

RESOLUTION NUMBER R- 314298

DATE OF FINAL PASSAGE AUG 10 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO ADOPTING THE ADDENDUM TO FINAL  
PROGRAM ENVIRONMENTAL IMPACT REPORT NO.  
416603, SCH NO. 2015021053 FOR THE CLIMATE ACTION  
PLAN UPDATE AND ADOPTING THE MITIGATION,  
MONITORING, AND REPORTING PROGRAM.

WHEREAS, the 2015 Climate Action Plan (2015 CAP) was adopted at the December 15,  
2015 City Council meeting by San Diego Resolution R-310175; and

WHEREAS, on December 15, 2015, the City Council adopted Resolution No. 310176  
certifying Environmental Impact Report No. 416603, SCH No. 2015021053, a copy of which is  
on file in the Office of the City Clerk, in compliance with the California Environmental Quality  
Act of 1970 (CEQA) (Public Resources Code Section 21,000 et seq.), as amended, and the State  
CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et  
seq.); and

WHEREAS, the City recognized in the 2015 CAP that it would be necessary to monitor  
and update the Climate Action Plan to achieve GHG reduction targets; and

WHEREAS, the Sustainability and Mobility Department proposes the adoption of an  
update to the 2015 CAP which establishes new goals, targets, and actions that exceed the goals  
set forth in the 2015 CAP (2022 Climate Action Plan) and the Planning Department proposes  
amendments to the San Diego Municipal Code to add new Climate Action Plan Consistency  
Regulations (CAP Consistency Regulations), amendments to the Land Development Manual to  
amend the Greenhouse Gas Emissions CEQA Significance Determination Thresholds, and an

Urban Tree Canopy Fee to serve as an alternative form of compliance with the CAP Consistency Regulations (Project); and

WHEREAS, State CEQA Guidelines section 15164(a) allows a lead agency to prepare an Addendum to a final Environmental Impact Report, if such Addendum meets the requirements of CEQA; and

WHEREAS, an Addendum to final Environmental Impact Report No. 416603, SCH No. 2015021053 (Addendum) has been prepared in accordance with CEQA, which analyzes the Project; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the information contained in the final Environmental Impact Report No. 416603, SCH No. 2015021053 along with the Addendum thereto, including any comments received during the public review process, has been reviewed and considered by this City Council prior to making a decision on the Project.
2. That there are no substantial changes proposed through the consideration of the Project and no substantial changes with respect to the circumstances that would require major revisions in the Environmental Impact Report No. 416603.
3. That no new information of substantial importance has become available showing that the Project would have any significant effects not discussed previously in the Environmental Impact Report No. 416603 or that any significant effects previously examined will be substantially more severe than shown in the Environmental Impact Report No. 416603.

4. That no new information of substantial importance has become available showing that mitigation measures or alternatives previously found not to be feasible are in fact feasible which would substantially reduce any significant effects, but that the Project proponents decline to adopt, or that there are any considerably different mitigation measures or alternatives not previously considered which would substantially reduce any significant effects, but that the Project proponents decline to adopt.

5. That pursuant to State CEQA Guidelines section 15164, none of the conditions described in State CEQA Guidelines section 15162 have occurred or only minor technical changes or additions are necessary, and therefore, the City Council adopts Addendum to Final Environmental Program Environmental Impact Report No. 416603, SCH No. 2015021053 with respect to the Project, a copy of which is on file in the Office of the City Clerk as Document No. ~~RR-~~**314298**.

6. That pursuant to CEQA Section 21081.6, the City Council 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 A.

7. 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 following adoption of San Diego R-2023-34 (R-**314297**), and R-2023-36 (R-**314298**).

8. 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 following the

adoption of San Diego Resolutions R-2023-29 (R-**314299**) and R-2023-31 (R-**314300**), and final passage of San Diego Ordinance O-2023-4 (O-**21528**).

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Nicole M. Denow  
Nicole M. Denow  
Deputy City Attorney

NMD:jdf  
07/12/2022  
Or.Dept: ESD  
Doc. No.: 3027975

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 02 2022.

