(R-2019-153) #203-A 10/29/18

RESOLUTION NUMBER R- 312026

DATE OF FINAL PASSAGE NOV 05 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 561630/SCH NO. 2018011022, ADOPTING THE FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE COMPREHENSIVE UPDATE TO THE OLD TOWN SAN DIEGO COMMUNITY PLAN.

WHEREAS, on October 29, 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 Old Town San Diego 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 Environmental Impact Report No. 561630/SCH No. 2018011022 (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.

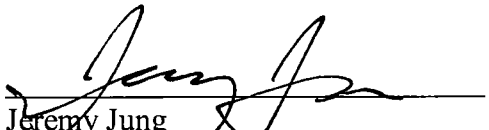
BE IT FURTHER RESOLVED, that pursuant to State CEQA Guidelines Section 15093, the City Council hereby adopts the Statement of Overriding Considerations with respect to the Project, which is attached hereto as Exhibit B.

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: 

Jeremy Jung
Deputy City Attorney

JAJ:nja
09/25/18
Doc. No. 1842371

Attachments: Exhibit A, Findings
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 OCT 29 2018.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: 11/5/18
(date)

_____
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

_____
KEVIN L. FAULCONER, Mayor

EXHIBIT A

CANDIDATE FINDINGS

FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR)

FOR THE

OLD TOWN SAN DIEGO COMMUNITY PLAN UPDATE

PROJECT NUMBER 561630

SCH No. 2018011022

October 2018

This page intentionally left blank.

I. INTRODUCTION

A. Findings of Fact

The following Candidate Findings are made for the Old Town San Diego (Old Town) Community Plan Update (CPU) and associated discretionary actions (hereinafter referred to as the "project"). The environmental impacts of the project are addressed in the Final Program Environmental Impact Report ("Final PEIR") dated July 11, 2018 (State Clearinghouse No. 2018011022), 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. 2018011022, 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 January 10, 2018;
- The Final PEIR, dated July 11, 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 Old Town CPU area encompasses roughly 275 acres of low, relatively flat land and hillsides that is centrally located to the northwest of Downtown San Diego and southeast of Mission Bay. The CPU area is bounded by Interstates 5 and 8 and lies between the Midway-Pacific Highway Community Plan area to the west and south, the Uptown Community Plan area to the east, and the Mission Valley

Community Plan area to the north. The CPU area includes residential areas, Old Town San Diego State Historic Park, the Presidio Hills Golf Course, Presidio Regional Park, Heritage County Park, and the U.S. Navy's Public Works facility, the California Department of Parks and Recreation office, and the Caltrans District 11 headquarters.

B. Project Background

The Old Town San Diego Community Plan was originally adopted in 1987 and last amended in 2001. 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 November 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 Midway-Pacific Highway CPU has been analyzed in a separate CEQA document under State Clearinghouse No. 2015111013, and State Clearinghouse No. 2018011022 was assigned for the Old Town CPU PEIR. These findings pertain only to the Old Town CPU and associated discretionary actions.

Between 2011 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 Old Town CPU area. The outreach program included almost monthly meetings of Old Town San Diego Community Planning Group, serving as the Community Plan Update Advisory Committee (CPUAC), focusing on land use, areas of change and stability, mobility, urban design, historical resources (built-environment, archaeological, and tribal cultural), 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 and to gather additional community input. Also, multiple meetings of the Old Town San Diego Community Planning Group were held in 2015 to review the first public review draft plan and to gather additional community input.

C. Project Description and Purpose

The project analyzed in the Final PEIR includes implementation of the Old Town CPU and associated discretionary actions described below. These Findings address the Old Town CPU and discretionary actions relevant to that community as described below. The purpose of the Old Town 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, amendments to the Old Town San Diego Planned District Ordinance (PDO) consistent with the CPU, and rezoning of the CPU area according to the Old Town San Diego

PDO to implement the Community Plan, and rescinding the Old San Diego Architectural and Site Development Standards and Criteria. The project also requires adoption of amendments to the San Diego Municipal Code (SDMC), which include the aforementioned amendments to the Old Town San Diego PDO, amendments to the City's sign regulations, and amendments to the City's residential tandem parking overlay zone to apply the overlay zone to the CPU area 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 Old Town San Diego CPU contains nine elements and an Introduction and Implementation chapter. Applicable goals and policies are provided within each of the following elements: Historic Preservation; Land Use; Mobility; Urban Design; Economic Prosperity; Public Facilities, Services, and Safety; Recreation; Conservation; and Noise.

   The Historic Preservation Element addresses the history and cultural resources unique to Old Town in order to encourage appreciation and preservation of the community's history. The element calls for the identification and preservation of significant historical resources, as well as educational opportunities and incentives relative to historical resources in Old Town.

   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. The Land Use Element also defines eleven sub-districts with distinct characteristics throughout the CPU area to guide land uses, development, and public improvements to enhance existing uses and support the community's historic character.

   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 park enhancements and recreation facility improvements to meet the population-based requirements for these facilities established in the General Plan.

   The proposed land use map, which allows a mix of pedestrian-oriented residential, commercial, and public space land uses in proximity to the Old Town Transit Center, coupled with implementation of mobility-related projects and improvements focused within the community, is expected to increase opportunities for housing and employment near transit and improve community walkability, bicycling, and transit opportunities, consistent with the General Plan's City of Villages strategy.

   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 project includes separate actions to incorporate implementing regulations into the SDMC and to rezone public and private property.

2. Zoning

The Land Development Code (LDC) within the SDMC implements the Community Plan policies and recommendations through zoning and development regulations, including the Old Town San Diego PDO (SDMC Chapter 15, Article 16). Proposed densities would be consistent with the CPU.

3. Old San Diego Architectural and Site Development Standards and Criteria

The Old San Diego Architectural and Site Development Standards and Criteria (Standards and Criteria) were adopted by the Old San Diego Planned District Review Board in October 1972 and approved by City Council in February 1973. These Standards and Criteria are referenced in the existing Old Town San Diego PDO, first adopted in 1971 and amended in 1987 and 2007, and are intended to guide development within the Old Town San Diego Planned District to conform to the Spanish, Mexican, and Early American architectural styles characteristic to this area prior to 1871. The project would rescind these previously-adopted Standards and Criteria, because their content has been incorporated into the Urban Design Element of the CPU.

4. SDMC Amendments

a. Old Town San Diego PDO

Implementation of the actions associated with adoption of the CPU would include amendments to the Old Town San Diego PDO to implement the CPU. The PDO is within Chapter 15, Article 16 of the LDC and implements the Community Plan policies through zoning and development regulations. With the project, the current PDO would be revised to implement the CPU. The revisions include changes to development permit types; creation of zones within the PDO with a new naming convention that more closely mirrors the Citywide zones; new permitted uses within the new zones; and new development regulations, including architectural requirements. The permitted uses would also be translated from PDO use categories into Citywide use categories. The revised PDO also proposes to regulate exterior building color more specifically than under the current PDO and proposes new signage regulations to be more historically accurate and clear. Revisions to the PDO would support the project objective to maintain and enhance the pre-1872 community character through land use and urban design policies and development regulations.

b. Sign Requirements

The implementation program for the CPU also includes amendments to Chapter 14, Article 2, Division 12 of the SDMC to include a section to cross-reference to the sign requirements within the Old Town San Diego PDO.

c. Residential Tandem Parking Regulations

Also included in the project is an amendment to SDMC Chapter 13, Article 2, Division 9 to apply the Residential Tandem Parking Overlay Zone to the CPU area as a whole, in order to increase site planning flexibility for development. The Residential Tandem Parking Overlay Zone allows tandem parking to be counted as two parking spaces in the calculation of required residential parking under specified conditions.

5. Adoption of the Old Town IFS

The project would include adoption of the Old Town 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 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 Old Town CPU.

D. Statement of Objectives

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

1. Maintain and enhance the pre-1872 community character of Old Town through land use and urban design policies and development regulations.
2. Enhance the Core Sub-District as the pedestrian-oriented commercial center of the community.
3. Improve the integration between the Core Sub-District and Old Town San Diego State Historic Park.
4. Maintain a balance between visitor-serving uses and residential uses.
5. Increase the availability of housing in proximity to transit.
6. Enhance facilities and amenities within parks and recreation sites in the community.
7. Improve pedestrian and bicycle linkages to adjacent communities and amenities including the San Diego River and Old Town Transit Center.
8. Preserve the community's historical, archaeological, and tribal cultural resources.
9. Identify future alternative uses for the Fremont School/Ballard Parent Center site.

In summary, this project would update the existing Old Town Community Plan that was adopted by the City Council in 1987 and last amended in 2001. The Old Town CPU would meet all of the nine objectives listed above and be compatible with the adopted General Plan. The CPU would provide guidance for future growth and redevelopment with regard to the distribution and arrangement of land uses (public and private); improvement of the street, multi-modal mobility, and transit network;

the provision of parks and public facilities; community-wide architectural design; community-wide and area-specific urban design; and preservation and enhancement of historic and cultural resources within the Old Town community. It would also be consistent with the City of Villages strategy in that it provides a land use map with land use designations and policies that allow and encourage pedestrian-oriented development and employment and additional housing opportunities near transit, and improves pedestrian and bicycle circulation and facilities, with an emphasis on connections to the Old Town Transit Center, between public parks in the community, and to/from adjacent communities.

