

RESOLUTION NUMBER R- 311380

DATE OF FINAL PASSAGE NOV 09 2017

ITEM # 200A

10/30/17

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION, MONITORING, AND REPORTING PROGRAM FOR THE AMENDMENT TO THE SERRA MESA COMMUNITY PLAN – PROJECT NO. 265605.

WHEREAS, the City of San Diego is considering the approval and adoption of an amendment to the Serra Mesa Community Plan (Project); and

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

WHEREAS, the issue was heard by the City Council on October 30, 2017; and

WHEREAS, the City Council considered the issues discussed in the Final Environmental Impact Report SCH No. 2012011048 (Report) prepared for this Project; NOW, THEREFORE,

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

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

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


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

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Planning Department, 1010 Second Avenue, East Tower, Suite 1200, San Diego, CA 92101.

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

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
Keely M. Halsey  
Deputy City Attorney

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 30 2017.

By

Deputy City Clerk

Approved:

11/7/17

(date)

KEVIN L. FAULCONER, Mayor

**Vetoed:**

(date)

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Passed by the Council of The City of San Diego on OCT 30 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 09 2017

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

AUTHENTICATED BY:

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

(Seal)

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

By Hy Ready, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 311380

**EXHIBIT A**  
**CANDIDATE FINDINGS**  
**FINAL ENVIRONMENTAL IMPACT REPORT**  
**FOR THE**  
**SERRA MESA COMMUNITY PLAN AMENDMENT ROADWAY**  
**CONNECTION**

**PROJECT NUMBER 265605**

**SCH # 2012011048**

**October 2017**

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## I. INTRODUCTION

### A. Findings of Fact

The following Candidate Findings are made for the Serra Mesa Community Plan Amendment (CPA) Roadway Connection Project (hereinafter referred to as the "Project"). The environmental impacts of the Project are addressed in the Final Environmental Impact Report (FEIR) dated August 2017 (State Clearinghouse No. 2012011048), which is incorporated by reference herein.

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

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

- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

These requirements also exist in Section 21081 of the CEQA statute. The "changes or alterations" referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of the project may include a wide variety of measures or actions as set forth in 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 unmitigated impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations must be prepared. The statement provides the lead agency's views on whether the benefits of a project outweigh its unmitigated 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 effects, the adverse environmental effects may be considered "acceptable."

- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed, and considered the FEIR for the Project (State Clearinghouse No. 2012011048) as well as all other information in the Record of Proceedings on this matter, the following Findings are made by the City of San Diego (City) in its capacity as the CEQA lead agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies (as applicable) for the implementation of the Project.

The following Findings have been prepared by the Planning Department as candidate findings to be made by the decision-making body.

#### **B. Record of Proceedings**

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

- The Notice of Preparation dated January 23, 2012, and all other public notices issued by the City in conjunction with the Project;
- The Draft Programmatic EIR, dated April 2016;
- The recirculated DEIR, dated March 2017;
- The FEIR, dated August 2017;
- All written comments submitted by agencies or members of the public during the public review comment periods on the recirculated DEIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the recirculated DEIR and included in the FEIR;

- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in Responses to Comments in the FEIR;
- All documents, studies, environmental impact reports, or other materials incorporated by reference in the recirculated DEIR and the FEIR;
- 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 Statement of Overriding Considerations; and
- Any other relevant materials required to be in the Record of Proceedings by PRC Section 21167.6(e).

#### **C. Custodian and Location of Records**

The documents and other materials that constitute the administrative record for the City's actions related to the Project are located at the City of San Diego, Planning Department, 1010 Second Avenue, 12th Floor, San Diego, CA 92101. The City Planning Department is the custodian of the administrative record for the Project. Copies of these documents, which constitute the Record of Proceedings, are and at all relevant times have been, and will be available upon request at the offices of the City Planning Department. This information is provided in compliance with PRC Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

## **II. PROJECT SUMMARY**

### **A. Project Location**

The project site is located in the Mission Valley and Serra Mesa communities of the City of San Diego. The city of San Diego covers approximately 206,989 acres in southwestern San Diego County, in Southern California. It is bordered on the north by the City of Del Mar, the City of Poway, and unincorporated San Diego County land. On the east, the city of San Diego is bordered by the cities of Santee, El Cajon, La Mesa, and Lemon Grove, as well as unincorporated San Diego County land. To the south, the city of San Diego is bordered by the cities of Coronado, Chula Vista, and National City, and the United States-Mexico border. The Pacific Ocean is located on the city of San Diego's western border.

The project site is immediately south of Phyllis Place, east of Abbotshill Road, and approximately 0.25 mile west of Interstate 805 (I-805). The project site is located within the boundary of the Quarry Falls (Civita) site, and includes undeveloped, primarily disturbed hillside. The project site is also within a San Diego Gas & Electric (SDG&E) easement, which contains an active energy transmission line (four transmission towers) running east-west at the

northern portion of the project site, adjacent to Phyllis Place. A 20-inch gas transmission pipeline is located underground within the vicinity of the transmission line.

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

### **Project Objectives**

As described in Final PEIR Section 3.1, Project Objectives, the Project has been developed to meet the following primary objectives:

- Resolve the inconsistency between the Mission Valley Community Plan and the Serra Mesa Community Plan by providing a multi-modal linkage from Friars Road in Mission Valley to Phyllis Place in Serra Mesa.
- Improve local mobility in the Serra Mesa and Mission Valley planning areas.
- Alleviate traffic congestion and improve navigational efficiency to and from local freeway on- and off-ramps for the surrounding areas.
- Improve emergency access and evacuation route options between the Serra Mesa and Mission Valley planning areas.
- Provide a safe and efficient street design for motorists, cyclists, and pedestrians that minimizes environmental and neighborhood impacts.

### **Project Description**

The proposed project is an amendment to the Serra Mesa Community Plan. The proposed community plan amendment would revise text and figures in the Serra Mesa Community Plan to show a roadway connection from Phyllis Place (in Serra Mesa) southward to the boundary between the Serra Mesa and Mission Valley Community Plan areas. Because construction of the roadway connection was determined to be foreseeable, a project-level analysis was conducted and is included as part of the proposed project.

Implementation of the proposed project would include the construction and operation of a four-lane major street with landscaped median, complete with bicycle lanes and pedestrian pathways, extending from Phyllis Place in Serra Mesa southward to Via Alta and Franklin Ridge Road in Mission Valley.

The proposed roadway connection would extend approximately 460 feet south from Phyllis Place to the intersection of Via Alta/Franklin Ridge Road. It would be classified as a four-lane major street, with an approximately 120-foot right-of-way. The project site evaluated throughout the Recirculated Draft EIR encompasses approximately 2 acres, which includes the area required for grading and drainage improvements for the roadway and associated utilities work. The proposed roadway itself would cover approximately 1.25 acre. The proposed project would require two signalized intersections following construction. One signalized intersection would be

required at the intersection with Phyllis Place, and the other would be located where the proposed roadway would intersect with Franklin Ridge Road/Via Alta.

### III. SUMMARY OF IMPACTS

The proposed project in these findings is the (1) construction and operation of a four-lane major street, complete with bicycle lanes and pedestrian pathways, extending from Phyllis Place in Serra Mesa southward to Via Alta and Franklin Ridge Road in Mission Valley; and (2) an amendment to the Serra Mesa Community Plan. The FEIR concludes that the proposed project will have **no significant impacts** and require no mitigation measures with respect to the following issues:

1. Agricultural and Forestry Resources (Issues 1-5)
2. Biological Resources
  - Jurisdictional Resources (Issue 3)
3. Health and Safety
  - Emergency Evacuation Plan (Issue 6)
4. Mineral Resources (Issue 1)
5. Paleontological Resources
6. Population and Housing
  - Displace Housing (Issue 2)
  - Displace People (Issue 3)
7. Public Services and Facilities (Issue 1)
  - Fire-Rescue Services
  - Police Services
  - Schools
  - Libraries
8. Public Utilities (Issue 1)
  - Wastewater/Sewer
  - Solid Waste
  - Communication Systems

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

1. Land Use
  - Land Use Compatibility (Issue 1)
  - Land Use Plan Consistency (Issue 2)

- Multiple Species Conservation Program (MSCP) Consistency (Issue 3)
  - Community Division (Issue 4)
  - Airport Land Use Compatibility Plan (ALUCP) Consistency (Issue 5)
2. Transportation and Circulation
    - Freeway Ramp Meters (Near-Term scenario [Year 2017]) and Freeway Mainline Segments (Issue 2)
    - Public Access (Issue 5)
    - Alternative Transportation (Issue 6)
  3. Air Quality
    - Air Quality Plan Conformance (Issue 1)
    - Air Quality Standards (Issue 2)
    - Sensitive Receptors (Issue 3)
    - Dust (Issue 4)
    - Odors (Issue 5)
    - Stationary Sources (Issue 6)
  4. Noise
    - Operational (Traffic) Noise Levels (Issues 2 and 3)
    - Future Traffic Noise Levels (Issue 4)
    - Groundborne Vibration and Groundborne Noise (Issue 5)
    - ALUCP/Aircraft Noise Levels (Issue 6)
  5. Biological Resources
    - Wildlife Corridors (Issue 4)
    - Plan Consistency (Issues 5-7)
    - Invasive Species (Issue 8)
  6. Hydrology and Water Quality
    - Runoff (Issue 1)
    - Drainage Patterns (Issue 2)
    - Water Quality (Issues 3 and 4)
  7. Visual Effects and Neighborhood Character
    - Scenic Views (Issue 1)
    - Aesthetics (Issue 2)
    - Neighborhood Character (Issue 3)
    - Visual Resources (Issue 4)
    - Lighting and Glare (Issue 6)
  8. Greenhouse Gases (GHG)
    - GHG Emissions (Issue 1)
    - Plan Consistency (Issue 2)

9. Energy Use
  - Direct energy (Issue 1)
  - Indirect energy (Issue 2)
10. Geologic Conditions
  - Geologic Hazards (Issue 1)
  - Erosion (Issue 2)
  - Unstable Soils (Issue 3)
11. Health and Safety
  - Hazardous Substances Handling (Issue 1)
  - Hazardous Materials Site (Issue 2)
  - Toxic Substances (Issue 3)
  - Designated Airport Influence Area (Issue 4)
  - ALUCP/Safety Zone (Issue 5)
  - Wildland Fire (Issue 7)
12. Population and Housing
  - Direct or Indirect Growth Inducement (Issue 1)
13. Public Services and Facilities (Issue 1)
  - Parks
14. Public Utilities (Issue 1)
  - Water
  - Natural Gas
15. Recreation
  - Increase Park Use (Issue 1)
  - Construct or Expand Existing Parks (Issue 2)

The Final PEIR concludes that the proposed project will have impacts that are considered **significant but will be reduced to less than significant with implementation of mitigation measures.**

1. Transportation and Circulation
  - Roadway Segments and Intersections (Issue 1)
  - Planned Transportation Systems (Issue 3)
2. Noise
  - Construction Noise (Issue 1)
3. Biological Resources
  - Sensitive Species (Issue 1)
  - Sensitive Vegetation Communities (Issue 2)

4. Historical/Tribal Cultural Resources
  - Historical Resources (Issue 1)
  - Religious/Sacred Uses (Issue 2)
  - Tribal Cultural Resources (Issue 3)
  - Human Remains (Issue 4)
5. Visual Effect and Neighborhood Character
  - Landform Alteration (Issue 5)

The FEIR identifies the following direct and cumulatively significant impacts associated with the proposed project that are considered **significant and unmitigated because feasible mitigation measures do not exist or are not sufficient to reduce impacts to less than significant.**

Transportation/Circulation

- Roadway Segments and Intersections (Issue 1)
- Planned Transportation Systems (Issue 3)
- Traffic Hazards (Issue 4)

#### IV. FINDINGS REGARDING SIGNIFICANT IMPACTS

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

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

##### Transportation/Circulation – Roadway Segments and Intersections (Issue 1)

###### Potentially Significant Impacts

The proposed project would result in transportation/circulation impacts related to roadway segments and intersections at the following locations in the Near-Term scenario (Year 2017):

###### a. Roadway Segments

- Phyllis Place, from Franklin Ridge Road to Interstate I-805 southbound (SB) ramps (Impact TRAF-3)
- Phyllis Place, from I-805 SB ramps to I-805 northbound (NB) ramps (Impact TRAF-4)

b. Intersections

- Murray Ridge Road/I-805 NB ramps (Impact TRAF-5)
- Murray Ridge Road/I-805 SB ramps (Impact TRAF-6)
- Qualcomm Way/Friars Road westbound (WB) ramp (Impact TRAF-7)

**Finding**

Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect on Transportation/Circulation (Roadway Segments and Intersections in the Near-Term scenario) as identified in the FEIR.

