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(R-2023-33)
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RESOLUTION NUMBER R- 314246

DATE OF FINAL PASSAGE JUL 29 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT SCH NO. 2022030324 AND ADOPTING THE FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE REMOVAL OF THE MIDWAY-PACIFIC HIGHWAY COMMUNITY PLANNING AREA FROM THE COASTAL HEIGHT LIMIT.

WHEREAS, People's Ordinance No. 10960 (New Series) (the Height Limit Ordinance) was enacted by the voters of the City of San Diego (City) as Proposition D on November 7, 1972, to limit the height of buildings in the City to 30 feet or less in the Coastal Zone, as defined in the Ordinance; and

WHEREAS, the City Council (Council) proposes to submit another measure to City voters that would amend the Height Limit Ordinance codified in Municipal Code section 132.0505 to exclude the Midway-Pacific Highway Community Plan area from the 30-foot height limit in the Coastal Zone (Project); and

WHEREAS, Councilmember Chris Cate initially submitted the proposal to the Council's Rules Committee for consideration in accordance with the Council Policy 000-21 process, in which proposals are considered for the November 2022 ballot; and

WHEREAS, the Midway-Pacific Highway Community Plan area encompasses approximately 1,324 acres including the current Pechanga Sports Arena site; and

WHEREAS, the Council adopted an update to the Midway-Pacific Highway Community Plan (Midway CPU) in September 2018, after a multi-year process of obtaining planning group and public input; and

WHEREAS, prior to approval of the Midway CPU, the Council certified the 2018 Midway-Pacific Highway Community Plan Update Revised Final Program Environmental Impact Report (2018 PEIR); and

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

WHEREAS, the issue was heard by the Council on July 25, 2022; and

WHEREAS, the Council considered the 2018 PEIR and the issues discussed in the Supplemental Environmental Impact Report for the Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit, SCH No. 2022030324 (Report) prepared for the Project; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it certifies that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), that the Report reflects the independent judgement 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 Section 15093, the City Council hereby adopts the Statement of Overriding Considerations with respect to the Project, which are attached hereto as Exhibit B.

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

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the Office of the City Clerk, 202 C Street, San Diego, CA 92101.

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

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Corrine L. Neuffer
Corrine L. Neuffer
Chief Deputy City Attorney

CLN:cm
July 7, 2022
July 21, 2022 COR. COPY
Or.Dept: Planning
Doc. No. 3033509_2

Attachments: Exhibit A: Findings
Exhibit B: Statement of Overriding Considerations
Exhibit C: Mitigation Monitoring and Reporting Program

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 25 2022.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 7/25/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Exhibit A

Candidate Findings of Fact

**Final Supplemental Environmental Impact Report for the Removal of the
Midway-Pacific Highway Community Planning Area from the Coastal Height
Limit**

SCH# 2022030324

July 2022

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Candidate Findings of Fact

Final Supplemental Environmental Impact Report for the Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit

City of San Diego SCH# 2022030324

Section 21081(a) of the California Environmental Quality Act (CEQA) and Section 15091(a) of the CEQA Guidelines require that no public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been certified identifying one or more significant effects on the environment that would occur if the project is approved or carried out unless such public agency makes one or more of the following Findings:

- (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment;
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, can, or should be adopted by that other agency; or
- (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 EIR.

CEQA also requires that the Findings made pursuant to Section 15091 of the CEQA Guidelines be supported by substantial evidence in the record (CEQA Guidelines, Section 15091[b]). Under CEQA, substantial evidence means enough relevant information has been provided and reasonable inferences may be derived from this information that a fair argument can be made to support a conclusion even though other conclusions might also be reached. Substantial evidence must include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines, Section 15384).

The Supplemental Candidate Findings (Candidate Findings) included herein have been submitted by the City of San Diego (City) Planning Department (Planning Department) to the City Council as Candidate Findings to be made by the decision-making body. It is the exclusive discretion of the decision-maker certifying the Final Supplemental EIR (Final SEIR) for the proposed Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit (project) 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.

1.0 INTRODUCTION

The purpose of this document is to supplement prior 2018 Findings of Fact (Findings) and Statement of Overriding Considerations (SOC) made on September 28, 2018, in accordance with Section 15091 of the CEQA Guidelines (14 CCR 15000 et seq.) by the City Council. The 2018 Findings/SOC were adopted at the time of certification of the 2018 Midway-Pacific Highway Community Plan Update Revised Final Program EIR (2018 PEIR) prepared for the Midway-Pacific Highway Community Plan Update and associated discretionary actions (2018 Community Plan). In the 2018 Findings/SOC, the City Council identified significant effects of the 2018 Community Plan, including those effects that would not be mitigated to below a level of significance. As further required by the CEQA Guidelines, the City Council balanced the benefits of the proposed plan against the identified unavoidable environmental risks (CEQA Guidelines, Section 15093) and adopted the SOC, which states the specific reasons why the benefits of the 2018 Community Plan outweigh the unavoidable adverse environmental effects of the proposed plan and explains that the unavoidable environmental effects are considered acceptable.

The Candidate Findings presented herein are made relative to the specific conclusions of the Final SEIR for the project. As explained in Chapter 3.0, Project Description, of the Final SEIR, the project would remove the existing 30-foot height limit on buildings constructed in the Coastal Height Limit Overlay Zone in the Midway-Pacific Highway Community Plan area. The City, as the CEQA lead agency, determined that the project involved new information of substantial importance and that the project could have one or more significant effects not discussed in the 2018 PEIR. Therefore, the Final SEIR was prepared pursuant to Section 15163(a) of the CEQA Guidelines to provide an updated analysis necessary to make the 2018 PEIR adequate. Likewise, these Findings and SOC are intended to update the 2018 Findings/SOC. The following documents are incorporated by reference: 2018 PEIR, 2018 Findings/SOC, and Final SEIR for the project.

The following Candidate Findings are hereby adopted by the City in its capacity as the CEQA lead agency. The CEQA Guidelines also require that the City Council balance the benefits of the project against the unavoidable environmental effects identified in the Final SEIR in determining whether to approve the project. The City Council has carefully considered the benefits of the project. The Final SEIR identifies significant environmental effects that could remain significant even with the implementation of the identified mitigation measures. Therefore, the City Council hereby also adopts the SOC, which states the specific reasons why the benefits of the project, each of which standing alone, are sufficient to support approval of the project, outweigh the unavoidable adverse environmental effects of the project, and explain that the unavoidable environmental effects are considered acceptable.

3.0 DESCRIPTION OF THE PROPOSED PROJECT

The project is a proposed ballot measure that would amend the previous citizens' initiative, Proposition D, currently codified in the San Diego Municipal Code (SDMC), to remove the Midway-Pacific Highway Community Planning area (CP area) from the existing 30-foot height limit on buildings constructed in the Coastal Height Limit Overlay Zone. The existing height limit was approved in 1972 by a citizens' initiative ballot measure that generally limited the height of buildings to 30 feet in the Coastal Height Limit Overlay Zone. Voters adopted the original language and, thus, are asked in this ballot measure to consider an amendment to the law to remove the CP area from the height limitation. If approved by a majority vote of qualified voters, the ballot measure would amend the law in the SDMC to remove the height limit in the area defined as the CP area. The amendment would take effect after the results of the election are certified in a City Council resolution. The amendment would take effect in the Coastal Zone after the California Coastal Commission approves the ordinance. The project would not change the underlying base zone regulations, including the base zone's height limit or density.

The project would not approve any specific development. Any proposed future development must comply with all governing laws. Building height would still be regulated by zoning laws in the SDMC.

RECORD OF PROCEEDINGS

For the 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 and all other public notices issued by the City in conjunction with the project
- 2018 Midway-Pacific Highway Community Plan Update Revised Final Program EIR
- The Draft SEIR
- The Final SEIR
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft SEIR
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft SEIR and included in the Final SEIR
- The Mitigation Monitoring and Reporting Program (MMRP)
- The technical reports included or incorporated by reference in the Final SEIR

- Matters of common knowledge to the City Council, including but not limited to federal, state, and local laws and regulations
- Any documents expressly cited in these Candidate Findings and SOC
- The Coastal Height Limit Overlay Zone – Regulatory Barriers to Maximizing Density memo (dated July 15, 2022)
- Any other materials required to be in the Record of Proceedings by Section 21167.6(e) of CEQA

5.0 SUMMARY OF IMPACTS

The Final SEIR evaluated only those issue areas where changes were necessary to make the 2018 PEIR adequate. Therefore, the Final SEIR included an analysis of impacts on visual effects and neighborhood character. All other issue areas remain as previously analyzed in the 2018 PEIR. The Final SEIR concludes that implementation of the project would have new or substantially increased significant impacts related to visual effects and neighborhood character, some of which would not be mitigated to below a level of significance. No new impacts have been identified to other issue areas addressed by the 2018 PEIR.

FINDINGS OF FACT

CEQA and the CEQA Guidelines require that the environmental impacts of a project be examined before a project is approved. Specifically, regarding Findings, CEQA Guidelines, Section 15091, provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each Finding. The possible findings are as follows:
 1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final SEIR.
 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final SEIR.

- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The findings in subdivision (a)(2) shall not be made if the agency making the findings has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The findings in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The agency shall specify the location and custodian of the documents or other materials that constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The "changes or alterations" referred to in CEQA Guidelines, Section 15091(a)(1), that are required in, or incorporated into, the project that mitigate or avoid the significant environmental effects of the project, may include a variety of measures or actions as set forth in CEQA Guidelines, Section 15370, including the following:

- (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, including through permanent protection of such resources in the form of conservation easements.

Should significant and unavoidable impacts remain after changes or alterations are applied to a 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, CEQA Guidelines, Section 15093 provides:

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

5.1 FINDINGS REGARDING SIGNIFICANT IMPACTS MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE (CEQA GUIDELINES, SECTION 15091[A][1])

As discussed in Section 4.0, the Final SEIR evaluated only those issue areas where changes were necessary to make the 2018 PEIR adequate. Therefore, the Final SEIR addressed only visual effects and neighborhood character because this was the only issue area not adequately addressed by the 2018 PEIR for the project. No significant effects mitigated to below a level of significance were identified in the Final SEIR.

