

RESOLUTION NUMBER R- 315535DATE OF FINAL PASSAGE MAY 20 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING A PROGRAM ENVIRONMENTAL IMPACT REPORT SCH NO. 2018061024, AND ADOPTING THE FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE AMENDMENT TO THE GENERAL PLAN AND MISSION BAY PARK MASTER PLAN RELATING TO DE ANZA NATURAL.

WHEREAS, the current Mission Bay Park Master Plan and Local Coastal Program (Master Plan) was approved in 1994 and includes all of Mission Bay Park, which is a Regional Park that provides recreational amenities to all residents of San Diego, as well as visitors to the San Diego area; and

WHEREAS, the City seeks to amend the Master Plan to revise the planned land uses, water uses, and environmental policies for De Anza Cove (De Anza Natural Amendment); and

WHEREAS, as part of the De Anza Natural Amendment, the City's General Plan will be amended since the Master Plan is part of the adopted General Plan; and

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

WHEREAS, the matter was heard by the City Council on May 14, 2024; and

WHEREAS, the City Council considered the issues discussed in the Program Environmental Impact Report SCH NO. 2018061024 (Report) prepared for the De Anza Natural Amendment; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the De Anza Natural Amendment, which are attached hereto as Exhibit A.

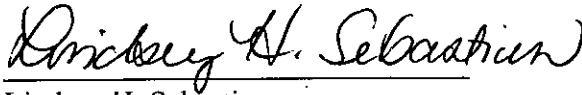
BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and CEQA Guidelines Section 15093, the City Council hereby adopts the Statement of Overriding Considerations with respect to the De Anza Natural Amendment, which is attached hereto as Exhibit B.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the De Anza Natural Amendment 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, or designee, is directed to file a Notice of Determination in accordance with CEQA with the Clerk of the Board of Supervisors for the County of San Diego and the State Clearinghouse in the Office of Planning and Research regarding the De Anza Natural Amendment.

APPROVED: MARA W. ELLIOTT, City Attorney

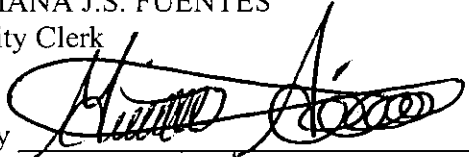
By   
Lindsey H. Sebastian  
Deputy City Attorney

LHS:nja  
04/24/2024  
Or. Dept: Planning  
Doc. No. 3632275

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 MAY 14 2024.

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

Approved: 5/17/24  
(date)

  
TODD GLORIA, Mayor

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

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

**EXHIBIT A**  
**CANDIDATE FINDINGS**  
**FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (FINAL PEIR)**  
**FOR THE**  
**MISSION BAY PARK MASTER PLAN – DE ANZA NATURAL AMENDMENT**  
**SCH No. 2018061024**

**November 2023**

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## I. INTRODUCTION

### A. Findings of Fact

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The following Candidate Findings are made for the Mission Bay Park Master Plan – De Anza Natural Amendment and associated discretionary actions (hereinafter referred to as the “proposed project”). The environmental impacts of the proposed project are addressed in the Final Program Environmental Impact Report (“Final PEIR”) dated November 6, 2023 (State Clearinghouse No. 2018061024), which is incorporated by reference herein. Per CEQA Guidelines Section 15091(e), all documents and materials upon which the decisions contained in these Findings are based can be accessed at the City Planning Department, which is currently located at 202 C Street, San Diego, CA 92101.

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

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

## Mission Bay Park Master Plan – De Anza Natural Amendment Findings

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

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

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

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

Should significant and unavoidable impacts remain after changes or alterations are applied to 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, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental impacts, the adverse environmental impacts may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant impacts which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.



## **B. Records of Proceedings**

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

- The Notice of Preparation (NOP), dated January 11, 2022, and all other public notices issued by the City in conjunction with the proposed project;
- The Draft PEIR, dated March 6, 2023;
- The Final PEIR, dated November 6, 2023;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR and included in the Final PEIR;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The reports and technical memoranda included or referenced in the Responses to Comments and/or in the Final PEIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft PEIR and the Final PEIR;
- Matters of common knowledge to the City, including but not limited to federal, state and local laws and regulations;
- Any documents expressly cited in these Findings and the Statement of Overriding Considerations; and
- Any other relevant materials required to be included in the Record of Proceedings pursuant to CEQA Section 21167.6(e).

## **II. PROJECT SUMMARY**

### **A. Project Location**

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The De Anza Natural Amendment to the Mission Bay Park Master Plan (project) area is in the northeastern corner of Mission Bay Park. The subject property is approximately 314 acres of land and approximately 191.2 acres of open water for a total of approximately 505.2 acres. The project area is bounded to the east by Mission Bay Drive, the north by Grand Avenue (on the eastern portion of the project area) and Pacific Beach Drive (on the western portion), the west by Crown Point Drive, and the south by Mission Bay. The Rose Creek inlet bisects the project area into eastern and western portions.

The project area includes the Kendall-Frost Marsh Reserve/Northern Wildlife Preserve (KFMR/NWP), Campland on the Bay (Campland), Pacific Beach Tennis Club, Pacific Beach Playing Fields, other grass playing fields, Mission Bay Golf Course and Practice Center, and De Anza Cove developed area, including a vacated mobile home park and supporting infrastructure, the Mission Bay RV Resort, a public park, a public beach, parking, the Mission Bay multi-use path, the Rose Creek Bikeway, and water areas.

Interstate 5 and the Los Angeles–San Diego–San Luis Obispo rail corridor are adjacent to the eastern

project area boundary. The project area is within the Coastal Overlay Zone. Additionally, portions of the City's Multi-Habitat Planning Area (MHPA) lands are along a portion of Rose Creek.

## **B. Project Description and Objectives**

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### **Project Description**

The proposed project is an amendment to the Mission Bay Park Master Plan (MBPMP) to update existing language in the MBPMP and to add new language and recommendations pertaining to the project area to serve local and regional recreation needs while preserving and enhancing the natural resources of the De Anza Cove area. The project would expand the project area's natural habitat and improve water quality through the creation of additional wetlands while implementing nature-based solutions to protect the City against the risk of climate change in line with the City's Climate Resilient SD Plan. The project would enhance the existing regional parkland by providing a variety of uses, including low-cost visitor guest accommodations, active and passive recreational opportunities to enhance public use of the area, and improvements to access to recreational uses. Finally, the project would recognize the history and ancestral homelands of the Iipay-Tipay Kumeyaay people, providing opportunities to partner and collaborate on the planning and restoration of the area.

The project includes enhancement and restoration within the existing KFMR/NWP and the expansion of wetlands in the area currently occupied by Campland. The project would follow the MBPMP recommendation of replacing the existing Campland area with expanded marshland/habitat area, which would include a combination of mudflats, wetlands, and upland habitats. The project would also maintain the existing University of California Natural Reserve System Biological Research Field Station facility located at the northwestern corner of the KFMR/NWP, which allows for study and interpretation of the local environment, focusing on the estuarine and bay habitats of Mission Bay.

The De Anza Cove area is south of North Mission Bay Drive and east of the Rose Creek inlet. The land uses proposed in this area include expanded marshland/habitat, low-cost visitor guest accommodations, regional parkland, open beach, boat facilities and clubhouse, multi-use paths, and upland and buffer areas.

The expanded marshland/habitat area would be composed of high-, mid-, and low-salt marsh areas, mudflats, and subtidal areas, creating a natural interface with De Anza Cove and enhancing water quality in the bay. A key strategy is to locate wetlands as water quality improvement features immediately adjacent to the existing storm drain outfalls in the existing eastern portion of De Anza Cove. The project would also place low-cost visitor guest accommodation use on the eastern side of Rose Creek, buffered by upland vegetation. This land use would allocate approximately 48.5 acres for RVs, cabins, or other eco friendly accommodations and associated open space and facilities consistent with camping accommodations.

The northern area currently contains active recreational facilities. The project would incorporate a range of recreational uses with compatible user groups that would share the lighted sports fields. Many existing recreational opportunities would be retained; however, the current site of the Mission Bay Boat and Ski Club would be replaced by enhancing and widening the Rose Creek inlet. A boat facility and shared clubhouse would be sited on the northern shore of De Anza Cove with water use for non-motorized boats, an Interpretive Nature Center, and shared parking/service infrastructure.

The existing regional parkland would be enhanced with recreational amenities and access to the multi-use path that connects the project area to points to the north, west, and east. A sandy beach area at

the northern and western edges of De Anza Cove would be adjacent to the low-cost visitor guest accommodation use and the boating use. The beach area would be protected by buffers/safety measures that would delineate the edges/ extents of the non-motorized boat use. The multi-use path would be a feature for users to view the marshes and have distant views of Mission Bay. Within the regional parkland areas, park amenities could include the multi-use path, “open green” areas, a future environmental education and Interpretive Nature Center, children’s play areas, surface parking, restrooms, and picnic shelters to support the recreational activities.

The upland and buffer areas would accommodate the proposed multi-use path with educational signage and, in some instances, mounded landforms. The mounded landforms would feature native coastal sage, dune, and other native plants that would be seen and experienced from the waterfront multi-use path. Within this area, passive recreation amenities such as overlooks, pathways, picnic areas, and interpretive signs could be accommodated. These areas would serve as a complement to the natural setting of the low-cost visitor guest accommodations and the beach areas on the cove, and the upland plantings would serve as a buffer to the wetland habitats.

Water quality design features are also proposed throughout the proposed project area.

### **Project Objectives**

The objectives of the proposed project are as follows:

1. Provide equitable access to De Anza Cove and the coastal landscape for all San Diegans, particularly communities that have historically experienced barriers to access.
2. Foster opportunities for members of local Tribal nations to reconnect to De Anza Cove.
3. Incorporate climate adaptation strategies to increase resilience to climate change and mitigate potential sea level rise impacts.
4. Embrace responsibility and stewardship of the environment by restoring and safeguarding natural habitats in De Anza Cove.
5. Diversify active and passive recreational uses that will serve a range of interests, ages, activity levels, incomes, and cultures both on land and in water.
6. Enhance public access and connectivity within De Anza Cove and increase connections to the surrounding communities, including opportunities for multimodal travel.

### **III. SUMMARY OF IMPACTS**

The proposed project, the De Anza Natural Amendment to the Mission Bay Park Master Plan, will be incorporated into the Mission Bay Park Master Plan and will amend the existing discussion and policy recommendations for the De Anza Special Study Area.

The Final PEIR concludes that the proposed project will have **no significant impacts (direct and/or cumulative)** and require no mitigation measures with respect to the following issues:

1. Agricultural and Forestry Resources
2. Energy Conservation
3. Geologic Conditions
4. Land Use
  - Conversion of Open Space and Prime Farmland

- Conflicts with the MSCP Subarea Plan
  - Conflicts with an Adopted Airport Land Use Compatibility Plan
5. Mineral Resources
  6. Population and Housing
  7. Public Services and Facilities
  8. Public Utilities
  9. Visual Effects and Neighborhood Character

### **Less than Significant Impacts**

The Final PEIR concludes that the proposed project would have **less than significant impacts (direct and/or cumulative)** and require no mitigation measures with respect to the following issues:

1. Land Use
  - Conflicts with Applicable Plans
2. Air Quality and Odor
  - Conflict with Air Quality Plan
  - Air Quality Standards
  - Substantial Pollutant Concentrations
  - Odors
3. Biological Resources
  - Wildlife Movement
  - Conservation Planning
  - Multi-Habitat Planning Area Edge Effects
  - Local Policies/Ordinances
4. Greenhouse Gas Emissions
  - Greenhouse Gas Emissions
  - Conflicts with Plans or Policies
5. Hazards and Hazardous Materials
  - Wildland Fire Risk
  - Hazardous Emissions and Materials
  - Emergency Plan Consistency
  - Aircraft Related Hazards
6. Hydrology and Water Quality
  - Flooding and Drainage Patterns

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- Water Quality
  - Groundwater
7. Noise
    - Ambient Noise
    - Vehicular Noise
    - Airport Compatibility
    - Noise Ordinance Compliance
    - Groundborne Vibration
  8. Paleontological Resources
    - Paleontological Resources
  9. Transportation/Circulation
    - Conflict with Adopted Transportation Program, Plan, Ordinance, or Policy
    - Vehicle Miles Traveled
    - Hazards Due to Design Feature or Incompatible Use
    - Inadequate Emergency Access

### **Impacts that are Less than Significant with Mitigation**

The Final PEIR identifies the following **direct and/or cumulatively significant impacts which will be mitigated to below a level of significance** with respect to the following issues:

1. Biological Resources
  - Sensitive Species
  - Sensitive Habitats
  - Wetlands
  - Invasive Species
2. Hazards and Hazardous Materials
  - Hazardous Materials Sites
3. Noise
  - Temporary Construction Noise

### **Significant and Unavoidable Impacts**

The Final PEIR identifies the following direct and/or cumulatively significant impacts which are considered **significant and unavoidable because mitigation measures do not exist or are considered infeasible to reduce impacts to less than significant.**

1. Historical, Archaeological, and Tribal Cultural Resources

- Historic Buildings, Structures, Objects, or Sites
- Prehistoric and Historic Archaeological Resources, Sacred Sites, and Human Remains
- Tribal Cultural Resources

#### **IV. FINDINGS REGARDING SIGNIFICANT IMPACTS**

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

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

#### **BIOLOGICAL RESOURCES**

##### **Sensitive Species (Issue 1)**

###### Significant Impact

Implementation of the project has the potential to impact sensitive plant and wildlife species directly through the loss of habitat or indirectly by constructing development adjacent to sensitive habitat. Potential impacts to federally or state-listed species (including raptors), migratory bird and raptor species, and plant species with a CRPR of 2 or higher would be significant.

###### Facts in Support of Finding

###### *Sensitive Plant Species*

Four sensitive plant species were observed within the project area during biological surveys: California seablite, Palmer's frankenia, San Diego marsh-elder, and southwestern spiny rush. Two additional sensitive plant species, estuary seablite and Nuttall's acmispon, were determined to have a high potential to occur in the project area. These sensitive plant species observed or with a high potential to occur in the project area are not designated as narrow endemic or covered under the MSCP SAP.

Observations of, and potentially suitable habitat for, San Diego marsh-elder, southwestern spiny rush, and Nuttall's acmispon are located outside the project's potential impact area within the Kendall-Frost Marsh Reserve/Northern Wildlife Preserve Area (KFMR/NWP). Therefore, no impacts to these sensitive plant species are expected to occur from implementation of the project.

There is potential for California seablite, Palmer's frankenia, and estuary seablite to occur in the project construction, enhancement, and hydrologic restoration areas that include these species' suitable habitat, the KFMR/NWP. In the event these sensitive plant species are identified within the potential impact area, direct impacts are considered potentially significant.

Temporary indirect impacts to sensitive plant species could result during construction of the proposed project, and may include dust, which could disrupt plant vitality in the short term, or construction-related soil erosion and runoff. Permanent edge effects could result during operation of the proposed project and may include intrusions by humans and domestic pets and therefore possible trampling of individual plants, invasion by exotic plant and wildlife species, exposure to urban pollutants (fertilizers, pesticides, herbicides, and other hazardous materials), soil erosion, litter, fire, and hydrologic changes (e.g., surface and groundwater level and quality).