**Facts in Support of Finding**

In the Near-Term scenario (Year 2017), deteriorated traffic conditions would result in significant environmental impacts at four roadway segments and three intersections with implementation of the proposed project. Mitigation measures **MM-TRAF-3, MM-TRAF-4, MM-TRAF-5, MM-TRAF-6, and MM-TRAF-7**, described below, would reduce the Near-Term significant impacts that would occur along two of the four study area roadway segments (Impact TRAF-3 and Impact TRAF-4) and all three intersections (Impact TRAF-5, Impact TRAF-6, and Impact TRAF-7) to less than significant. (Note, the other two study area roadway segment impacts are Impact TRAF-1 and Impact TRAF-2, which are discussed under "Findings Regarding Infeasible Mitigation Measures".)

**MM-TRAF-3: Phyllis Place, from Franklin Ridge Road to I-805 SB ramps:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, Phyllis Place shall be widened from Franklin Ridge Road to I-805 SB ramps to accommodate five total lanes (three EB and two WB), including a median. The new classification for this segment of Phyllis Place will be a five-lane Major Arterial. Widening must accommodate and maintain any currently existing bike lanes and/or any bike lanes included in the Bicycle Master Plan, and shall be subject to the design guidelines in the City's Street Design Manual.

**MM-TRAF-4: Phyllis Place, from I-805 SB ramps to I-805 NB ramps:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, Phyllis Place shall be restriped from I-805 SB ramps to I-805 NB ramps to accommodate a total of five lanes. Restriping must accommodate and maintain any currently existing bike lanes and/or any bike lanes included in the Bicycle Master Plan, and shall be subject to the design guidelines in the City's Street Design Manual.

**MM-TRAF-5: Murray Ridge Road/I-805 NB ramps:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, at the intersection, in coordination with Caltrans, the NB off-ramp approach shall be restriped, the EB approach shall be restriped, the WB approach shall be reconfigured, and the NB on-ramp approach shall be widened.



**MM-TRAF-6: Murray Ridge Road/I-805 SB ramps:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, at the intersection, the EB approach shall be widened to accommodate two through lanes and an exclusive right-turn lane, the SB on-ramp shall be widened, and the SB off-ramp shall be widened to accommodate one share-through-left lane and two exclusive right-turn lanes.

**MM-TRAF-7: Qualcomm Way/Friars Road WB ramps:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, the Qualcomm Way and Friars Road WB ramps intersection shall be reconfigured with the following improvements: the SB approach shall be widened to accommodate two through lanes and one exclusive right-turn lane; the NB approach shall be restriped to accommodate two through lanes and two left-turn lanes; and the WB onramp shall be widened to accommodate two receiving lanes.

### **Rationale and Conclusion**

Implementation of mitigation measures **MM-TRAF-3** through **MM-TRAF-7** would improve the unacceptable LOS of the impacted roadway segments and intersections to an acceptable LOS by reconfiguring the existing road network. Implementation of these mitigation measures would be assured because it would be incorporated into the Project's Mitigation, Monitoring, and Reporting Program (MMRP), which would be required for compliance by the project developer as a condition of development.

### **Transportation/Circulation – Planned Transportation Systems (Issue 3)**

#### **Potentially Significant Impacts**

The proposed project would result in transportation/circulation impacts related to roadway segments and intersections at the following locations in the Long-Term scenario (Year 2035):

##### **a. Roadway Segments**

- Phyllis Place, from Franklin Ridge Road to I-805 SB ramps (Impact TRA-11)
- Phyllis Place, from I-805 SB ramps to I-805 NB ramps (Impact TRA-12)

##### **b. Intersections**

- Via Alta/Franklin Ridge Road; PM peak hour (Impact TRAF-17)

### **Finding**

Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect on Transportation/Circulation (Roadway Segments and Intersections in the Long-Term scenario) as identified in the FEIR.

## Facts in Support of Finding

In the Long-Term scenario (Year 2035), deteriorated traffic conditions would result in significant environmental impacts at six roadway segments, four intersections, and one freeway ramp meter. Mitigation measures **MM-TRAF-11**, **MM-TRAF-12**, and **MM-TRAF-17**, described below, would reduce Long-Term impacts at two of the six roadway segments (Impact TRAF-11 and Impact TRAF-12), and one of the four intersection impacts (Impact TRAF-17) to less than significant. (Note, the other four study area roadway segment impacts are Impact TRAF-8, Impact TRAF-9, Impact TRAF-10, and Impact TRAF-13, and the other three intersection impacts are Impact TRAF-14, Impact TRAF-15, and Impact TRAF-16, all of which are discussed under "Findings Regarding Infeasible Mitigation Measures". The freeway ramp meter impact is Impact TRAF-18, which is discussed under "Findings Regarding Mitigation Measures, which are the Responsibility of another Agency".)

**MM-TRAF-11: Phyllis Place, from Franklin Ridge Road to I-805 SB ramps:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, Phyllis Place from Franklin Ridge Road to I-805 SB ramp shall be widened to accommodate five total lanes (three EB and two WB), including a median. The new classification for this segment of Phyllis Place will be a five-lane Major Arterial. Widening must accommodate and maintain any currently existing bike lanes and/or any bike lanes included in the Bicycle Master Plan, and shall be subject to the design guidelines in the City's Street Design Manual.

**MM-TRAF-12: Phyllis Place, from I-805 SB ramps to I-805 NB ramps:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, Phyllis Place from I-805 SB ramp to I-805 NB ramp shall be restriped to accommodate five total lanes. Restriping must accommodate and maintain any currently existing bike lanes and/or any bike lanes included in the Bicycle Master Plan, and shall be subject to the design guidelines in the City's Street Design Manual.

**MM-TRA-17: Via Alta and Franklin Ridge Road:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, this intersection shall be reconfigured such that the EB through/right-turn lane will be converted to a left/through/right-turn lane to account for additional EB to NB traffic.

## Rationale and Conclusion

Implementation of the mitigation measures detailed above (**MM-TRAF-11**, **MM-TRAF-12**, and **MM-TRAF-17**) would improve the unacceptable LOS of the impacted roadway segments and intersection to an acceptable LOS by reconfiguring the existing road network. Implementation of these mitigation measures would be assured because it would be incorporated into the Project's MMRP.

## **Noise – Construction Noise (Issue 1)**

### **Potentially Significant Impacts**

Noise from project construction activities would be temporary and would cease at the completion of construction. However, significant impacts could result if construction occurs outside of the hours permitted by the City's Noise Ordinance or at any time within 65 to 125 feet (depending on the phase of construction) of occupied residences. Therefore, impacts associated with construction noise on future occupied residences would be potentially significant and mitigation is required (**Impact NOI-1**).

### **Finding**

Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect on Noise (Construction Noise) as identified in the FEIR.

### **Facts in Support of Finding**

The potentially significant impact to construction noise (**Impact-NOI-1**) can be mitigated to a level below significance through implementation of mitigation measure **MM-NOI-1**, described below, which requires that construction and maintenance activities, except in an emergency, shall be limited to the days and hours permitted in Section 59.5.0404 of the City of San Diego Municipal Code. This measure also requires the construction contractor to develop and implement a noise control plan that may include construction equipment use, construction site speed limits, temporary construction noise barriers, and posting signage prior to the start of any construction activity using heavy construction equipment.

### **MM-NOI-1: Construction Noise Levels**

- All construction and general maintenance activities, except in an emergency, shall be limited to the days and hours permitted in Section 59.5.0404 of the City of San Diego Municipal Code. Outside of these hours, construction personnel shall not be permitted on the job site, and material or equipment deliveries and collections shall not be permitted. The construction contractor shall develop and implement a noise control plan that demonstrates to the City's satisfaction that the Noise Ordinance standard would not be exceeded. The plan may include the following:
  - All construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification.
  - All mobile or fixed construction equipment used on the project that is regulated for noise output by a local, state, or federal agency shall comply with such regulation while in the course of project activity.
  - All construction equipment shall be properly maintained.

- All construction equipment shall be operated only when necessary and shall be switched off when not in use.
- Construction employees shall be trained in the proper operation and use of the equipment.
- Electrical power from the local power grid (as opposed to onsite generators) shall be used to the maximum extent feasible to run compressors, power tools, and similar equipment.
- Stationary equipment, such as generators or compressors, shall be located as far as feasible from noise-sensitive receptors.
- Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.
- Construction site speed limits shall be established and enforced during the construction period.
- The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.
- Temporary construction noise barriers shall be installed as necessary to adequately control noise levels. Barriers may be constructed around specific equipment items or larger work areas as required. Barriers shall be constructed of materials with a minimum sound transmission class (STC) rating of 25 (sound absorptive acoustical panels; acoustical blankets, etc.).
- The project developer and/or its contractor shall prominently post signage at the north and south ends of the project site in a highly visible location, not less than 72 hours prior to the start of any construction activity using heavy construction equipment (e.g., graders, dozer, backhoes). These two signs shall provide the project name, indicate the anticipated dates of construction, and advise that there will be loud noise associated with some construction activities. The signage shall provide a telephone contact number for affected parties to ask questions and/or relay concerns. This signage shall either consist of stand-alone signs or be combined with any other project-related signage at the project boundary, but shall be clearly visible from outside the project site. The project developer shall include this measure in the construction specification documents for the project. Prior to the commencement of heavy construction activities, the project developer and/or its contractor shall submit documentation (including photographs) to the City demonstrating compliance with this measure.

### **Rationale and Conclusion**

Implementation of mitigation measure **MM-NOI-1**, described above, would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance. With the implementation of this measure, and the limited duration of the noise-generating construction period, the temporary increase in ambient noise levels from construction would be less than significant. Implementation of these mitigation measures would be assured because it would be incorporated into the Project's MMRP and enforceable by the City Development Services Department's Code Enforcement.

## **Biological Resources – Sensitive Species (Issue 1)**

### **Potentially Significant Impacts**

Although not observed within the project site, coastal California gnatcatcher, Dulzura pocket mouse, and northwestern San Diego pocket mouse have a moderate potential to occur. The coastal sage scrub within the project site is limited in size and highly disturbed in character, providing relatively few resources for wildlife due to the lack of cover and structural diversity. Additionally, there is no suitable habitat within the project site that would support nesting for the coastal California gnatcatcher. However, construction activities would have the potential to directly affect species that may not be able to disperse from the site. Therefore, impacts would be significant and mitigation would be required (**Impact BIO-1**).

Although there are no trees within the project site, there are trees within the vicinity of the project site. During construction, noise levels may temporarily exceed background levels, potentially resulting in nest abandonment for raptors and other native migratory birds that may utilize trees adjacent to the project site. Therefore, impacts would be significant and mitigation is required (**Impact BIO-2**).

### **Finding**

Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect on Biological Resources (Sensitive Species) as identified in the FEIR.

### **Facts in Support of Finding**

The potentially significant impact to sensitive species and migratory birds (**Impact-BIO-1 and Impact-BIO-2**) can be mitigated to a level below significance through implementation of mitigation measure **MM-BIO-1**, described below. This mitigation measure specifies numerous requirements that shall be adhered to in order to protect biological resources during construction activities. Requirements include that a qualified biological monitor be retained prior to construction that will be responsible for ensuring sensitive species are not directly or indirectly impacted by construction activities. The measure also includes specific requirements before, during, and after construction that the qualified monitor will follow, such as pre-construction surveys, identifying buffers from sensitive resources, and educating construction personnel.

### **MM BIO-1: Sensitive Species and Migratory Birds**

#### **BIOLOGICAL RESOURCE PROTECTION DURING CONSTRUCTION**

##### **I. Prior to Construction**

- A. **Biologist Verification:** The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012) has been

retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.

