a higher intensity of mixed-use development, encourage further intensification of employment uses throughout Subregional Employment Districts, and consider collocating medium- to high-density residential uses with employment uses, the CPU contains detailed land uses and site-specific policy recommendations. The CPU addresses community specific development aspects that include:

- Distribution and arrangement of designated land uses;
- Multi-modal function and design of the street and transit network;
- Location, prioritization, and the provision of public facilities;
- Community and site-specific urban design policies;
- Urban design policies addressing the public realm and development form; and
- Community and site-specific policies to preserve and enhance natural and cultural resources.

The CPU addresses General Plan topics of citywide importance such as housing capacity, appropriate implementation mechanisms, and a sufficient level of information for development review, including detailed policies, land use and mobility maps, and supplemental development regulations. The CPU implements the City of Villages strategy by focusing growth along transit corridors and in mixed-use and multi-use areas adjacent to transit corridors.

The CPU provides detailed, site-specific recommendations and policies for the mixed-use and multiple-use villages and districts located in proximity to transit. The CPU contains policies that address density in proximity to transit routes and stations, pedestrian-oriented building design, pedestrian and bicycle mobility improvements, land use compatibility, and location-specific land use policies.

The CPU identifies the location of new and expanded public facilities, including specific park and recreation opportunities and park equivalencies, and provides functional descriptions of these facilities. A funding source and prioritization list is provided in the Impact Fee Study (formerly referred to as Public Facilities Financing Plan), which is a project component.

The CPU contains policies and guidelines that address community and site-specific design goals. The policies address transforming superblocks into smaller blocks to improve mobility for pedestrians, bicyclists, and motorists; capitalizing on the community's unique location by creating an outdoor-focused character; focusing on gateway nodes and linkages between adjacent communities and regional park and open space areas; and provide building and site design policy guidance while

allowing architectural expression. The CPU provides policy direction to design new buildings that define the distinct character and appeal of the villages and districts.

The CPU recognizes the preservation and enhancement of natural resources, including water and energy, within the community, and contains conservation policies related to natural resource conservation, coastal resources, sea level rise, air quality and public health, and sustainable development.

The CPU identifies historical and cultural resources located in Midway-Pacific Highway in a historic context statement and survey. The CPU contains policies for the identification of new historical resources and implementation of educational opportunities and incentives for preservation of the community's historical resources.

Citywide zoning and the amendment to the Community Plan Implementation Overlay Zone (CPIOZ) will serve as the development regulations to implement the CPU. The citywide base zoning and associated development regulations will implement the CPU policies related to villages, districts, and transit-oriented development. The proposed amendment to CPIOZ will provide supplemental development regulations tailored to specific circumstances and/or sites within the community to implement specific aspects of the CPU.

3. The Community Plan Update supports the General Plan's City of Villages strategy and the SANDAG Regional Plan's Sustainable Communities Strategy through the implementation of additional housing options, increased density, and mixed uses near transit and job/employment centers, and continued employment and economic growth opportunities within the Midway-Pacific Highway community.

The CPU will provide capacity for higher density residential housing and mixed-use development. Currently, there are approximately 1,970 multi-family dwellings and 12 single-family residential units within the Midway-Pacific Highway planning area. The CPU will provide capacity for 9,603 additional dwelling units in the community with a maximum of 11,585 residential units at buildout. Ninety-nine percent of these residential units will be within one half-mile of a major transit stop, advancing the City of Villages strategy, the Climate Action Plan, and the Regional Plan. Major employment uses in Midway-Pacific Highway include industrial, business park, and commercial office uses. Midway-Pacific Highway is also located near major job centers in Mission Valley and Downtown, which are both connected to Midway-Pacific Highway by the San Diego Trolley. The CPU focuses future mixed-use development along transit corridors and in village and district mixed- and multiple-use areas in the community to allow residents and employees of the community to utilize transit for their commuting needs. The CPU also contains policies that support the development of affordable housing near transit, and the location of transit stops and stations at or near planned villages (refer to Land Use, Villages & Districts Element policies LU-2.6, LU-2.7, LU-4.2, and LU-4.11 and Conservation Element policy CE-1.1).

4. The Community Plan Update supports employment and economic growth opportunities.

The CPU provides for new and enhanced local commercial, retail, and office opportunities to increase jobs in the community along transit corridors. It also allows for the continuation of industrial uses within the community. Future residential development will provide support for new commercial opportunities that will encourage employment and economic growth while providing additional commercial and retail services within walking and bicycling distance for community residents. The CPU integrates proposed commercial and employment opportunities, including office, retail, commercial service, shopkeeper units, and flex-space, into new mixed- and multiple-use villages and districts proposed within the community.

5. The Community Plan Update promotes neighborhood and community character and addresses the relationship of the community to Mission Bay and San Diego Bay.

The CPU establishes an urban design framework that transforms the community's superblocks into a walkable grid block pattern with new streets, "main streets" which could be private drives or public streets, and pedestrian walkways. These streets and walkways will break up larger blocks, improving connectivity and introducing opportunities for pedestrian-oriented development (refer to Land Use, Villages & Districts Element policies within the Villages and Districts section, Mobility Element policy ME-5.4, and Urban Design Element policies within the Urban Framework and Building and Site Design sections). In addition, the CPU identifies linear gateways and associated multi-use (pedestrian and bicycle) urban paths that will emphasize key street corridors through the community that connect destinations within the community, including planned parks, and key destinations in adjacent communities, including regional park and open space areas (refer to Land Use, Villages & Districts Element policies within the Villages and Districts section and Urban Design Element policies within the Streetscape and Public Realm and Gateways sections). Among the proposed multi-use urban paths is the Bay-to-Bay Urban Path, which will connect the Midway-Pacific Highway to Mission Bay to the north and San Diego Bay to the south.

