#333A
6/9

(R-2020-533)
COR. COPY

RESOLUTION NUMBER R- 313080

DATE OF FINAL PASSAGE JUN 09 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT FOR PROJECT NO. 616992, AND ADOPTING THE MITIGATION, MONITORING, AND REPORTING PROGRAM FOR CITY'S MUNICIPAL WATERWAYS MAINTENANCE PLAN FOR PROJECT NO. 616992.

WHEREAS, on April 20, 2017, the City of San Diego Transportation & Storm Water Department, Owner/Permittee, submitted an application to the Development Services Department for a Coastal Development Permit No. 2392208 and Site Development Permit No. 2392210 to provide a comprehensive approach to identify and regulate the maintenance and repair of existing storm water facilities located within the City's 342.4 square mile metropolitan area, as described in the Municipal Waterways Maintenance Plan (Project); and

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

WHEREAS, the issue was heard by the City Council on June 9, 2020; and

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

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report for Project No. 616992 / SCH No. 2017071022 (Report) prepared for this Project; NOW, THEREFORE,

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

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 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, 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 /s/ *Frederick M. Ortlieb*
Frederick M. Ortlieb
Deputy City Attorney

FMO:als
05/13/2020
06/10/2020 Cor. Copy
Or.Dept: Storm Water
Doc. No.: 2360735_2

Attachments: EXHIBIT A – Findings
EXHIBIT B – Statement of Overriding Considerations
EXHIBIT C – Mitigation, Monitoring, and Reporting Program

**EXHIBIT A**

# CANDIDATE FINDINGS

# REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MUNICIPAL WATERWAYS MAINTENANCE PLAN

**PROJECT No: 616992**

**SCH No. 2017071022**

**May 2020**

THIS PAGE INTENTIONALLY LEFT BLANK

## I. INTRODUCTION

### A. Candidate Findings of Fact

The following Candidate Findings of Fact (Candidate Findings) are made for the Municipal Waterways Maintenance Plan (herein referred to as MWMP or the "Project"). The environmental effects of the Project are addressed in the Final Environmental Impact Report (EIR) dated March 2020 (State Clearinghouse No. 2017071022), and Errata to the Final EIR dated April 6, 2020, which is incorporated by reference herein.

The California Environmental Quality Act (CEQA) (Pub. Res. Code §§ 21000, *et seq.*) and the State CEQA Guidelines (Guidelines) (14 Cal. Code Regs §§ 15000, *et seq.*) promulgated thereunder, require that the environmental impacts of a proposed project be examined before a project is approved. In addition, once significant impacts have been identified, CEQA and the State CEQA Guidelines require that certain findings be made before project approval. It is the exclusive discretion of the decision-maker certifying the EIR to determine the adequacy of the proposed Candidate Findings. Specifically, regarding findings, Guidelines Section 15091 provides:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental impacts of the project unless the public agency makes one or more written findings for each of those significant impacts, 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 effects 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 or and should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or 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 impacts. 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 impacts 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 impacts. Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region- wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental impacts, the adverse environmental impacts may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant impacts which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of

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

Having received, reviewed and considered the Final EIR for the MWMP, State Clearinghouse No. 2017071022, 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.

The following Candidate Findings have been submitted by the City of San Diego Planning Department, Environment and Mobility Planning Division, as Candidate Findings to be made by the decision-making body. They are attached to allow readers of this report an opportunity to review the applicant's position on this matter and to review potential reasons for approving the Project despite the significant and unavoidable effects identified in the Final EIR. It is the exclusive discretion of the decision-maker certifying the EIR to determine the adequacy of the proposed Candidate Findings. It is the role of staff to independently evaluate the proposed Candidate Findings, and to make a recommendation to the decision-maker regarding their legal adequacy.

## B. Record of Proceedings

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

- The Notice of Preparation (NOP) of a Draft EIR, dated November 26, 2019 and all other public notices issued by the City in conjunction with the project;
- All responses to the NOP received by the City;
- The Final EIR;
- The Draft EIR;
- The Errata to the Final EIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to the written comments included in the Final EIR;
- All written and oral public testimony presented during a noticed public hearing for the Project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in any responses to comments in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of the Draft EIR and the Final EIR;
- Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;
- Any documents expressly cited in these Candidate Findings and Statement of Overriding Considerations; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

## C. Custodian and Location of Records

The documents and other materials which constitute the Record of Proceedings for the City's actions on the Project are located in the Office of the City Clerk, 202 C Street, San Diego, CA 92101; at the City of San Diego Planning Department, Environment and Mobility Planning Division, 9485 Aero Drive, M.S. 413 San Diego, CA 92123; and at the City of San Diego Development Services Department (DSD), 1222 1st Avenue, 2nd Floor, San Diego, CA 92101. The City Clerk, Planning Department and DSD are the custodians of the Project's administrative record. Copies of these documents which constitute the Record of Proceedings, are and at all relevant times have been available upon request at the offices of the City's Planning Department. The Draft EIR was also placed on the City's website at **https://www.sandiego.gov/ceqa/draft**; and the Final EIR was placed on the City's website at **https://www.sandiego.gov/ceqa/final**. This information is provided in compliance with the Public Resources Code Section 21081.6(a)(2) and the State CEQA Guidelines Section 15091(e).

## D. Environmental Review Process

The Lead Agency approving the Project and conducting environmental review under the California Environmental Quality Act (California Public Resources Code Sections 21000, et seq., and the Guidelines promulgated thereunder in California Code of Regulations, Title 14, Sections 15000 et seq. (State CEQA Guidelines), hereinafter collectively, CEQA) shall be the City of San Diego (the City). The City as Lead Agency shall be primarily responsible for carrying out the Project. In compliance with Section 15082 of the State CEQA Guidelines, the City published a Notice of Preparation on July 12, 2017, which began a 30-day period for comments on the appropriate scope of the EIR. Consistent with Public Resources Code Section 21083.9, the City held public agency scoping meetings on July 25, 2017, and August 1, 2017. The purpose of these meetings was to seek input and concerns from the public regarding the environmental issues that may potentially result from the Project.

The City published a Draft EIR on November 26, 2019 in compliance with CEQA. Pursuant to State CEQA Guidelines Section 15085, upon publication of the draft EIR, the City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that the Draft EIR had been completed and was available for review and comment by the public. The City also posted a Notice of Availability of the Draft EIR at this time pursuant to State CEQA Guidelines Section 15087.

The Final EIR for the Project was published in March 2020. The Final EIR has been prepared by the City of San Diego Planning Department in accordance with CEQA and the State CEQA Guidelines. Pursuant to State CEQA Guidelines Section 15084(d)(3), the applicant retained a consultant, Dudek, to assist with the preparation of the environmental documents. The City, acting as the Lead Agency, has reviewed and edited as necessary the submitted drafts and certified that the Final EIR reflects its own independent judgment and analysis under State CEQA Guideline Section 15090(a)(3) and CEQA Section 21082.1(a)-(c). In accordance with Section 21081.6 of CEQA, a mitigation, monitoring, and reporting program will be adopted upon certification of the Final EIR to ensure that the mitigation measures are enforceable and implemented.

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

The EIR is the primary reference document for the formulation and implementation of a mitigation, monitoring, and reporting program for the Project. Environmental impacts cannot always be mitigated to a level that is considered less than significant. In accordance with CEQA, if a Lead Agency approves a Project that has significant unavoidable impacts that cannot be mitigated to a level below significance, the agency must state in writing the specific reasons and overriding considerations for approving the Project based on the Final CEQA documents and any other information in the public record for the Project (State CEQA Guidelines Section 15093). This is called a "statement of overriding considerations" (State CEQA Guidelines Section 15093). As disclosed in the EIR and this Candidate Findings, the Project would result in unavoidable environmental effects; therefore, a Statement of Overriding Considerations is required.

## II. PROJECT SUMMARY

### A. Project Location

The proposed MWMP covers maintenance and repair of the municipal separate storm sewer system (MS4) for the City of San Diego (City), which is distributed throughout the 342-square-mile metropolitan area. In general, the MS4 conveys storm water runoff from natural and developed areas to receiving waters. The City's MS4 is an interconnected system of constructed drains, pipes, and channels that discharge to natural drainages and receiving waters. As a result, the physical characteristics vary with the individual components of the MS4.

Under City Charter Section 26.1 and Council Policy 800-04 (City of San Diego 2012), the City is responsible for maintaining adequate drainage facilities to remove storm water runoff in an efficient, economic, and environmentally and aesthetically acceptable manner for the protection of property and life. The City generally accepts responsibility for maintenance of public drainage facilities that are designed and constructed to City standards and located within a public street or drainage easement dedicated to the City. The City's storm water conveyance system serves to convey storm water flows to protect the life and property of its citizens from potential flooding within the six watershed management areas (WMAs) and seven hydrologic units (HUs) within the City. For purposes of the MWMP and the EIR, a combination of these WMAs and HUs are used throughout this document to organize lists and figures of facilities and compensatory mitigation sites into eight watersheds (outlined in Table 4-1, Chapter 4 Project Description, of the EIR). Facilities covered within the MWMP would be distributed throughout the watersheds, with the highest concentration of facilities being in the San Diego River and Pueblo San Diego watersheds. Flood risk in these watersheds is higher due to lower or non-existent flood protection standards required at the time of development, as well as increase in runoff from the addition of impervious area from new development.

### B. Project Background

Although City Council Policy 700-44 (City of San Diego 1984) establishes the responsibility to protect private properties from flood damage to be with the property owners themselves, the City's Transportation & Storm Water Department (TSW) is responsible for evaluating and conducting maintenance and repair of the public municipal storm water conveyance system throughout much of the City. To maintain the system's effectiveness, the proposed MWMP identifies specific activities, methods, and procedures that would guide ongoing maintenance and repair of facilities. The MWMP provides a comprehensive approach to identify and regulate maintenance and repair activities, primarily within open storm water facilities (i.e., those facilities located above ground and not within closed systems, such as pipes).

1) Previous Master Storm Water System Maintenance Program

In 2013, the City developed the Master Storm Water System Maintenance Program (MMP) to govern channel operation and maintenance activities in an efficient, economic, environmentally and aesthetically acceptable manner to provide flood risk reduction for the protection of life and property. The MMP identified a specific planning, impact assessment, and mitigation process for channel maintenance activities within portions of the City's jurisdiction. The channel facilities included in the certified Final Recirculated Programmatic Environmental Impact Report (PEIR) for the MMP included 112 facility segments, covering a linear distance of 32 miles.

For each channel maintenance project conducted under the MMP, an Individual Maintenance Plan (IMP) and related Individual Technical Assessments would be prepared (City of San Diego 2013a). The IMP identified the scope of work, maintenance methodology and procedures, equipment, and duration for maintenance activities planned in the channels. The Individual Technical Assessments consisted of an Individual Biological Assessment, Individual Historical Assessment, Individual Hydrologic and Hydraulic Assessment, Individual Water Quality Assessment, and Individual Noise Assessment. The IMPs also included a comprehensive list of BMPs, maintenance protocols, and mitigation measures derived from the applicable permits and regulations that were implemented to avoid, minimize, and/or mitigate potential environmental effects to sensitive resources.

As part of the IMP process, the Individual Hydrologic and Hydraulic Assessment and Individual Biological Assessment provided key data that allowed for evaluation of the need, potential impacts, and alternatives to channel maintenance activities, and to inform the specific maintenance methodology, equipment, duration, and procedures for each channel area prior to maintenance. The IMP and Individual Technical Assessments were compiled into a Substantial Conformance Review (SCR) package for review and approval by the City's Development Services Department under the provisions identified in the MMP document, as well as the approved Site Development Permit and certified PEIR.

In addition to the City's SCR process, the City was also required to obtain permit authorization from the California Department of Fish and Wildlife (CDFW), San Diego Regional Water Quality Control Board (RWQCB), U.S. Army Corps of Engineers (USACE), and California Coastal Commission (CCC) for approval under the terms and conditions of their respective regulatory authorities.

A lawsuit was filed regarding the MMP (San Diegans for Open Government et al. v. City of San Diego, San Diego Superior Court Case No. 37-2011-00101571), and the City entered into a settlement agreement in 2013, which required, among other things, that the PEIR be considered null and void as of September 2018 (SDOG v. City of San Diego 2013).

## C. Project Description and Purpose

The City is responsible for evaluating and conducting maintenance and repair of the storm water conveyance system throughout much of the City. To maintain the system's effectiveness, the proposed MWMP (Appendix A of the EIR) identifies specific activities, methods, and procedures that would guide ongoing maintenance and repair of facilities. The MWMP provides a comprehensive approach to identify and regulate maintenance and repair activities, primarily within open storm water facilities (i.e., those facilities located above ground and not within closed systems, such as pipes).

Maintenance and repairs are an important component of operating the storm water conveyance system and providing reliable flood risk reduction throughout the City. Many storm water facilities were originally designed to require ongoing maintenance and repair. For example, concrete-lined trapezoidal channels are often designed to convey the 100-year storm event. However, if sediment accumulates in the channels, and vegetation establishes within the sediment, the conveyance

capacity is often reduced, and adjacent developed properties are at greater risk of flooding. In other cases, storm water facilities damaged during large storm events require repair (e.g., replacement of broken concrete lining or dislodged riprap) to continue to provide safe storm water conveyance according to the original facility design. Finally, there are areas of the City where development or conditions have changed within the watershed, resulting in greater or faster storm water flows than predicted during the facility design, or the original design does not meet current standards. In these cases, a Capital Improvement Program (CIP) project is often needed to address the potential flood risk that exists or erosion potential due to a design that no longer meets the needs of the surrounding area; however, maintenance (removal of accumulated vegetation and sediment) may help alleviate the flood risk on an interim basis until a CIP project is designed and constructed.

Council Policy 800-04 states that the City generally only accepts responsibility for maintenance or repair of public drainage facilities that are designed and constructed to City standards and are located within a public street or drainage easement dedicated to the City (City of San Diego 2012). The MWMP is intended to only include storm water facilities, specifically open channels, detention basins, and drain structures that TSW has the responsibility to maintain. However, this responsibility is subject to verification at the time of maintenance and has not been verified for all facilities in the MWMP. In addition, Council Policy 700-44 encourages and establishes the responsibility for private property owners to implement flood control measures, such as the use of sandbags, to prevent and protect their property from flood damage (City of San Diego 1984).

## D. Statement of Objectives

The primary objectives of the MWMP are outlined below:

1. Public safety and flood risk reduction
    - Protect life and property adjacent to, downstream, and upstream of affected channels from flooding and environmental degradation.
2. Responsiveness to reduce flood risk
    - Provide for timely and consistent routine operations and maintenance in the affected channels and associated storm water conveyance infrastructure.
3. Avoid, minimize, and/or mitigate potential effects to environmental resources
    - Avoid, minimize, and/or mitigate significant adverse environmental effects resulting from routine maintenance of storm water facilities.
    - Incorporate and adapt to water quality management strategies intended to protect water quality and address flooding impacts.
4. Proactive and timely approval process
    - Provide project-level analysis upfront to expedite subsequent authorizations for routine and preventive maintenance activities within storm water facilities.
    - Identify a review-and-approval process to include additional storm water facilities and maintenance activities that follow the protocols and requirements of the MWMP.
    - Reduce the need to conduct emergency maintenance during significant storm events by implementing preventive maintenance activities.

The objectives of the MWMP require the ability for TSW to be responsive to newly identified flood risks while also streamlining approvals for routine, preventive maintenance that reduces flood risks. To accomplish this, the MWMP identifies the following:

1. A range of plan-wide activities that may occur throughout the storm water system where flood risks may arise and that would be conducted in accordance with a regulatory framework identified under the MWMP and associated permits.
2. A list of Facility Maintenance Plan (FMPs) that provide specific details and requirements for the majority of facilities that are likely to require routine maintenance and repair.

Together, these two components provide operational flexibility while also providing specific, detailed analysis for the majority of anticipated maintenance and repair activities to streamline the review and approval process.

## III. ISSUES ADDRESSED IN EIR

The Final EIR contains an environmental analysis of the potential impacts associated with implementing the Project and concluded that significant direct and/or indirect impacts could potentially occur with respect to the following issues:

- Aesthetics/Visual Effects and Neighborhood Character
- Air Quality and Odor
- Biological Resources
- Greenhouse Gas Emissions
- Health and Safety/Hazards
- Historic, Archaeological, and Tribal Cultural Resources
- Hydrology
- Land Use
- Noise
- Paleontological Resources
- Solid Waste
- Water Quality

Environmental Protocols (EPs) have been identified as part of the proposed MWMP to specifically avoid, minimize, and/or reduce potential environmental impacts. EPs may include compliance with the SDMC or may have been developed as part of the environmental analysis and generally are applicable to all maintenance and repair activities, unless specific applicability is discussed in the protocol. The full text of the EPs is provided as Appendix C to the MWMP and will be attached to the Resolution approving the SDP/CDP. These EPs may also be incorporated into future regulatory permits.

Significant direct and/or indirect impacts would be less than significant with the application of EPs or be mitigated to below a level of significance for all issues except for the following, which would remain significant and unavoidable, even with EPs and mitigation:

- Biological Resources – Long-term indirect impacts to sensitive vegetation communities and biological resources (Project- and Program-Level)
- Biological Resources – Long-term indirect impacts related to adverse edge effects (Project- and Program-Level)
- Solid Waste – Conflict with regulations related to solid waste (Project- and Program-Level)

- Water Quality – Long-term impacts to water quality (Project- and Program-Level)

## IV. SUMMARY OF IMPACTS

### A. Impacts Determined Not to Be Significant in the NOP Scoping Process and Not Discussed in Detail in the EIR

Section 15128 of the State CEQA Guidelines requires an EIR to contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were, therefore, not discussed in detail in the EIR. Based on the NOP process, implementation of the MWMP was determined to result in either no impact, or a less than significant impact without the implementation of mitigation measures on the following resources, and were therefore, not discussed in detail in the EIR:

1) **Aesthetics/Visual Effects and Neighborhood Character**

   - Light Glare and Shading

2) **Agricultural Resources**

   - Conversions or Conflicts with Agricultural or Forest Land

3) **Air Quality and Odor**

   - Substantial Alteration of Air Movement

4) **Energy**

   - Use Excessive Amounts of Fuel, Energy, or Power

5) **Growth Inducement**

   - Directly or Indirectly Induce Substantial Growth

6) **Health and Safety/Hazards**

   - Hazards Due to Proximity to Airport
   - Impair or Interfere with an Emergency Response or Evacuation Plan

7) **Hydrology**

   - Flood, Tsunami, or Seiche Inundation Resulting in Risk for Release of Pollutants

8) **Land Use**

   - Physically Divide an Established Community
   - Compatibility with Airport Land Use Compatibility Plan

9) **Mineral Resources**

- Loss in Availability of Significant Mineral Resources

**10) Noise**

- Transportation Noise or Incompatibility with Aircraft Noise

**11) Public Services and Facilities**

- Fire, Police, Schools, Other Public Facilities
- Parks and Recreation

**12) Public Utilities**

- Exceed Wastewater Treatment Requirements; or Require Construction or Expansion of Water or Wastewater Treatment Facilities, Storm Water Drainage Facilities, or Electrical Power, Natural Gas, or Telecommunications Facilities
- Sufficient Water Supplies Available to Serve the Project and Reasonably Foreseeable Future Development During Normal, Dry and Multiple Dry Years

**13) Transportation, Circulation, and Parking**

- Excessive Traffic Generation, Traffic Hazards, and Parking

## B. Findings Regarding Impacts that would be Less Than Significant

Based on the analysis provided in the EIR, the following impacts were determined to be less than significant, and no EPs or mitigation would be required.

**1) Aesthetics/Visual Effects and Neighborhood Character**

- Obstruction of a Vista or Scenic View (Project-Level Only)
- Substantial Alteration of Existing or Planned Character of an Area; or Incompatibility with Surrounding Development (Project- and Program-Level)
- Loss of Distinctive or Landmark Tree(s) as Identified in a Community Plan (Project- and Program-Level)
- Substantial Change to the Existing Landform or Natural Topography (Project- and Program-Level

**2) Air Quality and Odor**

- Conflict or Obstruct Implementation of an Air Quality Plan (Project- and Program-Level)
- Result in Other Emissions, Such as those Leading to Odors (Project- and Program-Level)

**3) Biological Resources**

- Potential Impacts to Candidate, Sensitive, or Special Status Species (Project- and Program-Level)
    - Vegetation Communities
        1. Sweetwater Watershed
    - Sensitive Plant Species
        1. San Dieguito Watershed
        2. Los Peñasquitos Watershed
        3. Mission Bay Watershed
        4. San Diego River Watershed (CRPR 4 Species Only)
        5. Pueblo San Diego Watershed (CRPR 4 Species Only)
        6. Sweetwater Watershed
        7. Otay Watershed
- Conflicts with Local Polices or Ordinances Protecting Biological Resources (Project- and Program-Level)

**4) Health and Safety/Hazards**

- Wildfire (Project- and Program-Level)

**5) Hydrology**

- Substantial Increase in Impervious Surfaces and Runoff (Project- and Program-Level)
- Substantial Alterations to Drainage Patterns due to Changes in Runoff Flow Rates or Volumes (Potential Flooding) (Project- and Program-Level)

**6) Land Use**

- Conflicts with Goals, Objectives, and Recommendations of the Community Plan (Project- and Program-Level)

**7) Noise**

- Generation of Excessive Groundborne Vibration (Project- and Program-Level)

8) Solid Waste

- Generation of Solid Waste in Excess of Capacity of Local Infrastructure (Project- and Program-Level)

## C. Findings Regarding Impacts that would be Less Than Significant with Application of Environmental Protocols

The City, having independently reviewed and considered the information contained in the Final EIR and Record of Proceedings, finds that EPs have been required, or incorporated into, the Project which would avoid, or substantially lessen the potential for significant direct environmental effects related to: geologic conditions; greenhouse gas emissions; health and safety/hazards; hydrology; and paleontological resources. The basis for this conclusion follows.

### 1) Geologic Conditions

#### a) Geologic Conditions – Located on a Geologic Unit or Soil that is Unstable (Project- and Program-Level)

**Less than Significant Impact:** Grading for temporary access roads, stockpiling, or required earthwork for bank reconstruction could potentially cause or contribute to geologic hazards, such as slope instability or adverse settlement. These impacts would be avoided if activities are designed and constructed in accordance with standard geologic and geotechnical practices.

**Facts in Support of Determination:** EP-GEO-1 would require preparation of a geotechnical report in accordance with the Guidelines for Geotechnical Reports in the City's Land Development Manual for projects that involve bank repair activities.

**Rationale and Conclusion:** The proposed MWMP would follow all applicable seismic standards and geotechnical engineering practices when bypass structures, access roads, or stockpiling of materials is necessary. As further detailed in Chapter 4, Project Description, when needed, an evaluation would be conducted to determine bank stability, and necessary stabilization would be implemented in locations where bank or channel erosion was documented during the site assessments and the engineering team deemed the condition to need additional evaluations. Thus, following implementation of EP-GEO-1, impacts would remain less than significant. See EIR Section 7.5, Geologic Conditions.

### 2) Greenhouse Gas Emissions

#### a) Greenhouse Gas Emissions – Generate Significant GHG Emissions or Conflict with the City's Climate Action Plan (CAP) Strategies (Project- and Program-Level)

**Less than Significant Impact:** The estimated total greenhouse gas (GHG) emissions during maintenance would be approximately 5,164 metric tons (MT) carbon dioxide equivalent ($CO_2e$). Because there is no quantitative GHG threshold, impacts have been determined to be less than significant. In addition, the MWMP would be consistent with each of the CAP strategies.

**Facts in Support of Determination:** The MWMP is consistent with each of the CAP strategies, and implementation of EP-SW-1 through EP-SW-8 would ensure the MWMP would have a less than significant impact.

**Rationale and Conclusion:** Implementation of EP-SW-1 through EP-SW-8, as identified in Section 5.11, Solid Waste, ensure that waste transferred to a landfill as a result of MWMP project- and program-level activities is diverted to the maximum amount feasible consistent with the CAP. No mitigation measures are required. See EIR Section 5.4, Greenhouse Gas Emissions; Section 5.11, Solid Waste; and EIR Appendix C – Air Quality and Greenhouse Gas Emissions Analysis Technical Report for the MWMP.