- B. Preconstruction Meeting: The Qualified Biologist shall attend the preconstruction meeting; discuss the project's biological monitoring program, and arrange to perform any follow-up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. Biological Documents: The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including, but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, MSCP, ESL Regulations, project permit conditions; CEQA, endangered species acts; and/or other local, state or federal requirements.
- D. BCME: The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME), which includes the biological documents in C above. In addition, it shall include: restoration/revegetation plans; plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, barrel cactus recovery and relocation, burrowing owl exclusions), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys; wetland buffers; avian construction avoidance areas/noise buffers/barriers, other impact avoidance areas; and any subsequent requirements determined by the Qualified Biologist and the City's Assistant Deputy Director or the MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. Avian Protection Requirements: To avoid any direct impacts to sensitive, MSCP Covered; listed, threatened, or endangered species, or species in the list of raptors provided on page 12 (Restrictions on Grading) of the Biology Guidelines, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the established breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City MMC for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable state and federal law (e.g., appropriate follow-up surveys, monitoring schedules, construction barriers/buffers) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section or Resident Engineer, and Qualified Biologist shall verify

and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.

- F. Resource Delineation: Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- G. Education: Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers and the flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas).

## II. During Construction

- A. Monitoring: All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. If barrel cactus are identified during construction, they shall be recovered and relocated off the project site to a suitable location. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record. The Consultant Site Visit Record shall be e-mailed to MMC on the first day of monitoring, the first week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.
- B. Subsequent Resource Identification: The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna on site (e.g., flag plant specimens for avoidance during access). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state, or federal regulations have been determined and applied by the Qualified Biologist.

## III. Post Construction Measures

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City Assistant Deputy Director or MMC within 30 days of construction completion.

## **Rationale and Conclusion**

Implementation of the mitigation measure described above (**MM-BIO-1**) would ensure that direct or indirect impacts to sensitive species and migratory birds during construction would be avoided or minimized to the extent feasible by avoiding active nests and any unanticipated disturbance to habitat, flora, and/or fauna onsite. With the implementation of this measure, and the limited duration of the construction period, impacts would be less than significant. Implementation of this mitigation measure would be assured because it would be incorporated into the Project's MMRP.

## **Biological Resources – Sensitive Vegetation Communities (Issue 2)**

### **Potentially Significant Impacts**

The proposed project would directly impact (both temporarily and permanently) a total of approximately 0.25 acre of disturbed coastal sage scrub habitat, a Tier II habitat. Impacts would occur outside the MHPA; therefore, in accordance with the City's Biology Guidelines, a 1:1 mitigation ratio would be required if mitigation occurs within the MHPA, for a total of 0.25 acre. If mitigation is proposed outside the MHPA, a mitigation ratio of 1.5:1 would be required, for a total of 0.38 acre. Direct impacts would be significant and mitigation is required (**Impact BIO-3**).

### **Finding**

Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect on Biological Resources (Sensitive Vegetation Communities) as identified in the FEIR.

### **Facts in Support of Finding**

The potentially significant impact to sensitive vegetation communities (**Impact-BIO-3**) can be mitigated to a level below significance through implementation of mitigation measure **MM-BIO-2**, described below. This mitigation measure requires that off-site mitigation shall be acquired from an approved mitigation bank prior to construction in order to make up for the permanent loss of disturbed coastal sage scrub.

### **MM BIO-2: Coastal Sage Scrub Habitat**

Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, evidence shall be provided that demonstrates a total of 0.25 acre of credit from the San Diego Habitat Acquisition Fund or another approved mitigation bank (such as Marron Valley) has been acquired to mitigate the loss of disturbed coastal sage scrub (Tier II).



## **Rationale and Conclusion**

Implementation of the mitigation measure described above (**MM-BIO-2**) would ensure that direct impacts to sensitive vegetation communities would be avoided, as in-kind mitigation would be provided at an off-site mitigation bank. With the implementation of this measure, and the limited duration of the construction period, impacts would be less than significant. Implementation of this mitigation measure would be assured because it would be incorporated into the Project's MMRP.

## **Historical Resources – Historical Resource (Issue 1), Sacred/Religious Use (Issue 2), Tribal Cultural Resource (Issue 3), and Human Remains (Issue4)**

### **Potentially Significant Impacts**

Although no historical resources were identified within the project site, the project would have the potential to disturb or alter subsurface historical resources, Tribal Cultural Resources, or human remains during construction of the project, as the project site is located within an area of high archaeological sensitivity. Therefore, impacts would be significant and mitigation is required (**Impact HIS-1**).

### **Finding**

Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect on Historical Resources (Historical Resource, Sacred/Religious Use, Tribal Cultural Resource, and Human Remains) as identified in the FEIR.

### **Facts in Support of Finding**

The potentially significant impact (**Impact-HIST-1**) can be mitigated to a level below significance through implementation of mitigation measure **MM-HIST-1**, described below. This mitigation measure requires monitoring by a qualified archaeologist and Native American monitor. These monitors are to attend the pre-construction meeting to determine when and where monitoring will occur, to be present during grading/earthwork activities as necessary, and also outline procedures to follow in the case of a discovery of a resource.

### **MM-HIST-1: Subsurface Archaeological and Tribal Cultural Resources**

#### **I. Prior to Permit Issuance (for projects that include ground disturbance)**

##### **A. Entitlements Plan Check**

1. Prior to issuance of any construction permits including, but not limited to, the first Grading Permit, Demolition Plans/Permits, and Building Plans/Permits, but prior to the first preconstruction (precon) meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for archaeological monitoring and Native American (Kumeyaay) monitoring have

been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification Have Been Submitted to ADD

1. The project's cultural resources consultant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines. If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour Hazardous Waste Operations and Emergency Response training with certification documentation.
2. MMC would provide a letter to the project's cultural resources consultant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the Historical Resources Guidelines.
3. Prior to the start of work, the project's cultural resources must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

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

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the City shall arrange a precon meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American monitor shall attend any grading/excavation-related precon meetings to make comments and/or suggestions concerning the archaeological monitoring program with the CM and/or Grading Contractor.
  - a. If the PI is unable to attend the precon meeting, the City shall schedule a focused precon meeting with MMC, the PI, RE, CM, or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to Be Monitored
  - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has

been reviewed and approved by the Native American (Kumeyaay) consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11 inches x 17 inches) to MMC identifying the areas to be monitored, including the delineation of grading/excavation limits.

- b. The AME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring would occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents that indicate site conditions such as depth of excavation and/or site graded to bedrock, etc. that may reduce or increase the potential for resources to be present.

### III. During Construction

#### A. Monitor(s) Shall Be Present during Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full time during all soil-disturbing and grading/excavation/trenching activities that could result in impacts on archaeological resources as identified on the AME. The CM is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances, Occupational Safety and Health Administration safety requirements may necessitate modification of the AME.
2. Native American (Kumeyaay) consultant/monitor shall determine the extent of their presence during soil-disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American (Kumeyaay) consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Sections III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition—such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or encountering of native soils—that may reduce or increase the potential for resources to be present occurs.
4. The Archaeological Monitor and Native American (Kumeyaay) consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVr). The CSVrs shall be faxed or emailed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.

#### B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil-disturbing activities including, but not limited to, digging, trenching, excavating, or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

#### C. Determination of Significance

1. The PI and Native American (Kumeyaay) consultant/monitor, where Native American resources are discovered, shall evaluate the significance of the resource. If human remains are involved, follow protocol in Section IV below.
  - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
  - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program that has been reviewed by the Native American (Kumeyaay) consultant/monitor, and obtain written approval from MMC. Impacts on significant resources must be mitigated before ground-disturbing activities in the area of discovery would be allowed to resume. Note: If a unique archaeological site is also a historical resource as defined in CEQA, then the limits on the amount(s) that the project may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.
  - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts would be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

#### IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off site until a determination can be made regarding the provenance of the human remains, and the following procedures as set forth in CEQA Section 15064.5(e), California PRC (Section 5097.98), and State HSC (Section 7050.5) shall be undertaken:

##### A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC would notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.

2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate Discovery Site

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

C. If Human Remains Are Determined to Be Native American

1. The Medical Examiner would notify the NAHC within 24 hours. By law, only the Medical Examiner can make this call.
2. The NAHC would immediately identify the person or persons determined to be the MLD and provide contact information.
3. The MLD would contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California PRC, and HSC.
4. The MLD would have 48 hours to make recommendations to the City or representative for the treatment or disposition, with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American human remains would be determined between the MLD and the PI, and, if:
  - a. The NAHC is unable to identify the MLD, or the MLD failed to make a recommendation within 48 hours after being notified by the Commission, or;
  - b. The City or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the City, then,
  - c. In order to protect these sites, the City shall do one or more of the following:
    - 1) Record the site with the NAHC;
    - 2) Record an open space or conservation easement on the site; or
    - 3) Record a document with the County.
  - d. Upon the discovery of multiple Native American human remains during a ground-disturbing land development activity, the City may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures, the human remains and cultural materials buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains Are Not Native American

1. The PI shall contact the Medical Examiner with notification of the historic era context of the burial.
2. The Medical Examiner would determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for interment of the human remains shall be made in consultation with MMC, EAS, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

A. If Night and/or Weekend Work Is Included in the Contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed:
  - a. No Discoveries  
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVr and submit to MMC via fax or email by 8 a.m. of the next business day.
  - b. Discoveries  
All discoveries shall be processed and documented using the existing procedures detailed in Sections III – During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
  - c. Potentially Significant Discoveries  
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Sections III – During Construction and IV – Discovery of Human Remains shall be followed.
  - d. The PI shall immediately contact MMC, or by 8 a.m. of the next business day, to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If Night and/or Weekend Work Becomes Necessary during the Course of Construction

1. The CM shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All Other Procedures Described Above Shall Apply, as Appropriate

VI. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines, that describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring

Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results, or other complex issues, a schedule shall be submitted to MMC establishing agreed-upon due dates and the provision for submittal of monthly status reports until this measure can be met.

- a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
  - b. Recording Sites with State of California Department of Parks and Recreation (DPR)
  - c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the SCIC with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or for preparation of the Final Report.
  3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
  4. MMC shall provide written verification to the PI of the approved report.
  5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

#### B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
3. The cost for curation is the responsibility of the property owner.

#### C. Curation of Artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing, and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American (Kumeyaay) representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
3. When applicable to the situation, the PI shall include written verification from the Native American (Kumeyaay) consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.

**D. Final Monitoring Report(s)**

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC that includes the Acceptance Verification from the curation institution.

**Rationale and Conclusion**

Implementation of the mitigation measure described above (**MM-HIST-1**) would ensure that direct impacts to historical resources, religious/sacred uses, Tribal Cultural Resources, and human remains would be avoided, as a qualified archaeologist and Native American monitor would be present during any construction activities that have the potential to disturb such resources/uses. With the implementation of this measure, and the limited duration of the construction period, impacts would be less than significant. Implementation of this mitigation measure would be assured because it would be incorporated into the Project's MMRP.

**Visual Effects and Neighborhood Character – Landform Alteration (Issue 5)**

**Potentially Significant Impacts**

Construction of the roadway segment could result in the substantial alteration of an existing landform. The project site is on a steep hillside with natural gradients equal to or in excess of 25%, and is, therefore, subject to the City's ESL regulations. The proposed project would entail 43,500 cubic yards of fill and 0 yards of cut. The maximum fill would be approximately 46 feet. Therefore, the project would alter more than 2,000 cubic yards of earth per graded acre and/or result in a change in elevation of a steep hillside from existing grade to proposed grade of more than 5 feet. As such, the proposed project would result in a significant impact related to landform alteration (**Impact VIS-1**).

**Finding**

Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect on Visual Effects and Neighborhood Character (Landform Alteration) as identified in the FEIR.

