

RESOLUTION NUMBER R- 313705

DATE OF FINAL PASSAGE SEP 14 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT
REPORT NO. 652519/SCH NO. 2020039006, ADOPTING THE
FINDINGS AND STATEMENT OF OVERRIDING
CONSIDERATIONS, AND ADOPTING THE MITIGATION
MONITORING AND REPORTING PROGRAM FOR THE TRAILS
AT CARMEL MOUNTAIN RANCH – PROJECT NO. 652519.

WHEREAS, on January 31, 2020, NUWI CMR, LLC, a Delaware Limited Liability
Company submitted an application to Development Services Department for amendments to the
General Plan and Carmel Mountain Ranch Community Plan; Rezone; Master Planned
Development Permit and Site Development Permit; and Vesting Tentative Map including an
easement vacation for the Trails at Carmel Mountain Ranch (Project); and

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

WHEREAS, the issue was heard by the City Council on September 14, 2021; and

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

WHEREAS, the City Council considered the issues discussed in Environmental Impact
Report No. 652519 / SCH. No 202039006 (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 A.

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 B.

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

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

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Lindsey H. Sebastian

Lindsey H. Sebastian
Deputy City Attorney

LHS:nja
08/12/2021
09/08/2021 COR. COPY
Or. Dept: DSD
Doc. No.: 2735452

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

EXHIBIT A

**Draft Candidate Findings of Fact and
Statement of Overriding Considerations**

For

The Trails at Carmel Mountain Ranch

Project No. 652519 / SCH No. 2020039006

August 23, 2021

I. Introduction

a. Findings of Fact and Statement of Overriding Considerations

The following Candidate Findings of Fact (Findings) and Statement of Overriding Considerations (SOC) are made for the Trails at Carmel Mountain Ranch (project). The environmental effects of the project are addressed in the Final Environmental Impact Report (Final EIR) dated July 19, 2021, which is incorporated by reference herein.

The California Environmental Quality Act (CEQA) [Public Resources Code Section 21081(a)] and the State CEQA Guidelines [14 California Code of Regulations, Section 15091(a)] require that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof, unless such public agency makes one or more of the following findings:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment;
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be adopted by that other agency; or
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final environmental impact report.

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

CEQA further 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 effects when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" (Section 15093(a) of the State CEQA Guidelines). 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 actions based on the Final EIR or other information in the record.

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

b. Record of Proceedings

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

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the project;
- All responses to the NOP received by the City;
- The Draft EIR;
- The Final EIR;

- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to the written comments included in the Final EIR;
- All written and oral public testimony presented during a noticed public hearing for the project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in any responses to comments in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft EIR and the Final EIR;
- Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings and SOC; and
- Any other relevant materials required to be in the Record of Proceedings by Public Resources Code Section 21167.6(e).

c. Custodian and Location of Records

The documents and other materials which constitute the record of proceedings for the City's actions on the project are located at the City's Development Services Department (DSD), 1222 1st Avenue, 5th Floor, San Diego, California 92101. DSD is the custodian of the project's administrative record. Copies of the document that constitute the Record of Proceedings are and at all relevant times have been available upon request at the offices of DSD.

The Draft EIR was placed on the City Clerk's web-site at <https://www.sandiego.gov/ceqa/draft>; and the Final EIR was placed on DSD's website at <https://www.sandiego.gov/ceqa/final>. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and State CEQA Guidelines Section 15091(e).

II. Project Summary

a. Project Objectives

The objectives of the project include the following:

1. Provide multi-family housing units with a range of housing types that are compatible with the adjacent established residential communities.

2. Assist the City in meeting state and local housing goals by providing opportunities for high-quality, new, market-rate and deed-restricted housing to meet the needs of current and future City residents on vacant land centrally located near existing jobs, transit, commercial, and industrial development.
3. Preserve the majority of the project site as open space, avoid areas of native vegetation or potentially suitable habitat for special-status plant species, and avoid areas of sensitive habitat including jurisdictional areas and their associated 100-foot buffers.
4. Replace dead and dying vegetation associated with the vacant and blighted golf course with drought-tolerant, native landscaping.
5. Create a wide-range of active and passive public recreational opportunities above and beyond what is required by City regulations.
6. Establish a multi-use trail system for pedestrians and bicyclists with connections to major amenities and adjacent neighborhoods. Establish a public system of trails and paths for community-wide use, thereby providing enhanced neighborhood connectivity.
7. Ensure new uses are compatible with the existing community by establishing 50-foot setbacks, design regulations and guidelines, best practices, and performance standards to ensure that the project is cohesive and respectful of existing properties.

b. Project Description

The proposed project would allow for a total of 1,200 multi-family homes, one commercial parcel, and a mix of open space and recreational uses. At buildout of the project, a total of 180 deed-restricted affordable units would be included.

The project would develop distinct residential neighborhoods with a diversity of housing types and open space amenities with a unique character and sense of place which would be accomplished through implementation of project-specific design guidelines. Each neighborhood would provide an open space amenity, trail connection, recreation area, and separate entrance. Gateways into the neighborhoods would be clearly marked and accentuated with distinct landscape features, building forms, enhanced paving, and direct pedestrian paths. Entrances to each neighborhood would lead residents and visitors directly to recreation areas and open space amenities in the neighborhood, providing a sense of place and arrival. Homes would be clustered and oriented around private open spaces and community amenities, providing a sense of neighborhood identity. Buildings would be oriented and relate directly to

internal drives, paseos, greenways, and common open space amenities and generally create an attractive presence and "eyes on the street."

Residential land uses would be developed as infill residential neighborhoods consistent with the policies and regulations established in the Trails at Carmel Mountain Ranch Design Guidelines (EIR Appendix B). The residential development would occur on approximately 52.9 acres ranging in density from 13 to 37 dwelling units per acre. The proposed project would allow up to 1,200 residential dwelling units with heights ranging from 37 to 48 feet (inclusive of all building appurtenances such as solar panels, chimneys and mechanical equipment). All proposed new residential structures would be set back 50 feet from existing residential development.

Numerous building types (townhomes, garden walk-ups, stacked flats and apartments, among others) would be provided in the community, with a mix of for-sale and rental dwelling units to serve a diverse and mixed population and household size. A variety of architectural styles would be allowed across the neighborhoods, so long as a consistency is established at each planning unit neighborhood to help define a sense of place. Building designs would establish a pattern and hierarchy of building massing and forms to help reduce the visual bulk of the development and would incorporate smaller-scale architectural elements, such as bay windows, porches, projecting eaves, awnings, and similar elements, to add visual interest and reduce the scale and mass of buildings.

Development of the residential neighborhoods would be implemented through City-wide zoning with allowable deviations from the development standards described in the Design Guidelines (Appendix B). The Design Guidelines provide guidance and direction on site

planning, building design, landscape design and brush management. The Design Guidelines also provide objective criteria for long-term maintenance of open space and trails.

Areas zoned RM-1-1 and RM-1-3 would include two- and three-story townhomes, with two or three bedrooms. Areas zoned RM-2-4 through RM-2-6 and RM-3-7 would include three- and four-story apartments, with studios, one, two, and three bedrooms.

Approximately 111.0 acres of development would be composed of parkland, open space, and buffer area. This area includes approximately 5 miles of publicly accessible trails and 7.87 acres of publicly accessible parkland; 78.1 acres of open space; and 25.0 acres of buffer area. A privately-owned trail system would circulate throughout the project site to provide mobility and recreational opportunities for pedestrians and bicyclists. The majority of the trail system would be repurposed from the previous golf cart path. There would also be new segments of the trail system that would be constructed of decomposed granite or concrete and would provide connections through new development areas. Trails would range from 5 to 8 feet in width and all trails would be publicly accessible. A trail staging area would provide bike racks, a trail map and rules kiosk, bike station, picnic tables, and shade areas. Trails would connect to sidewalks along the proposed on-site roadways and along existing adjacent residential streets to maximize access and connectivity to the surrounding neighborhood. Recreational amenities would include picnic pavilions, playgrounds and tot-lots.

In addition, the project proposes a 12,000-square-foot pad for future development of a community art gallery/studio located near the existing Carmel Mountain Ranch library. This gallery may include up to 6,000 square feet in one or two buildings to house gallery space, studio space and a 3,000-square-foot café/restaurant/banquet area with 2,000 square feet of dining space and a 1,000-square-foot kitchen. One watchkeeper quarters up to 1,200 square feet would also be

proposed. The Community Plan Land Use proposed is Community Commercial and the zone would be CC-2-1.

Discretionary Actions

The project requires the following entitlements from the City:

- General Plan Amendment
- Community Plan Amendment
- Rezone
- Master Planned Development Permit
- Site Development Permit
- Vesting Tentative Map with Easement Vacations

III. Environmental Review Process and Public Participation

The lead agency approving the project and conducting environmental review under CEQA (California Public Resources Code Sections 21000, et seq.), and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), is the City. As lead agency, the City is primarily responsible for carrying out the project.