The CPU provides design guidance for new development to retain and enhance the distinct attributes of neighborhoods. The CPU incorporates specific design guidance that acknowledges the importance of the design of the public realm to community vitality through improvement of the streetscape and the various function and design of various street types and enhancements (refer to Urban Design Element policies within the Streetscape and Public Realm section). The CPU promotes urban greening including specific tree recommendations for primary street corridors and each district and village, and landscaping techniques for shade, passive cooling, and storm water infiltration (refer to Urban Design Element policies within the Urban Greening section). The CPU incorporates policies for community gateways to enhance sense of place and indicate entrance to a unique location, and wayfinding signs to support multi-modal activity and enhance the urban character. (Refer to Land Use, Villages & Districts Element policies LU-4.36, LU-4.37, LU-4.41, LU-4.48, and LU-4.79; Mobility Element policies ME-3.7 and ME-5.8; and Urban Design Element policies UD-4.1 through UD-4.6, and UD-5.1; Public Facilities, Services & Safety Element policy PF-2.2; and Recreation Element policy RE-4.17).

The CPU acknowledges that the focus of new development will be in mixed-and multiple-use villages and districts ranging from infill development to larger scale sites, and provides a broad range of

policies that guide development form based on neighborhood context and character, pedestrian experience, building materials, functionality, and sustainable design. The CPU provides policies that guide various aspects of urban form such as building articulation, windows, lighting, public space, public art, street orientation, height and massing, and sustainable building design. (Refer to Urban Design Element policies within the Gateways, Building and Site Design, Light Environment, and Sustainable Design sections.)

The CPU includes implementation of the Community Plan Implementation Overlay Zone (CPIOZ), which includes areas for ministerial review (CPIOZ Type A) and discretionary review (CPIOZ Type B) for the application of supplemental development regulations to proposed development projects. The CPIOZ provides supplemental development regulations to implement the CPU and allows flexibility in the application of citywide development regulations for planned streets, parks, and other park equivalencies on City-owned property within the Sports Arena Community Village (Type B); planned linear parks in the Dutch Flats Urban Village (Type A); and streetscape enhancements along Sports Arena Boulevard (Type A) near Rosecrans Street.

6. The CPU promotes a Complete Streets strategy by providing a balanced street environment that addresses the needs of public transit users, pedestrians, bicyclists, and motorists.

The CPU mobility strategy focuses on a balanced, multimodal transportation network that meets the needs of pedestrians, bicyclists, motorists, and transit users of streets for safe and convenient travel, in a manner that is suitable to the Midway-Pacific Highway community and consistent with the General Plan's multi-modal/complete streets policies. The CPU identifies bicycle and pedestrian facility improvements that work in concert with the proposed land use plan. The CPU envisions a more balanced mobility network that provides viable options aimed at shifting trips to transit, walking, and bicycling, while also accommodating vehicle traffic and minimizing conflicts between travel modes. While unquantifiable at this time, studies have shown that bringing origins and destinations closer together and improving walking and cycling conditions can reduce automobile trips and associated traffic congestion. Therefore, it can be inferred that the land use plan and active transportation improvements proposed as part of this CPU may stimulate this mode shift. (Refer to Mobility Element policies within the Walkability, Bicycling, Transit, and Transportation Demand Management sections and Urban Design Element policies within the Urban Framework, Streetscape and Public Realm, Gateways, and Building and Site Design sections).

The CPU focuses growth and development on and adjacent to transit corridors. The CPU includes multi-modal goals and policies that support high frequency transit services; transit-oriented villages and districts that include commercial, employment, and residential uses; and safe and integrated bicycle and pedestrian networks. It identifies pedestrian and bicycle improvements to increase connectivity within the community, to transit, and to adjacent communities, including a network of multi-use urban paths along major streets that will serve both pedestrians and bicyclists. (Refer to Land Use, Villages & Districts Element policies within the Villages and Districts section and Mobility Element policies within the Walkability, Bicycling, and Transit sections.)

The CPU identifies a pedestrian route network and includes policies addressing connectivity, amenities, and safety to encourage walking as a viable mode of transportation. The CPU recommends wider sidewalks with ADA-compliant pedestrian ramps, high-visibility continental crosswalks, countdown timers, and pedestrian-scale lighting to promote pedestrian safety. The CPU also

encourages village and district design to be pedestrian-oriented and include enhanced public realm spaces with pedestrian plazas, paths, street trees and landscaping, and other pedestrian amenities to further promote walking as a mode of transportation. (Refer to Land Use, Villages & Districts Element policies within the Villages and Districts and Community Plan Implementation Overlay Zone sections; Mobility Element policies within the Walkability section; Urban Design Element policies within the Urban Framework, Streetscape and Public Realm, Urban Greening, Gateways, Wayfinding Signs, and Building and Site Design sections; and Conservation Element policy CE-1.1).

The CPU supports the implementation of separated bicycle facilities, which would be part of the proposed multi-use urban path system along several roadways, and other new and enhanced bicycle connections and facilities. To enhance the safety, comfort, and accessibility for all levels of bicyclists, the CPU recommends wayfinding and markings, actuated signal timing, bicycle parking, and bicycle facilities including buffered bicycle lanes, cycle tracks, and multi-use paths. Overall, the CPU bicycle network adds connections and access that provide a more comprehensive and complete network for bicyclists. (Refer to Land Use, Villages & Districts Element policies within the Villages and Districts section; Mobility Element policies within the Walkability, Bicycling, and Transit sub-sections; Urban Design policies within the Urban Framework, Urban Greening, Gateways, Wayfinding Signs, and Building and Site Design sections; and Conservation Element policy CE-1.1).

The CPU proposes new roadway connections to support a gridded network of roadways and reduce the vehicle miles traveled (and greenhouse gas emissions). The CPU envisions meeting the transportation demand in the community through policies that support improving major street corridors according to complete streets principles to accommodate multiple modes of travel, creating new streets and connections, and optimizing the function and capacity of the community's roads. (Refer to Land Use, Villages & Districts Element policy LU-4.9 and Mobility Element policies ME-3.5, ME-5.1 through ME-5.16, and ME-6.1).