**Facts in Support of Finding**

The potentially significant impact to landform alteration (**Impact VIS-1**) can be mitigated to a level below significance through implementation of mitigation measure **MM-VIS-1**, described below. This mitigation measure requires the implementation of design features and grading techniques specific to the alteration of the hillside. It requires that the grading plans clearly demonstrate that: the proposed landforms closely imitate the existing on-site landforms, the proposed slopes follow the natural existing landform and at no point vary substantially from the



natural landform elevations, the gradient of the slopes will be varied rather than left at a constant angle, and natural landform plantings are incorporated to soften the appearance of manufactured slopes.

### **MM-VIS-1: Landform Alteration**

Prior to issuance of grading permits, the project applicant shall implement design features and grading techniques specific to the alteration of the hillside. The grading plans shall be subject to the review and approval by the City prior to issuance of a grading permit.

The grading plans shall clearly demonstrate, with both spot elevations and contours, that:

1. The proposed landforms shall very closely imitate the existing on-site landform and/or the undisturbed, pre-existing surrounding neighborhood landforms. This can be achieved through “naturalized” variable slopes.
2. The proposed slopes follow the natural existing landform and at no point vary substantially from the natural landform elevations.
3. 3. The gradient of the slopes will be varied rather than left at a constant angle, in order to create a more natural appearance.
4. Natural landform plantings are incorporated to soften the appearance of manufactured slopes.

### **Rationale and Conclusion**

Implementation of the mitigation measure described above (**MM-VIS-1**) would ensure that direct impacts to landform alteration would be avoided, as grading plans shall be required to demonstrate that the proposed appearance of the landform will closely match the surrounding area and will be softened to the extent feasible. With the implementation of this measure, impacts would be less than significant. Implementation of this mitigation measure would be assured because it would be incorporated into the Project’s MMRP.

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

The City, having independently reviewed and considered the information contained in the FEIR and the public record, finds, pursuant to Public Resources Code §21081(a)(2) and State CEQA Guidelines §15091(a)(2), that there are changes or alterations which would mitigate or avoid the significant effects on the environment that are within the responsibility and jurisdiction of another public agency.

**Transportation/Circulation – Planned Transportation Systems (Issue 3)**

**Potentially Significant Impacts**

The proposed project would result in transportation/circulation impacts related to a freeway ramp meter at the I-805 SB on-ramp at Murray Ridge Road (Impact TRAF-18) in the Long-Term scenario (Year 2035).

**Finding**

Pursuant to CEQA Guidelines §15091(a)(2), changes or alterations have been required or incorporated in the Project that avoid or substantially lessen the significant environmental effect on Transportation/Circulation (Freeway Ramp Meters in the Long-Term scenario) as identified in the FEIR.

**Facts in Support of Finding**

In the Long-Term scenario (Year 2035), deteriorated traffic conditions would result in significant environmental impacts at one freeway ramp meter with implementation of the Project. Mitigation measure **MM-TRAF-18**, described below, would reduce significant impacts that would occur along the study area freeway ramp meter in the Long-Term scenario. However, while the location of the improvement is within the City of San Diego land use jurisdiction, and the City is committed to implementing the mitigation measure through funding sources that include the applicant's fair share contribution, the improvements are to I-805 facilities that are under the jurisdiction of Caltrans, which would require its review and approval of the project and design prior to the implementation of any improvements.

Caltrans advised City staff that there is not a specific fund currently set up for the fair share contribution for the I-805 SB on-ramp at Murray Ridge Road (**MM-TRAF-18**). Caltrans cannot initiate that fund until there is money ready to be put toward that effort, which would all be part of the permitting process with Caltrans. The Caltrans document "Local Development – Intergovernmental Review Program: Traffic Mitigation Agreements" details that process. There has been no improvement to this ramp beyond that detailed in the existing conditions, and the improvement is not and would not be part of the CIP program.

**MM-TRAF-18: I-805 SB on-ramp at Murray Ridge Road:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, the

applicant shall contribute a fair share contribution, in coordination with Caltrans, which would be applied toward an additional regular traffic ramp lane on the I-805 SB on-ramp from Murray Ridge Road.

### **Rationale and Conclusion**

Implementation of the mitigation measure detailed above (MM-TRAF-18) is feasible and would improve delay at the impacted freeway ramp meter to an acceptable LOS following completion of the proposed improvements. In coordination with Caltrans, at the time of permitting, the fair share calculation would be conducted based on the industry agreed-upon fair share formula. As documented in a letter received by the City regarding fair share contribution by Caltrans, "the local agency (City) collects the Fair Share funds from the project proponent . . . whereupon Caltrans will enter into a Cooperative Agreement with that 'Lead Agency'" to complete the mitigation improvements. However, since the design, construction, and implementation of the ramp improvements are within the responsibility and jurisdiction of another public agency and not the City, who is making this Finding, the City has limited control over the implementation of this mitigation measure. The feasibility of the mitigation measure to reduce the significant impacts that would occur along this freeway ramp meter in the Long-Term scenario is limited by the decision making authority of Caltrans. Therefore, the Finding is that impacts would remain significant and unavoidable for freeway ramp meters limited to this required Finding where another public agency has jurisdiction.

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

The City, having independently reviewed and considered the information contained in the FEIR and the public record, finds, pursuant to Public Resources Code §21081(a)(33) and State CEQA Guidelines §15091(a)(33) that the proposed project will have significant and unavoidable impacts in the following issue areas:

#### **Transportation/Circulation – Roadway Segments and Intersections (Issue 1)**

##### **Potentially Significant Impacts**

The proposed project would result in transportation/circulation impacts related to roadway segments at the following locations in the Near-Term scenario (Year 2017):

##### **Roadway Segments**

- Murray Ridge Road, from Mission Center Road to Pinecrest Avenue (Impact TRAF-1)
- Murray Ridge Road, from Pinecrest Avenue to Sandrock Road (Impact TRAF-2)

## Finding

Pursuant to CEQA Guidelines §15091(a)(3), specific economic, legal, social, technological or other considerations make infeasible the mitigation measures for Transportation/Circulation (Roadway Segments in the Near-Term scenario) as identified in the FEIR.

## Facts in Support of Finding

In the Near-Term scenario (Year 2017), deteriorated traffic conditions would result in significant environmental impacts at four roadway segments with implementation of the proposed project. Mitigation measures **MM-TRAF-1** and **MM-TRAF-2**, described below, would reduce two of the four significant impacts that would occur along study area roadway segments to less than significant; however, the City's ability to implement these measures may be limited because of conflicts with existing planning documents with policies that encourage multi-modal facilities (e.g., General Plan and Bicycle Master Plan). (Note, the other two roadway segment impacts are Impact TRAF-3 and Impact TRAF-4, which are discussed under "Findings Regarding Impacts That Will be Mitigated to Below a Level of Significance".)

**MM-TRAF-1: Murray Ridge Road, from Mission Center Road to Pinecrest Avenue:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, Murray Ridge Road shall be restriped from Mission Center Road to Pinecrest Avenue to accommodate two lanes in each direction and a center left-turn lane. The new classification for this segment of Murray Ridge Road will be a four-lane Collector.

**MM-TRAF-2: Murray Ridge Road, from Pinecrest Avenue to Sandrock Road:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, Murray Ridge Road shall be restriped from Pinecrest Avenue to Sandrock Road to accommodate two lanes in each direction and a center left-turn lane. The new classification for this segment of Murray Ridge Road will be a four-lane Collector.

## Rationale and Conclusion

Implementation of the mitigation measures detailed above (**MM-TRAF-1** and **MM-TRAF-2**) would reduce impacts to a level below significance; however, the City's ability to implement these measures may be limited. Murray Ridge Road currently provides Class II bike lanes that would likely be removed under this mitigation. The proposed mitigation would eliminate the bike lanes, which would cause a substantial conflict with applicable City land use and mobility policies (e.g., the City's General Plan, Bicycle Master Plan, Pedestrian Master Plan, and Serra Mesa Community Plan) that call for multi-modal linkages to provide a balanced, interconnected street network. These mitigation measures would not be feasible under the definition of CEQA with regards to specific economic, legal, social, technological or other considerations, as their implementation would be contrary to achieving the overall alternative transportation goals and policies of the City's General Plan, Bicycle Master Plan, Pedestrian Master Plan, Serra Mesa Community Plan, and the Climate Action Plan, which are critical and meaningful goals and policies that outweigh the importance of the mitigation measures in reducing the impact to these

two roadway segments. In the event these mitigation measures do not occur, the impact would remain significant and unavoidable.

### **Transportation/Circulation – Planned Transportation Systems (Issue 3)**

#### **Potentially Significant Impacts**

The proposed project would result in transportation/circulation impacts related to roadway segments and intersections at the following locations in the Long-Term scenario (Year 2035):

##### **a. Roadway Segments**

- Franklin Ridge Road from Via Alta to Civita Boulevard (Impact TRAF-8)
- Murray Ridge Road from Mission Center Road to Pinecrest Avenue (Impact TRAF-9)
- Murray Ridge Road, from Pinecrest Avenue to Sandrock Road (Impact TRAF-10)
- Rio San Diego Drive from Qualcomm Way to Rio Bonito Way (Impact TRAF-13)

##### **b. Intersections**

- Murray Ridge Road and Sandrock Road (Impact TRAF-14)
- Murray Ridge Road/I-805 NB ramps; PM peak hour (Impact TRAF-15)
- Murray Ridge Road/I-805 SB ramps; PM peak hour (Impact TRAF-16)

#### **Finding**

Pursuant to CEQA Guidelines §15091(a)(3), specific economic, legal, social, technological or other considerations make infeasible the mitigation measures for Transportation/Circulation (Roadway Segments and Intersections in the Long-Term scenario) as identified in the FEIR.

#### **Facts in Support of Finding**

In the Long-Term scenario (Year 2035), deteriorated traffic conditions would result in significant environmental impacts at six roadway segments and four intersections with implementation of the proposed project. Mitigation measures **MM-TRAF-8, MM-TRAF-9, MM-TRAF-10, MM-TRAF-13, MM-TRAF-14, MM-TRAF-15, and MM-TRAF-16**, described below, would reduce Long-Term impacts at four of the six study area roadway segments and three of the four intersections. (Note, the remaining two roadway segment impacts are Impact TRAF-11 and Impact TRAF-12, and the one remaining intersection impact is Impact TRAF-17, all of which are discussed under “Findings Regarding Impacts That Will be Mitigated to Below a Level of Significance”.) However, there are two primary reasons these four roadway segment impacts and one intersection impact would not be reduced to a level below significance. First, the City’s ability to implement **MM-TRAF-8, MM-TRAF-9, MM-TRAF-10, MM-TRAF-13, and MM-TRAF-14** may be limited due to countervailing considerations related to policies in existing land use and transportation plans (e.g., General Plan, Bicycle Master Plan, etc.) that prioritize

development of a multi-modal transportation system where these measures would need to remove bike lanes to expand the road network. Second, although **MM-TRAF-15** and **MM-TRAF-16** would improve LOS, the improvement would not result in an acceptable level, and no additional mitigation has been identified that would further reduce these two impacts to a less-than-significant level. These mitigation measures would not be feasible under the definition of CEQA with regards to specific economic, legal, social, technological or other considerations, as their implementation would be contrary to achieving the overall alternative transportation goals and policies of the City's General Plan, Bicycle Master Plan, Pedestrian Master Plan, Serra Mesa Community Plan, and the Climate Action Plan, which are critical and meaningful goals and policies that outweigh the importance of the mitigation measures in reducing the impact to these four roadway segments and three intersections.

**MM-TRAF-8: Franklin Ridge Road from Via Alta to Civita Boulevard:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, Franklin Ridge Road shall be widened to accommodate two lanes in each direction and a center-left-turn lane. The new classification for this segment of Franklin Ridge Road would be a four-lane Collector.

**MM-TRAF-9: Murray Ridge Road from Mission Center Road to Pinecrest Avenue:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, Murray Ridge Road from Mission Center Road to Pinecrest Avenue shall be restriped to accommodate two lanes in each direction and a center left-turn lane. The new classification for this segment of Murray Ridge Road will be a four-lane Collector.

**MM-TRAF-10: Murray Ridge Road, from Pinecrest Avenue to Sandrock Road:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, Murray Ridge Road shall be restriped to accommodate two lanes in each direction and a center left-turn lane. The new classification for this segment of Murray Ridge Road will be a four-lane Collector.