The overall vision of the Old Town CPU is to facilitate, over the next 20 to 30 years, future mixed-development within sub-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 guide improvements and development into sub-districts that enhance existing uses and support the community's historic character. The highest intensity land uses within the community would be located along transit corridors 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 Old Town 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 Old Town 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 the PDO, other development regulations in the SDMC, and implementation of mobility improvements are included as part of the implementation program for the Old Town 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
   - 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 Old Town 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

2. Noise
   - 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 5.5-2**).

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 Old Town CPU area associated with grading into the Bay Point, San Diego, and Scripps formations, which have a high sensitivity for paleontological resources, or the Lindavista Formation, which has a moderate 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 could contain fossil resources. The Old Town CPU area is underlain with Bay Point, San Diego, and Scripps formations, which have high paleontological resource sensitivity, and the Lindavista Formation, which has moderate paleontological resource sensitivity. If grading associated with future development destroys fossil resources occurring within these formations, a significant impact would occur.

Rationale and Conclusion

An amendment to the Land Development Code was recently adopted which incorporates Paleontological Resources Requirements for Grading Activities (SDMC §142.0151) associated with projects which could result in impacts to fossil-bearing formations when specific conditions are identified in accordance with the City of san Diego's CEQA Significance Determination Thresholds. As such, subsequent discretionary projects implemented in accordance with the Old Town CPU would be reviewed to determine if impacts to paleontological resources would exceed established thresholds; and if so would be required to comply with the provisions set forth in SDMC §142.0151 to provide monitoring during grading activities. As such, potentially significant impacts to paleontological resources would be addressed during the subsequent discretionary review process and reduced to below a level of significance through regulatory compliance as a condition of project approval with implementation of the Paleontological Resources Requirements for Grading Activities (SDMC §142.0151). 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 Old Town 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 within the Old Town CPU area to less than significant, but not for ministerial projects.

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 5.2-9**)
- I-5 NB from Sea World Drive to I-8 in the AM and PM peak hours (**Impact 5.2-10**)
- I-5 NB from Old Town Avenue to Washington Street in the AM and PM peak hours (**Impact 5.2-11**)
- I-8 EB from Morena Boulevard to Hotel Circle Drive in the PM peak hour (**Impact 5.2-12**)
- I-5 SB from I-8 to Old Town Avenue in the PM peak hour (**Impact 5.2-13**)
- I-5 SB from Washington Street to Pacific Highway in the PM peak hour (**Impact 5.2-14**)
- I-5 SB from Laurel Street to Hawthorn Street in the PM peak hour (**Impact 5.2-15**)

b. Ramp Meters

- I-5 SB/Sea World Drive Ramp in the PM peak hour (**Impact 5.2-16**)

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 Old Town 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 (2015 Regional Plan) and in mitigation measures **TRANS 5.2-9** through **TRANS 5.2-15**.

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 the 2015 Regional Plan 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 contributions from the project proponent and administer them until such time that mitigation improvements are implemented on the State Highway System (SHS), whereupon Caltrans will enter into a cooperative agreement with the City, as lead agency for the freeway improvement project.

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 5.2-16**, 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 2015 Regional Plan), and TDM as described in the Old Town San Diego Community Plan Mobility Element in policies ME-8.1 through 8.7. 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. However, specific capacity improvements are still undetermined, as these are future improvements that must be defined more over time. Furthermore, 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 2015 Regional Plan. 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 contributions from the project proponent and administer them until such time that mitigation improvements are implemented on the SHS, whereupon Caltrans will enter into a cooperative agreement with the City, as lead agency for the freeway ramp meter improvement project.

Rationale and Conclusion

a. Freeway Segments

Implementation of the project would result in a significant impact to the seven freeway segments, **Impact 5.2-9** through **Impact 5.2-15**. The 2015 Regional Plan identifies the construction of managed lanes along the I-5 northbound (NB) and southbound (SB) segment from Clairemont Drive to Sea World Drive (**TRANS 5.2-9**) and the I-5 NB segment from Sea World Drive to the I-8 Freeway (**Trans 5.2-10**) that would partially mitigate these impacts. The 2015 Regional Plan also identifies operational improvements along several I-5 NB and SB segments (**TRANS 5.2-11** and **TRANS 5.2-13** through **TRANS 5.2-15**) and the I-8 eastbound (EB) segment from Morena Boulevard to Hotel Circle Drive (**TRANS 5.2-12**) that would partially mitigate these impacts.

At a program level of analysis, there is uncertainty as to the timing of the actual development and associated traffic impacts for the project. In addition, the 2015 Regional Plan is based on a reasonably expected funding scenario; however, actual timing of transportation improvements is contingent upon revenues anticipated and future funding decisions. Therefore, future development projects' transportation studies would 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 2015 Regional Plan. DSD would collect the fair share contributions from the project proponent and administer them until such time that mitigation improvements are implemented on the SHS, whereupon Caltrans will enter into a cooperative agreement with the City, as lead agency for the freeway segment improvement project.

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 5.2-16** 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 2015 Regional 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, there is uncertainty as to the timing of the actual development and associated traffic impacts for the project. Therefore, future development projects' transportation studies would 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, TDM measures which may be more cost effective than

alternative infrastructure improvements, or a combination of these measures. For example, at the project-level, future projects could make fair share contributions to the impacted ramp; however, only if this ramp is included in the 2015 Regional Plan. DSD would collect the fair share funds from the project proponent and administer them until such time that mitigation improvements are implemented on the SHS, whereupon Caltrans will enter into a cooperative agreement with the City, as lead agency for the freeway ramp meter improvement project. The impacted ramp is not currently included within the 2015 Regional Plan; thus, fair share funding for the impacted ramps is infeasible at this time.

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

2. Noise
    - 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 (for 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, identified mitigation measures would not be consistent with the policy framework and goals of the City's General Plan, the Old Town CPU, the Climate Action Plan, and the project objectives. In addition, most of the identified mitigation measures would not maintain existing features nor fit within the existing right-of-way. 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

- Congress Street: Taylor Street to Twiggs Street (**Impact 5.2-1**)
- San Diego Avenue: Ampudia Street to Old Town Avenue (**Impact 5.2-2**)
- San Diego Avenue: Old Town Avenue to Hortensia Street (**Impact 5.2-3**)
- Juan Street: Taylor Street to Twiggs Street (**Impact 5.2-4**)
- Juan Street: Twiggs Street to Harney Street **(Impact 5.2-5)**
- Old Town Avenue: Hancock Street to Moore Street **(Impact 5.2-6)**
- Old Town Avenue: Moore Street to San Diego Avenue (**Impact 5.2-7**)

b. Intersections

- Moore Street & Old Town Avenue in the PM peak hour **(Impact 5.2-8)**

Facts in Support of Finding

a. Roadway Segments

Congress Street: Taylor Street to Twiggs Street (Impact 5.2-1)

Congress Street from Taylor Street to Twiggs Street functions as a 2-lane collector with no center left-turn lane. The impact of this roadway segment (**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 2-lane collector with a center left-turn lane. This mitigation measure would improve operations to LOS C.

San Diego Avenue: Ampudia Street to Old Town Avenue (Impact 5.2-2)

San Diego Avenue from Ampudia Street to Old Town Avenue functions as a 2-lane collector with no center left-turn lane. The impact of this roadway segment (**Impact 5.2-2**) could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-2**, which would widen the roadway to a 2-lane collector with a center left-turn lane. This mitigation measure would improve operations to LOS D.

San Diego Avenue: Old Town Avenue to Hortensia Street (Impact 5.2-3)

San Diego Avenue from Old Town Avenue to Hortensia Street functions as a 2-lane collector with no center left-turn lane. The impact of this roadway segment (**Impact 5.2-3**) could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-3**, which would widen the roadway to a 2-lane collector with a center left-turn lane. This mitigation measure would improve operations to LOS B.

Juan Street: Taylor Street to Twiggs Street (Impact 5.2-4)

Juan Street from Taylor Street to Twiggs Street functions as a 2-lane collector with no center left-turn lane. The impact of this roadway segment (**Impact 5.2-4**) could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-4**, which would widen the roadway to a 2-lane collector with a center left-turn lane. This mitigation measure would improve operations to LOS B.

Juan Street: Twiggs Street to Harney Street (Impact 5.2-5)

Juan Street from Twiggs Street to Harney Street functions as a 2-lane collector with no center left-turn lane. The impact of this roadway segment (**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 2-lane collector with a center left-turn lane. This mitigation measure would improve operations to LOS B.

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

Old Town Avenue from Hancock Street to Moore Street functions as a 2-lane collector with no center left-turn lane. The impact of this roadway segment (**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. This mitigation measure would improve operations to LOS D.

