DRAFT FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING FINAL ENVIRONMENTAL IMPACT REPORT FOR BALBOA PARK PLAZA DE PANAMA PROJECT
PROJECT NUMBER 233958
SCH No. 2011031074

May 3, 2012

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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 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.

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 final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures

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

(e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

These requirements also exist in Section 21081 of the CEQA statute. The "changes or alterations" referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in 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 final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed and considered the Final Environmental Impact Report for the Balboa Park Plaza de Panama Project, State Clearinghouse No. 2011031074 (FEIR), as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) are made and 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 (MMRP);

- 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

Balboa Park is located in the City of San Diego about 5.6 miles east of the Pacific Ocean, approximately 1.5 miles northeast of San Diego Bay, approximately 13 miles north of the United States/Mexico border, and immediately northeast of downtown San Diego (FEIR Figure 2-1, *Regional Location*). Balboa Park, which serves as its own community plan area, is bounded on the west and north by the Uptown Community Plan area, the Centre City Community Plan area to the southwest, the Greater Golden Hill Community Plan area to the southeast, and the Greater North Park Community Plan area to the east and northeast (FEIR Figure 2-2, *Project Vicinity*). The Park is generally bounded by 28th Street to the east, Sixth Avenue to the west, Upas Street to the north, and Russ Boulevard to the south.

The specific location of the project site is within a 15.4-acre area centrally located within Balboa Park within the Central Mesa area of the Park (FEIR Figure 2-3a, *Project Site*). There are also two off-site project components: a temporary access road within Cabrillo Canyon adjacent to SR-163 and a fill disposal site located at the Arizona Street Landfill on the East Mesa (FEIR Figure 2-3b, *Arizona Street Landfill*).

B. Project Background

Presently, vehicles entering the Park from the west proceed across the Cabrillo Bridge and enter El Prado through Plaza de California. Traffic flows along El Prado West and then into Plaza de Panama, where limited parking is available. Cars may then continue south toward the Alcazar parking lot or the Organ Pavilion parking lot via Pan American Road. The Balboa Park Plaza de Panama Project is intended to restore pedestrian use and remove vehicular traffic and parking from the majority of the areas that were converted to parking lots after 1936.

During the design process, extensive public outreach was conducted and the project design was presented at numerous Community Planning Group and Balboa Park Committee (BPC) meetings and numerous other organizations and associations (see attachment) which were open to the general public. The project design changed over time in response to environmental or other concerns raised by the public during the public outreach process. Some of these changes (see Section 3.9 *History of Project Changes* of the FEIR for the detailed list) included changes to the design of the Centennial Bridge, reduction of retaining walls, increased use of plantings and vines, conversion of Centennial Bridge/Road from one-way to two-way, extension of the Palm Canyon Walkway, use of paving materials, reproductions of the 1915 light fixtures, retention of the non-historic fountain in the center of Plaza de Panama, re-creation of the 1926 layout of the Museum of Art steps, additional trees and reflecting pools in Plaza de Panama, modified design of the Alcazar parking lot to maximize distance between cars and Alcazar Garden, and the addition of an ADA-compliant pedestrian bridge to connect the Alcazar parking lot to Plaza de Panama.

In addition, the City provided the public an opportunity to suggest alternatives to be analyzed in the EIR. The EIR addresses 13 alternatives in extensive detail with an additional eight alternatives considered and ultimately rejected from further analysis.

C. Project Description

The underlying purpose of the Balboa Park Plaza de Panama Project is to restore pedestrian and park uses to the Central Mesa as they existed in 1915 and1935 and alleviate pedestrian/vehicular conflicts (defined as vehicles and pedestrians crossing the same area at potentially the same time) by removing vehicular access and parking from Plaza de Panama, El Prado, Plaza de California, the Mall, and Pan American Road East. These areas would be accessible by a tram system and non-motorized modes of transportation. The project would also reclaim additional park acreage for visitor usage. With the removal of cars from the core, the plazas would be rehabilitated consistent with the original vision of a ceremonial plaza and gathering space. Specific project components include:

1. Plaza de Panama. Eliminate automobile traffic from Plaza de Panama and adjacent promenades and remove parking from the Plaza. Install paving, lighting, landscaping and other improvements to create an attractive pedestrian space consistent with the original 1915 and 1935 design.

2. El Prado and Plaza de California. Allow for pedestrian use of El Prado and Plaza de California by re-routing traffic to the bypass road and bridge. Install paving, lighting, landscaping and other improvements to create an attractive pedestrian space consistent with the original 1915 and 1935 design.

3. Centennial Bridge and Road. Construction of a new two-way bridge/road starting at the east end of the Cabrillo Bridge and continuing through the eucalyptus grove around the southwest corner of the Museum of Man, through the Alcazar parking lot, to the entrance to the new parking structure and intersecting with President's Way.

4. Alcazar Parking Lot and Walkway. Redesign the Alcazar parking lot to provide additional accessible parking as well as passenger drop-off, loading, and valet.

5. The Mall and Pan American Promenade. Reclaim both the Mall and Pan American Road for pedestrian access by rerouting vehicle traffic west of Pan American Road.

6. Organ Pavilion Parking Structure, Rooftop Park, Tram and Arizona Street Landfill. Construct a new parking structure with a rooftop park and garden at the location of an existing Organ Pavilion surface parking lot. The new multi-level underground structure would consist of 265,242 square feet with 797 parking spaces (a net gain for the entire Central Mesa of 260 spaces) on three levels. The new rooftop park would be 2.2 acres. An accessible tram shuttle would link parking in the new structure with Plaza de Panama. Excess soils from excavation of the parking structure would be exported to the nearby Arizona Street Landfill. These components are shown on FEIR Figure 3-1 and 3-2.