ELIZABETH S. MALAND  
City Clerk

By Connie Patterson  
Deputy City Clerk

Approved: 01/10/22  
(date)

Todd Gloria  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

## **EXHIBIT A**

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# Mitigation Monitoring and Reporting Program

## **Significant Impacts, Mitigation Measures, Monitoring and Reporting Requirements**

### **Land Use**

**Impact:** implementation of the CAP could conflict with applicable land use plans, policies or regulations of an agency with jurisdiction over the Project.

#### **Mitigation Measure LU-1: Siting of Large-scale Renewable Energy Projects.**

To ensure that large-scale renewable energy projects are compatible and not in conflict with existing land use and zoning designations, and that any such facilities do not result in conflicts with adjacent land uses, the City shall develop a set of siting guidelines for such facilities prior to permitting any large-scale renewable energy projects. The guidelines shall avoid land use conflicts and contain specific provisions for appropriate siting of large renewable energy facilities to include all of the following at a minimum:

- A definition of the type and scale of facility that is subject to the siting guidelines. This list may be revised from time to time, as new technologies emerge and evolve.
- A matrix table that shows, for each type of facility, the appropriate land use and zoning designations, where siting of facilities would not be expected to cause a significant land use conflict.
- Guidelines or best management practices for minimizing conflicts with neighboring land uses. These would include, but not be limited to, required and recommended siting criteria; general design guidelines (such as property line setbacks); minimizing construction and operational noise (such as adherence to Noise Ordinance standards and General Plan compatibility standards); minimizing electromagnetic frequency (EMF) exposure; minimizing visual prominence (for example, by avoiding siting of facilities on ridgelines and other prominent topographical features, or by providing vegetative screens); and minimizing lighting and glare effects (such as adherence to the City's Outdoor Lighting Regulations).
- The requirement that a facility demonstrate that there are no sensitive biological resources present on-site that would be impacted by development of the proposed large-scale renewable energy facility, or demonstrate compliance with the MSCP Subarea Plan Section 1.4.3, Land Use Adjacency Guidelines, and with the City's ESL Regulations.

- The requirement that a facility demonstrate that there are no historical resources present on-site that would be impacted by development of the proposed large-scale renewable energy facility, or demonstrate compliance with Mitigation Framework HIST-1.
- A checklist to determine whether, even with adherence to the guidelines provided, a facility may still result in a land use conflict.

**Responsible Department:** Planning Department and Sustainability Program Manager (Economic Development Department)

## Visual Effects and Neighborhood Character

**Impact:** Implementation of the CAP could affect the visual quality of the planning area, particularly with respect to views from public viewing areas, vistas, or open spaces.

**Mitigation:** Implement Mitigation Measure LU-1.

**Impact:** Implementation of the CAP could introduce incompatible uses with surrounding development in terms of bulk, scale, materials, or style that would result in adverse visual impacts.

**Mitigation:** Implement Mitigation Measure LU-1.

## Air Quality

**Impact:** Implementation of the CAP could result in air emissions that would substantially deteriorate ambient air quality, including the exposure of sensitive receptors to substantial pollutant concentrations.

### **Mitigation Measure AIR-1: Best Available Control Measures for Construction Emissions.**

This mitigation measure incorporates the Mitigation Framework for construction-related air impacts contained in the General Plan PEIR, which states the following:

For projects that may exceed daily construction emissions established by the City of San Diego, Best Available Control Measures will be incorporated to reduce construction emissions to below daily emission standards established by the City of San Diego. Project proponents must prepare and implement a Construction Management Plan which includes but is not limited to Best Available Control Measures. Appropriate control measures will be determined on a project-by-project basis, and are specific to the pollutant for which the daily threshold may be exceeded. Control measures may include:

- Minimizing simultaneous operation of multiple construction equipment units;
- Use of low pollutant emitting equipment;
- Use of catalytic reduction for gasoline-powered equipment;
- Watering the construction area to minimize fugitive dust; and

- Minimizing idling time by construction vehicles.

**Mitigation Measure AIR-2: Reduce Emissions from Expanded Recycling and Organics Collection Programs.**

To ensure that increased VMT resulting from implementation of CAP Action 4.1 does not result in significant air emissions, collection vehicles shall be converted to alternative fuels, such as natural gas, during roll-out of the expanded program, such that combined emissions fall below the significance threshold for daily and annual NOx emissions. This will be confirmed using generally accepted air emissions modeling, such as the CalEEMod model. In addition, to the extent that new programs increase VMT for long-haul vehicles, these vehicles shall also be converted to alternative fuels, such as natural gas, such that any increase falls below the significance threshold for daily and annual NOx emissions.