#### *Sensitive Wildlife Species*

A total of 27 sensitive wildlife species were observed in the project area during surveys. Based on the literature and database review, an additional 15 sensitive wildlife species, including invertebrates, fish, reptiles, birds, and mammals, were considered for their potential to occur in the project area but were not observed during surveys.

The project has the potential to directly impact the sensitive species observed or determined to have a high potential to occur in the project area during construction activities and operation of the project through displacement of individual wildlife or elimination of portions of their habitat. In addition, some of the smaller sensitive species, such as reptiles and rodents, could be impacted by clearing, grading, and other construction activities. Implementation of the project would result in both permanent and temporary direct loss of habitat, including nesting, roosting, and foraging habitat, for the majority of the sensitive wildlife species observed or with a high potential to occur in the project. These sensitive wildlife species observed in the project area include the following: American peregrine falcon, Belding's savannah sparrow, black skimmer, black tern, brant, California brown pelican, California gull, California horned lark, California least tern, Caspian tern, Clark's marsh wren, common loon, Cooper's hawk, Costa's hummingbird, double-crested cormorant, elegant tern, light-footed Ridgway's rail, long-billed curlew, monarch butterfly, northern harrier, osprey, reddish egret, redhead, rufous hummingbird, Southern California legless lizard, wandering skipper, and white-tailed kite. Of the 27 sensitive wildlife species observed in the project area during surveys conducted in 2016 and 2018, six species, Belding's savannah sparrow, California brown pelican, California gull, osprey, double-crested cormorant, and monarch butterfly, were confirmed present during the 2022 biological surveys. In addition, two sensitive wildlife species, Mexican long-tongued bat and northwestern San Diego pocket mouse, were not observed but were determined to have a high potential to occur in the project area.

Temporary construction-related and long-term operational indirect impacts to wildlife generally include lighting, increased human activity, hydrologic quality (increased turbidity, excessive sedimentation, flow interruptions, and changes in water temperature), noise, vibration, and trash and garbage, which can attract both introduced terrestrial and native terrestrial and avian predators (such as American crows [*Corvus brachyrhynchos*], common ravens [*Corvus corax*], coyotes [*Canis latrans*], domestic dogs [*Canis familiaris*], raccoons [*Procyon lotor*], and striped skunks [*Mephitis mephitis*]). These indirect impacts in the form of habitat disturbance and potential predation could

have a significant impact on the sensitive wildlife species observed or determined to have a high potential to occur in the project area.

Proposed project construction activities within the waters of Mission Bay could result in the generation of sound exposure levels (SEL) high enough to cause hydroacoustic effects on marine species, including marine fish, marine mammals, and green sea turtles, with potential to occur in the project area.

### Rationale and Conclusion

Implementation of MM BIO 5.3-1 and MM BIO 5.3-2 would require sensitive plant species focused surveys prior to construction and monitoring by a qualified biologist throughout construction of the project, which would mitigate potential direct impacts to sensitive plant species to below a level of significance. Implementation of MM BIO 5.3-2 through MM BIO 5.3-5 would require monitoring by a qualified biologist, providing mitigation ratios for acreage impacts and the creation and restoration of impacted vegetation communities. This would mitigate potential direct impacts to sensitive wildlife species and their habitats to below a level of significance. Implementation of MM BIO 5.3-2 would also require monitoring by a qualified biologist who is responsible for identifying and flushing any roosting bats from ornamental trees and/or structures prior to removal, which would mitigate potential direct impacts to sensitive roosting bats to below a level of significance. Implementation of MM BIO 5.3-6 would require a pre-construction hydroacoustic study to determine if the activities have potential to generate SEL exceeding the thresholds and apply measures to reduce those levels to minimize impacts to marine wildlife, which would reduce potential indirect impacts to sensitive marine wildlife species to below a level of significance.

Reference: These findings incorporate by reference the information and analysis included in the Final PEIR Section 5.3, Biological Resources.

## **BIOLOGICAL RESOURCES**

### **Sensitive Habitats (Issue 2)**

#### Significant Impact

Implementation of the proposed project would have a substantial adverse impact on Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines of the Land Development manual or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. Impacts would be significant.

#### Facts in Support of Finding

A total of 13 vegetation communities and/or land cover types occur in the project area (that cover a total of 505.2 acres). Construction of the project could result in potential impacts to 11 sensitive vegetation communities. The entire project area is within the coastal overlay zone (COZ).

### ***Kendall-Frost Marsh Reserve/Northern Wildlife Preserve Area (KFMR/NWP)***



Implementation of the project, which includes restoration of marshland habitat within existing disturbed land and enhancement and hydrologic restoration activities in the KFMR/NWP, could potentially result in up to 85.94 acres of direct impacts to southern coastal salt marsh, salt panne, mudflats, eelgrass beds, open water, tidal channel, Diegan coastal sage scrub, southern foredunes, and disturbed land that occurs in the KFMR/NWP. Implementation of marshland and hydrologic restoration activities that result in impacts to southern coastal salt marsh, salt panne, mudflats, open water, or tidal channels, which are all considered wetlands per the City of San Diego's Biology Guidelines (SDBG), are considered potentially significant without mitigation. Similarly, southern foredunes (Tier I) and Diegan coastal sage scrub (Tier II) are considered sensitive vegetation communities per the SDBG and impacts would be potentially significant.

### ***Existing Campland***

The project would follow the existing MBPMP recommendation to convert the existing Campland recreational site to contiguous marshland habitat with connection to KFMR/NWP. Implementation of this recommendation would result in up to 61.26 acres of direct impacts to developed land, both of which is a Tier IV land cover according to the SDBG (City of San Diego 2018). Therefore, impacts to developed land would be less than significant.

The project would also implement the City's MBPMP recommended expansion of marshland habitat extending from the existing Campland into Mission Bay, which would result in up to 190.86 acres of direct impacts to open water and eelgrass beds. These communities are considered wetlands and sensitive communities according to the SDBG; therefore, impacts to open water and eelgrass beds are considered potentially significant.

### ***Mission Bay Tennis Center, Athletic Fields, and Golf Course (MBTAG)***

Implementation of the project, which includes upgrades to the existing tennis center and athletic fields, installation of water quality design features within the existing golf course, and expansion of pedestrian access along Mission Bay Drive, could potentially result in up to 28.93 acres of direct impacts to the vegetation communities and land cover types in the MBTAG. The majority of the direct impacts (24.28 acres) would occur to the developed land in the MBTAG. Impacts to Tier IV developed and disturbed land in the MBTAG land would not require mitigation, in accordance with the SDBG. Project activities, as discussed above, would result in a small amount of impacts (4.69 acres) to mudflat, open water, disturbed wetland (Arundo), and disturbed freshwater marsh. Mudflat, open water, disturbed wetland (Arundo), and disturbed freshwater marsh are considered wetlands and sensitive communities according to the SDBG. Therefore, impacts to these sensitive communities are considered potentially significant.

### ***De Anza Cove Area***

Implementation of the project could result in impacts of up to 9.86 acres of open water, 5.29 acres of eelgrass beds, and 6.23 acres of mudflats in the De Anza Cove area. These communities are considered wetlands and sensitive communities according to the SDBG; therefore, impacts to open

water, eelgrass beds, and mudflats are considered potentially significant. The project would also result in impacts to 54.74 acres of Tier IV developed land in the De Anza Cove area but would be considered less than significant.

#### Rationale and Conclusion

Implementation of MM BIO 5.3-2 through MM BIO 5.3-5 would require monitoring by a qualified biologist, adhering to required mitigation ratios for acreage impacts, and the creation and restoration of impacted vegetation communities, which would mitigate potential direct impacts to sensitive vegetation communities to below a level of significance.

Reference: These findings incorporate by reference the information and analysis included in the Final PEIR Section 5.3, Biological Resources.

### **BIOLOGICAL RESOURCES**

#### **Wetlands (Issue 3)**

##### Significant Impact

Implementation of the project would have a substantial adverse impact on wetlands (including but not limited to marsh, vernal pool, riparian, etc.) through direct removal, filling, hydrological interruption, or other means. Impacts would be significant.

##### Facts in Support of Finding

A total of approximately 275.36 acres of wetlands and non-wetland waters potentially under the jurisdiction of U.S. Army Corps of Engineers (USACE) and Regional Water Quality Control Board (RWQCB), California Department of Fish & Wildlife (CDFW), and/or wetlands regulated by the City of San Diego occur in the project area. These potentially jurisdictional aquatic resources in the project area include approximately 165.67 acres of wetlands and riparian areas (southern coastal salt marsh, salt panne, mudflats disturbed wetland [Arundo], and disturbed freshwater marsh) and 109.69 acres of non-wetland waters (open water and tidal channels). As discussed above, the project would result in direct impacts to the aquatic and wetland vegetation communities also potentially under the jurisdiction of the USACE, RWQCB, and CDFW and regulated by the City of San Diego.

##### Rationale and Conclusion

Development of the project would result in potentially significant direct impacts to jurisdictional aquatic resources. Implementation of MM BIO 5.3-2 through MM BIO 5.3-5 require monitoring by a qualified biologist, providing mitigation ratios for acreage impacts, and creating and restoring temporary impact areas, all of which would reduce direct impacts to jurisdictional aquatic resources. As future site-specific projects come forward, project-specific analysis would also be required during the design and review phase of the project to ensure that any impacts to wetlands are avoided, minimized, or mitigated as conditions of project approval prior to implementation. Thus, impacts to wetlands would be reduced to below a level of significance.

Reference: These findings incorporate by reference the information and analysis included in the Final PEIR Section 5.3, Biological Resources.

## **BIOLOGICAL RESOURCES**

### **Invasive Species (Issue 8)**

#### Significant Impact

Implementation of the project could introduce invasive species of plants into a natural open space area, and impacts would be significant.

#### Facts in Support of Finding

Implementation of the project could result in potential impacts from the introduction of invasive plant species into natural open space areas within the MHPA and KFMR/NWP, including aquatic areas. Invasive species have the potential to establish and displace native species through competition for limited resources, resulting in monotypic stands of invasive species habitat that does not support other native species, including wildlife. These impacts from invasive species could occur through human intrusion into natural open space areas, from unintended dispersal of invasive species seed during eradication efforts, and from the exposure of bare soil areas during construction activities adjacent to these natural areas, which can provide jump-off locations for invasive species to establish and subsequently disperse into the natural open space areas.

#### Rationale and Conclusion

Potential impacts from the introduction of invasive species would be avoided through compliance with the City's Landscape Regulations (Land Development Code 142.0400 and per Table 142-04F, Revegetation and Irrigation Requirements), which require all plant species installed within 100 feet of the MHPA to be non-invasive. Impacts would also be mitigated through implementation of MM BIO 5.3-5. Furthermore, as future site-specific projects come forward, project-specific analysis would be required during the design and review phase of the project to ensure that any impacts related to invasive species are avoided, minimized, or mitigated as conditions of project approval prior to implementation. Thus, potential impacts would be reduced to less than significant.

Reference: These findings incorporate by reference the information and analysis included in the Final PEIR Section 5.3, Biological Resources.

## **HAZARDS AND HAZARDOUS MATERIALS**

### **Hazardous Materials Sites (Issue 4)**

#### Significant Impact

The project could potentially result in encountering contaminated soil during grading and excavation, which could result in adverse hazards and hazardous materials impacts to on-site construction/grading personnel and cross-contamination in the event that contaminated soil is placed as fill in currently uncontaminated areas. Impacts would be significant.

#### Facts in Support of Finding

## Mission Bay Park Master Plan – De Anza Natural Amendment Findings

A Phase I ESA was conducted for the project and included a review of historical source information, a search of regulatory agency databases within specified distances of the subject property, a review of available local agency records, interviews, and a site reconnaissance. According to a search of federal, state, and local regulatory databases, the project area is not on a list of hazardous materials sites compiled pursuant to California Government Code, Section 65962.5. Based on the environmental database search completed for the project-specific Phase I ESA, three underground storage tanks were removed from the Campland on the Bay (Campland) area in 1986. One of the tanks failed a leak test, and potentially impacted soil was removed. No soil sample results were reported; however, the case was closed in 1988. Although the case was closed over 30 years ago, impacted soil may be present in the area where the underground storage tanks were removed in the Campland area. Encountering soil contamination during grading and excavations could result in potentially significant hazards and hazardous materials impacts to on-site construction personnel. In addition, placement of these contaminated soils for use as fill in other areas of the project area could result in cross-contamination of existing clean areas. It is anticipated that earthen material would be moved from the Campland area during grading and demolition and used as fill in other areas of De Anza Cove.

Debris, trash, soil staining, and ash were observed as part of the Phase I ESA in an area called the “Boneyard,” which is used as a staging area for the dismantling/demolishing of the former mobile home park, which is located in the De Anza Cove developed area. The City is in the process of removing the trailers and cleaning up the area. Chemicals collected from around the former mobile home park, including but not limited to paint and motor oil, are temporarily stored on a concrete pad at the Boneyard. In addition, the Boneyard was reportedly a waste collection/storage area for the former mobile home park. Therefore, contaminated soils may be present in this area of the project area.

Old electrical transformers that typically contain polychlorinated biphenyl (PCB), which is a hazardous substance, were also observed on the project area. Soil staining was observed at the base of a pole-mounted electrical transformer in the former mobile home park, suggesting a possible PCB spill. Other transformers at the mobile home park site may also contain PCBs. Encountering PCB-contaminated soil during grading could result in adverse hazards and hazardous materials impacts and cross-contamination to currently clean areas.

Although releases were not documented, the following areas of potential soil contamination were noted in the Phase I ESA:

- Campland, Mission Bay Golf Course, De Anza Cove mobile home park, and Mission Bay RV Resort all have hazardous materials stored on site and stained pavement and soil were observed in some of these areas.
- Soil staining was observed in connection with a hydraulic lift at the Mission Bay Golf Course maintenance area and this could have resulted in impacts to the subsurface.
- There were detections of copper, zinc, and lead in sediment samples from the Rose Creek inlet that indicated potential toxicity concerns.

### Rationale and Conclusion

Potential impacts related to hazardous materials sites would be reduced to below a level of significance with the implementation of mitigation measures. Implementation of MM HAZ 5.5-1

through MM-HAZ 5.5-4 would ensure that electrical transformers are removed and properly disposed of per regulatory requirements, testing of soils occurs prior to construction, procedures are in place for the management of potentially impacted soil, and chemicals have been properly stored and disposed of in accordance with applicable local, state, and federal guidelines and/or regulations.

Reference: These findings incorporate by reference the information and analysis included in the Final PEIR Section 5.5, Hazards and Hazardous Materials.

## **NOISE**

### **Temporary Construction Noise (Issue 5)**

#### Significant Impact

Project grading and paving activities would potentially exceed the City's Noise Abatement and Control Ordinance standard for construction (75 dBA  $L_{eq}$  12-hr) as stated in Municipal Code Section 59.5.0404 by approximately 3 dB when these activities take place adjacent to noise-sensitive receptors (residences and the school's recreational facilities north of the project area). This would result in a potentially significant noise impact during construction.

