

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING  
CONSIDERATIONS REGARDING FINAL ENVIRONMENTAL IMPACT  
REPORT FOR THE  
BARRIO LOGAN COMMUNITY PLAN UPDATE  
PROJECT NUMBER 240982  
SCH No. 2009091021**

**May 2, 2013**

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# I. INTRODUCTION

## A. Findings of Fact and Statement of Overriding Considerations

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

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

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

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

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

Should significant and unavoidable impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations must be prepared. The statement provides the lead agency’s views on whether the benefits of a project outweigh its unavoidable adverse environmental effects. Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region- wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse

environmental effects, the adverse environmental effects may be considered “acceptable.”

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

Having received, reviewed, and considered the *Final Program Environmental Impact Report for the Barrio Logan Community Plan Update, Project No. 240982, State Clearinghouse No. 2009091021* (FEIR), as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) are made, and a Statement of Overriding Considerations (Statement) is adopted by the City of San Diego (City) in its capacity as the CEQA Lead Agency. These Findings and Statement set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

## **B. Record of Proceedings**

For purposes of CEQA and these Findings and Statement, the Record of Proceedings for the proposed 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 proposed project;
- All responses to the NOP received by the City;
- The FEIR;
- The Draft 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 FEIR;
- All written and oral public testimony presented during a noticed public hearing for the proposed 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 FEIR;

- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft EIR and the FEIR;
- Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings and Statement; 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 administrative record for the City's actions related to the project are located at the City of San Diego, Development Services Center, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. The City Development Services Center is the custodian of the administrative record for the project. Copies of these documents, which constitute the Record of Proceedings, are and at all relevant times have been and will be available upon request at the offices of the City Development Services Center. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

# **II. PROJECT SUMMARY**

## **A. Project Location**

The Barrio Logan Community Plan Update (CPU) area is centrally located southeast of downtown San Diego and bordering the east side of San Diego Bay (FEIR Figures 2-1 and 2-3) in the city of San Diego. The proposed CPU area is generally bounded by Interstate 5 (I-5) to the north and northeast, the San Diego Unified Port District (Port District) and U.S. Naval Station San Diego (Naval Station San Diego) along San Diego Bay to the southwest, and National City to the south (see FEIR Figure 2-3). It is located within an unsectioned portion of the Pueblo Lands of San Diego land grant, USGS 7.5-Minute Series, Point Loma, and National City quadrangles (FEIR Figure 2-4). The proposed CPU area comprises approximately 1,000 acres, including the Port District and Naval Station San Diego, which in turn comprise 562 acres (52 percent) of the land area contained within the project area (FEIR Figure 2-5).

The proposed CPU area is bounded by the Centre City Community Plan area to the northwest, the Southeastern San Diego Community Plan area to the east and northeast, and the National City to the south (see FEIR Figure 2-3).



## **B. Project Background**

Barrio Logan is one of the oldest and most culturally significant neighborhoods in the city. Early settlement by a large number of working-class Mexican-American and Mexican immigrant workers dates to approximately 1910. These early residents helped shape the community into an important working waterfront neighborhood that has evolved from its original focus on tuna canning to defense-related industry, naval uses, shipping, and other industries. This evolution was further stimulated by City rezoning efforts that allowed increased development of heavy industrial uses as well as transportation-related businesses. The location and intensity of the industrial uses pose historic and current conflicts with residential uses and civic uses such as schools and parks.

The project area is largely developed with urban uses, with a limited number of vacant or undeveloped parcels. Given that the majority of the land cover is developed or disturbed, it provides minimal wildlife foraging and sheltering opportunities. A channelized segment of Las Chollas Creek runs through the southern portion of the project area.

The proposed CPU's focus is to address potential health-related conflicts and compatibility issues while respecting existing residential character, balancing economic viability of employers, and building upon successful developments. To do this, general project goals were developed to provide:

- A blueprint for development that builds on Barrio Logan's established character as a mixed-use, working neighborhood;
- Land use, public facilities, and development policies for Barrio Logan, as a component of the City's General Plan;
- Strategies and specific implementing actions to help ensure that the Community Plan's vision is accomplished;
- Detailed policies that provide a basis for evaluating whether specific development proposals and public projects are consistent with the Plan;
- Guidance that facilitates the City, other public agencies, and private developers in designing projects that enhance the character of the community, taking advantage of its setting and amenities; and
- Detailed implementing programs including zoning regulations and a public facilities financing plan.

The Barrio Logan CPU is the product of a multi-year collaborative planning process initiated by the City of San Diego in partnership with members of the Barrio Logan Stakeholder Committee (BLSC). The purpose of this planning process was to identify a preferred land use plan(s) consistent with the adopted General Plan following consideration of multiple alternatives brought forward by the BLSC and others with interests in the community.

Ultimately, elements of the various alternatives were consolidated or modified by the BLSC and City staff to meet stated objectives of the project and provide separation of incompatible uses, greater and more diverse housing opportunities, and a safe and healthy environment, while also maintaining an adequate supply of maritime-oriented uses to meet current and future needs. This effort resulted in the creation of two land use scenarios which were brought forward and are considered in this FEIR.

## C. Project Description and Purpose

The underlying purpose of the Barrio Logan CPU is to update the current adopted 1978 Barrio Logan/Harbor 101 Community Plan to be consistent with the City of San Diego General Plan's citywide vision and to provide a long-range comprehensive policy framework for growth and development in Barrio Logan by designating new land uses, updating zoning, identifying the provision of additional public services and facilities in accordance with City standards and maintaining the character that defines Barrio Logan over at least the next 20 - 30 years.

### 1. Community Plan Update

- a. **Land Use Element and Zoning.** Provide land use designations and zoning specific to five distinct neighborhoods within Barrio Logan: (1) the Community Village Area, (2) Historic Core Area, (3) Transition Area, (4) Boston Avenue and Main Street Corridor Area, and (5) Prime Industrial Area to accommodate planned growth within the community and to provide suitable area to accommodate existing and new residential uses; employment, retail, and service-related commercial uses, including maritime-oriented commercial; institutional uses; industrial uses; public facility improvements; and parks, open space, and recreational uses. A focus of the plan is to increase the number of affordable housing units and encourage restoration and preservation of older homes where appropriate while at the same time providing appropriate locations for other community-serving and other employment-based uses.
- b. **Mobility Element.** Provide updated goals and policies to provide an equitable range of choices for the movement of people and goods to, within, and from the Port District tidelands and adjacent communities while at the same time facilitating movement within the proposed CPU area and preserving the essential character of the neighborhood.
- c. **Urban Design Element.** Provides updated goals and policies that include design guidelines to ensure fundamental principles of good neighborhood design while allowing for freedom of architectural expression relative to scale, character, pedestrian friendliness, and other characteristics that affect the public realm.
- d. **Economic Prosperity Element.** Provides updated goals and policies to ensure that industrial uses and locally serving commercial uses remain viable in the

community. Goals and policies focus on protection and preservation of Prime Industrial lands, creation of a Transition Zone to better separate incompatible residential and industrial areas, and measures to promote infill commercial and office development and encourage use of local and state programs to incentivize business retention and expansion.

- e. **Public Facilities, Services and Safety Element.** Identifies public facilities and services needed to serve the existing and future population of the community and addresses facilities financing, prioritizes facilities and services, fire-rescue, police, storm water, water and sewer infrastructure, waste management, libraries, schools, parks, trails and habitat restoration, public utilities, healthcare, and social service facilities, as well as health and safety.
- f. **Recreation Element.** Provides specific policies and recommendations addressing Parks and Recreation Facilities, Preservation, Accessibility, and Open Space Lands to provide a comprehensive parks strategy intended to accommodate the community throughout the next 20 years. Because of the scarcity of park amenities in Barrio Logan, this element includes intensification strategies to expand facilities and programming within existing public spaces.
- g. **Conservation Element.** Provides updated conservation goals and policies addressing sustainability, resource management, and preservation. This element additionally addresses climate change, which is seen as a major issue that could affect the health and longevity of the community and the ecological environment in the Barrio Logan community.
- h. **Noise Element.** Provides goals and policies to guide compatible land uses and the incorporation of noise attenuation measures for new uses that will protect people living and working in the community from an excessive noise environment. Sensitive land uses include residential sites, schools, and libraries. The element acknowledges that the City's General Plan provides policy direction for noise-related issues, and thus relies on the overarching goals and policies contained in that plan.
- i. **Historic Preservation Element.** Provides goals related to the preservation of significant historical resources and promotes educational opportunities and incentives to support historic preservation in recognition of the community's origins as an affordable waterfront community.
- j. **Arts and Cultural Element.** Builds on the familiar forms of public art in the proposed CPU area, including painted murals in Chicano Park and other examples throughout the community, including tile murals and sculptures. Diversity of media is encouraged to include all segments of the community. Placement of public art can also be an integral part of public spaces, such as plazas and transit stops, facades of existing buildings and utilities, and design of new developments.

- k. **Implementation.** Mechanisms for funding and implementation of improvement projects are identified in Chapter 12 of the proposed CPU. Table 12-1 identifies some of the higher priority recommendations for sidewalk and pedestrian, bicycle, roadway infrastructure, parking, goods movement, public park and open space, public facilities, and conservation improvements.

## 2. Streamlined Review and Coastal Categorical Exclusion

- a. Amend the Local Coastal Program (LCP) to identify a Coastal Categorical Exclusion Area.
- b. Amend the LCP to provide for a Coastal Categorical Exclusion under the Coastal Act for projects within the defined Coastal Categorical Exclusion Area composed of a portion of the Community Village Area and portion of the Historic Core Area generally located southwest of I-5 and Logan Avenue; north and northeast of National Avenue, Newton Avenue, and Main Street (jogging pattern); and south-southeast of 16<sup>th</sup> Street bounded by 16<sup>th</sup> Street and Sigsbee Avenue on the northwest; Main Street, Newton Avenue, and National Avenue on the southwest; and Logan Avenue and I-5 on the northeast, to facilitate future streamlined review of development projects under a ministerial process within an area generally located southwest of I-5 and Logan Avenue; north and northeast of National Avenue, Newton Avenue, and Main Street (jogging pattern); and south-southeast of 16<sup>th</sup> Street (see FEIR Figure 3-6).
- c. The City is requesting the California Coastal Commission approve a Coastal Categorical Exclusion under the Coastal Act for projects located within this area, amending the LCP. The City already has the delegated authority to issue Coastal Development Permits (CDPs) for development within the Coastal Overlay Zone that is consistent with an adopted LCP. The Coastal Categorical Exclusion would categorically exclude the area identified in FEIR Figure 3-6 from processing a CDP when a project complies with all regulations within the Land Development Code (LDC) and requires no other discretionary permit, including a Neighborhood Use Permit, Conditional Use Permit, Neighborhood Development Permit, Site Development Permit, Planned Development Permit, or Variance. The project applicant would also be required to demonstrate that the premises (e.g., parcel) of the proposed development has obtained clearance from the County of San Diego Department of Environmental Health stating that no hazardous materials impacts would result from the development, or that no hazardous materials impacts would result from the development upon completion of required remediation. An amendment to the LDC would make projects within this area ministerial, and therefore exempt from CEQA (Section 15300.1). This process would be completed as part of the Building Permit review and issuance as discussed in FEIR Section 3.3.1.3. Projects under the Coastal Categorical Exclusion would be required to pay all applicable development impact fees, discussed further in FEIR Section 3.3.5.