5.2 FINDINGS REGARDING MITIGATION THAT IS WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY (CEQA GUIDELINES, SECTION 15091[A][2])

No changes or alterations are within the responsibility and jurisdiction of another public agency or the agency making the Finding.

5.3 FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS (CEQA GUIDELINES, SECTION 15091[A][3])

Visual Effects and Neighborhood Character

Issue 1: Scenic Vistas or Views

Significant Effect

Section 5.1.3.1, Issue 1: Scenic Vistas or Views, of the Final SEIR determined that the public view corridors looking north and west to Mission Bay and west and south to San Diego Bay within the Uptown Community Plan area would have the potential to be obstructed by future development in the CP area consistent with the project, resulting in a significant impact. Future development in the CP area would change views due to building heights of 100 feet or more west of Interstate (I-) 5. Future development consistent with the project would also result in increased building heights that could obstruct scenic vistas or views from public viewing locations outside the CP area. Therefore, impacts on scenic vistas or views would be potentially significant.

Finding

Pursuant to Section 21081(a)(3) of CEQA and Section 15091(a)(3) of the CEQA Guidelines, the City Council finds that there are no feasible mitigation measures, including a less environmentally damaging alternative, that would mitigate the following impacts to below a level of significance and that specific economic, social, technological, or other considerations make infeasible the mitigation measures and alternatives identified in the Final SEIR. The impacts are considered significant and unavoidable.

Facts in Support of Findings

Based on the project-specific Visual Impact Analysis (Appendix D), the Final SEIR determined that implementation of the project could obstruct scenic views or vistas from public viewing locations in the Uptown Community Plan area due to building height increases in the CP area. Future development consistent with the project would also result in increased building heights that could obstruct scenic vistas and views from public viewing locations outside the CP area. Project impacts on scenic views and vistas would be potentially significant. Representative key views were evaluated in the project-specific Visual Impact Analysis (Appendix D) to make this determination. Specifically, Key View 9 (see Figure 5.1-10, Key View 9 - View West from Andrews Street, of the Final SEIR) represents the view looking west from Andrews Street immediately south of West Washington Street in the Uptown Community Plan area. Due to proposed building height increases in the CP area, visual changes would occur in the midground views, which currently encompass existing development of low-rise structures, large parking surfaces, and the San Diego International Airport (SDIA).

The City considered mitigation measures to limit building heights in scenic view corridors to reduce the impact; however, the expansive scenic views across the CP area would require height restrictions in most of the higher density zones in the CP area. Base zones in the CP area that would allow building heights greater than 30 feet include Residential-Multiple Unit (RM)-2-5, RM-3-8, RM-3-9, RM-4-10, Community Commercial (CC)-1-3, CC-3-6, CC-3-7, CC-3-8, CC-3-9, CC-4-5, Commercial-Office (CO)-3-1, Commercial-Neighborhood (CN)-1-6, Industrial- Park (IP)-2-1, and Industrial-Small Scale (IS)-1-1. Implementation of selective height restrictions would not be feasible because it would limit the City's ability to provide a diverse range of housing types to accommodate the density approved in the 2018 Community Plan, as discussed in the Coastal Height Limit Overlay Zone – Regulatory Barriers to Maximizing Density memo (CHLOZ Memo; July 15, 2022) and other documents and materials included in the administrative record.

In addition, the City does not have land use authority over federal property and on lands regulated by the Port Master Plan and/or the SDIA Airport Land Use Compatibility Plan, and building heights for developments in those areas would be governed by their respective regulating documents, such as the Port Master Plan, SDIA Airport Land Use Compatibility Plan, and Navy Old Town Campus (OTC) Revitalization Project Environmental Impact Statement. Finally, the City's Complete Communities Program encourages development in Transit Priority Areas (TPAs), which applies to the majority of the CP area. Restricting height may impede the ability to develop a wide range of housing types and would be inconsistent with the City's objective of providing housing for a variety of people, as discussed in the CHLOZ Memo and other documents and materials included in the administrative record.

Rationale and Conclusions

Future development consistent with the project would result in increased building heights that could obstruct scenic vistas or views from public viewing locations outside the CP area. Implementation of selective height restrictions would not be feasible because it would limit the City's ability to provide a diverse range of housing types to accommodate the density approved in the 2018 Community Plan, as discussed in the CHLOZ Memo and other documents and materials included in the administrative record. In addition, some areas are governed by other regulating documents, where the City does not have land use authority. Finally, the City's Complete Communities Program encourages development in TPAs, which applies to the majority of the CP area. Restricting height may impede the ability to develop a wide range of housing types and would be inconsistent with the City's objective of providing housing for a variety of people, as discussed in the CHLOZ Memo and other documents and materials included in the administrative record. Therefore, no mitigation is feasible and impacts would remain significant and unavoidable.

Issue 2: Neighborhood Character

Significant Effect

Section 5.1.3.2, Issue 2: Neighborhood Character, of the Final SEIR determined that implementation of the project could result in future building heights up to and greater than 100 feet that could result in a substantial adverse alteration to the character of the CP area. Under the buildout scenario, several key views would experience a level of change that would result in a potentially significant impact.

Finding

Pursuant to Section 21081(a)(3) of CEQA and Section 15091(a)(3) of the CEQA Guidelines, the City Council finds that there are no feasible mitigation measures, including a less environmentally damaging alternative, that would mitigate the following impacts to below a level of significance and that specific economic, social, technological, or other considerations make infeasible the mitigation measures and alternatives identified in the SEIR. The impacts are considered significant and unavoidable.

Facts in Support of Findings

Ten key views were chosen to evaluate the existing view and the hypothetical view resulting from buildout of the CP area at maximum building height limits as regulated by the zoning laws in the SDMC. Visual impacts resulting from development of the CP area were evaluated by viewing the existing visual character of the landscape from each key view and assessing the degree to which construction of buildings at maximum height limits would change those views and result in a substantial adverse alteration (e.g., bulk, scale, materials, or style) to the existing or planned (adopted) character of the area. If the level of change was identified as moderate to high, a significant impact was identified. Significant impacts were identified for Key Views 1, 2, 3, 5, and 9, as listed below.

Key View 1 – View South from Sea World Drive Bridge (refer to Final SEIR Figure 5.1-2)

Visual changes in Key View 1 would generally be in the background views. Foreground and midground views would not change. Taller buildings would be visible along the horizon, primarily toward the southeast, with development of the CP area at maximum building height. The most visible buildings would be the Navy OTC buildings (shown in gray) in the center-left background view and buildings in the Sports Arena area (shown in beige) in the center-right background view as shown on Figure 5.1-2, Key View 1 – View South from Sea World Drive Bridge. The coastal height limit does not apply to federal property, and the future Navy OTC development is not part of the project because the City lacks land use jurisdiction over federal government property.

Key View 1 represents a typical view from a southbound I-5 traveler. Viewers would notice a change in the view; however, the level of impact on view quality would depend on distance from their vantage point and any obstructions from traffic. There would be an increase in sense of direction and destination given the concentrated presence of taller buildings in the direction travelers would be headed. Overall viewer response would be low to moderate depending on the vantage point.

Under the buildout scenario, Key View 1 would result in a low to moderate level of change as a result of the project, which would result in a potentially significant impact.

Key View 2 – View South from Fiesta Island (refer to Final SEIR Figure 5.1-3)

Visual changes at Key View 2 would occur in the background view with taller buildings primarily toward the southeastern horizon upon development of the CP area at maximum building height. The most noticeable potential changes would be seen in the left and center background portions of the view. Building heights above 40 feet can be seen from this key view, which changes the view quality of the horizon. The taller buildings associated with the Navy OTC development (shown in gray) are not part of the project because the coastal height limit does not apply to federal property, and the City lacks land use jurisdiction over federal government property. The development would not obstruct views beyond the CP area due to the distance of the vantage point. Figure 5.1-3, Key View 2 - View South from Fiesta Island, depicts the existing conditions and buildout scenario at Key View 2.

Key View 2 represents a typical view from travelers (motorists, bicyclists, and pedestrians) on Fiesta Island Road. Despite the change in horizon, the development would neither obstruct views beyond the CP area due to the distance of the vantage point nor change the views in the immediate vicinity, which attracts recreational users to the area. Overall viewer response would be moderate.

Under the buildout scenario, Key View 2 would result in a moderate level of change as result of the project, which would result in a potentially significant impact.

Key View 3 – View Southeast from Old Sea World Drive (refer to Final SEIR Figure 5.1-4)

Visual changes at Key View 3 would be in the midground views, with significant potential changes of the horizon toward the CP area. The building heights would obstruct views toward Downtown San Diego and of higher-elevation neighborhoods in the Peninsula and Uptown Community Plan areas. The tallest buildings in the Navy OTC development would be visible, but the massing of buildings in the Sports Arena area would have the greatest potential impact on views from this vantage point. Figure 5.1-4, Key View 3 - View Southeast from Old Sea World Drive, depicts the existing conditions and buildout scenario at Key View 3.

Key View 3 represents a typical view from recreational users and motorists, who are considered temporary visitors to the area, on Old Sea World Drive, motorists on Sea World Drive, and recreational users at South Shores Park. These viewers will notice a significant change in the view due to the proximity and heights of development in the CP area. Overall viewer response would be high.

Under the buildout scenario, Key View 3 would result in a high level of change, which would result in a potentially significant impact.

Key View 5 – View Southeast from the San Diego River Trail (refer to Final SEIR Figure 5.1-6)

The view from Key View 5 would change significantly with development in the CP area at maximum building height limits. Pechanga Arena would no longer be visible due to the new intervening development that could be constructed adjacent to the I-8, obstructing it from the Key View 5 location. The skyline would primarily comprise new development of 65- to 100- foot-tall buildings. Figure 5.1-6, Key View 5 - View Southeast from San Diego River Trail, depicts the existing conditions and buildout scenario at Key View 5.

Key View 5 represents a typical view from recreational users on the San Diego River Trail. These viewers would notice a significant change in the view due to the proximity of the development in the CP area and the additional height of the buildings. Overall viewer response would be high.

Under the buildout scenario, Key View 5 would result in a high level of change as result of the project, which would result in a potentially significant impact.