3) **Health and Safety/Hazards**

a) **Health and Safety/Hazards – Located on a Site Included on a List Compiled Pursuant to Government Code Section 6596.25 and Pose a Hazard to the Public or Environment (Project- and Program-Level)**

**Less than Significant Impact:** There is potential for MWMP maintenance activities to come in contact with known contaminated sites and unknown contaminated sites listed pursuant to Government Code Section 6596.25. However, impacts would be less than significant with implementation of EP-HAZ-1, EP-HAZ-2, and EP-HAZ-3, and no mitigation is required.

**Facts in Support of Determination:** No mitigation is proposed; however, implementation of EP-HAZ-1 through EP-HAZ-3 would ensure the project would not pose a significant hazard to the public or environment.

**Rationale and Conclusion:** Due to the severity of potential contamination, proximity to MWMP facilities, and up-gradient locations of the sites in relation to MWMP facilities, it is recommended that monitoring be conducted for activities (EP-HAZ-1) located within 200 feet of open/active sites or 100 feet of closed/inactive sites with known soil contamination. In the event that hazardous materials or soils are identified, crews would stop work in the area and follow the Hazardous Materials Contingency Plan (HMCP) (EP-HAZ-2). The HMCP would give guidance on maintaining worker safety, the proper identification and storage of impacted materials, and appropriate treatment of impacted media. Therefore, impacts would be less than significant, and no mitigation is required. If unexpected hazardous materials are encountered, EP-HAZ-3 would be implemented, and impacts would be less than significant. See EIR Section 5.5, Health and Safety/Hazards.

b) **Health and Safety/Hazards – Result in Hazardous Emissions or Handle Hazardous Materials within One Quarter-Mile of an Existing or Proposed School (Project- and Program-Level)**

**Less than Significant Impact:** Implementation of EP-HAZ-2 would prevent potential impacts within one-quarter mile of a school, and impacts would be less than significant.

**Facts in Support of Determination:** No mitigation is proposed; however, implementation of EP-HAZ-2 would ensure that impacts related to exposure of hazardous materials would be less than significant.

**Rationale and Conclusion:** Maintenance activities have the potential to encounter known or unknown hazardous materials or contaminated soils that would need to be removed from the facility and transported to an acceptable facility; thus, proposed MWMP activities could result in the handling of acutely hazardous material or a mixture containing acutely hazardous materials in a quantity equal to or greater than the state threshold within one-quarter mile of a school. However, implementation of EP-HAZ-2 would prevent potential impacts within one-quarter mile of a school, and impacts would be less than significant. See EIR Section 5.5, Health and Safety/Hazards.

c) **Health and Safety/Hazards – Expose People to Toxic Substances through Reasonably Foreseeable Conditions (Project- and Program-Level)**

**Less than Significant Impact:** With implementation of EP-HAZ-1 through EP-HAZ-3, impacts related to exposure of toxic substances would be less than significant.

**Facts in Support of Determination:** No mitigation is proposed; however, implementation of EP-HAZ-1 through EP-HAZ-3 would ensure that impacts related to exposure of toxic substances would be less than significant.

**Rationale and Conclusion:** MWMP maintenance activities have the potential to encounter soils that have been contaminated by previous agricultural use or could expose people or the environment to hazardous conditions. However, an HMCP has been prepared that identifies areas of known hazardous materials concerns; prescribes sampling, if necessary; includes procedures for managing hazardous materials; and discusses health and safety measures (e.g., air monitoring) that should be implemented during MWMP maintenance activities in potentially impacted areas. Thus, with implementation of EP-HAZ-1 through EP-HAZ-3, impacts would be less than significant. See EIR Section 5.5, Health and Safety/Hazards.

4) **Hydrology**

a) **Hydrology – Substantial Alterations to Drainage Patterns due to Changes in Runoff Flow Rates or Volumes (Project- and Program-Level)**

**Less than Significant Impact (Erosion):** With implementation of EP-HYD-1, potential erosion impacts associated with project- and program-level maintenance activities would be less than significant.

**Facts in Support of Determination:** No mitigation is proposed; however, implementation of EP-HYD-1, which requires post-maintenance erosion control measures, would ensure that potential impacts associated with project- and program-level maintenance activities would be less than significant.

**Rationale and Conclusion:** There would be no impact to concrete-lined facilities (Category 1 segments) as a result of changes in flow velocities and drainage patterns in a manner that would result in substantial increased erosion. However, alteration of existing drainage patterns within concrete-lined facilities may result in increased erosion if upstream or downstream facilities are earthen-bottom. In addition, increased flow velocities in earthen-bottom facilities (Category 2 and 3 segments) could result in erosion on site or within the domain of analysis. With implementation of EP-HYD-1, potential impacts associated with project- and program-level maintenance activities would be less than significant. See EIR Section 5.7, Hydrology; and EIR Appendix I – Hydrology and Hydraulics Technical Report for the MWMP.

5) **Paleontological Resources**

a) **Paleontological Resources – Exceedance of the City's Established Excavation Quantities Thresholds (Project- and Program-Level)**

**Less than Significant Impact:** Implementation of EP-PAL-1, pursuant to Land Development Code Section 142.0151- Paleontological Resources Requirements for Grading Activities and Land Development Manual Appendix P - General Grading Guidelines for Paleontological Resources would ensure that impacts would be less than significant and no mitigation would be required.

**Facts in Support of Determination:** No mitigation is required; however, in the event that excavation quantities exceed the City's established thresholds in these sensitive locations, implementation of EP-PAL-1, pursuant to Land Development Code Section 142.0151 and Land Development Manual Appendix P, would ensure that impacts would be less than significant.

**Rationale and Conclusion:** Table 5.10-3, in Section 5.10 of the EIR, identifies all earthen-bottom potential MWMP project facilities and their respective low to high paleontological sensitivity rating. Prior to the start of an MWMP activity in an earthen-bottom facility, activities would be reviewed along with Table 5.10-3 to determine if additional avoidance or minimization measures should be implemented. Project facilities shaded yellow have little to no sensitivity for paleontological resources and no further action would be required. Project facilities shaded green have a heightened sensitivity for paleontological resources, and in the event that excavation quantities exceed the City's established thresholds in these sensitive locations, implementation of EP-PAL-1, pursuant to Land Development Code Section 142.0151, and Land Development Manual Appendix P would ensure that impacts would be less than significant and no mitigation would be required. See EIR Section 5.10, Paleontological Resources; and EIR Appendix H – Paleontological Resources Inventory Report for the MWMP.

## D. Findings Regarding Impacts that would be Less Than Significant with Application of Environmental Protocols and/or Mitigation

The City, having independently reviewed and considered the information contained in the Final EIR and Record of Proceedings and pursuant to CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), adopts the following findings regarding the significant effects of the project, as follows:

Changes or alterations have been required in, or incorporated into, the Project which would mitigate, or avoid, or substantially lessen to below a level of significance potential significant direct environmental effects on the environment as identified in the Final EIR related to: aesthetics/visual effects and neighborhood character; air quality and odor; biological resources; greenhouse gas emissions; health and safety/hazards; historical, archaeological, and tribal cultural resources; land use; noise; solid waste; and water quality. The basis for this conclusion follows.

### 1) Aesthetics/Visual Effects and Neighborhood Character

#### a) Obstruction of a Vista or Scenic View (Program-Level Only)

**Significant Effect (AES-1):** Program-level activities (primarily consisting of construction of new compensatory mitigation sites) conducted under the MWMP that would entail the introduction of new vegetation and would be potentially significant (AES-1) and mitigation is required.

**Facts in Support of Finding:** With implementation of MM-AES-1, potential impacts to a community plan identified vista, scenic view, or public vantage points associated with the construction of compensatory mitigation sites would be reduced to a less than significant level through the additional public view assessments that would consider proximity to community plan identified vista, scenic view, or public vantage point; and potential for program-level activities to result in substantial, long-term view obstruction.

**Rationale and Conclusion:** Incorporation of mitigation measure MM-AES-1 (visual analysis for program activities) would reduce program-level impacts associated with the proposed Project to below a level of significance. Where program activities, including construction of compensatory mitigation sites, would entail the introduction of new vegetation and (potential) substantial view blockage or interruption of a community plan identified vista, scenic view, or public vantage point,

additional analysis shall be conducted. The analysis shall consider the nature of program-level activities; proximity to community plan identified vista, scenic view, or public vantage point; and potential for program-level activities to result in substantial, long-term view obstruction. If the analysis determines that substantial view obstruction may occur, then additional mitigation, including the selection of plants and trees with a shorter form, shall be considered in planting palettes to maintain existing view corridors at community plan identified views, scenic vistas, or public vantage points. See EIR Section 5.1, Aesthetics/Visual Effects and Neighborhood Character.

2) **Air Quality and Odor**

a) **Air Quality and Odor – Expose Sensitive Receptors to Substantial Pollutant Concentrations (Project- and Program-Level)**

**Significant Effect (AQ-1):** $NO_x$ emissions associated with MWMP implementation would exceed the SDAPCD mass daily construction screening-level threshold and could minimally contribute to regional $O_3$ concentrations and the associated health impacts. Accordingly, impacts would be potentially significant (AQ-1) and mitigation is required.

**Facts in Support of Finding:** Implementation of MM-AQ-1, requiring Tier 4 Interim construction equipment, would reduce $NO_x$ emissions as a result of MWMP maintenance activities. As outlined in MM-AQ-1, if Tier 4 Interim equipment is not reasonably available, then all diesel-powered equipment used, equal to or greater than 75 horsepower, shall have at least California Air Resources Board-certified Tier 3 engines with the most effective Verified Diesel Emission Control Strategies available for the engine type, such as Level 3 Diesel Particulate Filters (Tier 4 engines automatically meet this requirement), which provides an equivalent reduction.

**Rationale and Conclusion:** Following implementation of MM-AQ-1, $NO_x$ emissions would be reduced to a level below the SDAPCD threshold, which serves as both a screening-level threshold for direct impacts and a threshold indicating a cumulatively considerable contribution to air quality impacts. Additionally, the MWMP would not regularly include 10 concurrent projects, and would normally represent $NO_x$ emissions far below the SDAPCD screening threshold. The MWMP would also include projects in various locations around the City and would not represent a localized source of significant emissions. As such, impacts regarding $NO_x$ emissions during maintenance activities would be below the thresholds of significance with implementation of MM-AQ-1. See EIR Section 5.2, Air Quality and Odor; and EIR Appendix C – Air Quality and Greenhouse Gas Emissions Analysis Technical Report for the MWMP.

b) **Air Quality and Odor – Cumulatively Considerable Net Increase of Criteria Pollutant (Project- and Program-Level)**

**Significant Effect (AQ-2):** The combined emissions of the 10 concurrent maintenance activities, which represent the maximum daily construction scenario, exceed the project-level SDAPCD significance threshold for $NO_x$ prior to implementation of mitigation. Should other projects occur in the vicinity of the MWMP, significant effects related to $NO_x$ emissions could be further intensified due to roadway emissions from motor vehicles proximate to many MWMP segments resulting in a potentially significant impact (AQ-2) without mitigation.

**Facts in Support of Finding:** Similar to findings for health impacts of criteria air pollutants, implementation of MM-AQ-1, requiring Tier 4 Interim construction equipment, would reduce $NO_x$ emissions as a result of MWMP maintenance activities.

**Rationale and Conclusion:** Following implementation of MM-AQ-1, $NO_x$ emissions would be reduced to a level below the SDAPCD threshold, which serves as both a screening-level threshold for

direct impacts and a threshold indicating a cumulatively considerable contribution to air quality impacts. Additionally, the MWMP would not regularly include 10 concurrent projects, and would normally represent $NO_x$ emissions far below the SDAPCD screening threshold. The MWMP would also include projects in various locations around the City, and would not represent a localized source of significant emissions. As such, impacts regarding $NO_x$ emissions during maintenance activities would be below the thresholds of significance with implementation of MM-AQ-1. See EIR Section 5.2, Air Quality and Odor; and EIR Appendix C – Air Quality and Greenhouse Gas Emissions Analysis Technical Report for the MWMP.

3) **Biological Resources**

a) **Biological Resources – Direct Impacts to Candidate, Sensitive, or Special Status Species within Previously Permitted Project Areas (Project- and Program-Level)**

**Less than Significant Impact:** Direct impacts within previously permitted project areas would be less than significant with implementation of EP-BIO-1.

**Facts in Support of Determination:** Implementation of EP-BIO-1 requires proof of mitigation for previously maintained facilities prior to repeat maintenance.

**Rationale and Conclusion:** Mitigation ratios for previously permitted facilities have been established by previous approvals that generally conform with or exceed the San Diego Biology Guidelines (SDBG) Table 2A and 3 ratios. In most cases, mitigation has been provided at a mitigation site developed and maintained by the City for wetlands and payment to the City's Habitat Acquisition Fund (HAF) or Cornerstone Lands for uplands. In some cases, compensatory wetlands mitigation credits have been purchased from third-party mitigation banks. The Biological Resources Technical Report (Appendix D) includes an Appendix F that provides details regarding how impacts to sensitive vegetation communities and jurisdictional aquatic resources within previously permitted maintenance areas have been adequately mitigated. In all cases, the adequacy of one-time mitigation for the permanent loss associated with routine, ongoing maintenance has been previously established according to City, state, and federal regulations and long-term protection measures at each of those mitigation sites to ensure that biological resources restored and protected at those sites remain functional and sustainable. See EIR Section 5.3, Biological Resources; and EIR Appendix D – Biological Resources Technical Report for the MWMP.

b) **Biological Resources – Direct Impacts to Candidate, Sensitive, or Special Status Species within Newly Proposed Project Areas (Project- and Program-Level)**

**Significant Effect (BIO-1a and BIO-1b):** Direct impacts to sensitive vegetation communities (i.e., Tier I–III and Wetlands) and jurisdictional aquatic resources, including resources that may support sensitive species, within the areas not previously permitted (i.e., newly proposed) would be potentially significant as a result of the proposed Project.

**Facts in Support of Finding:** Implementation of MM-BIO-1a would reduce significant impacts to sensitive wetlands, including jurisdictional aquatic resources. Under MM-BIO-1a, impacts shall be mitigated through (A) implementation of habitat creation, restoration, enhancement, and/or preservation through an approved Habitat Mitigation and Monitoring Plan (HMMP) or (B) acquisition of approved mitigation credits, including City of San Diego (City) Advanced Permittee Responsible Mitigation (APRM) sites. Both A and B are equally suitable and equivalent mitigation. Wetland mitigation required as part of any federal (404) or state (1601/1603) wetland permit shall supersede and shall not be in addition to any mitigation identified in the CEQA document for those wetland areas covered under any federal or state wetland permit. Wetland habitat outside the jurisdiction of the federal and state permits shall be mitigated in accordance with the CEQA document for those

wetland areas covered under any federal or state wetland permit. Wetland habitat outside the jurisdiction of the federal and state permits shall be mitigated in accordance with the CEQA document.

Implementation of MM-BIO-1b would reduce cumulative impacts to sensitive uplands. Cumulative impacts to sensitive uplands under the MWMP are generally limited in size (i.e., less than the 5- to 10- acre threshold established in the City's Biology Guidelines) and, therefore, shall be mitigated in accordance with the applicable SDBG mitigation ratios through payment into the City's HAF (Fund #10571), as established by City Council Resolution R-275129, adopted on February 12, 1990, or dedication of credits from the City's Cornerstone Lands Marron Valley Mitigation Bank.

**Rationale and Conclusion:** Implementation of Mitigation Measures MM-BIO-1a, and MM-BIO-1b, would reduce all direct impacts to sensitive vegetation communities to less than significant through the replacement of habitat loss due to maintenance and repair activities, restoration for sensitive plant impacts, and avoidance of loss or disturbance of active nests or habitat occupied by listed species. Proposed mitigation measure MM-BIO-1a, preparation of an HMMP, shall conform with the SDBG including definitions for creation, restoration, enhancement, and acquisition identified under Environmentally Sensitive Lands (ESL), including satisfaction of no-net-loss by including at least a 1:1 ratio of creation or restoration for all areas of significant impacts to wetlands. See EIR Section 5.3, Biological Resources; and EIR Appendix D – Biological Resources Technical Report for the MWMP.

c) **Biological Resources – Direct Impacts to Candidate, Sensitive, or Special Status Species in the San Dieguito Watershed (Project-Level)**

**Significant Effect (Vegetation Communities) (BIO-1a and BIO-2):** In the San Dieguito Watershed, proposed maintenance would result in a total of 0.43 acres of newly proposed significant direct impacts to jurisdictional aquatic resources, including wetland vegetation under the jurisdiction of USACE, RWQCB, CDFW, CCC), and/or the City at two facility groups within the San Dieguito watershed. Direct impacts to sensitive vegetation communities, which may provide habitat for sensitive species, would be potentially significant, absent mitigation.

**Significant Effect (Sensitive Wildlife Species) (BIO-1a, BIO-4, and BIO-6):** Additionally, six sensitive wildlife species have moderate potential to occur within the San Dieguito watershed study area. Impacts to these species would be potentially significant, absent mitigation.

**Facts in Support of Finding:** Implementation of MM-BIO-1a would reduce significant impacts to sensitive wetlands, including jurisdictional aquatic resources. Under MM-BIO-1a, impacts shall be mitigated through (A) implementation of habitat creation, restoration, enhancement, and/or preservation through an approved Habitat Mitigation and Monitoring Plan (HMMP) or (B) acquisition of approved mitigation credits, including City of San Diego (City) Advanced Permittee Responsible Mitigation (APRM) sites. Both A and B are equally suitable and equivalent mitigation.

Under mitigation measure MM-BIO-2, should any impacts occur outside of the authorized impact limits, they would be considered permanent and mitigated by either (1) providing mitigation in accordance with the applicable SDBG mitigation ratios or (2) installing an on-site habitat revegetation and erosion control treatments within any unintentional disturbance areas in native habitat in accordance with the SDBG and the Landscape Standards in the City's Land Development Manual. Habitat revegetation shall feature native species that are typical of the area, and erosion control features shall include silt fence and straw fiber rolls, where appropriate (e.g., in areas where sheet flow during rain events may cause erosion). The revegetation areas shall be monitored and maintained for a minimum of 25 months to ensure adequate establishment and sustainability of the plantings/seedlings to reduce the risk of erosion and/or non-native, invasive plant species establishment, in accordance with the City's Land Development Manual.

MM-BIO-4 would be implemented to avoid any direct impacts to any species identified as a candidate, sensitive, or special status species in the Multiple Species Conservation Program (MSCP) or other local or regional plans, policies or regulations, or by the CDFW or U.S. Fish and Wildlife Service (USFWS). Removal of habitat that supports active nests in the proposed area of disturbance shall occur outside of the breeding season of these species (January 15 through September 15), where feasible.

If maintenance is planned to occur during the raptor breeding season (January 15 through August 31), under MM-BIO-6, a pre-maintenance survey for active raptor nests shall be conducted in areas supporting suitable habitat.

**Rationale and Conclusion:** with implementation of Mitigation Measures MM-BIO-1a, MM-BIO-2 MM-BIO-4, and MM-BIO-6, all direct impacts to sensitive species, including impacts to habitats supporting or potentially supporting sensitive species, would be reduced to less than significant through the replacement of habitat loss due to maintenance and repair activities, restoration for sensitive plant impacts, and avoidance of loss or disturbance of active nests or habitat occupied by listed species. See EIR Section 5.3, Biological Resources; and EIR Appendix D – Biological Resources Technical Report for the MWMP.

**d) Biological Resources – Direct Impacts to Candidate, Sensitive, or Special Status Species in the Los Peñasquitos Watershed (Project-Level)**

**Significant Effect (Vegetation Communities) (BIO-1a, BIO-1b, and BIO-2):** In the Los Peñasquitos Watershed, proposed maintenance would result in a total of 2.08 acres of newly proposed and 1.64 acres of previously permitted significant direct impacts to jurisdictional aquatic resources, including wetland vegetation, under the jurisdiction of USACE, RWQCB, CDFW, and/or the City. Newly proposed maintenance would also result in a total of 0.08 acres of direct impacts to sensitive upland vegetation communities at one facility group within the Los Peñasquitos watershed. Direct impacts to sensitive vegetation communities, which may provide habitat for sensitive species, would be potentially significant.

**Significant Effect (Sensitive Wildlife Species) (BIO-1a, BIO-1b, BIO-2, BIO-4, BIO-5, and BIO-6):** Additionally, in the Los Peñasquitos watershed, there are six sensitive wildlife species that were either observed during the 2017 focused surveys or during previous biological surveys or that have a high potential to occur in suitable habitat within the limits of MWMP facility segment maintenance areas and, therefore, would be directly impacted by maintenance activities or by removal of this habitat. There are 10 sensitive wildlife species that have moderate potential to occur within the Los Peñasquitos watershed study area. Impacts to these species would be potentially significant.

**Facts in Support of Finding:** Implementation of MM-BIO-1a would reduce significant impacts to sensitive wetlands, including jurisdictional aquatic resources.

Implementation of MM-BIO-1b would reduce cumulative impacts to sensitive uplands.

Under mitigation measure MM-BIO-2, should any impacts occur outside of the authorized impact limits, they would be considered permanent and mitigated by either (1) providing mitigation in accordance with the applicable SDBG mitigation ratios or (2) installing an on-site habitat revegetation and erosion control treatments within any unintentional disturbance areas in native habitat in accordance with the SDBG and the Landscape Standards in the City's Land Development Manual.

MM-BIO-4 would be implemented to avoid any direct impacts to any species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies or regulations, or by CDFW or USFWS.

Under MM-BIO-5, prior to the preconstruction meeting, the Environmental Designee (ED)/MMC shall verify that Multi-Habitat Planning Area (MHPA) boundaries and the requirements regarding the least Bell's vireo, Ridgway's rail, California least tern, and southwestern willow flycatcher, are shown on the facility maintenance plans to ensure avoidance of listed species take.

If maintenance is planned to occur during the raptor breeding season (January 15 through August 31), under MM-BIO-6, a pre-maintenance survey for active raptor nests shall be conducted in areas supporting suitable habitat.

**Rationale and Conclusion:** With implementation of Mitigation Measures MM-BIO-1a, MM-BIO-1b, MM-BIO-2, MM-BIO-4, MM-BIO-5, and MM-BIO-6, all direct impacts to sensitive species, including impacts to habitats supporting or potentially supporting sensitive species, would be reduced to less than significant through the replacement of habitat loss due to maintenance and repair activities, restoration for sensitive plant impacts, and avoidance of loss or disturbance of active nests or habitat occupied by listed species. See EIR Section 5.3, Biological Resources; and EIR Appendix D – Biological Resources Technical Report for the MWMP.

**e) Biological Resources – Direct Impacts to Candidate, Sensitive, or Special Status Species in the Mission Bay Watershed (Project-Level)**

**Significant Effect (Vegetation Communities) (BIO-1a, BIO-1b, and BIO-2):** In the Mission Bay Watershed, proposed maintenance would result in a total of 1.19 acres of newly proposed and 0.57 acres of previously permitted significant direct impacts to jurisdictional aquatic resources, including wetland vegetation, under the jurisdiction of USACE, RWQCB, CDFW, and/or the City. Newly proposed maintenance would also result in a total of 0.34 acres of direct impacts to sensitive upland vegetation communities at one facility group and one facility within the Mission Bay watershed. Direct impacts to sensitive vegetation communities, which may provide habitat for sensitive species, would be potentially significant, absent mitigation.

**Significant Effect (Sensitive Wildlife Species) (BIO-1a, BIO-1b, BIO-2, BIO-4, BIO-5, and BIO-6):** In the Mission Bay watershed, there are three sensitive wildlife species that were either observed during focused surveys or have a high potential to occur in suitable habitat within the limits of MWMP facility segment maintenance areas and, therefore, would be directly impacted by maintenance activities or by removal of this habitat. Five sensitive wildlife species have moderate potential to occur within the Mission Bay watershed study area. Impacts to these species would be potentially significant, absent mitigation.