Old Town Avenue: Moore Street to San Diego Avenue (Impact 5.2-7)

Old Town Avenue from Moore Street to San Diego Avenue functions as a 2-lane collector with no center left-turn lane. This impact of this roadway segment (**Impact 5.2-7**) could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-7**, which would widen the roadway to a 2-lane collector with a center left-turn lane. This mitigation measure would improve operations to LOS B.

b. Intersections

Moore Street and Old Town Avenue (Impact 5.2-8)

The EB and NB 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 5.2-8**) and could be mitigated to less than significant with implementation of mitigation measure **TRANS 5.2-8.** 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 includes among its guiding principles a goal that Old Town remain "A Pedestrian-Oriented Community with Historic Block Patterns." Therefore, the project objectives include the objective to "maintain and enhance the pre-1872 community character of Old Town through land use and urban design policies and development regulations." The pre-1872 character of the community includes its pattern of small blocks and grid network of streets, which were first laid out in the Couts Survey Map of 1849 and subsequently modified in certain locations. Therefore, mitigation measures which would improve vehicular circulation but would modify the existing width or network of streets and/or would reduce the width or quality of pedestrian facilities and connections are not consistent with the project objectives.

Also, the CPU's guiding principles include a goal for Old Town to be "A Community Connected to its Heritage and Open Space Areas" with pedestrian and bicycle connections. Therefore, the project objectives include the objective to "Improve pedestrian and bicycle linkages to adjacent communities and amenities including the San Diego River and Old Town Transit Center." The CPU identifies bicycle and pedestrian facility improvements that work in concert with the proposed land uses. 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. Studies have shown that improving walking and cycling conditions can reduce automobile trips; however, the associated reduction in vehicular usage with the improved walking and cycling conditions has not been quantified at this time. Therefore, it can be inferred that the active transportation improvements proposed as part of this CPU may stimulate this mode shift and reduce vehicle transportation demand.

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 the following two categories of reasons for infeasibility:

- Category 1: The implementation of the identified improvements would be contrary to achieving the smart growth and mobility goals of the General Plan, the Old Town CPU, the Climate Action Plan (CAP), and the project objectives. Specifically, this category includes potential mitigation measures which involve road widening or other automobile-related

improvements that would decrease the quality of the environment for active transportation users and/or could impede implementation of planned pedestrian and bicycle improvements.

- Category 2: 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.

Therefore, at a program level, 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 two reasons for infeasibility (1 and/or 2).

a. Roadway Segments

Congress Street: Taylor Street to Twiggs Street (Impact 5.2-1)

The functional classification of this roadway segment is a 2-lane collector. Implementation of mitigation measure **TRANS 5.2-1** would require widening the roadway segment 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 CPU's guiding principles, and the project objectives, the project does not propose any road widenings or significant capacity improvements; therefore, widening this roadway would not be in conformance with CPU goals and policies. Additionally, there is insufficient right-of-way available along this segment of Congress Street to accommodate a center left-turn lane and maintain existing features such as sidewalks and on-street parking. Congress Street is within the Core Sub-District of the community, and the existing on-street parking supports the Core consistent with the CPU's guiding principle to bolster the "Small and Local Business Core." Up to 26 regular parking spaces and 13 loading/taxi parking spaces would need to be removed in order to accommodate this mitigation measure. Finally, this improvement's implementation would not be in conformance with General Plan, Old Town CPU, and CAP goals and policies that propose balancing all travel modes through an enhanced active transportation environment. Therefore, the measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 1, 2).

San Diego Avenue: Ampudia Street to Old Town Avenue (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 widening the roadway segment 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 CPU's guiding principles, and the project objectives, the project does not propose any road widenings or significant capacity improvements; therefore, widening this roadway would not be in conformance with CPU goals and policies. Additionally, there is insufficient right-of-way available along this segment of San Diego Avenue to accommodate a center left-turn lane and maintain existing features such as sidewalks and on-street commercial loading zones and parking. Up to four regular parking spaces and one commercial loading zone would need to be removed in order to accommodate this mitigation measure, and the removal of sidewalks would not be in conformance with General Plan, Old Town CPU, and CAP goals and policies for walkable

neighborhoods. Therefore, the measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 1, 2)

San Diego Avenue: Old Town Avenue to Hortensia Street (Impact 5.2-3)

The functional classification of this roadway segment is a 2-lane collector. Implementation of mitigation measure **TRANS 5.2-3** would require widening the roadway segment 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 CPU's guiding principles, and the project objectives, the project does not propose any road widenings or significant capacity improvements; therefore, widening this roadway would not be in conformance with CPU goals and policies. Additionally, there is insufficient right-of-way available along this segment of San Diego Avenue to accommodate a center left-turn lane and maintain existing features such as sidewalks and on-street parking. Up to 9 regular parking spaces would need to be removed in order to accommodate this mitigation measure, and the removal of sidewalks would not be in conformance with General Plan, Old Town CPU, and CAP goals and policies for walkable neighborhoods. Therefore, the measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 1, 2)

Juan Street: Taylor Street to Twiggs Street (Impact 5.2-4)

The functional classification of this roadway segment is a 2-lane collector. Implementation of mitigation measure **TRANS 5.2-4** would require widening 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 CPU's guiding principles, and the project objectives, the project does not propose any road widenings or significant capacity improvements; therefore, widening this roadway would not be in conformance with CPU goals and policies. Additionally, there is insufficient right-of-way available along this segment of Juan Street to accommodate a center left-turn lane and maintain existing features such as on-street parking and sidewalks. Juan Street is within the Core Sub-District of the community, and the existing on-street parking supports the Core consistent with the CPU's guiding principle to bolster the "Small and Local Business Core." Up to 48 regular parking spaces and 4 loading parking spaces would need to be removed in order to accommodate this mitigation measure, and the removal of sidewalks would not be in conformance with General Plan, Old Town CPU, and CAP goals and policies for walkable neighborhoods. Therefore, the measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 1, 2)

Juan Street: Twiggs Street to Harney Street (Impact 5.2-5)

The functional classification of this roadway segment is a 2-lane collector. Implementation of mitigation measure **TRANS 5.2-5** would require widening 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 CPU's guiding principles, and the project objectives, the project does not propose any road widenings or significant capacity improvements; therefore, widening this roadway would not be in conformance with CPU goals and policies. Additionally, there is insufficient right-of-way available along this segment of Juan Street to accommodate a center left-turn lane and maintain existing features such as on-street parking and sidewalks. Juan Street is within the Core Sub-

District of the community, and the existing on-street parking supports the Core consistent with the CPU's guiding principle to bolster the "Small and Local Business Core." Up to 11 regular parking spaces would need to be removed in order to accommodate this mitigation measure, and the removal of sidewalks would not be in conformance with General Plan, Old Town CPU, and CAP goals and policies for walkable neighborhoods. Therefore, the measure is infeasible and the impact at this location would be significant and unavoidable. (Infeasibility Category: 1, 2)

Old Town Avenue: Hancock Street to Moore Street (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 widening 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 CPU's guiding principles, and the project objectives, the project does not propose any road widenings or significant capacity improvements; therefore, widening this roadway would not be in conformance with CPU goals and policies. Additionally, as this segment includes a freeway overcrossing bridge, there is insufficient right-of-way available along this segment of Old Town Avenue to accommodate both a center left-turn lane and the proposed Class II bicycle lanes. The mitigation measure would make implementation of the planned bicycle facility infeasible, which is contrary to General Plan, Old Town 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: 1, 2).

Old Town Avenue: Moore Street to San Diego Avenue (Impact 5.2-7)

The functional classification of this roadway segment is a 2-lane collector. Implementation of mitigation measure **TRANS 5.2-7** 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 CPU's guiding principles, and the project objectives, the project does not propose any road widenings or significant capacity improvements; therefore, widening this roadway would not be in conformance with CPU goals and policies. Additionally, there is insufficient right-of-way available along this segment of Old Town Avenue to accommodate a center left-turn lane and maintain existing features such as sidewalks and on-street parking. 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, Old Town 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: 1, 2).

b. Intersections

Moore Street and Old Town Avenue (Impact 5.2-8)

The current configuration of Old Town Avenue includes one EB and WB shared left-turn/through/right-turn lane. Implementation of mitigation measure **TRANS 5.2-8** 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: 2)

2. Noise

Significant Effect

a. 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 5.5-1**).

b. Temporary Construction Noise - Vibration

For pile driving or other intermittent or continuous vibratory construction activities as they apply to structure types in the Old Town 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 Old Town CPU would be potentially significant (**Impact 5.5-3**).

Facts in Support of Finding

a. 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 the City's General Plan 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 5.5-1**), the mitigation measure would be infeasible as there is no procedure to ensure that an acoustical analysis would be required for ministerial projects.

b. 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. 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 5.5-1**), 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.

b. Temporary Construction Noise – Vibration

Regarding vibration impacts during construction (**Impact 5.5-3**), 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 archaeological 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 Old Town 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, including notification to culturally affiliated tribes in accordance with Assembly Bill (AB) 52 and consultation with the descendant community of Old Town, when applicable, requirements for field surveys and archeological testing, archaeological 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 including notification to culturally affiliated tribes in accordance with AB 52 and consultation with the descendant community of Old Town, when applicable, requirements for field surveys and archaeological 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 Old Town CPU policies promoting the identification and preservation of historical resources in the Old Town 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.