The CPU contains policies that support expanded and enhanced transit services within the community and to adjacent communities. The CPU supports coordination with the San Diego Association of Governments and Metropolitan Transit System to provide improved transit amenities such as ADA-compliant shelters, unique shelter designs, lighting, bicycle lockers, and artwork; implementation of electronic arrival schedules and real-time transit information; and transit priority measures such as queue jumpers and priority signal operations along current and future transit corridors. (Refer to Mobility Element policies ME-4.1 through ME-4.13).

The CPU supports the use of intelligent transportation systems solutions to manage the efficiency of the street grid network for transit and motorized vehicles and provide real-time information to the commuting public. It also provides for the use of transit signal priority measures and adaptive traffic signal coordination systems to reduce congestion on high traffic roadways within the community. (Refer to Mobility Element policies ME-6.1 through ME-6.4).

The CPU identifies transportation demand management (TDM) strategies to encourage use of a range of transportation options to help reduce congestion and parking demand. The CPU includes policies to provide car sharing and bike sharing where appropriate, to encourage employers and institutions to provide discounted transit passes, and to encourage implementation of employee and event shuttles. (Refer to Mobility Element policies ME-7.1 through ME-7.10 and Conservation Element policy CE-1.1).

The CPU promotes parking management strategies to reduce congestion and vehicle trips. It supports reducing minimum parking requirements for mixed-use development, the use of shared parking arrangements, residential tandem parking, enforcement of existing parking regulations for more efficient use of on-street parking, and shared driveways to reduce curb cuts. (Refer to Mobility Element policies ME-8.1 through ME-8.4).

7. The Community Plan identifies recreation opportunities and new public open spaces.

The household population estimated for the Midway-Pacific Highway Community Plan at build out is 27,070 residents. Based on the General Plan Park and Recreation Facilities Guidelines, the projected population warrants 75.8 acres of population-based parks, more than one full 17,000 square foot recreation center (18,400 square feet), and approximately one-half (54 percent) of an aquatic complex. Anticipated opportunities for additional parkland and recreation facilities within Midway-Pacific Highway come primarily through redevelopment of private and public properties and through the application of park equivalencies including a network of linear parks. While the City's primary goal is to obtain land for population-based parks, where vacant land is limited, unavailable or is cost-prohibitive, the General Plan allows the application of park equivalencies to be determined by the community and the City in order to assist in satisfying the community's population-based park needs.

Recreation Element Tables 7-1 and 7-2 summarize the future parks, park equivalencies, and recreation and aquatic facilities identified in the Midway-Pacific Highway community to satisfy the need for park and recreation facilities at full community development. The CPU identifies 29.86 acres of planned parks and park equivalencies in the community, including non-traditional park sites, joint use of school property, and portions of resource-based parks as recommendations generated by the community and City. It also provides policies related to identifying additional park opportunities through land acquisition, new infill developments, and street vacations (refer to Recreation policies RE-4.1, RE-4.2, RE-4.5, and RE-4.6). In addition to population-based parks, the CPU identifies planned recreation centers and aquatic complexes to serve the community's current and future residents.

8. The CPU contains strategies to protect historical resources.

The CPU calls for the identification and preservation of new significant historical resources, which may be eligible for designation pending evaluation; the continued preservation of designated historical resources; and the implementation of educational opportunities and incentives related to historical resources. Policies for protecting the community's historic resources in the CPU include working with members of the community to identify and evaluate additional properties that possess historic significance for social or cultural reasons for potential historic designation (refer to Historic Preservation Element policy HP-2.5); partnering with local community and historic organizations to better inform and educate the public on the unique history of the Midway-Pacific Highway community (refer to Historic Preservation Element policy HP-3.2); and promoting the maintenance, restoration, rehabilitation and continued private ownership and utilization of historical resources through existing incentive programs (refer to Historic Preservation Element policy HP-3.5).

9. The Community Plan implements strategies in the Climate Action Plan (CAP).

One of the five primary strategies identified in the CAP, Strategy 3: Bicycling, Walking, Transit & Land Use, implements bicycling, walking, transit and land use strategies to increase multi-modal opportunities and reduce fuel consumption and vehicle miles traveled. These concepts are consistent with the General Plan and City of Villages Strategy and include a focus on increased capacity in Transit Priority Areas (TPAs). Strategy 3 includes the following community plan-related actions:

- Action 3.1: Implement the General Plan's Mobility Element and the City of Villages Strategy in Transit Priority Areas to increase the use of transit;
- Action 3.2: Implement pedestrian improvements in Transit Priority Areas to increase commuter walking opportunities;
- Action 3.3: Implement the City of San Diego's Bicycle Master Plan to increase commuter bicycling opportunities; and
- Action 3.6: Implement transit-oriented development within Transit Priority Areas.

The proposed community plan complies with the CAP by doing the following: (1) identifying village locations in Transit Priority Areas; (2) applying land use designations, residential densities, and implementing zoning to support transit-oriented development; (3) providing policies and planned improvements to support transit operations and access; (4) and designing a planned multi-modal mobility network that includes robust pedestrian and bicycle facilities that connect people to transit.

The CPU directs growth and development into community and neighborhood villages and districts near transit, with densities ranging from 44 dwelling units per acre to 109 dwelling units per acre within TPAs that are served by existing or planned high frequency transit. The proposed mobility network complements the transit-supportive density proposed in the village and district areas with planned pedestrian and bicycle facilities that provide improved connections to transit corridors and stations, and policies for increasing multi-modal opportunities and reduced reliance on single occupancy vehicles (refer to Land Use, Villages & Districts Element policy LU-4.84; Mobility Element policies within the Walkability, Bicycling, and Transit sections; and Conservation Element policy CE-1.2). The proposed land use and zoning associated with the CPU would support transit-supportive residential densities along adjacent transit corridors, and would accommodate mixed- and multiple-use village and district development.