Key View 9 – View West from Andrews Street (refer to Final SEIR Figure 5.1-10)

Visual changes at Key View 9 would be visible in the midground views, which currently encompass existing development of low-rise structures, large parking surfaces, and the SDIA. Development in the CP area would change northwestern views due to building heights of 100 feet or more west of I-5. The Navy OTC development up to 350 feet in height would be visible in the right midground view. However, the coastal height limit does not apply to federal property, and the future Navy OTC development is not part of the project because the City lacks land use jurisdiction over federal government property. The majority of the background view of the SDIA and the Peninsula Community Plan area would be unchanged. Figure 5.1-10, Key View 9 - View West from Andrews Street, depicts the existing conditions and buildout scenario at Key View 9.

Key View 9 represents a typical view from a resident in the western Uptown Community Plan area. These viewers would notice a change in the built landscape; however, the change may not be perceived as detrimental compared to the existing views. Overall viewer response would be low to moderate.

Under the buildout scenario, Key View 9 would result in a low to moderate level of change as a result of the project, which would result in a potentially significant impact.

The removal of the height limit would result in a major change in bulk and scale of buildings in the CP area, which would result in a high level of change for Key Views 1, 2, 3, 5, and 9. Therefore, the project would have the potential to result in a substantial adverse alteration to the neighborhood character of the CP area and its surroundings.

Rationale and Conclusions

Future discretionary development would be required to incorporate design features that enhance neighborhood character and minimize adverse impacts associated with increased bulk, scale, and height, including building materials, style, and architectural features, as identified in the 2018 Community Plan's Urban Design Element and Land Use, Villages, and Districts Element policies, zoning, and City's Land Development Code (LDC) regulations. Ministerial projects would be subject to the development standards in the City's LDC. However, implementation of the project could result in development at heights that would substantially alter the existing neighborhood character and ministerial projects would not be required to incorporate the design features of the Community Plan's Urban Design Element and the policies of the Land Use, Villages, and Districts Element. Therefore, the project would have the potential to result in a substantial adverse alteration to the character of the CP area and its surroundings. Impacts would be significant.

The City considered mitigation measures to limit building heights in areas where neighborhood character would be impacted, including Key Views 1, 2, 3, 5, and 9. However, these views do not represent all possible views of the CP area; they are representative views selected to demonstrate the change in views from surrounding areas adjacent to the CP area. Restricting building height limits in these areas would not necessarily reduce impacts from all possible view locations or improve the impact on neighborhood character in all areas of the CP area. Implementation of selective height restrictions would not be feasible because it would limit the City's ability to provide a diverse range of housing types to accommodate the density approved in the 2018 Community Plan, as discussed in the CHLOZ Memo and other documents and materials included in the administrative record. Furthermore, it would be inconsistent with the City's objective of providing housing for a variety of people.

In addition, the City does not have land use authority over federal property and on lands regulated by the Port Master Plan and/or the SDIA Airport Land Use Compatibility Plan, and building heights for developments in those areas would be governed by their respective regulating documents, such as the Port Master Plan, SDIA Airport Land Use Compatibility Plan, and Navy OTC Revitalization Project Environmental Impact Statement. Finally, the City's Complete Communities Program encourages development in TPAs, which applies to the majority of the CP area. Therefore, impacts would remain significant and unavoidable.

Findings Regarding Alternatives (CEQA Section 21081[a][3] and CEQA Guidelines, Section 15091[a][3])

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

The City, having reviewed and considered the information contained in the Final SEIR and the Record of Proceedings, and pursuant to California Public Resource Code, Section 21081(a)(3), and CEQA Guidelines, Section 15091(a)(3), makes the following findings with respect to the alternatives identified in the Final SEIR.

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 SEIR 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 CEQA Guidelines (Section 15019[a][3]) also provide that "other" considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

Background

Three alternatives to the project were evaluated in Chapter 8.0, Alternatives, of the Final SEIR:

- A. No Project Alternative (Maintain the Coastal Height Limit)
- B. Reduced Height Alternative
- C. Reduced Density Alternative

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

No Project Alternative (Maintain the Coastal Height Limit)

Under the No Project Alternative (Maintain the Coastal Height Limit), the existing 30-foot height limit on buildings constructed in the Coastal Height Limit Overlay Zone would continue to apply to future development in the CP area that is subject to the City's land use authority. The 2018 Community Plan would continue to guide development in the CP area. Refer to Final SEIR Figure 8-1, No Project Alternative (Maintain the Coastal Height Limit).

Impacts

Impacts on scenic vistas or views under the No Project Alternative (Maintain the Coastal Height Limit) would be reduced compared to the impacts under the project as the degree of change would be less compared to the project due to the height restrictions. Existing view corridors and key views would not substantially change from the existing 30-foot building heights. In addition, significant impacts associated with a substantial adverse alteration to the neighborhood character of the area would be reduced compared to impacts under the project because the degree of change in bulk and scale of future buildings in the CP area would be reduced due to the 30-foot building height restriction.

In addition, the No Project Alternative (Maintain the Coastal Height Limit) would result in less than significant impacts related to distinctive or landmark trees, landform alteration, and light and glare because future development projects in the CP area would be required to comply with the 2018 Community Plan Conservation Element and Urban Design Element policies, the outdoor lighting regulations outlined in Section 142.0740 of the City's LDC, the glare regulations outlined in Section 142.0730 of the City's LDC, and the City's Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines.

Finding and Supporting Facts

The No Project Alternative (Maintain the Coastal Height Limit) would meet all project objectives identified in the Final SEIR except Project Objective 10 to encourage housing for families (housing with three or more bedrooms) by removing development restrictions, which would allow housing developments to maximize zoned density while facilitating a diverse housing inventory with a range of housing types and prices. The No Project Alternative (Maintain the Coastal Height Limit) would limit the range of dwelling unit sizes that could be constructed in the CP area, which would reduce the available residential opportunities, as discussed in the CHLOZ Memo and other documents and materials included in the administrative record. In addition, maintaining the height restrictions under this alternative could affect the amount and type of housing available to families, as discussed in the CHLOZ Memo and other documents and materials included in the administrative record. Thus, the No Project Alternative (Maintain the Coastal Height Limit) would be inconsistent with the City's objective of providing housing for a variety of people.

Rationale and Conclusion

The No Project Alternative (Maintain the Coastal Height Limit) is rejected as infeasible because it fails to meet the 10 project objectives to the same extent as the project.

Alternative 1: Reduced Height Alternative

Under this alternative, building heights would be limited to 50 feet in areas along the northeastern boundary south of I-8, including the Camino Del Rio District and the northern portions of the Kurtz District, and along the entire eastern CP area boundary adjacent to I-5, including the Hancock District and Kettner District. The following zones would be height restricted to 50 feet by the Reduced Height Alternative: Residential Multi-Family (RM) 4-10; Commercial-Community (CC)-2-5, CC-3-8, and CC-3-9; and Industrial-Small Scale (IS) 1-1. These areas have the potential to cause the most impacts on visual effects and neighborhood character because they would have a maximum building height of 100 feet or no maximum height under the project. Table 1, Comparison of Maximum Building Heights under the Reduced Height Alternative, identifies the heights allowed in each zone under the project and the Reduced Height Alternative.

Table 1. Comparison of Maximum Building Heights under the Reduced Height Alternative

Village, District, or Area	Zoning Designation¹	Project Maximum Height Limit	Reduced Height Alternative Maximum Height Limit
Sports Arena Community Village	CC-3-6	65 feet	65 feet
	RM-3-8	50 feet	50 feet
Kemper Neighborhood Village	RM-2-5	40 feet	40 feet
	RM-3-8	50 feet	50 feet
	CC-1-3	45 feet	45 feet
	CC-3-6	65 feet	65 feet
Dutch Flats Urban Village ²	CO-3-1	50 feet	50 feet
	CC-3-6	65 feet	65 feet
	RM-3-8	50 feet	50 feet
Camino Del Rio District	CC-1-3	45 feet	45 feet
	CO-3-1	50 feet	50 feet
	CC-3-8	100 feet	50 feet
Channel District	RM-3-8	50 feet	50 feet
	CC-3-6	65 feet	65 feet
Rosecrans District	CC-1-3	45 feet	45 feet

Table 1. Comparison of Maximum Building Heights under the Reduced Height Alternative

Village, District, or Area	Zoning Designation ¹	Project Maximum Height Limit	Reduced Height Alternative Maximum Height Limit
	CC-3-6	65 feet	65 feet
	RM-3-8	50 feet	50 feet
Cauby District	CC-1-3	45 feet	45 feet
	CC-3-7	65 feet	65 feet
	RM-3-8	50 feet	50 feet
Lytton District	CN-1-6	65 feet	65 feet
	RM-1-1	30 feet	30 feet
	RM-3-8	50 feet	50 feet
Kurtz District ²	CO-3-1	50 feet	50 feet
	CC-2-5	100 feet	50 feet
	CC-3-8	100 feet	50 feet
	IP-2-1	No limit	No limit
Hancock Transit Corridor	CC-2-5	100 feet	50 feet
	CC-3-8	100 feet	50 feet
	RM-3-9	60 feet	60 feet
	CC-3-9	No limit	50 feet
	RM-4-10	No limit	50 feet
Kettner District	CC-3-8	100 feet	50 feet
	IS-1-1	No limit ³	50 feet
MCRD ⁴	None	None	None

Sources: City of San Diego 2018, 2022.

Notes: MCRD = Marine Corps Recruit Depot

¹ CC = Commercial – Community; CN = Commercial-Neighborhood; CO = Commercial-Office; IP = Industrial – Park; IS = Industrial – Small Scale; RM = Residential-Multifamily

² Includes Naval Base Point Loma, which does not have a zoned height limit. The highest intensity scenario (Alternative 4) identified under the Navy OTC Revitalization Project Environmental Impact Statement proposes buildings of up to 350 feet in height. The Coastal Height Limit does not apply to federal, state, or San Diego Unified Port District (Port) property, and the City has no land use authority over federal property (i.e., Naval Base Point Loma).

³ Includes Port-owned lands regulated by the Port Master Plan, which requires that structures shall not exceed 130 feet in height. The Coastal Height Limit does not apply to federal, state, or Port property, and the City has no land use authority over Port property.