In summary, this project would update the Barrio Logan/Harbor 1010 Community Plan adopted by the City Council in November 1979. The proposed CPU would be compatible with the adopted City General Plan and would provide guidance for future growth and redevelopment within Barrio Logan to reduce existing incompatible uses over time and provide a more cohesive community to meet the future needs of the community's residents, business owners, employees, and visitors. The proposed CPU addresses infrastructure and planning needs of the community while providing for ongoing commercial and industrial operations, and their associated jobs, which may require proximity to Naval and Port District operations.

## **D. Discretionary Actions**

The proposed CPU will be subject to a recommendation of the City's Planning Commission to the City Council. After the City Council receives the Planning Commission's recommendation, the City Council will vote on the following items:

- Certification of the FEIR
- Barrio Logan Community Plan Update
- LCP Amendment
- Removal of the Barrio Logan Planned District Ordinance
- General Plan Amendment
- Barrio Logan Public Facility Financing Plan (PFFP) Update
- LDC Amendment

In addition, the following actions are requested for approval by the California Coastal Commission:

- LCP Amendment
- Approval of Coastal Categorical Exclusion
- Certification of the FEIR

## **E. Statement of Objectives**

Pursuant to CEQA Guidelines Section 15124(b) and as described in Section 3.2 of the FEIR, the project has the following six objectives:

1. **Incentivize Development in the Community Village Area:** Streamline permit processing requirements in order to ensure a less costly and time-intensive process within the Community Village Area.
2. **Achieve the level of density and intensity necessary to support a Community Village:** Increase allowable residential densities to an average of 30 to 74 dwelling

units per acre and add opportunities for development of residential/commercial mixed use to support development of a Community Village.

3. **Increase Housing in the Community Village and Historic Core Areas:** Identify appropriate locations for housing that is transit supportive to meet a community need for more housing, and affordable housing in particular.
4. **Create a Transition Zone along Main Street to Reduce Collocation Effects:** Designate an area that promotes land uses that will not have adverse impacts to either the residential uses to the east of Main Street or heavy industrial uses to the west of Harbor Drive.
5. **Maintain Maritime-Oriented Industrial Land Supply:** Retain an adequate supply of maritime-oriented uses to meet the current and future needs of the maritime-oriented ship building businesses and the city's economy.
6. **Promote a Multi-Modal Transportation Strategy:** Include walkable and bicycle-friendly streets, accessible and enhanced transit options, and comprehensive parking strategies throughout the community.

### **III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION**

On October 8, 2010, in accordance with Guidelines Section 15082, the City distributed an NOP of an Environmental Impact Report to the State Clearinghouse, local and regional responsible agencies, and other interested parties. Various agencies and other interested parties responded to the NOP. The City's NOP, associated responses, and comments made during the scoping meeting held on September 28, 2009, are included in Appendix A of the FEIR.

The Draft EIR for the proposed CPU was then prepared and circulated for review and comment by the public, agencies, and organizations for a public review period that began on January 8, 2013, and concluded on March 11, 2013. A Notice of Completion of the Draft EIR was sent to the State Clearinghouse, and the Draft EIR was circulated to state agencies for review through the State Clearinghouse, Office of Planning and Research (SCH No. 2009091021). A Notice of Availability of the Draft EIR for review was mailed to organizations and parties expressing interest in the project. The Notice of Availability was also filed with the City Clerk and published in the San Diego Union Tribune and San Diego Daily Transcript.

As noted, the public comment period on the Draft EIR concluded on March 11, 2013. The City received numerous comments on the proposed CPU. The City completed responses to those comments in April 2013. Those responses have been incorporated into the FEIR.

## IV. SUMMARY OF IMPACTS

As described in Section 4.0 of the FEIR, the proposed CPU is a comprehensive update to the current adopted 1978 Barrio Logan/Harbor 101 Community Plan. The proposed CPU is also a component of the City's General Plan, as it expresses the General Plan policies in the proposed CPU area through the provision of more site-specific recommendations that implement goals and policies contained within the 10 elements of the General Plan. As such, the proposed CPU sets forth procedures for implementation and provides goals and policies for future development within the portion of the proposed CPU area under the City's jurisdiction.

Controls on development and use of public and private property including zoning, design controls, and implementation of transportation improvements are included as part of the plan implementation program. Additionally, the project proposes to create a Coastal Categorical Exclusion Area to allow for future streamlined review that would incentivize redevelopment in a portion of the planning area. Impacts associated with specific issues (e.g., land use, transportation, air quality, etc.) resulting from approval of the proposed CPU and future implementation are discussed below.

The FEIR concludes that the proposed project will have **no significant impacts** and require no mitigation measures with respect to the following issues:

- Land Use
  - Development Regulations:
    - Parking Standards
    - Environmentally Sensitive Lands
  - Community Division
  - Plan Consistency:
    - Multiple Species Conservation Program
    - Coastal Act – Coastal Categorical Exclusion Area
    - San Diego Association of Governments (SANDAG) Regional Comprehensive Plan
    - San Diego Unified Port District Transition Zone Policy
    - Naval Station San Diego
    - Las Chollas Creek Enhancement Program
    - Naval Air Station North Island and San Diego International Airport Land Use Compatibility Plan Compatibility
- Transportation/Circulation and Parking
  - Alternative Transportation Modes
- Air Quality
  - Odors
- Noise
  - Land Use Compatibility – New multiple unit and mixed-use residential uses
- Visual Effects/Neighborhood Character/Landform Alteration

- Public Views
- Neighborhood Character/Architecture
- Landform Alteration
- Human Health/Public Safety/Hazardous Materials
  - Health Hazards
  - Flooding
  - Seiches, Tsunamis, and Mudflow
  - Aircraft Operations Accidents
  - Emergency Response and Evacuation
- Hydrology, Water Quality, and Drainage
  - Runoff
  - Pollutant Discharge
  - Water Quality
- Population and Housing
  - Population Displacement
- Public Utilities
  - Water Supply
  - Utilities: storm water, wastewater, water utilities; communications; solid waste and recycling; and energy.
- Public Services and Facilities
  - Parks, libraries, schools, fire, police services
- Geology and Soils
  - Geologic hazards, soil erosion, geologic stability
- Biological Resources
  - Sensitive Species
  - Sensitive Habitat
  - Wildlife Movement and Corridors
  - Wetlands
  - Local Plans, Policies and Ordinances: Environmentally Sensitive Lands, Multiple Species Conservation Program /Multiple Habitat Planning Area, Las Chollas Creek Enhancement Program
- Energy
- Greenhouse Gas
  - Plan Consistency

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

No issues were identified for which mitigation would reduce impacts to below a level of significance.

Potentially **significant impacts of the proposed project are within the responsibility and jurisdiction of another public agency** and cannot be reduced to below a level of significance for the following issue:



- Air Quality
  - Plan conformance with the adopted regional air quality strategy (RAQS)

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

- Land Use
  - General Plan Consistency and San Diego Municipal Code (SDMC): Noise exposure to sensitive land uses in excess of threshold standards
- Transportation/Circulation and Parking
  - Cumulative Intersections, Roadway and Freeway Segments
  - Parking
- Air Quality
  - Criteria Pollutants: construction and operation
  - Health Risk Assessment – Incremental and total cancer risk to sensitive receivers due to diesel particulate and other toxic emissions exposure from combined sources
- Noise
  - Noise Sensitive Land Uses – exposure of existing uses to noise levels in excess of standards: Perkins Elementary School Joint Use Facility, Cesar Chavez Park, Chicano Park, Boston Linear Park
  - General Plan Land Use-Noise Compatibility Guidelines
    - Ambient noise levels – increase in excess of threshold standard
    - Incompatible Land Use – exterior noise levels in excess of 75 community noise equivalent level (CNEL)
- Cultural/Historical Resources
  - Prehistoric Resources
  - Historic Resources
  - Religious/Sacred Uses and Human Remains
- Paleontological Resources: Old Paralac Deposit
- Greenhouse Gas Emissions
  - Cumulative

## **V. FINDINGS REGARDING SIGNIFICANT IMPACTS**

In making each of the findings below, the City has considered the Project Design Features and Plans, Programs, and Policies discussed in the FEIR. The Project Design Features described in the FEIR are part of the proposed CPU that the City has considered, and are explicitly made conditions of proposed CPU's approval. The Plans, Programs, and Policies discussed in the FEIR are existing regulatory plans and programs the proposed CPU is subject to, and, likewise, are explicitly made conditions of proposed CPU's approval.

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

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings pursuant to Public Resource Code §21081(a)(1) and State CEQA Guidelines §15091(a)(1), adopts the following findings regarding the significant effects of the proposed project, as follows:

*Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment as identified in the FEIR (Project No. 240982/SCH No. 2009091021) as described below:*

No program-level changes or alterations have been required in or incorporated into the proposed CPU at the plan level that mitigate or avoid the effects on the environment as identified in the FEIR. Although it is recognized that compliance with applicable policies and regulations provide a regulatory framework for developing project-level measures for future discretionary projects, no adequate mitigation to mitigate or avoid the significant effects on the environment at the program level of analysis was identified. Implementation of recommendations, policies, and regulatory ordinances could reduce impacts. However, because the degree of future impacts cannot be adequately known and implementation of recommended measures may not be enforceable, as discussed in the FEIR (e.g., Section 4.2, Transportation/Circulation/Parking), impacts remain significant and unmitigable and are discussed in greater detail under Finding C below.