Additional strategies within the CAP also relate to efficiency in water and energy use, waste management, and climate resiliency. While these issues are primarily addressed through Citywide programs, the CPU includes some community-specific sustainability policies designed to promote sustainable development and reduce greenhouse gas emissions consistent with the General Plan and CAP. The CPU policies support: employing sustainable building techniques that include adaptive reuse of existing buildings and passive heating and cooling; the use of photovoltaic energy, energy storage systems, and electric vehicle charging stations; and encouraging water-wise landscaping and building techniques and the use of recycled water or graywater systems for landscape irrigation (refer to Urban Design Element policies UD-8.1 through UD-8.14 and Conservation Element policies CE-1.1 through CE-1.14). The CPU also includes policies related to urban forestry that relate to climate resiliency and encouraging multi-modal transportation (refer to Conservation Element policies CE-1.9 and CE-1.10). For example, CPU policies encourage the increase of the community's overall tree canopy within the

public right-of-way and in developments to provide air quality benefits and urban runoff management (refer to Conservation Element policy CE-1.9); and the addition or replacement of street trees to fill existing gaps and provide continuous, regularly spaced tree canopies to enhance the pedestrian and bicycle environment and minimize solar heat gain (refer to Conservation Element policy CE-1.9).

I. CONCLUSION

For the foregoing reasons, the City Council finds that the adverse, unavoidable environmental impacts are outweighed by the above-referenced benefits, any one of which individually would be sufficient to outweigh the adverse environmental effects of the CPU project. Therefore, the City Council adopts this Statement of Overriding Considerations.

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR)

FOR THE

MIDWAY-PACIFIC HIGHWAY COMMUNITY PLAN UPDATE

PROJECT NUMBER 561546

SCH # 2015111013

September 2018

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EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

MIDWAY-PACIFIC HIGHWAY COMMUNITY PLAN UPDATE
CITY OF SAN DIEGO, CALIFORNIA
PROGRAM ENVIRONMENTAL IMPACT REPORT NO. 561546
SCH NO. 2015111013

This Mitigation Monitoring and Reporting Program (MMRP) is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. The MMRP for the Midway-Pacific Highway Community Plan Update (CPU) Final Program Environmental Impact Report (PEIR) is under the jurisdiction of the City. This MMRP identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the MMRP will be maintained at the offices of the City of San Diego (City) Planning Department, which is currently located at 9485 Aero Drive, San Diego, CA 92123. All mitigation measures contained in the Final PEIR No. 561546/SCH No. 2015111013 shall be made conditions of approval of the project as may be further described below.

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
TRANSPORTATION AND CIRCULATION			
Intersections			
Lytton Street & Rosecrans Street in the AM and PM peak hours. (Impact 5.2-7)	TRANS 5.2-7b: <i>Partial Mitigation:</i> Add second southbound left-turn lane from Lytton Street to eastbound Rosecrans Street and implement right-turn overlap phases at all legs of the intersection. This improvement is identified in the Midway-Pacific Highway Impact Fee Study.	Impacts remain significant and unavoidable. Traffic Study and Fair Share Contribution will be implemented on a project by project basis (Prior to Development Permit Approval).	City Development Services Department (DSD)
Freeway Segments			
I-5 northbound (AM and PM peak hours) and southbound (PM peak hour) from Clairemont Drive to Sea World Drive. (Impact 5.2-17)	TRANS 5.2-17: SANDAG's Regional Plan identifies the construction of a managed lane along this segment to be completed by Year 2050. There is some uncertainty related to the actual improvements and associated traffic impacts that will materialize over time. Future development projects' transportation studies would be able to more accurately identify individual project-level impacts and provide the mechanism to mitigate them through fair share contributions in addition to the funding identified in the Revenue Constrained Network.	Impacts remain significant and unavoidable. Community Plan buildout will occur over the planning horizon and traffic improvements (mitigation) will be prioritized and implemented based upon need and ability to secure full funding.	Caltrans/DSD
I-5 northbound from Sea World Drive to I-8 in the AM and PM peak hours. (Impact 5.2-18)	TRANS 5.2-18: SANDAG's Regional Plan identifies the construction of a managed lane along this segment to be completed by Year 2050. There is some uncertainty related to the actual improvements and associated traffic impacts that will materialize over time. Future development projects' transportation studies would be able to more accurately	Impacts remain significant and unavoidable. Community Plan buildout will occur over the planning horizon and traffic improvements (mitigation)	Caltrans/DSD

	identify individual project-level impacts and provide the mechanism to mitigate them through fair share contributions in addition to the funding identified in the Revenue Constrained Network.	will be prioritized and implemented based upon need and ability to secure full funding.	
I-5 northbound from Old Town Avenue to Washington Street in the AM and PM peak hours. (Impact 5.2-19)	TRANS 5.2-19: SANDAG's Regional Plan identifies operational improvements along this segment to be completed by Year 2050. There is some uncertainty related to the actual improvements and associated traffic impacts that will materialize over time. Future development projects' transportation studies would be able to more accurately identify individual project-level impacts and provide the mechanism to mitigate them through fair share contributions in addition to the funding identified in the Revenue Constrained Network.	Impacts remain significant and unavoidable. Community Plan buildout will occur over the planning horizon and traffic improvements (mitigation) will be prioritized and implemented based upon need and ability to secure full funding.	Caltrans/DSD
I-8 eastbound from Morena Boulevard to Hotel Circle Drive in the PM peak hour. (Impact 5.2-20)	TRANS 5.2-20: SANDAG's Regional Plan identifies operational improvements along this segment to be completed by Year 2050. There is some uncertainty related to the actual improvements and associated traffic impacts that will materialize over time. Future development projects' transportation studies would be able to more accurately identify individual project-level impacts and provide the mechanism to mitigate them through fair share contributions in addition to the funding identified in the Revenue Constrained Network.	Impacts remain significant and unavoidable. Community Plan buildout will occur over the planning horizon and traffic improvements (mitigation) will be prioritized and implemented based upon need and ability to secure full funding.	Caltrans/DSD
I-5 southbound from I-8 to Old Town Avenue in the PM peak hour. (Impact 5.2-21)	TRANS 5.2-21: SANDAG's Regional Plan identifies operational improvements along this segment to be completed by Year 2050. There is some uncertainty related to the actual improvements and associated traffic impacts that will materialize over time. Future development projects' transportation studies would be able to more accurately identify individual project-level impacts and provide the mechanism to mitigate them through fair share contributions	Impacts remain significant and unavoidable. Community Plan buildout will occur over the planning horizon and traffic improvements (mitigation) will be prioritized and implemented based upon	Caltrans/DSD