#### Facts in Support of Finding

Construction of the project would result in temporary localized increases in noise levels from on-site construction equipment, as well as from off-site trucks hauling construction materials from demolition of existing developed areas including Campland, the vacant De Anza Cove mobile home park, the Mission Bay RV Resort, and the Mission Bay Boat and Ski Club. Noise generated by demolition and construction equipment would occur with varying intensities and durations during the various phases of construction. For project-related construction noise impacts, the nearest existing noise-sensitive land uses are residences north of Campland, on the northern side of North Mission Bay Drive, at a distance of approximately 105 feet from the nearest project boundary. This is considered the worst-case assumption for construction noise impacts because the average distance between the nearest and farthest construction activities on the site to the residences is approximately 725 feet. Construction activities would typically take place at distances closer to this average distance, and vibration levels would be substantially reduced compared to those in the PEIR.

Worst-case hourly average construction noise levels (when construction would take place adjacent to project boundaries with noise-sensitive receptors) would range from approximately 67 dBA to 80 dBA  $L_{eq}$ . More typically, when construction would take place at locations other than the nearest project boundary, hourly construction noise levels would range from approximately 51 to 65 dBA  $L_{eq}$ . The corresponding 12-hour average construction noise levels would range from approximately 65 to 78 dBA (when construction would take place adjacent to project boundaries with noise-sensitive receptors). Noise levels would have the potential to exceed 75 dBA up to 150 feet from construction. More typically, when construction would take place at locations other than the nearest project boundary, 12-hour average construction noise levels would range from approximately 49 to 63 dBA  $L_{eq}$  12-hr. During grading and paving activities, the estimated worst-case 12-hour average

construction noise levels would exceed the City's construction noise standard of 75 dBA Leq 12-hr established in the City's Municipal Code, Section 59.5.0404, by approximately 3 dBA at the nearest sensitive receptors.

Rationale and Conclusion

Mitigation Measure MM NOI 5.8-1 requires implementation of construction noise reduction measures to achieve compliance with the 12 hour average noise level limit of 75 dBA Leq established in the City's Municipal Code, Section 59.5.0404. With the implementation of Mitigation Measure MM NOI 5.8-1, construction noise impacts would be reduced to a less than significant level.

Reference: These findings incorporate by reference the information and analysis included in the Final PEIR Section 5.8, Noise.

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

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The City, having independently reviewed and considered the information contained in the Final PEIR and the public record for the proposed project finds, pursuant to CEQA Section 21081(a)(2) and CEQA Guidelines Section 15091(a)(2), that there are no changes or alterations which would mitigate or avoid the significant effects on the environment that are within the responsibility and jurisdiction of another public agency.

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

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The City, having independently reviewed and considered the information contained in the Final PEIR and the public record for the proposed project, finds pursuant to CEQA Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3) that the proposed project will have significant and unavoidable impacts in the following issue areas and there are no feasible mitigation measures to reduce impacts. Pursuant to CEQA Guidelines Section 15364, feasible is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The CEQA statute (Section 21081) and Guidelines (Section 15091(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.

**HISTORICAL, ARCHAEOLOGICAL, AND TRIBAL CULTURAL RESOURCES**

**Historic Buildings, Structures, Objects, or Sites (Issue 1)**

Significant Impact

Implementation of the project could result in the alteration of a historic building, structure, object, or site, and this impact would be potentially significant.

Facts in Support of Finding

Currently, no designated historical resources are within the project area. However, unevaluated resources may be found to be significant and eligible for designation, including the six facilities over 45 years old which were identified within the project area. The project envisions conceptual-level improvements to the project area that may result in the alteration or demolition of these potentially historic built environment resources. The existing Campland property would be converted to natural habitat area, as anticipated in the MBPMP. This would involve the demolition of the developed area within Campland, including structures, pavement, and utilities and the adjacent boat docks to the south. Construction of a multi-use path within the project area would require paving, construction of guest accommodations would require demolition and removal of the existing mobile homes, and construction of low-cost visitor-serving RV sites, cabins, or other eco-friendly accommodations, landscaping, and restrooms. The site of the Mission Bay RV Resort would be cleared for the new guest accommodation facility. While most existing recreational opportunities in the northern portion of the project area would be retained, the Mission Bay Boat and Ski Club would be replaced with wetlands and buffers adjacent to the Rose Creek inlet and with additional athletic uses and passive park features.

Rationale and Conclusion

The City's General Plan, combined with federal, state, and local regulations, provides a regulatory framework for project-level historical resources evaluation/analysis and, when applicable, mitigation measures for future discretionary projects. All development projects with the potential to affect historical resources, such as designated historical resources, historic buildings, districts, landscapes, objects, and structures, important archaeological sites, TCRs, and Traditional Cultural Properties are subject to site-specific review in accordance with the City's Historical Resources regulations and Historical Resources Guidelines. Future development within the project area would be reviewed for conformance with the City's Historical Resources regulations (City's Municipal Code, Chapter 14, Article 3, Division 2). The City's Historical Resources regulations include requirements that would apply to future development evaluated under the proposed project and that would ensure site-specific surveys are completed when they are needed to check for the presence of historical resources. Adherence to the Historical Resources regulations and Guidelines would ensure that appropriate measures are applied to protect historical resources consistent with City requirements. However, even after application of the existing regulatory framework contained in the Historical Resources Guidelines and Historical Resources regulations, the degree of future impacts and the applicability, feasibility, and success of future avoidance measures cannot be adequately known for each specific future project at this program level of analysis. Although specific detailed development is not proposed at this time, future implementation and related construction activities facilitated at the project level could result in the alteration of a historic building, structure, object, or site. Direct impacts of specific future projects may include substantial alteration, relocation, or demolition of historic buildings, structures, objects, sites, and districts. Indirect impacts may include the introduction of visual, audible, or atmospheric effects that are out of character with a historic property or alter its setting when the setting contributes to the resource's significance. Implementation of the project could result in the alteration of a historic building, structure, object, or site, and this impact would be potentially significant. Thus, potential impacts to historic buildings, structures, objects, and/or sites would be significant and unavoidable.

Reference: These findings incorporate by reference the information and analysis included in the Final PEIR Section 5.6, Historical, Archaeological, and Tribal Cultural Resources.

## **HISTORICAL, ARCHAEOLOGICAL, AND TRIBAL CULTURAL RESOURCES**

### **Prehistoric and Historic Archaeological Resources, Sacred Sites, and Human Remains (Issue 2)**

#### Significant Impact

Ground-disturbing activities associated with construction of the project would be located in or near culturally sensitive areas in the northeastern segment of the golf course and northwestern extent of the KFMR/NWP, could include unknown resource discoveries during excavation into native soils, and could result in impacts to prehistoric and historic archaeological resources, sacred sites, and human remains, including those interred outside formal cemeteries. This impact would be potentially significant.

#### Facts in Support of Finding

The project area is highly developed, and the entire area has been previously surveyed for archaeological resources. The South Coastal Information Center records search resulted in the identification of two archaeological resources located within the project area: P-37-005017 and P-37-011571, both of which are of high interest to the local Native American Kumeyaay community because of their proximity to the project area, including the Ethnohistoric village of *La Rinconada de Jamo* (P-37-005017). Implementation of the project could potentially impact these resources through ground disturbance or alteration.

The Campland, former mobile home park, and Mission Bay RV Resort components of the project area are constructed on human-made land and void of resources. Furthermore, no new resources were identified during the pedestrian survey for the project and, due to this low sensitivity, no further cultural review or monitoring within these areas of the project area would be required.

Undiscovered human remains, particularly those interred outside formal cemeteries, could be disturbed during grading, excavation, or other ground-disturbing activities associated with the implementation of the project.

#### ***La Rinconada de Jamo (P37-005017)***

Archival review of *La Rinconada de Jamo* (P37-005017), which contains rich prehistoric habitation midden deposits, suggests that the concentration of the site is north of the project area. The site has been recommended eligible for listing in the National Register under Criterion (d)—has yielded, or may be likely to yield, information important in prehistory or history—and eligible for listing in the California Register under Criterion (d) as a significance resource under CEQA. The existing Mission Bay Tennis Center, Athletic Fields, and Golf Course components of the project area are in a moderate cultural sensitivity area due to the presence of P-37-005017. Recent geoarchaeological testing shows that the Mission Bay Tennis Center, Athletic Fields, and Golf Course is underlain by 8 feet of artificial fill. Native soil was closer to the surface in the northeastern segment of the golf course. Previous reports for the project area recommended cultural monitoring for ground disturbance in the northeastern section of the golf course containing shallow native soils or in areas where disturbance would be greater than 8 feet deep in the rest of the golf course. Additional analysis would be required in any ground disturbance in the shallow native soils of the northeastern portion of the golf course and if ground disturbance extends beyond 8 feet in the Mission Bay Tennis Center, Athletic Fields, and remaining areas of the Golf Course components of the project.



Avoiding impacts to religious or sacred places or human remains may not be possible when resources are discovered during construction. Although there are no known religious or sacred uses within the project area, the potential exists for these resources to be encountered during future construction activities, particularly given the cultural sensitivity and importance of the area that was discussed during Tribal consultation with respect to the Ethnohistoric village of *La Rinconada de Jamo* (P37-005017), where human remains have previously been encountered.

**Crown Point (P-37-011571)**

Crown Point (P-37-011571) consists of a widely dispersed prehistoric lithic and marine shell scatter from intermittent camping during seasonal use of the area by coastal Kumeyaay people encompassing the Crown Point area of Pacific Beach. This large resource boundary intersects the westernmost extent of the KFMR/NWP portion of the area of potential effect (APE).

Rationale and Conclusion

Subsequent activities implemented in accordance with the project would potentially result in ground disturbing activities within the culturally sensitive areas identified within the PEIR and therefore would be required to implement Mitigation Measure MM HIST 5.6-1, which would avoid or minimize impacts to archaeological resources. MM HIST 5.6-1 details the steps that the City shall take to determine the presence of archaeological or Tribal Cultural Resources and the appropriate level of analysis or mitigation for any significant resources that may be impacted by a development activity prior to issuing any permit for a future development project implemented in accordance with the proposed project that could directly affect an archaeological or Tribal Cultural Resource in the areas depicted on the Sensitivity Map depicted in PEIR Figure 5.6-1. This mitigation measure, combined with the policies of the City's General Plan promoting the identification, protection, and preservation of archaeological resources in addition to compliance with CEQA and California Public Resources Code, Section 21080.3.1, requiring Tribal consultation early in the development review process, and the City's Historical Resources regulations (City's Municipal Code, Section 143.0212), which require review of ministerial and discretionary permit applications for any parcel identified as sensitive on the Historical Resources Sensitivity Maps, would reduce the program-level impacts related to prehistoric or historic archaeological resources. However, even with the application of the existing regulatory framework and mitigation framework that would avoid future project-level impacts, the feasibility and efficacy of mitigation measures cannot be determined at this program level of analysis. Therefore, after implementation of feasible mitigation measures, impacts to prehistoric and historic archaeological resources, sacred sites, and human remains would remain significant and unavoidable.

Reference: These findings incorporate by reference the information and analysis included in the Final PEIR Section 5.6, Historical, Archaeological, and Tribal Cultural Resources.

**HISTORICAL, ARCHAEOLOGICAL, AND TRIBAL CULTURAL RESOURCES**

**Tribal Cultural Resources (Issue 3)**

Significant Impact

Ground-disturbing activities associated with construction of the project would be located in or near culturally sensitive areas important to Native American Tribes and could potentially result in significant impacts to Tribal Cultural Resources.

### Facts in Support of Finding

Native American consultation was conducted for the project to identify Tribal Cultural Resources (TCRs) and develop adequate treatment and mitigation measures for significant archaeological sites with cultural and religious significance to the Native American community in accordance with all applicable local, state, and federal regulations and guidelines. Tribal consultation in accordance with AB 52 was conducted in 2019 with Lisa Cumper, Tribal Historic Preservation Officer from the Jamul Indian Village, and Clint Linton, Director of Cultural Resources from the Lipay Nation of Santa Ysabel, as further described below. Additional Tribal consultation pursuant to AB 52 was also initiated with Lisa Cumper in 2022 and concluded in 2023.

Past dredging and filling activities that created Mission Bay Park and disrupted the course of the San Diego River also changed the cultural landscape of the area used over thousands of years by the Kumeyaay people from the nearby villages of *La Rinconada de Jamo*, *Onap*, and *Kosa'aay*.

Recent geoarchaeological testing shows that the Mission Bay Tennis Center, Athletic Fields, and Golf Course are underlain by 8 feet of artificial fill. Native soil was located closer to the surface in the northeastern segment of the golf course. Previous reports recommended cultural monitoring for ground disturbance in the northeastern section of the golf course containing shallow native soils or in areas where disturbance would be greater than 8 feet deep in the rest of the golf course.

Restoration and enhancement activities proposed within the City-owned portions of the KFMR/NWP could adversely affect an adjacent recorded archaeological site (P-37-011571), which consists of marine shell and lithic artifacts from intermittent camping during seasonal use of the area by coastal Kumeyaay people. Archaeological testing and monitoring in this area has yielded materials that can also be defined as a TCR.

The Sacred Lands File search requested from the NAHC indicated that although the search was negative for sacred lands or Native American cultural resources, the absence of specific resource information in the Sacred Lands File does not preclude the presence of Native American cultural resources in the project area. In addition to the South Coastal Information Center records search and NAHC Sacred Lands File search, a field survey was conducted with Native American Kumeyaay monitor participation, and no new information was obtained regarding existing sites within the project area. Despite the negative survey results, archaeological resources and TCRs are known to exist in the project area, and for this reason, the local Native American Kumeyaay community has expressed a high level of interest with regard to potential impacts to known resources including the village of *La Rinconada de Jamo* (P-37-005017) and Crown Point (P-37-011571), portions of which are within or adjacent to the project area. Proximity to these two resources were discussed during Tribal consultation, along with the project scope, in general, and the proposed mitigation framework for archaeological resources and TCRs. Clint Linton reviewed the materials and did not have any concerns with the program-level analysis and subsequent mitigation framework; however, he provided additional feedback that included a request to expand the Tribal context discussion and recommendations for areas of sensitivity. Lisa Cumper concurred with these recommendations, as did City staff. During additional Tribal consultation, Lisa Cumper also expressed strong support for incorporating traditional native plant species into future project design, as well as for maintaining accessibility to the coast and coastal camping, particularly for members of Tribal youth groups.

### Rationale and Conclusion

Subsequent activities implemented in accordance with the project would potentially result in impacts to significant Tribal Cultural Resources and therefore would be required to implement Mitigation Measure MM HIST 5.6 1, which would minimize impacts to Tribal Cultural Resources. MM HIST 5.6-1 details the steps that the City shall take to determine the presence of archaeological or Tribal Cultural Resources and the appropriate level of analysis or mitigation for any significant resources that may be impacted by a development activity prior to issuing any permit for a future development project implemented in accordance with the proposed project that could directly affect an archaeological or Tribal Cultural Resource in the areas depicted on the Sensitivity Map depicted in PEIR Figure 5.6-1. This mitigation, combined with the policies of the General Plan promoting the identification, protection, and preservation of archaeological resources, in addition to compliance with CEQA and California Public Resources Code, Section 21080.3.1, requiring Tribal consultation early in the development review process, and the City's Historical Resources regulations (City's Municipal Code, Section 143.0212), which requires review of ministerial and discretionary permit applications for any parcel identified as sensitive on the Historical Resources Sensitivity Maps, would reduce the program-level impact related to Tribal Cultural Resources. However, even with the application of the existing regulatory framework and mitigation framework that would avoid future project-level impacts, the feasibility and efficacy of mitigation measures cannot be determined at this program level of analysis. Therefore, after implementation of feasible mitigation measures, impacts to Tribal Cultural Resources would remain significant and unavoidable.