⁴ The MCRD does not have a zoning designation; therefore, there is no height limit governing this area. The Coastal Height Limit does not apply to federal, state, or Port property, and the City has no land use authority over the federal property (i.e., MCRD).

Under this alternative, a Community Plan Implementation Overlay Zone would be established as a mechanism to implement reduced height limits in these areas. Per Chapter 13, Article 2, Division 14, Section 132.1401, of the SDMC, the purpose of a Community Plan Implementation Overlay Zone is to provide supplemental development regulations that are tailored to specific sites in Community Plan areas of the City. The intent of these regulations is to ensure that development proposals are reviewed for consistency with the use and development criteria that have been adopted for specific sites as part of the Community

Plan Update process. In addition, the City does not have land use authority on lands regulated by the Port Master Plan and/or the SDIA's Airport Land Use Compatibility Plan.

Similar to the project, under the Reduced Height Alternative, building heights in the remainder of the CP area would continue to be regulated by the zoning designation maximum height allowed in the SDMC.

Impacts

Impacts on scenic vistas under the Reduced Height Alternative would be reduced compared to the project. Specifically, the level of change to public view corridors outside the CP area would be reduced in the Uptown Community Plan area, represented by Key View 9. This is identified as a significant impact for the project. Under the Reduced Height Alternative, future development west of I-5 in the Pacific Highway corridor would be lower in height than depicted in the buildout scenario. The coastal height limit does not apply to federal property, and the City does not have land use jurisdiction over federal property (i.e., Naval Base Point Loma). Therefore, the project would not impact the future Navy OTC Revitalization Project, and the taller buildings associated with the development in the right midground view would remain unchanged. The project's direct impact from Key View 9 would be reduced under this alternative but not to below a level of significance because viewers would still notice a change in the built landscape.

In addition, impacts associated with a substantial adverse alteration to the neighborhood character of the area would be reduced compared to impacts associated with the project. Specifically, the level of change to the existing setting would be reduced in Key Views 1, 2, 3, 5, and 9 due to the elimination of the potential for future development of 65- to 100-foot-tall buildings along the northeastern boundary south of I-8, including the Camino Del Rio District and the northern portions of the Kurtz District, and along the entire eastern CP area boundary adjacent to I-5, including the Hancock District and Kettner District. In addition, because the Reduced Height Alternative would restrict building heights to 50 feet in these areas, viewer sensitivity would also be reduced because future development would not be as noticeable in Key Views 1, 2, 3, 5, and 9.

Similar to the project, the Reduced Height Alternative would result in less than significant impacts related to distinctive or landmark trees, landform alteration, and light and glare because future development projects in the CP area would be required to comply with the 2018 Community Plan Conservation Element and Urban Design Element policies, the outdoor lighting regulations outlined in Section 142.0740 of the City's LDC, the glare regulations outlined in Section 142.0730 of the City's LDC, and the City's MHPA Land Use Adjacency Guidelines.

The Reduced Height Alternative would reduce some but not all of the project's significant impacts associated with a substantial adverse alteration to the character of the area. In addition, the 10 key views of the CP area are representative views selected to demonstrate the change in views from surrounding areas adjacent to the CP area. Restricting building height limits in these areas would not necessarily reduce impacts from all possible view locations or improve the impact on neighborhood character in all areas of the CP. Therefore, impacts would be reduced compared to the project but not to below a level of significance.

Finding and Supporting Facts

The Reduced Height Alternative would not fully implement Project Objective 6 to provide housing and commercial uses in proximity to transit or Project Objective 10 to encourage housing for families (housing with three or more bedrooms) by removing development restrictions, which would allow housing developments to maximize zoned density while facilitating a diverse housing inventory with a range of housing types and prices. The height restrictions in the northern, eastern, and southern CP area boundaries would limit the range of dwelling unit sizes that could be constructed in the CP area, which could affect the type of housing available to families, as discussed in the CHLOZ Memo and other documents and materials included in the administrative record. This would be inconsistent with the City's objective of providing housing for a variety of people.

Rationale and Conclusion

The Reduced Height Alternative is rejected because it would not fully implement Project Objective 6 to provide housing and commercial uses in proximity to transit or Project Objective 10 to encourage housing for families (housing with three or more bedrooms) by removing development restrictions, which would allow housing developments to maximize zoned density while facilitating a diverse housing inventory with a range of housing types and prices. The height restrictions in the northern, eastern, and southern CP area boundaries would limit the range of dwelling unit sizes that could be constructed in the CP area, which could affect the type of housing available to families, as discussed in the CHLOZ Memo and other documents and materials included in the administrative record. This would be inconsistent with the City's objective of providing housing for a variety of people.

While visual effects and neighborhood character impacts would be reduced under the Reduced Height Alternative compared to the project, the Reduced Height Alternative is rejected as infeasible because this alternative would not reduce any of the significant and unavoidable effects of the project to a less than significant level. Additionally, the Reduced Height Alternative fails to meet Project Objectives 6 and 10 to the same extent as the project.

Alternative 2: Reduced Density Alternative

Under this alternative, density in certain areas in the CP area would be reduced to accommodate lower building heights through rezoning. The lower density areas for the Reduced Density Alternative would be similar to the reduced height areas for the Reduced Height Alternative because these areas have the potential to cause the most impacts on visual resources and neighborhood character. Lower density would occur along the northeastern boundary south of I- 8, including the Camino Del Rio District and the northern portions of the Kurtz District, and along the entire eastern CP area boundary adjacent to I-5, including the Hancock District and Kettner District. In these areas, the CC-3-8 and CC-3-9 would be rezoned to CC-3-7 and Residential Multi-Family (RM) 4-10 would be rezoned to RM-3-9. Building heights would be regulated by the zoning designation maximum height allowed in the SDMC. The CC-3-7 zone allows for a maximum building height of 65 feet, and Residential Multi-Family (RM) 3-9 allows for a maximum building height of 60 feet. Table 2, Comparison of Maximum Building Heights under the Reduced Density Alternative, identifies the zoning designation and heights allowed in each zone under the project and the Reduced Density Alternative.

Table 2. Comparison of Maximum Building Heights under the Reduced Density Alternative

Village, District, or Area	Project Zoning Designation ¹	Project Maximum Height Limit	Reduce Density Alternative Zoning Designation	Reduced Density Alternative Maximum Height Limit
Sports Arena Community Village	CC-3-6	65 feet	CC-3-6	65 feet
	RM-3-8	50 feet	RM-3-8	50 feet
Kemper Neighborhood Village	RM-2-5	40 feet	RM-2-5	40 feet
	RM-3-8	50 feet	RM-3-8	50 feet
	CC-1-3	45 feet	CC-1-3	45 feet
Dutch Flats Urban Village ²	CC-3-6	65 feet	CC-3-6	65 feet
	CO 3-1	50 feet	CO 3-1	50 feet
	CC-3-6	65 feet	CC-3-6	65 feet
Camino Del Rio District	RM-3-8	50 feet	RM-3-8	50 feet
	CC-1-3	45 feet	CC-1-3	45 feet
	CO-3-1	50 feet	CO-3-1	50 feet
Channel District	CC-3-8	100 feet	CC-3-7	65 feet
	RM-3-8	50 feet	RM-3-8	50 feet
Rosecrans District	CC-3-6	65 feet	CC-3-6	65 feet
	CC-1-3	45 feet	CC-1-3	45 feet
	CC-3-6	65 feet	CC-3-6	65 feet
	RM-3-8	50 feet	RM-3-8	50 feet
Cauby District	CC-1-3	45 feet	CC-1-3	45 feet

Table 2. Comparison of Maximum Building Heights under the Reduced Density Alternative

Village, District, or Area	Project Zoning Designation ¹	Project Maximum Height Limit	Reduce Density Alternative Zoning Designation	Reduced Density Alternative Maximum Height Limit
	CC-3-7	65 feet	CC-3-7	65 feet
	RM-3-8	50 feet	RM-3-8	50 feet
Lytton District	CN-1-6	65 feet	CN-1-6	65 feet
	RM-1-1	30 feet	RM-1-1	30 feet
	RM-3-8	50 feet	RM-3-8	50 feet
Kurtz District ²	CO-3-1	50 feet	CO-3-1	50 feet
	CC-2-5	100 feet	CC-2-5	100 feet
	CC-3-8	100 feet	CC-3-7	65 feet
	IP-2-1	No limit	IP-2-1	No limit
Hancock Transit Corridor	CC-2-5	100 feet	CC-2-5	100 feet
	CC-3-8	100 feet	CC-3-7	65 feet
	RM-3-9	60 feet	RM-3-9	60 feet
	CC-3-9	No limit	CC-3-7	65 feet
	RM-4-10	No limit	RM-3-9	60 feet
Kettner District	CC-3-8	100 feet	CC-3-7	65 feet
	IS-1-1	No limit ³	IS-1-1	No limit
MCRD ⁴	None	None	None	None

Sources: City of San Diego 2018, 2022.

Notes: MCRD = Marine Corps Recruit Depot

¹ CC = Commercial – Community; CN = Commercial-Neighborhood; CO = Commercial-Office; IP = Industrial – Park; IS = Industrial – Small Scale; RM = Residential-Multifamily

² Includes Naval Base Point Loma, which does not have a zoned height limit. The highest intensity scenario (Alternative 4) identified under the Navy OTC Revitalization Project Environmental Impact Statement proposes buildings of up to 350 feet in height. The Coastal Height Limit does not apply to federal, state, or San Diego Unified Port District (Port) property, and the City has no land use authority over federal property (i.e., Naval Base Point Loma).

³ Includes Port-owned lands regulated by the Port Master Plan, which requires that structures shall not exceed 130 feet in height. The Coastal Height Limit does not apply to federal, state, or Port property, and the City has no land use authority over Port property.

⁴ The MCRD does not have a zoning designation; therefore, there is no height limit governing this area. The Coastal Height Limit does not apply to federal, state, or Port property, and the City has no land use authority over federal property (i.e., MCRD). The City has no land use authority on lands regulated by the Port Master Plan and/or the SDIA's Airport Land Use Compatibility Plan.