With respect to potential historic districts, implementation of the project would not result in an increase in development potential within the potential historic districts and would, thus, not contribute to a potential adverse impact to potential historic districts. Implementation of the project would not result in any additional impact to potential historic districts beyond the existing condition, because additional density is not proposed beyond the adopted Community Plan in these identified potential historic district areas. 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 and Historic Archaeological 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 Old Town 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 Old Town 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 Bay Point, San Diego, and Scripps formations, and moderate sensitivity for paleontological resources within the Lindavista Formation, 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, or that require grading in excess of 2,000 cubic yards, extending to a depth of ten feet or greater into moderate sensitivity formations, could result in significant impacts to paleontological resources.

Facts in Support of Finding

Ministerial projects would be subject to review in accordance with the recently adopted Paleontological Resources Requirements for Grading Activities (SDMC §142.0151) and the General Grading Guidelines for Paleontological Resources in the Land Development Manual. Projects would be screened for grading quantities and geologic formation sensitivity, and if certain conditions are exceeded, paleontological monitoring would be required. However, impacts related to future ministerial development that would occur with build-out of the project cannot be ascertained at the program-level and as such, would be significant and unavoidable (**Impact 5.14-2**).

Rationale and Conclusion

Build-out of future ministerial projects in conformance with the Old Town CPU could result in a certain amount of disturbance to the native bedrock within the study area. Impacts resulting from future ministerial development that would occur with build-out of the CPU would be significant and unavoidable. It should be noted, however, that an amendment to the LDC has been adopted by the City Council incorporating requirements for paleontological monitoring during grading activities when specific conditions are identified in accordance with the General Grading Guidelines for Paleontological Resources in the Land Development Manual. As such, ministerial projects would be

screened in accordance with the regulatory requirements contained in the Paleontological Resources Requirements for Grading Activities (SDMC §142.0151).

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. 561630/SCH No. 2018011022):

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 Old Town 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 Old Town San Diego Community Plan (1987 [adopted Community Plan]), consistent with CEQA Guidelines Section 15126.6(e)(3)(A). The No Project Alternative for the Old Town CPU would consist of the adopted Community Plan land use designations as they apply today, including all amendments to the Old Town San Diego Community Plan from its original adoption in 1987 to the most recent amendment in 2001 (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 570 dwelling units at build-out. This would result in 835 fewer dwelling units, primarily in the form of mixed-use development, and more commercial/retail floor area compared to the Old Town CPU.

Of the total 275 acres within the Old Town community, the majority of the land use within the plan area at build-out is anticipated to be utilized for Transportation (93.7 acres), Parks and Open Space (65.7 acres), and Office (24.1 acres) uses under the adopted Community Plan. The No Project Alternative land use designations seek to focus on the combination of tourist and residential development while establishing density standards that are consistent with the community's historical precedent. The No Project Alternative also seeks to increase the possibility of residential construction by extending the residential land use zone and eliminating certain permitted uses within residential areas, such as churches, boarding and lodging, and group dwellings. In Old Town, the areas generally along San Diego Avenue and Congress Street east of Twiggs Street, and areas east of Taylor Street at Juan Street and Morena Boulevard, are identified for core/commercial residential use. Multifamily residential uses in the southeast corner of the community east of San Diego Avenue are preserved, and single family residential uses are maintained east of Mason Street and south of Jackson Street. Existing parks throughout the community will also remain. Additionally, four public properties in the community were designated for public parking and/or other public uses, including the San Diego Unified School District's Fremont School/Ballard Parent Center site, the site that is now the Old Town Transit Center parking lot, the site that is now the Caltrans District 11 parking lot, and the City-owned parking lot at Twiggs and Juan Streets,

Potentially Significant Effects

The No Project Alternative consists of continued implementation of the adopted Old Town San Diego Community Plan, consistent with CEQA Guidelines Section 15126.6(e)(3)(A). Compared to the project, land uses under the No Project Alternative would remain predominantly parks, residential with densities from 10-25 dwelling units per acre, retail commercial, and mixed commercial residential (0-25 dwelling units per acre). 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 Old Town CPU policies that are intended to establish multiple sub-districts within the community that enhance community identity and visual character through land use and urban design to the same extent as the project.

The existing parks in the community would meet the future residential population anticipated under the No Project Alternative, whereas, in the case of the CPU, the projected additional residential population would increase the need for population-based parks and the need to build new parks and park equivalencies. Thus, for the No Project Alternative, public facilities and services impacts would be less than significant and slightly less than the project.

The No Project Alternative would generate fewer 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 is outdated and would not support improving the

mobility system to the same degree as the project because it discusses a future trolley station that now exists, and includes several recommendations related to automobile access, parking, and signage, but only a few related to public transit, bikeways, and pedestrian walkways. 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 the 2015 Regional Plan, 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 Old Town Community Plan land use map and historical resources policies rather than include the additional policies of the project to support the Historic Preservation Element. However, the Historic Resources Survey Report and Cultural Constraints Analysis prepared for the project would be applicable regardless of whether or not the project is adopted. The surveys, coupled with the requirements contained in the City's Historical Resources Regulations, would provide for the regulation and protection of historical and tribal cultural resources; 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 future specific project at this program level of analysis. Additionally, future development under the No Project Alternative has the potential to result in significant direct and/or indirect impacts to prehistoric and historic archaeological resources and tribal cultural resources. Implementation of future projects under the No Project Alternative 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 Old Town 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.

Under the No Project Alternative, the extent of impacts to paleontological resources would be similar to those identified for the project, because the extent and areas of disturbance by development would be generally the same and only the land use designation would change. As with the project, implementation of the No Project Alternative would result in potentially significant impacts related to paleontological resources at the program level because adherence to the mitigation framework cannot be guaranteed for ministerial projects that only require a grading permit. Thus, impacts to paleontological resources from the No Project Alternative would be significant and unavoidable and similar to the project. It should be noted, however, that an amendment to the LDC has been adopted by the City Council incorporating requirements for paleontological monitoring during grading activities when specific conditions are identified in accordance with the General Grading Guidelines

for Paleontological Resources in the Land Development Manual. As such, potentially significant impacts to paleontological resources would be addressed during the subsequent discretionary review process and reduced to below a level of significance through regulatory compliance as a condition of project approval with implementation of the Paleontological Resources Requirements for Grading Activities (SDMC §142.0151). Ministerial projects would be screened in accordance with the regulatory requirements contained in the Paleontological Resources Requirements for Grading Activities (SDMC §142.0151).

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 the community's 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 meet the following five project objectives to the same degree as the project:

- Enhance the Core Sub-District as the pedestrian-oriented commercial center of the community;
- Improve the integration between the Core Sub-District and Old Town San Diego State Historic Park;
- Maintain a balance between visitor-serving uses and residential uses;
- Enhance facilities and amenities within parks and recreation sites in the community; and
- Preserve the community's historical, archaeological, and tribal cultural resources.

However, 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 nonetheless achieve the following four project objectives to a lesser degree than the project:

- Maintain and enhance the pre-1872 community character of Old Town through land use and urban design policies and development regulations;
- Increase the availability of housing in proximity to transit;
- Improve pedestrian and bicycle linkages to adjacent communities and amenities including the San Diego River and Old Town Transit Center; and
- Identify future alternative uses for the Fremont School/Ballard Parent Center site.

Rationale and Conclusion

The No Project Alternative is rejected as infeasible because it fails to meet four 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 same overall goals and policies as the proposed Old Town CPU. Land uses proposed under Alternative 1 would result in less residential density than the project, specifically along Pacific Highway north of Taylor Street (residential is permitted for 0-36 dwelling units per acre [du/ac] under Alternative 1 versus permitted for 0-73 du/ac under the project), south of Congress Street (0-25 du/ac under Alternative 1 versus 0-36 du/ac under the CPU), and in the Jefferson and Hortensia sub-districts (0-25 du/ac under Alternative 1 versus 0-44 du/ac and 0-54 du/ac under the CPU). Under Alternative 1, the density of future development would be increased to 29 du/ac in the Congress and Hortensia sub-districts generally southeast of Ampudia Street, and the area along Pacific Highway north of Taylor Street would change from Community Commercial-Residential Prohibited to Community Commercial-Residential Permitted at 36 du/ac. Figure 8-2 in the Final PEIR shows land use designations under Alternative 1. The alternative includes all the other discretionary actions and proposed policies in the CPU.

When compared to the project, Alternative 1 reduces residential density development potential along Jefferson Street, San Diego Avenue, Arista Street, Ampudia Street, Old Town Avenue, and Hortensia Street from densities ranging from 36 to 54 du/ac, to 29 du/ac. Additionally, as shown in Table 8-7 of the Final PEIR, the number of dwelling units would be less than the Old Town CPU, but non-residential development potential would be greater. The total projected population under Alternative 1 would be 830 persons less than under the project.

Potentially Significant Effects

The number of acres for each land use under Alternative 1 and the project are similar. Therefore, the primary difference between the two alternatives is less permitted density under Alternative 1 when compared to the project. Alternative 1 would result in similar amounts of land for residential uses, but fewer residential units due to decreased densities (Alternative 1: 925 vs. project: 1,405). 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 project. 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 no deficit in planned population-based parks based on General Plan standards. As with the project, 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 project, 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.