In compliance with Section 15082 of the State CEQA Guidelines, the City published a NOP on March 3, 2020, which began a 30-day period for comments on the appropriate scope of the Draft EIR. Consistent with Public Resources Code Section 21083.9 and Section 15082 of the CEQA Guidelines, a public scoping meeting was to be held to solicit comments regarding the scope and analysis of the EIR. However, due to the state of emergency related to the COVID-19 virus and in the interest of protecting public health and safety, the City followed health mandates from Governor Newsom and the County of San Diego to slow the spread of the COVID-19 virus by limiting public meetings. Therefore, the City did not conduct the in-person scoping meeting. The public scoping meeting scheduled for Wednesday, March 18, 2020, was cancelled in

accordance with mandated safety requirements outlined by the County of San Diego. A cancellation notice was posted on the City's website on March 13, 2020.

The City published the Draft EIR on December 23, 2020, in compliance with CEQA. Pursuant to State CEQA Guidelines Section 15085, upon publication of the Draft EIR, the City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that the Draft EIR had been completed and was available for review and comment by the public until February 8, 2021. The City also posted a Notice of Availability of the Draft EIR at this time pursuant to State CEQA Guidelines Section 15087.

The Final EIR for the project was published on July 19, 2021. A Revised Final EIR was published on August ___, 2021. Both documents have been prepared in accordance with CEQA and the State CEQA Guidelines.

IV. Summary of Impacts

Impacts associated with specific issues areas (e.g., land use, transportation, air quality, etc.) resulting from approval of the project and future implementation are discussed below.

The Final EIR concludes the project will have no impacts with respect to the following issue areas:

- Agriculture and Forestry Resources
- Mineral Resources

The Final EIR concludes that the project will have less than significant impacts and require no mitigation measures with respect to the following issues:

- Land Use
- Air Quality and Odor
- Energy
- Geologic Conditions
- Greenhouse Gas Emissions

- Health and Safety
- Hydrology
- Population and Housing
- Paleontological Resources
- Visual Effect/Neighborhood Character
- Water Quality
- Wildfire

Potentially significant impacts of the project will be mitigated to below a level of significance with respect to the following issues:

- Biological Resources
- Historical Resources
- Noise
- Public Utilities
- Tribal Cultural Resources (TCRs)

No feasible mitigation measures are available to reduce impacts to below a level of significance for the following issues:

- Transportation/Circulation
- Public Services and Facilities (Library)

V. Findings Regarding Impacts

In making each of the findings below, the City has considered the Record of Proceedings. The Plans, Programs, and Policies discussed in the Final EIR are existing regulatory plans and programs to which the project is subject, and analysis throughout the Final EIR demonstrates consistency.

a. Findings Regarding Impacts that Can Be Mitigated to Below a Level of Significance

The City, having independently reviewed and considered the information contained in the Final EIR and the Record of Proceedings, finds pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1) that changes or alterations have been required in, or

incorporated into, the project that avoid, mitigate, or substantially lessen the significant effects on the environment as identified in the Final EIR. The basis for this conclusion is as follows:

1. Biological Resources

Impact: Construction-related noise may impact breeding wildlife, including two Multiple Species Conservation Program (MSCP)-covered species (least Bell's vireo and Cooper's hawk), as well as yellow warbler, if construction occurs during the breeding season. Indirect and cumulative impacts would be potentially significant (**Impact BIO-1**).

Facts in Support of Findings: Construction-related noise may impact breeding wildlife, including two MSCP-covered species (least Bell's vireo and Cooper's hawk), as well as and yellow warbler, if construction occurs during the breeding season (generally February 1 through September 15).

Mitigation Measure: Mitigation Measure (MM)-BIO-1 requires that, prior to construction, a Qualified Biologist be retained to implement the monitoring program and all necessary documentation be submitted to the City's Mitigation Monitoring Coordination (MMC) section. Habitat removal for areas that support active nests should occur outside of the February 1-September 15 breeding season. Pre-construction surveys will be performed and conducted within 10 calendar days prior to the start of construction activities. Orange construction fencing is required adjacent to the sensitive biological habitats and prior to construction the construction crew must attend an on-site educational session regarding the need to avoid impacts outside of approved construction area. **MM-BIO-1** also requires monitoring during construction activities, as needed. **MM-BIO-2** requires specific steps be taken to ensure the protection of the least Bell's vireo, including surveys, noise attenuation and noise monitoring, as needed.

Finding: Implementation of **MM-BIO-1** and **MM-BIO-2** would reduce indirect and cumulative biological resource impacts to below a level of significance.

Reference: These findings incorporate by reference the information and analysis included in Revised Final EIR Section 5.4, Biological Resources, and Section 6.1.4, Biological Resources.

2. Historical Resources

Impact: Impacts to one cultural resource (P-37-006082) resulting from the proposed project construction would be potentially significant (**Impact HR-1**).

Facts in Support of Findings: The survey conducted by Dudek as part of the cultural report confirmed that P-37-006082 is the only previously identified resource within the project area of potential effects (APE) that has not been completely obscured or destroyed by prior development. Construction of the proposed project could potentially damage this historical resource.

Mitigation Measure: **MM-HR-1** would require that, prior to issuance of a grading permit for any construction-related activity proposed within 100 feet of a known cultural resource on the project site, Owner/Permittee shall undertake avoidance measures and implement a construction monitoring plan. **MM-HR-2** requires that a monitoring program be implemented to protect unknown archeological resources that may be encountered during construction and/or maintenance-related activities. The monitoring plan includes checking entitlement plans, submitting letters of qualifications, verifying records search, and attending preconstruction meetings; it also calls for monitors being present during grading, excavation, and/or trenching; and defines a protocol in the case a resource is discovered. If a resource is discovered, the Principal Investigator (PI) and Native American consultant/monitor shall evaluate the significance of the resource. If human remains are discovered, the procedures set forth in Public Resources Code Section 15064.5(e), Public Resources Code Section 5097.98 and Health and

Safety Code Section 7050.5 shall be undertaken. The procedures and protocols outlined in **MM-HR-2** would ensure that any significant resources discovered during ground disturbing activities would not be damaged or destroyed during ground-disturbing activities.

Finding: Implementation of **MM-HR-1** and **MM-HR-2** would reduce historical resource impacts to below a level of significance.

Reference: These findings incorporate by reference the information and analysis included in Revised Final EIR Section 5.9, Historical Resources.

Impact: Direct and cumulative impacts to unknown religious or sacred uses on the project site would be potentially significant (**Impact HR-2**).

Facts in Support of Finding: No existing religious or sacred uses are located on the project site. However, a significant historical resource related to religious or sacred uses could be discovered during ground disturbing activities and impacts would be potentially significant.

Mitigation Measure: **MM-HR-2** requires preparation and submittal of a Draft Monitoring Report, which shall describe the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to the MMC for review and approval within 90 days following the completion of monitoring. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report. In the case of handling artifacts, the PI shall be responsible for ensuring that artifacts are collected, cleaned, catalogued, and analyzed to identify function and chronology. The property owner shall be responsible for cost for curation.

Finding: Implementation of **MM-HR-2** would reduce direct and cumulative historical resource impacts to below a level of significance.

Reference: These findings incorporate by reference the information and analysis included in Revised Final EIR Section 5.9, Historical Resources, and Section 6.1.9, Historical Resources.

3. Noise

Impact: Noise levels from project construction would exceed the San Diego Municipal Code construction noise standards applicable to existing sensitive receptors leading to potentially significant direct and cumulative noise impacts (**Impact NOI-1**).

Facts in Support of Finding: Given the nature of the project site being interspersed with and in proximity to existing residential land uses, construction operations associated with the proposed project have the potential to exceed the City's 75 decibel (dB) 12-hour average property line noise level threshold, resulting in a potentially significant impact.

Mitigation Measure: MM-NOI-1 requires that prior to issuance of demolition, grading, or building permits, MMC shall verify that construction activity occurring as a result of proposed project implementation within 175 feet of noise-sensitive receivers includes noise-reduction measures to ensure construction activities do not exceed the 75 dBA community noise equivalent level (CNEL) and comply with City's (San Diego Municipal Code Section 59.5.0401, Sound Level Limits, and San Diego Municipal Code Section 59.5.0404, Construction Noise).

Finding: Implementation of MM-NOI-1 would reduce direct and cumulative construction noise impacts to below a level of significance.

Reference: These findings incorporate by reference the information and analysis included in Revised Final EIR Section 5.11, Noise, and Section 6.1.11, Noise.