**Responsible Department:** Development Services Department

## Historical Resources

**Impact:** Implementation of the CAP could cause a substantial adverse change in the significance of a historical resource, as defined in Section 15064.5, or have other physical or aesthetic effects to a prehistoric or historic building, structure, object or site.

**Mitigation Measure HIST-1: Archaeological Resources.**

Prior to issuance of any permit for a future development that could directly affect an archaeological resource, the City shall require the following steps be taken to determine: (1) the presence of archaeological resources and (2) the appropriate mitigation for any significant resources which may be impacted by a development activity. Sites may include, but are not limited to, residential and commercial properties, privies, trash pits, building foundations, and industrial features representing the contributions of people from diverse socio-economic and ethnic backgrounds. Sites may also include resources associated with prehistoric Native American activities.

***Initial Determination***

The likelihood for the project site to contain historical resources shall be determined 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 conducting a site visit. If there is any evidence that the site contains archaeological resources, then a historic evaluation consistent with the City's Historical Resources Guidelines (City Guidelines) would be required. All individuals conducting any phase of the archaeological evaluation program must meet professional qualifications in accordance with the City Guidelines.

**Step 1:** Based on the results of the Initial Determination, if there is evidence that the site contains historical resources, preparation of a historic evaluation is required. The evaluation report would generally include background research, field survey, archeological testing and analysis. Before actual field reconnaissance would occur, background research is required which includes a record search at the SCIC at San Diego State University and the San Diego Museum of Man. A review of the Sacred Lands File maintained by the NAHC must also be conducted at this time. Information about existing archaeological

collections shall also be obtained from the San Diego Archaeology Center and any tribal repositories or museums.

In addition to the record 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 archeological research in similar areas, models that predict site distribution, and archeological, architectural, and historical site inventory files; and conducting informant interviews. The results of the background information shall be included in the evaluation report.

Once the background research is complete, a field reconnaissance must be conducted by individuals whose qualifications meet the standards outlined in the City Guidelines. Consultants are encouraged to employ innovative survey techniques when conducting enhanced reconnaissance, including, but not limited to, remote sensing, ground penetrating radar, and other soil resistivity techniques as determined on a case-by-case basis. Native American participation is required for field surveys when there is likelihood that the project site contains prehistoric archaeological resources or traditional cultural properties. If through background research and field surveys historical resources are identified, then an evaluation of significance must be performed by a qualified archaeologist.

**Step 2:** Once a historical resource has been identified, a significance determination must be made. Tribal representatives and/or Native American monitors will be involved in making recommendations regarding the significance of prehistoric archaeological sites during this phase of the process. The testing program may require reevaluation of the proposed project in consultation with the Native American representative which could result in a combination of project redesign to avoid and/or preserve significant resources as well as mitigation in the form of data recovery and monitoring (as recommended by the qualified archaeologist and Native American representative). An archaeological testing program will be required which includes 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.

The results from the testing program shall be evaluated against the Significance Thresholds found in the City Guidelines. If significant historical resources are identified within the Area of Potential Effect, the site may be eligible for local designation. At this time, the final testing report must be submitted to Historical Resources Board staff for eligibility determination and possible designation. An agreement on the appropriate form of mitigation is required prior to distribution of a draft environmental document. If no significant resources are found, and site conditions are such that there is no potential for further discoveries, then no further action is required. Resources found to be non-significant as a result of a survey and/or assessment will require no further work beyond documentation of the resources on the appropriate Department of Parks and Recreation (DPR) site forms and inclusion of results in the survey and/or assessment report. If no significant resources are found, but results of the initial evaluation and testing phase indicates there is still a potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring is required.