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

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings, finds pursuant to CEQA §21081(a)(2) and CEQA Guidelines §15091(a)(2) that there are *changes or alterations which could reduce significant impacts that are within the responsibility and jurisdiction of another public agency.*

## **Air Quality**

### **Potentially Significant Effect**

Future development would be inconsistent with the land use designations upon which the current air quality plans and RAQS were based. Therefore, the proposed CPU would not conform to the current air quality plans and would result in a significant impact.

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

Future development as allowed by the proposed CPU would be inconsistent with the land use designations upon which the current air quality plans and RAQS are based. Therefore, the proposed CPU would not conform to the current air quality plans and would result in a significant impact. The only measure that can lessen this effect is the revision of the RAQS based on the proposed CPU's revised population and land use acreages. This effort is the responsibility of SANDAG and the Air Pollution Control District, and is outside the jurisdiction of the City. As such, no mitigation would be available to the City.

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

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), makes the following findings regarding land use (land use compatibility-noise), transportation/circulation/parking (intersection, roadway, freeway segment operations, parking supply), air quality (clean air standards, pollutant emissions), noise (exposure of noise-sensitive land uses, ambient noise level increase, land use incompatibilities), cultural/historical resources (prehistoric/historic resources, human remains), hydrology, water quality, and drainage (runoff-floodplain impacts), paleontological resources (high sensitivity formation), and greenhouse gas (GHG) emissions (less than 28.3 percent reduction in emissions relative to CPU Business As Usual [BAU]):

*Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR (Project No. 146803/SCH No. 2008061058) as described below.*

Although mitigation measures are identified in the FEIR that could reduce significant impacts due to implementation of the proposed CPU (Scenario 1 or Scenario 2), implementation of mitigation measures cannot be assured since the degree of future program-level impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at the program level. In addition, funding cannot be

assured to implement the mitigation measures. Improvements are included as part of the update to the PFFP as a plan implementation measure to be adopted concurrently with the proposed CPU. The proposed mitigation measures are not tied to any phasing plan, and therefore funding cannot be assured to reduce the significant program-level impacts arising from the proposed CPU, implementing programs including zoning regulations, and PFFP associated with the following seven issues: (1) land use (General Plan consistency/SDMC-land use compatibility - noise), (2) transportation/ circulation/parking (cumulative intersection, road and freeway segment operations; parking), (3) air quality (consistency with plans and regulations, cumulative health risk), (4) noise (land use compatibility), (5) cultural/historical resources (prehistoric/historic/human remains), (6) paleontological resources (high resource potential old paralic deposit), (7) GHG emissions (cumulative).

This finding is appropriate because there are no feasible mitigation measures available that would reduce the identified impacts to below a level of significance. "Feasible" is defined in Section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that "other" considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

## **Land Use (Land Use Compatibility-Noise)**

### **Significant Effect**

Future development or redevelopment within the Barrio Logan community as allowed by the proposed CPU (Scenario 1 or Scenario 2), implementing programs, Coastal Categorical Exclusion, and PFFP would result in direct and cumulative impacts related to the impacts due to General Plan noise policies and SDMC noise regulations, and therefore, would be significant.

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

There are no mitigation measures or project features identified that are not already a part of the project to the extent feasible (such as conformance to the General Plan, proposed CPU policies, SDMC and California Building Code, and other federal, state and local regulations), that could mitigate this impact to a less than significant level. For certain land uses, particularly those with existing sensitive receptors, adherence to proposed CPU policies and noise regulations may not adequately attenuate interior or exterior noise levels generated during build-out of the proposed CPU.

## **Rationale and Conclusion**

The proposed CPU (Scenario 1 or Scenario 2) and associated implementing programs and PFFP address the need to reduce or eliminate incompatible land uses that occur in close proximity. Implementation is critical to the future health and welfare of the Barrio Logan community. Because future specific projects are unknown at this time, compliance with federal, state, and local regulations as well as General Plan and proposed CPU specific policies directed at minimizing the exposure of noise generated from existing and proposed land uses on nearby noise-sensitive land uses will reduce, but cannot eliminate, significant impacts at the program level of analysis. No effective mitigation measure is available that would avoid or further reduce this impact to a less than significant level.

## **Transportation/Circulation/Parking**

### **Significant Effect**

The proposed CPU (Scenario 1 and Scenario 2) would result in degraded level of service (LOS) as compared to the existing condition at intersections, roadway segments, and freeway segments, and in reduced parking supply as a result of more intensive development.

Increases in LOS E or F operations from implementation of Scenario 1 would be slightly less than those that would result from implementation of Scenario 2; however, both scenarios would result in significant cumulative impacts. Table 4.2-14 of the FEIR provides a summary of impacts at intersections and roadway and freeway segments for each of the scenarios as compared to the existing condition. Only the number of intersections, roadway segments, and freeway segments with an unacceptable LOS (E and F) are noted. Full LOS results for all intersection operations under each scenario are provided in the Traffic Impact Analysis (TIA; see Appendix B to the FEIR). Significant and not fully mitigated impacts to parking supply are discussed in Section 4.2.5 of the FEIR. The following provides a summary of impacts.

#### **a. Intersections**

Implementation of the proposed CPU would result in significant impacts to intersection operations.

#### ***Proposed CPU - Scenario 1 and 2***

The proposed CPU would have a significant impact on project area intersections (14 for Scenario 1, 15 for Scenario 2). These impacts would occur because the increase in delay would exceed the allowable City threshold. These impacts would be cumulatively significant; thus, mitigation would be required.

## **b. Roadway Segments**

Implementation of the proposed CPU would result in cumulatively significant impacts to roadway segment operations.

### ***Proposed CPU - Scenario 1 and 2***

The proposed CPU (Scenario 1 and Scenario 2) would have a significant impact at 22 roadway segments. The impacts at these roadway segments would occur because the LOS would degrade to an unacceptable E or F (Scenario 1: 14 road segments at LOS F and 8 at LOS E / Scenario 2: 15 road segments at LOS F and 7 at LOS E), or because the volume-to-capacity ratio increase would exceed the allowable threshold at a location operating at LOS E or F under baseline conditions. These impacts would be cumulatively significant; thus, mitigation would be required.

## **c. Freeway Segments**

Implementation of the proposed CPU would result in cumulatively significant impacts to freeway segment operations.

### ***Scenario 1 and 2***

The proposed CPU (Scenario 1 and Scenario 2) would have a significant impact at five freeway segments. The impacts at these freeway segments would occur because the LOS would degrade to an unacceptable E or F, or because the volume-to-capacity ratio increase would exceed the allowable threshold at a location operating at LOS E or F under baseline conditions. These impacts would be cumulatively significant; thus, mitigation would be required.

## **d. Parking Supply**

The proposed CPU (Scenario 1 and Scenario 2) would result in significant impacts to parking supply. While the proposed CPU would increase the overall traffic in the community due to the increase in residential units and potential employment opportunities, the proportion of travel by single-occupant automobiles is expected to decrease due to the increase in transit use. This in turn could result in an overall decrease in the demand for parking relative to the number of residents and workers within the CPU.

Replacement of the existing Parking Impact Overlay Zone with basic parking requirements is intended to help incentivize redevelopment of the proposed CPU area, while at the same time encourage use of alternative transportation modes, thus reducing single-occupant vehicle use. Phased implementation of recommended parking supply mitigation measures presented in Section 4.2.5.3 of the FEIR which call for replacement of any lost parking due to intersection and roadway segment improvements and coordination with the Port District and Naval Station San Diego to develop a parking management plan would reduce, but not avoid, impacts. In addition, the replacement of the existing Parking Impact Overlay Zone with basic

parking requirements is intended to encourage use of alternative transportation modes and incentivize redevelopment, both objectives of the proposed CPU. Although plans to provide new parking facilities, tandem parking, and street parking improvements would also be expected to offset impacts as future projects are brought forward, the projected demand may exceed supply, and may remain significant.

## **Facts in Support of Finding**

Recommended mitigation measures are identified in the FEIR that could reduce significant impacts due to implementation of the proposed CPU (for both Scenario 1 and Scenario 2); however, implementation cannot be assured, since the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future development project at the program level. Furthermore, although the PFFP could include a parking structure if desired, recommended mitigation measures are not tied to any phasing plan, and therefore funding cannot be assured to implement measures to reduce the significant program-level impacts arising from the proposed CPU to below a level of significance.

## **Rationale and Conclusion**

### **a. Intersections**

As discussed in Section 4.2.3.4.a and Appendix B (TIA) of the FEIR, implementation of mitigation measures identified in Tables 4.2-15 and 4.2-16 of the FEIR would reduce cumulatively significant impacts to some, but not all, intersections under both scenarios, except as follows:

1. Harbor Drive/28<sup>th</sup> Street during the P.M. peak hour,
2. 32<sup>nd</sup> Street/Wabash during the A.M. and P.M. peak hours, and
3. Harbor Drive/32<sup>nd</sup> Street during the A.M. and P.M. peak hours

The Harbor Drive/32<sup>nd</sup> Street and 32<sup>nd</sup> Street/Wabash Boulevard intersections are being studied separately in an ongoing California Department of Transportation study. The latest report includes the installation of a unidirectional connector ramp from eastbound Harbor Drive to northbound State Route 15. Another improvement under study is the Vesta Street Overcrossing at Harbor Drive, which would connect the wet and dry sides of Naval Base San Diego. On November 1, 2010, the Navy temporarily closed the eastern leg (Norman Scott Road) of the 32<sup>nd</sup> Street/Norman Street-Wabash Boulevard intersection to improve safety. The Navy is monitoring traffic to determine if this closure should remain. A preliminary analysis indicates that the intersections would be improved to acceptable levels of service and the potential queuing problems would be decreased with the aforementioned projects.

Harbor Drive/28<sup>th</sup> Street is projected to operate at LOS E, even with improvements. There is the potential that improvements between Harbor Drive and State Route 15 (being studied

further in an on-going California Department of Transportation study) could divert some traffic off of 28<sup>th</sup> Street, further improving operations at this intersection.

SANDAG's 2050 Regional Transportation Plan revenue constrained network recommends grade separation of the trolley lines at 28<sup>th</sup> Street and at 32<sup>nd</sup> Street. A peak-hour intersection analysis was conducted for the intersections of 28<sup>th</sup> Street and 32<sup>nd</sup> Street with Harbor Drive assuming these proposed grade separations. The results of the analysis indicated that the proposed grade separation would improve both intersections to LOS D or better during both peak-hour periods under the Horizon Year scenario with either alternative. The proposed grade separations are included in SANDAG's "revenue constrained scenario." Due to the benefits to pedestrians, bicyclists, and operations of adjacent intersections, these grade separation projects were recommended in the TIA.