Impact: Noise levels from project operations (mechanical equipment noise) would exceed the San Diego Municipal Code construction noise standards applicable to existing and

future sensitive receptors resulting in potentially significant direct and cumulative noise impacts **(Impact NOI-2)**.

Based on an attenuation rate of 6 dB per doubling of distance and shielding that would break the line of sight to outdoor heating, ventilation, and air conditioning (HVAC) equipment, the noise level at the nearest receiving property line would be approximately 44.5 dB during continuous operation, exceeding the San Diego Municipal Code residential noise level standard of 40 dB between 10:00 p.m. and 7:00 a.m., resulting in a potentially significant impact.

Facts in Support of Finding: MM-NOI-2 requires that prior to issuance of building permit, MMC shall verify that mechanical noise levels are minimized to meet applicable City noise thresholds through equipment selection, project-site design, and construction of localized barriers or parapets. Selection of mechanical equipment shall consider radiated outdoor sound pressure levels and efficiency as the primary criteria. MM-NOI-2 also requires that outdoor mechanical equipment be located so that line-of-sight from the equipment to the adjacent noise-sensitive receiving property line is blocked by intervening building elements or structures. MM-NOI-2 requires a noise analysis by a qualified acoustical consultant prior to issuance of a building permit to ensure compliance with the San Diego Municipal Code.

Finding: Implementation of MM-NOI-2 would reduce direct and cumulative operational noise impacts to below a level of significance.

Reference: These findings incorporate by reference the information and analysis included in Revised Final EIR Section 5.11, Noise, and Section 6.1.11, Noise.

4. Public Utilities

Impact: Prior to the payment of a fair-share contribution for the reconfiguration/retrofit of the Carmel Mountain High Water Pump Station, direct and cumulative impacts would be potentially significant (**Impact UTL-1**).

Facts in Support of Finding: The project applicant acknowledges the reconfiguration/retrofit of the Carmel Mountain High Water Pump Station would be necessary. The extent of the upgrades required at the pump station are not known at this time; however, it is anticipated that a new pump would be required at this location.

Mitigation Measure: MM-UTL-1 requires a fair-share contribution for the reconfiguration/retrofit of the Carmel Mountain High Water Pump Station prior to the issuance of the first building permit for Unit 9.

Finding: Implementation of MM-UTL-1 would reduce direct and cumulative public utilities impacts to below a level of significance.

Reference: These findings incorporate by reference the information and analysis included in Revised Final EIR Section 5.15, Public Utilities, and Section 6.1.15, Public Utilities.

5. Tribal Cultural Resources

Impact: There is potential for TCRs to be impacted by project implementation and thus, direct and cumulative impacts are considered potentially significant (**Impact TCR-1**).

Facts in Support of Finding: The area is considered potentially sensitive for TCRs as identified by the Iipay Nation of Santa Isabel, Jamul Indian Village, and San Pasqual Band of Mission Indians, who are affiliated traditionally and culturally with the project area. Therefore,

there is a potential for TCRs to be impacted by project implementation during grading and ground-disturbing activities. Impacts would be considered potentially significant.

Mitigation Measure: MM-TCR-1 requires that prior to beginning any construction related activity on-site, Owner/Permittee shall implement the items detailed in **MM-HR-1** and **MM-HR-2**.

Finding: With **MM-TCR-1** implementation, direct and cumulative impacts to any potential TCRs would be reduced to below a level of significance.

Reference: These findings incorporate by reference the information and analysis included in Revised Final EIR Section 5.16, Tribal Cultural Resources, and Section 6.1.16, Tribal Cultural Resources.

b. Findings Regarding Impacts That Are Significant and Unavoidable

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings and pursuant to Public Resource Code Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3), finds that specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible any mitigation measures for the project's Transportation/Circulation and Public Services and Facilities (Library) impacts as explained in more detail in the Final EIR (Project No. 652519 / SCH No. 2020039006).

"Feasible" is defined in Section 15364 of the State CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." Public Resources Code Section 21081 and State CEQA Guidelines Section 15091(a)(3) also provide that "other" considerations may form the basis for a finding of infeasibility. Case law makes clear that a

mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. These findings are appropriate because there are no feasible mitigation measures available that would reduce the identified project impacts to below a level of significance.

1. Transportation/Circulation

Impact: It is unlikely that the project would generate vehicle miles traveled (VMT) per capita of 15% below the regional average; therefore, the project would have a potentially direct and cumulative significant impact relative to VMT (**Impact TRA-1**).

Facts in Support of Finding: The anticipated daily trip generation of the residential component of the project was determined per the City of San Diego's Trip Generation Manual. The project is anticipated to generate approximately 8,282 daily trips.

The census tracts containing the project site (170.56, 170.55, and 170.39) have a VMT per capita of 21.7, 21.4, and 23.2, respectively. These values exceed the City's VMT significance threshold of 16.2. While modeling the project in the San Diego Association of Governments (SANDAG) model would provide the project-specific estimate of VMT per Capita, it can be inferred from the land use characteristics of the surrounding census tracts and their VMT rates, that it is unlikely the project would generate VMT per capita of 15% below the regional average, even with transportation demand management (TDM) reductions.

Thus, the residential component of the project will result in a significant VMT transportation impact. The project will comply with the Complete Communities, Mobility Choices Program, which requires project applicants to implement VMT reducing amenities or pay an active transportation in-lieu fee depending on a project's location. Compliance with the Mobility Choices Program may be used as mitigation for a significant VMT transportation impact and projects that

are in compliance may rely upon the findings and statement of overriding considerations prepared for the Mobility Choices Program. Since a portion of the project is located in mobility zone 2, VMT reduction guidelines for that zone were applied to the entire project. Therefore, based on the regulations, five VMT Reduction Measure points are necessary to comply with the Mobility Choices Program. Those points are considered mitigation "to the extent feasible."

As a result, the project would generate VMT that cannot be reduced to 15% below the regional average, even with the implementation of all feasible mitigation.

Mitigation Measure: The project would implement VMT reduction measures pursuant to **MM-TRA-1**, including three on-site bicycle repair stations in Units 9, 10, and 16, and each unit would provide short-term bicycle parking 10% beyond the minimum requirements for public use (the project would therefore have a total of 660 short-term bicycle parking spaces). These measures would reduce VMT, but not enough to meet regional guidelines.

Finding: Direct and cumulative impacts associated with VMT would be significant and unavoidable even with implementation of **MM-TRA-1**.

Reference: These findings incorporate by reference the information and analysis included in Revised Final EIR Section 5.2, Transportation/Circulation, and Section 6.1.2, Transportation/Circulation.

2. Public Services and Facilities

Impact: The population increase associated with the project would exacerbate the current need for a larger library in the Carmel Mountain Ranch community, and therefore the project would result in a potentially significant direct and cumulative impact (**Impact PUB-1**).

Facts in Support of Finding: The nearest municipal library to the project is the Carmel Mountain Ranch Library, located adjacent to the project site at 12095 World Trade Drive. This local branch is part of the City library system, which allows residents to use any branch or the main library, and the Serra Cooperative Library System, which allows residents of the City and San Diego County to use public library facilities. Currently, the Carmel Mountain Ranch Library does not satisfy the General Plan's policy recommendation that every branch library be at least 15,000 square feet and thus a public services and facilities deficiency exists today. As there is no specific plan in place to expand the size of the Carmel Mountain Ranch Library and there is no capital improvement program in existence to earmark funds for expanding the size of the Carmel Mountain Ranch Library, impacts as a result of the proposed project would be potentially significant. However, the project applicant would provide an ad-hoc fee, to be utilized by the City's Public Library Department for a future project or expansion of the Carmel Mountain Ranch Library. The fee will be imposed through a condition of approval of the project. The permit condition will require a proportionate contribution to be provided prior to the issuance of construction permits, to ensure a dedicated funding source is established solely for improvements to the Carmel Mountain Ranch Library. Because no specific future project or expansion of the Carmel Mountain Ranch Library has been identified at this time, the physical impacts associated with such an activity cannot be evaluated. Subsequent CEQA review may therefore be necessary when a future project or expansion of the Carmel Mountain Ranch Library is identified.

Although the project will provide an ad-hoc fee to address the impacts caused by the project's associated population increase, the improvements cannot be guaranteed. As a result, impacts would remain significant and unavoidable as no feasible mitigation exists that could reduce or avoid this potentially significant impact.

Mitigation Measure: No feasible mitigation exists that could reduce or avoid this potentially significant impact.

Finding: Direct and cumulative impacts to library facilities would be significant and unavoidable.

Reference: These findings incorporate by reference the information and analysis included in Revised Final EIR Section 5.14, Public Services and Facilities, and Section 6.1.4, Public Services and Facilities.

VI. Findings Regarding Mitigation Measures Which are the Responsibilities of Another Agency

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, finds pursuant to Public Resources Code Section 21081(a)(2) and State CEQA Guidelines Section 15091(a)(2) that there are no changes or alterations which could reduce significant impacts that are within the responsibility and jurisdiction of another public agency.