Reference: These findings incorporate by reference the information and analysis included in the Final PEIR Section 5.6, Historical, Archaeological, and Tribal Cultural Resources.

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

Because the proposed project will cause one or more unavoidable significant environmental impacts, the City must make findings with respect to the alternatives to the proposed project considered in the Final PEIR, evaluating whether these alternatives could feasibly avoid or substantially lessen the proposed project's unavoidable significant environmental impacts while achieving most of its objectives (listed in Section II.B above and Chapter 3 of the Final PEIR).

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

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

#### **Background**

The Final PEIR evaluated the following four project alternatives:

## Mission Bay Park Master Plan – De Anza Natural Amendment Findings

1. No Project Alternative;
2. Wetlands Optimized Alternative;
3. Enhanced Wetlands/Optimized Parkland Alternative; and
4. Resiliency Optimized Alternative.

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

### **No Project Alternative**

#### Description

Under the No Project/No Build Alternative, an amendment to the MBPMP would not occur. The Mission Bay Tennis Center, Athletic Fields, and Golf Course, Campland, and KFMR/NWP would remain the same as the existing condition. The Mission Bay RV Resort would continue to operate as currently leased. The rest of the De Anza Cove area would remain a “Special Study Area” as currently designated in the MBPMP for active recreation, passive recreation, and regional recreation land uses.

#### Potentially Significant Impacts

As stated in Chapter 8 of the Final PEIR, this alternative would not result in any significant impacts.

#### Finding and Supporting Facts

Development pursuant to the No Project/No Build Alternative would conflict with the current MBPMP wetland designation, as Campland would remain in place under this alternative. However, development pursuant to this alternative would overall result in less than significant land use impacts, similar to the proposed project. The No Project/No Build Alternative would result in greater operational emissions due to an increased operational density and customer base compared to the proposed project; therefore, impacts associated with conflicts with the applicable air quality plan and operational air quality would be greater compared to the proposed project. The No Project/No Build Alternative would not result in any construction impacts to biological resources or impacts to sensitive plant or wildlife species, and would not remove developed land in exchange for additional jurisdictional aquatic resource area, including wetland and non-wetland waters, that would result in potentially significant direct impacts to jurisdictional aquatic resources. Therefore, this alternative would result in reduced biological resources impacts compared to the proposed project.

The No Project/No Build Alternative would result in greater operational GHG emissions associated with vehicle trips, solid waste, water supply and wastewater, and energy sources due to the increased density of development and customer base compared to the proposed project. Additionally, there would be no benefit of carbon sequestration from the additional wetland habitat proposed in the project. The No Project/No Build Alternative would also not further the strategy goals of the City’s CAP and would not improve bicycle and pedestrian connections to improve mobility and reduce the use of fossil fuels; therefore, greater operational GHG emissions would occur compared to the proposed project. Under the No Project/No Build Alternative, Campland would not be demolished, and no enhanced wetland restoration would occur. Therefore, this alternative would not encounter contaminated soils during grading and excavation which could result in adverse hazards and

hazardous materials impacts, and impacts related to hazards and hazardous materials would be reduced compared to the proposed project.

Under the No Project/No Build Alternative, Campland would not be demolished, and no enhanced wetland restoration would occur. This alternative would therefore not result in the alteration of a historic building, structure, object, or site; and would not result in ground disturbance that could result in impacts to subsurface archaeological resources or Tribal Cultural Resources. As a result, the No Project/No Build Alternative would not cause significant and unavoidable impacts to historical, archaeological, and Tribal Cultural Resources. Under this alternative, there would be no impacts compared to the proposed project.

Compared to the proposed project, the No Project/No Build Alternative would result in more impervious surfaces that could increase long-term operational pollutants and flooding; therefore, this alternative would result in greater hydrology and water quality impacts compared to the proposed project. This alternative would also retain the developed areas of Campland, the vacant mobile home park, the RV park, and the Boat and Ski Club in their current locations, and would have increased vehicular noise due to greater operational activity, higher density development and a larger customer base compared to the proposed project. Therefore, the No Build/No Project Alternative would result in greater noise impacts compared to the proposed project. This alternative would not involve construction-related grading or earth disturbing activities that could impact high sensitivity geologic formations or fossil recovery sites, and would therefore result in no impacts to paleontological resources compared to the proposed project.

However, the No Project/No Build Alternative would retain the developed areas of Campland, the vacant mobile home park, the RV park, and the Boat and Ski Club, which would result in greater operational activity, higher development density, and a larger customer base compared to the proposed project and would result in an increase in the overall vehicle trips compared to the proposed project. In addition, the No Project/No Build Alternative would not include a multi-use bike path that would further City goals and policies, and it would result in increased average VMT compared to the proposed project. As a result, the No Project/No Build Alternative would result in greater transportation and circulation impacts compared to the proposed project.

#### Rationale and Conclusion

While the No Project/No Build Alternative would not result in the potential significant impacts related to Historical, Archaeological, and Tribal Cultural Resources that are associated with the proposed project, this Alternative is rejected as infeasible because it fails to meet most of the six project objectives identified in Chapter 3 of the Final PEIR.

Existing bike and pedestrian pathways would remain under the No Project/No Build Alternative. However, these existing pathways would not further public access, connectivity, and activation of the shoreline to the extent that installing new multi-use pathways would, as proposed in the project. Therefore, the No Project/No Build Alternative would conflict with project objective 6, which encourages enhancing public access and connectivity within De Anza Cove and increasing connections to the surrounding communities, including opportunities for multimodal travel. The No Project/No Build Alternative would conflict with project objective 3 as it would not incorporate wetland enhancements activities that incorporate climate adaptation strategies to increase resilience to climate change and mitigate potential sea level rise. In addition, the No Project/No Build Alternative would not restore and safeguard natural habitats within De Anza Cove (project objective 4). The No Project/No Build Alternative would not meet project objective 1 because the existing condition does

not provide equitable access to De Anza Cove and the coastal landscape for all San Diegans because the project area does not connect to existing bicycle paths or transit connections. The No Project/No Build Alternative would partially meet project objective 2 because local tribes would be welcomed to access the shores of De Anza Cove as they have done for generations. However, the No Project/No Build Alternative would not provide an Interpretive Nature Center where the Iipay-Tipay Kumeyaay stories and traditions could be shared.

Reference: These findings incorporate by reference the information and analysis included in the Final PEIR Section 8.0, Alternatives.

## **Wetlands Optimized Alternative**

### Description

The Wetlands Optimized Alternative is provided in accordance with the City's awarded Supplemental Environmental Project (SEP) funding, which was awarded by the San Diego Regional Water Quality Control Board (RWQCB) in 2021 and promotes the restoration of aquatic ecosystems in accordance with Tentative Resolution No. R9-2015-0041 to further recovery of streams, wetlands, and riparian systems in accordance with the RWQCB's Practical Vision. The SEP funded this alternative's preparation and the additional environmental review and consideration of the Wetlands Optimized Alternative.

The Wetlands Optimized Alternative would increase the acres of wetlands and associated transitional zones and uplands to be created and restored in Northeastern Mission Bay, converting the southern portion of the De Anza "boot" and open water areas of De Anza Cove to wetlands. This alternative would maximize implementable wetland restoration generally reflective of existing feasibility studies for Mission Bay and would, similarly to the proposed project, provide diverse beneficial uses, such as active and passive recreational opportunities, low-cost visitor guest accommodations, and improved access to recreational uses. This alternative would provide approximately 250.9 acres of expanded marshland habitat that includes approximately 31.1 acres at the former Campland and approximately 133 acres of other new wetlands. In addition, the Wetlands Optimized Alternative would increase upland habitat and buffer areas to approximately 46.1 acres compared to approximately 36.7 acres under the proposed project. This alternative would reduce the amount of active recreational activities to approximately 49.9 acres compared to approximately 66.5 acres under the proposed project. In addition, the Wetlands Optimized Alternative would increase regional parkland to approximately 30.8 acres, however, only approximately 2.3 acres of sandy beach would be provided at the northern edges of De Anza Cove adjacent to the low-cost visitor guest accommodation and boating uses. Finally, this alternative would allocate approximately 27.4 acres of low-cost visitor guest accommodations on the east side of Rose Creek, compared to the 48.5 acres under the proposed project.

### Potentially Significant Impacts

As stated in Chapter 8 of the Final PEIR, this alternative may result in significant effects to:

1. Historical, Archaeological, and Tribal Cultural Resources

### Finding and Supporting Facts

## Mission Bay Park Master Plan – De Anza Natural Amendment Findings

Development pursuant to the Wetlands Optimized Alternative would result in similar impact levels for some issues found to be less than significant under the proposed project (i.e., land use, biological resources, hazards and hazardous materials, and paleontological resources). Impacts to historical, archaeological, and tribal cultural resources under this alternative would also be significant and unavoidable, similar to the proposed project.

However, operational emissions from the Wetlands Optimized Alternative would be reduced compared to the proposed project because it would result in less development and there would be an overall reduction in low-cost visitor guest accommodations. Mobile-source emissions would be expected to decrease due to a decreased customer base for the alternative as a result of the reduction in the low-cost visitor guest accommodations and active recreation uses, and the potential for this alternative to contribute to a CO hotspot would also be reduced as a result. Therefore, impacts related to air quality and odor would be less than under the proposed project. Compared to the proposed project, the Wetlands Optimized Alternative would also result in similar or reduced less than significant operational GHG emissions due to the reduction in low-cost visitor housing and active recreation land uses resulting in less vehicles to and from the site. The Wetlands Optimized Alternative would have the potential to result in reduced long-term operational pollutants associated with components of the project due to a reduction in low-cost visitor guest accommodations and active recreation land uses. In addition, the proposed water quality detention basins under this alternative would capture and treat stormwater before flowing into Mission Bay and would treat the entire alternative area in accordance with local and state requirements. Therefore, operational water quality impacts would be less than significant and reduced compared to the proposed project.

The Wetlands Optimized Alternative is also anticipated to result in a noise reduction at adjacent noise-sensitive land uses due to the removal of existing noise-generating uses near sensitive receptors and the location of new/replacement uses (low-cost visitor guest accommodations) farther from those sensitive receptors. Therefore, impacts related to operational and vehicle noise would be less than significant and reduced compared to the proposed project. The proposed reduction in traffic-generated uses on site and the total vehicle miles traveled (VMT) would be also reduced under this alternative. Compared to the proposed project, the Wetlands Optimized Alternative would create additional acreage of wetlands and upland habitat, while reducing the acreages of the active recreation and low-cost visitor guest accommodations. However, with the reduction of low-cost visitor guest accommodations, the regional service area of the remaining coastal accessible facilities would expand compared to the proposed project. The service area is the same as that for the proposed project and focuses on publicly accessible coastal low-cost visitor guest accommodation facilities including South Carlsbad State Beach, San Elijo State Beach, Silver Strand State Beach, Mission Bay Campland, and Tijuana Valley Campground. The driving distance for residents within the region would increase under this alternative, from increased distance to other facilities providing low-cost visitor guest accommodations, resulting in an increase in regional VMT compared to the proposed project. Therefore, the Wetlands Optimized Alternative would result in an increase in regional VMT compared to the proposed project. Impacts would be greater compared to the proposed project.

### Rationale and Conclusion

The Wetlands Optimized Alternative is rejected as infeasible because it would not substantially reduce the significant impacts associated with the proposed project. Implementation of this alternative would result in lesser impacts associated with air quality and odors, greenhouse gas emissions, hydrology

and water quality, and noise. However, this alternative would result in greater impacts with regards to transportation/circulation. The Wetlands Optimized Alternative would also not meet all of the Project Objectives outlined in Chapter 3 of the Final PEIR, or it would not achieve them to the same degree as the proposed project. Therefore, this alternative is rejected as infeasible.

The Wetlands Optimized Alternative would meet project objective 2 by fostering opportunities for members of local Tribal nations to reconnect to De Anza Cove. In addition, the expanded habitat restoration provides an opportunity to increase climate change resiliency from sea level rise impacts (project objective 3). Wetlands provide erosion control and shoreline protection from flooding. Additional habitat areas would include transitional zones into higher elevation habitats and provide resiliency to changes in freshwater flows from altered stormwater regimes. In addition, the Wetlands Optimized Alternative would further embrace responsibility and stewardship of the environment by restoring and safeguarding natural habitats within De Anza Cove (project objective 4). However, the Wetlands Optimized Alternative would not meet project objective 1 to provide equitable access to De Anza Cove and the coastal landscape for all San Diegans, particularly communities that have historically experienced barriers to access, and project objective 6 to enhance public access and connectivity within De Anza Cove and increase connections to the surrounding communities, including opportunities for multimodal travel. This is because, compared to the proposed project, the Wetlands Optimized Alternative would not as fully provide equitable access or enhance the public access of De Anza Cove. The Wetlands Optimized Alternative would convert the southern portion of the developed De Anza "boot" and the De Anza Cove open water areas to wetlands. This would result in a reduction in low-cost visitor guest accommodations and open beach uses. Furthermore, the Wetlands Optimized Alternative would not fully implement project objective 5, as active and passive recreational uses would be further reduced, therefore also reducing the customer base and opportunities for passive and active recreation compared to the proposed project.

Reference: These findings incorporate by reference the information and analysis included in the Final PEIR Section 8.0, Alternatives.

### **Enhanced Wetlands/Optimized Parkland Alternative**

#### Description

Similar to the proposed project, the Enhanced Wetlands/Optimized Parkland Alternative would include a combination of habitat restoration, active recreation, low-cost visitor guest accommodations, open beach and regional parkland and would modify the open water portions of De Anza Cove. This alternative includes additional wetland enhancement opportunities but would reduce upland habitat compared to the proposed project. This alternative would provide 243.3 acres of marshland habitat that includes 35.5 acres at the former Campland, 86.8 acres at KFMR, and 121 acres of other new wetlands. This alternative would provide 29.2 acres of upland habitat and buffer. In addition, the Enhanced Wetlands/Optimized Parkland Alternative would reduce the amount of active recreational activities to 52.6 acres and the low-cost visitor guest accommodations to 40 acres, compared to the proposed project. The Enhanced Wetlands/Optimized Parkland Alternative would seek to retain potentially historic structures over 45 years old, such as the administration buildings for De Anza Cove mobile home park and/or the Mission Bay RV Resort, for reuse in the low-cost visitor guest accommodation area. This alternative would also retain the Mission Bay Golf Course Practice Center and Clubhouse for reuse within the active and regional parkland areas. Finally, the Enhanced



Wetlands/Optimized Parkland Alternative would change the development configuration and reduce the open water areas of De Anza Cove compared to the proposed project.

Potentially Significant Impacts

As stated in Chapter 8 of the Final PEIR, this alternative may result in significant effects to:

1. Historical, Archaeological, and Tribal Cultural Resources

Finding and Supporting Facts

Development pursuant to the Enhanced Wetlands/Optimized Parkland Alternative would result in similar impact levels for some issues found to be less than significant under the proposed project (land use, biological resources, hazards and hazardous materials, and paleontological resources). However, compared to the proposed project, operational emissions would be reduced because this alternative would result in less development and there would be an overall reduction in low-cost visitor guest accommodations. Mobile-source emissions would also decrease under the Enhanced Wetlands/Optimized Parkland Alternative due to a decreased customer base, and impacts related to air quality and odor would be reduced compared to the proposed project. This alternative would also result in reduced less than significant GHG emissions impacts compared to the proposed project, because less development and an overall reduction in low-cost visitor guest accommodations would reduce impacts related to operational GHG emissions.