## **b. Road Segments**

The improvements listed in Table 4.2-17 for both Scenario 1 and Scenario 2 roadways would reduce the number of roadways operating at LOS E or F. Without these improvements, Scenario 1 and Scenario 2 would both result in 22 roadway segments operating at an LOS of either E or F. Significant impacts would be reduced with implementation of proposed mitigation.

As shown in Table 4.2-19, impacts from implementation of Scenario 1 would be reduced from a total of 22 roadways operating at LOS E or F to 15. Impacts associated with Scenario 2 would be reduced from 22 to 16 following implementation of the above improvements.

Implementation of the proposed PFFP to fund identified improvements located within the City's jurisdiction would reduce or avoid significant impacts. However, funding has not been secured, and there is no schedule for implementation of proposed mitigation measures. Until such funding and assurance are identified, impacts associated with roadway segments operating at an unacceptable level under both Scenario 1 and 2 would remain cumulatively significant and unmitigated.

## **C. Freeway Segments**

Both scenarios would have a significant impact at five freeway segments. As noted on Table 4.2-18, several of the proposed improvements would be the responsibility of others (Caltrans, the Port, the Navy, or a partnership of those agencies). While implementation of identified improvements would reduce impacts and the measures apply to both Scenario 1 and Scenario 2, not all of these improvements are included in the PFFP as part of the proposed CPU, and none of them are tied to a phasing plan. Until such funding and assurance are identified, impacts associated with freeway segments operating at an unacceptable level under both Scenario 1 and 2 would remain cumulatively significant and unmitigated.

The proposed CPU is a program-level document. Future development review would address significance of impacts on a project-level basis except for areas within the proposed



Categorical Exclusion Area. Proposed mitigation measures identified in Tables 4.2-15 (Scenarios 1 and 2) and Table 4.2-16 (Scenario 2 only) shall apply. Intersection improvements are included as part of the update to the PFFP as a plan implementation measure to be adopted concurrently with the proposed CPU. However, implementation of mitigation measures cannot be assured since the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at the program level. Furthermore, since proposed mitigation measures are not tied to any phasing plan (unless identified in the PFFP), funding cannot be assured to implement measures to reduce the significant program-level impacts arising from the proposed CPU to below a level of significance. Until such funding and assurance are identified, impacts associated with intersection, roadway segments, and freeway segments operating at an unacceptable level would remain cumulatively significant and unmitigated.

As discussed in Section 4.2.5.4 and Appendix B (TIA) of the FEIR, implementation of mitigation measures identified in Section 4.2.5.3 of the FEIR would reduce, but not avoid, cumulatively significant impacts to parking supply which occurs, in part, from the proposed CPU elimination of the Parking Impact Overlay Zone. Impacts would remain significant and unmitigated. Implementation of mitigation measures cannot be assured since the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at the program level. In addition, since proposed mitigation measures are not tied to any phasing plan, funding cannot be assured to implement measures to reduce the significant program-level impacts arising from the proposed CPU to below a level of significance. Until such funding and assurance are identified, the impact to parking supply would remain cumulatively significant and unmitigable.

## **Air Quality**

### **Significant Effect**

#### **a. Criteria Pollutants**

Future development as allowed by the proposed CPU would result in an increase in reactive organic gas (ROG), an ozone precursor, as well as in carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>), and particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>2.5</sub>) emissions as compared to the existing condition, and would result in increased emissions of ROG as compared to the adopted plan.

#### **b. Cancer Risk**

Direct and cumulative impacts related to diesel particulate emissions and other toxic emissions exposure (cancer risk) from combined sources present a health risk to sensitive receptors. These impacts would be significant.

## **Facts in Support of Finding**

### **a. Criteria Pollutants**

The San Diego Air Basin is a state and federal nonattainment area for the eight-hour federal and state ozone standards, and a state nonattainment area for PM<sub>10</sub> and PM<sub>2.5</sub>. Table 4.3-8 in the FEIR shows that the proposed CPU would result in an increase in future emissions of ROG, CO, SO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> compared to the existing condition. Compared to the adopted Community Plan, the proposed CPU would result in an increase to ROG, but PM<sub>10</sub>, and PM<sub>2.5</sub> emissions would be reduced, in part due to a reduction in industrial lands and projected mobile source emissions. The calculated increase in emissions represents a significant, unmitigable impact.

### **b. Cancer Risk**

The total cancer risk from all sources evaluated in for the proposed CPU, when combined with overall background risks in the San Diego Air Basin, could approach 900 in one million at certain locations within the community, and generally exceeds 10 in one million throughout the community. Although many of the sources are mobile in nature and thus do not have specific standards for evaluating impacts, this is considered a significant impact to sensitive receivers within the community. The incremental and total cancer risks to the proposed CPU land use scenarios would be similar and are considered significant for both plan scenarios.

## **Rationale and Conclusion**

### **a. Criteria Pollutants**

As discussed in Section 4.3.3.2 and Appendix C of the FEIR, implementation of goals, policies, and recommendations of the City, combined with federal, state, and local regulations, provide a framework for developing project-level air quality protection measures for future discretionary projects. However, it is possible that for certain projects, adherence to the regulations may not adequately protect air quality, and such projects would require additional measures to avoid or reduce significant air quality impacts. Implementation of mitigation measures cannot be assured, since the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at the program level. Therefore, the air quality impact associated with increased emissions of criteria pollutants would remain significant and unmitigable.

### **b. Cancer Risk**

The significant cancer health risk described above is due primarily to sources outside of the proposed CPU area. Therefore, no mitigation would be available, and impacts would remain significant and unmitigable.

# Noise

## Significant Effect

### a. Noise Sensitive Land Uses

Interior and exterior noise levels could exceed established thresholds for noise sensitive uses during construction due to operation of construction equipment and from long-term operations due to long-term mobile and stationary sources resulting in significant impacts.

### b. Increase in Ambient Noise Level

The increase in future ambient noise levels within some areas of the proposed CPU area would be substantial based on established thresholds, as discussed in Sections 4.4.4.1 and 4.4.4.2 and Tables 4.4-5 and 4.4-6 in the FEIR.

### c. Land Use Incompatibilities

Implementation of the proposed CPU would result in the exposure of land uses to noise levels in excess of the compatibility limits in the General Plan. Build-out of the proposed CPU (either Scenario 1 or Scenario 2) would result in the continuation and/or development of land uses in conflict with the City's Land Use-Noise Compatibility Guidelines, which results in a significant impact.

## Facts in Support of Finding

### a. Noise Sensitive Uses

Construction. As discussed in Section 4.4.3.1 of the FEIR, exterior construction noise levels could exceed a 24-hour A weighted average decibel level (dB(A)  $L_{eq}$ ) of 75. The interior noise standard is 45 CNEL or less. Interior noise levels could exceed the 45 dB standard for interior noise levels where construction occurs on small parcels. Temporary interior noise impacts would be potentially significant if the activity is heard and affects those activities characteristic of sensitive receptors (e.g., sleeping, learning, etc.). Mitigation for construction noise impacts on small parcels within the proposed CPU area may make it impossible to meet noise thresholds. Impacts would be significant.

Operations. Exterior noise levels of 65-75 CNEL are generally deemed incompatible with sensitive uses, but multiple-unit and mixed-use residential may be conditionally allowed in areas subject to exterior noise levels of up to 75 CNEL if they are affected primarily by motor vehicle traffic noise and are already developed with existing residential uses. Operational noise from traffic sources on I-5, State Route 75 (SR-75), Main Street, Harbor Drive, 28<sup>th</sup> Street, Cesar E. Chavez Parkway, 32<sup>nd</sup> Street, Logan Avenue, and segments of National Avenue and Boston Avenue are all anticipated to generate noise levels in excess of 65 CNEL by 2030 (build-out). Noise-sensitive land uses such as Chicano Park, and residential uses in

Neighborhood Commercial adjacent to I-5 between SR-75 and 28<sup>th</sup> Street, and low density residential and the Boston Avenue Linear Park along Boston Avenue (both along Boston Avenue between 28<sup>th</sup> Street and 32<sup>nd</sup> Street), as well as the Chollas Creek Passive Park, would be subject to noise levels at or in excess of 75 CNEL. The Community Village (residential required) from the northern community boundary to SR-75, Chicano Park adjacent to I-5 and the SR-75 interchange, Neighborhood Commercial (residential Permitted) from Evans Street to 28<sup>th</sup> Street, medium-density residential in the vicinity of SR-75 between National Avenue and Newton Avenue south of SR-75 and north of 27<sup>th</sup> Street, and low-density residential along Boston Avenue between 28<sup>th</sup> Street and 32<sup>nd</sup> Street would be exposed to exterior noise levels of approximately 70-75 CNEL. Perkins Elementary School, a noise-sensitive land use, would experience exterior noise levels ranging from 65-70 CNEL due to a combination of nearby train operations and traffic. Impacts would be significant.

## **b. Ambient Noise Level Increase**

Noise levels due to increased vehicular traffic on roadways would increase due to continued build-out of the proposed CPU and increases in pass-through traffic on I-5 and SR-75. Tables 4.4-5 and 4.4-6 in the FEIR indicate the projected traffic noise levels along various roadway segments.

As shown on Table 4.4-6 in the FEIR, the following proposed CPU roadway segments would exceed the established exterior noise threshold for the surrounding land use and would increase noise levels by 3 dB or more. Unless otherwise noted, impacts would result regardless of the scenario. These increases are considered to be a significant impact pursuant to the City's 2011 Significance Determination Thresholds.

- Cesar E. Chavez Parkway (National Avenue to Newton Avenue) (Scenario 1 only)
- Logan Avenue (17<sup>th</sup> Street to Sigsbee Street)
- Logan Avenue (Sigsbee Street to Cesar E. Chavez Parkway)
- National Avenue (Beardsley Street to Cesar E. Chavez Parkway)
- Main Street (Cesar E. Chavez Parkway to Evans Street) (Scenario 1 only)

In addition, intermittent noise from rail operations could increase due to demand for service, and would contribute to a corresponding increase in ambient noise levels which would be significant. Increased noise from new stationary sources such as commercial and industrial development cannot be anticipated at the program level.

Although enforcement of the SDMC and compliance with General Plan and proposed CPU policies would help reduce noise impacts related to future noise generated by stationary sources, proximity of noise generators to noise-sensitive land uses may still contribute to an increase in ambient noise levels, and would be significant.