Impacts

Impacts on scenic vistas or views under the Reduced Density Alternative would be reduced compared to the project. Specifically, the level of change to public view corridors outside the CP area would be reduced in the Uptown Community Plan area, represented by Key View 9. Under the Reduced Density Alternative, future development west of I-5 in the Pacific Highway corridor would be lower in height than depicted in the buildout scenario on Final SEIR Figure 5.1-10. The coastal height limit does not apply to federal property, and the City does not have land use authority over federal property (i.e., Naval Base Point Loma).

Therefore, the project would not impact this development, and the taller buildings associated with the Navy OTC development in the right midground view would remain unchanged. Therefore, the project's direct impact from Key View 9 would be reduced under this alternative but not to below a level of significance because viewers would still notice a change in the built landscape.

In addition, impacts associated with a substantial adverse alteration to the character of the area would be reduced compared to the project. Specifically, the level of change to the existing setting would be reduced in Key Views 1, 2, 3, 5, and 9 due to the elimination of the potential for future development of up to 100-foot-tall buildings along the northeastern boundary south of I-8, including the Camino Del Rio District and the northern portions of the Kurtz District, and along the entire eastern CP area boundary adjacent to I-5, including the Hancock District and Kettner District. In addition, because the Reduced Density Alternative would result in a rezone limiting building heights to 65 feet in these areas, viewer sensitivity would also be reduced because future development would not be as noticeable in Key Views 1, 2, 3, 5, and 9.

The Reduced Density Alternative would reduce some, but not all, of the project's significant impacts associated with a substantial adverse alteration to the character of the area. In addition, the 10 key views of the CP area are representative views selected to demonstrate the change in views from surrounding areas adjacent to the CP area. Restricting development density through rezoning in these areas would not necessarily reduce impacts from all possible view locations or improve the impact on neighborhood character in all areas of the CP area. Therefore, impacts would be reduced compared to the project but not to below a level of significance.

Similar to the project, the Reduced Density Alternative would result in less than significant impacts related to distinctive or landmark trees, landform alteration, and light and glare because future development projects in the CP area would be required to comply with the 2018 Community Plan Conservation Element and Urban Design Element policies, the outdoor lighting regulations outlined in Section 142.0740 of the City's LDC, the glare regulations outlined in Section 142.0730 of the City's LDC, and the City's MHPA Land Use Adjacency Guidelines.

Finding and Supporting Facts

The Reduced Density Alternative would not fully implement Project Objective 6 to provide housing and commercial uses in proximity to transit; Project Objective 7 to maintain employment uses including industrial, business park, and commercial office uses to support the City's economy to the same extent as the project; or Project Objective 10 to encourage housing for families (housing with three or more bedrooms) by removing development restrictions, which would allow housing developments to maximize zoned density while facilitating a diverse housing inventory with a range of housing types and prices. This is due to the reduced development density in the northern, eastern, and southern CP area boundaries, which would impede the City's ability to achieve the buildout density identified in the 2018 Community Plan and maximize the development potential in the CP area. The reduction in density of the commercial base zones would limit the number of potential employment uses within the

CP area and would not meet Project Objective 7 to the same extent as the project. Furthermore, this alternative would limit the range of dwelling unit sizes that could be constructed in the CP area because there would be a reduction in density allowed, which could affect the type of housing available to families and would be inconsistent with the City's objective of providing housing for a variety of people.

Rationale and Conclusion

The Reduced Density Alternative is rejected as infeasible because it does not meet three of the 10 project objectives to the same extent as the project. Furthermore, this alternative would limit the range of dwelling unit sizes that could be constructed in the CP area, which could affect the type of housing available to families and would be inconsistent with the City's objective of providing housing for a variety of people. While visual effects and neighborhood character impacts would be substantially reduced compared to the project, the Reduced Density Alternative is rejected as infeasible because this alternative would not reduce any of the significant and unavoidable effects of the project to a less than significant level.

6.0 REFERENCES

City of San Diego 2018. Midway-Pacific Highway Community Plan. Accessed June 2022. <https://www.sandiego.gov/planning/community-plans/midway-pacific-highway>.

City of San Diego. 2022. San Diego Municipal Code. Accessed June 2022. <https://www.sandiego.gov/city-clerk/officialdocs/municipal-code>.

Exhibit B

**Statement of Overriding Considerations
(SOC)**

**Final Supplemental Environmental Impact Report for the Removal of the
Midway-Pacific Highway Community Planning Area from the Coastal Height
Limit**

SCH# 2022030324

July 2022

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Exhibit B

Statement of Overriding Considerations

Final Supplemental Environmental Impact Report for the Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit

City of San Diego SCH# 2022030324

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 Removal of Midway-Pacific Highway Community Planning Area from the Coastal Height Limit (project) as defined in the Final Supplemental Environmental Impact Report (Final SEIR). This Statement of Overriding Considerations is specifically applicable to the significant and unavoidable impacts identified in Chapter 5.0, Environmental Analysis, of the Final SEIR. As set forth in the Candidate Findings, the project would result in unavoidable adverse impacts related to visual effects and neighborhood character.

The Council of the City of San Diego, having:

- (i) Independently reviewed the information in the Final SEIR and the record of proceedings;
- (ii) Made a reasonable and good faith effort to eliminate or substantially lessen the significant impacts resulting from the project to the extent feasible by adopting recommended mitigation measures identified in the Final SEIR; and
- (iii) Balanced the benefits of the project against the significant environmental impacts, chooses to approve the project, despite its significant environmental impacts, because, in its view, specific economic, legal, social, and other benefits of the project render the significant environmental impacts acceptable.

The following statements identify why, in the City Council's judgement, 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 SEIR, or in the documents that comprise the Record of Proceedings in this matter.

Exhibit B: Statement of Overriding

1. The project gives the City greater flexibility to develop a wider range of housing types to accommodate the maximum densities approved with the 2018 Midway-Pacific Highway Community Plan (2018 Community Plan). The mix of housing types that would result from the removal of the coastal height limit in the Midway-Pacific Highway Community Plan area (CP area) would allow for a greater diversity of households of various sizes and incomes levels to reside in the CP area. This would promote the development of economically and socially diverse communities, and would further the City's equitable development and affordable housing goals. The project would help further achieve the 2018 Community Plan's land use goal of creating a variety of housing types for all age, income, and social groups, and the City's General Plan Housing Element Objective I to promote a diversity of housing available to all income groups across all communities.
2. The project supports new and enhanced local commercial, retail, and office opportunities by removing development height restrictions, which will allow existing and future commercial uses to develop facilities which meet their operational needs while adhering to the development standards in the San Diego Municipal Code. The 2018 Community Plan envisions the CP area as a sub-regional employment center with employment land for the development of office and research uses that can provide jobs in proximity to residential and commercial uses and transit and will support the economic viability and attractiveness of the community. The removal of the coastal height limit would allow for a greater variety of mixed-use developments with residential and commercial components, which will encourage economic growth by providing flexibility in the types of businesses located in the CP area. This would be consistent with the goals of the City's General Plan Economic Prosperity Element which calls for commercial development which uses land efficiently, offers flexibility to changing resident and business shopping needs, and improves environmental quality; and new commercial development that contributes positively to the economic vitality of the community and provides opportunities for new business development.
3. The project supports the opportunity for more creative outdoor open spaces such as plazas, parks, and other community spaces to satisfy the need for parks and recreation facilities in the CP area. The City's Parks Master Plan (PMP) recognized that the City's parks system would need to address opportunities to deliver flexible, innovative park spaces and gathering areas that fit in areas with infill development. The removal of the coastal height limit from the CP area would allow additional on-site space to be allocated to park and open space uses as taller buildings would allow for maximizing the zoned development density within a smaller building footprint. This would allow the City to provide additional parks and recreation opportunities beyond what was identified in the 2018 Community Plan, and would help achieve the City PMP's goal of providing access

Exhibit B: Statement of Overriding

within a 10-minute walk and roll, 20-minute bike ride, and 30 minute transit ride for everyone to a park or recreational experience that can be enjoyed for at least 40 minutes.

4. The project implements the strategies in the City's 2015 Climate Action Plan (2015 CAP) and 2022 Draft Climate Action Plan (2022 Draft CAP) by supporting residential opportunities that promote sustainable development. Approximately ninety-nine percent of the proposed residential units in the CP area would be within one-half mile of a major transit stop, and the project would remove the coastal height limit in the CP area, which would encourage the development of a wide range of housing types to accommodate the maximum densities approved in the 2018 Community Plan. Thus, the project would implement Action 3.1 of the 2015 CAP which calls for the implementation of the General Plan's Mobility Element and the City of Villages Strategy in Transit Priority Areas (TPAs) to increase the use of transit; and Action 3.6 of the 2015 CAP which calls for the implementation of transit-oriented development within TPAs. The project would also support actions in the 2022 Draft CAP which call for focusing new development in areas that will allow residents, employees and visitors to safely, conveniently and enjoyably travel as a pedestrian, or by biking, or transit, such as in TPAs, and areas of the City with the lowest amount of vehicular travel; and maximizing new development in areas located with safe, convenient, and enjoyable access to transit (see Measure 3.5: Climate-Focused Land Use of Strategy 3: Mobility and Land Use of the 2022 Draft CAP). The proximity of future residences to transit corridors in the CP area will increase the amount of people who are able to use transit, which in turn will reduce individuals' reliance on cars and result in critical GHG emissions reductions. The ability to develop taller buildings in the CP area will also promote building energy efficiency as a greater number of units can be accommodated within a smaller building footprint, rather than having the same amount of units spread out over a larger area. Thus, the project further the goals of the 2015 CAP Strategy 1: Energy & Water Efficient Buildings and 2022 Draft CAP Strategy 1: Decarbonization of the Built Environment.