Impacts to historical, archaeological, and tribal cultural resources under the Enhanced Wetlands/Optimized Parkland alternative would also be significant and unavoidable; however, impacts would be less than the proposed project because this alternative would seek to retain some potentially historic structures over 45 years old for reuse, which would decrease impacts related to historic resources. Compared to the proposed project, this alternative would result in similar impacts to archaeological and tribal cultural resources due to similar ground-disturbing activities within the project footprint. Mitigation Measure MM HIST 5.6-1 would be implemented to reduce significant impacts to unknown archaeological resources, and human remains during project construction. However, similar to the proposed project, even with the application of the existing regulatory framework and mitigation framework that would avoid future project-level impacts, the feasibility and efficacy of mitigation measures cannot be determined at this program level of analysis. Therefore, after implementation of feasible mitigation measures, impacts to historical resources, prehistoric and historic archaeological resources, sacred sites, human remains, and TCRs would remain significant and unavoidable. The Enhanced Wetlands/Optimized Parkland Alternative would seek to retain some eligible structures over 45 years old and would result in a reduced impact to historical resources compared to the proposed project; however, impacts would remain significant and unavoidable due to the alteration or demolition of other built environment resources in the project area that may be historical.

Under the Enhanced Wetlands/Optimized Parkland alternative, the increased wetlands would further reduce the impervious footprint of the project area and reduce overall development density, resulting in a decrease in long-term operational pollutants compared to the proposed project. This alternative would therefore result in reduced less than significant hydrology and water quality impacts. Compared to the proposed project, the reduction in low-cost visitor guest accommodations and the total area of developed land under this alternative would also result in a reduction in traffic-related

noise, operational noise, and noise impacts on sensitive receptors. Overall, noise impacts would be reduced compared to the proposed project.

The reduction in low-cost visitor guest accommodations under the Enhanced Wetlands/Optimized Parkland Alternative, which would expand the service area of similar coastal accessible facilities within the region and increase the driving distance for residents within the region, would also result in an increase in regional VMT compared to the proposed project. Therefore, the Enhanced Wetlands/Optimized Parkland Alternative would result in greater less than significant VMT impacts compared to the proposed project.

### Rationale and Conclusion

The Enhanced Wetlands/Optimized Parkland Alternative would result in reduced impacts to five issue areas: air quality and odor; greenhouse emissions; historical, archaeological, and Tribal Cultural Resources; hydrology and water quality; and noise. However, it would not reduce potential impacts to historical, archaeological, and Tribal Cultural Resources to below a level of significance, and it would result in greater impacts with regards to transportation/circulation. The Enhanced Wetlands/Optimized Parkland Alternative would also not meet all of the Project Objectives outlined in Chapter 3 of the Final PEIR, or it would not achieve them to the same degree as the proposed project. Therefore, this alternative is rejected as infeasible.

The Enhanced Wetlands/Optimized Parkland Alternative would foster opportunities for members of local Tribal nations to reconnect to De Anza Cove (project objective 2). In addition, the alternative proposes expanded wetland restoration that would provide an opportunity to increase climate change resiliency from sea level rise impacts (project objective 3). Wetlands provide erosion control and shoreline protection from flooding. The Enhanced Wetlands/Optimized Parkland Alternative would further embrace responsibility and stewardship of the environment by restoring and safeguarding natural habitats within De Anza Cove (project objective 4). In addition, the Enhanced Wetlands/Optimized Parkland would enhance public access and connectivity within De Anza Cove and increase connections to the surrounding communities through the inclusion of the multi-use path which would allow for pedestrians and cyclists to connect with points west, north and east (project objective 6). However, the Enhanced Wetlands/Optimized Parkland Alternative would not fully implement project objective 1 to provide equitable access to De Anza Cove and the coastal landscape for all San Diegans, particularly communities that have historically experienced barriers to access, and project objective 5 to diversify active and passive recreational uses that will serve a range of interests, ages, activity levels, incomes, and cultures both on land and in water. This is because the Enhanced Wetlands/Optimized Parkland Alternative would reduce the amount of low-cost guest visitor accommodations, open beach, active recreation and regional recreation opportunities, and as a result would not fully provide equitable access to De Anza Cove nor fully diversify active and passive recreational uses compared to the proposed project.

Reference: These findings incorporate by reference the information and analysis included in the Final PEIR Section 8.0, Alternatives.

## **Resiliency Optimized Alternative**

### Description

Similar to the proposed project, the Resiliency Optimized Alternative would include a combination of habitat restoration, active recreation, low-cost visitor guest accommodations, open beach and regional parkland and would modify the open water portions of De Anza Cove. This alternative includes additional wetlands enhancement and upland habitat opportunities compared to the proposed project. The additional habitat areas would include transitional zones into higher elevation habitats and provide resiliency to changes in freshwater flows from altered stormwater regimes. Marshes also act as buffers to sea level rise and reduce coastal erosion and flooding. This alternative would provide 235.3 acres of expanded marshland habitat that includes 31.4 acres at the former Campland, 86.8 at KFMR/NWP, and 117.1 acres of other new wetlands. The alternative also includes an increase in upland habitat and buffers compared to the proposed project. The Resiliency Optimized Alternative would further reduce the amount of active recreational activities to 49.9 acres and reduce low-cost visitor guest accommodations to 45.3 acres. These areas would be replaced with additional regional parkland opportunities for a total of 32.3 acres. In addition, the Resiliency Optimized Alternative reduces the overall acreage of the open water portions of De Anza Cove to 101.7 acres.

#### Finding and Supporting Facts

Development pursuant to the Resiliency Optimized Alternative would result in similar impact levels for some issues found to be less than significant under the proposed project (i.e., land use, biological resources, hazards and hazardous materials, and paleontological resources). Impacts to historical, archaeological, and tribal cultural resources under this alternative would also remain significant and unavoidable, similar to the proposed project.

However, because the Resiliency Optimized Alternative would result in less development and there would be an overall reduction in low-cost visitor guest accommodations, operational emissions would be reduced. Air quality and odor impacts would therefore be less than under the proposed project. Compared to the proposed project, this alternative would result in greater impacts related to construction GHG emissions due to construction grading and demolition activities; however, temporary project construction emissions were included in the CAP GHG emissions inventory and business-as-usual GHG emissions projections, and were, thus accounted for in the CAP. Furthermore, these emissions are outweighed by reduced impacts related to operational GHG emissions due to less development and an overall reduction in low-cost visitor guest accommodations. Therefore, the Resiliency Optimized Alternative would have reduced, less than significant GHG emission impacts, compared to the proposed project.

Compared to the proposed project, the Resiliency Optimized Alternative would create additional wetland and upland habitat while reducing the acreages of the active recreation and low-cost visitor guest accommodations. This alternative would result in greater construction-generated pollutants, compared to the proposed project, as it would convert additional acres of developed land in-exchange for wetlands and upland habitat which could increase grading and excavation of soils. However, construction-generated pollutants would be temporary and addressed through preparation of a project-specific SWPPP in accordance with the City's Stormwater Standards Manual and the City's Grading Ordinance and would include construction BMPs. The increase in wetlands would further reduce the overall impervious footprint in the project area and would reduce the overall development density of the project area resulting in a decrease in long-term operational pollutants and overall hydrology and water quality related impacts compared to the proposed project.

This alternative would also result in a reduction in operational noise impacts compared to the proposed project because it would result in less development and there would be an overall reduction in low-cost visitor guest accommodations. Compared to the proposed project, the Resiliency Optimized Alternative would result in a noise reduction at adjacent noise-sensitive land uses (Mission Bay High School and residences north and west of the project area). This is due to the removal of existing noise-generating uses (Campland and Mission Bay RV Resort) near sensitive receptors and the location of low-cost visitor guest accommodations farther from those sensitive receptors. Finally, the Resiliency Optimized Alternative would result in fewer vehicle trips than those generated under the proposed project due to a reduction in traffic-generated uses on site. However, the reduction in the amount of low-cost visitor guest accommodations under this alternative would expand the service area of similar coastal accessible facilities in the region and the driving distance for residents within the region. Therefore, this alternative would result in an increase in regional VMT and greater transportation and circulation impacts compared to the proposed project.

#### Rationale and Conclusion

The Resiliency Optimized Alternative is rejected as infeasible because it would not substantially reduce the significant impacts associated with the proposed project. It would result in reduced impacts to only four issue areas: air quality and odor; greenhouse emissions; hydrology and water quality; and noise. Furthermore, the Resiliency Optimized Alternative would also not meet all of the Project Objectives outlined in Chapter 3 of the Final PEIR, or it would not achieve them to the same degree as the proposed project.

The Resiliency Optimized Alternative would foster opportunities for members of local Tribal nations to reconnect to De Anza Cove (project objective 2). In addition, the expanded wetland restoration provides an opportunity to increase climate change resiliency from sea level rise impacts (project objective 3). Wetlands provide erosion control and shoreline protection from flooding. Wetlands are also dynamic habitats that are resilient to changes in freshwater flows and would be designed to be adaptable to sea level rise through augmentation, accommodation, vertical accretion, or other habitat management strategies. The Resiliency Optimized Alternative would include additional upland habitat areas that provide resiliency to changes in freshwater flows from altered stormwater regimes. The Resiliency Optimized Alternative would further embrace responsibility and stewardship of the environment by restoring and safeguarding natural habitats within De Anza Cove (project objective 4). In addition, the Resiliency Optimized Alternative would enhance public access and connectivity within De Anza Cove and increase connections to the surrounding communities through the inclusion of the multi-use path which would allow for pedestrians and cyclists to connect with points west, north and east (project objective 6). However, the Resiliency Optimized Alternative would only partially meet project objective 1 to provide equitable access to De Anza Cove and the coastal landscape for all San Diegans, particularly communities that have historically experienced barriers to access, and project objective 5 to diversify active and passive recreational uses that will serve a range of interests, ages, activity levels, incomes, and cultures both on land and in water. This is because the Resiliency Optimized Alternative would reduce the amount of low-cost guest visitor accommodations, open beach, active recreation and regional recreation opportunities compared to the proposed project, and as a result would not fully provide equitable access to De Anza Cove nor fully diversify active and passive recreational uses.

Reference: These findings incorporate by reference the information and analysis included in the Final PEIR Section 8.0, Alternatives.

**EXHIBIT B**  
**STATEMENT OF OVERRIDING CONSIDERATIONS**  
**(PUBLIC RESOURCES CODE §21081(b))**  
**FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (FINAL PEIR)**  
**FOR THE**  
**MISSION BAY PARK MASTER PLAN – DE ANZA NATURAL AMENDMENT**  
**SCH No. 2018061024**

**November 2023**

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## STATEMENT OF OVERRIDING CONSIDERATIONS

### FOR THE MISSION BAY PARK MASTER PLAN – DE ANZA NATURAL AMENDMENT (PUBLIC RESOURCES CODE §21081(b))

Pursuant to California Environmental Quality Act (CEQA) section §21081(b) and CEQA Guidelines sections 15093 and 15043, the decision-making agency must 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 Mission Bay Park Master Plan – De Anza Natural Amendment (hereinafter referred to as the “De Anza Natural Amendment” or the “proposed project”), as defined in the Final Program Environmental Impact Report (Final PEIR). This Statement of Overriding Considerations is specifically applicable to the significant and unavoidable impacts identified in Chapter 5 of the Final PEIR. As set forth in the Findings, the proposed project will result in unavoidable adverse impacts related to Historical, Archaeological, and Tribal Cultural Resources.

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

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

The following statement identifies why, in the City Council's judgment, the benefits of the proposed 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 proposed project. Substantial evidence supports the various benefits and such evidence can be found in the preceding sections, which are incorporated by reference into this section, the Final PEIR, or in documents that comprise the Record of Proceedings in this matter.

1. The Mission Bay Park Master Plan – De Anza Natural Amendment expresses the policies of the City's General Plan, Mission Bay Park Master Plan, Climate Action Plan, and Climate Resilient SD Plan by conserving and enhancing biological diversity and increasing the resilience of important coastal resources to the effects of climate change.

Consistent with the Conservation Element of the General Plan, the Mission Bay Park Master Plan – De Anza Natural Amendment provides recommendations that would create, restore, and/or enhance sensitive biological habitats throughout the proposed project area. The De Anza Natural Amendment would create approximately 138.3 acres of new wetland habitat and approximately 36.7 acres of upland habitat adjacent to the existing Kendall-Frost Marsh Reserve/Northern Wildlife Preserve (KFMR/NWP), along Rose Creek, and within the southeastern portion of De Anza Cove. These habitat restoration activities would support the City's General Plan goal of conserving biological diversity by preserving and managing natural habitats, the Mission Bay Park Master Plan's goal of creating a park in which biodiversity is sustained and enhanced through the protection of natural resources and the expansion of habitat areas for sensitive species, and the Climate Action Plan's goal to restore 700 acres of salt marshland and other associated tidal wetland and riparian habitats by 2035.

Implementation of the De Anza Natural Amendment would also enhance the resilience of the proposed project area to the effects of climate change by establishing a variety of wetland and upland habitats that would serve as a buffer against the effects of projected sea level rise and increase the resilience of both the proposed project area and communities further inland. These actions align with both the City's Climate Action Plan goals and the City's Climate Resilient SD goals and policies which focus on supporting and prioritizing thriving natural environments and enhancing adaptability.

2. The Mission Bay Park Master Plan – De Anza Natural Amendment further expresses the policies of the City's General Plan, the Mission Bay Park Master Plan, and the Parks Master Plan by establishing and maintaining a variety of active and passive recreational land uses that maximizes Mission Bay Park's status as a major regional park.

The Mission Bay Park Master Plan – De Anza Natural Amendment includes policies and recommendations that implement City-wide goals and policies of providing a diverse range of active and passive recreational opportunities that meet the City's needs and take advantage of the City's natural resources. Implementation of the recommendations outlined in the De Anza Natural Amendment would maintain and enhance a variety of active recreational facilities that currently exist in the northern portion of the proposed project area, and would increase the total acreage allocated to active recreation within the proposed



project area to 66.5 acres. The De Anza Natural Amendment would also maintain and enhance existing regional parkland with improvements that would include, but not be limited to, access to a multi-use path that will connect the project area to points to the north, west, and east.

The De Anza Natural Amendment includes circulation and access improvements within the proposed project area that would support the City's General Plan and Parks Master Plan goals to increase active transportation infrastructure that will improve connectivity and support access to the project area via walking, bicycling, and public transit. New pedestrian, bicycle, and multi-use connections would be developed, which would enhance the recreational experience of users and increase access to such facilities. These improvements reflect the Mission Bay Park Master Plan's goal of creating a park which promotes access for all park users, and minimizes negative transportation-related impacts on surrounding neighborhoods.

3. The Mission Bay Park Master Plan – De Anza Natural Amendment further expresses the policies of the Mission Bay Park Master Plan by establishing a low-cost visitor guest accommodation land use that capitalizes on Mission Bay Park's status as a unique, aquatic-oriented resource.