	in addition to the funding identified in the Revenue Constrained Network.	need and ability to secure full funding.	
I-5 southbound from Washington Street to Pacific Highway in the PM peak hour. (Impact 5.2-22)	TRANS 5.2-22: SANDAG's Regional Plan identifies operational improvements along this segment to be completed by Year 2050. There is some uncertainty related to the actual improvements and associated traffic impacts that will materialize over time. Future development projects' transportation studies would be able to more accurately identify individual project-level impacts and provide the mechanism to mitigate them through fair share contributions in addition to the funding identified in the Revenue Constrained Network.	Impacts remain significant and unavoidable. Community Plan buildout will occur over the planning horizon and traffic improvements (mitigation) will be prioritized and implemented based upon need and ability to secure full funding.	Caltrans/DSD
I-5 southbound from Laurel Street to Hawthorn Street in the PM peak hour. (Impact 5.2-23)	TRANS 5.2-23: SANDAG's Regional Plan identifies operational improvements along this segment to be completed by Year 2050. There is some uncertainty related to the actual improvements and associated traffic impacts that will materialize over time. Future development projects' transportation studies would be able to more accurately identify individual project-level impacts and provide the mechanism to mitigate them through fair share contributions in addition to the funding identified in the Revenue Constrained Network.	Impacts remain significant and unavoidable. Community Plan buildout will occur over the planning horizon and traffic improvements (mitigation) will be prioritized and implemented based upon need and ability to secure full funding.	Caltrans/DSD
Ramp Meters			
I-5 southbound / Sea World Drive in the PM peak hour. (Impact 5.2-24)	TRANS 5.2-24: The City of San Diego shall coordinate with Caltrans to address ramp capacity at this impacted ramp location. Particularly, this impact could be reduced to less than significant by the following improvements: additional lanes, interchange reconfigurations, the implementation of a second interchange between Sea World Drive and Clairemont Drive (which is not currently included in the San Diego Forward Plan), and Transportation Demand Management as described in the Mobility Element in policies ME-7.1 through 7.9. However, specific capacity improvements	Impacts remain significant and unavoidable. Community Plan buildout will occur over the planning horizon and traffic improvements (mitigation) will be prioritized and implemented based upon need and ability to secure full funding.	Caltrans/DSD

	<p>are still undetermined, as these are future improvements that must be defined more over time. Additionally, the proposed community plan update (CPU) includes a variety of transit, pedestrian, and bicycle facilities that may help to reduce single-occupancy vehicle travel, which can help improve ramp capacity. Still, implementation of freeway improvements in a timely manner is beyond the full control of the City since Caltrans has approval authority over freeway improvements.</p>		
HISTORICAL AND TRIBAL CULTURAL RESOURCES			
<p>Implementation of the project could result in an alteration of a historic building, structure, object, or site where an increase in density is proposed beyond the adopted Community Plan and current zoning. (Impact 5.3-1)</p>	<p>HIST 5.3-1: Prior to issuance of any permit for a development project implemented in accordance with the project that would directly or indirectly affect a building/structure in excess of 45 years of age, the City shall determine whether the affected building/structure is historically significant. The evaluation of historic architectural resources shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in the Historical Resources Guidelines.</p> <p>Preferred mitigation for historic buildings or structures shall be to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm to the resource shall be taken. Depending upon project impacts, measures shall include, but are not limited to:</p> <ul style="list-style-type: none"> • Preparing a historic resource management plan; • Adding new construction that is compatible in size, scale, materials, color, and workmanship to the historical resource (such additions, whether portions of existing buildings or additions to historic districts, shall be clearly distinguishable from historic fabric); 	<p>Mitigation will be implemented on a project by project basis (Prior to Demolition, Grading, and/or Building Permit).</p>	<p>DSD</p>

	<ul style="list-style-type: none"> • Repairing damage according to the Secretary of the Interior’s Standards for Rehabilitation; • Screening incompatible new construction from view through the use of berms, walls, and landscaping in keeping with the historic period and character of the resource; and • Shielding historic properties from noise generators through the use of sound walls, double glazing, and air conditioning. <p>Specific types of historical resource reports, outlined in Section III of the Historical Resources Guidelines, are required to document the methods to be used to determine the presence or absence of historical resources, to identify potential impacts from a project, and to evaluate the significance of any historical resources identified. If potentially significant impacts to an identified historical resource are identified, these reports will also recommend appropriate mitigation to reduce the impacts to below a level of significance, where possible. If required, mitigation programs can also be included in the report.</p>		
<p>Implementation of the project could adversely impact a prehistoric or historic archaeological resource including religious or sacred use sites and human remains. (Impact 5.3-2)</p>	<p>HIST 5.3-2: Prior to issuance of any permit for a future development project implemented in accordance with the project that could directly affect an archaeological or tribal cultural resource, the City shall require that the following steps be taken to determine (1) the presence of archaeological or tribal cultural resources and (2) the appropriate mitigation for any significant resources that may be impacted by a development activity. Sites may include, but are not limited to, residential and commercial properties, privies, trash pits, building foundations, and industrial features representing the contributions of people from diverse socio-economic and ethnic backgrounds. Sites may also include resources associated with prehistoric Native American activities.</p>	<p>Mitigation will be implemented on a project by project basis (Prior to Demolition, Grading, and/or Building Permit).</p>	<p>DSD</p>