VII. Findings Regarding Alternatives

In accordance with Section 15126.6(a) of the State CEQA Guidelines, an EIR must contain a discussion of "a range of reasonable alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Section 15126.6(f) further states that "the range of alternatives in an EIR is governed by the 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." Thus, the following discussion focuses on project alternatives that are capable of eliminating significant environmental impacts or substantially

reducing them as compared to the proposed project, even if the alternative would impede the attainment of some project objectives, or would be more costly. In accordance with Section 15126.6(f)(1), among the factors that may be taken into account when addressing the feasibility of alternatives are: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.

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

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, and pursuant to Public Resource Code Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3), finds that specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the Final EIR (Project No. 652519/SCH No. 2020039006).

"Feasible" is defined in Section 15364 of the State CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." Public Resources Code Section 21081 and State CEQA Guidelines Section 15019(a)(3) also provide that "other"

considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. These findings are appropriate because there are no feasible alternative available that would reduce the identified project impacts to below a level of significance.

A. No Project/No Development Alternative

State CEQA Guidelines Section 15126.6(e), requires that an EIR evaluate a "no project" alternative along with its impact. The purpose of describing and analyzing a no project alternative is to allow a lead agency to compare the impacts of approving the project to the impacts of not approving it. Under the No Project/No Development Alternative, the project would not be implemented and the site would remain in its current condition.

Potentially Significant Effects: The No Project/No Development Alternative would avoid all of the significant and potentially significant impacts associated with the project, including: significant and unmitigated Transportation/Circulation and Public Services and Facilities (Library) impacts; and significant but mitigated impacts related to biological resources, historical resources, noise, public utilities, and TCR.

Finding: The City rejects the No Project/No Development Alternative as it fails to satisfy the proposed project's underlying purpose and because it fails to meet any of the project objectives. Moreover, specific economic, legal, social, technological, or other considerations including matters of public policy make the alternative infeasible. The City finds that any of these grounds are independently sufficient to support rejection of this alternative.

Rationale: Under the No Project/No Development Alternative, the project would not be implemented and the site would remain in its current condition. Under this alternative, none of the direct or indirect environmental impacts associated with construction and operation of the project would occur.

In addition, the No Project/No Development Alternative would not meet any of the project objectives as set forth in Section 3.2 of the Final EIR. This alternative would not provide a range of multi-family housing units (Objective No. 1); it would not assist the City in meeting state and local housing goals (Objective No. 2); it would not preserve the site as open space or replace dead and dying vegetation associated with the vacant and blighted golf course (Objectives No. 3 and 4); it would not create a wide-range of active and passive public recreational opportunities (Objective No. 5); and it would not establish a public multi-use trail system enhancing neighborhood connectivity (Objective No. 6).

Reference: These findings incorporate by reference the information and analysis included in Revised Final EIR Section 8.6., No Project/No Development Alternative.

B. Reduced Density Alternative

This alternative would have the same footprint of the proposed project, but the density would be reduced. This would reduce the number of multi-family homes proposed from 1,200 to 825. This alternative would eliminate all apartments on site and shift the entire project to 100% townhomes. Under the proposed project, apartments are planned on Units 5, 6, 9, 16, and 17 with an average density of 30 dwelling units/acre (du/ac). Under this alternative, those locations would now include townhomes with an average density of 15 du/ac. This alternative would therefore reduce the estimated number of people anticipated to occupy the new development from 3,180 people to 2,186.

The same discretionary actions required for the project would be required for this alternative, including a General Plan Amendment, Community Plan Amendment, Rezone, Vesting Tentative Map with Easement Vacation, Master Planned Development Permit and Site Development Permit.

Potentially Significant Effects: While this alternative would slightly reduce Transportation/Circulation and Public Services and Facilities (Library) impacts, due to the reduced number of residents generated (2,186 compared to 3,180), the impacts would nonetheless remain significant and unavoidable. Impacts would remain significant and unavoidable because the number of residents generated would still result in a substantial increase in VMT and impacts on library services. Further, this alternative would reduce the following impacts identified as less than significant with or without mitigation under the proposed project, but would not avoid impacts altogether: Air Quality, Energy, Greenhouse Gas Emissions, Noise, Public Utilities, Public Services and Facilities, and Visual Effects/Neighborhood Character. Fewer units would be developed which would reduce construction related air quality, GHG, and noise impacts; would reduce the amount of required public utilities; would reduce the amount of water supply required, wastewater generated, and solid waste generated; would reduce visual impacts associated with fewer units being developed; would reduce impacts to public services and facilities such as fire and police protection due to the reduced number of residents; and would reduce the amount of energy required for operation of the project due to the reduced size of the development.

Finding: This alternative fails to fully satisfy the proposed project's underlying purpose and fails to meet several project objectives. The intent of the project is to provide multi-family

housing within proximity to public transit, and this alternative would reduce the number of housing units in Units 5 and 6, which are closest to the Metropolitan Transit System (MTS) Sabre Springs/Peñasquitos Transit Station (Station). In addition, specific economic, legal, social, technological or other considerations including matters of public policy render this alternative infeasible. Therefore, the City rejects this alternative and finds that any of these grounds are independently sufficient to support rejection of this alternative.

Rationale: The Reduced Development Alternative would not meet all of the project objectives to the same extent as the proposed project. By reducing the total number of units on site and eliminating apartments altogether, the project would not provide multi-family units with a range of housing types (Objective No. 1). By reducing the number of dwelling units, fewer deed-restricted affordable housing units would be on centrally located vacant land near jobs and commercial and industrial development (Objective No. 2). Further, by reducing the number of residences within Units 5 and 6, which are closest to the Station, fewer people would be located within walking distance of nearby transit. The purpose of objective No. 2 is to provide multi-family housing to meet the needs of current and future City residents on vacant land located near transit, and in particular in a Transit Priority Area, and close to activity centers. By reducing development within the locations closest to the Station, this alternative would not fully realize this objective. In addition, by reducing the number of dwelling units, less active public recreational opportunities will be created (Objective No. 5).

A goal of the General Plan Land Use Element is to increase the City's supply of land designated for various residential densities (LU-C.3). The General Plan also has policies that aim to provide a variety of housing types and sizes with varying levels of affordability in residential and village developments (HE-1.1 and HE-1.2). By eliminating apartments and only developing townhomes, fewer deed-restricted affordable housing units would be provided, decreasing the overall diversity, range, and mix of housing types provided (Objective No. 1).

Reference: These findings incorporate by reference the information and analysis included in Revised Final EIR Section 8.6.2, Reduced Density Alternative.

C. Reduced Footprint Alternative

The Reduced Footprint Alternative would remove 66 dwelling units from Unit 1 and 87 dwelling units from Unit 2, and increase density on Unit 9 from 300 to 453 dwelling units. In order to accommodate an additional 153 dwelling units on Unit 9 (40 du/ac), buildings would have to be 4 to 6 stories in height. The height deviation request associated with this alternative would therefore be 20 feet greater than the proposed project's requested height deviation (68 feet versus 48 feet).

The same discretionary actions as required for the project would also be required for this alternative, including a General Plan Amendment, Community Plan Amendment, Rezone, Vesting Tentative Map with Easement Vacations, Master Planned Development Permit and Site Development Permit.

The intent of this alternative is to reduce the amount of land disturbance required for the project. Less land contouring would be necessary to construct the building pads, driveways, retaining walls, and on-site drainage facilities, and thus, this alternative would reduce impacts to historical resources, paleontological resources, and TCRs. However, impacts to these resources were already less than significant under the proposed project.

Potentially Significant Effects: The Reduced Footprint Alternative would result in reduced impacts to historical resources, paleontological resources, and TCRs, because ground-disturbing activities would be reduced with the reduced footprint. This alternative would not reduce the project's significant and unavoidable impacts associated with Transportation/Circulation and Public Services and Facilities (Library), because the same amount of residents would be added, the same amount of traffic would be generated, and the same amount of people would utilize library services.

Finding: The Reduced Footprint Alternative is rejected because it fails to meet most of the project objectives. Moreover, specific economic, social, or other considerations including matters of public policy make this alternative infeasible. The City finds that any of these grounds are independently sufficient to support rejection of this alternative.

Rationale: The Reduced Footprint Alternative would not meet most of the project objectives as it would not provide a range of multi-family housing units because a variety of townhome units planned for Units 1 and 2 would be replaced with apartments on Unit 9, decreasing the overall diversity, range, and mix of housing types provided (Objective No. 1) on site. In addition, the increase in the height of the buildings on Unit 9 to 6 stories would be undesirable for existing homeowners and would be inconsistent with the surrounding community character. Thus, this alternative would not be compatible with the existing community and would not ensure a cohesive and respectful development in comparison to existing development (Objective No. 7). Surrounding developments have heights up to 4 stories, which is the maximum building height proposed as part of the project. The Reduced Footprint Alternative would not replace dead and dying vegetation associated with the vacant golf course (Objective No. 4), or establish a multi-use trail system in connection with Units 1 and 2 because these units would remain undeveloped (Objective No. 6).