Consistent with the Mission Bay Park Master Plan, the De Anza Natural Amendment would establish new wetland and upland habitats adjacent to the existing KFMR/NWP, in the area currently occupied by Campland on the Bay. In order to replace much of this existing guest housing use, the proposed project would create a low-cost visitor guest accommodation use along the eastern side of Rose Creek. Establishing a low cost visitor accommodation land use is in line with the Mission Bay Park Master Plan's vision for a balanced approach that supports recreation, commerce, and the environment. This land use would allocate approximately 48.5 acres of the proposed project area for RVs, cabins, or other eco friendly accommodations and associated open space and facilities consistent with camping accommodations.

## I. CONCLUSION

For the foregoing reasons, the City Council finds that the adverse, unavoidable environmental impacts are outweighed by the above-referenced benefits, any one of which individually would be sufficient to outweigh the adverse environmental effects of the Mission Bay Park Master Plan – De Anza Natural Amendment. Therefore, the City Council adopts this Statement of Overriding Considerations.

**EXHIBIT C**

**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

**FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR)**

**FOR THE**

**MISSION BAY PARK MASTER PLAN - DE ANZA NATURAL AMENDMENT**

**SCH No. 2018061024**

**November 2023**

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**EXHIBIT C**

**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

MISSION BAY PARK MASTER PLAN – DE ANZA NATURAL AMENDMENT  
CITY OF SAN DIEGO, CALIFORNIA  
PROGRAM ENVIRONMENTAL IMPACT REPORT  
SCH NO. 2018061024

This Mitigation Monitoring and Reporting Program (MMRP) is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. The MMRP for the De Anza Natural Amendment to the Mission Bay Park Master Plan Final Program Environmental Impact Report (PEIR) is under the jurisdiction of the City. This MMRP identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the MMRP will be maintained at the offices of the City of San Diego (City) City Planning Department, which is currently located at 202 C Street, San Diego, CA 92101. All mitigation measures contained in the Final PEIR and this MMRP will be adopted by resolution and shall be made conditions of approval of future projects implemented in accordance with the De Anza Natural Amendment to The Mission Bay Park Master Plan as further described below.

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
<b>BIOLOGICAL RESOURCES</b>			
<p><b>Issue 1: Impacts Sensitive Plant and Wildlife Species</b> Implementation of the project has the potential to impact sensitive plant and wildlife species directly through the loss of habitat or indirectly by constructing development adjacent to sensitive habitat. Potential impacts to federally or state-listed species (including raptors), MSCP covered species, migratory bird species, narrow endemic species, and plant species with a California Rare Plant Rank of 2 or higher. Impacts</p>	<p><b>MM BIO 5.3-1: Focused Sensitive Plant Species Surveys.</b> Prior to subsequent project-level approval and prior to any construction or grading activities, focused surveys for future site-specific development shall be conducted, as applicable, in suitable habitat in order to determine presence/absence of sensitive plant species previously observed or with high potential to occur within the proposed project area, including but not limited to California seablite, Palmer's frankenia, and estuary seablite. For these species, focused surveys shall be conducted during their specific blooming periods to determine presence/absence. If sensitive species are mapped within any proposed construction, access, or staging areas, these areas shall be modified to avoid direct impacts to mapped sensitive plant species. If significant impacts to these species are unavoidable, the take of these species shall be reduced to a less than significant level through implementation of one or a combination of the following actions, in accordance with a City of San Diego approved Conceptual Restoration Plan or acquisition of mitigation credits:</p> <ul style="list-style-type: none"> <li>• Impacted plants shall be salvaged and relocated to suitable habitat in the on-site restoration area in Kendall-Frost Marsh Reserve/Northern Wildlife Preserve within the Multi-Habitat Planning Area boundary, if possible. If relocation to this site is not practical, the plants shall be relocated off-site to an appropriate (nearby) location determined by a qualified biologist.</li> <li>• Seeds from impacted plants shall be collected for use at a local off-site location.</li> <li>• Off-site habitat that supports the species impacted shall be enhanced and/or supplemented with seed collected on site.</li> </ul>	<p>These mitigation measures will be included in a future General Development Plan for De Anza Cove.</p>	<p>City of San Diego staff, including staff from: City Planning Department; Development Services Department; Engineering and Capital Projects Department; and Parks and Recreation Department.</p>

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
would be potentially significant.	<ul style="list-style-type: none"> <li>• Comparable habitat at an approved off-site location shall be determined by a qualified biologist and preserved for relocation, enhancement, or transplant of the impacted sensitive plants. Mitigation that involves relocation, enhancement, or transplant of sensitive plants shall include all of the following:               <ul style="list-style-type: none"> <li>• Conceptual planting plan prepared by a qualified biologist including grading and, if appropriate, temporary irrigation</li> <li>• Planting specifications and fencing and signage to discourage unauthorized access of the planting site</li> <li>• Monitoring program including success criteria</li> <li>• Long-term maintenance and preservation plan</li> </ul> </li> </ul>		
	<p><b>MM BIO 5.3-2 Qualified Monitoring Biologist.</b> Prior to subsequent project-level approval and prior to the start of construction activities, the project biologist shall submit a letter to City of San Diego City Planning Department and City of San Diego Development Services Department Mitigation Monitoring Coordination that confirms a qualified monitoring biologist, as defined in the City of San Diego's Municipal Code, Biology Guidelines, has been retained to implement required monitoring. This letter will also include the names and resumes of all people involved in the biological monitoring of the proposed project, a schedule for the proposed work, and the facility's pre-approved Facility Maintenance Plan.</p> <p>The qualified monitoring biologist shall be responsible for the following monitoring and reporting tasks:</p> <p>a. Documentation. Prior to the issuance of any construction or grading plans in any proposed project area within, or immediately adjacent to, a Multi-Habitat Planning Area, the qualified monitoring biologist shall verify and submit proof to Mitigation Monitoring</p>	These mitigation measures will be included in a future General Development Plan for De Anza Cove.	City staff, including staff from: City Planning Department; Development Services Department; Engineering and Capital Projects Department; and Parks and Recreation Department.

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>Coordination that all Multi-Habitat Planning Area boundaries and limits of work have been delineated on all maintenance documents.</p> <p>b. Biological Construction Mitigation/Monitoring Exhibit. Prior to the start of construction within the future site-specific proposed project area, the qualified monitoring biologist shall submit a Biological Construction Mitigation/Monitoring Exhibit, which includes limits of work, proposed monitoring schedule, avian, focused sensitive species, or other wildlife surveys/survey schedules (including general avian nesting and U.S. Fish and Wildlife Service protocol), timing of surveys, avian construction avoidance areas/noise buffers/barriers, other impact avoidance areas, species-specific Multiple Species Conservation Program Subarea Plan Area-Specific Management Directives, and any subsequent requirements determined by the qualified monitoring biologist and the Mitigation Monitoring Coordination. The Biological Construction Mitigation/Monitoring Exhibit shall include the construction site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule for construction activities. Where the potential for impacts to biological resources is limited (e.g., construction within a footprint that consists entirely of previously developed or disturbed lands), the Biological Construction Mitigation/Monitoring Exhibit may be limited to a pre- and post-maintenance verification inspection. For highly sensitive resource areas, full-time biological monitors may be required. The Biological Construction Mitigation/Monitoring Exhibit shall be approved by Mitigation Monitoring Coordination prior to the start of construction.</p> <p>c. Avian Protection. In order to prevent impacts to California least tern and other sensitive nesting shorebirds, the qualified monitoring biologist and Mitigation Monitoring Coordination shall ensure that no clearing, grubbing or grading or active wetland creation/restoration shall</p>		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>take place within or adjacent to the Multi-Habitat Planning Area, California least tern preserves, and coastal salt marsh habitats during the City of San Diego's general avian breeding season of February 1 to September 15. Activities must comply with the City of San Diego's Biology Guidelines, Multiple Species Conservation Program Subarea Plan, Land Use Adjacency Guidelines, and applicable state and federal law (e.g., appropriate follow-up surveys, monitoring schedules, construction and noise barriers/buffers). Additionally, the following requirements from the Mission Bay Park Natural Resource Management Plan and Mission Bay Park Master Plan for the California least tern shall be met:</p> <ul style="list-style-type: none"> <li>• In-water construction or dredging shall not be permitted in Mission Bay from April 1 through September 15, unless otherwise approved in writing by the City of San Diego, California Department of Fish and Wildlife, and U.S. Fish and Wildlife Service. Any exception would have to meet the following criteria to preserve least tern nesting and foraging: use of silt curtains or similar devices around in-water construction activity, use of noise reduction or low noise equipment, and use of timing and location restrictions on activity to avoid interfering with breeding sites or major least tern foraging areas.</li> <li>• Direct impacts to permanently designated least tern nesting sites shall not be permitted.</li> <li>• The 150-foot buffer zone for each least tern nesting site shall be free of structures with heights over 6 feet, including fencing, to avoid providing raptors perches from which to prey on least tern chicks.</li> <li>• Any existing noise attenuation berms to prevent any significant noise from reaching the Multi-Habitat Planning Area and least tern preserve shall remain in accordance with the Mission Bay Park Natural Resource Management Plan and Mission Bay Park Master Plan.</li> </ul>		



Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<ul style="list-style-type: none"> <li>• If construction or wetland creation/restoration construction activities take place during the California least tern breeding season, significant impacts may occur to least tern in the Multi-Habitat Planning Area. To avoid significant noise impacts to breeding least terns, construction within 500 feet of least tern preserves shall take place outside the least tern breeding season, which ranges from April 1 to September 15.</li> <li>d. Resource Marking/Protection. Prior to the start of construction activities within the future site-specific proposed project area, the qualified monitoring biologist shall supervise the placement of orange construction fencing or similar visible marker, staking, or flagging along the limits of the construction area adjacent to sensitive biological habitats, as shown on the Biological Construction Mitigation/Monitoring Exhibit to ensure crews remain within the approved construction limits. These demarcations shall not be required for areas with existing barriers, such as chain-link fencing, along the limits or facilities that are within and/or adjacent to developed and non-sensitive habitat areas. This task shall include flagging plant specimens and delineating buffers to protect sensitive biological resources (e.g., habitats, sensitive plant and wildlife species, including nesting birds and raptors) prior to construction.</li> <li>e. Cover Trenches. The qualified monitoring biologist shall oversee the construction site so that cover and/or escape routes for wildlife from excavated areas shall be provided daily. All steep trenches, holes, and excavations during construction shall be covered at night with backfill, plywood, metal plates, or other means, and if plastic sheeting is used, the edges must be covered with soils such that small wildlife cannot access the excavated hole. Soil piles shall be covered at night to prevent wildlife from burrowing in. The edges of the sheeting shall be weighed down by sandbags. These areas may also be fenced to prevent wildlife from</li> </ul>		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>gaining access. Exposed trenches, holes, and excavations shall be inspected twice daily (i.e., each morning and before sealing the exposed area) by the qualified monitoring biologist to monitor for wildlife entrapment. Excavations shall provide an earthen ramp to allow for a wildlife escape route. The qualified monitoring biologist shall verify that the contractor has covered all steep-walled trenches or excavations prior to the end of construction daily. If wildlife species are encountered within any trenches or excavated areas, the qualified monitoring biologist shall remove them, if possible, or provide them with a means of escape (e.g., a ramp or sloped surface at no greater than a 30-degree angle) and allowed to disperse. In addition, the qualified monitoring biologist shall provide training to construction personnel to increase awareness of the possible presence of wildlife beneath vehicles and equipment and to use best judgment to avoid killing or injuring wildlife (see MM BIO 5.3-2f).</p> <p>f. Structure Clearance. Prior to the issuance of any permit to allow for the removal or demolition of trees and existing structures within the project area (particularly the ornamental trees and existing buildings in Campland on the Bay, De Anza Cove, and the Mission Bay Tennis Center, Athletic Fields, and Golf Course), the qualified monitoring biologist shall conduct clearance surveys to flush out any wildlife species nesting, roosting, or otherwise occupying the trees or structures. If wildlife species are encountered within any of the trees or structures (outside the general bird nesting season), the qualified monitoring biologist shall remove them, if possible, or provide them with a means of escape and allowed the species to disperse. If tree-roosting bats are suspected, slow removal by gently pushing the tree over with heavy equipment is required.</p> <p>g. Pre-Construction Meeting/Education. Prior to the start of any construction activity where the site plan for the construction area</p>		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>indicates that significant impacts to biological resources may occur, a pre-construction meeting shall be held on site with the following in attendance: City of San Diego's project manager, Mitigation Monitoring Coordination representative, the construction contractor (if applicable), and the qualified monitoring biologist. At this meeting, the qualified monitoring biologist shall identify and discuss the construction protocols that apply to the proposed activities and the sensitive nature of the adjacent habitat with appropriate project personnel.</p> <p>At the pre-construction meeting, the qualified monitoring biologist shall submit to the Mitigation Monitoring Coordination and construction contractor a copy of the Biological Construction Mitigation/Monitoring Exhibit that identifies areas to be protected, fenced, and monitored. This data shall include all buffer limits, if applicable.</p> <p>Prior to the start of construction activities, the qualified monitoring biologist shall meet with the construction contractor and crew and conduct an on-site educational session regarding the need to avoid impacts outside the approved construction footprint and to protect sensitive plants and wildlife that may occur at the specific facility. This may include but not be limited to explanations of the avian and wetland buffers, the flag system for removal of invasive species or retention of sensitive plants, and clarification of acceptable access routes/methods and staging areas.</p> <p>h. Biological Monitoring and Reporting. The qualified monitoring biologist shall inspect/monitor the proposed project construction area in accordance with the approved Biological Construction Mitigation/Monitoring Exhibit. This may be limited to pre- and post-maintenance inspections, weekly visits, or full-time monitoring, as determined by the qualified monitoring biologist and Mitigation Monitoring Coordination.</p>		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility		
	<p>The qualified monitoring biologist shall document monitoring events via a Consultant Site Visit Record. This record shall be sent to the project manager each month, and the project manager shall forward copies to Mitigation Monitoring Coordination. However, if weekly reports are submitted as part of a separate agency permit requirement, these reports may be forwarded to Mitigation Monitoring Coordination in place of Consultant Site Visit Record submittals.</p> <p>If no deviations from the construction site plan occur during maintenance, no additional documentation is required. However, if deviations from the site plan do occur, such as unanticipated impacts to sensitive vegetation communities or unanticipated discharge of pollutants, a Final Monitoring Report shall be prepared within 3 months following the completion of mitigation monitoring detailing maintenance and monitoring that occurred and any remedial or compensatory measures taken.</p>				
	<p><b>MM BIO 5.3-3 Sensitive Vegetation Communities and Jurisdictional Aquatic Resources Impacts Mitigation.</b> Any direct impacts to sensitive vegetation communities or jurisdictional aquatic resources would require mitigation to comply with City of San Diego, state and/or federal authorizations, in accordance with the City of San Diego's ratios described in the following table (Mitigation Ratios for Potential Impacts to Sensitive Vegetation Communities and Jurisdictional Aquatic Resources within the Proposed Project), as well as the ratios defined in any state and/or federal permit(s) issued for the project.</p> <table border="1" data-bbox="354 1388 1068 1442"> <thead> <tr> <th data-bbox="354 1388 1068 1442">Mitigation Ratios for Potential Impacts to Sensitive Vegetation Communities and Jurisdictional Aquatic Resources within the Proposed Project</th> </tr> </thead> <tbody> <tr> <td data-bbox="354 1442 1068 1442"></td> </tr> </tbody> </table>	Mitigation Ratios for Potential Impacts to Sensitive Vegetation Communities and Jurisdictional Aquatic Resources within the Proposed Project		<p>These mitigation measures will be included in a future General Development Plan for De Anza Cove.</p>	<p>City staff, including staff from: City Planning Department; Development Services Department; Engineering and Capital Projects Department; and Parks and Recreation Department.</p>
Mitigation Ratios for Potential Impacts to Sensitive Vegetation Communities and Jurisdictional Aquatic Resources within the Proposed Project					