**Facts in Support of Finding:** Similar to the mitigation measures proposed for impacts to the Los Peñasquitos watershed, implementation of MM-BIO-1a, MM-BIO-1b, and MM-BIO-2, would reduce impacts to vegetation communities, and MM-BIO-4 MM-BIO-5, and MM-BIO-6, would reduce impacts to sensitive wildlife species within the Mission Bay watershed to less than significant.

**Rationale and Conclusion:** With implementation of Mitigation Measures MM-BIO-1a, MM-BIO-1b, MM-BIO-2, MM-BIO-4, MM-BIO-5, and MM-BIO-6, all direct impacts to sensitive species, including impacts to habitats supporting or potentially supporting sensitive species, would be reduced to less than significant through the replacement of habitat loss due to maintenance and repair activities, restoration for sensitive plant impacts, and avoidance of loss or disturbance of active nests or habitat occupied by listed species. See EIR Section 5.3, Biological Resources; and EIR Appendix D – Biological Resources Technical Report for the MWMP.

**f) Biological Resources – Direct Impacts to Candidate, Sensitive, or Special Status Species in the San Diego River Watershed (Project-Level)**

**Significant Effect (Vegetation Communities) (BIO-1a, BIO-1b, and BIO-2):** In the San Diego River Watershed, proposed maintenance would result in a total of 1.50 acres of newly proposed and 1.93 acres of previously permitted significant direct impacts to jurisdictional aquatic resources, including wetland vegetation, under the jurisdiction of USACE, RWQCB, CDFW, and/or the City. Newly proposed maintenance would also result in a total of 0.05 acres of direct impacts to sensitive upland vegetation communities. Direct impacts to sensitive vegetation communities, which may provide habitat for sensitive species, would be potentially significant, absent mitigation.

**Significant Effect (Sensitive Plant Species) (BIO-1a, BIO-1b, and BIO-3):** Sensitive plant species would be directly impacted by maintenance activities. Impacts to singlewhorl burrobrush would also be potentially significant, absent habitat-based mitigation if unavoidable. Impacts to Nuttall's scrub oak would also be potentially significant, absent species-specific mitigation, if unavoidable. No other sensitive plant species have a high or moderate potential to be permanently impacted as a result of the proposed maintenance within the facility segments.

**Significant Effect (Sensitive Wildlife Species) (BIO-1a, BIO-1b, BIO-2, BIO-4, BIO-5, and BIO-6):** In the San Diego River watershed, there are seven sensitive wildlife species that were either observed during focused surveys or have a high potential to occur in suitable habitat within the limits of MWMP facility segment maintenance areas and, therefore, would be directly impacted by maintenance activities or by removal of this habitat. Six sensitive wildlife species have moderate potential to occur within the San Diego River watershed study area (see Appendix E of Appendix D). Impacts to these species would be potentially significant, absent mitigation.

**Facts in Support of Finding:** Similar to the mitigation measures proposed for impacts to the Los Peñasquitos watershed and Mission Bay watershed, implementation of MM-BIO-1a, MM-BIO-1b, MM-BIO-2, MM-BIO-4 MM-BIO-5, and MM-BIO-6, would reduce impacts to the San Diego River watershed to less than significant.

Additionally, MM-BIO-3 would be implemented to reduce impacts to species-specific sensitive plants. Under MM-BIO-3, focused surveys shall be conducted to determine presence/absence for MSCP Narrow Endemic plant species, non-MSCP covered federally and/or state listed plant species, or non-MSCP covered California Rare Plant Rank 1B.1 or 1B.2 species previously observed or with high or moderate potential to occur within each facility, prior to maintenance. For species that can only be reliably detected during specific blooming periods, focus surveys may need to be conducted during those periods to determine presence/absence. If these species occur within the newly proposed maintenance, access, staging, or stockpiling areas, maintenance areas shall be modified to avoid direct impacts to mapped sensitive plant species; or, an approved conceptual restoration plan or acquisition of mitigation credits would be implemented as further specified in MM-BIO-3.

**Rationale and Conclusion:** With implementation of Mitigation Measures MM-BIO-1a, MM-BIO-1b, MM-BIO-2, MM-BIO-3, MM-BIO-4, MM-BIO-5, and MM-BIO-6, all direct impacts to sensitive species, including impacts to habitats supporting or potentially supporting sensitive species, would be reduced to less than significant through the replacement of habitat loss due to maintenance and repair activities, restoration for sensitive plant impacts, and avoidance of loss or disturbance of active nests or habitat occupied by listed species. See EIR Section 5.3, Biological Resources; and EIR Appendix D – Biological Resources Technical Report for the MWMP.

**g) Biological Resources – Direct Impacts to Candidate, Sensitive, or Special Status Species in the Pueblo San Diego Watershed (Project-Level)**

**Significant Effect (Vegetation Communities) (BIO-1a, BIO-1b, and BIO-2):** In the Pueblo San Diego Watershed, proposed maintenance would result in a total of 1.91 acres of newly proposed and 1.54 acres of previously permitted significant direct impacts to jurisdictional aquatic resources,

including wetland vegetation, under the jurisdiction of USACE, RWQCB, CDFW, and/or the City. Newly proposed maintenance would also result in a total of 0.13 acres of direct impacts to sensitive upland vegetation communities and 0.31 acres of previously permitted significant direct impacts to sensitive upland vegetation communities at seven facility groups and eight facilities within the Pueblo San Diego watershed. Direct impacts to sensitive vegetation communities, which may provide habitat for sensitive species, would be potentially significant, absent mitigation.

**Significant Effect (Sensitive Plant Species) (BIO-1a and BIO-1b):** Sensitive plant species would be directly impacted by maintenance activities, including impacts to singlewhorl burrobrush and San Diego marsh-elder which would be potentially significant, absent habitat-based mitigation measures, if unavoidable. No other sensitive plant species have a high or moderate potential to be permanently impacted as a result of the proposed maintenance within the facility segments.

**Significant Effect (Sensitive Wildlife Species) (BIO-1a, BIO-1b, BIO-2, BIO-4, BIO-5, and BIO-6):** In the Pueblo San Diego watershed, there are six sensitive wildlife species that were either observed during focused surveys or have a high potential to occur in suitable habitat within the limits of MWMP facility segment maintenance areas, and, therefore, would be directly impacted by maintenance activities or by removal of this habitat. Two sensitive wildlife species have moderate potential to occur within the Pueblo San Diego watershed study area. Impacts to these species would be potentially significant, absent mitigation.

**Facts in Support of Finding:** Similar to the mitigation measures proposed for impacts to the Los Peñasquitos watershed, Mission Bay watershed, and San Diego River watershed, implementation of MM-BIO-1a, MM-BIO-1b, MM-BIO-2, MM-BIO-4, MM-BIO-5, and MM-BIO-6, would reduce impacts to the Pueblo San Diego watershed to less than significant.

**Rationale and Conclusion:** With implementation of Mitigation Measures MM-BIO-1a, MM-BIO-1b, MM-BIO-2, MM-BIO-4, MM-BIO-5, and MM-BIO-6, all direct impacts to sensitive species, including impacts to habitats supporting or potentially supporting sensitive species, would be reduced to less than significant through the replacement of habitat loss due to maintenance and repair activities, restoration for sensitive plant impacts, and avoidance of loss or disturbance of active nests or habitat occupied by listed species. See EIR Section 5.3, Biological Resources; and EIR Appendix D – Biological Resources Technical Report for the MWMP.

**h) Biological Resources – Direct Impacts to Candidate, Sensitive, or Special Status Species in the Sweetwater Watershed (Project-Level)**

**Significant Effect (Sensitive Wildlife Species) (BIO-4 and BIO-6).:** Four sensitive wildlife species have moderate potential to occur within the Sweetwater watershed study area. Therefore, direct impacts to nesting birds and raptors, which were not observed but have potential to occur in suitable habitat within and adjacent to the facility segment maintenance areas, would be potentially significant, absent mitigation.

**Facts in Support of Finding:** MM-BIO-4 would be implemented to avoid any direct impacts to any species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies or regulations, or by the CDFW or USFWS.

If maintenance is planned to occur during the raptor breeding season (January 15 through August 31), under MM-BIO-6, a pre-maintenance survey for active raptor nests shall be conducted in areas supporting suitable habitat.

**Rationale and Conclusion:** With implementation of Mitigation Measures MM-BIO-4, and MM-BIO-6, all direct impacts to sensitive species, including impacts to habitats supporting or potentially

supporting sensitive species, would be reduced to less than significant through the replacement of habitat loss due to maintenance and repair activities, restoration for sensitive plant impacts, and avoidance of loss or disturbance of active nests or habitat occupied by listed species. See EIR Section 5.3, Biological Resources; and EIR Appendix D – Biological Resources Technical Report for the MWMP.

**i) Biological Resources – Direct Impacts to Candidate, Sensitive, or Special Status Species in the Otay Watershed (Project-Level)**

**Significant Effect (Vegetation Communities) (BIO-1a and BIO-2):** In the Otay Watershed, proposed maintenance would result in 2.55 acres of newly proposed and 0.11 acres of previously permitted significant direct impacts to jurisdictional aquatic resources, including wetland vegetation, under the jurisdiction of USACE, RWQCB, CDFW, and/or the City. No significant direct impacts to sensitive upland vegetation communities is anticipated as result of maintenance in this watershed. However, direct impacts to sensitive vegetation communities, which may provide habitat for sensitive species, would be potentially significant, absent mitigation.

**Significant Effect (Sensitive Wildlife Species) (BIO-1a, BIO-1b, BIO-2, BIO-4, BIO-5, and BIO-6):** Additionally, in the Otay watershed there are five sensitive wildlife species that were either observed during focused surveys or have a high potential to occur in suitable habitat within the limits of MWMP facility segment maintenance areas and, therefore, would be directly impacted by maintenance activities or by removal of this habitat. One sensitive wildlife species has moderate potential to occur within the Otay watershed study area. Impacts would be potentially significant, absent mitigation.

**Facts in Support of Finding:** Similar to the mitigation measures proposed for impacts to the Los Peñasquitos watershed, Mission Bay watershed, San Diego River watershed, and Pueblo San Diego watershed, implementation of MM-BIO-1a, MM-BIO-1b, MM-BIO-2, MM-BIO-4, MM-BIO-5, and MM-BIO-6, would reduce impacts to the Otay watershed to less than significant.

**Rationale and Conclusion:** With implementation of Mitigation Measures MM-BIO-1a, MM-BIO-1b, MM-BIO-2, MM-BIO-4, MM-BIO-5, and MM-BIO-6, all direct impacts to sensitive species, including impacts to habitats supporting or potentially supporting sensitive species, would be reduced to less than significant through the replacement of habitat loss due to maintenance and repair activities, restoration for sensitive plant impacts, and avoidance of loss or disturbance of active nests or habitat occupied by listed species. See EIR Section 5.3, Biological Resources; and EIR Appendix D – Biological Resources Technical Report for the MWMP.

**j) Biological Resources – Direct Impacts to Candidate, Sensitive, or Special Status Species in the Tijuana River Watershed (Project-Level)**

**Significant Effect (Vegetation Communities) (BIO-1a and BIO-2):** In the Tijuana River Watershed, proposed maintenance would result in a total of 0.62 acres of newly proposed and 5.10 acres of previously permitted significant direct impacts to jurisdictional aquatic resources, including wetland vegetation, under the jurisdiction of USACE, RWQCB, CDFW, and/or the City. Direct impacts to sensitive vegetation communities, which may provide habitat for sensitive species, would be potentially significant, absent mitigation.

**Significant Effect (Sensitive Plant Species) (BIO-1a and BIO-1b):** One sensitive plant species, singlewhorl burrobrush, would be directly impacted by maintenance activities within Smuggler's Gulch (Segment 1) facility. Impacts to singlewhorl burrobrush would be potentially significant, absent habitat-based mitigation measures, if unavoidable. There are no other sensitive plant species that have high or moderate potential to occur within suitable habitat in the Tijuana River watershed.

**Significant Effect (Sensitive Wildlife Species) (BIO-1a, BIO-2, BIO-4, BIO-5, and BIO-6):** Additionally, in the Tijuana River watershed, there are six sensitive wildlife species that were either observed during focused surveys (or during previous biological surveys) or have a high potential to occur in suitable habitat within the limits of MWMP facility segment maintenance areas, and, therefore, would be directly impacted by maintenance activities or by removal of this habitat. Eight sensitive wildlife species have moderate potential to occur within the Tijuana River watershed study area. Impacts would be potentially significant, absent mitigation.

**Facts in Support of Finding:** Similar to the mitigation measures proposed for impacts to the Los Peñasquitos watershed, Mission Bay watershed, San Diego River watershed, Pueblo San Diego watershed, and Otay watershed, implementation of MM-BIO-1a, MM-BIO-1b, MM-BIO-2, MM-BIO-4, MM-BIO-5, and MM-BIO-6, would reduce impacts to the Tijuana River watershed to less than significant.

**Rationale and Conclusion:** With implementation of Mitigation Measures MM-BIO-1a, MM-BIO-1b, MM-BIO-2, MM-BIO-4, MM-BIO-5, and MM-BIO-6, all direct impacts to sensitive species, including impacts to habitats supporting or potentially supporting sensitive species, would be reduced to less than significant through the replacement of habitat loss due to maintenance and repair activities, restoration for sensitive plant impacts, and avoidance of loss or disturbance of active nests or habitat occupied by listed species. See EIR Section 5.3, Biological Resources; and EIR Appendix D – Biological Resources Technical Report for the MWMP.

**k) Biological Resources – Indirect Impacts to Candidate, Sensitive, or Special Status Species (Project- and Program-Level)**

**Short-Term Indirect Impacts**

**Less than Significant Impact (Vegetation Communities):** Potentially significant short-term indirect impacts include potential for additional vegetation disturbance from human activities, adverse edge effects adjacent to preserves, potential increases in the spread of invasive plant and/or pest species (i.e., shot-hole borer), and potential adverse impacts due to storm water runoff pollution.

**Long-Term Indirect Impacts**

**Less than Significant Impact (Sensitive Plant Species):** Most of the indirect impacts to vegetation communities cited above can also affect sensitive plants. In addition, where individual sensitive plant species occur adjacent to proposed MWMP facilities, the potential for indirect impacts to sensitive plant species is increased.

**Less than Significant Impact (Sensitive Wildlife Species):** Many of the indirect impacts to vegetation communities and sensitive plants previously described can also affect sensitive wildlife due to the potential significant degradation of habitat used by wildlife. Wildlife may also be affected in the short term by indirect impacts such as emergency nighttime work, increased human presence, and maintenance-related noise (which can disrupt normal activities, cause lasting stress, and subject wildlife to higher predation risks).

**Facts in Support of Determination:** Implementation of EPs (see EIR Section 5.3.5), including biological monitoring measures (EP-BIO-3a, 3b, and 3c), methods for successful removal of invasive species (EP-BIO-4), proper treatment of all woody debris removed from facilities to avoid the spread of shot-hole borer (EP-BIO-6), consistency with the MSCP/MHPA Land Use Adjacency Guidelines and Boundary Line Adjustment (BLA) requirements (EP-LU-1 and EP-LU-2), and implementation of *Water Pollution Control Plan* (WPCP) measures (EP-WQ-1), would reduce short-term indirect impacts to

sensitive vegetation communities and long-term indirect impacts to sensitive plant species and sensitive wildlife species to less than significant.

**Rationale and Conclusion:** Potential short-term, and long-term indirect impacts to biological resources would remain below a level of significance with implementation of biological, land use, and water quality EPs as identified above. See EIR Section 5.3, Biological Resources; and EIR Appendix D – Biological Resources Technical Report for the MWMP.

**l) Biological Resources – Impacts Tier I, Tier II, Tier IIIA, or Tier IIIB Habitats (Project- and Program-Level)**

**Significant Effect (BIO-1b and BIO-2):** Direct impacts to sensitive vegetation communities (i.e., Tier II, IIIA, and IIIB) in excess of allowable thresholds (see EIR Section 5.3.5), would result in a loss of sensitive vegetation identified in local and regional plans. Mitigation ratios for permanent impacts to sensitive vegetation communities are determined by their location within or outside of the MHPA. Previously permitted maintenance areas are eligible to submit proof of prior mitigation allocations under EP-BIO-1. Any unintended temporary impact areas in sensitive habitat communities, that are not anticipated to be impacted during future maintenance, would require restoration following the completion of construction. These impacts are therefore potentially significant, absent mitigation (BIO-1b and BIO-2).

**Facts in Support of Finding:** Implementation of EP-BIO-1 requires proof of mitigation for previously maintained facilities prior to repeat maintenance.

Implementation of MM-BIO-1b would reduce cumulative impacts to sensitive uplands. Cumulative impacts to sensitive uplands under the *Municipal Waterways Maintenance Plan* (MWMP) are generally limited in size (i.e., less than the 5- to 10- acre threshold established in the City's Biological Guidelines) and, therefore, shall be mitigated in accordance with the applicable SDBG mitigation ratios through payment into the City's HAF (Fund #10571), as established by City Council Resolution R-275129, adopted on February 12, 1990, or dedication of credits from the City's Cornerstone Lands Marron Valley Mitigation Bank.

Under mitigation measure MM-BIO-2, should any impacts occur outside of the authorized impact limits, they would be considered permanent and mitigated by either (1) providing mitigation in accordance with the applicable SDBG mitigation ratios or (2) installing an on-site habitat revegetation and erosion control treatments within any unintentional disturbance areas in native habitat in accordance with the SDBG and the Landscape Standards in the City's Land Development Manual.

**Rationale and Conclusion:** With implementation of EP-BIO-1, and Mitigation Measures MM-BIO-1b and MM-BIO-2, all direct impacts to sensitive species, including impacts to habitats supporting or potentially supporting sensitive species, would be reduced to less than significant through the replacement of habitat loss due to maintenance and repair activities, restoration for sensitive plant impacts, and avoidance of loss or disturbance of active nests or habitat occupied by listed species. See EIR Section 5.3, Biological Resources; and EIR Appendix D – Biological Resources Technical Report for the MWMP.

**m) Biological Resources – Impacts to Wetland or Non-Wetland Waters (Project- Level)**

**Significant Effect (BIO-1a and BIO-2):** From the 47 total vegetation communities and/or land covers observed in the MWMP Project Area, 32 are considered jurisdictional resources. These resources are categorized as either wetlands or non-wetland waters under the jurisdiction of USACE, RWQCB, CDFW, CCC, and/or the City. All impacts to lands mapped as wetland or non-wetland

waters, other than unvegetated concrete-lined channels and wetland vegetation dominated by invasive species, would be potentially significant, absent mitigation.

**Facts in Support of Finding:** Implementation of MM-BIO-1a would reduce significant impacts to sensitive wetlands, including jurisdictional aquatic resources.

Under mitigation measure MM-BIO-2, should any impacts occur outside of the authorized impact limits, they would be considered permanent and mitigated by either (1) providing mitigation in accordance with the applicable SDBG mitigation ratios or (2) installing an on-site habitat revegetation and erosion control treatments within any unintentional disturbance areas in native habitat in accordance with the SDBG and the Landscape Standards in the City's Land Development Manual.

**Rationale and Conclusion:** With implementation of Mitigation Measures MM-BIO-1a, and MM-BIO-2, all direct impacts to sensitive species, including impacts to habitats supporting or potentially supporting sensitive species, would be reduced to less than significant through the replacement of habitat loss due to maintenance and repair activities, restoration for sensitive plant impacts, and avoidance of loss or disturbance of active nests or habitat occupied by listed species.

Mitigation ratios for permanent impacts to sensitive vegetation communities are determined by the SDBG and the agency approvals for maintenance under the MWMP. Any unintended temporary impacts to sensitive jurisdictional resources would require restoration following the completion of construction, in addition to further mitigation applied at the appropriate ratio for the resource unintentionally impacted. See EIR Section 5.3, Biological Resources; and EIR Appendix D – Biological Resources Technical Report for the MWMP.

**n) Biological Resources – Impacts to Wildlife Corridors (Project- and Program-Level)**

**Less than Significant Impact:** Impacts to wildlife corridors from activities proposed under the MWMP would be less than significant.

**Facts in Support of Determination:** Implementation of EP-LU-1 and EP-LU-2 would ensure impacts to wildlife corridors from activities proposed under the MWMP would be less than significant. Implementation of EP-LU-1 and EP-LU-2 would ensure compliance with the MSCP/MHPA Land Use Adjacency Guidelines and BLA requirements.

**Rationale and Conclusion:** For the majority of MWMP facilities, maintenance for each segment/structure would be completed in 45 days or less (e.g., mobilization, post-construction BMPs), with more than half of those being completed in 2 weeks or less. Given the short duration of activities, regardless of the location in a larger biological core/linkage area or in a local movement area, temporary wildlife usage disruptions associated with maintenance would not be expected to interfere substantially with overall wildlife usage of the corridor or long-term suitability of habitat in that area for wildlife movement. In most cases, increased human activities associated with storm water facility maintenance would be similar to other occasional urban disturbance, such as road and building construction. The short duration of maintenance would mean that the period of increased human activity and noise disruption would be limited. These types of facilities are relatively small, and most often maintenance would only affect a portion of the corridor. The impacts of maintenance activities would be short in duration, and wildlife usage of the corridor would be expected to recover after maintenance. Additionally, except in emergency situations where maintenance during the night is necessary to protect life and/or property, work under the MWMP would only be conducted during daylight hours, which is when wildlife movement is less likely to occur, so nocturnal wildlife movement would still be possible during maintenance. In addition, implementation of EP-LU-1 and EP-LU-2 would ensure compliance with the MSCP/MHPA Land Use Adjacency Guidelines and BLA requirements. Therefore, impacts to wildlife corridors from activities

proposed under the MWMP would be less than significant. See EIR Section 5.3, Biological Resources; and EIR Appendix D – Biological Resources Technical Report for the MWMP.

**o) Biological Resources – Conflict with MSCP/MHPA (Project- and Program-Level)**

**Less Than Significant Impact:** Impacts related to a conflict with MSCP or surrounding conservation plans would be less than significant.

**Facts in Support of Determination:** Implementation of EP-LU-1 would ensure compliance with the MSCP/MHPA Land Use Adjacency Guidelines.

**Rationale and Conclusion:** The City's MSCP Subarea Plan lists Essential Public Project as conditionally compatible with the biological objectives of the MSCP and allowed within the City's MHPA. Conditions of compatibility include compliance with applicable sections of the MSCP Subarea Plan, including Section 1.4.2 (General Planning Policies and Design Guidelines; in particular the Flood Control portion), Section 1.4.3 (Land Use Adjacency Guidelines; in particular the Drainage portion), and Section 1.5 (Framework Management Plan; in particular the Flood Control portion). A matrix documenting MWMP compliance with the MSCP, including the sections listed above, is provided as Table 5.8-2 in the Land Use section of this EIR. The MWMP is considered an Essential Public Project, and based on land use consistency documented in Table 5.8-2, complies with the City's MSCP Subarea Plan, Municipal Code, and SDBG (City of San Diego 2018). In addition, implementation of EP-LU-1 and EP-LU-2 would ensure compliance with the MSCP/MHPA Land Use Adjacency Guidelines and BLA requirements. Based on this consistency, impacts related to a conflict with MSCP or surrounding conservation plans would be less than significant. See EIR Section 5.3, Biological Resources; and EIR Appendix D – Biological Resources Technical Report for the MWMP.

**4) <u>Historic, Archaeological, and Tribal Cultural Resources</u>**

**a) Historic, Archaeological, and Tribal Cultural Resources – Prehistoric and Historic Archaeological Resources (Project- and Program-Level)**

**Significant Effect (CR-1):** Regarding known cultural resources, project- and program-level maintenance activities may result in impacts to unevaluated or recommended eligible resources if not properly designed (i.e., project design does not avoid the known resource). Therefore, impacts to known and previously undiscovered cultural resources due to MWMP project- and program-level activities would be potentially significant (CR-1), absent mitigation.