Reference: These findings incorporate by reference the information and analysis included in Revised Final EIR Section 8.6.3, Reduced Footprint Alternative.

VIII. Findings Regarding Other CEQA Considerations

a. Growth Inducement

Section 15126.2(e) of the State CEQA Guidelines mandates that the growth-inducing impact of a project be discussed. This discussion is presented in Chapter 9, Mandatory Discussion Areas, of the Final EIR. The City finds that the Project would not result in short- or long-term growth-inducing impacts.

Short-Term Growth Inducement

During project construction, demand for various construction trade skills and labor would increase. It is anticipated that this demand would be met predominantly by the local labor force, and would not require importation of a substantial number of workers or cause an increased demand for temporary or permanent local housing. Further, construction of the project is expected to take approximately 34 months. Since construction would be short term and temporary, it would not lead to an increase in employment on site that would stimulate the need for additional housing or services. Accordingly, no associated substantial short-term growth-inducing effects would result.

Long-Term Growth Inducement

Per the State CEQA Guidelines, growth-inducing effects are not necessarily beneficial, detrimental, or of little significance to the environment. The project proposes to construct up to 1,200 multi-family units and a mix of open space and recreational uses on a former golf course within the Carmel Mountain Ranch Community Plan Area. Specifically, residential land uses would compose approximately 52.9 acres and would range in density from 13 to 37 dwelling units per acre. Open space uses would be composed of approximately 111.0 acres, which includes approximately 5 miles of publicly accessible trails and 7.87 acres of publicly accessible parkland; 78.1 acres of open space; and 25.0 acres of buffer area. In addition, the project proposes a 12,000-square-foot pad for the future development of a community art gallery/studio located near the existing Carmel Mountain Ranch library.

As discussed in Section 5.1, Land Use, the project site is designated as Park, Open Space, and Recreation in the City of San Diego's General Plan (City of San Diego 2008) and Private Recreation-Golf Course under the Carmel Mountain Ranch Community Plan (City of San Diego 1999). The majority of the project site is zoned as AR-1-1, with smaller portions zoned as RS-1-13, RS-1-14, RM-1-1, RM-2-5, and RM-3-7. The project would require General Plan and Community Plan Amendments as well as a Rezone to allow for the proposed residential development on site.

As discussed in Section 5.13, Population and Housing, the proposed project would directly induce growth through the development of residential land uses within a former golf course, which would introduce new residents to the area. The proposed project's service population is based on SANDAG Series 13 Regional Growth Forecast, which estimates an average household size of 2.65 persons per household (SANDAG

2013). Utilizing SANDAG's persons per household coefficient, the proposed project would introduce an estimated 3,180 people to the area. Because the project requires a General Plan Amendment and Rezone, the estimated population of 3,180 people would not have been accounted for in SANDAG's population projections for the Carmel Mountain Ranch Community Plan Area. While some amount of residential dwelling units would be permitted under existing zoning, the potential number of allowed units would be minimal in comparison to the 1,200 proposed dwelling units. However, SANDAG's Regional Growth Forecast for the City as a whole estimates that the City would have 559,143 units in 2020, and 640,668 units in 2035 (SANDAG 2013b). This would equate to an additional 5,435 units per year from 2020 to 2035. The proposed project is expected to bring 1,200 units to market by 2027. Therefore, the proposed project would not conflict with SANDAG's regional growth forecast for the City, which accounts for residential growth in the City.

Moreover, the City's recently updated Housing Element does anticipate housing development at the project site in order to meet the Regional Housing Needs Assessment allocation. Specifically, the City includes the majority of the project site within its Adequate Sites Inventory (Housing Element Appendix D), reflecting the closure of the golf course in 2018, and identifies approximately 1,200-dwelling units on site, consistent with the proposed project. Inclusion of a site on this list does not indicate that a site will be developed or redeveloped, just that the analysis recognizes that the site has unrealized capacity for housing that could reasonably be realized during the 2021–2029 period (City of San Diego 2020).

Regarding infrastructure, the properties surrounding the project site consist of residential development that is served by existing public service and utility infrastructure. As discussed in Section 5.15, Public Utilities, the proposed project would use existing utility connections that serve the surrounding community to accommodate the internal utility infrastructure needs of the development. No major new infrastructure facilities are required to accommodate the proposed project. No existing capacity deficiencies were identified for water, wastewater, or storm drain facilities that would serve the project. Furthermore, the project would not generate sewage flow or stormwater that would exceed the capacity already planned for the sewer line or storm drain. In addition, the internal roadway network proposed to be constructed within the project site would connect to the existing roadway network surrounding the project site. Since the project site is surrounded by existing development, and would connect to existing infrastructure, implementation of the proposed project would not remove a barrier to economic or population growth through the construction or connection of new public utility infrastructure.

As stated above, however, the proposed project would not conflict with SANDAG's regional growth forecast for the City, which accounts for future residential growth within the City. The proposed project would therefore not remove barriers to growth and would not be considered growth-inducing.

b. Significant Irreversible Environmental Changes that will be Caused by the Project

State CEQA Guidelines Section 15126.2(d) requires the evaluation of significant irreversible environmental changes that would occur should a project be implemented, as follows:

- (1) Primary impacts, such as the use of nonrenewable resources (ie., biological habitat, agricultural land, mineral deposits, water bodies, energy resources, and cultural resources);
- (2) Secondary impacts, such as road improvements, which provide access to previously inaccessible areas; and
- (3) Environmental accidents potentially associated with the project.

Furthermore, Section 15126.2(d) of the State CEQA Guidelines states that irretrievable commitments of resources should be evaluated to ensure that current consumption of such resources is justified. Implementation of the project would not result in significant irreversible impacts to agricultural land, mineral resources, water bodies, historical resources, paleontological resources, or TCRs.

The project site consists of a former golf course that is no longer active (except for the existing clubhouse) and is surrounded by existing residential development. The project site is designated Park, Open Space, and Recreation in the City of San Diego's General Plan (City of San Diego 2008), and Private Recreation-Golf Course under the Carmel Mountain Ranch Community Plan (City of San Diego 1999). The project site does not contain agricultural or forestry resources, as the project site and immediate surroundings are classified as Urban and Built-Up Land under the California Department of Conservation's Farmland Mapping and Monitoring Program (DOC 2020). No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is present on site. Although mineral resource deposits (MRZ-2) underlie portions of the project site (City of San Diego 2008; Miller 1996), the area surrounding the project site has experienced increased urbanization and development with land uses (such as residential) incompatible with typical mineral extraction and processing operations. Additionally, the project site and surrounding area are historically and currently designated by the City's General Plan and zoned for uses that would preclude mineral resource operations; therefore, the loss of renewable mineral resources is not considered significant at a project-specific level.

Although the proposed project would require the spanning of approximately 0.001 acres of an unvegetated channel through the installation of an arch culvert, the structure and function of this channel would not be altered. Thus, no significant irreversible impacts to water bodies would occur.

The proposed project would require the commitment of energy and non-renewable resources, such as electricity, fossil fuels, natural gas, construction materials (e.g., concrete, asphalt, sand and gravel, steel, petrochemicals, and lumber), potable water, and labor during construction. New development within the project site would be required to comply with the California Energy Code (Title 24) and California Green Building Standards Code. The proposed project features a number of sustainable elements (e.g.,

rooftop photovoltaic solar panels, energy-efficient lighting and appliances, cool roofs, energy-efficient windows) to minimize its consumption of energy and non-renewable resources (see Section 5.7, Greenhouse Gases and Section 5.5, Energy, for further details). However, use of these resources on any level would have an incremental effect regionally and would, therefore, result in long-term irretrievable losses of non-renewable resources, such as fuel and energy.

No existing native vegetation communities or special-status species would be removed or impacted as part of this project. Approximately 70.88 acres of developed land/disturbed habitat however would be directly impacted. Indirect impacts to special-status plants and vegetation communities may result primarily from adverse "edge effects" associated with construction activities. The adverse impacts may result from dust, the introduction of invasive plant species, temporary access impacts, and increased human presence, which could disrupt plant and vegetation vitality in the short term. Wildlife may be indirectly impacted in the short-term by construction-related noise and other adverse edge effects, such as the introduction of invasive and pest species. Short-term construction-related noise can result in the disruption of foraging, nesting, and reproductive activities of breeding birds, resulting in significant impacts. Although irreversible, these impacts would be mitigated to a less-than-significant level by implementation of **MM-BIO-1** and **MM-BIO-2**, as outlined in Section 5.4, Biological Resources.