Potential Significant Impact	Mitigation Measure					Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	General Vegetation Type (Holland/Oberbauer Code)	SDBG Vegetation Community	Jurisdiction	Project Component where Resource is Present	SDBG Required Mitigation Ratio (in COZ)		
	Disturbed Freshwater Marsh (52410)	Freshwater Marsh	U/R/C/CC	MBTAG	4:1		
	Southern Coastal Salt Marsh (52120)	Salt Marsh	U/R/C/CC	KFMR/NWP	4:1		
	Open Water (64100)	Natural Flood Channel/Marine Habitat	U/R/C/CC	Expanded Marshland Habitat, De Anza Cove area	2:1		
	Eelgrass beds (64122)	Eelgrass beds <sup>1</sup>	U/R/C/CC	Expanded Marshland Habitat, De Anza Cove area	2:1		
	Tidal Channel (64112)	Marine Habitat	U/R/C/CC	KFMR/NWP	2:1		
	Salt Panne (64300)	Salt Panne	U/R/C/CC	KFMR/NWP	4:1		
	Mudflat (64300)	Marine Habitat	U/R/C/CC	KFMR/NWP	2:1		
	Disturbed Wetland (Arundo) (11200)	Disturbed Wetland	U A/R/C/CC	MBTAG	2:1		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>Notes: C = CDFW Jurisdictional; CC = CCC Jurisdictional; COZ = Coastal Overlay Zone; KFMR/NWP = Kendall-Frost Marsh Reserve/Northern Wildlife Preserve; MBTAG = Mission Bay Tennis Center, Athletic Fields, and Golf Course; R = RWQCB Jurisdictional; SDBG = San Diego Biological Guidelines; U = USACE Jurisdictional</p> <p><sup>1</sup> At least 1:1 creation mitigation for impacts to eelgrass must occur within Mission Bay to the greatest extent feasible.</p> <ol style="list-style-type: none"> <li>1. Potential direct impacts to sensitive vegetation communities, including jurisdictional aquatic resources, resulting from project implementation shall be mitigated through one of the following three options: <ol style="list-style-type: none"> <li>a. Project compensatory mitigation for proposed impacts to sensitive vegetation communities, including jurisdictional aquatic resources, shall be provided through in-kind and on-site creation, enhancement, and/or restoration.</li> <li>b. Compensatory mitigation requirements that are not able to be satisfied through on-site creation, enhancement, and/or restoration shall be satisfied through the acquisition of mitigation bank credits via a resource agency-approved mitigation site within the Peñasquitos Watershed or by acquisition of other approved off-site mitigation credits. Prior to implementation of project construction impacts that would require compensatory mitigation, documentation demonstrating the availability of mitigation credits (i.e., credit ledger) at the approved mitigation site must be submitted to the Assistant Deputy Director Environmental Designee for confirmation.</li> <li>c. If credits are not available at a resource agency-approved mitigation site within the Peñasquitos Watershed or through other approved off-site mitigation credits, implementation of habitat creation, restoration, enhancement, and/or preservation would occur through an approved Habitat Mitigation and Monitoring Plan. Under this option, as well as under option a, a Habitat Mitigation and Monitoring Plan shall be provided and prepared in accordance</li> </ol> </li> </ol>		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>with the City of San Diego's Municipal Code, Land Development Code—Biology Guidelines. Mitigation shall conform with the Land Development Code—Biology Guidelines, including definitions for creation, restoration, enhancement, and acquisition identified under Environmentally Sensitive Lands regulations; satisfaction of no net loss; timing in relation to proposed project impacts; and generally, with federal and state mitigation requirements.</p> <p>When proposed mitigation involves habitat enhancement, restoration or creation, the Habitat Mitigation and Monitoring Plan shall include all of the following information:</p> <ul style="list-style-type: none"> <li>• Conceptual planting plan including planting zones, grading, and irrigation</li> <li>• Seed mix/planting palette</li> <li>• Planting specifications</li> <li>• Monitoring program including success criteria</li> <li>• Long-term maintenance and preservation plan</li> </ul> <p>For mitigation that involves habitat acquisition, the Habitat Mitigation and Monitoring Plan shall include all of the following:</p> <ul style="list-style-type: none"> <li>• Location of proposed acquisition</li> <li>• Description of the biological resources to be acquired, including support for the conclusion that the acquired habitat mitigates for the specific maintenance impact</li> <li>• Documentation that the mitigation area would be adequately preserved and maintained in perpetuity</li> </ul> <p>The identification of mitigation site credits shall be provided to the Environmental Designee and shall include the following:</p> <ul style="list-style-type: none"> <li>• Location of approved mitigation site</li> </ul>		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<ul style="list-style-type: none"> <li>• Description of the mitigation credits to be acquired, including support for the conclusion that the acquired habitat mitigates for the specific maintenance impact</li> <li>• Documentation of the credits that are associated with a mitigation bank, which has been approved by the appropriate resource agencies</li> <li>• Documentation in the form of a current mitigation credit ledger</li> </ul>		
	<p><b>MM BIO 5.3-4 Eelgrass Beds Creation.</b> Potential direct impacts to eelgrass beds caused by placement of fill material within Mission Bay shall be mitigated in accordance with the requirements of the resource agencies and the City of San Diego. The City of San Diego shall require a mitigation ratio of 2:1, in accordance with the City of San Diego's Municipal Code, Land Development Code—Biology Guidelines (see table in MM BIO 5.3-3). In addition, at a minimum, the no net loss creation mitigation (1:1) for eelgrass beds habitat shall be required to occur within Mission Bay itself per the Mission Bay Park Natural Resource Management Plan to the greatest extent feasible.</p> <p>Creation mitigation for potential direct impacts to eelgrass beds resulting from project implementation shall be achieved through replanting of the submerged areas surrounding the expanded marshland habitat in Mission Bay where, as a result of project fill activities to create the marshland habitat, water levels shall be raised to depths suitable for eelgrass establishment.</p> <p>An associated Habitat Mitigation and Monitoring Plan shall be provided or prepared in accordance with the Land Development Code—Biology Guidelines for this creation mitigation and shall include all of the following information:</p>	<p>These mitigation measures will be included in a future General Development Plan for De Anza Cove.</p>	<p>City staff, including staff from: City Planning Department; Development Services Department; Engineering and Capital Projects Department; and Parks and Recreation Department.</p>



Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<ul style="list-style-type: none"> <li>• Planting specifications, including channel bottom elevations</li> <li>• Planting would be scheduled during low energy tides (late summer–early fall)</li> <li>• Monitoring program, including post-project surveys and success criteria</li> <li>• Long-term maintenance and preservation plan</li> </ul>		
	<p><b>MM BIO 5.3-5 Upland Habitat Restoration in Temporary Impact Areas.</b> Temporary direct impact to upland habitat areas shall be restored to pre-construction topographic contours and conditions, including the revegetation of native plant communities, where appropriate. Habitat restoration and erosion control treatments shall be installed within these short-term impact areas, in accordance with the City of San Diego’s Municipal Code, Land Development Code—Biology Guidelines, Multiple Species Conservation Program Subarea Plan, and the City of San Diego’s Municipal Code, Land Development Code—Landscape Standards. Habitat revegetation shall feature native species that are typical of the area, and associated erosion control best management practices shall include silt fence and microplastic- and weed-free straw fiber rolls, where appropriate. The revegetation areas shall be monitored and maintained for 25 months to ensure adequate establishment and sustainability of the plantings/seedings.</p> <p>Where a proposed project activity involves potential disturbance of non-native invasive plant species (as identified by the California Invasive Plant Council), these plants shall be entirely removed where feasible, and the removal shall be monitored by the qualified monitoring biologist to ensure that dispersal of propagules (e.g., seeds, stems, etc.) are avoided or minimized. Where removal of plant roots is not feasible (e.g., where erosive flows are predicted), aboveground plant material shall be fully removed and monitored by the qualified monitoring biologist. Where</p>	<p>These mitigation measures will be included in a future General Development Plan for De Anza Cove.</p>	<p>City staff, including staff from: City Planning Department; Development Services Department; Engineering and Capital Projects Department; and Parks and Recreation Department.</p>

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility																								
	aboveground plant material cannot be removed (e.g., due to limited access), herbicides shall be applied by a licensed pest control advisor, using chemicals permitted as safe within aquatic environments.																										
	<p><b>MM BIO 5.3-6 Pre-Construction Hydroacoustic Study.</b> Prior to subsequent project-level approval and prior to any construction activities within the waters of Mission Bay, a hydroacoustic study would be required to determine if the activities have potential to generate sound exposure level exceeding the thresholds described in the following table, Summary of Potentially Significant In-Water Sound Exposure Level Indirect Impacts.</p> <table border="1" data-bbox="358 989 1068 1272"> <thead> <tr> <th colspan="4" data-bbox="358 989 1068 1045">Summary of Potentially Significant In-Water Sound Exposure Level Indirect Impacts</th> </tr> <tr> <th data-bbox="358 1045 527 1146">Impact Threshold Type</th> <th data-bbox="527 1045 686 1146">SEL Impact Threshold for Marine Fish (dB)<sup>1</sup></th> <th data-bbox="686 1045 846 1146">SEL Impact Threshold for Marine Mammals (dB<sub>rms</sub>)<sup>1</sup></th> <th data-bbox="846 1045 1068 1146">SEL Impact Threshold for Green Turtles (dB<sub>rms</sub>)<sup>1</sup></th> </tr> </thead> <tbody> <tr> <td data-bbox="358 1146 527 1178">Peak</td> <td data-bbox="527 1146 686 1178">206</td> <td data-bbox="686 1146 846 1178">—</td> <td data-bbox="846 1146 1068 1178">—</td> </tr> <tr> <td data-bbox="358 1178 527 1209">Accumulated<sup>2</sup></td> <td data-bbox="527 1178 686 1209">187</td> <td data-bbox="686 1178 846 1209">—</td> <td data-bbox="846 1178 1068 1209">—</td> </tr> <tr> <td data-bbox="358 1209 527 1241">Impact</td> <td data-bbox="527 1209 686 1241">—</td> <td data-bbox="686 1209 846 1241">160</td> <td data-bbox="846 1209 1068 1241">166</td> </tr> <tr> <td data-bbox="358 1241 527 1272">Vibratory</td> <td data-bbox="527 1241 686 1272">—</td> <td data-bbox="686 1241 846 1272">120</td> <td data-bbox="846 1241 1068 1272">166</td> </tr> </tbody> </table> <p data-bbox="358 1272 1068 1318">Notes: dB = decibels; dB<sub>rms</sub> = decibel root mean square; SEL = sound exposure level Source: Markel &amp; Associates 2017</p> <p data-bbox="358 1318 1068 1360"><sup>2</sup> Accumulated SEL is derived from the number of pile strikes (SEL<sub>cumulative</sub> = SEL + 10*log(#strikes) as such, the starting SEL would dictate the number of pile strikes possible prior to exceeding the threshold of 187dB SEL<sub>cumulative</sub></p> <p data-bbox="358 1360 1068 1465">1. If evidence from the study determines that construction activities would result in sound exposure level that would cause indirect hydroacoustic impacts on marine species through exceedance of approved thresholds in the table above, implementation of the</p>	Summary of Potentially Significant In-Water Sound Exposure Level Indirect Impacts				Impact Threshold Type	SEL Impact Threshold for Marine Fish (dB) <sup>1</sup>	SEL Impact Threshold for Marine Mammals (dB <sub>rms</sub> ) <sup>1</sup>	SEL Impact Threshold for Green Turtles (dB <sub>rms</sub> ) <sup>1</sup>	Peak	206	—	—	Accumulated <sup>2</sup>	187	—	—	Impact	—	160	166	Vibratory	—	120	166	These mitigation measures will be included in a future General Development Plan for De Anza Cove.	City staff, including staff from: City Planning Department; Development Services Department; Engineering and Capital Projects Department; and Parks and Recreation Department.
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Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>measures below would reduce the potential impacts to levels less than significant:</p> <ol style="list-style-type: none"> <li>a. A City biologist would monitor for the presence of marine species, including green sea turtles, within 500 feet of the work site during construction activities in Mission Bay with potential to generate sound exposure level above the impact thresholds (e.g., pile driving) in order to limit the potential for exposure of the animals. If a marine species subject to the thresholds described above is identified within the 500-foot buffer during construction activities, the biologist will direct crews to halt work until the animal has moved outside the buffer.</li> <li>b. To the extent feasible, a vibratory hammer shall be used for pile driving during construction. In addition, sound exposure level reduction measures shall be utilized during all work in Mission Bay with potential to generate hydroacoustic effects on marine resources. These measures would include placing a nylon or wooden block between the impact hammer and piles during pile driving to reduce sound exposure level generated by the hammer strikes or "soft start" approaches to encourage marine species to leave the area surrounding work before full sound exposure level are generated.</li> </ol> <p>If evidence from the study determines that no significant exceedances of sound exposure level that would affect marine resources are anticipated from the proposed construction activities, no mitigation measures would be necessary.</p>		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
<p><b>Issue 2: Impacts to Sensitive Habitat or Other Sensitive Natural Community</b></p> <p>Implementation of the project would have a substantial adverse impact on Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines of the Land Development manual or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. Impacts would be potentially significant.</p>	<p>See MM BIO 5.3-2 through MM BIO 5.3-5.</p>	<p>These mitigation measures will be included in a future General Development Plan for De Anza Cove.</p>	<p>City staff, including staff from: City Planning Department; Development Services Department; Engineering and Capital Projects Department; and Parks and Recreation Department.</p>

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
<p><b>Issue 3: Impacts to Wetlands</b> Implementation of the project would result in substantial adverse impact on wetlands (including but not limited to marsh, vernal pool, and riparian) through direct removal, filling, hydrological interruption, or other means. Impacts would be potentially significant.</p>	<p>See MM BIO 5.3-2 through MM BIO 5.3-5.</p>	<p>These mitigation measures will be included in a future General Development Plan for De Anza Cove.</p>	<p>City staff, including staff from: City Planning Department; Development Services Department; Engineering and Capital Projects Department; and Parks and Recreation Department.</p>
<p><b>Issue 4: Introduction of Invasive Species.</b> Implementation of the project could introduce invasive species of plants into a natural open space area. Impacts would be potentially significant.</p>	<p>See MM BIO 5.3-5.</p>	<p>These mitigation measures will be included in a future General Development Plan for De Anza Cove.</p>	<p>City staff, including staff from: City Planning Department; Development Services Department; Engineering and Capital Projects Department; and Parks and Recreation Department.</p>