Alternative 1 would generate fewer vehicular trips than the project as it allows for fewer residential units than the project. Alternative 1 would result in the same number of significantly impacted roadway segments, intersections, freeway segments, and freeway ramps as the project. Alternative 1 would incorporate the same planned mobility improvements and polices as the project, consistent with the 2015 Regional Plan, the General Plan, and the City's CAP, that would support the goal of increasing multi-modal opportunities within the CPU area. Thus, potential impacts from Alternative 1 related to alternative transportation would be similar to the project.

Alternative 1 potential impacts to individual historic buildings, structures, objects, or sites, would be significant and unavoidable and similar to the project where increases in density are proposed beyond the adopted Community Plan and current zoning, even with implementation of the mitigation framework. In addition, the extent of impacts to tribal cultural and archaeological resources resulting from implementation of Alternative 1 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. However, the Old Town CPU allows for more residential density in mixed use districts and in proximity to transit services, consistent with the City of Villages strategy and CAP strategies. 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 when viewed in relation to applicable GHG reduction plans and policies.

Under Alternative 1, the extent of impacts to paleontological resources would be similar to those identified for the project, because the extent and areas of disturbance by development would be generally the same and only the land use designation would change. As with the project, implementation of Alternative 1 would result in potentially significant impacts related to paleontological resources at the program level. Strict adherence to the mitigation framework would still be required to reduce potential impacts; however, impacts to paleontological resources associated with future ministerial development under Alternative 1 would remain significant and unavoidable and similar to the project. It should be noted, however, that an amendment to the LDC has been adopted by the City Council incorporating requirements for paleontological monitoring during grading activities when specific conditions are identified in accordance with the General

Grading Guidelines for Paleontological Resources in the Land Development Manual. As such, potentially significant impacts to paleontological resources would be addressed during the subsequent discretionary review process and reduced to below a level of significance through regulatory compliance as a condition of project approval with implementation of the Paleontological Resources Requirements for Grading Activities (SDMC §142.0151). Ministerial projects would be screened in accordance with the regulatory requirements contained in the Paleontological Resources Requirements for Grading Activities (SDMC §142.0151).

Finding and Supporting Facts

Alternative 1 would reduce residential density and provide 480 fewer residential units than the CPU. Because this alternative would allow for less planned residential and mixed-use development, 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 due to fewer vehicular trips resulting from fewer residential units than 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 meet the following seven project objectives to the same degree as the project:

- Maintain and enhance the pre-1872 community character of Old Town through land use and urban design policies and development regulations;
- Enhance the Core Sub-District as the pedestrian-oriented commercial center of the community;
- Improve the integration between the Core Sub-District and Old Town San Diego State Historic Park;
- Enhance facilities and amenities within parks and recreation sites in the community;
- Improve pedestrian and bicycle linkages to adjacent communities and amenities including the San Diego River and Old Town Transit Center;
- Preserve the community's historical, archaeological, and tribal cultural resources; and
- Identify future alternative uses for the Fremont School/Ballard Parent Center site.

However, because there are fewer residential units proposed in proximity to the Old Town Transit Center under Alternative 1, this alternative would achieve the following two project objectives to a lesser degree than the project:

- Maintain a balance between visitor-serving uses and residential uses; and
- Increase the availability of housing in proximity to transit.

Rationale and Conclusion

This alternative 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 it would not meet all of the project objectives to the same extent as the project, and it would not reduce any of the significant and unavoidable effects of the project.

Alternative 2

Alternative 2 incorporates the same overall goals and policies as the proposed Old Town CPU. Land uses proposed under Alternative 2 would result in less residential density than the project, specifically along Pacific Highway north of Taylor Street (residential is prohibited under Alternative 2 versus permitted for 0-73 du/ac under the CPU), south of Congress Street (0-25 du/ac under Alternative 2 versus 0-36 du/ac under the CPU), and in the Jefferson and Hortensia Sub-Districts (0-25 du/ac under Alternative 2 versus 0-44 du/ac and 0-54 du/ac under the CPU). Alternative 2 does not include the increased residential density in the Congress and Hortensia sub-districts or the change from residential prohibited to residential permitted along Pacific Highway north of Taylor Street, as proposed under Alternative 1 and the project. Alternative 2 would reduce multi-family development potential, result in a slight increase in area developed with single family residential uses and institutional uses, and slightly reduce the number of dwelling units allowed in conjunction with commercial–retail land uses. The total projected population under Alternative 2 would be 1,150 persons less than the project.

Potentially Significant Effects

The number of acres for each land use under Alternative 2 and the project are similar. Therefore, the primary difference between the two alternatives is less permitted density under Alternative 2 when compared to the project. Alternative 2 would result in similar amounts of land for residential uses, but fewer residential units due to decreased densities (Alternative 2: 725 vs. project: 1,405). Land use impacts under Alternative 2 would be greater than the anticipated impacts of the project because Alternative 2 would implement the General Plan's City of Villages strategy to a lesser degree than the project. In addition, although Alternative 2 would not conflict with adopted land use plans, policies, or ordinances, and would result in a less than significant land use impact overall, this alternative would be less compatible than the project with applicable land use plans and policies.

In the case of both Alternative 2 and the project, there would be no deficit in planned population-based parks based on General Plan standards. As with the project, 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 analyzed. As with the project, 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.

Alternative 2 would generate fewer vehicular trips than the project, as it allows for fewer residential units than the project. Alternative 2 would result in the same number of significantly impacted roadways, intersections, freeway segments, and freeway ramps as the project. Alternative 2 would include the same planned mobility improvements and polices as the project, consistent with the 2015 Regional Plan, the General Plan, and the City's CAP, that would support the goal of increasing multi-modal opportunities within the CPU area. Thus, Alternative 2 impacts related to alternative transportation would be similar to the project.

Alternative 2 potential impacts to individual historic buildings, structures, objects, or sites would be significant and unavoidable and similar to the project where increases in density are proposed beyond the adopted Community Plan and current zoning, even with implementation of the mitigation framework. In addition, the extent of impacts to tribal cultural and archaeological resources resulting from implementation of Alternative 2 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.

GHG impacts under Alternative 2 would be slightly greater than the project. However, the Old Town CPU allows for more residential uses and increased density, which further implements CAP strategies. While Alternative 2 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 2 would result in a less than significant GHG impact overall, but this alternative would be less compatible than the project when viewed in relation to applicable GHG reduction plans and policies.

Under Alternative 2, the extent of impacts to paleontological resources would be similar to those identified for the project, because the extent and areas of disturbance by development would be generally the same and only the land use designation would change. As with the project, implementation of Alternative 2 would result in potentially significant impacts related to paleontological resources at the program level because adherence to the mitigation framework cannot be guaranteed for ministerial projects that only require a grading permit. Thus, impacts to paleontological resources under Alternative 2 would be significant and unavoidable and similar to the project. It should be noted, however, that an amendment to the LDC has been adopted by the City Council incorporating requirements for paleontological monitoring during grading activities when specific conditions are identified in accordance with the General Grading Guidelines for Paleontological Resources in the Land Development Manual. As such, potentially significant impacts to paleontological resources would be addressed during the subsequent discretionary review process and reduced to below a level of significance through regulatory compliance as a condition of project

approval with implementation of the Paleontological Resources Requirements for Grading Activities (SDMC §142.0151). Ministerial projects would be screened in accordance with the regulatory requirements contained in the Paleontological Resources Requirements for Grading Activities (SDMC §142.0151).

Finding and Supporting Facts

Alternative 2 would reduce residential density and provide 680 fewer residential units than the CPU. Because this alternative would allow for less planned residential and mixed-use development, especially within transit corridors, it would not be as compatible to the General Plan's City of Villages strategy and CAP strategies 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); however, traffic circulation impacts would be slightly less under Alternative 2 compared to the project due to fewer vehicular trips resulting from fewer residential units than 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 2 would achieve the following seven project objectives to the same extent as the project:

- Maintain and enhance the pre-1872 community character of Old Town through land use and urban design policies and development regulations;
- Enhance the Core Sub-District as the pedestrian-oriented commercial center of the community;
- Improve the integration between the Core Sub-District and Old Town San Diego State Historic Park;
- Enhance facilities and amenities within parks and recreation sites in the community;
- Improve pedestrian and bicycle linkages to adjacent communities and amenities including the San Diego River and Old Town Transit Center;
- Preserve the community's historical, archaeological, and tribal cultural resources; and
- Identify future alternative uses for the Fremont School/Ballard Parent Center site.

However, because there are fewer residential units proposed in proximity to the Old Town Transit Center under Alternative 2, this alternative would achieve the following two project objectives to a lesser degree than the project:

- Maintain a balance between visitor-serving uses and residential uses; and
- Increase the availability of housing in proximity to transit.

Rationale and Conclusion

Alternative 2 is rejected as infeasible because it would not meet all of the project objectives to the same extent as the project. This alternative would provide for fewer residential units and less mixed-use development in close proximity to transit in the CPU area. Thus, Alternative 2 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 similar to 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

OLD TOWN SAN DIEGO COMMUNITY PLAN UPDATE

PROJECT NUMBER 561630

SCH No. 2018011022

October 2018

This page intentionally left blank.

STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE OLD TOWN SAN DIEGO 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 Old Town San Diego (Old Town) 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 cumulative impacts related to transportation and circulation, noise, historical and tribal cultural 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 the benefits of the Project that, in the City Council's judgment, 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.

A. FINDINGS FOR STATEMENT OF OVERRIDING CONSIDERATIONS

1. The Community Plan Update provides a comprehensive guide for growth and development in the Old Town San Diego community consistent with the General Plan, the City of Villages Strategy, and San Diego Forward: The Regional Plan (2015 The Regional Plan).

Together with the General Plan, the Old Town San Diego 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

- A Community of National and International Historic Importance;
- A Community Founded by People of Diverse Heritages;
- A Visitor Destination and a Residential Community;
- A Small and Local Business Core;
- A Pedestrian-Oriented Community with Historic Block Patterns; and
- A Community Connected to its Heritage 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 community is also served by existing and planned trolley and bus service along key community street corridors; as a result, most of the community is within one half-mile of a major transit stop.

Additionally, the 2015 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.

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 CPU identifies potential improvements to the parks and recreational facilities within Old Town to enhance the recreational experience and expand accessibility.

The CPU identifies the need for a community with a balance of residential and visitor-serving uses. The community's mix of pedestrian-oriented residential, commercial, and public space served by the Old Town Transit Center is consistent with the "City of Villages" General Plan concept. The CPU identifies sub-districts based on their existing uses and character. The Community Plan provides a vision and policies for each sub-district to help guide improvements and development that enhance the existing uses and support the community's historic character. The CPU identifies the following sub-districts:

- Presidio Sub-District
- Historic Core Sub-District
- Core Sub-District
- Hortensia Sub-District
- Heritage Sub-District
- Taylor Sub-District
- Residential Sub-Districts (Jefferson, Linwood, Congress, and Mason)
- Hillside Sub-District

The land use designations and residential densities in the CPU's land use map allow for an increase of 196 percent in the community's housing capacity; residential uses integrated with commercial uses to enhance the historical small-town character of the community; and retail goods and services uses to meet the needs of the CPU area and adjacent communities. Ninety percent of the CPU area is located within a half-mile of a major transit stop, or a Transit Priority Area (TPA).

Consistent with the General Plan, City of Villages Strategy, and 2015 Regional Plan, 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 and is consistent with Old Town's historical character. In particular, the planned mobility network will improve pedestrian and bicycle connections between the parks and historical resources within the Old Town community. Additionally, the CPU provides for the continuation of a cycle track along Pacific Highway from the neighboring community of Midway-Pacific Highway that will provide a new, separated bicycle connection to the San Diego River and to Downtown San Diego. The mobility vision and multi-modal transportation network implement the guiding principles, support the land use vision, and promote a sustainable environment.

Also identified in the CPU are 6.8 acres of proposed parks and park equivalencies, 5,302 square feet of existing recreation center facilities, and 5 percent of an aquatic complex. These park and recreation facilities meet the General Plan standards for population-based parks and aquatic complexes, and exceed the community's needs for a recreation center that would be required at full community build-out by 3,650 square feet. 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 Old Town 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, 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 and land use and mobility maps. The CPU supports the City of Villages strategy by providing land use designations and a land use map that foster Old Town as a small town with a mix of pedestrian-oriented residential, commercial, and public space served by the Old Town Transit Center while maintaining existing lower density neighborhoods near Presidio Park.

The CPU provides detailed, site-specific recommendations for residential and mixed commercial residential uses in proximity to the Old Town Transit Center. The CPU contains policies that address residential density in proximity to transit stops, pedestrian-supportive building orientation and 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 facility opportunities and improvements, and functional descriptions. A funding source (Development Impact Fees) and public facility/improvement prioritization list are 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 architectural and urban design goals. The policies and guidelines address building design that reflects the distinctive architectural character that existed in Old Town prior to 1872, emphasizes site design that creates an interface between buildings and the public realm and enhances the pedestrian environment, establishes defined street corridors and gateways that enhance the sense of arrival into Old Town and strengthen the community's identity, and provides clear and identifiable wayfinding signs that improve the visitors' and residents' experience. The CPU provides direction to design new buildings, remodels, façade improvements, landscaping, signs, and streetscape improvements for compatibility with the small scale and context of Old Town's distinctive historical character.

The CPU recognizes the preservation and enhancement of natural resources, including the reduction of water and energy consumption and waste within the community, and contains conservation policies related to natural resource conservation, urban runoff management, air quality and public health, and sustainable development.

The CPU identifies historical, archaeological and tribal cultural resources unique to Old Town in a historic context statement and survey. The CPU contains policies for the identification of new historical resources in a variety of ways such as working with community members to identify and evaluate properties that possess historical significance for social or cultural reasons (e.g., association with an important person or event) for potential historic designation, and implementation of educational opportunities and incentives for preservation of the community's historical resources, including but not limited to supporting the creation of interpretive programs to educate the public and acknowledge the cultural heritage and significance of the Kumeyaay people in the early history of California and Old Town. (Refer to Historic Preservation Element policies HP-2.1 through -2.11, and HP-3.1 through -3.10).

Citywide development regulations within the Municipal Code and the proposed amendment to the Old Town San Diego Planned District Ordinance (PDO), which is a project component, will serve as the development regulations to implement the CPU. The amended PDO will implement the CPU policies related to land uses, sub-districts, architectural design, site design, urban design, and pedestrian-oriented development. The proposed amendment to the PDO will revise the existing PDO to be consistent with the land use map and urban design policies set forth in the CPU that intend to retain, replicate, an enhance the distinctive character of the historical Old Town community that existed prior to 1872.

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 within the Old Town community.

The CPU will provide capacity for higher density residential housing and mixed-commercial residential uses. Currently, there are approximately 378 multi-family dwellings and 96 single-family residential units within the Old Town planning area. The CPU will provide capacity for approximately 931 additional dwelling units in the community with a maximum of 1,405 residential units at buildout. Eighty percent of these proposed 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 2015 Regional Plan. Major employment in Old Town includes institutional, retail, hotel, restaurant uses, and professional offices uses. Old Town is also located near major job centers in Midway-Pacific Highway, Mission Valley, and Downtown, which are both connected to Old Town by transit. The CPU focuses the majority of the new multi-family dwelling units in areas within a half-mile of the Old Town Transit Center in the Taylor, Core, Jefferson, and Hortensia sub-districts 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. (Refer to Land Use Element policies LU-6.3g and LU-8.1 and Conservation policy CE-1.1b).

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

The CPU provides for a variety of new and enhanced commercial uses, including retail, office, and visitor commercial opportunities to support local and small business growth and increase jobs in the community. Future residential development will provide support for new commercial opportunities that will encourage employment and economic activity while providing additional commercial and retail services within walking and bicycling distance for community residents. The CPU supports the continuation, improvement, and expansion of the cultural heritage tourism industry and related businesses and provides support for programs and activities which aid and complement economic activity in the community.

5. **The Community Plan Update promotes neighborhood and community character and addresses the relationship of the community to its Historic Core and other area destinations.**

The CPU identifies gateways and pedestrian and bicycle facility improvements that will emphasize key street corridors through the community that connect destinations within the community, including Presidio Park and the Historic Core, and key destinations in adjacent communities, including regional park and open space areas (refer to Mobility Element policies within the Walkability and Bicycling sections and Urban Design Element policies within the Streetscape and Street Corridors and Gateways sections).

The CPU provides design guidance for new development to retain and enhance the architectural and landscape character that existed in Old Town prior to 1872. The CPU incorporates specific design guidance that acknowledges the historical importance of the design of the public realm for community identity through improvement of the streetscape with various enhancements (refer to Urban Design Element policies within the Site, Design, Streetscape, and Street Corridors and Gateways sections). The CPU promotes urban greening including specific tree recommendations for primary street corridors in the community, and landscaping techniques for shade and passive cooling, carbon sequestration, and storm water infiltration (refer to Urban Design Element policies within the Urban Forestry and Landscaping 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, travel efficiency, and enhancement of the community character. (Refer to Land Use Element policy LU-3.5; Mobility Element policies ME-4.6c and ME-6.1 through ME-6.4; and Urban Design Element policies UD-4.14, UD-7.1 through UD-7.10, UD-8.20, and UD-9.1 through UD-9.3).

The CPU acknowledges that the focus of new development will primarily be multi-family residential and mixed-commercial residential uses in proximity to the Old Town Transit Center and provides a broad range of policies that guide development form based on existing uses 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 Historic Preservation Element policy HP-3.5; Land Use Element policies LU-9.3 and LU-10.2; Urban Design Element policies within the Building Design: Architectural Criteria, Building Design: Architectural

Periods, Building Design: Sustainability, Site Design, and Streetscape sections; and Public Facilities, Services and Safety Element policies PF-4.1 and PF-4.2.)

The PDO implements the CPU's land use and urban design policies through community-specific zoning and development regulations tailored to Old Town's unique historical land use and urban design characteristics. The zoning and development regulations in the PDO are based on and consistent with the policies in the CPU.

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 Old Town 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 Site Design, Streetscape, and Street Corridors and Gateways sections).