**MM-TRAF-13: Rio San Diego Drive from Qualcomm Way to Rio Bonito Way:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, the segment of Rio San Diego Drive from Qualcomm Way to Rio Bonito Way shall be reconfigured to include the necessary median commensurate with a four-lane Major Arterial.

**MM-TRAF-14: Murray Ridge Road and Sandrock Road:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, this intersection shall be reconfigured such that the left-turn lanes in both the NB and SB directions will allow both through movements and left turns.

**MM-TRAF-15: Murray Ridge Road/I-805 NB ramps:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, at the intersection, the NB off-ramp approach shall be restriped, the EB approach shall be restriped, the WB approach shall be reconfigured, and the NB on-ramp approach shall be widened.

**MM-TRAF-16: Murray Ridge Road/I-805 SB ramps:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, at the intersection, the EB approach shall be widened to accommodate two through lanes and an exclusive right-turn lane, the SB on-ramp shall be widened, and the SB off-ramp shall be widened to accommodate one share-through-left lane and two exclusive right-turn lanes.

## **Rationale and Conclusion**

Implementation of mitigation measures **MM-TRAF-8, MM-TRAF-9, MM-TRAF-10, MM-TRAF-13, and MM-TRAF-14**, detailed above, would reduce impacts to a level below significance; however, the City's ability to implement these measures may be limited. Franklin Ridge Road would provide Class II bikeways and a 6-foot-wide sidewalk, separated from the street by an 8-foot-wide parkway (**MM-TRAF-8**), and Murray Ridge Road provides Class II bike lanes (**MM-TRAF-9, MM-TRAF-10**); some of these amenities would likely be removed under this mitigation. Rio San Diego Drive from Qualcomm Way to Rio Bonito Way (**MM-TRAF-13**) is likely to be reclassified as a four-lane Major Arterial as part of the forthcoming update to the Mission Valley Community Plan, which in turn may require a median or other reconfiguration in order to meet that classification. Currently the intersection geometry of Murray Ridge Road and Sandroek Road (**MM-TRAF-14**) provides for bike lanes that would likely be removed under this mitigation. The proposed mitigation in measures **MM-TRAF-8, MM-TRAF-9, MM-TRAF-10, and MM-TRAF-14** would cause a substantial conflict with applicable City land use and mobility policies (e.g., the City's General Plan, Bicycle Master Plan, Pedestrian Master Plan, Serra Mesa Community Plan, and Quarry Falls Specific Plan). Due to the uncertainty of being able to implement measures **MM-TRAF-8, MM-TRAF-9, MM-TRAF-10, MM-TRAF-13, and MM-TRAF-14** in light of countervailing considerations, this analysis does not assume these mitigation measures will occur. In the event it does not, impacts would remain significant and unavoidable.

Implementation of mitigation measures **MM-TRAF-15 and MM-TRAF-16** would improve LOS at the intersections of Murray Ridge Road/I-805 NB ramps and Murray Ridge Road/I-805 SB ramps; however, LOS would not be reduced to an acceptable level at these intersections in the PM peak hour. No other feasible mitigation has been identified and, as such, the impacts at these intersections in the PM peak hour under the Long-Term scenario would remain cumulatively significant and unavoidable.

## **Transportation/Circulation – Traffic Hazards (Issue 4)**

### **Potentially Significant Impacts**

The proposed project would result in transportation/circulation impacts related to traffic hazards because the roadway connection requires a signalized intersection at Phyllis Place, which would in turn result in possibly unsafe conditions for motorists entering or exiting the City View Church parking lot, as the driveway would be 150 feet east of the signalized intersection. Therefore, impacts would be potentially significant and mitigation is required.

## **Finding**

Pursuant to CEQA Guidelines §15091(a)(3), specific economic, legal, social, technological or other considerations make infeasible the mitigation measures for Transportation/Circulation (Traffic Hazards) as identified in the FEIR.

## **Facts in Support of Finding**

Implementation of the proposed project would result in significant environmental impacts from traffic hazards at the proposed signalized intersection of the roadway connection and Phyllis Place, particularly at the City View Church driveway. Mitigation measure **MM-TRAF-19**, described below, would reduce the significant impacts that would occur related to traffic hazards to less than significant; however, the City's ability to implement this measure may be limited.

**MM-TRAF-19:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, the City View Church driveway shall be relocated as part of the four-way intersection design with the proposed roadway connection and Phyllis Place.

## **Rationale and Conclusion**

Implementation of mitigation measure **MM-TRAF-19**, detailed above, would reduce traffic hazard impacts to a level below significance; however, the City's ability to implement this measure may be limited due to current driveway alignment. The City View Church is a privately owned property. The relocation of the driveway may in turn require the removal of trees and the reconfiguration of other internal access considerations within the Church property, such as the drop-off area in front of the church that is connected to the existing driveway. Discretionary review for a change in the location or alignment of the driveway may be required; further, it is not certain if the driveway's relocation would fully mitigate the traffic hazard. Similarly, any other measures that would limit left turns from the existing church driveway would not be permitted by the current permits issued to the City View Church. It is legally and practically infeasible for the City and/or the applicant that implement the project to force a private entity with its own Conditional Use Permit to agree to relocate the driveway or preclude left-hand turns from the existing church driveway. However, this mitigation measure is included in the MMRP, and the City will continue to work with the ultimate developer of the roadway and any affected private property owners on potential solutions to improving traffic hazards in the project vicinity. Due to the uncertainty of being able to implement this measure in light of countervailing considerations, this analysis does not assume it will occur. In the event it does not, the impact would remain significant and unavoidable.

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

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



## **Background**

The Final PEIR evaluated the following alternatives:

- No Project Alternative (Alternative 1)
- Bicycle, Pedestrian, and Emergency Access Only Alternative (Alternative 2)

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

### **No Project Alternative (Alternative 1)**

The No Project Alternative assumes that the proposed roadway connection and associated Community Plan Amendment to the Serra Mesa Community Plan would not occur. As such, the inconsistency between the Mission Valley and Serra Mesa Community Plan would remain, and any future proposal for a road connection would require an amendment to the Serra Mesa Community Plan.

The project site is located partially within the boundary of the Quarry Falls site and partially within an undeveloped, primarily disturbed hillside. The project site is also within a San Diego Gas & Electric easement, which contains an energy transmission line (four transmission poles) running east-west at the northern portion of the project site, adjacent to Phyllis Place. The project site is primarily disturbed, although it does not contain any buildings or structures. The project site contains one vegetation community (0.25 acre of disturbed coastal sage scrub) and two land cover types (1.0 acre of disturbed habitat and 0.91 acre of developed land).

The northernmost portion of the project site (immediately south of Phyllis Place) is likely to be developed as a park if the proposed project were not to be implemented. There are two approved general development plans for the Phyllis Place Park—one with the proposed roadway and one without. Although a subsequent action to obtain a notice to proceed or grading permit may be required, the park was approved as part of the Quarry Falls Specific Plan and has conceptual design plans, grading plans, etc. Therefore, it is reasonable to assume that a portion of the site would be developed going forward under the No Project Alternative. The remaining portion of the project site is designated as “Open Space” within the Quarry Falls Specific Plan. Therefore, it is reasonable to assume that no other development within this portion of the project site would occur under the No Project Alternative.

### **Potentially Significant Impacts**

Significant and unmitigated impacts of the No Project Alternative are summarized below.

- Transportation/Circulation (Issues 1, 2, 3, and 6)
- Air Quality (Issues 2, 3, and 4)
- Greenhouse Gas Emissions (Issues 1 and 2)

## **Finding**

Pursuant to CEQA Guidelines §15091(a)(3), specific economic, legal, social, technological or other considerations make infeasible this project alternative as identified in the FEIR.

## **Facts in Support of Finding**

Implementation of the No Project Alternative would increase impacts associated with land use, transportation and circulation, air quality, and greenhouse gas (GHG) emissions when compared to the Project due to the increase in regional and study area vehicle miles traveled (VMT). The No Project Alternative would result in significant and greater land use impacts (Issue 2) when compared to the less than significant impacts of the Project. Under the No Project Alternative, significant and unmitigated impacts would remain related to transportation and circulation (Issues 1, 2, 3, and 6); however, they would be greater when compared to the Project. The No Project Alternative would result in significant and unmitigated impacts related to air quality (Issues 2, 3, and 4) and GHG emissions (Issues 1 and 2) when compared to the less than significant impacts of the Project. However, the No Project Alternative would result in reduced significant but mitigable impacts related to noise (Issue 1), biological resources (Issues 1 and 2), historical resources and Tribal Cultural Resources (Issues 1 through 4), and visual effects and neighborhood character (Issue 5) than would occur under the Project. This alternative would also result in reduced impacts to hydrology and water quality (Issues 1 through 4) when compared to the less than significant impacts of the Project, and similar impacts to paleontological resources (Issue 1) when compared to no impacts from the Project. With adoption of the No Project Alternative, none of the five Project objectives would be achieved.

## **Rationale and Conclusion**

Implementation of the No Project Alternative, detailed above, would increase the significant impacts as compared to the Project. The No Project Alternative traffic would cause impacts to occur on the existing circulation network and cause failing levels of service to street segments and intersections, which would affect emergency response and accessibility. In addition, the No Project Alternative would not resolve the inconsistency between the Mission Valley and Serra Mesa community plans by providing a multi-modal linkage from Friars Road in Mission Valley to Phyllis Place in Serra Mesa. Implementation of the No Project Alternative would not meet any of the five objectives for the Project. Due to these considerations, the No Project Alternative is infeasible.

## **Bicycle, Pedestrian, and Emergency Access Only Alternative (Alternative 2)**

The Bicycle, Pedestrian, and Emergency Access Only Alternative would provide a narrower roadway design, as it would not allow vehicle traffic aside from emergency responders. It would also provide access for pedestrians and cyclists. The roadway design would include bollards, gates, or another type of control subject to the approval of the San Diego Fire and Police Departments. The final width of the roadway design and type of control would be determined in conjunction with these departments. However, for the purposes of analysis, it can reasonably be concluded that the roadway would be narrower than the proposed project (120 feet wide), as it

would only be required to include a bollard/gate and an entry on either side for pedestrians and cyclists. Due to the reduced width, it is also reasonable to assume that the construction schedule would be shorter for this alternative when compared to the proposed project. This alternative would still require an amendment to the Serra Mesa Community Plan, as it currently does not provide for any roadway connection.

### **Potentially Significant Impacts**

Significant and unmitigated impacts of the Bicycle, Pedestrian, and Emergency Access Only Alternative are summarized below.

- Transportation/Circulation (Issues 1, 2, 3, and 4)
- Air Quality (Issues 2, 3, and 4)
- Greenhouse Gas Emissions (Issues 1 and 2)

### **Finding**

Pursuant to CEQA Guidelines §15091(a)(3), specific economic, legal, social, technological or other considerations make infeasible this project alternative as identified in the FEIR.

### **Facts in Support of Finding**

Implementation of the Bicycle, Pedestrian, and Emergency Access Only Alternative would not eliminate any of the significant impacts associated with the Project. In fact, the Bicycle, Pedestrian, and Emergency Access Only Alternative would result in significant and greater impacts related to land use (Issue 2) when compared to the less than significant impacts of the Project. Under the Bicycle, Pedestrian, and Emergency Access Only Alternative, significant and unmitigated impacts would remain related to transportation and circulation (Issues 1, 2, 3, and 4); however, Issues 1, 2, and 3 would be greater when compared to the Project. The Bicycle, Pedestrian, and Emergency Access Only Alternative would result in significant and unmitigated impacts related to air quality (Issues 2, 3, and 4) and GHG emissions (Issues 1 and 2) when compared to the less than significant impacts of the Project. However, the No Project Alternative would result in slightly reduced significant but mitigable impacts related to noise (Issue 1), biological resources (Issues 1 and 2), historical resources and Tribal Cultural Resources (Issues 1 through 4), and visual effects and neighborhood character (Issue 5) than would occur under the Project. This alternative would also result in slightly reduced impacts to hydrology and water quality (Issues 1 through 4) when compared to the less than significant impacts of the Project, and similar impacts to paleontological resources (Issue 1) when compared to no impacts from the Project. With adoption of the Bicycle, Pedestrian, and Emergency Access Only Alternative, two out of the five Project objectives would not be achieved. These include the following:

- Resolve the inconsistency between the Mission Valley Community Plan and the Serra Mesa Community Plan by providing a multi-modal linkage from Friars Road in Mission Valley to Phyllis Place in Serra Mesa.
- Alleviate traffic congestion and improve navigational efficiency to and from local freeway on and off-ramps for the surrounding areas.