CONCLUSION

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

Exhibit C

**Mitigation Monitoring and Reporting Program
(MMRP)**

**Final Supplemental Environmental Impact Report for the Removal of the
Midway-Pacific Highway Community Planning Area from the Coastal Height
Limit**

SCH# 2022030324

July 2022

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Exhibit C

Mitigation Monitoring and Reporting Program (MMRP)

**Final Supplemental Environmental Impact Report for the Removal of the
Midway-Pacific Highway Community Planning Area from the Coastal Height
Limit**

City of San Diego SCH# 2022030324

The California Environmental Quality Act (CEQA), Section 21081.6(a)(1), requires that a Mitigation Monitoring and Reporting Program (MMRP) be adopted upon certification of an Environmental Impact Report (EIR) to ensure that the mitigation measures are implemented. The MMRP specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

This MMRP is designed to ensure compliance with California Public Resources Code, Section 21081.6(a)(1), during implementation of mitigation measures. The MMRP for the Removal of the Midway-Pacific Highway Community Planning Area from the Coastal Height Limit (project) Final Supplemental Environmental Impact Report (Final SEIR) is under the jurisdiction of the City of San Diego. This MMRP identifies the department responsible for monitoring, what is to be monitored, how monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the MMRP will be maintained at the offices of the City of San Diego, Planning Department, which is currently located at 9485 Aero Drive, San Diego, California 92123. All mitigation measures outlined in Table 1, Mitigation Monitoring and Reporting Program, shall be made conditions of approval of the project as further described below. The 2018 Program Environmental Impact Report (2018 PEIR) comprehensively addressed the potential environmental effects of buildout of the 2018 Midway-Pacific Highway Community Plan (2018 Community Plan). This MMRP addresses the removal of the 30-foot Coastal Height Limit Overlay Zone in the Community Planning area (CP area). Where applicable, mitigation measures identified in the 2018 PEIR would mitigate the impacts of the project.

Exhibit C: Mitigation Monitoring and Reporting Program

Table 1. Mitigation Monitoring and Reporting Program			
Potential Significant Impact	Mitigation Measure	Time Frame of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
Transportation and Circulation			
Intersections			
Lytton Street and Rosecrans Street in the AM and PM peak hours. (2018 PEIR Impact 5.2-7)	TRANS 5.2-7b: Partial Mitigation: Add second southbound left-turn lane from Lytton Street to eastbound Rosecrans Street and implement right-turn overlap phases at all legs of the intersection. This improvement is identified in the Midway-Pacific Highway Impact Fee Study.	Impacts remain significant and unavoidable. Traffic Study and Fair Share Contribution will be implemented on a project-by-project basis (prior to development permit approval).	City Development Services Department (DSD)
Freeway Segments			
Interstate (I-) 5 northbound (AM and PM peak hours) and southbound (PM peak hour) from Clairemont Drive to Sea World Drive. (2018 PEIR Impact 5.2-17)	TRANS 5.2-17: SANDAG's Regional Plan identifies the construction of a managed lane along this segment to be completed by Year 2050. There is some uncertainty related to the actual improvements and associated traffic impacts that will materialize over time. Future development projects' transportation studies would be able to more accurately identify individual project-level impacts and provide the mechanism to mitigate them through fair share contributions in addition to the funding identified in the Revenue Constrained Network.	Impacts remain significant and unavoidable. Community Plan buildout will occur over the planning horizon, and traffic improvements (mitigation) will be prioritized and implemented based on need and ability to secure full funding.	California Department of Transportation (Caltrans)/DSD
I-5 northbound from Sea World Drive to I-8 in the AM and PM peak hours. (2018 PEIR Impact 5.2-18)	TRANS 5.2-18: SANDAG's Regional Plan identifies the construction of a managed lane along this segment to be completed by Year 2050. There is some uncertainty related to the actual improvements and associated traffic impacts that will materialize over time. Future development projects' transportation studies would be able to more accurately identify individual project-level impacts and provide the mechanism to mitigate them through fair share contributions in addition to the funding identified in the Revenue Constrained Network.	Impacts remain significant and unavoidable. Community Plan buildout will occur over the planning horizon, and traffic improvements (mitigation) will be prioritized and implemented based on need and ability to secure full funding.	Caltrans/DSD

Exhibit C: Mitigation Monitoring and Reporting Program

Table 1. Mitigation Monitoring and Reporting Program			
Potential Significant Impact	Mitigation Measure	Time Frame of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
I-5 northbound from Old Town Avenue to Washington Street in the AM and PM peak hours. (2018 PEIR Impact 5.2-19)	TRANS 5.2-19: SANDAG's Regional Plan identifies operational improvements along this segment to be completed by Year 2050. There is some uncertainty related to the actual improvements and associated traffic impacts that will materialize over time. Future development projects' transportation studies would be able to more accurately identify individual project-level impacts and provide the mechanism to mitigate them through fair share contributions in addition to the funding identified in the Revenue Constrained Network.	Impacts remain significant and unavoidable. Community Plan buildout will occur over the planning horizon, and traffic improvements (mitigation) will be prioritized and implemented based on need and ability to secure full funding.	Caltrans/DSD
I-8 eastbound from Morena Boulevard to Hotel Circle Drive in the PM peak hour. (2018 PEIR Impact 5.2-20)	TRANS 5.2-20: SANDAG's Regional Plan identifies operational improvements along this segment to be completed by Year 2050. There is some uncertainty related to the actual improvements and associated traffic impacts that will materialize over time. Future development projects' transportation studies would be able to more accurately identify individual project-level impacts and provide the mechanism to mitigate them through fair share contributions in addition to the funding identified in the Revenue Constrained Network.	Impacts remain significant and unavoidable. Community Plan buildout will occur over the planning horizon, and traffic improvements (mitigation) will be prioritized and implemented based on need and ability to secure full funding.	Caltrans/DSD
I-5 southbound from I-8 to Old Town Avenue in the PM peak hour. (2018 PEIR Impact 5.2-21)	TRANS 5.2-21: SANDAG's Regional Plan identifies operational improvements along this segment to be completed by Year 2050. There is some uncertainty related to the actual improvements and associated traffic impacts that will materialize over time. Future development projects' transportation studies would be able to more accurately identify individual project-level impacts and provide the mechanism to mitigate them through fair share contributions in addition to the funding identified in the Revenue Constrained Network.	Impacts remain significant and unavoidable. Community Plan buildout will occur over the planning horizon, and traffic improvements (mitigation) will be prioritized and implemented based on need and ability to secure full funding.	Caltrans/DSD

Exhibit C: Mitigation Monitoring and Reporting Program

Table 1. Mitigation Monitoring and Reporting Program			
Potential Significant Impact	Mitigation Measure	Time Frame of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
I-5 southbound from Washington Street to Pacific Highway in the PM peak hour. (2018 PEIR Impact 5.2-22)	TRANS 5.2-22: SANDAG's Regional Plan identifies operational improvements along this segment to be completed by Year 2050. There is some uncertainty related to the actual improvements and associated traffic impacts that will materialize over time. Future development projects' transportation studies would be able to more accurately identify individual project-level impacts and provide the mechanism to mitigate them through fair share contributions in addition to the funding identified in the Revenue Constrained Network.	Impacts remain significant and unavoidable. Community Plan buildout will occur over the planning horizon, and traffic improvements (mitigation) will be prioritized and implemented based on need and ability to secure full funding.	Caltrans/DSD
I-5 southbound from Laurel Street to Hawthorn Street in the PM peak hour. (2018 PEIR Impact 5.2-23)	TRANS 5.2-23: SANDAG's Regional Plan identifies operational improvements along this segment to be completed by Year 2050. There is some uncertainty related to the actual improvements and associated traffic impacts that will materialize over time. Future development projects' transportation studies would be able to more accurately identify individual project-level impacts and provide the mechanism to mitigate them through fair share contributions in addition to the funding identified in the Revenue Constrained Network.	Impacts remain significant and unavoidable. Community Plan buildout will occur over the planning horizon, and traffic improvements (mitigation) will be prioritized and implemented based on need and ability to secure full funding.	Caltrans/DSD
Ramp Meters			
I-5 southbound/Sea World Drive in the PM peak hour. (2018 PEIR Impact 5.2-24)	TRANS 5.2-24: The City of San Diego shall coordinate with Caltrans to address ramp capacity at this impacted ramp location. Particularly, this impact could be reduced to less than significant by the following improvements: additional lanes, interchange reconfigurations, the implementation of a second interchange between Sea World Drive and Clairemont Drive (which is not currently included in the San Diego Forward Plan), and	Impacts remain significant and unavoidable. Community Plan buildout will occur over the planning horizon, and traffic improvements (mitigation) will be prioritized and implemented based on need and ability to secure full funding.	Caltrans/DSD

Exhibit C: Mitigation Monitoring and Reporting Program

Table 1. Mitigation Monitoring and Reporting Program			
Potential Significant Impact	Mitigation Measure	Time Frame of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	Transportation Demand Management as described in the Mobility Element in policies ME-7.1 through 7.9. However, specific capacity improvements are still undetermined, as these are future improvements that must be defined more over time. Additionally, the proposed Community Plan Update (CPU) includes a variety of transit, pedestrian, and bicycle facilities that may help to reduce single-occupancy vehicle travel, which can help improve ramp capacity. Still, implementation of freeway improvements in a timely manner is beyond the full control of the City since Caltrans has approval authority over freeway improvements.		
Visual Effects and Neighborhood Character			
Implementation of the project would result in increased building height that could obstruct scenic vistas and views from public viewing locations outside the CP area.	No mitigation identified.	Impacts remain significant and unavoidable. Implementation of selective height restrictions would not be feasible because it would limit the City's ability to provide a diverse range of housing types to accommodate the density approved in the 2018 Community Plan and may impede the ability to develop a wide range of housing types and would be inconsistent with the City's objective of providing housing for a variety of people.	Not applicable
Implementation of the project has the potential to result in a substantial adverse alteration to the character of the CP area and its surroundings.	No mitigation identified.	Impacts remain significant and unavoidable. Implementation of selective height restrictions would not be feasible because it would limit the City's ability to provide a diverse range of housing types to accommodate the density approved	Not applicable

Exhibit C: Mitigation Monitoring and Reporting Program

Table 1. Mitigation Monitoring and Reporting Program			
Potential Significant Impact	Mitigation Measure	Time Frame of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
		in the 2018 Community Plan and may impede the ability to develop a wide range of housing types and would be inconsistent with the City's objective of providing housing for a variety of people.	
Historical and Tribal Cultural Resources			
Implementation of the project could result in an alteration of a historic building, structure, object, or site where an increase in density is proposed beyond the adopted Community Plan and current zoning. (2018 PEIR Impact 5.3-1)	<p>HIST 5.3-1: Prior to issuance of any permit for a development project implemented in accordance with the project that would directly or indirectly affect a building/structure in excess of 45 years of age, the City shall determine whether the affected building/structure is historically significant. The evaluation of historic architectural resources shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in the Historical Resources Guidelines.</p> <p>Preferred mitigation for historic buildings or structures shall be to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm to the resource shall be taken. Depending upon project impacts, measures shall include, but are not limited to:</p> <ul style="list-style-type: none"> • Preparing a Historic Resource Management Plan; • Adding new construction that is compatible in size, scale, materials, color, and workmanship to the historical resource (such additions, whether portions of existing buildings or 	Mitigation will be implemented on a project-by-project basis (prior to demolition, grading, and/or building permit).	DSD