The CPU focuses growth and development into mixed use and multiple use activity centers that are pedestrian- and bicycle-friendly and linked to transit, with Old Town Transit Center as a focal point for transit access. The CPU includes multi-modal goals and policies that reinforce Old Town's character as a pedestrian-oriented community by emphasizing walking, bicycling, and transit as modes of transportation for visitors, employees, and residents. It identifies pedestrian and bicycle improvements to increase connectivity within the community, to transit, and to adjacent communities. (Refer to 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, improved pedestrian crossings, pedestrian connections at freeway underpasses and overpasses, and pedestrian-scale lighting to promote pedestrian safety. The CPU also encourages site and building design within the community 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 Element policies LU-3.3, LU-3.5 through LU-3.7, LU-4.4, LU-5.6, LU-6.3c, and LU-10.5; Mobility Element policies within the Walkability, Transit, Streets and Freeways, and Wayfinding sections; Urban Design Element policy UD-1.6 and policies within the Site Design, Streetscape, Urban Forestry and Landscaping, Street

Corridors and Gateways, Signs, and Wayfinding sections; Public Facilities, Services, and Safety Element policies PF-4.1 and PF-4.2; and Conservation Element policy CE-1.1).

The CPU supports the implementation of a separated cycle track bicycle facility along Pacific Highway, and other new and enhanced bicycle connections and facilities. To enhance the safety, comfort, and accessibility for all levels of bicyclists, the CPU recommends bicycle-oriented wayfinding signs, bicycle parking and lockers, and bicycle facilities including bicycle lanes and cycle tracks. Overall, the CPU bicycle network adds connections and access to provide a more comprehensive and complete network for bicyclists. (Refer to Land Use Element policies LU-3.3 and LU-3.7; Mobility Element policies within the Bicycling, Transit, Streets and Freeways, Parking, and Wayfinding sections; Urban Design Element policies within the Street Corridors and Gateways, Signs, and Wayfinding sections; and Conservation Element policy CE-1.1).

The CPU proposes to maintain the community's existing gridded road network and enhance roadways and intersections with pedestrian and bicycle improvements to reduce the vehicle miles traveled (and related 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, reducing conflicts between transportation modes, improving connections and accessibility to community destinations and adjacent communities, and optimizing the function and capacity of the community's roads. (Refer to Mobility Element policies ME-4.1 through ME-4.11).

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, North County Transit District, and Metropolitan Transit System to incorporate transit infrastructure and service enhancements for the Old Town Transit Center; transit amenities such as additional shelters, unique benches and shelter designs, lighting, bicycle parking and lockers, and landscaping consistent with Old Town's pre-1872 character; implementation of 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-3.1 through ME-3.7, ME-7.1, and ME-7.3).

The CPU supports the use of intelligent transportation systems solutions to maximize efficiency of the transportation system, increase vehicle throughput, reduce congestion, and provide real-time information to the commuting public. It also provides for the use of transit priority measures and self-adjusting traffic signals during peak traffic hours to reduce congestion on high traffic roadways within the community. (Refer to Mobility Element policies ME-3.7 and ME-7.1 though ME-7.5).

The CPU identifies transportation demand management (TDM) strategies to encourage use of a range of transportation options, including public transit, bicycling, walking, and ride-sharing to help reduce dependence on automobiles. 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 shuttle service connecting to the Old Town Transit Center. (Refer to Mobility Element policies ME-8.1 through ME-8.7 and Conservation Element policy CE-1.1).

The CPU promotes parking management and parking supply strategies to reduce traffic congestion and pedestrian challenges caused by circulating vehicles and tour buses. It supports the provision of

wayfinding signs to parking locations to increase vehicle trip efficiency and reduce vehicles circulating in the community core, provision of additional parking at the periphery of the community, shuttle service from peripheral parking facilities to the Core and Historic Core, implementation of angled parking on streets with adequate existing width, the development of a parking structure for transit and visitor-oriented parking at the Old Town Transit Center/State Historic Park parking lot, and time limits on parking to encourage parking turnover in high demand areas. (Refer to Mobility Element policies ME-5.1 through ME-5.10).

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

The household population estimated for the CPU at build out is 2,430 residents. Based on the General Plan Park and Recreation Facilities Guidelines, the projected population warrants 6.8 acres of population-based parks, approximately 10 percent of a 17,000-square-foot recreation center (equivalent to 1,652 total square feet) serving a population of 25,000, and approximately 5 percent of an aquatic complex serving a population of 50,000. Recreation Element Tables 8-1 and 8-2 summarize the future parks, park equivalencies, and recreation and aquatic facilities identified in the Old Town community to satisfy the need for park and recreation facilities at full community development. 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.

The CPU identifies 3.37 acres of park equivalencies in the community, which includes a portion of a resource-based park (Presidio Park) as a recommendation generated by the community and City. It also provides policies related to additional recommended park improvements and seeking community guidance to ensure consistency with Old Town's historical character and resources. In addition to population-based parks, the CPU identifies planned aquatic complexes shared with adjacent communities to serve the community's current and future residents. (Refer to Recreation policies RE-1.1 through RE-1.7). With regard to recreation center needs, the existing Presidio Recreation Center at Presidio Community Park is anticipated to meet the community's future needs.

8. The CPU contains strategies to protect historical, archaeological and tribal cultural resources.

Historical resources in the Old Town San Diego community include prehistoric and historic archaeological sites, tribal cultural resources, and buildings representative of the community's rich history. The intent of the CPU Historic Preservation Element is to improve the quality of the built environment, encourage appreciation for the City's history and culture, maintain the character and identity of communities, and contribute to the City's economic vitality through historic preservation. The CPU envisions enhancing the historic character of Old Town San Diego through supporting preservation and protection of the community's historical resources within the community and encouraging their restoration and rehabilitation. The goals for achieving this include the identification and preservation of significant historical resources, and the implementation of educational opportunities and incentives related to historical resources.

In addition to the General Plan Historic Preservation Element policies, the CPU includes a variety of policies specific to Old Town for protecting the community's historical resources, such as but not limited to working with members of the community to identify and evaluate additional properties that possess historical significance for social or cultural reasons for potential historic designation (refer to Historic Preservation Element policy HP-2.7); considering eligible for listing on the City's Historical Resources Register any significant archaeological or Native American cultural sites that may be identified as part of future development within Old Town or otherwise, and referring sites to the Historical Resources Board for designation, as appropriate (refer to Historic Preservation Element policy HP-2.9); acknowledging the place names and places important to Native Americans and Spanish, Mexican and early American settlers who inhabited the community of Old Town through signage and/or narratives in brochures, handouts and mobile device applications (refer to Historic Preservation Element policy HP-3.7); partnering with California State Park and local community and historic organizations to better inform and educate the public on the merits of historic preservation (refer to Historic Preservation Element policy HP-3.8); 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-3.10). Additionally, the proposed amendment to the PDO includes procedures for Cultural and Historical Resources to supplement the City's Historical Resources Regulations.

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 residential and mixed-commercial residential uses 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.

As with the General Plan, the CPU places an emphasis on the General Plan's "City of Villages" concept of walkable and pedestrian-friendly neighborhoods with a mix of uses. The CPU provides opportunities for infill development to create multiple use areas in the community, with densities

ranging from 25 dwelling units per acre to 73 dwelling units per acre. Prior to the adoption of the General Plan, Old Town was already in a position to promote "village-like" development with an ample mix of pedestrian-oriented residential, commercial, and public space served by the Old Town Transit Center. Old Town is expected to see an improved level of walkability, bicycling, and transit through the implementation of mobility-related projects and improvements and efforts that are focused on improving connections to the Old Town Transit Center and between destinations within the community.

The proposed mobility network complements the transit-supportive density proposed in the community 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 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 accommodate residential and mixed-commercial residential uses in proximity to the Old Town Transit Center, maintaining Old Town as a residential community as well as a visitor attraction, where residents and visitors alike can walk to the Core, transit, historical and cultural attractions, and parks.

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 community-specific sustainability policies designed to promote sustainable development and reduce greenhouse gas emissions consistent with the General Plan, the CAP, and the historical character of Old Town. The CPU policies support: adaptive reuse of historic buildings, employing sustainable building techniques that enhance Old Town's character including the use of building features and systems that provide for natural and passive cooling, the use of photovoltaic energy, implementation of electric vehicle charging stations, encouraging water-wise practices for new development and building retrofits, and the use of recycled water or greywater collection systems for landscape irrigation (refer to Historic Preservation policy HP-2.1, Mobility Element policies ME-5.8 and ME-7.4, Urban Design Element policies UD-3.1 through UD-3.6, and Conservation Element policies CE-1.1 and CE-1.15). The CPU also includes urban forestry and landscaping policies that relate to climate resiliency, maximizing environmental benefits, and incorporating pre-1872 elements to strengthen the community's identity (refer to Urban Design Element policies UD-6.1 through UD-6.13). For example, CPU policies encourage the preservation of existing mature trees whenever possible (refer to Urban Design Element policy CE-1.12) and the incorporation of shade-producing canopy street trees along all streets where sidewalk widths allow (refer to Urban Design Element policy UD-6.9).