**Facts in Support of Finding:** MM-CR-1 requires cultural resources monitoring and treatment plan; MM-CR-2 requires avoidance of cultural resources; MM-CR-3 requires construction monitoring; and MM-CR-4 requires evaluation of program-level activities.

**Rationale and Conclusion:** With implementation of Mitigation Measures MM-CR-1, MM-CR-2, and MM-CR-3, impacts to unknown archaeological resources, TCRs, grave sites, and/or religious or sacred uses (and known cultural resources that have not been evaluated or have been identified as recommended eligible) would be reduced to less than significant. MM-CR-4 would be implemented when non-exempt program-level activities are proposed in new locations that were not previously identified in Tables 5.6-4 through 5.6-6. With implementation of MM-CR-4, impacts to archaeological and historical resources from non-exempt program activities in new locations would be reduced to less than significant. See EIR Section 5.6, Historical, Archaeological, and Tribal Cultural Resources; EIR Appendix E – Historical Resources Inventory Report; and EIR Appendix F – Cultural Resources Inventory/Evaluation Report.

**b) Historic, Archaeological, and Tribal Cultural Resources – Historical Resources (Project- and Program-Level)**

**Significant Effect (HR-1):** Should a change in shape and/or design be required, then impacts would be potentially significant (HR-1), absent mitigation. In addition, where concrete-lined channels or other facilities are identified as needing review under the Concrete Repair (Major), Concrete Repair (Minor), and/or Riprap Replacement activity columns, impacts could be potentially significant (HR-1), absent mitigation, because avoidance or other measures would be required to minimize effects to historic resources.

**Facts in Support of Finding:** MM-HR-1 requires avoidance of historical resources; and MM-HR-2 requires recordation and evaluation of historic properties.

**Rationale and Conclusion:** With implementation of Mitigation Measures MM-HR-1 and MM-HR-2, impacts to historical resources due to changed and/or altered maintenance activities not currently identified in the MWMP would be reduced to less than significant. See EIR Section 5.6, Historical, Archaeological, and Tribal Cultural Resources; EIR Appendix E – Historical Resources Inventory Report; and EIR Appendix F – Cultural Resources Inventory/Evaluation Report.

**c) Historic, Archaeological, and Tribal Cultural Resources – Disturbance of Human Remains (Project- and Program-Level)**

**Significant Effect (CR-2):** For proposed ground-disturbing MWMP activities (mechanized vegetation, sediment, and/or debris removal; concrete repair; and bank repair), channels/ditches and basins underwent deep excavation during their construction. Deep excavation would have displaced any archaeological resources or native soils that were present and the likelihood of these activities disturbing human remains is low. Despite previous disturbance of creeks, channels and basins, MWMP maintenance activities that would include ground disturbance have potential to impact human remains and as such would be potentially significant (CR-2), absent mitigation.

**Facts in Support of Finding:** MM-CR-1 requires cultural resources monitoring and treatment plan; and MM-CR-2 requires avoidance of cultural resources.

**Rationale and Conclusion:** With implementation of Mitigation Measure MM-CR-1 and MM-CR-2, impacts to human remains due to ground-disturbing MWMP maintenance activities would be less than significant. See EIR Section 5.6, Historical, Archaeological, and Tribal Cultural Resources; EIR Appendix E – Historical Resources Inventory Report; and EIR Appendix F – Cultural Resources Inventory/Evaluation Report.

**d) Historic, Archaeological, and Tribal Cultural Resources – Disturbance of Tribal Cultural Resources (Project- and Program-Level)**

**Significant Effect:** Tribal consultation was initiated by the City Planning Department and conducted in August 2017, concurrent with distribution of the City's Notice of Preparation for an EIR for the MWMP. In February 2019, additional information was provided to the tribal representatives, and a subsequent consultation meeting was held to discuss archaeological and tribal cultural resources; and the City's impact analysis methodology. A final consultation meeting was conducted in October 2019 to discuss edits resulting from prior tribal input, impact analysis methodology, and the project-level and programmatic mitigation approach. All comments have been incorporated into the Cultural Resources Inventory/Evaluation Report (EIR Appendix F) and this EIR section; agreement was reached, and consultation was concluded.

**Facts in Support of Finding:** MM-CR-1 requires cultural resources monitoring and treatment plan; MM-CR-2 requires avoidance of cultural resources; MM-CR-3 requires construction monitoring; and MM-CR-4 requires evaluation of program-level activities.

**Rationale and Conclusion:** With implementation of MM-CR-1, MM-CR-2, and MM-CR-3, impacts to TCRs, grave sites, religious or sacred uses, and human remains (and known cultural resources that have not been evaluated or have been identified as recommended eligible) would be reduced to less than significant. MM-CR-4 would be implemented when non-exempt program-level activities are proposed in new locations that were not previously identified in Tables 5.6-4 through 5.6-6. With implementation of MM-CR-4, potential impacts to TCRs, grave sites, sacred uses, and human remains (and known cultural resources that have not been evaluated or have been identified as recommended eligible) from non-exempt program activities in new locations would be reduced to less than significant. See EIR Section 5.6, Historical, Archaeological, and Tribal Cultural Resources; EIR Appendix E – Historical Resources Inventory Report; and EIR Appendix F – Cultural Resources Inventory/Evaluation Report.

5) Land Use

a) **Land Use – Deviation or Variance Resulting in a Physical Impact on the Environment (Project- and Program-Level)**

**Significant Effect (LU-1):** Since maintenance and repair activities within storm water drainage facilities would be located within ESL and likely impact wetlands, a deviation from the City's ESL Regulations (Section 143.0141(b)(5) would be required. If maintenance is required to be conducted during the breeding season of sensitive wildlife, and suitable habitat is present within or adjacent to the facility segment planned for maintenance, appropriate mitigation measures would be taken to reduce noise impacts to a level below significant.

Project-level MWMP activities would generally comply with the ESL Regulations; however, since impacts to wetlands or grading during a sensitive bird breeding season is unavoidable, a deviation is required. Since the deviation would result in a secondary physical impact on the environment, these activities could have a potentially significant (LU-1) land use impact, absent mitigation.

**Facts in Support of Finding:** Implementation of mitigation for wetland impacts (MM-BIO-1a) and restriction on grading and indirect noise impacts during bird breeding seasons (MM-BIO-4 through MM-BIO-7) would reduce potential land use impacts to less than significant.

**Rationale and Conclusion:** Project- and program-level MWMP activities that could result in a physical impact on the environment due to a deviation or variance prior to wetland mitigation or restrictions on grading and noise during the bird breeding season would be potentially significant. However, implementation of MM-BIO-1a and MM-BIO-4 through MM-BIO-7, as detailed in Section 5.3, Biological Resources would reduce land use and biological resources impacts to less than significant. See EIR Section 5.3, Biological Resources; and EIR Section 5.8, Land Use.

b) **Land Use – Conflict with the City's MSCP Subarea Plan (Project- and Program-Level)**

**Less than Significant Impact (Project-Level):** Although encroachment into the MHPA is proposed as part of the MWMP, the proposed maintenance activities are considered essential public facilities. Essential public facilities are conditionally compatible with the biological objectives of the MSCP (City of San Diego 1997). Project-level MWMP activities would, therefore, not require MHPA boundary adjustments. The EP's address additional conditions for location within the MHPA. Therefore, the

MWMP would not conflict with the land use consideration of the MSCP Subarea Plan. Impacts would be less than significant with implementation of EP-LU-1.

**Less than Significant Impact (Program-Level):** Implementation of compensatory mitigation sites may require boundary adjustments to the MHPA to add mitigation areas that are not currently within the MHPA to the MHPA. Proposed future MHPA BLA's would not conflict with the MSCP Subarea Plan. Therefore, impacts would be less than significant with implementation of EP-LU-2.

**Facts in Support of Determination:** Although no mitigation is required, implementation of EP-LU-1, which requires compliance with the MSCP/MHPA Land Use Adjacency Guidelines, and EP-LU-2, which requires compliance with MSCP/MHPA BLA's, would ensure project- and program-level compliance with the City's MSCP Subarea Plan.

**Rationale and Conclusion:** Project- and program-level MWMP maintenance activities would not require boundary adjustments, nor would they conflict with the MSCP Subarea Plan. Therefore, maintenance impacts would be less than significant with implementation of EP-LU-1. Compensatory mitigation that requires an MHPA BLA to add lands to the MHPA would not conflict with the MSCP Subarea Plan. Therefore, impacts would be less than significant with implementation EP-LU-2. See EIR Section 5.8, Land Use.

6) **Noise**

a) **Noise – Increase in Existing Ambient Noise Levels (Project- and Program-Level)**

**Significant Effect (NOI-1):** Maintenance activities under the proposed MWMP would generate noise from the use of heavy equipment (including excavators, dump trucks, skid steers, backhoes, dozers, pumps, and other similar equipment) at the sites or vehicles transporting material to and from the maintenance sites. For instances in which noise-sensitive receives are located less than 100 feet from maintenance activities, temporary significant noise increases could result. Therefore, noise impacts resulting from project- and program-level maintenance activities conducted under the MWMP would be potentially significant, absent mitigation.

**Facts in Support of Finding:** With implementation of MM-NOI-1, prior to the Notice to Proceed, Mitigation Monitoring Coordination (MMC) shall verify that projects (i.e., maintenance and repair activities) located within 100 feet of noise-sensitive receivers include noise-reduction measures to ensure activities do not exceed and comply with City of San Diego (City) Noise Standards (San Diego Municipal Code Section 59.5.0401, Sound Level Limits, and Section 59.5.0404, Construction Noise).

**Rational and Conclusion:** With implementation of MM-NOI-1, noise impacts resulting from project- and program-level maintenance activities would be reduced to less than significant and would be below the standards established by the City. See EIR Section 5.9, Noise; and EIR Appendix G – Noise Analysis Technical Report.

b) **Noise – Exposure of People to Noise Levels in Exceedance of the City's Noise Ordinance (Project- and Program-Level)**

**Significant Effect (NOI-2):** Activities with noise levels less than 75 dBA $L_{eq}$ (12-hour) at a distance of 100 feet could exceed the City's 75 dBA $L_{eq}$ (12-hour) noise standard if residences are located less than 100 feet away. Therefore, impacts are considered potentially significant (NOI-2), absent mitigation.

**Facts in Support of Finding:** With implementation of MM-NOI-1, prior to the Notice to Proceed, Mitigation Monitoring Coordination (MMC) shall verify that projects (i.e., maintenance and repair

activities) located within 100 feet of noise-sensitive receivers include noise-reduction measures to ensure activities do not exceed and comply with City of San Diego (City) Noise Standards (San Diego Municipal Code Section 59.5.0401, Sound Level Limits, and Section 59.5.0404, Construction Noise).

The City Council finds that the above mitigation measures are feasible, will reduce the potential noise-related impacts of project- and program-level maintenance activities to less-than-significant levels, and are adopted by the City Council. Accordingly, the City Council finds that, pursuant to Public Resources Code section 21081(a)(1), and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

**Rationale and Conclusion:** With implementation of MM-NOI-1, noise impacts resulting from project- and program-level maintenance activities would be reduced to less than significant and would be below the standards established by the City. See EIR Section 5.9, Noise; and EIR Appendix G – Noise Analysis Technical Report.

7) Water Quality

a) **Water Quality – Conflict with the City's Storm Water Standards Manual (Project- and Program-Level)**

**Less than Significant Impact:** The MWMP WPCP Guidance Document will allow facility-specific WPCPs to be designed so that maintenance practices are properly implemented to maintain compliance with Storm Water Standards Manual and related Regional MS4 Permit provisions, avoid violations of water quality standards (i.e., beneficial uses, water quality criteria or objectives to protect the beneficial uses, and state and federal anti-degradation policies) or waste discharge requirements, and protect receiving waters from adverse impacts to beneficial uses. However, there is the potential for short-term water quality impacts.

**Facts in Support of Determination:** No mitigation is required; however, for facilities where best management practices (BMPs) are proposed, short-term water quality impacts would be less than significant with implementation of EP-WQ-1.

**Rationale and Conclusion:** Although maintenance-related impacts such as ground disturbance, sediment handling, temporary flow diversions, and accidental spills or leaks of herbicides or petroleum have the potential to adversely affect water quality, compliance with the City's Storm Water Standards Manual (City of San Diego 2018a) and WPCP requirements are adequate to ensure potential maintenance-related impacts to water quality are avoided or substantially minimized. Implementation of the facility-specific MWMP WPCPs (EP-WQ-1) would minimize or avoid potential water quality impacts associated with facility maintenance. Impacts to receiving waters would be reduced during and following maintenance.

## E. Findings Regarding Impacts that Are Unavoidable

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings and pursuant to Public Resource Code Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3), makes the following findings regarding Biological Resources, Solid Waste, and Water Quality

Section 15126.2(c) of the State CEQA Guidelines requires that the DEIR describe any significant impacts, including those that cannot be reduced to a level of insignificance. Where there are impacts that cannot be alleviated with the implementation of feasible mitigation measures, their implications and the reasons the project is being proposed, notwithstanding their effect, should be described.

Impacts related to biological resources (long-term indirect impacts to sensitive vegetation communities and long-term indirect impacts related to adverse edge effects adjacent to the MHPA); solid waste (conflict with regulations related to solid waste); and water quality (long-term impacts to water quality) would be significant and unavoidable.

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 EIR (Project No. 616992 / SCH No. 2017071022) as described below:

> "FEASIBLE" IS DEFINED IN SECTION 15364 OF THE CEQA GUIDELINES TO MEAN "CAPABLE OF BEING ACCOMPLISHED IN A SUCCESSFUL MANNER WITHIN A REASONABLE PERIOD OF TIME, TAKING INTO ACCOUNT ECONOMIC, ENVIRONMENTAL, LEGAL, SOCIAL, AND TECHNOLOGICAL FACTORS." THE CEQA STATUTE (SECTION 21081) AND GUIDELINES (SECTION 15019(A)(3)) ALSO PROVIDE THAT "OTHER" CONSIDERATIONS MAY FORM THE BASIS FOR A FINDING OF INFEASIBILITY.. CASE LAW MAKES CLEAR THAT A MITIGATION MEASURE OR ALTERNATIVE CAN BE DEEMED INFEASIBLE ON THE BASIS OF ITS FAILURE TO MEET PROJECT OBJECTIVES OR ON RELATED PUBLIC POLICY GROUNDS.

Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet Project objectives or on related public policy grounds. This finding is appropriate because there are no feasible mitigation measures available that would reduce the identified impacts to below a level of significance.

1) **Biological Resources**

   a) **Biological Resources – Long-Term Indirect Impacts to Sensitive Vegetation Communities (Project- and Program-Level)**

**Significant Effect (BIO-8):** Long-term indirect impacts to sensitive vegetation communities related to spread of invasive plant or pest species, alteration of drainage patterns, and reductions in water quality conditions would be considered potentially significant.

**Facts in Support of Finding:** Implementation of MM-BIO-1a and MM-WQ-1, in addition to EPs (EP-BIO-4, EP-BIO-6, EP-LU-1, EP-LU-2, and EP-WQ-1), would help avoid the potential for significant impacts through incorporation of compensatory wetland mitigation, offsetting water quality benefit features, methods for successful removal of invasive species, proper treatment of all woody debris removed from facilities to avoid the spread of shot-hole borer, consistency with the MSCP/MHPA Land Use Adjacency Guidelines and BLA requirements, and implementation of WPCP measures.

The City Council finds that implementation of the identified EPs and mitigation measures will reduce adverse impacts to sensitive vegetation communities to the extent feasible. Thus, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project which will mitigate, in part, this significant impact to sensitive vegetation communities attributable to the proposed Project, as identified in the Final EIR. However, this impact is considered significant and unavoidable because the proposed offsetting water quality benefit features are based on the best available data, which at this time cannot precisely calculate water quality conditions prior to and after maintenance and mitigation due to an extensive set of both site-specific and independent conditions and variables that vary in space and time.

Pursuant to Public Resources Code Section 21081(b), see Statement of Overriding Considerations, for the specific overriding economic, legal, social, technological, and other benefits of the proposed Project that outweigh the significant and unavoidable impacts.

**Rationale and Conclusion:** Long-term indirect impacts to sensitive vegetation communities related to alteration of drainage patterns or reductions in water quality conditions would be reduced through implementation of MM-BIO-1a and MM-WQ-1. However, these offsetting water quality benefit features are based on the best available data, which at this time cannot precisely calculate water quality conditions prior to and after maintenance and mitigation due to an extensive set of both site-specific and independent conditions and variables that vary in space and time. Therefore, potential long-term indirect impacts related to potentially reduced water quality conditions would remain significant and unavoidable following implementation of MM-BIO-1a and MM-WQ-1. See EIR Section 5.3, Biological Resources; EIR Appendix D – Biological Resources Technical Report for the MWMP; EIR Section, 5.12, Water Quality; and EIR Appendix J – Water Quality Technical Analysis Report.

**b) Biological Resources – Adverse Edge Effects Adjacent to the MHPA (Project- and Program-Level)**

**Significant Effect (BIO-8):** The potential for adverse edge effects related to alteration of drainage patterns and/or reduction in water quality conditions would be potentially significant, absent mitigation.

**Facts in Support of Finding:** Implementation of MM-BIO-1a and MM-WQ-1, in addition to EPs (EP-BIO-3a, EP-BIO-3b, EP-BIO-3c, EP-BIO-4, EP-BIO-6, EP-LU-1, and EP-WQ-1), would help avoid the potential for significant impacts through incorporation of compensatory wetland mitigation, offsetting water quality benefit features, biological monitoring measures, methods for successful removal of invasive species, proper treatment of all woody debris removed from facilities to avoid the spread of shot-hole borer, implementation of MSCP Land Use Adjacency Guidelines, and implementation of WPCP measures.

The City Council finds that implementation of the identified EPs and mitigation measures will reduce adverse edge effect impacts to the extent feasible. Thus, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project which will mitigate, in part, this significant adverse edge effect impacts attributable to the proposed Project, as identified in the Final EIR. However, this impact is considered significant and unavoidable because the proposed offsetting water quality benefit features are based on the best available data, which at this time cannot precisely calculate water quality conditions prior to and after maintenance and mitigation due to an extensive set of both site-specific and independent conditions and variables that vary in space and time.

Pursuant to Public Resources Code Section 21081(b), see Statement of Overriding Considerations, for the specific overriding economic, legal, social, technological, and other benefits of the proposed Project that outweigh the significant and unavoidable impacts.

**Rationale and Conclusion:** Long-term indirect impacts to adverse edge effects related to alteration of drainage patterns or reductions in water quality conditions would be reduced through implementation of EPs, and MM-BIO-1a and MM-WQ-1. However, these offsetting water quality benefit features are based on the best available data, which at this time cannot precisely calculate water quality conditions prior to and after maintenance and mitigation due to an extensive set of both site-specific and independent conditions and variables that vary in space and time. Therefore, potential long-term indirect impacts related to potentially reduced water quality conditions would remain significant and unavoidable following implementation of MM-BIO-1a and MM-WQ-1. See EIR

Section 5.3, Biological Resources; EIR Appendix D – Biological Resources Technical Report for the MWMP; EIR Section, 5.12, Water Quality; and EIR Appendix J – Water Quality Technical Analysis Report.

2) **Solid Waste**

a) **Solid Waste – Conflict with regulations related to solid waste (Project- and Program-Level)**

**Significant Effect (SW-1):** Due to the uncertainty regarding the availability of suitable reuse sites for excavated material, the potential for material to be contaminated and associated regulatory constraints, and the inability to recycle materials recovered from the project sites, activities under the MWMP may not meet the 50% waste diversion goal set by the TSW *Waste Diversion Plan*. Implementation of EP-SW-1, in addition to EP-SW-2 through EP-SW-8, would ensure that waste collected during maintenance would be diverted from the landfill to the maximum extent feasible. However, impacts would remain potentially significant (SW-1).

**Facts in Support of Finding:** EP-SW-1 through EP-SW-8 would help reduce the amount of material diverted to a landfill through preparation of a Waste Management Plan, finding suitable reuse sites, disposing of tires correctly, and composting.

The City Council finds that implementation of the identified EP-SW-1 through EP-SW-8 will reduce solid waste impacts to the extent feasible. Thus, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project which will mitigate, in part, this significant solid waste impacts attributable to the proposed Project, as identified in the Final EIR. However, this impact is considered significant and unavoidable because recycling and reusing the materials recovered during maintenance is not always appropriate or feasible, and the amount that would be diverted from disposal is unknown.

Pursuant to Public Resources Code Section 21081(b), see Statement of Overriding Considerations, for the specific overriding economic, legal, social, technological, and other benefits of the proposed Project that outweigh the significant and unavoidable impacts.

**Rationale and Conclusion:** Accumulated trash, debris, and sediment must be removed periodically to keep storm water facilities functioning as designed to carry storm water downstream and to manage flood risk. When implemented, the EPs, and in particular the *Waste Management Plan* (EP-SW-1) would help divert a portion of solid waste from being transferred to the landfill. Due to the nature of the solid waste handled under the MWMP for project and programmatic activities, recycling and reusing the materials is not always appropriate or feasible, and the amount that would be diverted from disposal is unknown. Given that the proposed MWMP may not substantially change the amount of solid waste currently handled and transferred to the Miramar Landfill, and that TSW has a current diversion rate far below the required amount of 50%, it is anticipated that project and programmatic activities would also not comply with the 50% waste diversion goal set by the TSW *Waste Diversion Plan*. Therefore, even with implementation of EP-SW-1 through EP-SW-8, impacts would be significant and unavoidable (SW-1). See EIR Section 5.11, Solid Waste.

3) **Water Quality**

a) **Water Quality – Long-term Impacts to Water Quality (Project- and Program-Level)**

**Significant Effect (WQ-1):** The proposed level of implementation of beneficial water quality activities was developed using an impact-based approach and modeled pollutant load reductions for selected beneficial water quality activities (*Water Quality Technical Analysis Report*, Appendix J). The impact-based approach uses a formulaic level of implementation based on maintenance event and/or extent of wetlands impact. For maintenance activities that would result in jurisdictional, vegetated wetlands loss, and compensatory mitigation has yet to be constructed at the time of maintenance, one of three equally suitable beneficial water quality activities listed in Section 5.12.9 would be implemented (MM-WQ-1). Items 1 or 2 would be implemented each fiscal year that maintenance occurs, and Item 3 would be implemented once. No additional water quality activities would be required. Implementation of Items 1, 2, or 3 is independent of required compensatory habitat mitigation to be performed as part of MM-BIO-1a. Prior to implementation of MM-WQ-1 and MM-BIO-1a, impacts would be potentially significant (WQ-1).

**Facts in Support of Finding:** The City has developed a suite of water quality measures to provide offsetting water quality benefits in situations where wetlands mitigation has not been constructed at the time maintenance occurs. In addition to the wetland mitigation which would still be provided (MM-BIO-1a), MM-WQ-1 includes three, equally suitable activities: (1) maintenance-activity-specific outreach and enhanced catch basin cleaning, (2) enhanced street sweeping, and/or (3) select "green" infrastructure (GI) (Table 5.12-4). Within the context of the MWMP, GI can potentially include low-impact-development type BMPs, multi-use treatment areas, or stream rehabilitation projects. The following mitigation measure would provide additional water quality benefit.

The City Council finds that implementation of the identified mitigation measure will reduce long-term water quality impacts to the extent feasible. Thus, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project which will mitigate, in part, this significant long-term water quality impacts attributable to the proposed Project, as identified in the Final EIR. However, this impact is considered significant and unavoidable because the water quality benefit features are based on the best available data, which at this time cannot precisely calculate water quality conditions prior to and after maintenance and mitigation due to an extensive set of both site-specific and independent conditions and variables that vary in space and time.

Pursuant to Public Resources Code Section 21081(b), see Statement of Overriding Considerations, for the specific overriding economic, legal, social, technological, and other benefits of the proposed Project that outweigh the significant and unavoidable impacts.