	<p>Initial Determination</p> <p>The environmental analyst will determine the likelihood for the project site to contain historical resources by reviewing site photographs and existing historic information (e.g., Archaeological Sensitivity Maps, the Archaeological Map Book, and the City's "Historical Inventory of Important Architects, Structures, and People in San Diego") and may conduct a site visit, as needed. If there is any evidence that the site contains archaeological or tribal cultural resources, then an archaeological evaluation consistent with the City Guidelines would be required. All individuals conducting any phase of the archaeological evaluation program must meet professional qualifications in accordance with the City Guidelines.</p> <p>Step 1:</p> <p>Based on the results of the Initial Determination, if there is evidence that the site contains a historical resource, preparation of a historic evaluation is required. The evaluation report would generally include background research, field survey, archaeological testing, and analysis. Before actual field reconnaissance would occur, background research is required, which includes a records search at the South Coastal Information Center at San Diego State University (SCIC). Site records from the San Diego Museum of Man are now included in the data provided by the SCIC; however, in some instances, supplemental research at the Museum of Man may be required. A review of the Sacred Lands File maintained by the Native American Heritage Commission must also be conducted at this time.</p>		
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	<p>Information about existing archaeological collections should also be obtained from the San Diego Archaeological Center and any tribal repositories or museums.</p> <p>In addition to the records searches mentioned above, background information may include, but is not limited to, examining primary sources of historical information (e.g., deeds and wills), secondary sources (e.g., local histories and genealogies), Sanborn Fire Maps, and historic cartographic and aerial photograph sources; reviewing previous archaeological research in similar areas, models that predict site distribution, and archaeological, architectural, and historical site inventory files; and conducting informant interviews. The results of the background information would be included in the evaluation report.</p> <p>Once the background research is complete, a field reconnaissance must be conducted by individuals whose qualifications meet the standards outlined in the City Guidelines. Consultants are encouraged to employ innovative survey techniques when conducting enhanced reconnaissance, including, but not limited to, remote sensing, ground penetrating radar, and other soil resistivity techniques as determined on a case-by-case basis. Native American participation is required for field surveys when there is likelihood that the project site contains prehistoric archaeological resources or traditional cultural properties. If through background research and field surveys historical resources are identified, then an evaluation of significance, based on the City Guidelines, must be performed by a qualified archaeologist.</p> <p>Step 2</p>		
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	<p>Where a recorded archaeological site or Tribal Cultural Resource (as defined in the Public Resources Code) is identified, the City would be required to initiate consultation with identified California Indian tribes pursuant to the provisions in Public Resources Code Sections 21080.3.1 and 21080.3.2., in accordance with Assembly Bill (AB) 52. It should be noted that during the consultation process, tribal representative(s) will be directly involved in making recommendations regarding the significance of a tribal cultural resource that also could be a prehistoric archaeological site. A testing program may be recommended, which requires reevaluation of the project in consultation with the Native American representative, which could result in a combination of project redesign to avoid and/or preserve significant resources as well as mitigation in the form of data recovery and monitoring (as recommended by the qualified archaeologist and Native American representative). The archaeological testing program, if required, shall include evaluating the horizontal and vertical dimensions of a site, the chronological placement, site function, artifact/ecofact density and variability, presence/absence of subsurface features, and research potential. A thorough discussion of testing methodologies, including surface and subsurface investigations, can be found in the City Guidelines. Results of the consultation process will determine the nature and extent of any additional archaeological evaluation or changes to the project.</p> <p>The results from the testing program shall be evaluated against the Significance Thresholds found in the Guidelines. If significant historical resources are identified within the Area of Potential Effects, the site may be eligible for local</p>		
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	<p>designation. However, this process would not proceed until such time that the tribal consultation has been concluded and an agreement is reached (or not reached) regarding significance of the resource and appropriate mitigation measures are identified. When appropriate, the final testing report must be submitted to Historical Resources Board staff for eligibility determination and possible designation. An agreement on the appropriate form of mitigation is required prior to distribution of a draft environmental document. If no significant resources are found, and site conditions are such that there is no potential for further discoveries, then no further action is required. Resources found to be non-significant as a result of a survey and/or assessment will require no further work beyond documentation of the resources on the appropriate Department of Parks and Recreation site forms and inclusion of results in the survey and/or assessment report. If no significant resources are found, but results of the initial evaluation and testing phase indicate there is still a potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring is required.</p> <p>Step 3:</p> <p>Preferred mitigation for historical resources is to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm shall be taken. For archaeological resources where preservation is not an option, a Research Design and Data Recovery Program is required, which includes a Collections Management Plan for review and approval. When tribal cultural resources are present and also cannot be avoided, appropriate and feasible mitigation will be</p>		
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	<p>determined through the tribal consultation process and incorporated into the overall data recovery program, where applicable, or project-specific mitigation measures will be incorporated into the project. The data recovery program shall be based on a written research design and is subject to the provisions as outlined in California Environmental Quality Act (CEQA) Section 21083.2. The data recovery program must be reviewed and approved by the City's Environmental Analyst prior to distribution of a draft CEQA document and shall include the results of the tribal consultation process. Archaeological monitoring may be required during building demolition and/or construction grading when significant resources are known or suspected to be present on a site, but cannot be recovered prior to grading due to obstructions such as, but not limited to, existing development or dense vegetation.</p> <p>A Native American observer must be retained for all subsurface investigations, including geotechnical testing and other ground-disturbing activities, whenever a Native American tribal cultural resource or any archaeological site located on City property or within the Area of Potential Effects of a City project would be impacted. In the event that human remains are encountered during data recovery and/or a monitoring program, the provisions of Public Resources Code Section 5097 must be followed. In the event that human remains are discovered during project grading, work shall halt in that area and the procedures set forth in the California Public Resources Code (Section 50987.98) and State Health and Safety Code (Section 7050.5), and in the federal, state, and local regulations described above shall be undertaken. These provisions will be outlined in the MMRP included in a subsequent project-specific environmental document. The Native American monitor shall be consulted</p>		
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	<p>during the preparation of the written report, at which time they may express concerns about the treatment of sensitive resources. If the Native American community requests participation of an observer for subsurface investigations on private property, the request shall be honored.</p> <p>Step 4:</p> <p>Archaeological Resource Management reports shall be prepared by qualified professionals as determined by the criteria set forth in Appendix B of the Guidelines. The discipline shall be tailored to the resource under evaluation. In cases involving complex resources, such as traditional cultural properties, rural landscape districts, sites involving a combination of prehistoric and historic archaeology, or historic districts, a team of experts will be necessary for a complete evaluation.</p> <p>Specific types of historical resource reports are required to document the methods (see Section III of the Guidelines) used to determine the presence or absence of historical resources; to identify the potential impacts from proposed development and evaluate the significance of any identified historical resources; to document the appropriate curation of archaeological collections (e.g., collected materials and the associated records); in the case of potentially significant impacts to historical resources, to recommend appropriate mitigation measures that would reduce the impacts to below a level of significance; and to document the results of mitigation and monitoring programs, if required.</p> <p>Archaeological Resource Management reports shall be prepared in conformance with the California Office of</p>		
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	<p>Historic Preservation "Archaeological Resource Management Reports: Recommended Contents and Format" (see Appendix C of the Guidelines), which will be used by Environmental staff in the review of archaeological resource reports. Consultants must ensure that archaeological resource reports are prepared consistent with this checklist. This requirement will standardize the content and format of all archaeological technical reports submitted to the City. A confidential appendix must be submitted (under separate cover) along with historical resources reports for archaeological sites and tribal cultural resources containing the confidential resource maps and records search information gathered during the background study. In addition, a Collections Management Plan shall be prepared for projects that result in a substantial collection of artifacts and must address the management and research goals of the project and the types of materials to be collected and curated based on a sampling strategy that is acceptable to the City. Appendix D (Historical Resources Report Form) may be used when no archaeological resources were identified within the project boundaries.</p> <p>Step 5:</p> <p>For Archaeological Resources: All cultural materials, including original maps, field notes, non-burial related artifacts, catalog information, and final reports recovered during public and/or private development projects must be permanently curated with an appropriate institution, one that has the proper facilities and staffing for ensuring research access to the collections consistent with state and federal standards, unless otherwise determined during the tribal consultation process. In the event that a prehistoric and/or historic</p>		
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	<p>deposit is encountered during construction monitoring, a Collections Management Plan would be required in accordance with the project MMRP. The disposition of human remains and burial-related artifacts that cannot be avoided or are inadvertently discovered is governed by state (i.e., AB 2641 [Coto] and California Native American Graves Protection and Repatriation Act of 2001 [Health and Safety Code 8010-8011]) and federal (i.e., Native American Graves Protection and Repatriation Act [U.S.C. 3001-3013]) law, and must be treated in a dignified and culturally appropriate manner with respect for the deceased individual(s) and their descendants. Any human bones and associated grave goods of Native American origin shall be turned over to the appropriate Native American group for repatriation.</p> <p>Arrangements for long-term curation of all recovered artifacts must be established between the applicant/property owner and the consultant prior to the initiation of the field reconnaissance. When tribal cultural resources are present, or non-burial-related artifacts associated with tribal cultural resources are suspected to be recovered, the treatment and disposition of such resources will be determined during the tribal consultation process. This information must then be included in the archaeological survey, testing, and/or data recovery report submitted to the City for review and approval. Curation must be accomplished in accordance with the California State Historic Resources Commission's Guidelines for the Curation of Archaeological Collection (dated May 7, 1993) and, if federal funding is involved, Title 36 of the CFR, Part 79. Additional information regarding curation is provided in Section II of the Guidelines.</p>		
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<p>Implementation of the project could adversely impact a tribal cultural resource. (Impact 5.3-3)</p>	<p>HIST 5.3-2, as described above.</p>	<p>Mitigation will be implemented on a project by project basis.</p>	<p>DSD</p>
<p>NOISE</p>			
<p>A significant noise impact due to construction noise would occur if noise-sensitive receptors are exposed to 12-hour community noise equivalent (Leq) levels of 75 a-weighted decibel (dBA) or higher between the hours of 7 a.m. to 7 p.m., or noise generated from construction activity during nighttime hours (7 p.m. to 7 a.m.), legal holidays, or Sundays. (Impact 5.5-4)</p>	<p>NOISE 5.5-2: At the project level, future discretionary projects will be required to incorporate feasible mitigation measures. Typically, noise can be controlled to comply with City standards when standard construction noise control measures are enforced at the project site and when the duration of the noise-generating construction period is limited to one construction season (typically 1 year) or less.</p> <ul style="list-style-type: none"> • Construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Construction is not allowed on legal holidays as specified in Section 21.04 of the San Diego Municipal Code (SDMC), with exception of Columbus Day and Washington’s Birthday, or on Sundays (consistent with Section 59.5.0404 of the SDMC). • Equip all internal combustion engine-driven equipment with appropriately-sized intake and/or exhaust mufflers that are properly operating and maintained consistent with manufacturer’s standards. • Stationary noise-generating equipment (e.g., compressors or generators) shall be located as far as possible from adjacent residential receivers and oriented so that emitted noise is directed away from sensitive receptors, whenever feasible. • If levels are expected to potentially exceed SDMC thresholds, temporary noise barriers with a minimum height of 8 feet shall be located around pertinent active 	<p>Mitigation will be implemented on a project by project basis (During Construction).</p>	<p>DSD</p>