B. CONCLUSION

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

OLD TOWN SAN DIEGO COMMUNITY PLAN UPDATE

PROJECT NUMBER 561630

SCH # 2018011022

October 2018

This page intentionally left blank.

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

OLD TOWN SAN DIEGO COMMUNITY PLAN UPDATE
CITY OF SAN DIEGO, CALIFORNIA
PROGRAM ENVIRONMENTAL IMPACT REPORT NO. 561630
SCH NO. 2018011022

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 Old Town San Diego 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. 561630/SCH No. 2018011022 shall be made conditions of approval of the project as may be further described below.

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
TRANSPORTATION AND CIRCULATION			
Freeway Segments			
I-5 northbound (AM and PM peak hour) and southbound (PM peak hour) from Clairemont Drive to Sea World Drive. **(Impact 5.2-9)**	**TRANS 5.2-9:** 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/City Development Services Department (DSD)
I-5 northbound from Sea World Drive to I-8 in the AM and PM peak hour. **(Impact 5.2-10)**	**TRANS 5.2-10:** 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 Old Town Avenue to Washington Street in	**TRANS 5.2-11:** SANDAG's Regional Plan identifies operational improvements along this segment to be completed by Year 2050. There is some uncertainty related to the actual	Impacts remain significant and unavoidable. Community Plan buildout will occur over	Caltrans/DSD

the AM and PM peak hour. **(Impact 5.2-11)**	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.	the planning horizon and traffic improvements (mitigation) will be prioritized and implemented based upon need and ability to secure full funding.	
I-8 eastbound from Morena Boulevard to Hotel Circle Drive in the PM peak hour. **(Impact 5.2-12)**	**TRANS 5.2-12:** 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 5.2-13)**	**TRANS 5.2-13:** 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 Washington Street to Pacific Highway in the PM peak hour. **(Impact 5.2-14)**	**TRANS 5.2-14:** 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 5.2-15)**	**TRANS 5.2-15:** 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 5.2-16)**	**TRANS 5.2-16:** 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-8.1 through 8.7. Additionally, the CPU includes a variety of transit, pedestrian, and bicycle facilities that may help to	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

	reduce single-occupancy vehicle travel, which can help improve ramp capacity. However, specific capacity improvements are still undetermined, as these are future improvements that must be defined more over time. Furthermore, implementation of freeway improvements in a timely manner is beyond the full control of the City since Caltrans has approval authority over freeway improvements.		
HISTORICAL AND TRIBAL CULTURAL RESOURCES			
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)**	**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. 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: • 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);	Mitigation will be implemented on a project by project basis (Prior to Demolition, Grading, and/or Building Permit).	DSD

	• 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. 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.		
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)**	**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, or a resource important to the descendant community of Old Town, the City shall require that the following steps be taken to determine (1) the presence of archaeological or tribal cultural resources, or a resource important to the descendant community of Old Town, and (2) the appropriate mitigation for any significant resources which may be impacted by a development activity. Sites may include, but are not limited to, residential and commercial properties, privies, trash pits, building foundations, and industrial features representing the contributions of people	Mitigation will be implemented on a project by project basis (Prior to Demolition, Grading, and/or Building Permit).	DSD

	from diverse socio-economic and ethnic backgrounds. Sites may also include resources associated with prehistoric Native American activities. Initial Determination The environmental analyst will determine the likelihood for the project site to contain historical resources by reviewing site photographs and existing historic information (e.g., Archaeological Sensitivity Maps, the Archaeological Map Book, and the City's "Historical Inventory of Important Architects, Structures, and People in San Diego") and 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. Step 1: 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. Information about existing archaeological collections should also be obtained from the San Diego Archaeological Center and any tribal repositories or museums. In addition to the 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, including consultation with the descendant community of Old Town. The results of the background information would be included in the evaluation report. Once the background research is complete, a field reconnaissance must be conducted by individuals whose qualifications meet the standards outlined in the City Guidelines. Consultants are encouraged to employ innovative survey techniques when conducting enhanced reconnaissance, including, but not limited to, remote sensing, ground penetrating radar, and other soil resistivity techniques as determined on a case-by-case basis. Native American participation is required for field surveys when there is likelihood that the project site contains prehistoric or historic 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. Step 2: 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. The results from the testing program shall be evaluated against the Significance Determination Thresholds found in the Guidelines. If significant historical resources are identified within the Area of Potential Effects, the site may be eligible for local 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 indicates there is still a potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring is required.		

	Step 3: Preferred mitigation for historical resources is to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm shall be taken. For archaeological resources where preservation is not an option, a Research Design and Data Recovery Program is required, which includes a Collections Management Plan for review and approval. When tribal cultural resources are present and also cannot be avoided, appropriate and feasible mitigation will be determined through the tribal consultation process and incorporated into the overall data recovery program, where applicable, or project-specific mitigation measures 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 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. 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 during the preparation of the written report, at which time they may express concerns about the treatment of sensitive resources. If the Native American community requests participation of an observer for subsurface investigations on private property, the request shall be honored. Step 4: Archaeological Resource Management reports shall be prepared by qualified professionals as determined by the criteria set forth in Appendix B of the Guidelines. The discipline shall be tailored to the resource under evaluation. In cases involving complex resources, such as traditional cultural properties, rural landscape districts, sites involving a combination of prehistoric and historic archaeology, or historic districts, a team of experts will be necessary for a complete evaluation. Specific types of historical resource reports are required to document the methods (see Section III of the Guidelines)		

	used to determine the presence or absence of historical resources; to identify the potential impacts from proposed development and evaluate the significance of any identified historical resources; to document the appropriate curation of archaeological collections (e.g., collected materials and the associated records); in the case of potentially significant impacts to historical resources, to recommend appropriate mitigation measures that would reduce the impacts to below a level of significance; and to document the results of mitigation and monitoring programs, if required. Archaeological Resource Management reports shall be prepared in conformance with the California Office of Historic Preservation "Archaeological Resource Management Reports: Recommended Contents and Format" (see Appendix C of the Guidelines), which will be used by Environmental 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. Step 5: For Archaeological Resources: All cultural materials, including original maps, field notes, non-burial related artifacts, catalog information, and final reports recovered during public and/or private development projects must be permanently curated with an appropriate institution, one 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 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. 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.		
Implementation of the project could adversely impact a tribal cultural resource. **(Impact 5.3-3)**	**HIST 5.3-2**, as described above.	Mitigation will be implemented on a project by project basis (Prior to Demolition, Grading, and/or Building Permit).	DSD
NOISE			
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	**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. • 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	Mitigation will be implemented on a project by project basis (During Construction).	DSD

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 5.5-2)**	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 construction equipment or entire work areas to shield nearby sensitive receivers. • 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.		

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 5.5-3)**	**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: • 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 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. • 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.	Mitigation will be implemented on a project by project basis (Prior to Development Permit Approval, During Construction, and After Construction, as needed)	DSD

	◦ 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			
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 formations, or that require grading in excess of 2,000 cubic yards, extending to a depth of 10 feet or greater into moderate sensitivity formations, could result in significant impacts to paleontological resources. **(Impact 5.14-1)**	**PAELO 5.14-1:** Prior to the approval of subsequent discretionary development projects implemented in accordance with the CPU, the City shall determine the potential for impacts to paleontological resources within a high or moderate 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 paleontological resources in accordance with the City's Paleontology 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. I. Prior to Project Approval A. The environmental analyst shall complete a project-level analysis of potential impacts on paleontological resources. The analysis shall include a review of the applicable United States Geological Survey Quad maps	Mitigation will be implemented on a project by project basis though regulatory compliance in accordance with SDMC §142.0151 as a condition of project approval.	DSD

	to identify the underlying geologic formations, and shall determine if construction of a project would: • Require over 1,000 cubic yards of excavation and/or a 10-foot, or greater, depth in a high resources potential geologic deposit/formation/rock unit. • Require over 2,000 cubic yards of excavation and/or a 10-foot, or greater, depth in a moderate resource potential geologic deposit/formation/rock unit. • Require construction within a known fossil location or fossil recovery site. Resource potential within a formation is based on the Paleontological Monitoring Determination Matrix. B. If construction of a project would occur within a formation with a moderate to high resource potential, monitoring during construction would be required and any identified resources shall be recovered. • 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.		
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, or that require grading in excess of 2,000 cubic yards, extending to a depth of 10 feet or greater into moderate sensitivity formations, could result in significant impacts to paleontological resources. **(Impact 5.14-2)**	Projects would be screened for grading quantities and geologic formation sensitivity, and if certain conditions are exceeded, paleontological monitoring would be required.	Projects would be required to comply with the provisions of SDMC §142.0151.	DSD

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 OCT 29 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	☒	☐	☐	☐
Lorie Zapf	☒	☐	☐	☐
Chris Ward	☒	☐	☐	☐
Myrtle Cole	☒	☐	☐	☐
Mark Kersey	☒	☐	☐	☐
Chris Cate	☒	☐	☐	☐
Scott Sherman	☒	☐	☐	☐
David Alvarez	☒	☐	☐	☐
Georgette Gómez	☒	☐	☐	☐

Date of final passage NOV 05 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.

(Seal)

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

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 312026