**Rationale and Conclusion:** Wetlands avoidance and implementation of MM-BIO-1a, would reduce the potential for long-term water quality impacts; however, for MWMP activities where implementation of MM-BIO-1a is delayed, implementation of MM-WQ-1 would further reduce the potential for long-term water quality impacts. However, these offsetting water quality benefit features are based on the best available data, which at this time cannot precisely calculate water quality conditions prior to and after maintenance and mitigation due to an extensive set of both site-specific and independent conditions and variables that vary in space and time. Therefore, potential long-term water quality impacts would remain significant and unavoidable following implementation of MM-BIO-1a and MM-WQ-1. See EIR Section 5.12, Water Quality; and EIR Appendix J – Water Quality Technical Analysis Report.

## F. FINDINGS REGARDING ALTERNATIVES

In accordance with Section 15126.6(a) of the Guidelines, an environmental impact report (EIR) must contain a discussion of "a range of reasonable alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits

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

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

## 1) Alternatives Considered but Rejected from Further Consideration

CEQA Guidelines Section 15126.6(c) requires an EIR to identify and briefly discuss any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process. In identifying alternatives to be further analyzed for the MWMP, primary consideration was given to alternatives that would reduce significant impacts while feasibly achieving most of the Project objectives. EPs incorporated as part of the MWMP are assumed to also be a part of each alternative.

### a) Off-site runoff reduction (Low-Impact Development) Alternative

The Off-Site Runoff Reduction (Low-Impact Development) Alternative would involve implementing low-impact development (LID) measures within off-site watershed areas to reduce runoff generation and resulting flows into storm water facilities located within the MWMP program area. LID refers to systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration, or use of storm water to reduce runoff entering the storm water system and improve water quality. This alternative would be implemented in areas outside the storm water facilities. In addition, the Off-Site Runoff Reduction Alternative would target LID retrofit measures in applicable existing developed areas and sites with new development or redevelopment projects.

LID features, such as bioretention and biofiltration areas and other best management practices (BMPs) have been implemented in select locations in the City and are required as part of new development. TSW is actively planning for construction of additional LID features through the preparation of *Watershed Master Plans* and in compliance with *Water Quality Improvement Plans*. As LID projects are identified, they would likely be constructed through the City's Capital Improvement Program. These plans are separate from and outside the scope of the MWMP, which is focused on maintenance activities. Regardless, LID features would not alone eliminate the need to perform channel maintenance. Typically, the largest LID features are bioretention basins that are created primarily to improve water quality. Although these features can also reduce runoff volumes and flow rates, they are usually designed for the first flush of a storm, which is typically equivalent to the 2- to 5-year storm events. Therefore, although these features may attenuate low flows, they would not alter the 10-, 50-, or 100-year peak storms. Flood risks typically occur at these higher peak storm events. Flood control designs, such as detention basins, are required to reduce flood risk at these higher-peak storm events. For that reason, LID installation would not have a measurable impact on peak flows for large-storm downstream flooding. Therefore, this alternative would not meet the

Project objectives to protect life and property during larger storm events. In addition, this alternative would not address the continued loss of storm water capacity due to continued vegetation growth, sedimentation, trash accumulation, and breakdown of facilities. Thus, although LID is an increasingly important part of storm water management and is part of TSW's holistic strategy, it would not, by itself, accomplish the goals of the proposed MWMP.

**b) Limited Frequency Maintenance Alternative**

Under the Limited Frequency Maintenance Alternative, the frequency of maintenance of any facilities would be limited to one cleaning/maintenance event every 2 years. While the total number of facilities subject to maintenance would not be reduced with this alternative, by requiring a minimum 2-year interval between maintenance events, some interim vegetation growth could potentially reduce impacts to biological and water quality resources.

For the majority of facilities, this alternative would not be significantly different than the proposed MWMP, in that the City's typical maintenance frequency (due to the size of available staff and the number of facilities throughout the City) is greater than once every 2 years. However, for certain facilities that have a high rate of sediment accumulation and/or vegetation growth and limited flood conveyance capacity, this alternative would limit the City's ability to respond to these reduced facility capacity conditions resulting in increased flood risk to adjacent properties in these areas. Furthermore, there could be additional facilities that may need maintenance more frequently due to changed conditions, including the effects of climate change or human-caused or environmental variables such as rainfall, sedimentation, erosion, and flooding. Therefore, although a limited-frequency alternative is technically feasible and it would reduce potential impacts to biological resources and/or water quality, it would not accomplish the basic MWMP objectives of providing timely and consistent maintenance of facilities, and to reduce flooding.

**c) Alternative Engineering Design**

Under this alternative, structures (e.g., walls or levees, channel widening, flow reduction/bypass) would be constructed to increase flood conveyance capacity or reduce runoff volumes/water surface elevation without the removal of accumulated vegetation and sediment. The structures would offset the effect of vegetation and sediment by allowing water elevations to increase without spilling out into adjacent developed areas or by reducing flow volumes through the facility. Channel-specific engineering would be undertaken to determine the additional "bank" height, channel width, and/or flow modifications needed.

While this alternative could reduce long-term impacts by reducing the need for future maintenance, the short-term impacts would be substantially increased by construction activity. For example, due to the need for increased walls or levees, long-term aesthetic and visual impacts could occur if walls or levees were 6 feet or taller and views to creeks or scenic resources would be blocked. Additional property acquisition costs and construction costs would delay (if not make infeasible) implementation of this alternative City-wide. Regulatory permitting could also delay implementation, since the area of impact would increase beyond existing facilities. The additional costs, delays, and short-term impacts indicate that this alternative could not feasibly accomplish the basic MWMP objectives. Furthermore, the MWMP is intended to be a maintenance program, not a construction or Capital Improvement Program.

Activities contemplated under this alternative would be planned and constructed by the City through the City's *Water Quality Improvement Plans, Watershed Management Plans, Watershed Asset Management Plan,* and Capital Improvement Program. The MWMP is focused on maintenance of existing facilities, but additionally, the MWMP includes feedback connections with these plans and programs so that areas of high-frequency maintenance needs or deficient infrastructure identified in

the MWMP are referred to the City's other Capital Improvement Program–related projects for further evaluation. Over time, it is expected that implementation of the Capital Improvement Program would reduce the number facilities that require maintenance and the frequency that those facilities are maintained.

#### d) Maintenance of Concrete-Lined Facilities Only Alternative

Under the Maintenance of Concrete-Lined Facilities Only Alternative, earthen-bottom facilities would not be maintained. Activities within concrete-lined channels/ditches, basins, and structures would be identical to those under the proposed MWMP. This alternative was developed to reduce habitat and water quality impacts (from disturbing earthen channels). However, reducing such a broad category of facilities would not achieve basic MWMP objectives to protect life and property and reduce flooding. Alternatives discussed in EIR Section 8.4 would more carefully consider avoiding problematic areas to reduce environmental impacts (and associated permitting costs and delays).

### 2) Alternatives Selected for Further Consideration

For each alternative considered in the EIR, this section contains a description of the alternative, the rationale for its inclusion in the range of alternatives, and a discussion of impacts compared to the proposed MWMP. EPs incorporated as part of the MWMP are assumed to also be a part of each alternative.

#### a) No Project/No Action Alternative (Alternative 1)

The No Project/No Action Alternative should discuss the existing conditions of a project area at the time the Notice of Preparation was published, and what would be reasonably expected to occur in the foreseeable future if that project were not approved (CEQA Guidelines 15126.6(e)(2)). This alternative should compare the environmental effects of approving a project versus the impacts of not approving a project.

A No Project/No Action Alternative will usually proceed along one of two lines. If a project is a revision of a plan, policy, or operational program, the "no project" will be the continuation of the existing plan or program into the future. If the project is an identifiable development project, the "no project" alternative considers what would occur if the project is not developed (including any reasonably foreseeable changes to the project area that may be expected to occur without the project). The MWMP more closely resembles the first scenario: the City would not cease all maintenance activities if the MWMP is not adopted. However, with the expiration of the former Master Storm Water System Maintenance Program (2018), all maintenance activities would be developed, permitted, and implemented on a project-by-project basis. Individual maintenance projects would be reviewed under CEQA, and based on their permitting needs, reviewed for compliance with state and federal laws and regulations. The time requirement for permitting of each facility location is approximately 12–24 months of planning and application processing time.

Minor maintenance or small repair activities (which precludes repair, as described in Chapter 4, Project Description) could still occur at facilities that would not affect Environmentally Sensitive Lands (as defined by the City's Land Development Code and as regulated by the City) or result in a regulated impact to resources under the jurisdiction of the USACE, CDFW, RWQCB, or CCC. These activities may include maintenance of facilities such as storm water pipes, inlet/outlet structures, ditches, channels, brow ditches, basins, and permanent BMPs. These facilities are most often within the public right-of-way or developed areas. A variety of other activities may also be considered minor maintenance, including trash and debris removal by hand, homeless encampment removal, graffiti removal, vegetation management, non-mechanized sediment removal, erosion control

maintenance, and concrete repair (minor damage). Additional maintenance or repair activities would require separate evaluation and approval.

**Potential Effects**: Under the No Project/No Action Alternative, maintenance activities would continue. This could reduce the ability of the City to coordinate activities, which would reduce the opportunity for operational efficiency (both costs and the duration of activities), and to coordinate mitigation. It is possible that, due to the need to review and permit certain maintenance projects individually, the number of maintenance activities that may occur concurrently, or annually, may be less than with the proposed MWMP. Therefore, air quality impacts (which are based on a certain number of activities occurring at any given time) may be reduced. However, the reduction would not be enough to avoid the significant impact related to nitrogen oxides (NOx) emissions. This alternative would not achieve the MWMP objectives to reduce flooding and protect life and property in those watersheds. Although the activities may be spaced out over longer periods of time, other significant impacts associated with biological resources; historical, archaeological, and tribal cultural resources; noise; and solid waste would still occur and would not be noticeably reduced. While potentially reduced maintenance could reduce impacts to hydrology (related to erosion following maintenance) and water quality, the potential for delays in conducting maintenance may also result in increased impacts to hydrology (due to increased flood risk compared with the proposed MWMP) and water quality (due to potential pollutant releases during flooding). Flooding risks increase when the City does not have the ability to maintain channels in an efficient and timely manner.

Although the activities may be spaced out over longer periods of time, other significant impacts associated with biological resources; historical, archaeological, and tribal cultural resources; noise; and solid waste would still occur and would not be noticeably reduced. While potentially reduced maintenance could reduce impacts to hydrology (related to erosion following maintenance) and water quality, the potential for delays in conducting maintenance may also result in increased impacts to hydrology (due to increased flood risk compared with the proposed MWMP) and water quality (due to potential pollutant releases during flooding).

**Finding and Supporting Facts**: This alternative would not achieve the MWMP objectives to reduce flooding and protect life and property in those watersheds. Flooding risks increase when the City does not have the ability to maintain channels in an efficient and timely manner. The City rejects the No Project/No Action Alternative, as undesirable as it fails to satisfy the proposed Project's underlying purpose and to meet several Project objectives.

### b) Reduced In-stream Maintenance Alternative (Alternative 2)

Under the Reduced In-Stream Maintenance Alternative (Alternative 2), sediment removal would be entirely conducted from the top-of-bank without use of heavy equipment placed in the channel/ditch or basin. For most facilities, additional access paths along the top of channel banks, for example, would be required. For other facilities, mechanized maintenance would not be feasible due to a lack of access, and, therefore, maintenance may be limited to vegetation removal or trimming using non-mechanical means, such as hand tools and herbicide application.

**Potential Effects**: This alternative would partially reduce in-stream impacts to wetland habitat, and impacts associated with water quality. However, additional impacts would occur to upland habitats on channel banks and other areas outside of the facility required for access. Due to reduced wetlands habitat removal, water quality impacts could be reduced, but with limited access, removal of contaminated soil, debris, and trash would also be reduced, resulting in increased water quality impacts compared with the proposed MWMP. Hydrology impacts related to the risk of erosion would also be reduced, but impacts related to flood risk would be increased.

Significant impacts associated with air quality; historical, archaeological, and tribal cultural resources; noise; and solid waste would still occur and would not be noticeably reduced. See EIR Table 8-1 for a comparison of the environmental effects of the No Project/No Action Alternative with the proposed MWMP and the other alternatives discussed below.

**Finding and Supporting Facts**: In many locations, without equipment in the channel/ditch or basin, maintenance of the facility would be limited to non-mechanical vegetation removal; accumulated sediment would not be removed in most locations. This alternative may incur additional operational costs due to the need for additional bank access in certain facility locations, and may potentially increase impacts to riparian, stream buffer, and/or upland habitats (in place of in-stream habitat). The City rejects the Reduced In-Stream Maintenance Alternative, as undesirable as it fails to satisfy the proposed Project's underlying purpose and to meet several Project objectives.

**c) Limited Sediment Removal Alternative (Alternative 3)**

Under the Limited Sediment Removal Alternative (Alternative 3), no sediment would be removed from earthen-bottom facilities. Sediment would still be removed from concrete-lined facilities due to the risk of downstream plugs and the potential need for infrastructure repair. The concrete-lined facilities proposed for maintenance under the MWMP were designed to be unvegetated. Maintenance of concrete-lined facilities through the removal of accumulated sediment and vegetation is required according to analysis conducted by multiple flood management agencies, including the USACE, to prevent clogging of downstream culverts and other significant reductions in facility capacity that can result in increased flood risk (USACE 1999).

**Potential Effects**: This alternative would partially reduce impacts to solid waste because sediment from earthen-bottom facilities planned for removal and disposal under the proposed MWMP would not be removed. Water quality impacts (e.g., turbidity, accidental spills) and wetland habitat impacts would be reduced, but not avoided, since mechanical vegetation removal would still occur. Also, by excluding the removal of sediment, water quality benefits of the MWMP in terms of removal of trash and contaminants within sediment would not occur. Hydrology impacts would likely be increased, because vegetation removal in earthen-bottom facilities would still result in a potentially significant increase in erosion, and by limiting the removal of sediment, the potential for flooding would be increased.

Significant impacts associated with air quality; historical, archaeological, and tribal cultural resources; and noise would still occur and would not be noticeably reduced.

**Finding and Supporting Facts**: Alternative 3 would accomplish most of the MWMP objectives; however, by precluding the removal of sediment in earthen-bottom facilities, these facilities would continue to lose flood conveyance capacity, and, therefore, this alternative would not fully achieve the MWMP objectives to reduce flooding and protect life and property in those watersheds. The City rejects the Limited Sediment Removal Alternative, as undesirable as it fails to satisfy the proposed Project's underlying purpose and to meet several Project objectives.

**d) Alternative Sediment Management Approach (Alternative 4)**

Under the Alternative Sediment Management Approach (Alternative 4), maintenance would be designed in a manner that leaves strips of sediment/vegetation in each facility, particularly within channels/ditches. Sediment removal activities would continue to be conducted in-channel, so impacts resulting from the presence of heavy equipment in the channel would remain. To leave strips of sediment/vegetation, additional access impacts would likely occur for equipment to be able to access the maintenance areas separated by the strips of avoided sediment/vegetation.

As stated above, the concrete-lined facilities proposed for maintenance under the MWMP were designed to be unvegetated. Maintenance of concrete-lined facilities through the removal of accumulated sediment and vegetation is required according to analysis conducted by multiple flood management agencies, including USACE, to prevent clogging of downstream culverts and other significant reductions in facility capacity that can result in increased flood risk (USACE 1999). City staff have observed vegetation/sediment on concrete-lined channels becoming displaced and being transported downstream during storm events. This type of "carpet-rolling" effect was observed specifically at the Murphy Canyon – Stadium and Murray Reservoir – Cowles Mountain facility groups during normal (i.e., not extreme) storm events, resulting in increased flood risks downstream. Therefore, this alternative sediment management approach would only alter the proposed maintenance activities within earthen-bottom facilities.

**Potential Effects:** Within earthen-bottom facilities, the modification of maintenance to allow for permanent or alternating sediment/vegetation strips may be feasible, but would not be consistent with facility as-built designs. In most cases, it is expected that these sediment/vegetation strips would increase flood risk compared to the proposed Project. Also, the strips of vegetation would be subject to potential erosion and therefore may result in adverse downstream effects (e.g., clogging of downstream culverts and/or sedimentation). The intended function of these strips is similar to constructed wetland BMP water quality improvement facilities. In practice, constructed wetland BMPs are not typically designed in existing channels due to regulatory restrictions (water quality improvement measures are typically required to be built upstream of a discharge to the receiving waters) and hydrology and hydraulic concerns. The hydrology and hydraulic concerns are that channels must accommodate peak flood flows whereas water quality improvement functions typically occur during low-flow conditions. Therefore, typical design would include diversion of low flows to a separate water quality treatment wetland. The attempt to create these functions within facilities by reducing maintenance is not likely to be effective, since large flows would likely erode the strips of sediment and vegetation. This alternative may also incur additional operational costs due to the need for additional bank access in certain facility locations, and may potentially increase impacts to riparian, stream buffer, and/or upland habitats (in place of in-stream habitat).

Therefore, this alternative would have greater impacts to hydrology (i.e., flooding, erosion) and biological resources, while other impacts would remain the same compared to the proposed MWMP. Potential MWMP impacts that would not be reduced or avoided by this alternative are those related to air quality; historical, archaeological, and tribal cultural resources; and noise. Impacts that would be reduced are those related to solid waste, since less vegetation and sediment would be transferred to the City-owned landfill. When known or unknown hazardous materials or contaminated soils are encountered during maintenance activities, they would need to be transported to an acceptable off-site disposal facility that accepts hazardous materials that are not accepted by the City-owned landfill. Impacts to water quality are likely mixed. To the degree that strips of vegetation are an effective filter of pollutants, water quality impacts would be reduced under this alternative. However, if strips of vegetation are dislodged, the uncontrolled release of this sediment and vegetation would result in greater water quality impacts compared with the proposed MWMP.

**Finding and Supporting Facts:** This alternative would not meet all of the Project's objectives, such as the protection of life and property or the responsiveness to flood risk. The City rejects the Alternative Sediment Management Approach, as undesirable as it fails to satisfy the proposed Project's underlying purpose and to meet several Project objectives.

### e) Reduced Project Alternative (Alternative 5)

The Reduced Project Alternative (Alternative 5) would remove selected facilities from the MWMP. The facilities to be removed would be those facility groups that would adversely affect wetlands

greater than 0.5 acre in area that have not been previously permitted and mitigated. A 0.5-acre threshold was set for this alternative based on the USACE's Nationwide Permit program, which uses the same threshold to avoid impacts that would potentially have more than a minimal effect on aquatic resources (USACE 2017). Under this alternative, facilities that would involve impacting more than 0.5 acres of wetlands not previously permitted or mitigated would need to be addressed in the future through an individual environmental review and permitting process. These facility groups are as follows:

- Los Peñasquitos Canyon Creek – Black Mountain Facility Group
- Tecolote Creek – Genesee Facility Group
- Mission Bay – Mission Bay Drive Facility Group
- Nestor Creek – Nestor Facility Group

**Potential Effects**: This alternative would reduce, but not entirely avoid, potential impacts in all issue areas, due to the avoidance of impacts within these four facility groups. Biological resource impacts would be reduced because less wetland and sensitive vegetation would be removed, and hydrology and water quality impacts would be reduced because there would be no risks of erosion or water quality degradation at these facility locations. However, potential impacts that would increase in severity compared to the proposed MWMP include those related to hydrology and water quality, because this alternative would increase the likelihood of flooding in the areas surrounding the excluded facilities.

In the context of maintenance throughout the City, the Reduced Project Alternative would not result in a substantive reduction of impacts in the areas of solid waste, air quality, or noise due to the relatively similar use of maintenance equipment across the program. Similarly, historical, archaeological, and tribal cultural resources would still be subject to potential impacts to unknown resources throughout the City.

**Finding and Supporting Facts**: This alternative would increase the likelihood of flooding in the areas surrounding the excluded facilities. This alternative would not fully meet the MWMP objective to reduce flooding and protect life and property. The City rejects the Reduced Project Alternative, as undesirable as it fails to satisfy the proposed Project's underlying purpose and to meet several Project objectives.

**Environmentally Superior Alternative**

All of the alternatives would reduce one or more potentially significant impacts. The No Project/No Action Alternative (Alternative 1) would result in the least reduction of impacts, since the activities proposed under the MWMP would still occur on a project-by-project basis. The Reduced In-Stream Maintenance (Alternative 2) and Alternative Sediment Management (Alternative 4) would reduce some impacts, but likely would result in greater impacts to either aesthetic/visual resources and neighborhood character, or biological resources due to the need for additional access areas. Comparing the Limited Sediment Removal Alternative (Alternative 3) and Reduced Project Alternative (Alternative 5), Alternative 3 would result in a greater reduction of significant impacts, including biological resources and solid waste. However, hydrology impacts would be increased under Alternative 3 (due to increased risk of erosion in earthen-bottom facilities where vegetation would be removed but sediment would not be removed). Under Alternative 5, impacts to hydrology would be mixed; the facilities excluded from maintenance would have less potential for erosion but increased risk of flooding. Therefore, the Reduced Project Alternative (Alternative 5) is considered

the environmentally superior alternative because it would result in the least environmental impacts while avoiding potential increases in hydrology impacts associated with Alternative 3.

Although Alternative 5 would be the environmentally superior alternative, impacts associated with hydrology and water quality would have some increases under this alternative compared to the proposed MWMP. By avoiding maintenance within the identified four facility groups, this alternative would increase the flood risk in areas surrounding these facilities. Life and property would be at risk in these locations during flood events, and the potential for water quality degradation would be increased when flood waters exceed the channel capacity and potentially transport pollutants downstream. Therefore, this alternative would not fully achieve the objectives of the MWMP, which are aimed to reduce flooding and protect life and property.

**EXHIBIT B**

# STATEMENT OF OVERRIDING CONSIDERATIONS

## (PUBLIC RESOURCES CODE 21081(B))

## REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT

## FOR THE

## MUNICIPAL WATERWAYS MAINTENANCE PLAN

**PROJECT No: 616992**

**SCH No. 2017071022**

**May 2020**

This page intentionally left blank.

# STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE MUNICIPAL WATERWAYS MAINTENANCE PLAN (PUBLIC RESOURCES CODE §21081(b))

Pursuant to Section 21081(b) of the California Environmental Quality Act (CEQA) and CEQA Guidelines Sections 15093 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 Municipal Waterways Maintenance Plan (MWMP) and associated discretionary actions (hereinafter referred to as the Project), as defined in the Final Environmental Impact Report (EIR). This statement of overriding considerations is specifically applicable to the significant and unavoidable impacts identified in Chapter 5 of the Final EIR. As set forth in the Findings, the Project will result in unavoidable adverse direct, indirect, and cumulative impacts related to Biological Resources, Solid Waste, and Water Quality.

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

(i) Independently reviewed the information in the Final EIR 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 environmental protocols and mitigation measures identified in the Final EIR; and

(iii) Balanced the benefits of the Project against the significant environmental impacts, choses to approve the project, despite its significant environmental impacts, because, in its view, specific economic, legal, social, and other benefits of the Project render the significant environmental impacts acceptable.

The following statement identifies why, in the City Council's judgment, the benefits of the Project outweigh the unavoidable significant impacts. Each of these benefits serves as an independent basis for overriding all significant and unavoidable impacts. Any one of the reasons set forth below is sufficient to justify approval of the project. Substantial evidence supports the various benefits and such evidence can be found in the preceding sections, which are incorporated by reference into this section, the Final EIR, or in documents that comprise the Record of Proceedings in this matter.

## A. FINDINGS FOR STATEMENT OF OVERRIDING CONSIDERATIONS

If the specific economic, legal, social, technological, or other benefits, including considerations for the provision of employment opportunities for highly trained workers, outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code §21081. CEQA further requires that when the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final 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.

Pursuant to the Public Resources Code §21081(b) and Guidelines §15093, the City Council, having considered all of the foregoing, finds that the following specific overriding economic, legal, social, technological, or other benefits associated with the Project outweigh unavoidable adverse direct, indirect, and cumulative impacts related to Biological Resources, Solid Waste, and Water Quality. Each of the separate benefits of the Project, as stated herein, is determined to be, unto itself and independent of the other project benefits, a basis for overriding unavoidable adverse environmental impacts identified in the Findings.