In addition, the Bicycle, Pedestrian, and Emergency Access Only Alternative would only partially meet three objectives; two of which apply only to pedestrians and cyclists, and one of which applies to emergency access; none of these three objectives would improve mobility or evacuation route options for vehicles. These include the following:

- Improve local mobility in the Serra Mesa and Mission Valley planning areas.
- Provide a safe and efficient street design for motorists, cyclists, and pedestrians that minimizes environmental and neighborhood impacts.
- Improve emergency access and evacuation route options between the Serra Mesa and Mission Valley planning areas.

### **Rationale and Conclusion**

Implementation of the Bicycle, Pedestrian, and Emergency Access Only Alternative, detailed above, would increase the significant impacts associated with the Project. The Bicycle, Pedestrian, and Emergency Access Only Alternative improves emergency service response and accessibility; however, this alternative does not improve future vehicular congestion. In addition, the Bicycle, Pedestrian, and Emergency Access Only Alternative would not resolve the inconsistency between the Mission Valley and Serra Mesa community plans by providing a multi-modal linkage from Friars Road in Mission Valley to Phyllis Place in Serra Mesa because the road connection would not allow vehicles. Implementation of the t Bicycle, Pedestrian, and Emergency Access Only Alternative would only partially meet three of the five objectives for the Project. Due to these considerations, the Bicycle, Pedestrian, and Emergency Access Only Alternative is infeasible.

**EXHIBIT B**  
**STATEMENT OF OVERRIDING CONSIDERATIONS**  
**(PUBLIC RESOURCES CODE §21081(b))**  
**FINAL ENVIRONMENTAL IMPACT REPORT**  
**FOR THE**  
**SERRA MESA COMMUNITY PLAN AMENDMENT**  
**ROADWAY CONNECTION PROJECT**  
**PROJECT NUMBER 265605**  
**SCH # 2012011048**

**October 2017**

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## **STATEMENT OF OVERRIDING CONSIDERATIONS (PUBLIC RESOURCES CODE §21081(b))**

Pursuant to Section 21081(b) of the California Environmental Quality Act (CEQA) and CEQA Guidelines Sections 15093 and 15043, CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the Serra Mesa Community Plan Amendment Roadway Connection Project (hereinafter referred to as the "Project"), as defined in the Final Environmental Impact Report (FEIR). As set forth in the Findings, and as described in the FEIR, the amendment to the Serra Mesa Community Plan to show a roadway connection extending from Phyllis Place in the Serra Mesa community plan area, southward to the Mission Valley community plan area boundary (proposed project), for which the result would be the construction and operation of a four-lane major street with bicycle lanes and pedestrian pathways, will result in significant and unavoidable impacts related to transportation/circulation (roadway network capacity and planned transportation systems).

The City Council of the City of San Diego, (i) having independently reviewed the information in the FEIR and the record of proceedings; (ii) having made a reasonable and good faith effort to eliminate or substantially lessen the significant impacts resulting from the Project to the extent feasible by adopting the mitigation measures identified in the EIR; and (iii) having balanced the benefits of the 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 either in the preceding sections, which are incorporated by reference into this section, the FEIR, or in documents that compose the record of proceedings in this matter.

### **A. FINDINGS FOR STATEMENT OF OVERRIDING CONSIDERATIONS**

#### **1. The Proposed Project is consistent with the Mission Valley Community Plan and resolves the inconsistency between the Mission Valley and Serra Mesa Community Plans.**

In 2008, as a result of the approval of the Quarry Falls (Civita) project in Mission Valley, City Council initiated a plan amendment (City Council R-304297) directing staff to amend the 1977 Serra Mesa Community Plan to include a street connection between Phyllis Place and Friars Road, which is identified in the 1985 Mission Valley Community Plan. The proposed plan amendment to add the roadway connection to the adjacent Serra Mesa Community Plan, which includes revisions to text and figures, would reconcile the conflict between the Mission

Valley Community Plan and the Serra Mesa Community Plan. The Mission Valley Community Plan also contains policy direction to provide a roadway connection with Interstate 805 (I-805) at Phyllis Place from Friars Road. The northern portion of this roadway connection would be located within the Serra Mesa community planning area. The proposed plan amendment identifying the road connection in the Serra Mesa Community Plan is necessary to implement the Mission Valley community plan policy objective for better connectivity. Further, the proposed roadway connection between the two adjacent communities would help achieve the General Plan goal of providing an interconnected street system that provides multiple linkages within and between communities.

**2. The Project improves local mobility in the Serra Mesa and Mission Valley planning areas and completes the pedestrian and bicycle network connection with the Mission Valley trolley stations and the region's transit system.**

The road connection would be constructed as a four-lane major road including bicycle and pedestrian facilities, providing additional access for vehicles, bicycles, and pedestrians between the Mission Valley and Serra Mesa communities. The road connection would also improve regional connectivity for pedestrians and cyclists as it would ultimately provide another north-south route for travel. The road connection would also provide pedestrians and cyclists in Serra Mesa access to the amenities within Civita, such as parks and other public spaces, and to the Rio Vista and Hazard Center trolley stations located south of Friars Road.

The City's Bicycle Master Plan proposes Class II (Bike Lane) facilities along Phyllis Place, Via Alta, Franklin Ridge Road, and Civita Boulevard. The Class II Bike Lane is shown connecting north toward Phyllis Place and across I-805 to Murray Ridge Road. It is also shown connecting to Friars Road from two points on the south from Civita Boulevard. In addition, one of the goals of the Bicycle Master Plan is to increase the number of bicycle-to-transit trips by providing safe routes to transit stops and stations. The proposed project would "complete" a Class II facility that would allow a dedicated bicycle connection from Phyllis Place southward past Friars Road to the Rio Vista trolley stop, approximately 4,000 feet away from the proposed roadway. This connection would allow cyclists north of the project site to utilize a dedicated bike lane to access the trolley stop.

Construction of the proposed project would include sidewalks along both sides of the roadway, thus allowing a dedicated pedestrian connection between the Mission Valley and Serra Mesa communities in the vicinity of Phyllis Place. While the City's Pedestrian Master Plan currently has no plans for the Mission Valley and Serra Mesa communities, the proposed roadway would increase pedestrian connectivity in an area that is in close proximity to transit (i.e., approximately 1.0 mile to both the Mission Valley Center and Rio Vista stations along the MTS trolley system's Green Line), and other "pedestrian attractors" identified in the Pedestrian Master Plan, such as schools, parks facilities,



neighborhood retail, and other community-serving destinations (e.g., libraries, post offices).

**3. The Project improves the efficiency of the local circulation network for buildout of these communities.**

Implementation of the proposed roadway would provide a link between the Serra Mesa and Mission Valley planning areas and an additional ingress and egress off Phyllis Place for a more efficient, integrated circulation network. The updated circulation network analysis for the proposed project demonstrated that without the road connection, vehicular circulation would result in greater congestion and failing levels of service.

**4. The Project improves emergency access in the area, potentially reducing emergency response times associated with police responders, and increases evacuation route options between the Serra Mesa and Mission Valley planning areas.**

Police and fire response times would be improved with the implementation of the proposed road connection. Analysis of five existing and planned fire stations and four existing hospitals within the Mission Valley and Serra Mesa community plan areas shows that travel times with the road connection, was either the same or improved in every scenario, versus travel times without the road connection. The San Diego Fire-Rescue Department and the San Diego Police Department's Eastern Division both confirmed that additional access points (such as the proposed roadway connection) generally improve emergency access and associated response times. Fire stations were chosen for analysis as they are static (non-moving), while police dispatch usually occurs from dynamic (moving) locations. The assumption can be made that travel times would similarly improve with the road connection for police response times.

The road connection would add an additional access point, inherently providing better emergency evacuation routing should it be necessary. Specifically, the road connection would provide a third point of evacuation for residents in Civita where two currently exist via Mission Center Road or Friars Road to the I-805; and a second point of evacuation for the 200 or so homes at the western end of Phyllis Place in the Abbotshill neighborhood of the Serra Mesa Community Plan Area where only one currently exists via Phyllis Place leading to I-805.

**5. The Project provides a more direct and efficient travel route, resulting in a reduction in regional vehicle miles traveled (VMT), which is consistent with the Climate Action Plan's overarching land use and transportation strategy.**

The proposed project is a mobility project that would provide a multi-modal connection between two communities that currently lack connectivity. As detailed in the Vehicle Miles Traveled Output and Summary, Appendix H to the EIR, the VMT for the study area without the project under the Near-Term scenario (Year

2017) is 531,382. The region-wide total (i.e., San Diego region) without the project under this scenario is 1,523,630. An analysis of the regional VMT was conducted with the implementation of the proposed roadway connection. The modeled VMT with the roadway connection under the Near-Term Scenario (Year 2017) within the study area is 521,826. This represents a 1.8 percent decrease of VMT within the study area. With the proposed project, the region-wide VMT total is 1,518,696; a decrease of 0.32 percent.

VMT was also analyzed for the Long-Term Scenario (Year 2035; Vehicle Miles Traveled Output and Summary, Appendix H). Under 2035 cumulative baseline conditions, the VMT within the study area would be 733,403 in Year 2035. Region-wide, the VMT prior to consideration of the project's contribution would be 1,633,653 in Year 2035. With the proposed project, VMT within the study area would be 720,196, a 1.8 percent decrease in VMT when compared to the baseline condition in Year 2035. Region-wide, the VMT with the project would be 1,629,137, a 0.28 percent decrease compared to the baseline condition in Year 2035. VMT within the study area and region-wide would therefore decrease with implementation of the proposed project.

Implementation of the proposed project would reduce VMT and associated emissions by providing a direct linkage that is consistent with the VMT and emissions reduction targets within the Climate Action Plan (CAP). Improving local transportation efficiency by providing a new bicycle and pedestrian connection is consistent with the CAP's overarching land use and transportation strategy. Strategy 3 (Bicycling, Walking, Transit, & Land Use) goals include increasing commuter walking and bicycling opportunities, increasing the use of mass transit, and reducing vehicle fuel consumption. The VMT reductions achieved by the project would be consistent with these goals.

Regardless of whether the proposed project is implemented, population and vehicular trips will increase over the next several decades with buildout of the Mission Valley and Serra Mesa community plans areas. No new trips would be added by the proposed roadway connection. Rather, vehicle trips would be redistributed onto other existing regional circulation infrastructure. The proposed roadway connection would improve navigational efficiency to and from local freeway on- and off-ramps for the surrounding areas. As such, the proposed roadway connection would provide commuters a more direct route to regional freeways, which would lead to a reduction in regional vehicle miles traveled.

## **B. CONCLUSION**

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

**EXHIBIT C**  
**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**  
**FINAL ENVIRONMENTAL IMPACT REPORT**  
**FOR THE**  
**SERRA MESA COMMUNITY PLAN AMENDMENT**  
**ROADWAY CONNECTION PROJECT**  
**PROJECT NUMBER 265605**  
**SCH # 2012011048**

**October 2017**

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## EXHIBIT C

### MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

SERRA MESA COMMUNITY PLAN AMENDMENT  
ROADWAY CONNECTION PROJECT  
CITY OF SAN DIEGO, CALIFORNIA  
ENVIRONMENTAL IMPACT REPORT No. 265605  
SCH No. 2012011048

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 environmental analysis reflects all mitigation measures determined to be feasible in the Findings for the proposed project (SCH No. 2012011048; PROJECT NUMBER 11002155/21004254), which resulted in the identification of a mitigation framework that would reduce potentially significant impacts. The MMRP for the Serra Mesa Community Plan Amendment (CPA) Roadway Connection Project (hereinafter referred to as the "Project") Final Environmental Impact Report (FEIR) is under the jurisdiction of the City. A record of the MMRP will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101.