Implementation of the proposed project has the potential to disturb currently unknown sensitive sub-surface deposits, historical resources, and TCRs; such impacts would be irreversible. However, these impacts would be mitigated to below a level of significance by implementation of **MM-HR-1**, **MM-HR-2** and **MM-TCR-1**, as described in Section 5.9, Historical Resources, and Section 5.16, Tribal Cultural Resources, and recovery would occur during the construction monitoring process.

Paleontological resources could be disturbed during project construction, but any potential resources would be collected and recorded in compliance with existing regulations. Impacts to paleontological resources would result in a significant irreversible change to a non-renewable resource. However, compliance with Appendix P to the City's Land Development Manual and the City's grading ordinance (San Diego Municipal Code Section 142.0151) would preclude any significant impacts to paleontological resources, as described in Section 5.12, Paleontological Resources.

Implementation of the proposed project has the potential to result in health and safety impacts due to demolition and construction activities, which could expose people or workers to hazardous building materials and hazardous contaminants within soil. However, impacts would be less than significant as described in Section 5.8, Health and Safety.

The project would not involve a roadway or highway improvement that would provide access to previously inaccessible areas. The proposed project's circulation system is designed to interconnect with the existing adjacent public street system and discourage cut-through automobile traffic.

As demonstrated herein, the proposed project would not result in significant irreversible environmental changes.

IX. Findings Regarding Responses to Comments and Revisions in the Final EIR

The Final EIR includes the comments received on the Draft EIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by State CEQA Guidelines Section 15088(c).

Finding/Rationale: Responses to comments made on the Draft EIR and revisions in the Final EIR merely clarify and amplify the analysis presented in the Draft EIR, and do not trigger the need to recirculate per State CEQA Guidelines Section 15088.5(b).

Statement of Overriding Considerations

(PUBLIC RESOURCES CODE SECTION 21081(b))

Pursuant to Public Resources Code Section 21081(b) and State CEQA Guidelines Sections 15043 and 15093, 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 project. If the specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code Section 21081. CEQA further requires that when the lead agency approves a project that will result in the occurrence of significant effects identified in the EIR and not avoided or substantially lessened, the agency shall state in writing the specific reasons to support the action based on the EIR and/or other information in the record.

Pursuant to Public Resources Code Section 21081(b) and State CEQA Guidelines Section 15093, the City Council, having considered all of the information presented herein and in the Record of Proceedings, finds that the following specific overriding economic, legal, social, technological, or other benefits associated with the project outweigh unavoidable adverse direct impacts related to Transportation/Circulation, and Public Services and Facilities (Library).

The City Council declares that it has adopted all feasible mitigation measures to reduce the project's proposed environmental impacts to an insignificant level; considered the entire Record of Proceedings, including the EIR; and weighed the proposed benefits against the project's environmental impacts. This determination is based on the following specific benefits, each of which is determined to be, by itself and independent of the other project benefits, a basis for overriding and outweighing all unavoidable adverse environmental impacts identified in the Final EIR. Substantial evidence supports the various benefits and can be found in the preceding sections (which are incorporated by reference into this section), the Final EIR, or in the Record of Proceedings for this matter.

As set forth above, the City's approval of the project will result in significant Transportation/Circulation and Public Services and Facilities (Library) impacts that cannot be avoided, even with the adoption of all feasible mitigation measures. Whenever a lead agency adopts a project which will result in a significant and unavoidable impact, the agency must, pursuant to Public Resources Code Sections 21002 and 21081(b) and State CEQA Guidelines Section 15093, declare in writing the specific reasons to support its action based on the Final EIR and/or other information in the Record of Proceedings.

The City Council of the City of San Diego: (i) having independently reviewed the information in the EIR 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 Final EIR; and (iii) having balanced the benefits of the project against the significant environmental impacts, chooses to approve the project, despite its significant environmental impacts, because, in the City Council's view, specific economic, legal, social, and other benefits of the project render the significant environmental impacts acceptable.

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

A. Provide critically-needed market-rate and affordable housing consistent with the General Plan and Community Plan Housing Elements.

The 6th Cycle Housing Element determined the site's net potential unit value as 1,200 dwelling units. The project includes the development of up to 1,200 residential units, one commercial parcel and a mix of open spaces and recreational uses on the former Carmel Mountain Ranch Country Club and golf course site. The project is consistent with the General Plan's City of Villages strategy as it will include a variety of building types (townhomes, garden walk-ups, stacked flats and apartments, among others), with a mix of for-sale and rental product to serve a diverse and mixed population and household size.

Although the central objective of the Carmel Mountain Ranch Community Plan Housing Element is to "accommodate a variety of residential options through a diversity of project types and economic appeal," the community currently does not have any deed-restricted units. The 180 deed-restricted affordable units included in the project will be set aside for 55 years for low income households with rents at 30% to 60% of Area Median Income (AMI), thereby providing a unique opportunity to further the General Plan and Community Plan's Housing Element goals and policies.

B. Create approximately five miles of trails accessible to the public and connect the project site to the community in a new and unique way.

The project will establish a multi-use trail system accessible to the public, the majority of which will be repurposed from the previous golf cart path. There would also be new segments of the trail system that would be constructed of decomposed granite or concrete, which would provide connections through new development areas. The entire trail system has been designed to take advantage of the site's existing topography so that it will circulate throughout the project site and provide mobility and recreational opportunities for pedestrians and bicyclists alike. The privately owned and publicly accessible trails, which range from 5 feet to 8 feet in width, will connect to sidewalks along the proposed on-site roadways and along existing adjacent residential streets to maximize access and connectivity to the surrounding neighborhood.

Additionally, a trail staging/pedestrian rest area will be constructed with bike racks, multi-modal information kiosk, bike repair station, picnic tables, and shade areas. The new trail system, all of which will be subject to a Recreation Easement to ensure permanent public access, successfully implements the General Plan's Land Use, Mobility and Recreation Elements, as well as the Community Plan's Parks and Open Space and Transportation Elements.

C. Develop new infill neighborhoods within a Transit Priority Area and near existing employment and shopping destinations.

The project site is located within a "transit priority area" as defined in Public Resources Code Section 21099. A "transit priority area" is defined as "an area within one-half mile of a major transit stop that is existing or planned." Public Resources Code Section 21064.3 defines a major transit stop as any of the following: (a) an existing rail or bus rapid transit station, (b) a ferry terminal served by either a bus or rail transit service, or (c) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. The Station, located less than 0.5 miles from the project site, provides two bus routes with 15-minute service frequencies on weekdays (Routes 290 and 235). Therefore, the Station is considered to be a major transit stop pursuant to Public Resources Code Section 21064.3.

The project has been designed to implement the General Plan's Land Use and Mobility Elements and the Community Plan's Housing and Transportation Elements by providing higher-intensity multifamily housing on a prime, underutilized, transit-friendly, vacant infill site adjacent to and surrounded by existing residential development, centrally located near major employment centers, retail opportunities, recreational amenities, schools, the Carmel Mountain Ranch Library and the Station.

To encourage transit options and reduce and/or remove single-occupant vehicle trips from peak-hour traffic, the project will provide a TDM plan as a condition of project approval. The TDM measures, which constitute a benefit to future project residents and the surrounding community, include a trail staging/pedestrian rest area with bike racks, multi-modal information kiosk, bike repair station, picnic tables, and shade areas. In

addition, the project applicant has voluntarily agreed to establish a shared bike fleet at Unit 9 and provide direct transit pass subsidies, which will provide a 25% transit subsidy available to 100% of residents residing in any deed-restricted affordable unit, with the subsidy value limited to the equivalent of 25% of the current cost of a MTS "Regional Adult Monthly/30-Day Pass" for a period of five years from first occupancy of any deed-restricted affordable residential unit.

D. Establish new recreational opportunities.

Approximately 111 acres, or 70% of the project site, will be set aside as parks, trails, greenbelts and open space. The project will include 78.1 acres of passive open space, 7.87 acres of publicly accessible parkland, over 25 acres of greenbelt and approximately 5 miles of privately owned and public accessible trails. By restoring and revegetating existing habitat on site, the project applicant is able to set aside 47% of the site as open space. Five percent of the property will be redeveloped with three publicly accessible neighborhood parks; and more than 15% of the project site will be permanently protected in minimum 50-foot wide greenbelt areas that exceed the otherwise applicable setback requirements of the Land Development Code. These greenbelts will be subject to enhanced landscaping standards to help separate the project's new residential units from existing surrounding development as requested by the neighbors.