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
<b>HAZARDS AND HAZARDOUS MATERIALS</b>			
<p><b>Issue 5: Encountering Contaminated Soil</b>  The project could potentially result in encountering contaminated soil during grading and excavation, which could result in adverse health and safety impacts to on-site construction/grading personnel, as well as cross-contamination in the event that contaminated soil is placed as fill in currently uncontaminated areas. Impacts would be potentially significant.</p>	<p><b>MM HAZ 5.5-1 Electrical Transformers.</b> Prior to any demolition, construction, or grading activities in project areas containing electrical transformers, construction contractors shall test all on-site electrical transformers for the presence of polychlorinated biphenyls. If polychlorinated biphenyls are detected, hazards and hazardous materials measures shall be implemented per federal and state regulatory requirements until the electrical transformers are removed and disposed of properly.</p>	<p>These mitigation measures will be included in a future General Development Plan for De Anza Cove.</p>	<p>City staff, including staff from: Development Services Department; Engineering and Capital Projects Department.</p>
	<p><b>MM HAZ 5.5-2 Soil Sampling.</b> Prior to any demolition, construction, or grading activities in areas of documented soil staining and contaminated soil, including in the vicinity of the former De Anza Cove mobile home park Boneyard, former Campland on the Bay area underground storage tanks,</p>	<p>These mitigation measures will be included in a future General</p>	<p>City staff, including staff from: Development Services Department;</p>

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	Mission Bay Golf Course hydraulic lift, and electrical transformers, construction contractors shall complete soil sampling to determine whether contamination is present. If elevated concentrations of contaminants (e.g., petroleum compounds, metals, hazardous waste) are present in on-site soils, contaminated soil shall be removed and disposed in accordance with requirements of the County of San Diego Department of Environmental Health and Quality Land and Water Quality Division Site Assessment and Mitigation Program, which is the local Certified Unified Program Agency regarding investigation and cleanup of contaminated sites.	Development Plan for De Anza Cove.	Engineering and Capital Projects Department.
	<b>MM HAZ 5.5-3 Contingency Plan.</b> Prior to the issuance of any demolition, construction, or grading permits, the project engineer shall ensure that a hazardous material contingency plan is prepared and reviewed to specify procedures for the management of potentially impacted soil (and groundwater) encountered during project construction or demolition. If elevated concentrations of contaminants are detected (i.e., soil discoloration, odor, petroleum sheen, positive photoionization detector readings) in on-site soils during grading and excavation, contaminated soil shall be removed and disposed of in accordance with requirements by the County of San Diego Department of Environmental Health and Quality Land and Water Quality Division Site Assessment and Mitigation Program.	These mitigation measures will be included in a future General Development Plan for De Anza Cove.	City staff, including staff from: Development Services Department; Engineering and Capital Projects Department.
	<b>MM HAZ 5.5-4 Chemical Disposal and Storage.</b> Prior to any demolition, construction, or grading activities in project areas containing chemicals, any chemicals and potentially hazardous debris in the project area due to prior site use and/or project construction shall be properly characterized and disposed of by City staff or construction contractors in accordance with applicable local, state, and federal guidelines and regulations. All hazardous materials stored and used during construction, including but	These mitigation measures will be included in a future General Development Plan for De Anza Cove.	City staff, including staff from: Development Services Department; Engineering and Capital Projects Department.

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	not limited to fuels, batteries, petroleum products, cleaners, disinfectants, lubricants, and refuse, shall be stored with secondary containment to avoid contaminating the project area.		
<b>HISTORICAL, ARCHAEOLOGICAL, AND TRIBAL CULTURAL RESOURCES</b>			
<p><b>Issue 6: Prehistoric or Historic Archaeological Resources, Sacred Sites, and Human Remains</b></p> <p>Ground-disturbing activities associated with future construction of the project would be located in or near culturally sensitive areas in the northeastern segment of the golf course and northwestern extent of the KFMR/NWP, including unknown resource discoveries during excavation into native soils, and could result in</p>	<p><b>MM HIST 5.6-1 Prehistoric and Historic Archaeological Resources, Sacred Sites, Human Remains, and Tribal Cultural Resources</b> Prior to issuance of any permit for a future development project implemented in accordance with the proposed project that could directly affect an archaeological or Tribal Cultural Resource in the areas depicted on Figure 5.6-1, Sensitivity Map, including habitat restoration areas, the City of San Diego shall require that the following steps be taken based on the project scope to determine (1) the presence of archaeological or Tribal Cultural Resources and (2) the appropriate level of analysis or mitigation for any significant resources that may be impacted by a development activity. Sites may include but not be limited to privies, trash pits, building foundations, and industrial features representing the contributions of people from diverse socioeconomic and ethnic backgrounds. Resources may also include sites associated with prehistoric Native American activities.</p> <p>Initial Determination</p> <p>The environmental analyst shall determine the likelihood for the project area to contain archaeological or Tribal Cultural Resources by reviewing the site photographs and existing historic information (e.g., Archaeological Sensitivity Maps, the Archaeological Map Book, and the California Historical Resources Inventory Database, South Coastal Information Center records, and the City's Historical Inventory of Important Architects, Structures, and People in San Diego) and may conduct a site visit. A Cultural Resources Sensitivity Map was created</p>	<p>These mitigation measures will be included in a future General Development Plan for De Anza Cove.</p>	<p>City staff, including staff from: City Planning Department; Development Services Department; and Engineering and Capital Projects Department.</p>



Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
<p>impacts to prehistoric and historic archaeological resources, sacred sites, and human remains, including those interred outside formal cemeteries. This impact would be potentially significant.</p>	<p>from the record search data obtained through the California Historical Resources Inventory System for use as a management tool to aid in the review of future projects within the project area that depicts two levels of sensitivity (Figure 5.6-1). Review of this map shall be done at the initial planning stage of a specific project to ensure that cultural resources are avoided and/or impacts are minimized in accordance with the Historical Resources Guidelines. The Cultural Resources Sensitivity Map, which is not part of any federal or state law, identifies areas of low and moderate cultural resources sensitivity. Areas with low sensitivity do not require further analysis or mitigation. Areas with moderate sensitivity contain recorded cultural resources or have the potential for resources to be encountered, or the significance of the cultural resources within these areas is not known. If there is any evidence that the project area contains archaeological or Tribal Cultural Resources, then an archaeological evaluation consistent with the City's Guidelines shall be required. All individuals conducting any phase of the archaeological evaluation program must meet professional qualifications in accordance with the City's Historical Resources Guidelines.</p> <p>Step 1 Based on the results of the initial determination, if there is evidence that the project area contains archaeological resources or is located within a moderate sensitivity area, preparation of an evaluation report shall be required. The evaluation report could generally include background research, field survey, archaeological testing, and analysis. Before field reconnaissance occurs, background research shall be required that shall include a record search at the South Coastal Information Center at San Diego State University. A review of the Sacred Lands File maintained by the California Native American Heritage Commission shall also be</p>		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>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>Once background research is complete, a field reconnaissance shall be conducted by individuals whose qualifications meet City of San Diego standards. Consultants are encouraged to employ innovative survey techniques when conducting enhanced reconnaissance, including but not limited to remote sensing, ground-penetrating radar, human remains detection canines, lidar, and other soil resistivity techniques as determined on a case-by-case basis by the Tribal representative during the project-specific Assembly Bill 52 consultation process. Native American participation is required for field surveys when there is likelihood that the project area contains prehistoric archaeological resources or Tribal Cultural Resources. If, through background research and field surveys, resources are identified, then an evaluation of significance, based on the City Guidelines, shall be performed by a qualified archaeologist.</p> <p><b>Step 2</b></p> <p>Where a recorded archaeological site or Tribal Cultural Resource (as defined in the California Public Resources Code) is identified, the City of San Diego shall initiate consultation with identified California Native American Tribes pursuant to the provisions in California Public Resources Code, Sections 21080.3.1 and 21080.3.2, in accordance with Assembly Bill 52. During the consultation process, Tribal representatives shall be involved in making recommendations regarding the significance of a Tribal Cultural Resource that could also be a prehistoric archaeological site. A testing program may be recommended that requires re-evaluation of the project in consultation with the Native American representative,</p>		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>which could result in a combination of project redesign to avoid and/or preserve significant resources, as well as mitigation in the form of data recovery and monitoring (as recommended by the qualified archaeologist and Native American representative). The archaeological testing program, if required, shall include evaluating the horizontal and vertical dimensions of a site, 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 of San Diego's Historical Resources Guidelines. Results of the consultation process shall 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 City of San Diego's Historical Resources Guidelines. If significant historical resources are identified within the area of potential effect, the site may be eligible for local designation. However, this process shall not proceed until Tribal consultation has been concluded and an agreement is reached (or not reached) regarding significance of the resource and appropriate mitigation measures are identified. The final testing report shall be submitted to Historical Resources Board staff for designation.</p> <p>An agreement with each consulting Tribe on the appropriate form of mitigation shall be required prior to distribution of a draft environmental document prepared for the proposed project. If no significant resources are found and site conditions are such that there is no potential for further discoveries, then no further action shall be required. Resources found to be non-significant as a result of a survey and/or assessment shall require no further work beyond documentation of the resources on the appropriate California Department of Parks and Recreation site</p>		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>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 that there is still the potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring shall be required.</p> <p>Step 3 Per the City's Historical Resources Guidelines, the preferred mitigation for archaeological resources is to avoid and preserve 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 feasible, a Research Design and Archaeological 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 shall be determined through the Tribal consultation process and incorporated into the overall data recovery program, where applicable, or project-specific mitigation measures incorporated into the project. The data recovery program shall be based on a written research design and subject to the provisions as outlined in California Environmental Quality Act Guidelines, Section 15126.4(b)(3)(C-D). The data recovery program must be reviewed and approved by the City's assigned environmental analyst prior to distribution of a draft environmental document for subsequent activities consistent with the project 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</p>		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>recovered prior to grading due to obstructions such as existing development or dense vegetation.</p> <p>A Native American observer shall be retained for all subsurface investigations, including geotechnical testing and other ground-disturbing activities whenever a Tribal Cultural Resource or any archaeological site located on City of San Diego property, or within the area of potential effect of a City of San Diego project, would be impacted. In the event that human remains are encountered during data recovery and/or a monitoring program, the provisions of California Public Resources Code, Section 5097.98, shall 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 California Public Resources Code, Section 5097.98; California Health and Safety Code, Section 7050.5; and applicable federal, state, and local regulations shall be followed. These procedures shall be outlined in the 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 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, Historical Resources Consultant Qualifications, of the City of San Diego's Historical Resources Guidelines. The discipline shall be tailored to the resource under evaluation. In cases involving complex</p>		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>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 shall be necessary for a complete evaluation. Specific types of historical resource reports are required to document the methods (see Section III of the City of San Diego's Historical Resources Guidelines) used to determine the presence or absence of historical resources; to identify the potential impacts from proposed development and evaluate the significance of any identified historical resources; to document the appropriate curation of archaeological collections (e.g., collected materials and the associated records); in the case of potentially significant impacts to historical resources, to recommend appropriate mitigation measures that would reduce the impacts to below a level of significance; and to document the results of mitigation and monitoring programs if required.</p> <p>Archaeological Resource Management Reports shall be prepared in conformance with the California Office of Historic Preservation's Archaeological Resource Management Reports: Recommended Contents and Format (see Appendix C of the City of San Diego's Historical Resources Guidelines), which will be used by City of San Diego staff in the review of archaeological resource reports. Consultants must ensure that Archaeological Resource Management Reports are prepared consistent with this checklist. This requirement shall standardize the content and format of all archaeological technical reports submitted to the City of San Diego. A confidential appendix must be submitted (under separate cover), along with Archaeological Resource Management 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</p>		

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	<p>artifacts, which 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 of San Diego. Appendix D, Historical Resources Report Form, of the City of San Diego's Historical Resources Guidelines 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, 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 shall be required in accordance with the project's Mitigation Monitoring and Reporting Program. 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 [Coto] and California Native American Graves Protection and Repatriation Act of 2001 [California Health and Safety Code, Sections 8010-8011]) and federal (i.e., federal Native American Graves Protection and Repatriation Act [USC 3001-3013]) law and must be treated in a dignified and culturally appropriate manner with respect for the deceased individuals 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>		

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<p>Arrangements for long-term curation of all recovered artifacts must be established between the applicant/property owner and the consultant prior to the initiation of the field reconnaissance. When Tribal Cultural Resources are present, or non-burial-related artifacts associated with Tribal Cultural Resources are suspected to be recovered, the treatment and disposition of such resources shall 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 Collections (dated May 7, 1993) and, if federal funding is involved, the Code of Federal Regulations, Title 36, Part 79. Additional information regarding curation is provided in Section II of the City of San Diego's Historical Resources Guidelines.</p>		
<p><b>Issue 7: Tribal Cultural Resources</b> Implementation of the project could result in ground-disturbing activities that would be located in or near culturally sensitive areas important to Native American Tribes and could result in impacts to TCRs. This impact would be potentially significant.</p>	<p>See MM HIST 5.6-1.</p>	<p>These mitigation measures will be included in a future General Development Plan for De Anza Cove.</p>	<p>City staff, including staff from: City Planning Department; Development Services Department; and Engineering and Capital Projects Department.</p>



Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
<b>NOISE</b>			
<p><b>Issue 8: Temporary Construction Noise</b>  Project grading and paving activities would potentially exceed the City's Noise Abatement and Control Ordinance standard for construction (75 dBA Leq12-hr) in City's Municipal Code, Section 59.5.0404, by approximately 3 dB when these activities take place adjacent to noise-sensitive receptors (residences and the school's recreational facilities north of the project area). Impacts would be potentially significant.</p>	<p><b>MM NOI 5.8-1 Construction Noise Best Management Practices.</b> During construction of future development within the proposed project area, construction contractors for the project shall implement the following measures to minimize short-term noise levels caused by construction activities. Measures to reduce construction noise shall be included in contractor specifications and shall include but not be limited to the following:</p> <ul style="list-style-type: none"> <li>A.) Properly outfit and maintain construction equipment with manufacturer-recommended noise reduction devices to minimize construction-generated noise.</li> <li>B.) Operate all diesel equipment with closed engine doors and equip the equipment with factory-recommended mufflers.</li> <li>C.) Employ additional noise attenuation techniques, as needed, to reduce excessive noise levels and bring construction noise into compliance with the City of San Diego's Municipal Code, Section 59.5.0404. Such techniques may include but not be limited to the construction of temporary sound barriers or sound blankets between construction sites and nearby noise-sensitive receptors.</li> <li>D.) Notify in writing adjacent noise-sensitive receptors within 2 weeks of any construction activity, such as jackhammering, concrete sawing, asphalt removal, and largescale grading operations, that would occur within 150 feet of the property line of the nearest noise-sensitive receptor. The extent and duration of the construction activity shall be included in the notification.</li> <li>E.) Designate a "disturbance coordinator" who shall be responsible for receiving and responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the</li> </ul>	<p>These mitigation measures will be included in a future General Development Plan for De Anza Cove.</p>	<p>City staff, including staff from:  Development Services Department;  Engineering and Capital Projects Department.</p>

Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	noise complaint and, if identified as a sound generated by construction area activities, shall require that reasonable measures, such as providing sound barriers or sound blankets between construction sites and the receptor location, locating noisy equipment as far from the receptor as possible, and/or reducing the duration of the noise-generating construction activity, be implemented to correct the problem.		

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Passed by the Council of The City of San Diego on MAY 14 2024, 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"/>
Henry L. Foster III	<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"/>
Kent Lee	<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 MAY 20 2024.

**(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)

DIANA J.S. FUENTES  
City Clerk of The City of San Diego, California.

By Linda Krvin, Deputy  
For Gilbert Sanchez

Office of the City Clerk, San Diego, California

Resolution Number R- 315535