#### 1.1 Transportation/Circulation

##### Impact

Implementation of the proposed project would have a significant impact at roadway segments, intersections, and a freeway ramp meter as detailed in the FEIR. The impacts at these roadway segments and intersections would occur because the Level of Service (LOS) would degrade to an unacceptable E or F, or because the volume to capacity (V/C) ratio increase would exceed the significance threshold at a location operating at LOS E or F. The impacts at a freeway ramp meter would occur because ramps would operate with more than 15 minutes of delay.

There would also be significant traffic impacts to the existing or planned transportation system and circulation movements at build-out of the community plan area with implementation of the proposed project. As described in the analysis within the FEIR, these significant impacts would result because the City's ability to implement these measures may be limited due to other planning considerations. These mitigation measures to roadways include providing Class II bike lanes that would likely be removed under the mitigation, roadway reclassification as part of the forthcoming update to the Mission Valley Community Plan which in turn may require a median or other reconfiguration in order to meet that classification, or proposed mitigation that would eliminate the bike lanes, which would cause a substantial conflict with applicable City land use and mobility policies (e.g., the City's General Plan, Bicycle Master Plan, Pedestrian Master Plan, and Serra Mesa Community Plan) that call for multi-modal linkages to provide a balanced, interconnected street network. Due to the uncertainty of being able to implement these measures

in light of these countervailing considerations, the analysis contained within the FEIR does not assume they will occur. In the event the mitigation measures do not occur, impacts would remain significant and unavoidable.

In addition, implementation of the proposed project would result in a traffic hazard because the roadway connection requires a signalized intersection at Phyllis Place, which would in turn result in possibly unsafe conditions for motorists entering or exiting the City View Church parking lot, as the driveway would be 150 feet east of the signalized intersection. The City's ability to implement mitigation, which involves relocation of the driveway, may be limited due to current driveway alignment and because the City View Church is a privately owned property. The relocation of the driveway may in turn require the removal of trees and the reconfiguration of other internal access considerations within the Church property, such as the drop-off area in front of the church that is connected to the existing driveway. Similarly, any other measures that would limit left turns from the existing church driveway would not be permitted by the current permits issued to the City View Church. However, this mitigation measure is included in this MMRP, and the City will continue to work with the ultimate developer of the roadway and any affected private property owners on potential solutions to improving traffic hazards in the project vicinity. Due to the uncertainty of being able to implement this mitigation measure in light of countervailing considerations, the analysis contained within the FEIR does not assume it will occur. In the event it does not, the impact would remain significant and unavoidable.

#### Mitigation

The FEIR identified several roadway segment and intersection improvements and one driveway relocation that would reduce potentially significant impacts to all of the Transportation/Circulation impacts summarized above. Impacts would be reduced through implementation of transportation mitigation adopted in association with the FEIR. The timing of the mitigation along with the method to accomplish the mitigation is provided below.

#### *Near-Term Scenario (Roadway Capacity)*

**MM-TRAF-3: Phyllis Place, from Franklin Ridge Road to I-805 SB ramps:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, Phyllis Place shall be widened from Franklin Ridge Road to I-805 SB ramps to accommodate five total lanes (three EB and two WB), including a median. The new classification for this segment of Phyllis Place will be a five-lane Major Arterial. Widening must accommodate and maintain any currently existing bike lanes and/or any bike lanes included in the Bicycle Master Plan, and shall be subject to the design guidelines in the City's Street Design Manual.

**MM-TRAF-4: Phyllis Place, from I-805 SB ramps to I-805 NB ramps:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, Phyllis Place shall be restriped from I-805 SB ramps to I-805 NB ramps to accommodate a total of five lanes. Restriping must accommodate and maintain any currently existing bike lanes and/or any bike lanes included in the Bicycle Master Plan, and shall be subject to the design guidelines in the City's Street Design Manual.

**MM-TRAF-5: Murray Ridge Road/I-805 NB ramps:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, at the intersection, in coordination with Caltrans, the NB off-ramp approach shall be restriped, the EB approach shall be restriped, the WB approach shall be reconfigured, and the NB on-ramp approach shall be widened.

**MM-TRAF-6: Murray Ridge Road/I-805 SB ramps:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, at the intersection, the EB approach shall be widened to accommodate two through lanes and an exclusive right-turn lane, the SB on-ramp shall be widened, and the SB off-ramp shall be widened to accommodate one share-through-left lane and two exclusive right-turn lanes.

**MM-TRAF-7: Qualcomm Way/Friars Road WB ramps:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, the Qualcomm Way and Friars Road WB ramps intersection shall be reconfigured with the following improvements: the SB approach shall be widened to accommodate two through lanes and one exclusive right-turn lane; the NB approach shall be restriped to accommodate two through lanes and two left-turn lanes; and the WB onramp shall be widened to accommodate two receiving lanes.

*Long-Term Scenario (Planned Transportation Systems)*

**MM-TRAF-11: Phyllis Place, from Franklin Ridge Road to I-805 SB ramps:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, Phyllis Place from Franklin Ridge Road to I-805 SB ramp shall be widened to accommodate five total lanes (three EB and two WB), including a median. The new classification for this segment of Phyllis Place will be a five-lane Major Arterial. Widening must accommodate and maintain any currently existing bike lanes and/or any bike lanes included in the Bicycle Master Plan, and shall be subject to the design guidelines in the City's Street Design Manual.

**MM-TRAF-12: Phyllis Place, from I-805 SB ramps to I-805 NB ramps:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, Phyllis Place from I-805 SB ramp to I-805 NB ramp shall be restriped to accommodate five total lanes. Restriping must accommodate and maintain any currently existing bike lanes and/or any bike lanes included in the Bicycle Master Plan, and shall be subject to the design guidelines in the City's Street Design Manual.

**MM-TRA-17: Via Alta and Franklin Ridge Road:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, this intersection shall be reconfigured such that the EB through/right-turn lane will be converted to a left/through/right-turn lane to account for additional EB to NB traffic.

**MM-TRAF-18: I-805 SB on-ramp at Murray Ridge Road:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, the applicant shall contribute a fair share contribution, in coordination with Caltrans, which would

be applied toward an additional regular traffic ramp lane on the I-805 SB on-ramp from Murray Ridge Road.

### *Traffic Hazards*

**MM-TRAF-19:** Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, the City View Church driveway shall be relocated as part of the four-way intersection design with the proposed roadway connection and Phyllis Place.

### Mitigation Funding, Timing, and Responsibility

The proposed project would result in transportation/circulation impacts related to two roadway segments and three intersections in the Near-Term scenario (Year 2017) and to two roadway segments, one intersection, and one freeway-ramp meter in the Long-Term scenario (Year 2035). Implementation of mitigation measures **MM-TRAF-3** through **MM-TRAF-7** and **MM-TRAF-11**, **MM-TRAF-12**, **MM-TRAF-17**, and **MM-TRAF-18** would improve the unacceptable LOS of the impacted roadway segments, intersection, and freeway-ramp meter to an acceptable LOS. In addition, the proposed project would result in significant environmental impacts from traffic hazards at the proposed signalized intersection of the roadway connection and Phyllis Place, particularly at the City View Church driveway. Mitigation measure **MM-TRAF-19**, while it may not fully mitigate impacts to less than significant, would reduce the significant impacts that would occur related to traffic hazards. Therefore, traffic impacts associated with these mitigation measures would be reduced to less than significant. The party responsible for funding and implementing mitigation measures **MM-TRAF-3** through **MM-TRAF-7** and **MM-TRAF-11**, **MM-TRAF-12**, **MM-TRAF-17**, **MM-TRAF-18**, and **MM-TRAF-19** is the permittee/developer. The implementation of the MMRP, including appropriate timing, method of implementation and reporting is subject to verification by the City. The City is committed to ensuring implementation of all mitigation measures indicated as feasible, consistent with the Findings made pursuant to CEQA.

## **1.2 Noise**

### Impact

Noise from project construction activities would be temporary and would cease at the completion of construction. However, significant impacts could result if construction occurs outside of the hours permitted by the City's Noise Ordinance or at any time within 65 to 125 feet (depending on the phase of construction) of occupied residences. Therefore, impacts associated with construction noise on future occupied residences would be potentially significant and mitigation is required (**Impact NOI-1**).

### Mitigation

In order to mitigate impacts related to construction noise, the following mitigation measure would be implemented. The timing of the mitigation along with the method to accomplish the mitigation is provided below.



## MM-NOI-1: Construction Noise Levels

- All construction and general maintenance activities, except in an emergency, shall be limited to the days and hours permitted in Section 59.5.0404 of the City of San Diego Municipal Code. Outside of these hours, construction personnel shall not be permitted on the job site, and material or equipment deliveries and collections shall not be permitted. The construction contractor shall develop and implement a noise control plan that demonstrates to the City's satisfaction that the Noise Ordinance standard would not be exceeded. The plan may include the following:
  - All construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification.
  - All mobile or fixed construction equipment used on the project that is regulated for noise output by a local, state, or federal agency shall comply with such regulation while in the course of project activity.
  - All construction equipment shall be properly maintained.
  - All construction equipment shall be operated only when necessary and shall be switched off when not in use.
  - Construction employees shall be trained in the proper operation and use of the equipment.
  - Electrical power from the local power grid (as opposed to onsite generators) shall be used to the maximum extent feasible to run compressors, power tools, and similar equipment.
  - Stationary equipment, such as generators or compressors, shall be located as far as feasible from noise-sensitive receptors.
  - Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.
  - Construction site speed limits shall be established and enforced during the construction period.
  - The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.
  - Temporary construction noise barriers shall be installed as necessary to adequately control noise levels. Barriers may be constructed around specific equipment items or larger work areas as required. Barriers shall be constructed of materials with a minimum sound transmission class (STC) rating of 25 (sound absorptive acoustical panels, acoustical blankets, etc.).
  - The project developer and/or its contractor shall prominently post signage at the north and south ends of the project site in a highly visible location, not less than 72 hours prior to the start of any construction activity using heavy construction equipment (e.g., graders, dozer, backhoes). These two signs shall provide the project name, indicate the anticipated dates of construction, and advise that there will be loud noise associated with some construction activities. The signage shall provide a telephone contact number for affected parties to ask questions and/or relay concerns. This signage shall either consist of stand-alone signs or be combined with any other project-related signage at the project boundary, but shall be clearly visible from outside the project site. The project developer shall include this measure in the construction specification documents for the project. Prior to the commencement of heavy construction activities, the project developer and/or

its contractor shall submit documentation (including photographs) to the City demonstrating compliance with this measure.

### Mitigation Funding, Timing, and Responsibility

Project construction activities occurring outside of the hours permitted by the City's Noise Ordinance or at any time within 65 to 125 feet (depending on the phase of construction) of occupied residences within the project area would potentially result in significant noise impacts, and the Project is required to implement mitigation measure **MM-NOI-1**, which addresses the significant impacts related to construction noise along the proposed roadway connection. Noise from project construction activities would be temporary and would cease at the completion of the project. With implementation of mitigation measure **MM-NOI-1**, impacts associated with construction noise at future occupied residences (**Impact NOI-1**) would be less than significant. The party responsible for funding and implementing **MM-NOI-1** is with the permittee/developer. The implementation of **MM-NOI-1**, including appropriate timing, method of implementation, and reporting is subject to verification by the City. Specific funding and timing of noise mitigation is not known at this time because it is unknown when the construction would take place; however, as indicated in **MM-NOI-1**, implementation of the mitigation measure would occur during the construction phase when the parameters described in **MM-NOI-1** are met.

## **1.3 Biological Resources**

### Impact

Construction of the proposed project could result in direct impacts on sensitive species that have moderate potential to utilize the disturbed coastal sage scrub on site (**Impact BIO-1**). The proposed project would also have the potential to result in significant indirect impacts on raptors or other migratory birds if the species nests in trees adjacent to the project site (**Impact BIO-2**). Therefore, impacts would be potentially significant and mitigation is required. In addition, the proposed project would directly affect (both temporarily and permanently) a total of approximately 0.25 acre of coastal sage scrub habitat, a Tier II habitat (**Impact BIO-3**). The proposed project would not indirectly affect (either temporarily or permanently) any sensitive habitats. Direct impacts would be significant and mitigation is required. Impacts would occur outside the MHPA; therefore, in accordance with the City's Biology Guidelines, a 1:1 mitigation ratio would be required if mitigation occurs within the MHPA, for a total of 0.25 acre. If mitigation is proposed outside the MHPA, a mitigation ratio of 1.5:1 would be required, for a total of 0.38 acre.