Exhibit C: Mitigation Monitoring and Reporting Program

Table 1. Mitigation Monitoring and Reporting Program			
Potential Significant Impact	Mitigation Measure	Time Frame of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>additions to historic districts, shall be clearly distinguishable from historic fabric);</p> <ul style="list-style-type: none"> • Repairing damage according to the Secretary of the Interior's Standards for Rehabilitation; • Screening incompatible new construction from view through the use of berms, walls, and landscaping in keeping with the historic period and character of the resource; and • Shielding historic properties from noise generators through the use of sound walls, double glazing, and air conditioning. <p>Specific types of historical resource reports, outlined in Section III of the Historical Resources Guidelines, are required to document the methods to be used to determine the presence or absence of historical resources, identify potential impacts from a project, and evaluate the significance of any historical resources identified. If potentially significant impacts to an identified historical resource are identified, these reports will also recommend appropriate mitigation to reduce the impacts to below a level of significance, where possible. If required, mitigation programs can also be included in the report.</p>		
Implementation of the project could adversely impact a prehistoric or historic archaeological resource including religious or sacred use sites and human remains. (2018 PEIR Impact 5.3-2)	HIST 5.3-2: Prior to issuance of any permit for a future development project implemented in accordance with the project that could directly affect an archaeological or tribal cultural resource, the City shall require that the following steps be taken to determine (1) the presence of archaeological or tribal cultural resources and (2) the appropriate mitigation for any significant resources that may be impacted by a	Mitigation will be implemented on a project-by-project basis (prior to demolition, grading, and/or building permit).	DSD

Exhibit C: Mitigation Monitoring and Reporting Program

Table 1. Mitigation Monitoring and Reporting Program			
Potential Significant Impact	Mitigation Measure	Time Frame of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>development activity. Sites may include, but are not limited to, residential and commercial properties, privies, trash pits, building foundations, and industrial features representing the contributions of people from diverse socio-economic and ethnic backgrounds. Sites may also include resources associated with prehistoric Native American activities.</p> <p>Initial Determination The environmental analyst will determine the likelihood for the project site to contain historical resources by reviewing site photographs and existing historic information (e.g., Archaeological Sensitivity Maps, the Archaeological Map Book, and the City's "Historical Inventory of Important Architects, Structures, and People in San Diego") and may conduct a site visit, as needed. If there is any evidence that the site contains archaeological or tribal cultural resources, then an archaeological evaluation consistent with the City Guidelines would be required. All individuals conducting any phase of the archaeological evaluation program must meet professional qualifications in accordance with the City Guidelines.</p> <p>Step 1 Based on the results of the Initial Determination, if there is evidence that the site contains a historical resource, preparation of a historic evaluation is required. The evaluation report would generally include background research, field survey, archaeological testing,</p>		

Exhibit C: Mitigation Monitoring and Reporting Program

Table 1. Mitigation Monitoring and Reporting Program			
Potential Significant Impact	Mitigation Measure	Time Frame of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>and analysis. Before actual field reconnaissance would occur, background research is required, which includes a records search at the SCIC [South Coastal Information Center] at San Diego State University. Site records from the San Diego Museum of Man are now included in the data provided by the SCIC; however, in some instances, supplemental research at the Museum of Man may be required. A review of the Sacred Lands File maintained by the NAHC [Native American Heritage Commission] must also be conducted at this time. Information about existing archaeological collections should also be obtained from the San Diego Archaeological Center and any tribal repositories or museums.</p> <p>In addition to the records searches mentioned above, background information may include, but is not limited to, examining primary sources of historical information (e.g., deeds and wills), secondary sources (e.g., local histories and genealogies), Sanborn Fire Maps, and historic cartographic and aerial photograph sources; reviewing previous archaeological research in similar areas, models that predict site distribution, and archaeological, architectural, and historical site inventory files; and conducting informant interviews. The results of the background information would be included in the evaluation report.</p> <p>Once the background research is complete, a field reconnaissance must be conducted by individuals whose qualifications meet the standards outlined in</p>		

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Table 1. Mitigation Monitoring and Reporting Program			
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	<p>the City Guidelines. Consultants are encouraged to employ innovative survey techniques when conducting enhanced reconnaissance, including, but not limited to, remote sensing, ground penetrating radar, and other soil resistivity techniques as determined on a case-by-case basis. Native American participation is required for field surveys when there is likelihood that the project site contains prehistoric archaeological resources or traditional cultural properties. If through background research and field surveys historical resources are identified, then an evaluation of significance, based on the City Guidelines, must be performed by a qualified archaeologist.</p> <p>Step 2 Where a recorded site or Tribal Cultural Resource (as defined in the Public Resources Code) is identified, the City would be required to initiate consultation with identified California Indian tribes pursuant to the provisions in Public Resources Code Sections 21080.3.1 and 21080.3.2., in accordance with AB 52. It should be noted that during the consultation process, tribal representative(s) will be directly involved in making recommendations regarding the significance of a tribal cultural resource that also could be a prehistoric archaeological site. A testing program may be recommended, which requires reevaluation of the project in consultation with the Native American representative, which could result in a combination of project redesign to avoid and/or preserve significant resources as well as mitigation in the form of data recovery and monitoring (as recommended by the qualified</p>		

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Table 1. Mitigation Monitoring and Reporting Program			
Potential Significant Impact	Mitigation Measure	Time Frame of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>archaeologist and Native American representative). The archaeological testing program, if required, shall include evaluating the horizontal and vertical dimensions of a site, the chronological placement, site function, artifact/ecofact density and variability, presence/absence of subsurface features, and research potential. A thorough discussion of testing methodologies, including surface and subsurface investigations, can be found in the City Guidelines. Results of the consultation process will determine the nature and extent of any additional archaeological evaluation or changes to the project.</p> <p>The results from the testing program shall be evaluated against the Significance Thresholds found in the Guidelines. If significant historical resources are identified within the Area of Potential Effects, the site may be eligible for local designation. However, this process would not proceed until such time that the tribal consultation has been concluded and an agreement is reached (or not reached) regarding significance of the resource and appropriate mitigation measures are identified. When appropriate, the final testing report must be submitted to Historical Resources Board staff for eligibility determination and possible designation. An agreement on the appropriate form of mitigation is required prior to distribution of a draft environmental document. If no significant resources are found, and site conditions are such that there is no potential for further discoveries, then no further action is required. Resources found to be non-significant</p>		

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Table 1. Mitigation Monitoring and Reporting Program			
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	<p>as a result of a survey and/or assessment will require no further work beyond documentation of the resources on the appropriate Department of Parks and Recreation site forms and inclusion of results in the survey and/or assessment report. If no significant resources are found, but results of the initial evaluation and testing phase indicate there is still a potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring is required.</p> <p>Step 3 Preferred mitigation for historical resources is to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm shall be taken. For archaeological resources where preservation is not an option, a Research Design and Data Recovery Program is required, which includes a Collections Management Plan for review and approval. When tribal cultural resources are present and also cannot be avoided, appropriate and feasible mitigation will be determined through the tribal consultation process and incorporated into the overall data recovery program, where applicable, or project-specific mitigation measures will be incorporated into the project. The data recovery program shall be based on a written research design and is subject to the provisions as outlined in CEQA Section 21083.2.</p>		

Exhibit C: Mitigation Monitoring and Reporting Program

Table 1. Mitigation Monitoring and Reporting Program			
Potential Significant Impact	Mitigation Measure	Time Frame of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>The data recovery program must be reviewed and approved by the City's Environmental Analyst prior to distribution of a draft CEQA document and shall include the results of the tribal consultation process. Archaeological monitoring may be required during building demolition and/or construction grading when significant resources are known or suspected to be present on a site, but cannot be recovered prior to grading due to obstructions such as, but not limited to, existing development or dense vegetation.</p> <p>A Native American observer must be retained for all subsurface investigations, including geotechnical testing and other ground-disturbing activities, whenever a Native American tribal cultural resource or any archaeological site located on City property or within the Area of Potential Effects of a City project would be impacted. In the event that human remains are encountered during data recovery and/or a monitoring program, the provisions of Public Resources Code Section 5097 must be followed. In the event that human remains are discovered during project grading, work shall halt in that area and the procedures set forth in the California Public Resources Code (Section 50987.98) and State Health and Safety Code (Section 7050.5), and in the federal, state, and local regulations described above shall be undertaken. These provisions will be outlined in the MMRP [Mitigation Monitoring and Reporting Program] included in a subsequent project-specific environmental document. The Native American monitor shall be consulted during the preparation of the</p>		

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Table 1. Mitigation Monitoring and Reporting Program			
Potential Significant Impact	Mitigation Measure	Time Frame of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>written report, at which time they may express concerns about the treatment of sensitive resources. If the Native American community requests participation of an observer for subsurface investigations on private property, the request shall be honored.</p> <p>Step 4 Archaeological Resource Management reports shall be prepared by qualified professionals as determined by the criteria set forth in Appendix B of the Guidelines. The discipline shall be tailored to the resource under evaluation. In cases involving complex resources, such as traditional cultural properties, rural landscape districts, sites involving a combination of prehistoric and historic archaeology, or historic districts, a team of experts will be necessary for a complete evaluation.</p> <p>Specific types of historical resource reports are required to document the methods (see Section III of the Guidelines) used to determine the presence or absence of historical resources; to identify the potential impacts from proposed development and evaluate the significance of any identified historical resources; to document the appropriate curation of archaeological collections (e.g., collected materials and the associated records); in the case of potentially significant impacts to historical resources, to recommend appropriate mitigation measures that would reduce the impacts to below a level of significance; and to document the results of mitigation and monitoring programs, if required.</p>		