The City Council also has examined alternatives to the Project, and finds that the proposed Municipal Waterways Maintenance Plan (MWMP) alternatives discussed in the Final EIR should not be adopted because while each alternative meets some of the basic objectives of the MWMP, they do not meet them to the same extent as with the MWMP, and do not meet the City Charter and Council Policies as further documented below. The City also finds that the economic, legal, social, and technological benefits of the proposed MWMP that the City has found to override the alternatives' environmental benefits would be negated by the proposed MWMP's alternatives.

The City Council declares that it has adopted all feasible environmental protocols and mitigation measures to reduce the proposed MWMP's environmental impacts to an insignificant level; considered the entire administrative record, including the Final EIR ; and weighed the proposed MWMP's benefits against its environmental impacts. After doing so, the City Council has determined that the proposed MWMP's benefits outweigh its environmental impacts and deem them acceptable.

The City Council identified the following public benefits in making this determination. Each of these public benefits serves as an independent basis for overriding all unavoidable adverse environmental impacts identified in these Findings and the Final EIR. The City Council considers these impacts to be acceptable, consistent with CEQA Guidelines Section 15093.

Therefore, the decision-making body expressly finds that in accordance with Public Resources Code §21081(b) and 21081.5, and CEQA Guidelines §§15093 and 15043, based on the following specific considerations, the benefits of the Project would outweigh the Project's significant effects on the environment:

1) **Importance of Regular Maintenance to Reduce Flood Risk**

- Fulfills Section 26.1 of the San Diego City Charter and Council Policy 800-04 to maintain adequate drainage facilities to remove storm water runoff in an efficient, economic, and environmentally and aesthetically acceptable manner for the protection of property and life.
- Restores essential public utilities (i.e., storm water facilities) to original or as-built design to adequately convey storm water runoff during rainfall events.
- Reduces flood risks to life and damages to property that is attributed to the accumulation of vegetation, sediment, trash, and debris within these storm water facilities.
- Repairs damaged infrastructure to restore function and longevity of asset and system.
- Reduces significant vector problems (e.g., mosquitoes, rodents, stagnant waters containing pollutants) to address public health and safety concerns in adjacent areas.

- Removes vegetation cover that is frequently occupied by persons experiencing homelessness to address significant public health and safety concerns to surrounding areas.
- Reduces fire potential within storm water facilities by removing non-native, invasive plant species, such as giant reed (*Arundo donax*).
- Improves the facility aesthetics by removing invasive plant species, trash, and debris; which in turn improves capacity and prevents debris from causing a blockage.
- Restores disturbed wetland and upland habitats by removing non-native, invasive plants species and increase habitat functions and values, including water quality improvements.
- Removes pollutant-laden sediments to reduce pollutant transport into downstream areas during high rainfall events.
- Reduces the need to conduct emergency maintenance during sudden and/or significant storm events by implementing preventive maintenance activities.

2) **Economic and Social Benefits of MWMP and Regular Maintenance**

- Reduces the City's liability and associated costs of restitution paid to adjacent home and business owners related to flood damage incurred because of reduced channel capacity associated with the accumulation of vegetation, sediment, trash and debris within these facilities.
- Reduces disruption of life and damages associated with the loss of irreplaceable valuables due to water damage caused by flooding.
- Reduces disruption of public life and safe transportation associated with flooding closures or hazards resulting from damaged infrastructure (e.g., roadways).
- Implements wetland restoration projects to compensate for maintenance impacts to wetland habitat, including assurance of long-term maintenance and management.
- Creates opportunities to work with other local jurisdictions to maintain an entire conveyance system (up and downstream) and not just parts of the system. Legal action, such as a Notice of Liability, could be provided to affected parties since the majority of the receiving storm water system lies within the urbanized areas within the City's jurisdiction and, therefore, the monetary and physical burden is put on the City taxpayers.
- Integrates holistic approach to storm water management, including identification of multi-benefit storm water projects such as stream restoration and/or Capital Improvement Projects that can reduce maintenance needs (i.e., frequency of maintenance).

3) **Standardization of Review Process and Framework for Future Maintenance**

- Establishes standard environmental protocols and mitigation measures to avoid, minimize, and mitigate the impacts of maintenance activities to the greatest extent feasible and in a manner consistent with local, state, and federal requirements, rather than developing these protocols and measures on a project-by-project basis.
- Establishes a comprehensive, multi-faceted, and widely accepted approach to offset potential long-term water quality impacts through implementation of avoidance and minimization and mitigation measures. Hydrology-based data is relied on to avoid and

minimize maintenance to only those areas where maintenance provides a reduction in flood risk. Where maintenance results in unavoidable wetland impacts, the City will implement biological compensatory wetlands mitigation at City-established ratios. The City will also implement additional water quality mitigation for situations where implementation of compensatory wetlands mitigation is delayed. A calculation-based methodology was used to select the water quality measures, and the measures are based on best available data. This widely accepted approach was developed over several years involving extensive public outreach and stakeholder engagement.

- Establishes a programmatic framework to allow the City to be more responsive to unanticipated or newly identified flood risks, potential infrastructure damage, implementation of compensatory mitigation sites, and emergency actions throughout the City-maintained portion of the storm water system in a manner consistent with standard protocols and measures.
- Responsive and transparent to communities, stakeholders, agencies and general public by providing detailed, project-level site-specific analysis up-front.
- Streamlines regulatory reviews and approvals for preventative, routine maintenance and repair activities to prevent flooding and to improve the overall intended functionality of the system.

## B. CONCLUSION

For the foregoing reasons, the City Council finds, in accordance with Public Resources Code §21081(b) and 21081.5, and CEQA Guidelines §15093 and 15043, that the Project's adverse, unavoidable environmental impacts are outweighed by the above-referenced benefits, any one of which individually, or combined, would be sufficient to outweigh the adverse environmental effects of the Project. Therefore, the City Council has adopted this Statement of Overriding Considerations.

# EXHIBIT C

# MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

# FINAL ENVIRONMENTAL IMPACT REPORT (FEIR)

# FOR THE

# MUNICIPAL WATERWAYS MAINTENANCE PLAN

**PROJECT NUMBER 616992**

**SCH No. 2017071022**

**May 2020**

THIS PAGE INTENTIONALLY LEFT BLANK FOR DOUBLE-SIDED PRINTING

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Development Services Department – Records Center, 1222 First Avenue, Second Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report (EIR) No. 616992/SCH No. 2017071022 shall be made conditions of Coastal Development Permit (CDP) No. 2392208 and Site Development Permit (SDP) No. 2392210 and as may be further described below.

This document identifies (1) Environmental Protocols (EPs) to reduce the potential for environmental effects; (2) mitigation measures (MMs) to be implemented prior to, during, and after maintenance activities associated with the *Municipal Waterways Maintenance Plan* (MWMP); and (3) a mitigation framework for programmatic activities.

## GENERAL

1. Prior to subsequent Substantial Conformance Review (SCR) approval, the Mayor-Appointed Environmental Designee (ED) shall verify that all mitigation measures listed in this EIR have been included in entirety on the submitted construction/maintenance documents and/or contract specifications, and included under the heading, "Environmental Mitigation Requirements." In addition, the requirements for a Preconstruction Meeting shall be noted on all construction documents.
2. Prior to the commencement of work, the Transportation & Storm Water Department (TSW or applicant) shall arrange a Preconstruction Meeting (Pre-con) and include the City of San Diego's (City) Mitigation Monitoring Coordination (MMC) representative, Project Consultant(s), TSW, Construction Manager (CM) (if applicable), Resident Engineer (RE) (if applicable), and other parties of interest.
3. Prior to subsequent SCR approval, evidence of compliance with other permitting authorities, such as the State of California Fish & Game Code Section 1602, is required. Evidence shall include either copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ED.
4. During the SCR review and prior to the issuance of a Notice to Proceed (NTP) for an activity, evidence of compliance or inclusion of applicable Environmental Protocols (EPs) shall be submitted to the ED for verification. The project's EPs that are incorporated into this document are listed below.

## ENVIRONMENTAL PROTOCOLS

## BIOLOGICAL RESOURCES

**EP-BIO-1** **FMP Preparation/Verification.** The Transportation & Storm Water Department (TSW) shall prepare a Facility Maintenance Plan (FMP) for new facilities or verify consistency of the FMPs in the approved *Municipal Waterways Maintenance Plan* (MWMP) Appendix A, which shall include written and graphic depiction of the facility-specific biological resources/impacts and avoidance areas, access/staging/loading routes, the equipment that will be used to complete the maintenance, and applicable mitigation measures. FMPs are designed to avoid and minimize impacts to biological resources to the maximum extent practicable while providing flood risk reductions and ensuring the ongoing functionality of existing infrastructure. If compensatory mitigation has been provided for previously permitted maintenance areas, proof of mitigation implementation/credit will be provided as part of the FMP.

**EP-BIO-2** **Lighting Restrictions.** TSW shall ensure nighttime lighting required during emergency maintenance complies with the City of San Diego (City) Outdoor Lighting Regulations pursuant to Land Development Code (LDC) Section 142.0740 to the maximum extent practicable, and shall be low-pressure sodium illumination (or similar) and directed away from the Multiple Species Conservation Program preserve when the work site is adjacent to the Multi-Habitat Planning Area (MHPA) using appropriate placement and shielding.

**EP-BIO-3a** **Qualified Biological Monitor.** TSW shall ensure the following protocols are included in the FMP for each project within or adjacent to sensitive biological resources:

1. **Qualified Biologist.** At least 3 days prior to the start of maintenance activities, the Project Biologist shall submit a letter to Mitigation Monitoring Coordination (MMC) that confirms a qualified monitoring biologist (QMB), as defined in the City of San Diego Biology Guidelines (SDBG), has been retained to implement required monitoring. This letter shall also include the names and resumes of all persons involved in the biological monitoring of the project, a schedule for the proposed work, and the facility's pre-approved FMP.
2. **Documentation.** Prior to commencing maintenance on any storm water facility within, or immediately adjacent to, an MHPA, the Environmental Designee (ED) shall verify that all MHPA boundaries and limits of work have been delineated on all maintenance documents.
3. **Biological Construction Mitigation/Monitoring Exhibit.** The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME),

which includes limits of work, proposed monitoring schedule, avian or other wildlife surveys/survey schedules (including general avian nesting and U.S. Fish and Wildlife Service [USFWS] protocol), timing of surveys, avian construction avoidance areas/noise buffers/barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ED/MMC. The BCME shall include the FMP site plan, written and graphic depiction of the project's biological mitigation/ monitoring program, and a schedule. Where the potential for impacts to biological resources is limited (e.g., removal of sediment or debris from an unvegetated concrete structure that flows into a closed storm drain system during the non-breeding season), the monitoring program may be limited to a pre- and post-maintenance verification inspections. For highly sensitive resource areas, full-time biological monitors may be required. The BCME shall be approved by the MMC prior to the start of maintenance.

4. **Resource Marking/Protection.** Prior to maintenance activities, the Qualified Biologist shall supervise the placement of orange construction fencing or visible marker, staking, or flagging along the limits of the facility maintenance area adjacent to sensitive biological habitats, as shown on the BCME, to ensure crews remain in the approved maintenance areas. These demarcations will not be required for facilities with existing structures, such as chain-link fencing, along the limits or facilities that are adjacent to urban and non-sensitive habitat areas.

   This phase shall include flagging plant specimens and delineating buffers to protect sensitive biological resources (e.g., habitats, sensitive flora and fauna species, including nesting birds) during construction. Appropriate steps/care shall be taken to minimize attraction of nest predators to the site.

**EP-BIO-3b** **Pre-Construction Meeting/Education.** Prior to the start of any activity where the FMP for the proposed maintenance area indicates that significant impacts to biological resources may occur, TSW shall arrange an on-site pre-maintenance meeting with the following in attendance: MMC representative, Project Consultant(s) (e.g., QMB), TSW, Construction Manager (CM) (if applicable), Resident Engineer (RE) (if applicable), and other parties of interest. At this meeting, the QMB shall identify and discuss the maintenance protocols that apply to the maintenance activities and the sensitive nature of the adjacent habitat with the crew and subcontractor.

At the pre-maintenance meeting, the QMB shall submit to the MMC and CM a copy of the FMP and BCME that identifies areas to be protected, fenced, and monitored. This data shall include all planned locations and design of noise attenuation walls or other devices, if applicable.

Prior to commencement of maintenance activities, the Qualified Biologist shall meet with the crew supervisor and the maintenance crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved maintenance area and to protect sensitive flora and fauna that may occur at the specific facility (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas).

**EP-BIO-3c** **Biological Monitoring and Reporting.** The designated QMB shall inspect/monitor the project area in accordance with the approved BCME. This may be limited to pre- and post-maintenance inspections, weekly visits, or full-time monitoring, as determined by the Qualified Biologist and MMC.

The QMB shall document monitoring events via a Consultant Site Visit Record. This record shall be sent to the TSW each month and the TSW shall forward copies to MMC. However, if weekly reports are submitted as part of a separate agency permit requirement, these reports may be forwarded to MMC in place of Consultant Site Visit Record submittals.

If no deviations from the FMP occur during maintenance, no additional documentation is required. If deviations from the FMP occur, such as unanticipated impacts to sensitive vegetation communities or unanticipated discharge of pollutants, a Final Monitoring Report shall be prepared within 3 months following the completion of mitigation monitoring detailing maintenance and monitoring that occurred and any remedial or compensatory measures taken.

**EP-BIO-4** **Handling of Non-Native Invasive Plant Species.** Where an FMP involves potential disturbance of non-native invasive plant species (as identified by the California Invasive Plant Council), TSW shall implement standard environmental hygiene practices and the following maintenance procedures, or current best practices, to ensure that dispersal of propagules (e.g., seeds, stems) are avoided or minimized:

- When non-native invasive plants can be removed entirely (e.g., root and above-ground plant material), the removal shall be monitored by the QMB.
- When removing the roots of non-native invasive plants is not feasible (e.g., when erosive flows are predicted), TSW shall determine if any above-ground plant material can be removed (e.g., cut/trimmed). The removal of any above-ground plant material shall be monitored by the QMB. If herbicides are used to treat roots or cut/trimmed plants, it shall be applied by a Licensed Pest Control Advisor using chemicals permitted as safe within aquatic environments.

- When removing the roots and above-ground non-native invasive plants is not feasible (e.g., due to limited access), TSW shall coordinate with the QMB to determine if herbicides or other methods to treat plant material could be implemented. If herbicides are used to treat roots or cut/trimmed plants, it shall be applied by a Licensed Pest Control Advisor using chemicals permitted as safe within aquatic environments.
- TSW shall inspect and clean in place any equipment and tools used to handle, remove, and/or treat non-native invasive plants on a daily basis during active maintenance to limit the transfer of invasive rhizomes, seeds, and infectious agents to new off-site work areas.

**EP-BIO-5** **Sensitive Plant Species Protection.** If maintenance activities will occur adjacent to areas suitable for listed and/or narrow endemic plants, and no direct impacts are proposed to occur, TSW shall ensure the boundaries of the plant populations designated sensitive by the resource agencies are clearly delineated with flagging or temporary fencing that must remain in place for the duration of the activity.

**EP-BIO-6** **Handling of Potential Shot Hole Borer or Other Infestations.** If maintenance within a particular facility will impact woody riparian vegetation within a watershed where shot-hole borer is known to occur, TSW shall ensure a biologist knowledgeable of shot-hole borer life history and behavior conducts an initial pre-maintenance survey of the facility segments to determine if indicators of shot-hole borer infestation are present within the maintenance area.

If no indicators of shot-hole borer are observed, removal and disposal of the vegetative material shall proceed as planned.

If signs of shot-hole borer are observed, the following procedures, or current best practices, shall be implemented to manage the infestation and prevent further spread of the pest:

- Disinfect all tools that come into contact with infected woody material using a 5% bleach solution, Lysol spray, 70% ethanol (or isopropyl).
- Either chip or incinerate all woody vegetative material removed as part of maintenance.
    - If chipping method is used, all woody vegetative material removed as part of maintenance shall be chipped to less than 1 inch to dry the in-wood climate out and make it unsuitable for beetles or fungus.

Following chipping, material shall be solarized in the facility staging or stockpile area on site using a clear plastic or visqueen covering. The solarizing period shall be a minimum of 2 weeks during summer months and 2 months (or longer depending on weather) during winter months. The goal is to maintain temperatures under the cover between 95°F and 105°F.

For any other pests that are identified as being present within vegetation in a facility maintenance area, the maintenance and removal methods will follow the most current scientifically-supported protocol for treatment and disposal of the material in order to avoid inadvertent dispersal of the pest species.

**EP-LU-1** **MSCP/MHPA - Land Use Adjacency Guidelines.** See EP-LU-1 in Land Use, below.

**EP-LU-2** **MSCP/MHPA – Boundary Line Adjustment.** See EP-LU-2 in Land Use, below.

**EP-WQ-1** **Water Pollution Control Plan.** See EP-WQ-1 in Water Quality, below.

## GEOLOGIC CONDITIONS

**EP-GEO-1** **Preparation of Geotechnical Report.** Projects that involve earthen bank repair activities as described in the *Municipal Waterways Maintenance Plan* (MWMP) are subject to compliance with Land Development Code (LDC) Section 142.0131. When earthen bank repair is necessary for a specific project, City of San Diego (City) Transportation & Storm Water Department shall ensure a geotechnical report is prepared in accordance with the Guidelines for Geotechnical Reports in the City's Land Development Manual, and the earthen bank repair design incorporates the recommendations of the geotechnical report. The geotechnical report shall also be submitted for review during the subsequent review process.

## GREENHOUSE GAS EMISSIONS

**EP-SW-1** **Waste Management Plan.** See EP-SW-1 in Solid Waste, below.

**EP-SW-2** **Reusable Materials.** See EP-SW-2 in Solid Waste, below.

**EP-SW-3** **Suitable Reuse.** See EP-SW-3 in Solid Waste, below.

**EP-SW-4** **Green Waste.** See EP-SW-4 in Solid Waste, below.

**EP-SW-5** **Tire Disposal.** See EP-SW-5 in Solid Waste, below.

**EP-SW-6** **Material Diversion.** See EP-SW-6 in Solid Waste, below.

**EP-SW-7** **Landfill Notification.** See EP-SW-7 in Solid Waste, below.

**EP-SW-8** **Composting.** See EP-SW-8 in Solid Waste, below.

## HEALTH AND SAFETY/HAZARDS

**EP-HAZ-1** **Hazardous Materials Monitoring (Known Hazards).** Hazardous materials monitoring shall be performed for all excavation activities within or surrounding *Municipal Waterways Maintenance Plan* (MWMP) facilities where the potential presence of hazardous materials has been previously identified within 100 feet of closed/inactive sites, or within 200 feet of open/active sites, as identified in Table 5.5-1, Hazardous Materials Sites: Summary of Open Sites Within 1,000 feet of MWMP Facilities, in Section 5.5, Health and Safety/Hazards, of the EIR for currently identified Facility Maintenance Plans (FMPs), or based on a future regulatory database search for facilities without currently identified FMPs.

The hazardous materials monitoring shall be conducted by a 40-hour HAZWOPER-trained environmental professional experienced in the identification, assessment, handling, and disposal of contaminated soils and groundwater. The environmental professional shall use visual and olfactory observations and a photo ionization detector to screen soil for potentially hazardous materials. The Hazardous Materials Contingency Plan describes soil screening methods and steps to implement if hazardous materials are determined to be likely present by the environmental professional.

**EP-HAZ-2** **Hazardous Materials Contingency Plan.** A *Hazardous Materials Contingency Plan* (HMCP) has been prepared for the proposed MWMP. City of San Diego Transportation & Storm Water Department shall ensure activities proposed under the MWMP demonstrate consistency with the approved HMCP.

The intent of the HMCP is to provide guidance to maintenance crews/contractors who may encounter known or previously unknown soil or groundwater contaminants during the course of their work. The plan includes a discussion of known contaminants and common contaminants that may be encountered during maintenance activities, field screening and monitoring procedures, procedures for managing contaminated or potentially contaminated soil stockpiles, waste characterization sampling procedures and a description of potential soil disposal options. The plan also includes protocols for reporting suspected contaminants to

the appropriate regulatory agency, authority to stop work, and other necessary information.

The plan has been prepared under the direction of a licensed environmental professional experienced in the identification, assessment, handling, and disposal of contaminated soils and groundwater. Guidance and procedures presented in the plan conform with applicable federal, state, and local requirements.

**EP-HAZ-3** **Facilities with Previously Unknown Hazards.** If maintenance personnel encounter soils, surface water, groundwater, or other materials that they suspect are hazardous, an on-call 40-hour HAZWOPER-trained environmental professional experienced in the identification, assessment, handling, and disposal of contaminated soils and groundwater shall be contacted to assess the suspect materials. The environmental professional shall use field screening techniques appropriate for the suspect media to determine if it is likely hazardous or if additional testing or assessment is required. If the environmental professional determines that the suspect media is likely hazardous, the material shall be managed in accordance with the approved HMCP.

## HYDROLOGY

**EP-HYD-1** **Post-Maintenance Erosion Control.** For facility segments in which velocities in the recommended maintenance condition are greater than the pre-maintenance condition and greater than recommended permissible velocities, post-maintenance erosion control measures shall be implemented, including check dams or other similar velocity-reduction structures. The facilities identified to need potential post-maintenance erosion control measures include the following:

- Los Peñasquitos Canyon Creek (Black Mountain 1 and 2)
- Soledad Canyon Creek (Dunhill 1)
- Tecolote Creek (Genesee 1)
- Alvarado Canyon Creek (Mission Gorge 3, Alvarado 1)
- Norfolk Canyon Creek (Baja 1)
- Washington Canyon Creek (Washington 1)
- Chollas Creek (Martin 1, Megan 2, Rolando 2)
- Auburn Creek (Wightman 1 and 2, Home 1)
- South Chollas Creek (Alpha 1)
- South Chollas Creek Encanto Branch (Castana 1, Jamacha 1)

If additional facilities are identified with a greater than recommended permissible velocity due to maintenance, they will follow the same criteria outlined in the approved *Hydrology and Hydraulics Technical Report*.

Prior to the start of maintenance activities within these facilities, the City of San Diego Transportation & Storm Water Department (TSW) shall prepare a site-specific Maintenance Plan prepared by a Professional Engineer that includes all information concerning the post-maintenance erosion-reduction goals and requirements, such as timing of installation, installation specifications, performance/assessment criteria, inspection schedule (by consultant or TSW staff), documentation of submittals, and reporting schedule. Post-maintenance erosion control measures assessment criteria include structural integrity and compliance with permit and site conditions. Additional criteria include appraisals of standing water, evidence of localized erosion, and/or sediment, trash and/or debris accumulation to assess whether the measures are functional and meet intended purpose. Post-maintenance erosion control measures shall be in conformance with the Facility Maintenance Plans for post-maintenance erosion control included as Appendix A-4 of the *Municipal Waterways Maintenance Plan*.

At a minimum, an evaluation process shall be completed following the rainy season (i.e., November through April) to verify that the erosion control measures are effective and in serviceable condition. The evaluation process shall be conducted by qualified personnel and use observations of channel properties to allow comparison of facility conditions to site-specific performance/assessment criteria, erosion and sedimentation indicators (i.e., scour, sediment deposition, or bank erosion), and vegetation assessments. In the event that substantial erosion has occurred, erosion-impacted areas shall be identified for corrective action prior to the following rainy season. Monitoring, reporting, and repair work shall be approved and documented by TSW. Post-maintenance erosion control measures shall be evaluated for a minimum of 12 months and up to 24 months to ensure reduction in erosion risk to, at a minimum, pre-maintenance conditions.

## LAND USE

**EP-LU-1** **MSCP/MHPA – Land Use Adjacency Guidelines.** City of San Diego Transportation & Storm Water Department (TSW) shall accurately represent the project's design in or on the Maintenance Plans in conformance with the associated discretionary permit conditions, *Municipal Waterways Maintenance Plan* (MWMP), and the City's Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines. The Maintenance Plans and subsequent review documents shall include the following:

A. ***Drainage*** – All new and proposed parking lots and developed areas in and adjacent to the preserve must not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials, and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. These systems should be maintained approximately once a year, or as often as needed, to ensure proper functioning. Maintenance should include dredging out sediments if needed, removing exotic plant materials, and adding chemical-neutralizing compounds (e.g., clay compounds) when necessary and appropriate.