### Mitigation

In order to mitigate impacts related to sensitive species and sensitive habitat, the following mitigation measures would be implemented. The timing of the mitigation along with the method to accomplish the mitigation is provided below.

## **MM BIO-1: Sensitive Species and Migratory Birds**

### **BIOLOGICAL RESOURCE PROTECTION DURING CONSTRUCTION**

#### **I. Prior to Construction**

- A. **Biologist Verification:** The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012) has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Preconstruction Meeting:** The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow-up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. **Biological Documents:** The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including, but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, MSCP, ESL Regulations, project permit conditions; CEQA, endangered species acts, and/or other local, state or federal requirements.
- D. **BCME:** The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME), which includes the biological documents in C above. In addition, it shall include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, barrel cactus recovery and relocation, burrowing owl exclusions), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City's Assistant Deputy Director or the MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. **Avian Protection Requirements:** To avoid any direct impacts to sensitive, MSCP Covered, listed, threatened, or endangered species, or species in the list of raptors provided on page 12 (Restrictions on Grading) of the Biology Guidelines, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the established breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the

results of the pre-construction survey to City MMC for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable state and federal law (e.g., appropriate follow-up surveys, monitoring schedules, construction barriers/buffers) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section or Resident Engineer, and Qualified Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.

- F. Resource Delineation: Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- G. Education: Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers and the flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas).

## II. During Construction

- A. Monitoring: All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. If barrel cactus are identified during construction, they shall be recovered and relocated off the project site to a suitable location. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record. The Consultant Site Visit Record shall be e-mailed to MMC on the first day of monitoring, the first week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.
- B. Subsequent Resource Identification: The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna on site (e.g., flag plant specimens for avoidance during access). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state, or federal regulations have been determined and applied by the Qualified Biologist.

### III. Post Construction Measures

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City Assistant Deputy Director or MMC within 30 days of construction completion.

#### **MM BIO-2: Coastal Sage Scrub Habitat**

Prior to the commencement of any grading activities or, if a grading permit is required, prior to issuance of a grading permit, evidence shall be provided that demonstrates a total of 0.25 acre of credit from the San Diego Habitat Acquisition Fund or another approved mitigation bank (such as Marron Valley) has been acquired to mitigate the loss of disturbed coastal sage scrub (Tier II).

#### Mitigation Funding, Timing, and Responsibility

Mitigation measure **MM BIO-1** would reduce impacts on sensitive wildlife species, raptors, and other migratory birds (**Impact BIO-1** and **Impact BIO-2**) to less than significant levels by ensuring that construction would not directly affect species and that construction noise would not adversely affect nests by providing appropriate avoidance measures. Mitigation measure **MM BIO-2** would reduce impacts on disturbed coastal sage scrub (**Impact BIO-3**) to less than significant levels, as the project would be required to ensure in-kind replacement of this sensitive vegetation community. The party responsible for funding and implementing **MM-BIO-1** and **MM-BIO-2** is with the permittee/developer. The implementation of **MM-NOI-1**, including appropriate timing, method of implementation, and reporting is subject to verification by the City. The timing of each mitigation measure is identified within the mitigation measure itself.

### **1.4 Historical and Tribal Cultural Resources**

#### Impact

Although no historical (archaeological) or tribal cultural resources were identified within the area of potential effect (APE), the project would have the potential to disturb or alter subsurface resources during construction related activities. Therefore, impacts would be significant and mitigation is required. Construction activities are not expected to disturb human remains. In the unlikely event of discovery, compliance with existing state laws set forth in **MM-HIST-1** would be required, including relevant sections of the California Public Resources Code and Health and Safety Code.

#### Mitigation

In order to mitigate impacts related to historical and tribal cultural resources and human remains, the following mitigation measures would be implemented. The timing of the mitigation along with the method to accomplish the mitigation is provided below.

## MM-HIST-1: Subsurface Archaeological and Tribal Cultural Resources

### I. Prior to Permit Issuance (for projects that include ground disturbance)

#### A. Entitlements Plan Check

1. Prior to issuance of any construction permits including, but not limited to, the first Grading Permit, Demolition Plans/Permits, and Building Plans/Permits, but prior to the first preconstruction (precon) meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for archaeological monitoring and Native American (Kumeyaay) monitoring have been noted on the applicable construction documents through the plan check process.

#### B. Letters of Qualification Have Been Submitted to ADD

1. The project's cultural resources consultant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines. If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour Hazardous Waste Operations and Emergency Response training with certification documentation.
2. MMC would provide a letter to the project's cultural resources consultant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the Historical Resources Guidelines.
3. Prior to the start of work, the project's cultural resources must obtain written approval from MMC for any personnel changes associated with the monitoring program.

### II. Prior to Start of Construction

#### A. Verification of Records Search

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

#### B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the City shall arrange a precon meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American monitor shall attend any

grading/excavation-related precon meetings to make comments and/or suggestions concerning the archaeological monitoring program with the CM and/or Grading Contractor.

- a. If the PI is unable to attend the precon meeting, the City shall schedule a focused precon meeting with MMC, the PI, RE, CM, or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to Be Monitored
  - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American (Kumeyaay) consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11 inches x 17 inches) to MMC identifying the areas to be monitored, including the delineation of grading/excavation limits.
  - b. The AME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring would occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents that indicate site conditions such as depth of excavation and/or site graded to bedrock, etc. that may reduce or increase the potential for resources to be present.

### III. During Construction

#### A. Monitor(s) Shall Be Present during Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full time during all soil-disturbing and grading/excavation/trenching activities that could result in impacts on archaeological resources as identified on the AME. The CM is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances, Occupational Safety and Health Administration safety requirements may necessitate modification of the AME.
2. Native American (Kumeyaay) consultant/monitor shall determine the extent of their presence during soil-disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American (Kumeyaay) consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Sections III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition—such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or encountering of native soils—that may reduce or increase the potential for resources to be present occurs.

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

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil-disturbing activities, including, but not limited to, digging, trenching, excavating, or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American (Kumeyaay) consultant/monitor, where Native American resources are discovered, shall evaluate the significance of the resource. If human remains are involved, follow protocol in Section IV below.
  - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
  - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program that has been reviewed by the Native American (Kumeyaay) consultant/monitor, and obtain written approval from MMC. Impacts on significant resources must be mitigated before ground-disturbing activities in the area of discovery would be allowed to resume. Note: If a unique archaeological site is also a historical resource as defined in CEQA, then the limits on the amount(s) that the project may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.
  - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts would be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off site until a determination can be made regarding the provenance of the human remains, and the following procedures as set forth in CEQA Section 15064.5(e), California PRC (Section 5097.98), and State HSC (Section 7050.5) shall be undertaken:



A. Notification

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

B. Isolate Discovery Site

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

C. If Human Remains Are Determined to Be Native American

1. The Medical Examiner would notify the NAHC within 24 hours. By law, only the Medical Examiner can make this call.
2. The NAHC would immediately identify the person or persons determined to be the MLD and provide contact information.
3. The MLD would contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California PRC, and HSC.
4. The MLD would have 48 hours to make recommendations to the City or representative for the treatment or disposition, with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American human remains would be determined between the MLD and the PI, and, if:
  - a. The NAHC is unable to identify the MLD, or the MLD failed to make a recommendation within 48 hours after being notified by the Commission, or;
  - b. The City or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the City, then,
  - c. In order to protect these sites, the City shall do one or more of the following:
    - 1) Record the site with the NAHC;
    - 2) Record an open space or conservation easement on the site; or
    - 3) Record a document with the County.
  - d. Upon the discovery of multiple Native American human remains during a ground-disturbing land development activity, the City may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate

treatment measures, the human remains and cultural materials buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains Are Not Native American

1. The PI shall contact the Medical Examiner with notification of the historic era context of the burial.
2. The Medical Examiner would determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for interment of the human remains shall be made in consultation with MMC, EAS, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

A. If Night and/or Weekend Work Is Included in the Contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.
  - a. No Discoveries  
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax or email by 8 a.m. of the next business day.
  - b. Discoveries  
All discoveries shall be processed and documented using the existing procedures detailed in Sections III – During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
  - c. Potentially Significant Discoveries  
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Sections III – During Construction and IV – Discovery of Human Remains shall be followed.
  - d. The PI shall immediately contact MMC, or by 8 a.m. of the next business day, to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If Night and/or Weekend Work Becomes Necessary during the Course of Construction

1. The CM shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All Other Procedures Described Above Shall Apply, as Appropriate

VI. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines, that describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results, or other complex issues, a schedule shall be submitted to MMC establishing agreed-upon due dates and the provision for submittal of monthly status reports until this measure can be met.
    - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
    - b. Recording Sites with State of California Department of Parks and Recreation (DPR)
    - c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the SCIC with the Final Monitoring Report.
  2. MMC shall return the Draft Monitoring Report to the PI for revision or for preparation of the Final Report.
  3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
  4. MMC shall provide written verification to the PI of the approved report.
  5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.
  2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
  3. The cost for curation is the responsibility of the property owner.
- C. Curation of Artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing, and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American (Kumeyaay) representative, as applicable.
  2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
  3. When applicable to the situation, the PI shall include written verification from the Native American (Kumeyaay) consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective

measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.

**D. Final Monitoring Report(s)**

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC that includes the Acceptance Verification from the curation institution.

**Mitigation Funding, Timing, and Responsibility**

Implementation of **MM-HIST-1** would reduce impacts related to historical and tribal cultural resources and human remains to less than significant levels because the recommended monitoring of any ground-disturbing activities on the project site would minimize the potential to damage, or result in the loss of, unknown subsurface archaeological or tribal cultural resources. The party responsible for funding and implementing **MM-HIST-1** is with the permittee/developer. The implementation of **MM-HIST-1**, including appropriate timing, method of implementation, and reporting is subject to verification by the City. The timing of each mitigation measure is identified within the mitigation measure itself.

**1.5 Visual Effects and Neighborhood Character**

**Impact**

Construction of the roadway segment could result in the substantial alteration of an existing landform. The project site is on a steep hillside with natural gradients equal to or in excess of 25%, and is, therefore, subject to the City's ESL regulations. The proposed project would entail 43,500 cubic yards of fill and 0 yards of cut. The maximum fill would be approximately 46 feet. Therefore, the project would alter more than 2,000 cubic yards of earth per graded acre and/or result in a change in elevation of a steep hillside from existing grade to proposed grade of more than 5 feet. As such, the proposed project would result in a significant impact related to landform alteration (**Impact VIS-1**). Impacts would be significant and mitigation would be required.

## Mitigation

In order to mitigate impacts related to landform alteration, the following mitigation measure would be implemented. The timing of the mitigation along with the method to accomplish the mitigation is provided below.

### **MM-VIS-1: Landform Alteration**

Prior to issuance of grading permits, the project applicant shall implement design features and grading techniques specific to the alteration of the hillside. The grading plans shall be subject to the review and approval by the City prior to issuance of a grading permit.

The grading plans shall clearly demonstrate, with both spot elevations and contours, that:

1. The proposed landforms shall very closely imitate the existing on-site landform and/or the undisturbed, pre-existing surrounding neighborhood landforms. This can be achieved through "naturalized" variable slopes.
2. The proposed slopes follow the natural existing landform and at no point vary substantially from the natural landform elevations.
3. The gradient of the slopes will be varied rather than left at a constant angle, in order to create a more natural appearance.
4. Natural landform plantings are incorporated to soften the appearance of manufactured slopes.

### Mitigation Funding, Timing, and Responsibility

With implementation of **MM-VIS-1**, the visual impacts of landform alteration on a steep hillside would be reduced to less than significant levels. The party responsible for funding and implementing **MM-VIS-1** is with the permittee/developer. The implementation of **MM-VIS-1**, including appropriate timing, method of implementation, and reporting is subject to verification by the City. The timing of each mitigation measure is identified within the mitigation measure itself.