### **c. Land Use Incompatibilities**

Pursuant to General Plan Land Use Noise Compatibility Guidelines, the proposed CPU results in a significant land use incompatibility impact to residential land uses subjected to noise levels in excess of 75 CNEL, including neighborhood commercial (residential permitted) and residential (low-density) uses in proximity to I-5. Discretionary projects are subject to environmental review pursuant to CEQA as well as an analysis of those projects for consistency with the goals, policies, and recommendations of the General Plan. Mitigation measures identified for discretionary projects may not always alleviate noise impacts associated with land use incompatibility. Impacts are therefore significant.

As discussed in Section 4.4.4.1 of the FEIR, increased noise exposure levels ranging from 65-70 CNEL affecting Perkins Elementary School which are anticipated from a combination of train and traffic noise at build-out of the proposed CPU, and increased ambient noise levels at Chicano Park, which would be exposed to noise levels of more than 70 CNEL due to traffic along SR-75 and I-5, would result in significant impacts. The proposed Boston Linear Park along I-5 and Perkins Elementary School Joint Use facility would be exposed to noise levels in excess of 75 CNEL, resulting in a significant land use incompatibility impact.

## **Rationale and Conclusion**

### **a. Noise Sensitive Uses**

Compliance with City plan policies and codes, along with federal, state, and local regulations, is required of all projects and is not considered to be mitigation. However, it is possible that for certain land uses, particularly existing sensitive receptors, adherence to proposed policies and noise regulations may not adequately attenuate interior or exterior noise levels generated during build-out of the proposed CPU (Scenario 1 or Scenario 2). Therefore, the proposed CPU could result in the exposure of noise-sensitive land uses to both exterior and interior future noise levels that exceed those established in the adopted General Plan or the SDMC. No feasible mitigation is available to reduce significant impacts at the program level of analysis, since the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project. Noise impacts to sensitive receptors therefore remain significant and unmitigable.

### **b. Increase in Ambient Noise Level**

As discussed in Section 4.4.4.4 of the FEIR, implementation of the proposed CPU would result in an increase in ambient noise levels in excess of existing thresholds due to the combined increases in traffic, rail, and stationary source activities. Compliance with planning policies and regulations cannot guarantee that all future project-level impacts will be avoided or mitigated to a level of less than significant, since the degree of impact and applicability, feasibility, and success of noise reduction measures cannot be adequately known for each specific project at this program level of analysis. Therefore, the program-level impact related to ambient noise remains significant and unmitigable.

### **c. Land Use Incompatibilities**

As discussed in Section 4.4.5 and Appendix D of the FEIR, implementation of goals, policies, and recommendations of the City, combined with federal, state, and local regulations, provide a framework for project-level noise reduction measures for future projects. However, it is possible that for certain projects, adherence to the regulations may not adequately protect sensitive land uses, and such projects would require additional measures to avoid or reduce significant noise impacts due to land use incompatibilities. Implementation of mitigation measures cannot be assured, since the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at the program level. Therefore, the noise impact associated with incompatible land uses would remain cumulatively significant and unmitigable.

## **Cultural/Historical Resources**

### **Significant Effect**

The proposed CPU area includes known historic and prehistoric resources and the potential to include human remains. Implementation would facilitate future development that has the potential to significantly impact these resources.

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

#### **a. Prehistoric/Historic Resources**

Outside the proposed Categorical Exclusion Area, City Environmental staff will review future specific development proposals to determine the likelihood for future projects to contain historical resources. All projects with buildings/structures in excess of 45 years of age will be evaluated to determine whether the affected building/structure is historically significant. Additionally, future projects that could affect an archaeological resource will be required to (1) determine the presence of archaeological resources in accordance with City Guidelines, and (2) implement appropriate mitigation as identified in Section 4.5.3.3 of the FEIR. Additionally, public projects, and projects located within the public rights-of-way, whether within or outside of the Coastal Categorical Exclusion Area will require additional review, monitoring in accordance with the Land Development Manual.

For future development of specific parcels in the proposed Coastal Categorical Exclusion Area, further review and analysis of individual properties would not be conducted, as the proposed process for development projects would be ministerial and exempt from CEQA (Section 15300.1). Additional buildings that may not have been identified in the survey of historical properties (see appendix to the Barrio Logan Community Plan and LCP) would not be reviewed for significance, and Native American consultation would not be required for work outside public rights-of-way. Potential significant impacts could occur as a result.

## **b. Religious/Sacred Uses and Human Remains**

Future projects, whether discretionary or ministerial, are subject to federal and state regulations for the protection and treatment of cultural/ historic resources, including religious/sacred uses and human remains. There are no known religious or sacred uses or human remains within the proposed CPU. However, if human remains are discovered, work must stop in that area, and the procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) will be followed. These requirements are detailed in Section 4.5.4.2 of the FEIR. Although future development proposals implementing the proposed CPU would be required to comply with regulations and incorporate feasible mitigation measures adopted in conjunction with the certification of the FEIR, the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at the program level of analysis. Therefore, the program-level impact related to potential effects on human remains would be significant and unmitigable.

## **Rationale and Conclusion**

### **a. Prehistoric/Historic Resources**

As discussed in Section 4.5.3 of the FEIR, future proposals implementing the proposed CPU will be required to incorporate feasible mitigation measures adopted in conjunction with the certification of the FEIR and comply with regulatory measures. However, the degree of future impacts and applicability, feasibility, and success of future mitigation measures for all other impacts cannot be adequately known for each specific future project at the program level of analysis. Therefore, the program-level impact related to effects on a prehistoric or historic building, structure, object, or site remains significant and unmitigable, even with adherence to the mitigation guidelines and regulations.

### **b. Religious/Sacred Uses and Human Remains**

As discussed in Section 4.5.4 of the FEIR, future proposals implementing the proposed CPU will be required to comply with existing regulations for the treatment of human remains and incorporate feasible mitigation measures adopted in conjunction with the certification of the FEIR. However, the degree of future impacts and applicability, feasibility, and success of future mitigation measures for impacts cannot be adequately known for each specific future project at the program level of analysis. Therefore, the program-level impact related to effects on human remains is significant and unmitigable.

## **Hydrology/Water Quality and Drainage**

### **Significant Effect**

As discussed in Section 7.8 of the FEIR, the proposed CPU would contribute to the cumulative hydrologic effects related to runoff in the proposed CPU area.

## **Facts in Support of Finding**

Although the proposed CPU is urbanized and nearly 100 percent impervious as discussed in Section 4.8, Hydrology, Water Quality and Drainage, of the FEIR, future development, when considered with other development in the region, could result in a cumulatively significant increase in runoff as discussed in the City General Plan PEIR and Section 7.8 of the FEIR. Although all projects would be required to implement standard low-impact development design and storm water best management practices, without the project details necessary to evaluate future individual project impacts and required improvements, the proposed CPU could contribute to significant cumulative effects from increased runoff at the program level. Therefore, although project-level impacts have been determined to be less than significant, cumulative impacts would be significant and unmitigable at this level of review.

## **Rationale and Conclusion**

Cumulative impacts to hydrology (runoff) remain significant and unmitigable, since there is insufficient detail to evaluate the potential cumulative effect of future individual project on runoff characteristics, volumes, or rates of flow. Therefore, the project's contribution to cumulative impacts would be significant and unmitigable.

## **Paleontological Resources**

### **Significant Effect**

The proposed CPU area contains a geologic formation considered to be of high (Old Paralac Deposit) sensitivity for fossils (see Figure 4.12-1 in the FEIR). Grading associated with future development projects that involves excavation of native soils in the Old Paralac Deposit could expose this formation and unearth fossil remains, which could destroy paleontological resources if the fossils are not recovered and salvaged. Thus, impacts resulting from future development in areas underlain by this formation would be significant for both Scenario 1 and Scenario 2.

## **Facts in Support of Finding**

Future development within the proposed CPU area may impact the Old Paralac Deposit, which is considered to have a high sensitivity for fossil remains. Mitigation identified in Section 4.13.3.3 of the FEIR is available to reduce impacts within areas located outside the Coastal Categorical Exclusion Area, since projects in this area would be subject to future discretionary review and approval. However, because future projects within the proposed Coastal Categorical Exclusion Area would be subject to ministerial approval, future projects in the Coastal Categorical Exclusion Area would be allowed to develop without subsequent review provided they conform to all base zone requirements and do not require a Neighborhood Use Permit, Conditional Use Permit, Site Development Permit, Planned Development Permit, or Variance. Future projects proceeding ministerially within the Coastal Categorical Exclusion



Area would therefore have the potential to impact a unique paleontological resource or a geologic formation possessing a high fossil bearing potential, and there would be no mechanism to require mitigation for impacts. Future projects within the Coastal Categorical Exclusion Area would therefore result in significant paleontological impacts.

## **Rationale and Conclusion**

The only means to avoid this impact is to eliminate designation of the proposed CPU Coastal Categorical Exclusion Area by selecting the No Coastal Categorical Exclusion Alternative, as discussed in Section 9.4 of this FEIR. Because there is no mechanism to review and enforce mitigation for future projects proceeding ministerially within the Coastal Categorical Exclusion Area, impacts to paleontological resources remain significant and unmitigable.

## **Greenhouse Gas Emissions**

### **Significant Effect**

#### **a. Cumulative GHG Emissions**

The calculated GHG emissions for the proposed CPU fall short of meeting the City's goal of a minimum 28.3 percent reduction relative to BAU and would contribute to cumulative statewide emissions. This impact associated with the proposed CPU GHG emissions would be considered significant.

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

As discussed in Section 4.15.3 of the FEIR, future development projects would be required to implement GHG emission reduction measures to the extent practicable. Despite this requirement, impacts associated with the contribution of GHG emissions to cumulative statewide emissions would be cumulatively significant. Implementation of the proposed CPU (Scenario 1 and Scenario 2, respectively) is projected to achieve between 21.0 and 21.4 percent reductions relative to BAU. These levels fall short of meeting the City's goal of a minimum 28.3 percent reduction in GHG emissions relative to BAU. While there are other thresholds that are professionally accepted standards for review of projects (including, but not limited to, the California Air Pollution Control Officers Association recommended screening threshold of 900 metric tons, other BAU percentage reduction goals utilized by other jurisdictions, per capita emission limits, etc.), the comparison of the proposed CPU to the 28.3 percent standard provides a conservative analysis of potential impacts.