Exhibit C: Mitigation Monitoring and Reporting Program

Table 1. Mitigation Monitoring and Reporting Program			
Potential Significant Impact	Mitigation Measure	Time Frame of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>Archaeological Resource Management reports shall be prepared in conformance with the California Office of Historic Preservation "Archaeological Resource Management Reports: Recommended Contents and Format" (see Appendix C of the Guidelines), which will be used by Environmental staff in the review of archaeological resource reports. Consultants must ensure that archaeological resource reports are prepared consistent with this checklist. This requirement will standardize the content and format of all archaeological technical reports submitted to the City. A confidential appendix must be submitted (under separate cover) along with historical resources reports for archaeological sites and tribal cultural resources containing the confidential resource maps and records search information gathered during the background study. In addition, a Collections Management Plan shall be prepared for projects that result in a substantial collection of artifacts and must address the management and research goals of the project and the types of materials to be collected and curated based on a sampling strategy that is acceptable to the City. Appendix D (Historical Resources Report Form) may be used when no archaeological resources were identified within the project boundaries.</p> <p>Step 5 For Archaeological Resources: All cultural materials, including original maps, field notes, non-burial related artifacts, catalog information,</p>		

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Table 1. Mitigation Monitoring and Reporting Program			
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	<p>and final reports recovered during public and/or private development projects must be permanently curated with an appropriate institution, one that has the proper facilities and staffing for ensuring research access to the collections consistent with state and federal standards, unless otherwise determined during the tribal consultation process. In the event that a prehistoric and/or historic deposit is encountered during construction monitoring, a Collections Management Plan would be required in accordance with the project MMRP. The disposition of human remains and burial-related artifacts that cannot be avoided or are inadvertently discovered is governed by state (i.e., AB 2641 [Coto] and California Native American Graves Protection and Repatriation Act of 2001 [Health and Safety Code 8010-8011]) and federal (i.e., Native American Graves Protection and Repatriation Act [U.S.C. 3001-3013]) law, and must be treated in a dignified and culturally appropriate manner with respect for the deceased individual(s) and their descendants. Any human bones and associated grave goods of Native American origin shall be turned over to the appropriate Native American group for repatriation.</p> <p>Arrangements for long-term curation of all recovered artifacts must be established between the applicant/property owner and the consultant prior to the initiation of the field reconnaissance. When tribal cultural resources are present, or non-burial-related artifacts associated with tribal cultural resources are suspected to be recovered, the treatment and</p>		

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Table 1. Mitigation Monitoring and Reporting Program			
Potential Significant Impact	Mitigation Measure	Time Frame of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	disposition of such resources will be determined during the tribal consultation process. This information must then be included in the archaeological survey, testing, and/or data recovery report submitted to the City for review and approval. Curation must be accomplished in accordance with the California State Historic Resources Commission's Guidelines for the Curation of Archaeological Collection (dated May 7, 1993) and, if federal funding is involved, Title 36 of the CFR [Code of Federal Regulations], Part 79. Additional information regarding curation is provided in Section II of the Guidelines.		
Implementation of the project could adversely impact a tribal cultural resource. (2018 PEIR Impact 5.3-3)	HIST 5.3-2, as described above.	Mitigation will be implemented on a project-by-project basis.	DSD
Noise			
A significant noise impact due to construction noise would occur if noise-sensitive receptors are exposed to 12-hour community noise equivalent (Leq) levels of 75 A-weighted decibel (dBA) or higher between the hours of 7:00 a.m. to 7:00 p.m. or noise generated from construction activity during nighttime hours (7:00 p.m. to 7:00 a.m.), legal holidays, or Sundays. (2018 PEIR Impact 5.5-4)	NOISE 5.5-2: At the project level, future discretionary projects will be required to incorporate feasible mitigation measures. Typically, noise can be controlled to comply with City standards when standard construction noise control measures are enforced at the project site and when the duration of the noise-generating construction period is limited to one construction season (typically 1 year) or less. <ul style="list-style-type: none"> Construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Construction is not allowed on legal holidays as specified in Section 21.04 of the SDMC, with exception of Columbus Day and Washington's Birthday, or on Sundays (consistent with Section 59.5.0404 of the SDMC). 	Mitigation will be implemented on a project-by-project basis (during construction).	DSD

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Table 1. Mitigation Monitoring and Reporting Program			
Potential Significant Impact	Mitigation Measure	Time Frame of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<ul style="list-style-type: none"> • Equip all internal combustion engine-driven equipment with appropriately-sized intake and/or exhaust mufflers that are properly operating and maintained consistent with manufacturer's standards. • Stationary noise-generating equipment (e.g., compressors or generators) shall be located as far as possible from adjacent residential receivers and oriented so that emitted noise is directed away from sensitive receptors, whenever feasible. • If levels are expected to potentially exceed SDMC thresholds, temporary noise barriers with a minimum height of 8 feet shall be located around pertinent active construction equipment or entire work areas to shield nearby sensitive receivers. • Utilize "quiet" air compressors, generators, and other stationary noise sources where technology exists. • The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. • Designate a "disturbance coordinator" who would be responsible for receiving and responding to any complaints about construction noise or vibration. The disturbance coordinator will determine the cause of the noise complaint and, if identified as a sound generated by 		

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Table 1. Mitigation Monitoring and Reporting Program			
Potential Significant Impact	Mitigation Measure	Time Frame of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	construction area activities, will require that reasonable measures be implemented to correct the problem.		
If future pile driving occurs within the distances to structures or receivers reported in Table 5.5-7 (see Attachment A), a significant impact associated with vibration would result. (2018 PEIR Impact 5.5-5)	<p>NOISE 5.5-3: For discretionary projects where construction would include vibration-generating activities, such as pile-driving, within the distances of specific structures listed in Table 5.5-7, site-specific vibration studies shall be conducted to ensure the development project would not adversely affect adjacent properties to the satisfaction of the Chief Building Official. Such efforts shall be conducted by a qualified structural engineer and could include:</p> <ul style="list-style-type: none"> • Identify sites that would include vibration compaction activities such as pile-driving and have the potential to generate groundborne vibration and the sensitivity of nearby structures to groundborne vibration. • Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted; set up a vibration monitoring schedule; define structure-specific vibration limits; and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies would be identified for when vibration levels approach the limits. • Monitor vibration during initial demolition activities and during pile-driving activities. Monitoring results may indicate the need for more or less intensive measurements. • Designate a "disturbance coordinator" who would be responsible for receiving and 	Mitigation will be implemented on a project-by-project basis (prior to development permit approval, during construction, and after construction, as needed).	DSD

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Table 1. Mitigation Monitoring and Reporting Program			
Potential Significant Impact	Mitigation Measure	Time Frame of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>responding to any complaints about construction vibration. The disturbance coordinator will determine the cause of the noise complaint and will require that reasonable measures be implemented to correct the problem.</p> <ul style="list-style-type: none"> • When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures. • Conduct post-activity survey on structures where either monitoring has indicated high levels or complaints of damage have been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities. 		
Paleontological Resources			
Grading activities associated with future discretionary projects that require grading in excess of 1,000 cubic yards, extending to a depth of 10 feet or greater into high sensitivity formations, could result in significant impacts to paleontological resources. (2018 PEIR Impact 5.14-1)	PALEO 5.14-1: Prior to the approval of subsequent discretionary development projects implemented in accordance with the proposed Midway-Pacific Highway CPU (Community Plan Update), the City shall determine the potential for impacts to paleontological resources within a high sensitivity formation based on review of the project application submitted and recommendations of a project-level analysis completed in accordance with the steps presented below. Future projects shall be sited and designed to minimize impacts on paleontological resources in accordance with the City's Paleontological Resources Guidelines and CEQA Significance Determination Thresholds. Monitoring for paleontological resources required during construction activities shall be implemented at	Mitigation will be implemented on a project-by-project basis (prior to development permit approval).	DSD

Exhibit C: Mitigation Monitoring and Reporting Program

Table 1. Mitigation Monitoring and Reporting Program			
Potential Significant Impact	Mitigation Measure	Time Frame of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>the project level and shall provide mitigation for the loss of important fossil remains with future subsequent development projects that are subject to environmental review.</p> <p>I. Prior to Project Approval</p> <p>a. The environmental analyst shall complete a project-level analysis of potential impacts on paleontological resources. The analysis shall include a review of the applicable United States Geological Survey Quad maps to identify the underlying geologic formations, and shall determine if construction of a project would:</p> <ul style="list-style-type: none"> • Require over 1,000 cubic yards of excavation and/or a 10-foot, or greater, depth in a high resources potential geologic deposit/formation/rock unit. • Require over 2,000 cubic yards of excavation and/or 10-foot, or greater, depth in a moderate resource potential geologic deposit/formation/rock unit. • Require construction within a known fossil location or fossil recovery site. Resource potential within a formation is based on the Paleontological Monitoring Determination Matrix. <p>b. If construction of a project would occur within a formation with a moderate to high resource potential, monitoring during construction would be required and any identified resources shall be recovered.</p>		

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Table 1. Mitigation Monitoring and Reporting Program			
Potential Significant Impact	Mitigation Measure	Time Frame of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<ul style="list-style-type: none"> Monitoring is always required when grading on a fossil recovery site or a known fossil location. Monitoring may also be needed at shallower depths if fossil resources are present or likely to be present after review of source materials or consultation with an expert in fossil resources (e.g., the San Diego Natural History Museum). Monitoring may be required for shallow grading (<10 feet) when a site has previously been graded, and/or unweathered geologic deposits/formations/ rock units are present at the surface. Monitoring is not required when grading documented artificial fill. When it has been determined that a future project has the potential to impact a geologic formation with a high or moderate fossil sensitivity rating, a Paleontological Mitigation Monitoring and Reporting Program shall be implemented during construction grading activities. 		
Grading activities associated with future ministerial projects that require grading in excess of 1,000 cubic yards, extending to a depth of 10 feet or greater into high sensitivity formations, could result in significant impacts to paleontological resources. (2018 PEIR Impact 5.14-2)	PALEO 5.14-1, as described above.	Mitigation will be implemented on a project-by-project basis (prior to development permit approval).	DSD

Attachment A

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

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

Passed by the Council of The City of San Diego on JUL 25 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 29 2022

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **314246**