E. Implement the City's conservation and safety goals.

The project will redevelop the vacant Carmel Mountain Ranch Country Club and associated golf course. The site today is primarily characterized by disturbed, fallow land. The vegetation composition of the site has changed dramatically since golf course operations ceased, and a majority of the site experiences an overgrowth of weeds and plant material. In accordance with General Plan Conservation Element Policy CE-A.11, Urban Design Element Policy UD-A.8, and the Carmel Mountain Ranch Community Plan (Community Plan) Parks and Open Space Element Objectives, the project will use drought-tolerant, locally indigenous landscaping to replace the dead and dying vegetation associated with the former golf course while encouraging water conservation. As requested by the Planning Commission during the Community Plan Amendment initiation process, new housing units are clustered on the least sensitive portions of the site, thus allowing for the preservation of as much revegetated open space on site as possible. Because of these efforts, the project applicant is able to set aside 52% of the total property for open space and park uses, which minimizes impacts on the natural environment. This would also promote compliance with General Plan Conservation Element Goal B, Policies CE-B.1 and CE-B.5, and Community Plan Parks and Open Space Element Objectives regarding the preservation and long-term management of natural landforms and open spaces and the provision of recreational opportunities.

The project site lies outside the City's Multi-Habitat Planning Area, but it does include designated environmentally sensitive lands (ESL) in the western portion of the site associated with Chicarita Creek and along the eastern edge of the site adjacent to a parcel owned by the City of Poway. However, in accordance with General Plan Conservation Element Policy CE-B.1, the project has been designed to ensure that no development is

proposed in any ESL locations on site. In fact, as conditions of project approval, all ESL outside the allowable disturbance area shall remain in a natural state and the proposed trail system will not extend into ESL or ESL buffers. The Owner/Permittee shall install signage and fencing at trail heads to prevent public access to the restricted portions of the trail network. ESL locations on site will be subject to a Covenant of Easement to prohibit future development and to limit on site activity to the control of invasive species and brush management.

F. Help Reduce VMT in the Community.

The project applicant will implement the following VMT measures to help the City reach its climate goals:

1. **Pedestrian Resting Area** – A pedestrian resting area will be located adjacent to the planned public park within Unit 13.
2. **Shared Bicycle Fleet** – An on-site shared bicycle fleet will be provided at Unit 9, which is the densest Unit (300 market-rate apartments). The on-site fleet will include a minimum of 150 bicycles based on San Diego Municipal Code Table 142-05C for 300 units at 0.5 bicycle spaces per unit (assumes the units are an average of 2 bedrooms per unit).
3. **Multi-Modal Information Kiosks** – A multi-modal information kiosk will be provided to display bike facilities, pedestrian facilities, and transit information for residents and the public. The kiosk will be located within Unit 17, which is adjacent to the Carmel Mountain Ranch library and would also serve the public at that location.
4. **Transit Subsidy** - For residents of Units 5 and 6, the project will provide a 25% transit subsidy. The subsidy value will be limited to the equivalent value of 25% of the cost of an MTS "Regional Adult Monthly/30-Day Pass" (currently \$72, which equates to a subsidy value of \$18 per month). Subsidies will be available on a per unit basis to residential tenants for a period of five years, or when funds are exhausted, whichever occurs first. In no event shall the total subsidy exceed \$129,600.

In addition, the Project includes a 12,000 square foot pad for the future development of a community art gallery/studio located near the existing Carmel Mountain Ranch library. This facility may include up to 6,000 square feet in one or two buildings to house gallery space and a 3,000-square-foot café/restaurant/ banquet area with 2,000 square feet of dining space and a 1,000-square-foot kitchen. One additional watchkeeper quarters up to 1,200 square feet would also be included. By adding a new art gallery in proximity to existing and new residents, the project will help reduce vehicle trips outside of the community.

Finally, the project applicant will help reduce VMT by implementing the following off-site infrastructure improvements:

1. **Carmel Mountain Road/Rancho Carmel Drive (South)** – Carmel Mountain Road and Rancho Carmel Drive are built to their ultimate classifications per the Carmel Mountain Ranch Community Plan. However, the project would improve operating conditions with the addition of a southbound right-turn overlap phase during the eastbound left-turn phase.
2. **Ted Williams Parkway/Shoal Creek Drive** – As part of the project, a signal would be installed at Carmel Ridge Road/Ted Williams Parkway, to improve queueing for the eastbound left turn at the Shoal Creek Drive/Ted Williams Parkway intersection.
3. **Ted Williams Parkway/Pomerado Road** – Ted Williams Parkway is built to its ultimate classification per the Carmel Mountain Ranch Community Plan and the City of Poway General Plan. However, the project would improve operating conditions with the addition of southbound and eastbound right-turn overlap phases. The Ted Williams Parkway/Pomerado Road intersection lies within the City of Poway's jurisdiction so the applicant will coordinate with the City of Poway in implementing the proposed improvement.
4. **Carmel Ridge Road/Ted Williams Parkway** – The intersection of Carmel Ridge Road and Ted Williams Parkway is configured to provide westbound right-turn in and southbound right-turn out only movements. The project proposes installation of a traffic signal to allow full movements in all directions. Installation of this signal improves queueing for the eastbound left turn at the intersection of Shoal Creek Drive/Ted Williams Parkway.
5. **Carmel Mountain Road/Camino Del Norte** – The project would implement right-turn overlap phasing for southbound right-turns. Prohibition of the eastbound U-turns will not preclude access to the CVS on the northeast corner of the intersection or other uses on the southwest corner of the intersection.

For the foregoing reasons, the City Council finds in accordance with Public Resources Code Sections 21081(b) and 21081.5, and State CEQA Guidelines Sections 15043 and 15093, that any, or any combination of, the Statement of Overriding Consideration benefits noted above would be sufficient to reach the conclusion that the benefits associated with the project justify the significant and unmitigable impacts that will occur with project implementation.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

**AMENDMENTS TO THE GENERAL PLAN AND CARMEL MOUNTAIN
RANCH COMMUNITY PLAN NO. 2366421; REZONE NO. 2366507; MASTER
PLANNED DEVELOPMENT PERMIT NO. 2366508; SITE DEVELOPMENT
PERMIT NO. 2366425; AND VESTING TENTATIVE MAP NO. 2366422
INCLUDING AN EASEMENT VACATION; PROJECT NO. 652519.**

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No. 652519 / SCH No. 2020039006 shall be made conditions of the Amendment to the General Plan and Carmel Mountain Ranch Community Plan No. 2366421; Rezone No. 2366507; Master Planned Development Permit No. 2366508; Site Development Permit No. 2366425; and Vesting Tentative Map No. 2366422 including an easement vacation as may be further described below.

A. GENERAL REQUIREMENTS – PART I Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply **ONLY** to the construction phases of this project are included **VERBATIM**, under the heading, "**ENVIRONMENTAL/MITIGATION REQUIREMENTS.**"
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/ Mitigation Requirements" notes are provided.

5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE-CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from the MITIGATION MONITORING COORDINATOR (MMC). Attendees must also include the Permit Holder's Representative(s), Job Site Superintendent and the following consultants:

Qualified Acoustician, Archaeologist(s), Native American Monitor(s), and Biologist(s)

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the RE at the Field Engineering Division – 858-627-3200
 - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant is also required to call RE and MMC at 858-627-3360.
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 652519 and/or Environmental Document Number 652519, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency: *Regional Water Quality Control Board: National Pollutant Discharge Elimination System General Construction Permit*

4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11"x17" reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

Note: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Archaeology	Archaeology Reports	Archaeology/Historic Site Observation
Noise	Acoustical Reports	Noise Mitigation Features Inspection
Traffic	TDM Monitoring Reports	VMT Reduction Features
Tribal Cultural Resources	Archaeology Reports	Archaeology/Historic Site Observation
Waste Management	Waste Management Reports	Waste Management Inspections

Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter
--------------	---------------------------------	---

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

Transportation

MM-TRA-1:

VMT Reduction Measures	Location within the Project	Timing	Points for Measure
<i>Appendix T Measure 12. Providing on-site bicycle repair station.</i>	On-site bicycle repair stations will be located within Unit 9, Unit 10, and Unit 16.	Prior to issuance of building permits associated with Units 9, 10, and 16, the applicant shall provide detailed site plans identifying on-site bicycle repair stations to the satisfaction of the City Engineer.	4.5 (1.5 x 3 stations)
<i>Appendix T Measure 16. Providing short-term bicycle parking spaces that are available to the public, at least 10% beyond the minimum requirements.</i>	Each Unit will provide short-term bicycle parking 10% beyond the minimum requirements for public use. For the entire project, approximately 600 short term bicycle parking spaces are required for residents; therefore, approximately 60 additional bicycle parking spaces will be dispersed throughout the Units for public use, for a total of 660 spaces that would be dispersed throughout the project site.	Prior to issuance of an individual development unit building permit, the applicant shall prepare plans for the development unit that include the location of bicycle racks, and a cumulative total of all bicycle racks previously approved, so that at least 60 additional bicycle racks (above the 600 required for residents) are provided within the project for public use to the satisfaction of the City Engineer.	1.5
Total Points			6

Biological Resources

MM-BIO-1 Biological Resources (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 (2018), 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, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); 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, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including 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 Assistant Deputy Director (ADD)/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 the least Bell's vireo, Cooper Hawk, and yellow warbler, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the 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 least Bell's vireo, Cooper Hawk, and yellow warbler 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 survey area shall cover the limits of disturbance and 300 feet from the area of disturbance. The applicant shall submit the results of the pre-construction survey to City Development Services

Department (DSD) for review and approval prior to initiating any construction activities. If nesting least Bell's vireo, Cooper Hawk, and yellow warbler are detected, a letter report in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of the least Bell's vireo, Cooper Hawk, and yellow warbler or eggs or disturbance of breeding activities is avoided. The report shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report 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 least Bell's vireo, Cooper Hawk, and yellow warbler) 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, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

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 "Exhibit A" and/or 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. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV 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, etc.). If active nests of the least Bell's vireo, Cooper Hawk, and yellow warbler 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 ADD/MMC within 30 days of construction completion.