As discussed in Section 4.15.3.3, other than policies identified in the proposed CPU Mobility, Urban Design, and Conservation elements, no feasible mitigation measures are identified at the plan level to reduce significant cumulative GHG emissions impacts of the proposed CPU. Furthermore, for projects within the proposed Coastal Categorical Exclusion Area that would exceed the screening criteria shown in Table 4.15-3 of the FEIR, there would be no

mechanism to require future project-level review and mitigation for projects subject only to ministerial review and approval. Consequently projects larger than the screening criteria in this area would result in GHG emissions that would be considered cumulatively significant and unmitigable.

## **Rationale and Conclusion**

The project's contribution to cumulative statewide emissions would be considered cumulatively significant and unmitigable, since no feasible mitigation is available to reduce emissions to below the 28.3 percent significance threshold standard and future projects within the Coastal Categorical Exclusion Area that exceed the screening criteria may not implement project-level GHG emission reduction measures.

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

Because the proposed project will cause one or more unavoidable significant environmental effects, the City must make findings with respect to the alternatives to the proposed project considered in the FEIR, evaluating whether these alternatives could feasibly avoid or substantially lessen the proposed project's unavoidable significant environmental effects while achieving most of its objectives (listed in Section II.E above and Section 3.2 of the FEIR).

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings, and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), makes the following findings with respect to the alternatives identified in the FEIR (Project No. 146803/SCH No. 2008061058):

*Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR (Project No. 146803/SCH No. 2008061058) as described below.*

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

## **Background**

The FEIR for proposed CPU conducted an initial review of five alternatives, which were then eliminated from further study. The reasons these five alternatives were eliminated from detailed evaluation are discussed in the FEIR and these reasons are incorporated herein.

Another three alternatives received a detailed analysis in the FEIR. These alternatives can be grouped into the following categories.

- No Project (Adopted Community Plan);
- Reduced Project; and
- No Coastal Categorical Exclusion.

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

## **No Project (Adopted Community Plan) Alternative**

The No Project (Adopted Community Plan) Alternative addresses the situation that would occur if the project did not go forward and the project area continued to develop as allowed by the current Barrio Logan/Harbor 101 Community Plan adopted in 1978. This alternative thereby allows decision makers to compare the impacts of approving the project with the impacts of not approving the project (CEQA Guidelines Section 15126.6(e)(3)(B)).

## **Potentially Significant Effects**

Continued use of the proposed CPU area as allowed to develop under the currently adopted Barrio Logan/Harbor 101 Community Plan may reduce (through available mitigation), but not avoid, the project's potentially significant impacts associated with cultural resources (built environment, archaeological resources) and paleontological resources (high sensitivity formation). All other impacts would be significant and unmitigated with land use (plan consistency, community division, compatibility); transportation/circulation/parking (intersections, roadway segments, freeway segments, and parking supply); air quality (air pollutant emissions); noise (exposure of noise-sensitive land uses, ambient noise levels, land use incompatibilities); and GHG emissions (cumulative emissions) greater than for the proposed CPU.

As discussed in Section 9.2.5 of the FEIR, "Similar to the proposed CPU, implementation of this alternative would be required to adhere to all applicable City, federal, state, and local regulations regarding the protection of historical resources as described in Section 4.5 [of the FEIR]." In addition, "all projects would be within the Coastal Overlay Zone and would be subject to discretionary review," and therefore subject to the City's environmental review and documentation process pursuant to CEQA as well as for conformance with goals, policies and

recommendations of the General Plan and zoning. Conformance with applicable City, federal, state, and local regulations provides a framework for developing project-level mitigation. However, as noted in Section 9.2.5 of the FEIR, specific mitigation at the program EIR level is not available, since specific development projects are not known. Therefore, impacts to cultural or historical resources under the No Project Alternative would be similar to the proposed CPU, and are considered significant and unmitigable.

## **Finding and Supporting Facts**

While adoption of the No Project (Adopted Community Plan) Alternative would allow future development to proceed in accordance with the adopted Community Plan, adoption of this alternative would not achieve important project objectives to:

- incentivize development in the Community Village and to streamline future approvals,
- increase land use and zoning density and intensity in the area proposed as the Community Village to support development of residential/commercial mixed use development,
- provide appropriate locations for future transit-supportive housing to meet projected community need, including a need for more affordable housing,
- create transition zones to ensure better compatibility between industrial and heavy commercial or maritime commercial uses and residential/institutional uses along Main Street to reduce collocation effects,
- establish land use and zoning to identify preferred locations for maintenance of and development of maritime-oriented industrial land uses to reduce potential issues related to encroachment of incompatible uses, and
- provide a multi-modal transportation strategy to provide walkable and bicycle-friendly streets, accessible and enhanced transit options, and comprehensive parking strategies throughout the community.

Therefore, because this alternative fails to meet multiple project objectives, and failure to meet even a single objective would be sufficient for rejection of the alternative, this alternative is considered infeasible.

Further, the No Project Alternative is infeasible because it would not meet the General Plan policy regarding preparation of community plan updates. Specifically, Policy LU-C.1 requires that the update process “establish each community plan as an essential and integral component of the City’s General Plan with clear implementation recommendations and links to General Plan goals and policies.” It further states that community plan updates are important to “maintain consistency between community plans and General Plan, as together they represent the City’s comprehensive plan. The No Project Alternative would not allow for the update to proceed and achieve these General Plan policies.

## **Reduced Project Alternative**

Similar to the proposed CPU, the Reduced Project Alternative would also replace the existing adopted Community Plan, and would include the amendment to the LCP and LDC to replace the Barrio Logan Planned District Ordinance with citywide zoning designations. The Reduced Project Alternative would implement the goals and policies for the 10 proposed CPU elements addressing Land Use; Mobility; Urban Design; Economic Prosperity; Public Facilities, Services, and Safety; Recreation; Conservation; Noise; Historic Preservation; and Arts and Culture. The proposed CPU neighborhood areas, including the Community Village, Historic Core, Transition, Boston Avenue and Main Street Corridor, and Prime Industrial areas, would be proposed as delineated in Figure 3-5 of the FEIR.

The primary difference of this alternative with the proposed CPU would be that the overall development potential (i.e., residential densities and commercial/industrial square footages) would be reduced by 30 percent under the Reduced Project Alternative. This scale of reduction would likely result in fewer multi-family residential units, as well as less intense commercial and industrial development. All other aspects of the proposed CPU land use plan and zoning, including the Coastal Categorical Exclusion, would be retained.

## **Potentially Significant Effects**

The Reduced Project Alternative would not result in additional impacts beyond those previously disclosed for either Scenario 1 or Scenario 2 of the proposed CPU. Significant impacts to land use, transportation/circulation/parking, air quality, noise, cultural resources, hydrology (cumulative impacts within the flood zone), and GHG emissions would be less with the reduction in overall density of development, but would remain significant and unmitigated. Consequently, even where implementation of the Reduced Project Alternative would substantially lessen an environmental effect as compared to the proposed CPU, the impact would remain significant. Significant and unmitigable impacts to cultural and paleontological resources within the Coastal Categorical Exclusion Area would be similar to the proposed CPU. Impacts to paleontological resources would be similar to the proposed CPU, and when located outside of the Coastal Categorical Exclusion Area would be less than significant with mitigation incorporated. Less than significant impacts associated with visual effects and neighborhood character; human health/public safety/hazardous materials; hydrology, water quality, and drainage; population and housing; public utilities (water, utilities, solid waste, energy); public services and facilities (parks and recreation, libraries, schools, and fire/ police protection); geology/soils; and biological resources would be similar to or reduced in comparison to the proposed CPU. However, if the supply of housing, commercial, and industrial space in the proposed CPU area does not meet the market demand, additional building sites could be needed within or near the proposed CPU area, and the long-term impact from increased traffic and associated air quality and noise impacts could still occur.

## **Finding and Supporting Facts**

Although the Reduced Project Alternative would meet some of the proposed CPU objectives, it would not meet all objectives. Specifically, it would not achieve the level of density and intensity necessary to support the Community Village goals and objectives that are included in the City's General Plan that call for a residential density range of 30 to 74 dwelling units per acre; increasing housing supply in the Community Village Area and Historic Core Area to ensure that the areas can support transit amenities, affordable housing, and commercial and retail businesses; and maintain sufficient capacity for future maritime-oriented businesses in order to meet the current and future needs of the maritime-oriented ship building businesses and the City's economy.

Because this alternative would not avoid the significant impacts as compared to the proposed CPU, and would not attain important objectives as discussed above, with failure to meet even a single objective sufficient for rejection of the alternative, this alternative is considered infeasible.

Further, the Reduced Project Alternative is infeasible because it would be in conflict with General Plan Policy LU-C.3 which requires that the city maintain or increase its supply of land designated for various residential densities as community plans are prepared, updated, or amended. The Reduced Project Alternative would implement an overall decrease in all residential densities and would result in an actual decrease in the amount of residential units below the currently adopted Barrio Logan Community Plan. A reduction of this magnitude would not be consistent with the General Plan which anticipates a need for more housing consistent with the City of Villages Strategy and existing SANDAG growth projections.

## **No Coastal Categorical Exclusion Alternative**

The No Coastal Categorical Exclusion Alternative would retain all components of the proposed CPU, with the exception being that the proposed Coastal Categorical Exclusion Area and approval process would be eliminated from the Community Plan and the proposed LDC amendment, which removes the requirement for a CDP. By removing this component, future projects would not be allowed to receive ministerial approval for development within the proposed Coastal Categorical Exclusion Area, and the review process would not be streamlined. All projects in the prescribed area would be subject to future discretionary review and separate CDP and hearing requirements as defined in the Coastal Act.

## **Potentially Significant Effects**

Because this alternative would implement the land use and zoning under the proposed CPU, the significant and unmitigated impacts would be the same as impacts for the proposed CPU discussed in Section 4.0 of this FEIR, with the following exception: significant, unmitigable impacts associated with cultural and paleontological resources could be avoided or reduced. With respect to paleontological resources, mitigation would reduce impacts to below a level of significance with implementation of measures, as outlined in Section 4.13 of this FEIR.

## **Finding and Supporting Facts**

Adoption of the No Coastal Categorical Exclusion Alternative would result in generally the same impacts as the proposed CPU, with the exception of impacts to cultural resources and paleontological resources, which may be reduced. Significant impacts to land use, transportation/circulation, air quality, noise, cultural resources, paleontological resources, hydrology (cumulative flood zone), and GHG emissions would remain significant and unmitigated at the program level. Less than significant impacts associated with visual effects and neighborhood character; human health/public safety/hazardous materials; hydrology, water quality and drainage; population and housing; public utilities (water, utilities, solid waste, energy); public services and facilities (parks and recreation, libraries, schools, and fire/police protection); geology/soils; and biological resources would be the same as for the proposed CPU.