**Step 3:** Preferred mitigation for historical resources is to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm shall be taken. For archaeological resources where preservation is not an option, a Research Design and Data Recovery Program is required, which includes a Collections Management Plan for review and approval. The data recovery program shall be based on a written research design and is subject to the provisions as outlined in CEQA, Section 21083.2. The data recovery program must be reviewed and approved by the City's Environmental Analyst prior to draft CEQA document distribution. Archaeological monitoring may be required during building demolition and/or construction grading when significant resources are known or suspected to be present on a site, but cannot be recovered prior to grading due to obstructions such as, but not limited to, existing development or dense vegetation.

A Native American observer must be retained for all subsurface investigations, including geotechnical testing and other ground-disturbing activities, whenever a Native American Traditional Cultural Property or any archaeological site located on City property or within the Area of Potential Effect 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 are outlined in the Mitigation Monitoring and Reporting Program (MMRP) included in the environmental document. The Native American monitor shall be consulted during the preparation of the written report, at which time they may express concerns about the treatment of sensitive resources. If the Native American community requests participation of an observer for subsurface investigations on private property, the request shall be honored.

**Step 4:** Archaeological Resource Management reports shall be prepared by qualified professionals as determined by the criteria set forth in Appendix B of the City Guidelines. The discipline shall be tailored to the resource under evaluation. In cases involving complex resources, such as traditional cultural properties, rural landscape districts, sites involving a combination of prehistoric and historic archaeology, or historic districts, a team of experts will be necessary for a complete evaluation.

Specific types of historical resource reports are required to document the methods (see Section III of the City Guidelines) used to determine the presence or absence of historical resources; to identify the potential impacts from proposed development and evaluate the significance of any identified historical resources; to document the appropriate curation of archaeological collections (e.g. collected materials and the associated records); in the case of potentially significant impacts to historical resources, to recommend appropriate mitigation measures that would reduce the impacts to below a level of significance; and to document the results of mitigation and monitoring programs, if required.

Archaeological Resource Management reports shall be prepared in conformance with the California Office of Historic Preservation "Archaeological Resource Management Reports: Recommended Contents and Format" (see Appendix C of the City Guidelines), which will be used by Environmental Analysis Section 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 traditional cultural properties 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 which result in a substantial collection of artifacts and must address the management and research goals of the project and the types of materials to be collected and curated based on a sampling strategy that is acceptable to the City. Appendix D (Historical Resources Report Form) may be used when no archaeological resources were identified within the project boundaries.

**Step 5: For Archaeological Resources:** All cultural materials, including original maps, field notes, non-burial related artifacts, catalog information, and final reports recovered during public and/or private development projects must be permanently curated with an appropriate institution, one which has the proper facilities and staffing for insuring research access to the collections consistent with state and federal standards. 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., Assembly Bill 2641 and California Native American Graves Protection and Repatriation Act of 2001) and federal (i.e., Native American Graves Protection and Repatriation Act) law, and must be treated in a dignified and culturally appropriate manner with respect for the deceased individual(s) and their descendants. Any human bones and associated grave goods of Native American origin shall be turned over to the appropriate Native American group for repatriation.

Arrangements for long-term curation must be established between the applicant/property owner and the consultant prior to the initiation of the field reconnaissance, and must 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, 36 Code of Federal Regulations 79 of the Federal Register. Additional information regarding curation is provided in Section II of the City Guidelines.

**Responsible Department:** Development Services Department and Planning Department

## **Transportation and Circulation**

**Impact:** Implementation of the CAP could create substantial alterations to present circulation movements including effects on existing public access points and/or resulting from anticipated changes in transportation modes.

**Mitigation Measure TR-1:** The Roundabouts Master Plan shall include a monitoring and adaptive management program to evaluate, and if necessary, to correct, pedestrian safety issues at operating roundabouts.

**Responsible Department:** Transportation and Storm Water Department and Sustainability Program Manager (Economic Development Department)

## Water Supply

**Impact:** Implementation of the CAP could result in the excessive use of water.

**Mitigation Measure WS-1: Water Supply Assessment.** In order to ensure that large-scale renewable energy projects do not use excessive amounts of water, a Water Supply Assessment (WSA) shall be submitted for review as part of the subsequent environmental review process. The WSA shall demonstrate that the proposed project would not demand an amount of water greater than the amount required by a 500 dwelling unit project.

**Responsible Department:** Development Services Department and Planning Department

Passed by the Council of The City of San Diego on AUG 02 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 AUG 10 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- 314298