MM-BIO-2 Biological Resources – Least Bell's Vireo (State Endangered/Federally Protected)

Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met to the satisfaction of the City Manager:

A qualified biologist (possessing a valid endangered species act section 10(a)(1)(a) recovery permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 A-weighted decibels (dBA) hourly average for the presence of the least Bell's vireo. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of construction.

- A. If the least Bell's vireo is present, then the following conditions must be met:
- I. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
 - II. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dBA hourly average at the edge of occupied least Bell's vireo or habitat. An analysis showing that noise generated by construction activities would not exceed 60 dBA hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the city manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of any of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
 - III. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dBA hourly average at the edge of habitat occupied by the least Bell's vireo.

Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dBA hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16).

*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If least Bell's vireo are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:
 - I. If this evidence indicates the potential is high for least bell's vireo to be present based on historical records or site conditions, then condition a.iii shall be adhered to as specified above.
 - II. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

Historical Resources

Avoidance of Known Cultural Resources: In order to avoid impacts to known cultural resources P-37-006082/CA-SDI-6082, adherence to the following requirements shall be observed during project construction activities:

Prior to issuance of a grading permit for any project construction activities proposed within 100 feet of the recorded boundary of P-37-006082/CA-SDI-6082, avoidance measures such as avoidance signs or exclusionary fencing shall be utilized. Work within 100 feet of the recorded boundary of P-37-006082/CA-SDI-6082 shall be closely monitored by a qualified Archaeologist and Native American monitors to assure work does not extend into the resource boundary.

MM-HR-1 Avoidance of Known Cultural Resources: In order to avoid impacts to known cultural resources P-37-006082/CA-SDI-6082, adherence to the following requirements shall be observed during project construction activities:

Prior to issuance of a grading permit for any project construction activities proposed within 100 feet of the recorded boundary of P-37-006082/CA-SDI-6082, avoidance

measures such as avoidance signs or exclusionary fencing shall be utilized. Work within 100 feet of the recorded boundary of P-37-006082/CA-SDI-6082 shall be closely monitored by a qualified Archaeologist and Native American monitors to assure work does not extend into the resource boundary.

MM-HR-2 Construction Monitoring:

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

I. Prior to Permit Issuance

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 or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification

1. The applicant 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 (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant 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 (one-quarter mile radius) has been completed. Verification includes but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Preconstruction (Precon) Meetings

1. Prior to beginning any work that requires monitoring; the Applicant 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 Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant 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 consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site-specific records search as well as information regarding 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 will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which 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 which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVr). The CSVr's shall be faxed 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 consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

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

A. Notification

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

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.

3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains ARE determined to be Native American
1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendant (MLD) and provide contact information.
 3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
 4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
 5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being granted access to the site, OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with California Public Resources Code 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, the landowner shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance, THEN
 - c. To protect these sites, the landowner shall do one or more of the following:
 - (1) Record the site with the Native American Heritage Commission;
 - (2) Record an open space or conservation easement; or
 - (3) Record a document with the County. The document shall be titled "Notice of Reinterment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by California Public Resources Code 5097.98. The document shall be indexed as a notice under the name of the owner.

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 by 8AM of the next business day:
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries:
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, 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 (Appendix C/D) which 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 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

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 South Coastal Information Center 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 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 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 which includes the Acceptance Verification from the curation institution.

Noise

MM-NOI-1 Construction Noise Reduction Techniques. Prior to issuance of demolition, grading, or building permits, Mitigation Monitoring Coordination shall verify that construction activity occurring as a result of proposed project implementation within 175 feet of noise-sensitive receivers includes noise-reduction measures to ensure construction activities do not exceed the 75 dBA CNEL and comply with City of San Diego Noise Standards (San Diego Municipal Code Section 59.5.0401, Sound Level Limits, and Section 59.5.0404, Construction Noise), as follows:

- A. Construction operations and related activities associated with the proposed project shall be performed, as outlined within the San Diego Municipal Code, between 7:00 a.m. and 7:00 p.m., with the exception of the days and holidays identified in the Municipal Code.
- B. Construction equipment and vehicles shall be fitted with efficient, well-maintained mufflers that reduce equipment noise emission levels at the project site. Internal combustion powered equipment shall be equipped with properly operating noise suppression devices (e.g., mufflers, silencers, wraps) that meet or exceed manufacturer specifications. Mufflers and noise suppressors shall be properly maintained and tuned to ensure proper fit, function, and minimization of noise.
- C. Portable and stationary site support equipment (such as generators, compressors, rock crushers, and cement mixers) shall be located as far as possible from nearby noise-sensitive receptors.
- D. Impact tools shall have the working area/impact area shrouded or shielded, with intake and exhaust ports on power equipment muffled or suppressed. This may necessitate the use of temporary or portable, application specific noise shields or barriers if construction noise levels exceed the San Diego Municipal Code property line sound level threshold.
- E. Construction equipment shall not be idled for extended periods (e.g., 15 minutes or longer) of time in the immediate vicinity (i.e., within 25 feet) of noise-sensitive receptors.

- F. A disturbance coordinator shall be designated by the general contractor, which shall post contact information in a conspicuous location near the entrance of the project construction site, prior to start of any construction activities so that it is clearly visible to nearby receivers most likely to be disturbed. The coordinator shall manage complaints resulting from the construction noise, by instituting modifications to the construction operations, construction equipment or work plan to ensure compliance with the San Diego Municipal Code standards, where complaints are valid and substantive. These modifications will implement one or more of the following: administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances of sensitive receptors); engineering controls (upgraded existing noise controls, such as installing better engine exhaust mufflers or improving existing noise abatement); install temporary barriers, barrier back sound curtains, and/or acoustical panels around working construction equipment and, if necessary, around the project site boundary.
- G. Recurring disturbances shall be evaluated by a qualified acoustical consultant retained by the project proponent to ensure compliance with applicable standards.

MM-NOI-2 Mechanical Equipment Noise Reduction Measures. Prior to issuance of building permit, Mitigation Monitoring Coordination shall verify that mechanical noise levels are minimized to meet applicable City of San Diego (City) noise thresholds through equipment selection, project-site design, and construction of localized barriers or parapets. Selection of mechanical equipment shall consider radiated outdoor sound pressure levels and efficiency as the primary criteria. Outdoor mechanical equipment shall be located so that line-of-site from the equipment to the adjacent noise-sensitive receiving property line is blocked by intervening building elements or structures. Should the selection and placement of mechanical equipment exceed 40 dB from 10:00 PM to 7:00 AM, localized noise barriers for equipment located at grade, or rooftop parapets, shall be constructed around the heating, ventilation, and air-conditioning equipment so that line-of-site from the noise source to the property line of the adjacent noise-sensitive receptors is blocked. To ensure compliance with the San Diego Municipal Code, efficacy of the mechanical equipment location or intervening barrier shall be demonstrated through a noise analysis performed by a qualified acoustical consultant that shall be submitted to the satisfaction of the City Development Services Department prior to the issuance of building permits for the project.

Tribal Cultural Resources

MM-TCR-1 Prior to beginning any construction related activity on-site, Owner/Permittee shall implement the conditions as detailed in **MM-HR-1** and **MM-HR-2**.

Public Utilities

MM-UTL-1: A fair-share contribution for the reconfiguration/retrofit of the Carmel Mountain High Water Pump Station would be required prior to the issuance of the first building permit for Unit 9.

Passed by the Council of The City of San Diego on SEP 14 2021, by the following vote:

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

Date of final passage SEP 14 2021.

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

AUTHENTICATED BY:

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

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313705