All future projects would be located within the Coastal Zone, and therefore would require approval of a CDP; thus, future specific development proposals would be subject to environmental review and approval. There would therefore be a mechanism to identify appropriate mitigation measures to reduce or avoid any significant, unmitigable impacts associated with cultural and paleontological resources.

Although the No Categorical Exclusion Alternative would meet some of the proposed CPU objectives, it would not achieve the primary objective of the project: to incentivize development in the Community Village Area by streamlining permit processing requirements to ensure less costly and time-intensive process within proposed CPU designated Coastal Categorical Exclusion Area.

Because this alternative would not avoid the significant impacts as compared to the proposed CPU, and would not attain an important objective as discussed above, this alternative is considered infeasible.

Further, the No Coastal Categorical Exclusion Alternative is infeasible because it would conflict with General Plan policy LU-F.3 which anticipates the creation and application of incentive zoning measures to contribute to the provision of affordable housing, and other General Plan policy objectives. The General Plan calls for the development of zones and development regulation packages to better implement updated community plans. As an objective of the draft Barrio Logan Community Plan is to incentivize development in the community village area, adoption of this alternative would prevent both the streamlining and cost savings of permit processing requirements in this area and would be inconsistent with that policy objective.

## **VI. STATEMENT OF OVERRIDING CONSIDERATIONS**

### **A. Barrio Logan CPU EIR Statement of Overriding Considerations**

Consistent with California Public Resources Code section 21081(b) and CEQA Guidelines Section 15093, the City declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the proposed CPU's environmental impacts. The City also declares that any mitigation measures recommended in the FEIR, but not incorporated into the proposed CPU, either are infeasible and cannot be implemented by the proposed CPU or provide only insignificant benefits.

The City also finds that the proposed CPU alternatives discussed in the FEIR should not be adopted because none of them succeed in reducing environmental impacts while adequately meeting the proposed CPU's objectives; specifically, that economic, legal, social, technological, or other considerations make the alternatives infeasible. The City also finds that the economic, legal, social, and technological benefits of the proposed CPU that the City has found to override the alternatives' environmental benefits would be negated by the proposed CPU's alternatives.

The City finds that Scenario 1, identified here as the Preferred Plan, most fully implements the City's desire to incorporate the General Plan's goals and policies into its neighborhoods as part of the long-term community plan update process.

The City Council declares that it has adopted all feasible mitigation measures to reduce the proposed CPU's environmental impacts to an insignificant level; considered the entire administrative record, including the FEIR; and weighed the proposed CPU's benefits against its environmental impacts. After doing so, the City Council has determined that the proposed CPU's benefits outweigh its environmental impacts, and deem them acceptable.

The City Council identified the following public benefits in making this determination. Each of these public benefits serves as an independent basis for overriding all unavoidable adverse environmental impacts identified in these Findings and the FEIR. The City Council considers these impacts to be acceptable, consistent with CEQA Guidelines section 15093.

#### **1. The Preferred Plan will provide a comprehensive guide for growth and development in the Barrio Logan Community.**

The Preferred Plan provides a blueprint for growth and development that builds on Barrio Logan's established character as a mixed-use, working class neighborhood. It creates land use, public facilities, and development policies for Barrio Logan as a component of the City of San Diego's General Plan. As cited in the PEIR's 4.0 Land Use section, the Preferred Plan



provides strategies and specific implementing actions to help ensure that the Community Plan's vision is accomplished and that it is in conformance with the General Plan. Included in the Preferred Plan are detailed implementing programs, including zoning regulations and a public facilities financing plan, that will implement the community plan's goals and policies.

The Preferred Plan provides guidance that facilitates the City of San Diego, other public agencies, and private developers to design projects that enhance the character of the community, taking advantage of its setting and amenities. The Preferred Plan's Land Use Element includes neighborhood-specific policies in order to ensure that the character of the existing and evolving neighborhoods are retained and enhanced. These neighborhood specific policies are included of in the Land Use Element of the Community Plan.

The Preferred Plan is more effective in implementing the Community Plan's Land Use Element Goals (Page LU-2). The Preferred Plan provides goals and policies that will facilitate the separation of incompatible uses in the future and promote a healthy environment; encourage a development pattern that supports a vibrant and pedestrian-oriented streetscape through the provision of additional residential, commercial, office, and civic uses within areas that are characterized as primarily residential and community-serving in nature today; support maritime-oriented industrial development that enhances and reflects the character of Barrio Logan and supports major Port District and Naval uses by maintaining parcels that are exclusively industrial where the majority of land is currently utilized for industrial purposes; promote new uses that include stable base sector employment opportunities and encourage supportive commercial and industrial services; provide enhanced transit nodes that are connected to the residents and businesses located in Barrio Logan; encourage diverse housing opportunities that are affordable to Barrio Logan residents; promote quality neighborhood- and community-serving commercial uses; protect the maritime and maritime-related activities west of Harbor Drive and in the Transition Area while ensuring that these activities do not affect the health and safety of Barrio Logan residents; retain the waterfront's role as an important location for maritime-oriented production and repair activities; retain and enhance community-supporting institutional uses; and protect areas identified for Prime Industrial Lands from encroachment from sensitive receptor land uses. The goals and policies contained in the Preferred Plan utilized the General Plan as a foundation to not only ensure that this community will attain environmental justice, but will also meet the region's economic needs in the future.

The Preferred Plan is superior in implementing the General Plan's housing, economic prosperity, and mobility goals and policies. The Preferred Plan provides specific land use and urban design policies as well as a coastal categorical exclusion area that will facilitate expedited development of additional housing and commercial opportunities in close proximity to transit, Downtown, and the Port tidelands employment centers. By designating the areas south of Wabash Boulevard and west of Harbor Drive as Heavy Industrial, the plan ensures that the waterfront's role as an important regional economic catalyst will be protected from further intrusion by incompatible uses. As such, the Preferred Plan provides the most consistent, comprehensive approach to balancing housing and the retention of industrial land

and building supply in Barrio Logan in light of the range of feasible rezoning options studied in the PEIR.

These specific factors support the decision to approve the Preferred Plan despite the significant unavoidable impacts identified in the PEIR.

## **2. The Preferred Plan provides a balanced land use plan that meets the needs of the Barrio Logan Community**

The Preferred Plan provides for the separation of incompatible uses while promoting a vibrant, pedestrian-oriented community with residential, commercial, office, and civic uses, as well as a compatible mix of land uses that promote a healthy environment. The Preferred Plan promotes maritime-oriented industrial development that enhances and reflects the character of Barrio Logan and supports major Port District and Naval uses by maintaining parcels that are exclusively industrial. There are policies contained in the Preferred Plan that support diverse housing opportunities for Barrio Logan residents, including affordable housing opportunities. The Preferred Plan encourages quality neighborhood- and community-serving commercial uses that will provide needed services, such as banks and pharmacies, in the future. Commercial policy 2.3.3 promotes the development of shopkeeper units and live/work units that allow residents to own and operate office, professional, and retail uses.

The Preferred Plan supports existing and future institutional uses by including policy 2.4.1, which supports community social service institutions such as the Family Health Centers of San Diego, the Barrio Logan College Institute, as well as Barrio Station, among others. The institutional land use policies encourage the coordination with the San Diego Unified School District to develop a joint use park and recreation facility with Perkins Elementary School as cited in policy 2.4.2. Not only do these policies support the health and welfare of the community, but they will assist in meeting the General Plan's park standards by providing new recreational opportunities.

The Preferred Plan supports the protection and promotion of activities related to industrial uses by prohibiting construction of new housing and limiting the amount of office and retail uses that can be introduced in industrial areas as cited in policy 2.5.1. Industrial land use policies also encourage the protection and promotion of new maritime and maritime-related uses (south of Wabash Boulevard and west of Harbor Drive) that do not present health-related or environmental hazards to adjacent sensitive receptors, and recommend that new industrial buildings be designed to better integrate with the surrounding neighborhood as cited in policies 2.5.2 and 2.5.5. Furthermore, policy 2.5.4 recommends allowing industrial land uses that minimize conflicts with incompatible uses through building design and truck restrictions and that provide a balance between the needs of heavy industrial businesses that are located west of Harbor Drive and the residences contained within the community.

The Preferred Plan provides stronger policies and zoning to resolve land use conflicts resulting from the collocation of uses while preventing future occurrences. This is crucial for both the well-being of the community and the economic prosperity of businesses. Maritime-

oriented uses are permitted in a portion of the plan area through the discretionary permit process. These zones that allow maritime-oriented uses through the Land Development Code's discretionary permit process include the CO-2-1, CO-2-2, CC 2-3, CC-3-4, CC-3-6, and CC-5-4 zones. These uses are limited appropriately to avoid conflicts with housing and other sensitive receptors.

By providing a balanced land use plan that significantly reduces collocation impacts in the community for specific uses, the Preferred Plan is more closely aligned with the General Plan's land use, housing, and economic prosperity goals and policies. These specific factors support the decision to approve the Preferred Plan despite the significant unavoidable impacts identified in the PEIR.

### **3. The Preferred Plan will support additional housing within the Plan Area.**

The Preferred Plan would create a denser, transit-oriented neighborhood than the existing Community Plan currently allows by redesignating sites from Industrial to Residential/Mixed Use within the area designated as Community Village and on parcels along Main Street between Evans and 27th Street. The Preferred Plan focuses new housing in areas that are in close proximity to transit, including the Barrio Station trolley stop just south of Cesar E. Chavez Parkway, the northern planning area boundary along 16th Street and Newton Avenue that is in walking distance to the Imperial Avenue Intermodal Station, and multiple bus lines that run along National Avenue, Main Street, and Logan Avenue; consequently, the Project would reduce reliance on private automobile use. As a result, the General Plan's Housing and Mobility Elements and Preferred Plan's goals and policies with respect to Housing and Transportation would be met.

The Preferred Plan provides guidance for the development of new affordable housing. Specific policies promote the production of very low and low income affordable housing in all residential and multi-use neighborhood designations as cited in policy 2.2.10. The policies also promote the creation of affordable home ownership opportunities for moderate income buyers and encourage the development of moderately priced, market-rate (unsubsidized) housing affordable to middle income households earning up to 150% of area median income as cited in policies 2.2.11 and 2.2.12. Furthermore, the Preferred Plan promotes homebuyer assistance program for moderate-income buyers and the utilization of land use, regulatory, and financial tools to facilitate the development of housing affordable to all income levels as cited in policies 2.2.13 and 2.2.14.