Ground disturbance under the MWMP shall be limited to removal of accumulated material in storm water facilities and no paved lots or new development shall be installed. Measures would be taken to prevent runoff of hazardous materials from access, staging, and stockpile locations consistent with the City Storm Water Standards Manual, see EP-WQ-1 in Water Quality.

B. ***Toxics/Project Staging Areas/Equipment Storage*** – Land uses, such as recreation and agriculture, that use chemicals or generate byproducts such as manure, that are potentially toxic or impactive to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. Such measures should include drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials. Regular maintenance should be provided. Where applicable, this requirement should be incorporated into leases on publicly-owned property as leases come up for renewal.

The use of chemicals, pesticides, herbicides, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall be accompanied by measures that reduce impacts caused by the application and/or drainage of such materials into the MHPA consistent with the City Storm Water Standards Manual (see EP-WQ-1 in Water Quality).

C. ***Lighting*** – Lighting of all developed areas adjacent to the MHPA should be directed away from the MHPA. Where necessary, development should provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting.

No permanent lighting or routine night work is proposed under the MWMP. See EP-BIO-2 in Biological Resources.

D. ***Noise*** – Uses in or adjacent to the MHPA should be designed to minimize noise impacts. Berms or walls should be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA. Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species. Adequate noise reduction measures should also be incorporated for the remainder of the year.

   See MM-BIO-4, MM-BIO-5, MM-BIO-6, and MM-BIO-7 in Biological Resources.

E. ***Barriers*** – New development adjacent to the MHPA may be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.

   Not applicable to MWMP maintenance activities because no developed land uses are proposed. Compensatory mitigation installed under the MWMP shall include appropriate barriers or directive fences to protect the MHPA.

F. ***Invasives*** – No invasive non-native plant species shall be introduced into areas adjacent to the MHPA.

   Any plant species installed within 100 feet of the MHPA as part of revegetation work shall comply with the Landscape Regulations (LDC Section 142.0400 and per Table 142-04F, Permanent Revegetation and Irrigation Requirements) and be non-invasive. Also, see EP-BIO-4 in Biological Resources.

G. ***Brush Management*** – New residential development located adjacent to and topographically above the MHPA (e.g., along canyon edges) must be set back from slope edges to incorporate Zone 1 brush management areas on the development pad and outside of the MHPA. Zones 2 and 3 will be combined into one zone (Zone 2) and may be located in the MHPA upon granting of an easement to the City (or other acceptable agency) except where narrow wildlife corridors require it to be located outside of the MHPA. Zone 2 will be increased by 30 feet, except in areas with a low fire hazard severity rating where no Zone 2 would be required. Brush management zones will not be greater in size that is currently required by the City's regulations. The amount of woody vegetation clearing shall not exceed 50% of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and

shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the Zone 2 area will be the responsibility of a homeowners association or other private party.

Not applicable to MWMP activities because no developed land uses or structures requiring fire protection are proposed.

H. ***Grading/Land Development/MHPA Boundaries*** – Manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA.

No manufactured slopes are proposed or associated with the MWMP.

EP-LU-2 **MSCP/MHPA – Boundary Line Adjustment.** Compensatory Mitigation Sites proposed to be added to the MHPA must result in an equivalent or higher biological value for the following areas, based on findings prepared by the City and concurrence received from the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife:

- Effects on significantly and sufficiently conserved habitats
- Effects to covered species
- Effects on habitat linkages and function of preserve areas
- Effects on preserve configuration and management
- Effects on ecotones or other conditions affecting species diversity
- Effects to species of concern not on the covered species list

## PALEONTOLOGICAL RESOURCES

EP-PAL-1 **Paleontological Resource Compliance.** Pursuant to Land Development Code (LDC) Section 142.0151, the City of San Diego (City) Transportation & Storm Water Department (TSW) shall verify grading quantities and geologic formation sensitivity for all maintenance and repair activities and apply the appropriate requirements for paleontological monitoring in accordance with the General Grading Guidelines for Paleontological Resources in the City's Land Development Manual. Geologic formation sensitivity is provided in Table 5.10-3, Paleontological Sensitivity of Earthen-Bottom Facilities, in Section 5.10, Paleontological Resources, of the EIR. Regulatory compliance for maintenance and repair activities would be assured through notes on plans and/or substantial conformance review documentation.

## SOLID WASTE

**EP-SW-1** **Waste Management Plan.** The City of San Diego (City) Transportation & Storm Water Department (TSW) has prepared a *Waste Management Plan* in accordance with the City's *California Environmental Quality Act Significance Determination Thresholds*. The *Waste Management Plan* adheres to the City's Guidelines for a Waste Management Plan. The *Waste Management Plan* includes a description of the project and overall timeline, and identifies the type and tonnage of waste that would be generated, identifies ways to manage or reduce the waste (e.g., source reduction, recycling, composting), summarizes and identifies the effectiveness of different measures used to reduce waste, and identifies a plan for implementation. The *Waste Management Plan* also identifies the name and location of recycling, reuse, and landfill facilities where recyclables and waste shall be taken if not reused on site.

The *Waste Management Plan* shall be approved by the Environmental Services Department, and TSW shall ensure the approved *Waste Management Plan* is implemented prior to the start of any maintenance activity proposed under the *Municipal Waterways Maintenance Plan*.

**EP-SW-2** **Reusable Materials.** Soil, sand, and silt shall be screened to remove waste debris and re-used as fill material, aggregate, or other raw material unless conditions specified in the *Waste Management Plan* make the use of screening equipment inappropriate or infeasible. For maintenance activities in concrete-lined or earthen-bottom storm water facilities that are not located in areas with known contamination or where unexpected contamination is encountered, a shaker or comparable equipment to separate and/or sort material shall be used, unless conditions specified in the *Waste Management Plan* make the use of this equipment inappropriate or infeasible, to separate reusable and recyclable materials from non-reusable materials. Once excavated material has been placed in stockpiles, it shall be screened and separated with the use of a shaker or comparable equipment unless this process is found to be infeasible, per the specifications in the *Waste Management Plan*. Reusable materials (e.g., soil, sand, or silt) that have been separated out shall be diverted to other sites within the City that are in need of fill, aggregate, or other raw materials unless specific conditions provided in the *Waste Management Plan* indicate that reuse is not appropriate or feasible.

**EP-SW-3** **Suitable Reuse.** If not reused on site, excess fill dirt shall be beneficially reused by means of dirt brokers, or donated to another project, or advertised as available via print ad, online, or any other suitable means unless conditions specified in the *Waste Management Plan* make diversion of geologic materials infeasible.

**EP-SW-4** **Green Waste.** Green waste material shall be diverted from disposal and put to the highest and best use (e.g., compost or landfill cover), unless conditions specified in the *Waste Management Plan* make diversion of green waste infeasible.

**EP-SW-5** **Tire Disposal.** Waste tires shall be separated and transported to an appropriate recycling facility. If more than nine tires are in a vehicle or waste bin at any one time, they shall be transported under a completed Comprehensive Trip Log to document that the tires were taken to an appropriate recycling facility.

**EP-SW-6** **Material Diversion.** When removal of sediments and debris from channels and storm drains are required, a preliminary estimate of the materials that can be diverted to beneficial use shall be made. Receipts from disposal, re-use, and recycling options shall indicate that 50% of materials are diverted. These uses shall include (a) recycling; (b) composting; (c) use as a fill material; (d) alternative daily cover; (e) land application; (f) cement, brick, block, or asphalt constituent; (g) road bed; (h) beach replenishment; or (i) other non-disposal use.

**EP-SW-7** **Landfill Notification.** Only facilities properly permitted by the state, County of San Diego, or local authorities, where applicable, shall be used. Notification shall be provided to the Miramar Landfill at least 24 hours in advance of bringing in 10 tons or more of waste in any 1 day, or 60 tons or more in any 1 month.

**EP-SW-8** **Composting.** Compostable green waste shall be taken to an approved composting facility, if available, unless conditions specified in the *Waste Management Plan* make diversion of green waste infeasible.

## WATER QUALITY

**EP-WQ-1** **Water Pollution Control Plan.** The City of San Diego (City) Storm Water Standards Manual require the development of a *Water Pollution Control Plan* (WPCP) that outlines the best management practices (BMPs) and pollution prevention measures that shall be implemented prior to and during maintenance activities (hereafter referred to as "facility water quality protection BMPs"). A *Municipal Waterways Maintenance Plan* (MWMP) facility-specific WPCP shall be developed prior to maintenance, using the WPCP Guidance Document specific to the MWMP. These facility-specific WPCPs shall be tailored to address facility-specific water quality conditions and BMP requirements based on the actual maintenance procedures that will be performed and the location of the Multi-Habitat Planning Area (MHPA) boundary. BMPs shall ensure no trash, oil, parking, or other maintenance-related material/activities adversely affect the MHPA preserve. The BMP categories that shall be addressed in each WPCP include the following:

- Project planning
- Good site management "housekeeping"
- Non-storm water management
- Erosion control
- Sediment control
- Run-on and run-off control

Consistent with the City Storm Water Standards Manual and other regulatory requirements, each WPCP shall include objectives, responsibilities, and maintenance and inspection standards to ensure adherence to pollution prevention standards.

## MITIGATION MEASURES

## AIR QUALITY AND ODOR

**MM-AQ-1** **Tier 4 Interim Construction Equipment.** Prior to the commencement of any four or more concurrent construction activities, the City of San Diego Transportation & Storm Water Department (TSW) or its designee shall sum the estimated corresponding maximum daily construction nitrogen oxide (NOx) emissions from Table 5.2-6, Estimated Maximum Daily Construction Emissions By Representative Project (Unmitigated), in Section 5.2, Air Quality and Odor, of the EIR, to determine if the combined emissions exceed the San Diego Air Pollution Control District (SDAPCD) construction threshold of 250 pounds per day for NOx. If the combined NOx emissions exceed the SDAPCD threshold, TSW or its designee shall provide evidence that, for off-road equipment with engines rated at 75 horsepower or greater, no equipment shall be used that is less than Tier 4 interim. An exemption from these requirements may be granted if TSW documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment. Before an exemption may be considered by the Environmental Designee/Mitigation Monitoring Coordination, TSW shall be required to demonstrate that three construction fleet owners/operators in the San Diego region were contacted and that those owners/operators confirmed Tier 4 interim equipment could not be located within the San Diego region. If Tier 4 interim equipment is not reasonably available, then all diesel-powered equipment, equal to or greater than 75 horsepower shall have at least California Air Resources Board-certified Tier 3 engines with the most effective Verified Diesel Emission Control Strategies available for the engine type, such as Level 3 Diesel Particulate Filters (Tier 4 engines automatically meet this requirement), which provides an equivalent reduction.

## BIOLOGICAL RESOURCES

**MM-BIO-1a:** **Compensatory Wetlands Mitigation.** Significant impacts to sensitive wetlands, including jurisdictional aquatic resources, resulting from maintenance that require mitigation based on thresholds summarized in Table 5.3-3, Significance of Impacts to Vegetation Communities and Jurisdictional Resources, in Section 5.3, Biological Resources, of the EIR, shall be mitigated through (A) implementation of habitat creation, restoration, enhancement, and/or preservation through an approved Habitat Mitigation and Monitoring Plan (HMMP) or (B) acquisition of approved mitigation credits, including City of San Diego (City) Advanced Permittee Responsible Mitigation (APRM) sites. Both A and B are equally suitable and equivalent mitigation.

Wetland mitigation required as part of any federal (404) or state (1601/1603) wetland permit shall supersede and shall not be in addition to any mitigation identified in the California Environmental Quality Act (CEQA) document for those wetland areas covered under any federal or state wetland permit. Wetland habitat outside the jurisdiction of the federal and state permits shall be mitigated in accordance with the CEQA document for those wetland areas covered under any federal or state wetland permit. Wetland habitat outside the jurisdiction of the federal and state permits shall be mitigated in accordance with the CEQA document.

A) An HMMP shall be prepared in accordance with the City of San Diego Biology Guidelines (SDBG). Mitigation shall conform with the SDBG including definitions for creation, restoration, enhancement, and acquisition identified under Environmentally Sensitive Lands (ESL), including satisfaction of no-net-loss by including at least a 1:1 ratio of creation or restoration for all areas of significant impacts to wetlands (Table 5.3-8, Wetland Mitigation Ratios).

   When proposed mitigation involves habitat enhancement, restoration, or creation, the HMMP shall include the following information:

   - Conceptual planting plan including planting zones, grading, and irrigation;
   - Seed mix/planting palette;
   - Planting specifications;
   - Monitoring program including success criteria; and
   - Long-term maintenance and preservation plan.

For mitigation which involves habitat acquisition, the HMMP shall include the following:

- Location of proposed acquisition;
- Description of the biological resources to be acquired including support for the conclusion that the acquired habitat mitigates for the specific maintenance impact; and
- Documentation that the mitigation area would be adequately preserved and maintained in perpetuity.

B) Allocation of mitigation site credits, including City APRM shall include the following:

- Location of approved mitigation site;
- Description of the mitigation credits to be acquired including support for the conclusion that the acquired habitat mitigates for the specific maintenance impact;
- Documentation the credits are associated with a mitigation bank or APRM site that has been approved by the appropriate Resource Agencies; and
- Documentation in the form of a current mitigation credit ledger.

**Table 5.3-8**
**Wetland Mitigation Ratios**

| HABITAT TYPE | MITIGATION RATIO |
|---|---|
| Coastal Wetlands: | |
| - Salt marsh | 4:1 |
| - Salt panne | 4:1 |
| Riparian Habitats: | |
| - Oak riparian forest | 3:1 |
| - Riparian forest or woodland | 3:1 |
| - Riparian scrub | 2:1 |
| - Riparian scrub in the Coastal Overlay Zone | 3:1 |
| Freshwater Marsh | 2:1 |
| Freshwater Marsh in the Coastal Overlay Zone | 4:1 |
| Natural Flood Channel | 2:1 |
| Disturbed Wetland | 2:1 |
| Vernal Pools | 2:1 to 4:1 |
| Marine Habitats | 2:1 |
| Eelgrass Beds | 2:1 |

**Notes:**
Any impacts to wetlands must be mitigated "in-kind" and achieve a "no-net loss" of wetland function and values except as provided for in Section 3B (Economic Viability Option).

* Mitigation for vernal pools impacts consistent with the Vernal Pool Habitat Conservation Plan shall be 2:1 for listed fairy shrimp or when no listed plant species are present, 3:1 for San Diego button celery, and 4:1 when listed species with very limited distributions (e.g., *spreading navarretia, San Diego mesa mint, California Orcutt grass, and Otay mesa mint*) are present. While the ratio is applied to the basin area, the mitigation site must include appropriate watershed to support restored and/or enhanced basins.

**MM-BIO-1b** **Compensatory Uplands Mitigation.** Cumulative impacts to sensitive uplands under the *Municipal Waterways Maintenance Plan* (MWMP) are generally limited in size (i.e., less than the 5- to 10- acre threshold established in the SDBG) and, therefore, shall be mitigated in accordance with the applicable SDBG mitigation ratios (Table 5.3-9, Upland Mitigation Ratios) through payment into the City's Habitat Acquisition Fund (Fund #10571), as established by City Council Resolution R-275129, adopted on February 12, 1990, or dedication of credits from the City's Cornerstone Lands Marron Valley Mitigation Bank.

## Table 5.3-9
## Upland Mitigation Ratios[1]

| TIER | HABITAT TYPE | MITIGATION RATIOS |
|---|---|---|
| TIER I[2] (rare uplands) | Southern Foredunes<br>Torrey Pines Forest<br>Coastal Bluff Scrub<br>Maritime Succulent Scrub<br>Maritime Chaparral<br>Scrub Oak Chaparral<br>Native Grassland<br>Oak Woodlands | Location of Preservation: Location of Impact — Inside*: Inside 2:1, Outside 3:1; Outside: Inside 1:1, Outside 2:1 |
| TIER II[3] (uncommon uplands) | Coastal Sage Scrub (CSS)<br>CSS/Chaparral | Location of Preservation: Location of Impact — Inside*: Inside 1:1, Outside 2:1; Outside: Inside 1:1, Outside 1.5:1 |
| TIER IIIA[3] (common uplands) | Mixed Chaparral<br>Chamise Chaparral | Location of Preservation: Location of Impact — Inside*: Inside 1:1, Outside 1.5:1; Outside: Inside 0.5:1, Outside 1:1 |
| TIER IIIB[3] (common uplands) | Non-Native Grasslands[4] | Location of Preservation: Location of Impact — Inside*: Inside 1:1, Outside 1.5:1; Outside: Inside 0.5:1, Outside 1:1 |
| TIER IV (other uplands) | Disturbed Land<br>Agriculture<br>Eucalyptus Woodland<br>Ornamental Plantings | Location of Preservation: Location of Impact — Inside*: Inside 0:1, Outside 0:1; Outside: Inside 0:1, Outside 0:1 |

**Notes:**

1. No mitigation would be required for impacts within the base development area (25%) occurring inside the Multi-Habitat Planning Area (MHPA). Mitigation for any impacts from development in excess of the 25% base development area for community plan public facilities or for projects processed through the deviation process would be required at the indicated ratios.
2. For all Tier I impacts, the mitigation could (1) occur within the MHPA portion of Tier I (in Tier) or (2) occur outside of the MHPA within the affected habitat type (in-kind).

3. For impacts to Tier II, III A, and III B habitats, the mitigation could (1) occur within the MHPA portion of Tiers I – III (out-of-kind) or (2) occur outside of the MHPA within the affected habitat type (in-kind).
4. Mitigation for impacts to occupied burrowing owl habitat (at the subarea plan specified ratio) must be through the conservation of occupied burrowing owl habitat or conservation of lands appropriate for restoration, management, and enhancement of burrowing owl nesting and foraging requirements.

**MM-BIO-2** **Unintended Impact Mitigation.** Should any impacts occur outside of the authorized impact limits, they would be considered permanent and mitigated by either (1) providing mitigation in accordance with the applicable SDBG mitigation ratios or (2) installing an on-site habitat revegetation and erosion control treatment within any unintentional disturbance areas in native habitat in accordance with the SDBG and the Landscape Standards in the City's Land Development Manual. Habitat revegetation shall feature native species that are typical of the area, and erosion control features shall include silt fence and straw fiber rolls, where appropriate (e.g., in areas where sheet flow during rain events may cause erosion). The revegetation areas shall be monitored and maintained for a minimum of 25 months to ensure adequate establishment and sustainability of the plantings/seedlings to reduce the risk of erosion and/or non-native, invasive plant species establishment, in accordance with the Landscape Standards in the City's Land Development Manual.

**MM-BIO-3:** **Species-Specific Sensitive Plant Mitigation.** Focused surveys shall be conducted to determine presence/absence for Multiple Species Conservation Program (MSCP) Narrow Endemic plant species, non-MSCP covered federally and/or state listed plant species, or non-MSCP covered California Rare Plant Rank 1B.1 or 1B.2 species (see Table 5.3-4a, Sensitive Plant Species by Mitigation Type, in Section 5.3, Biological Resources, of the EIR) previously observed or with high or moderate potential to occur within each facility, prior to maintenance. For species that can only be reliably detected during specific blooming periods, focus surveys may need to be conducted during those periods to determine presence/absence. If these species occur within the newly proposed maintenance, access, staging, or stockpiling areas, one of two equally suitable options shall be implemented:

A) Maintenance areas shall be modified to avoid direct impacts to mapped sensitive plant species.

B) Implement an approved Conceptual Restoration Plan or acquisition of mitigation credits that provides one or more of the following measures:

- Impacted plants would be salvaged and relocated;
- Seeds from impacted plants would be collected for use at an off-site location;

- Off-site habitat that supports the species impacted shall be enhanced and/or supplemented with seed collected on site; and/or.
- Comparable habitat supporting the species at an off-site location shall be preserved.

Mitigation that involves relocation, enhancement, or transplanting sensitive plants may be conducted in combination with other habitat mitigation (e.g., wetlands HMMP) and shall include the following:

- Conceptual planting plan, including grading and temporary irrigation if necessary to create appropriate habitat conditions to support the species;
- Planting specifications (e.g., seed source, soil suitability, container size);
- Monitoring program including success criteria (e.g., a minimum number of sensitive plant individuals, a minimum percent cover of native species, a maximum percent cover of non-native species); and
- Long-term maintenance and preservation plan (e.g., sensitive plant monitoring, adaptive management actions, site security from trespass or vandalism).

**MM-BIO-4:** **Avoidance of Nesting Bird Impacts.** To avoid any direct impacts to any species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (USFWS), removal of habitat that supports active nests in the proposed area of disturbance shall occur outside of the breeding season of these species (January 15 through September 15), where feasible.

If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds within the proposed area of disturbance. The pre-construction survey shall be conducted no more than seven calendar days prior to the start of construction activities (including removal of vegetation).

TSW shall submit the results of the pre-construction survey to City Development Services Department for review and approval prior to initiating any construction activities. If nesting birds are detected, a general survey report or and an avoidance plan, if applicable, in conformance with the SDBG and applicable state and federal law (e.g., appropriate follow-up surveys, monitoring schedules, and construction barriers/buffers) shall be prepared and include proposed measures to be.

implemented to ensure that take of birds or eggs is avoided. The report and/or avoidance plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's Mitigation Monitoring Coordination (MMC) Section and Qualified Biologist shall verify and approve that all measures identified in the report and/or avoidance plan are in place prior to and/or during construction.

**MM-BIO-5:** **Avoidance of Listed Species Take.** Prior to the preconstruction meeting, the Environmental Designee (ED)/MMC shall verify that Multi-Habitat Planning Area (MHPA) boundaries and the requirements regarding the least Bell's vireo, Ridgway's rail, California least tern, and southwestern willow flycatcher as specified below, are shown on the Facility Maintenance Plans.

No clearing, grubbing, grading, or other construction activities shall occur during the least Bell's vireo and Ridgway rail's breeding season (March 15 through September 15), California least tern breeding season (April 15 through September 15), or southwestern willow flycatcher breeding season (May 1 through September 1) until the following requirements have been met to the satisfaction of the ED/MMC:

1. A Qualified Biologist (possessing a valid Endangered Species Act Section 10[a][1][a] Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the least Bell's vireo and southwestern willow flycatcher. Surveys for least Bell's vireo and southwestern willow flycatcher, shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of any construction. If least Bell's vireo or southwestern willow flycatcher are present, then the following conditions must be met:

    a. March 15 through September 15 for least Bell's vireo and May 1 through September 1 for southwestern willow flycatcher, no clearing, grubbing, or grading of occupied habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and

    b. March 15 through September 15 for least Bell's vireo and May 1 through September 1 for southwestern willow flycatcher, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current

noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the ED/MMC at least 2 weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; or

c. At least 2 weeks prior to the commencement of construction activities, under the direction of a Qualified Acoustician, attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities would not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo, and/or southwestern willow flycatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16). Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ED/MMC, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

2. If least Bell's vireo and/or southwestern willow flycatcher are not detected during the protocol survey, the Qualified Biologist shall submit substantial evidence to the ED/MMC and applicable resource agencies that demonstrates whether or not mitigation measures such as noise walls are necessary from March 15 through September 15 for least Bell's vireo, and/or May 1 through September 1 for southwestern willow flycatcher, adherence to the following is required:

   a. If this evidence indicates that the potential is high for least Bell's vireo and/or southwestern willow flycatcher to be present based on historical records or site conditions, then Condition 1(a) shall be adhered to as specified above.