	<p>construction equipment or entire work areas to shield nearby sensitive receivers.</p> <ul style="list-style-type: none"> • Utilize “quiet” air compressors, generators, and other stationary noise sources where technology exists. • The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. • Designate a “disturbance coordinator” who would be responsible for receiving and responding to any complaints about construction noise or vibration. The disturbance coordinator will determine the cause of the noise complaint and, if identified as a sound generated by construction area activities, will require that reasonable measures be implemented to correct the problem. 		
<p>If future pile driving occurs within the distances to structures or receivers reported in Table 5.5-7 (see Attachment A), a significant impact associated with vibration would result. (Impact 5.5-5)</p>	<p>NOISE 5.5-3: For discretionary projects where construction would include vibration-generating activities, such as pile driving, within the distances of specific structures listed in Table 5.5-7 (see Attachment A), site-specific vibration studies shall be conducted to ensure the development project would not adversely affect adjacent properties to the satisfaction of the Chief Building Official. Such efforts shall be conducted by a qualified structural engineer and could include:</p> <ul style="list-style-type: none"> • Identify sites that would include vibration compaction activities such as pile driving and have the potential to generate groundborne vibration and the sensitivity of nearby structures to groundborne vibration. • Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted; set up a vibration monitoring 	<p>Mitigation will be implemented on a project by project basis (Prior to Development Permit Approval, During Construction, and After Construction, as needed)</p>	<p>DSD</p>