By providing additional housing opportunities in close proximity to transit and the Downtown and Port tidelands employment centers, the Preferred Plan does a more effective job at implementing the General Plan's housing and economic prosperity goals and policies. These specific factors support the decision to approve the Preferred Plan despite the significant unavoidable impacts identified in the PEIR.

**4. The Preferred Plan establishes space for Maritime-Oriented Production and Repair activities that are protected from encroachment by other uses.**

The Preferred Plan's Land Use and Economic Prosperity Element retains the waterfront's role as an important location for maritime-oriented production and repair activities for the health and diversity of the city's economy and population. Consistent with the policies set forth in the General Plan, the Preferred Plan's Land Use and Economic Prosperity elements preserve heavy industrial and maritime-oriented uses to support waterfront commerce and industry and provide for U.S. Naval operations, ship repair, and the movement of waterborne goods (General Plan Policy EP-J.9). The Preferred Plan supports policies to protect and promote working waterfront jobs that provide self-sufficient wages (General Plan Policy EP-J.10). The Preferred Plan supports these policies by designating maritime and maritime-related activities west of Harbor Drive as Heavy Industrial (Figure 2-1) and identifying these sites as Prime Industrial Land (Figure 5.1).

By identifying heavy industrial land uses that contribute to supporting Port District and Naval operations, and prohibiting commercial and residential uses south of Wabash Boulevard and west of Harbor Drive, the Preferred Plan is superior in implementing the General Plan's economic prosperity goals and policies. These specific factors support the decision to approve the Project despite the significant unavoidable impacts identified in the PEIR.

**5. The Preferred Plan provides a Transition Area between the heavy industrial uses west of Harbor Drive and the Barrio Logan Community to the east of Harbor Drive.**

Policies and strategies are included in the Barrio Logan Community Plan to provide adequate separation of uses principally through the establishment of a "Transition Area" which separates predominately industrial areas from sensitive receptor areas. The Preferred Plan's Transition Area allows a mixture of compatible uses. The Community Commercial, Commercial Office, and Neighborhood Commercial land use designations, included in Figure 2-1, would provide a buffer within the Transition Area to reduce environmental impacts associated with light, air, noise, and truck pollution. These designations limit the heavy commercial and industrial uses within the Transition Area. In addition, the commercial zones being applied to implement these commercial land use designations require that new commercial development be fully contained in buildings.

An emphasis is placed on new community-serving development and office uses that are pedestrian-oriented and activate the street, while also allowing maritime-oriented uses. New maritime-oriented commercial and office space would be allowed in the Transition Area through a discretionary process that would serve the Port tidelands industries. Policy 5.2.5 encourages the development of new office space that supports and complements the major Port District industries and United States Navy. In addition, community-serving retail would be located in new mixed use that would generate economic activity and employment opportunities in the Plan Area.

The Preferred Plan implements the following overarching goals in order to reduce the conflicts associated with collocation throughout the planning area:

- Eliminating the potential for collocation in the majority of Barrio Logan through land use and zoning changes;
- Incorporating a community commercial-serving “Transition Area” into the land use plan;
- Prohibiting future industrial uses in predominately residential areas and future residential and sensitive receptor uses in predominately industrial areas;
- Encouraging landscape or other physical buffer or edge treatments to minimize visual and other environmental impacts which result from previous collocation;
- Reducing truck and other transportation-related impacts on the surface streets of Barrio Logan; and
- Expanding the prime industrial land designation to cover the entire planning area south of Wabash Boulevard in order to preclude community commercial-serving retail and residential uses from occurring within this area.

By identifying land uses that provide a buffer between Port District industries west of Harbor Drive and sensitive receptors east of Main Street, the zoning contained in the Preferred Plan’s Transition Area is more effective at reducing impacts associated with collocation and implements the General Plan’s land use and environmental justice goals and policies. These specific factors support the decision to approve the Project despite the significant unavoidable impacts identified in the PEIR.

## **6. The Preferred Plan better implements the Port of San Diego’s Transition Zone Policy.**

In June 2008, the Port District adopted Board of Port Commissioners Policy 725 (Policy 725). The intent and purpose of Policy 725 is to sustain regional maritime capacity balanced with environmental stewardship of the tidelands, and to protect maritime industrial lands. Policy 725 also encourages the provision of a transition to adjoining residential areas by establishing general guidelines to encourage the creation of transition zones between industrial lands and residential neighborhoods. Furthermore, Policy 725 recommends protecting the maritime and maritime-related jobs provided by the Port District and to protect existing operations and business governed by City plans, such as the Barrio Logan Community Plan and the Port District Master Plan.

In order to be consistent with Policy 725, the Preferred Plan incorporates policies that prohibit future residential development as well as heavy industrial uses within this area as outlined in Table 2-1. Uses that would be allowed as part of the Preferred Plan include community-serving and retail commercial uses as well as maritime-oriented uses in the Coastal Overlay

Zone that would require both a Coastal Development Permit as well as a Conditional Use Permit as cited in the LDC, Table 131-05B. Specifically, implementing zoning would allow parking, office buildings, and greenbelt areas. The Preferred Plan is superior in implementing Policy 725 in that it provides uses that meet the intent of Policy 725. Further, the Preferred Plan restricts those uses that may have created incompatible conflicts such as warehousing, moving and storage facilities, and industrial research and development activities as illustrated in LDC Table 131-05B.

By identifying zoning that restricts residential, heavy industrial, and heavy commercial uses, the Preferred Plan is a more effective land use plan for implementing the Port District's Transition Zone Policy which specifically calls for restricting this area to uses including office, greenbelt areas, and parking. These specific factors support the decision to approve the project despite the significant unavoidable impacts identified in the PEIR.

**7. The Preferred Plan provides a more effective means to protect and enhance Barrio Logan's character and function than existing land use controls.**

The Preferred Plan seeks to create a holistic urban form that would enhance neighborhood character and promote high-quality buildings that relate to existing historic and non-historic structures as cited in the Urban Design Element's historically and culturally significant building policies 4.1-39 through 4.1.43. Barrio Logan is one of the older and most culturally significant neighborhoods in the city. The planning area was originally developed in the early twentieth century and many of those structures are still intact. The planning area is largely developed with urban uses, with a limited number of vacant or undeveloped parcels. The Preferred Plan's focus is to address potential health-related conflicts and compatibility issues while respecting existing residential character, balancing economic vitality of employers, and building upon successful development projects. The Preferred Plan provides the structure to prepare for growth and development over the next 20 to 30 years by providing a foundation for development that builds on Barrio Logan's established character as a mixed-use, working neighborhood. The Preferred Plan's Land Uses that are included in Figure 2-1 provide the framework for future compatible growth and development.

The Preferred Plan is superior in implementing the General Plan's urban design policies since the area along Main Street would be designated for Community Commercial and Neighborhood Commercial that includes an emphasis on providing a heightened pedestrian interface that would be in character with existing higher-quality development in the community. These specific factors support the decision to approve the project despite the significant unavoidable impacts identified in the PEIR.

**8. The Preferred Plan promotes the City's Complete Streets policy by restoring a more balanced street environment that prioritizes public transit, walking and bicycling over private vehicle movement.**

The Preferred Plan will improve quality of life throughout Barrio Logan through a variety of transportation, pedestrian safety, and open space improvements that are included in the

Urban Design, Mobility, Recreation, and Conservation elements. The Preferred Plan proposes significant pedestrian safety improvements within the proposed CPU area, especially along Cesar E. Chavez Parkway, Boston Avenue, and National Avenue, as discussed in the Mobility Element. Greening and pedestrian enhancements are proposed for these corridors to make better use of a wide, but lightly used, right-of-way. As part of the Preferred Plan's Mobility Element, a more comprehensive bicycle network is proposed, along with additional traffic calming and complete street measures. These projects are consistent with and implement the General Plan's Mobility Element.

The Preferred Plan emphasizes a pedestrian-oriented streetscape with a Class III bicycle facility (Figure 3-5) along Main Street, a primary connector street that is anticipated be developed with community-serving retail and office uses. Figure 3-7 illustrates the truck route prohibition for trucks weighing more than five tons along Main Street in order to reduce conflicts with trucks in order to reduce diesel emissions as well as enhance pedestrian safety. Policy 3.1.9 recommends designing the corners of intersections along Cesar E. Chavez Parkway at Main Street to accommodate public gathering spaces while maintaining the safety and flow of vehicular traffic. Transition zone policy 2.7.15 states "include active uses fronting the sidewalk such as retail services to engage and enliven the street in the Transition Zone".

The Preferred Plan more closely implements the General Plan's Complete Street goals in particular along Main Street since this area will be designated for Community Commercial and Neighborhood Commercial that includes an emphasis on providing a heightened pedestrian interface. These specific factors support the decision to approve the project despite the significant unavoidable impacts identified in the PEIR.

**9. The Preferred Plan more fully implements the City's desire to incorporate its General Plan policies and goals into its neighborhoods as part of its long term community plan update process.**

The Preferred Plan is superior in meeting the General Plan's Guiding Principles as well as the guiding principles adopted by the BLSC. The Preferred Plan will reflect an increase in housing to support a Community Village by redesignating Industrial to Residential and Mixed-Use in the area surrounding 16th Street and Newtown Avenue. The Preferred Plan creates a transition zone along Main Street to reduce the effects of collocation by utilizing community commercial and commercial office land use designations that prohibit residential as well as heavy industrial and heavy commercial uses. The Preferred Plan maintains, protects, and expands prime industrial land supply to support the City and Port District's future maritime-oriented industrial and heavy commercial needs as identified in Figure 5.1 of the Preferred Plan's Economic Prosperity Element as well as shown in the General Plan's Figure EP-1. The Preferred Plan provides a multi-modal transportation strategy that will enhance the quality of life for the community through context-sensitive street design solutions as identified in the Mobility Element.

These fundamental recommendations that are based on the General Plan not only will empower this historic community to attain environmental justice, but will also allow the

important waterfront industries to retain their industrial base and meet the needs of our economy over the next 20 to 30 years. Therefore, the Preferred Plan is superior in meeting the General Plan's Guiding Principles and Community Plan land use goals, as well as the guiding principles that were adopted by the community. These specific factors support the decision to approve the project despite the significant unavoidable impacts identified in the PEIR.

## **VII. CONCLUSION**

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