If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

3. If work is proposed within a facility segment where Ridgway's rail has been identified to have a moderate or high potential to occur (Appendix E to Appendix D, *Biological Resources Technical Report*, of the EIR), then an agency-approved biologist will perform the following duties prior to the start of maintenance:

   a. A minimum of three focused pre-construction surveys on separate days, to determine the presence of Ridgway's rails in the facility project impact area outside the rail breeding season. Surveys will begin a maximum of 7 days prior to performing project construction and one survey will be conducted the day immediately prior to performing project construction. Immediately after the facility maintenance area is surveyed by a biologist, a 3- to 5-foot-tall exclusionary fence with 2-inch mesh openings shall be installed at the upstream and downstream limits of the facility to discourage entry of Ridgway's rails into the construction area and to ensure that impact limits are not exceeded;

   b. Before each day of maintenance begins, a Qualified Biologist shall survey the maintenance area to determine if Ridgway's rails have entered the facility impact area. If any rails are found within this area, the biologist will direct construction personnel to begin in an area away from the rails;

   c. The biologist will walk ahead of maintenance equipment to flush birds toward areas of the facility that will be avoided. The biologist will also record the number and location of any Ridgway's rails disturbed by project construction.

**MM-BIO-6:** **Avoidance of Raptor Breeding Impacts.** If maintenance is planned to occur during the raptor breeding season (January 15 through August 31), a pre-maintenance survey for active raptor nests shall be conducted in areas supporting suitable habitat.

If active raptor nests are found, maintenance shall not occur within:

- 300 feet of a Cooper's hawk nest,
- 900 feet of a northern harrier's nest, or
- 300 feet of any other raptor's nest until the Qualified Biologist determines the nesting cycle is complete (i.e., when fledglings become independent).

If removal of any eucalyptus trees or other trees used by raptors for nesting within a maintenance area is proposed during the raptor breeding season (January 15 through August 31), a Qualified Biologist shall ensure that no raptors are nesting in such trees.

If maintenance occurs during the raptor breeding season, a pre-maintenance survey shall be conducted and no maintenance shall occur within 300 feet of any nesting site of Cooper's hawk or other nesting raptor until the young fledge. Should the biologist determine that raptors are nesting, the trees shall not be removed until after the breeding season.

In addition, if removal of grassland or other habitat appropriate for nesting by northern harriers, a Qualified Biologist shall ensure that no harriers are nesting in such areas. If maintenance occurs during the raptor breeding season, a pre-maintenance survey shall be conducted and no maintenance shall occur within 900 feet of any nesting site of northern harrier until the young fledge.

Noise and other potential disturbance to active raptor nests from maintenance activities shall be minimized in accordance with MM-BIO-4.

**MM-BIO-7:** **Avoidance of California Gnatcatcher Breeding Impacts in MHPA.** Prior to the preconstruction meeting, the ED/MMC shall verify that the MHPA boundaries, and the requirements regarding the coastal California gnatcatcher, as specified below, are shown on the Facility Maintenance Plans.

No clearing, grubbing, grading, or other construction activities shall occur during the coastal California gnatcatcher breeding season (March 1 through August 15 on MHPA lands), until the following requirements have been met to the satisfaction of the ED/MMC:

1. A Qualified Biologist (possessing a valid Endangered Species Act Section 10[a][1][a] Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the coastal California gnatcatcher. Surveys for coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by USFWS within the breeding season prior to the commencement of any construction.

   If coastal California gnatcatchers are present, then the following conditions must be met:

a. March 1 through August 15 on MHPA lands, no clearing, grubbing, or grading of occupied coastal California gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and

b. March 1 through August 15 on MHPA lands, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied coastal California gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the ED/MMC at least 2 weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; or

c. At least 2 weeks prior to the commencement of construction activities, under the direction of a Qualified Acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities would not exceed 60 dB(A) hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16). Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ED/MMC, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

2. If coastal California gnatcatchers are not detected during the protocol survey, the Qualified Biologist shall submit substantial evidence to the ED/MMC and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary from March 1 through August 15 on MHPA lands as follows:

   a. If this evidence indicates that the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then Condition 1(a) shall be adhered to as specified above.

   b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

## HISTORICAL, ARCHAEOLOGICAL, AND TRIBAL CULTURAL RESOURCES

**MM-CR-1 Cultural Resources Monitoring and Treatment Plan (CRMTP).**

I. Prior to Start of Activities Marked as Requiring Further Review in Table 5.6-4, Archaeological Review Matrix, in Section 5.6, Historical, Archaeological, and Tribal Cultural Resources, of the EIR, and as Determined Necessary by a Qualified Archaeologist's Review of the Proposed Maintenance Activity

   A. Preparation of CRMTP

      1. Prior to the start of construction, the Principal Investigator (PI) archaeologist shall prepare a CRMTP that specifies and describes:

         - The cultural resources Area of Potential Effect (APE)
         - The roles and responsibilities of all parties involved in the monitoring and/or treatment program, including inter-agency relationships for the purposes of compliance with Section 106 of the National Historic Preservation Act (NHPA), California Environmental Quality Act (CEQA), and the City of San Diego (City) Historical Resources Regulations and Historical Resources Guidelines (HRG).
         - Reporting protocols
         - Construction monitoring methods
         - Avoidance and protection measures for all cultural resources
         - Procedures for evaluating resource significance, and/or data recovery for significant resources (known and unanticipated discoveries) that cannot be avoided within the linear footprint, unless human remains are encountered and require removal for the purpose of repatriation. City established data recovery

procedures include in-situ recordation, recovery, laboratory analysis, curation and/or repatriation, and reporting.

- Consultation obligations and timelines for providing feedback
- Post-construction requirements

2. The PI shall prepare the draft CRMTP and submit to the City of San Diego Point of Contact for review and to facilitate any stakeholder consultation obligations.

**MM-CR-2** **Avoidance of Cultural Resources.** The following measure shall be implemented to protect known archaeological resources that may also be tribal cultural resources (hereafter referred to as "cultural resources") that have not been evaluated for significance or that have been evaluated as significant under Section 106 and CEQA.

I. Prior to Start of Activities Marked as Requiring Further Review in Table 5.6-4, Archaeological Review Matrix, in Section 5.6, Historical, Archaeological, and Tribal Cultural Resources, of the EIR, and as Determined Necessary by a Qualified Archaeologist's Review of the Proposed Maintenance Activity

A. Identified cultural resources that have not been evaluated for significance or that have been evaluated as significant under Section 106 of the NHPA and/or CEQA, shall be avoided through project design. These include resources that were either found outside of the work limits or for which significance evaluation did not identify significant archaeological deposits within the work limits.

1. Prior to the start of construction, the Principal Investigator (PI) archaeologist shall ensure that resource-specific avoidance measures are implemented to prevent unanticipated impacts. These measures may include exclusionary fencing, environmentally sensitive area signage, or other measures deemed appropriate and as specified in the CRMTP.

**MM-CR-3** **Construction Monitoring.** The following monitoring program shall be implemented to protect unknown archaeological or tribal cultural resources that may be encountered during construction and/or maintenance-related activities.

I. Prior to Permit Issuance or Bid Opening/Bid Award for Activities Marked as Requiring Further Review in Table 5.6-4, Archaeological Review Matrix, in Section 5.6, Historical, Archaeological, and Tribal Cultural Resources, of the EIR, and as Determined Necessary by a Qualified Archaeologist's Review of the Proposed Maintenance Activity

A. Entitlements Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Environmental Designee (ED) shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ED

1. Prior to Bid Award, the City's Transportation & Storm Water Department (TSW) shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the PI for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City's HRG. If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to TSW confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, TSW must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site-specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; TSW shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted),

MMC representative, Project Consultant(s), TSW, Construction Manager (CM) (if applicable), Resident Engineer (RE) (if applicable), and other parties of interest. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

   a. If the PI is unable to attend the Precon Meeting, TSW shall schedule a focused Precon Meeting with MMC, the PI, RE, or CM, if appropriate, prior to the start of any work that requires monitoring.

2. Acknowledgement of Responsibility for Curation (Capital Improvement Program or Other Public Projects)

   TSW shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.

3. Identify Areas to be Monitored

   a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.

   b. The AME shall be based on the results of a site specific records search as well as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or formation).

   c. MMC shall notify the PI that the AME has been approved.

4. When Monitoring Will Occur

   a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.

   b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation

and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

5. Approval of AME and Construction Schedule

After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

III. During Construction

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

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

2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.

3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.

4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be emailed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but

not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.

3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by email with photos of the resource in context, if possible.

4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.

   a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.

   b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM, and RE. ADRP and any mitigation must be approved by MMC, RE, and/or CM before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA Section 15064.5, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**

      (1) Note: For pipeline trenching and other linear projects in the public Right-of-Way, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."

   c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

      (1) Note: For Pipeline Trenching and other linear projects in the public Right-of-Way, if the deposit is limited in size, both in length and

depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.

(2) Note, for Pipeline Trenching and other linear projects in the public Right-of-Way, if significance cannot be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources – Pipeline Trenching and other Linear Projects in the Public Right-of-Way

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities or for other linear project types within the Public Right-of-Way including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:

1. Procedures for documentation, curation and reporting

   a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.

   b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.

   c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's HRG. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.

   d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Discovery of Human Remains

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

CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

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

B. Isolate discovery site

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

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

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

a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being granted access to the site, OR;

b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, the landowner shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance, THEN

c. To protect these sites, the landowner shall do one or more of the following:

(1) Record the site with the NAHC;

(2) Record an open space or conservation easement; or

(3) Record a document with the County. The document shall be titled "Notice of Reinternment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.

d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

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

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.

2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).

3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, TSW/landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

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

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

2. The following procedures shall be followed.

a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via email by 8AM of the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.

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

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

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

2. The RE, as appropriate, shall notify MMC immediately.

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

VI. Post Construction

A. Submittal of Draft Monitoring Report

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

   a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.

   b. Recording Sites with State of California Department of Parks and Recreation

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

2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.

3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.

4. MMC shall provide written verification to the PI of the approved report.

5. MMC shall notify the RE, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.

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

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.

2. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection C.

3. The PI shall submit the Accession Agreement and catalogue record(s) to the RE, as appropriate for donor signature with a copy submitted to MMC.

4. The RE, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.

5. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.

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

**MM-CR-4** **Evaluation of Program-Level Activities.** Prior to the initiation of any program-level activities in new locations that have not been previously identified in Table 5.6-4, Archaeological Review Matrix, and Table 5.6-5, Non-Exempt Activities, in Section 5.6, Historical, Archaeological, and Tribal Cultural Resources, of the EIR, and prior to the initiation of non-exempt program-level activities in new locations that have not been previously identified in Table 5.6-6, Historical Resources Review Matrix, and Table 5.6-7, Program-Level Activities Exempt from Further Historical Review, in Section 5.6,

Historical, Archaeological, and Tribal Cultural Resources, of the EIR, the activity and specific location shall be evaluated by a qualified PI. The evaluation shall determine (a) the presence (or lack thereof) of archaeological and/or historical resources located within the APE; (b) whether identified resources have been previously evaluated and (c) whether a site visit is necessary to determine the cultural sensitivity and the extent of previous ground disturbance. If determined to be necessary, site visits and related documentation shall be conducted in a manner consistent with the methods employed in the Historical Resources and Cultural Resources Inventory/Evaluation Reports prepared for the MWMP EIR. Based on the results of future archaeological evaluations, the PI (in consultation with the City) shall determine whether additional avoidance and minimization measures, MM-CR-1 through MM-CR-3, and/or MM-HR-1 through MM-HR-2 would be required for the non-exempt program-level activity.

**MM-HR-1** **Avoidance of Historical Resources.** Should avoidance of an historical resource be impractical, the following shall be implemented to protect known historical resources that have not been evaluated for significance or that have been evaluated as significant under Section 106 of the National Historic Preservation Act (NHPA) and the California Environmental Quality Act (CEQA):

I. Prior to Start of Activities Marked as Requiring Further Review in Table 5.6-6, Historical Resources Review Matrix, in Section 5.6, Historical, Archaeological, and Tribal Cultural Resources, of the EIR, and as Determined Necessary by a Qualified Architectural Historian's Review of the Proposed Maintenance Activity

A. Principal Investigator (PI) Shall Attend Pre-Construction Meetings

1. Prior to beginning any ground-disturbing work, City of San Diego (City) Transportation & Storm Water Department (TSW) shall arrange a pre-construction meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Mitigation Monitoring Coordination (MMC) representative, Project Consultant(s), TSW, Construction Manager (CM) (if applicable), Resident Engineer (RE) (if applicable), and other parties of interest. The principal investigator, or his/her designated representative, shall attend any ground-disturbance related preconstruction meetings to ensure that the proposed maintenance activity is exempt from further historical resource review.

**MM-HR-2** **Recording and Evaluation of Historic Properties.** Should avoidance of a historic property be impractical, the following shall be implemented to document and

evaluate historical resources pursuant to Section 106 of the NHPA and CEQA, and City Historical Resources Guidelines (HRG).

I. Prior to Start of Activities Marked as Requiring Further Review in Table 5.6-6, Historical Resources Review Matrix, in Section 5.6, Historical, Archaeological, and Tribal Cultural Resources, of the EIR, and as Determined Necessary by a Qualified Architectural Historian's Review of the Proposed Maintenance Activity

   A. For identified historical resources that have not been documented or evaluated for significance pursuant to Section 106 of NHPA and CEQA.

      1. A qualified Architectural Historian shall document and evaluate identified historical resources prior to the commencement of construction/maintenance activities. Documentation and evaluation shall be presented in an Historical Resources Technical Report as defined by the City of San Diego Historical Resources Board.

      2. Documentation of historical resources shall be done on the appropriate California Department of Parks and Recreation (DPR) 523 forms, and shall include a significance evaluation. DPR 523 forms shall be appended to the Historical Resources Technical Report.

      3. DPR 523 forms shall be submitted to the State Historic Preservation Office (SHPO) for concurrence.

      4. After SHPO concurrence, the DPR forms shall be submitted to the South Coastal Information Center (SCIC).

   B. For identified historical resources previously documented and/or evaluated for significance pursuant to Section 106 of NHPA and CEQA

      1. A qualified Architectural Historian shall update existing DPR 523 forms for previously identified and documented historical resources prior to the commencement of maintenance activities.

      2. Updated DPR 523 forms with new or revised significance evaluations will be submitted to the SHPO for concurrence.

      3. After SHPO concurrence, the updated DPR forms will be submitted to the SCIC.

## NOISE

**MM-NOI-1** **Noise Reduction Techniques.** Prior to the Notice to Proceed, Mitigation Monitoring Coordination (MMC) shall verify that projects (i.e., maintenance and repair activities) located within 100 feet of noise-sensitive receivers include noise-reduction measures

to ensure activities do not exceed and comply with City of San Diego (City) Noise Standards (San Diego Municipal Code Section 59.5.0401, Sound Level Limits, and Section 59.5.0404, Construction Noise), as follows:

A. The City Transportation & Storm Water Department (TSW) crew or maintenance/construction contractor shall be required to work in such a manner so as not to exceed a 12-hour average sound level of 75 dBA between 7:00 a.m. and 7:00 p.m. Monday through Saturday.

B. Noise reduction measure(s) shall include implementation of any one or more of the following noise-reducing measures:

   a. Limit the number of equipment operating at once;

   b. Install temporary plywood noise barriers 8 feet in height between the maintenance site and sensitive receptors;

   c. Construction equipment shall be properly outfitted with sound control devices and maintained with manufacturer recommended noise-reduction devices to minimize construction-generated noise. "Properly outfitted" implies that the device (e.g., silencer, muffler) is effective in that it is the correct size and type for the specific equipment, it is in good working order, and is installed in such a way that it reduces the noise in the way it was intended;

   d. Stationary noise sources such as generators or pumps shall be located at least 100 feet from noise-sensitive land uses as feasible;

   e. Laydown and maintenance/construction vehicle staging areas shall be located as far from noise sensitive land uses as feasible; and/or

   f. As recommended by a qualified acoustician, implement any other alternative noise reducing best available technologies, methods or practices as approved by the MMC.

C. During maintenance or repair activities, noise monitoring can be conducted at any time to ensure that the work is in compliance with the City's construction noise standard of 75 dBA $L_{eq}$ (12-hour). If activities are found to be in exceedance of this standard, alternative methods (e.g., such as the use of quieter equipment, fewer pieces of equipment operating at any one time) shall be implemented and verified by MMC to meet City noise standards.

D. Prior to the issuance of the Notice to Proceed or if work is stopped during maintenance or repair activities by the MMC, TSW shall obtain a permit or similar authorization from the Noise Abatement and Control Administrator if maintenance and repair activities does not comply with San Diego Municipal Code Section 59.5.0404 – Construction Noise.

E. If authorized emergency work is necessary and will likely occur or exceed these noise limitations, TSW shall notify the Noise Abatement and Control Administrator within 48 hours after commencement of work.

## WATER QUALITY

**MM-BIO-1a** **Compensatory Wetlands Mitigation.** See MM-BIO-1a in Biological Resources, above.

**MM-WQ-1** **Beneficial Water Quality Activities.** One of three, equally suitable water-quality activities listed within in Table 5.12-4, MWMP Additional Beneficial Water Quality Activities, in Section 5.12, Water Quality, of the EIR, shall be implemented for facilities where maintenance activities result in jurisdictional, vegetated wetlands loss, and construction of compensatory wetlands mitigation has not been initiated (i.e., significant investment/substantial work) at the time maintenance is completed.

**Table 5.12-4**
**MWMP Additional Beneficial Water Quality Activities**

| Item[1] | Activity[2] | Implementation Quantity[3] | Implementation Detail |
|---|---|---|---|
| 1 | Maintenance-specific outreach | 250 units[4] | Per maintenance event |
| | Enhanced in-watershed catch basin inspection and cleaning | 25 locations[5] | Quarterly inspection and cleaning for 1 year per maintenance event |
| 2 | Enhanced street sweeping | 1 mile[6] | Per 5 linear feet of wetland impact |
| 3 | GI-MUTA-stream rehabilitation | 1 project[7] | Per facility maintained |

GI = green infrastructure; MUTA = multi-use treatment area

1 Under the MWMP, the City's Transportation & Storm Water Department (TSW) would implement one of three, equally suitable water-quality activities for each facility group maintained where mitigation is not yet constructed. Items 1 or 2 would be implemented each fiscal year that maintenance occurs. Item 3 would be implemented once, and no additional water-quality-benefit features would be required.

2 Beneficial water-quality-activity implementation is specific to the MWMP program. Activities are not included as part of the City *Water Quality Improvement Plan* or other compliance efforts.

3 Calculation-based methodology applied to derive beneficial water-quality-activity implementation quantities.

4 250 in-watershed parcels.

5 25 in-watershed catch basin locations inspected and cleaned quarterly for one fiscal year.

6 1 mile additional in-watershed vacuum-assisted and/or median street sweeping effort per 5 linear feet of wetland impact within the fiscal year when maintenance occurs.

7. One in-watershed GI-MUTA-stream rehabilitation project 500 square feet or greater as implemented by the TSW. GI-MUTA-stream rehabilitation projects greater than 1,000 square feet may be used for multiple facilities and maintenance events.

When applicable, items 1 or 2 shall be implemented each fiscal year that maintenance occurs. Item 3 shall be implemented once, and no additional water quality mitigation would be required. Implementation of items 1, 2, or 3 is independent of required compensatory habitat mitigation to be performed as part of MM-BIO-1a.

## MITIGATION FRAMEWORK

The MWMP Mitigation Framework included below, which would be certified as part of the MWMP, would be implemented on an activity-by-activity basis for covered maintenance activities, as well as future activities that are consistent with the provisions of the MWMP.

## ENVIRONMENTAL PROTOCOLS AND MITIGATION MEASURES

### Aesthetics/Visual Effects and Neighborhood Character

**MM-AES-1** **Visual Analysis for Program Activities.** Where program activities, including construction of compensatory mitigation sites, would entail the introduction of new vegetation and (potential) substantial view blockage or interruption of a community plan identified vista, scenic view, or public vantage point, additional analysis shall be conducted. The analysis shall consider the nature of program-level activities; proximity to community plan identified vista, scenic view, or public vantage point; and potential for program-level activities to result in substantial, long-term view obstruction. If the analysis determines that substantial view obstruction may occur, then additional mitigation, including the selection of plants and trees with a shorter form, shall be considered in planting palettes to maintain existing view corridors at community plan identified views, scenic vistas, or public vantage points.

### Historical, Archaeological, and Tribal Cultural Resources

**MM-CR-4** **Evaluation of Program-Level Activities.** Prior to the initiation of any program-level activities in new locations that have not been previously identified in Table 5.6-4, Archaeological Review Matrix, and Table 5.6-5, Non-Exempt Activities, in Section 5.6, Historical, Archaeological, and Tribal Cultural Resources, of the EIR, and prior to the initiation of non-exempt program-level activities in new locations that have not been previously identified in Table 5.6-6, Historical Resources Review Matrix, and Table 5.6-7, Program-Level Activities Exempt from Further Historical Review, in Section 5.6, Historical, Archaeological, and Tribal Cultural Resources, of the EIR, the activity and specific location shall be evaluated by a qualified PI. The evaluation shall determine

(a) the presence (or lack thereof) of archaeological and/or historical resources located within the APE; (b) whether identified resources have been previously evaluated and (c) whether a site visit is necessary to determine the cultural sensitivity and the extent of previous ground disturbance. If determined to be necessary, site visits and related documentation shall be conducted in a manner consistent with the methods employed in the Historical Resources and Cultural Resources Inventory/Evaluation Reports prepared for the MWMP EIR. Based on the results of future archaeological evaluations, the PI (in consultation with the City) shall determine whether additional avoidance and minimization measures, MM-CR-1 through MM-CR-3, and/or MM-HR-1 through MM-HR-2 would be required for the non-exempt program-level activity.

**Air Quality and Odor; Biological Resources; Geologic Conditions; Greenhouse Gas Emissions; Health and Safety/Hazards; Historical, Archeological, and Tribal Cultural Resources; Hydrology; Land Use; Noise; Paleontological Resources; Solid Waste; and Water Quality**

Prior to subsequent Substantial Conformance Review (SCR) approval for program activities, the Mayor-Appointed Environmental Designee (ED) shall verify that a project-level analysis has been completed that provides evidence of the applicability and effectiveness of the identified Environmental Protocols (EPs) and Mitigation Measures (MMs), including that no new or substantial increase in the severity of previously identified significant effects shall occur.

### *Air Quality and Odor*

MM-AQ-1

### *Biological Resources*

EP-BIO-1 through EP-BIO-6; EP-LU-1; EP-LU-2; EP-WQ-1; and MM-BIO-1a through MM-BIO-7

### *Geologic Conditions*

EP-GEO-1

### *Greenhouse Gas Emissions*

EP-SW-1 through EP-SW-8

### *Health and Safety/Hazards*

EP-HAZ-1 through EP-HAZ-3

### *Historical, Archaeological, and Tribal Cultural Resources*

MM-CR-1 through MM-CR-3; MM-HR-1 and MM-HR-2

### *Hydrology*

EP-HYD-1

### *Land Use*

EP-LU-1 and EP-LU-2

### *Noise*

MM-NOI-1

### *Paleontological Resources*

EP-PAL-1

### *Solid Waste*

EP-SW-1 through EP-SW-8

### *Water Quality*

EP-WQ-1; MM-BIO-1a; and MM-WQ-1

THIS PAGE INTENTIONALLY LEFT BLANK FOR DOUBLE-SIDED PRINTING

Passed by the Council of The City of San Diego on JUN 09 2020, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|---|---|---|---|---|
| Barbara Bry | ☒ | ☐ | ☐ | ☐ |
| Jennifer Campbell | ☒ | ☐ | ☐ | ☐ |
| Chris Ward | ☒ | ☐ | ☐ | ☐ |
| Monica Montgomery | ☒ | ☐ | ☐ | ☐ |
| Mark Kersey | ☒ | ☐ | ☐ | ☐ |
| Chris Cate | ☒ | ☐ | ☐ | ☐ |
| Scott Sherman | ☒ | ☐ | ☐ | ☐ |
| Vivian Moreno | ☒ | ☐ | ☐ | ☐ |
| Georgette Gómez | ☒ | ☐ | ☐ | ☐ |

Date of final passage JUN 09 2020.

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

AUTHENTICATED BY:

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

(Seal)

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

By _____, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313080