	<p>schedule; define structure-specific vibration limits; and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies would be identified for when vibration levels approach the limits.</p> <ul style="list-style-type: none"> • Monitor vibration during initial demolition activities and during pile-driving activities. Monitoring results may indicate the need for more or less intensive measurements. • Designate a "disturbance coordinator" who would be responsible for receiving and responding to any complaints about construction vibration. The disturbance coordinator will determine the cause of the noise complaint and will require that reasonable measures be implemented to correct the problem. • When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures. • Conduct post-activity survey on structures where either monitoring has indicated high levels or complaints of damage have been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities. 		
PALEONTOLOGICAL RESOURCES			
<p>Grading activities associated with future discretionary projects that require grading in excess of 1,000 cubic yards, extending to a depth of 10 feet or greater into high sensitivity</p>	<p>PAELO 5.14-1: Prior to the approval of subsequent discretionary development projects implemented in accordance with the proposed Midway-Pacific Highway CPU, the City shall determine the potential for impacts to paleontological resources within a high sensitivity formation based on review of the project application submitted and recommendations of a project-level analysis completed in accordance with the steps presented below. Future projects shall be sited and designed to minimize impacts on</p>	<p>Mitigation will be implemented on a project by project basis (Prior to Development Permit Approval).</p>	<p>DSD</p>

<p>formations, could result in significant impacts to paleontological resources. (Impact 5.14-1)</p>	<p>paleontological resources in accordance with the City's Paleontological Resources Guidelines and CEQA Significance Determination Thresholds. Monitoring for paleontological resources required during construction activities shall be implemented at the project level and shall provide mitigation for the loss of important fossil remains with future subsequent development projects that are subject to environmental review.</p> <p>I. Prior to Project Approval</p> <p>A. The environmental analyst shall complete a project-level analysis of potential impacts on paleontological resources. The analysis shall include a review of the applicable United States Geological Survey Quad maps to identify the underlying geologic formations, and shall determine if construction of a project would:</p> <ul style="list-style-type: none"> • Require over 1,000 cubic yards of excavation and/or a 10-foot, or greater, depth in a high resources potential geologic deposit/formation/rock unit. • Require over 2,000 cubic yards of excavation and/or 10-foot, or greater, depth in a moderate resource potential geologic deposit/formation/rock unit. • Require construction within a known fossil location or fossil recovery site. Resource potential within a formation is based on the Paleontological Monitoring Determination Matrix. <p>B. If construction of a project would occur within a formation with a moderate to high resource potential, monitoring during construction would be required and any identified resources shall be recovered.</p>		
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	<ul style="list-style-type: none"> • Monitoring is always required when grading on a fossil recovery site or a known fossil location. • Monitoring may also be needed at shallower depths if fossil resources are present or likely to be present after review of source materials or consultation with an expert in fossil resources (e.g., the San Diego Natural History Museum). • Monitoring may be required for shallow grading (<10 feet) when a site has previously been graded, and/or unweathered geologic deposits/formations/ rock units are present at the surface. • Monitoring is not required when grading documented artificial fill. When it has been determined that a future project has the potential to impact a geologic formation with a high or moderate fossil sensitivity rating, a Paleontological MMRP shall be implemented during construction grading activities. 		
<p>Grading activities associated with future ministerial projects that require grading in excess of 1,000 cubic yards, extending to a depth of 10 feet or greater into high sensitivity formations, could result in significant impacts to paleontological resources. (Impact 5.14-2)</p>	<p>PALEO 5.14-1, as described above.</p>	<p>Mitigation will be implemented on a project by project basis (Prior to Development Permit Approval).</p>	<p>DSD</p>

ATTACHMENT A

Table 5.5-7
Vibration Source Levels for Construction Equipment and Applicable Criteria

Structure Type	Maximum Distance (feet) for Potential Structural Damage	Maximum Distance (feet) for "Strongly Perceptible" Human Response
Historic and some old buildings	129	300
Older residential structures	109	300
New residential structures	69	300
Modern industrial and commercial buildings	69	300

Note: Structure types, damage thresholds, and human perception thresholds used in the calculation of these values are found in Tables 19 and 20 of the Caltrans Transportation and Construction Vibration Guidance Manual (2013).

Passed by the Council of The City of San Diego on SEP 17 2018, 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 Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 25 2018.

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

AUTHENTICATED BY:

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

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

(Seal)

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 311972