In summary, this project would restore Plaza de Panama, Plaza de California, West El Prado, the Mall and Pan American Promenade to pedestrian uses as they existed in 1915 and 1935 and provide a new parking structure. In order to accomplish this objective, the project would re-route vehicular traffic via a new two-way circulation pattern. A new two-way bridge, "Centennial Bridge," would connect the eastern end of Cabrillo Bridge to the western side of the Alcazar parking lot. At that point the new two-way "Centennial Road" would continue through the Alcazar parking lot, exiting to the east, then continue to the south where vehicles can access the new Organ Pavilion parking structure via two entry ramps, finally connecting to Presidents Way (see FEIR Figure 3-3 *Proposed Vehicular Circulation*). A tram would provide service from the parking structure to Plaza de Panama. Existing access along Pan American Road West and Pan American Place would continue to be restricted to authorized/emergency vehicles only.

D. Discretionary Actions

The project consists of the following discretionary actions, which are being considered by the San Diego City Council with advisory votes by the Balboa Park Committee, Park and

Recreation Design Review Committee, Park and Recreation Board, Historic Resources Board, and the Planning Commission and are further described below:

- Balboa Park Master Plan Amendment
- Central Mesa Precise Plan Amendment
- Site Development Permit

E. Statement of Objectives

As described in Section 3.1 of the FEIR, the project has the following six objectives:

1. Remove vehicles from Plaza de Panama, El Prado, Plaza de California, the Mall (also called "the Esplanade"), and Pan American Road East while maintaining public and proximate vehicular access to the institutions which are vital to the park's success and longevity.

2. Restore pedestrian and park uses to El Prado, Plaza de Panama, Plaza de California, the Mall, and re-create the California Garden behind the Organ Pavilion.

3. Improve access to the Central Mesa through the provision of additional parking, while maintaining convenient drop-off, disabled access, valet parking, and a new tram system with the potential for future expansion.

4. Improve the pedestrian link between the Central Mesa's two cultural cores: El Prado and the Palisades.

5. Implement a funding plan including bonds that provides for construction of a self-sustaining paid parking structure intended to fund the structure's operation and maintenance, the planned tram operations, and the debt service on the structure only.

6. Complete all work prior to January 2015 for the 1915 Panama-California Exposition centennial celebration.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

On March 23, 2011, in accordance with Guidelines Section 15082, the City distributed a Notice of Preparation (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 April 14, 2011 are included in Appendix A of the FEIR.

The Draft EIR for the proposed project was then prepared and circulated for review and comment by the public, agencies and organizations for a public review period that began on January 23, 2012 and concluded on March 22, 2012. 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. 2011031074). 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 22, 2012. The City received numerous comments on the proposed project. The City completed responses to those comments in May 2012. Those responses have been incorporated into the FEIR.

IV. SUMMARY OF IMPACTS

As described in Section 4.0 of the FEIR, although the project description has six specific components, each evaluation of potential project impacts is separated into four groupings of project elements: a) Centennial Bridge; b) Alcazar Parking Lot and Centennial Road; c) Plaza de California, El Prado, Plaza de Panama, and The Mall; and d) Parking Structure, Rooftop Park, and Arizona Street Landfill. Under each element, a conclusion relating to potential impacts is identified. For the purpose of the following summary, where relevant, each element is referred to by letter.

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 associated with project elements b, c, and d
  - Plan Consistency associated with project elements b and c
  - Land Use Incompatibility
  - San Diego International Airport ALUCP Compatibility

- Historical Resources
  - Built Environment associated with project elements b, c, and d
  - Religious/Sacred Uses
  - Human Remains

- Visual Effects/Neighborhood Character/Landform Alteration
  - Public Views
  - Neighborhood Character/Architecture associated with project elements b, c, and d
  - Landform Alteration
  - Development Features

- Transportation/Circulation and Parking
  - Capacity-construction, existing + project, and near term
  - Circulation and Access
  - Parking
  - Traffic Hazards

- Air Quality
  - Plan Consistency
  - Violation of Air Quality Standards
  - Increased Particulates or Ozone
  - Sensitive Receptors

- Biological Resources
  - Sensitive Species- plants
  - Sensitive Habitat
  - Wildlife Corridors
  - Invasive Species
  - MSCP associated with project elements a, b, and c

- Energy

- Geologic Conditions

- Greenhouse Gas

- Health and Safety

- Hydrology

- Noise
  - Land Use Compatibility
  - Traffic Generated
  - ALUCP
  - On-site Generated
  - Temporary Construction related to truck hauling

- Public Services

- Public Utilities

- Water Quality

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

- Land Use
  - Plan Consistency associated with project element d

- Historical Resources
  - Archaeological Resources

- Transportation/Circulation and Parking
  - Capacity- Year 2030

- Biological Resources
  - Sensitive Species- wildlife
  - MSCP associated with project element d

- Paleontological Resources

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

- Land Use
  - Plan Consistency associated with project element a

- Historical Resources
  - Built Environment associated with project element a

- Visual Effects/Neighborhood Character/Architecture
  - Architecture associated with project element a

- Noise
  - Temporary Construction Noise

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 Project that the City has considered, and are explicitly made conditions of Project approval. The Plans, Programs, and Policies discussed in the FEIR are existing regulatory plans and programs the Project is subject to, and, likewise, are explicitly made conditions of Project 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. 233958/SCH No. 2011031074) as described below:***

LAND USE (Plan Consistency)

Potentially Significant Effect

A potentially significant impact could result from the dispersal within the Arizona Street Landfill of soil export generated from the construction of the parking structure. These activities have the potential to indirectly impact biological resources contained within the adjacent Multi-Habitat Planning Area (MHPA), namely the California Gnatcatcher, and could therefore result in significant indirect impacts and be inconsistent with the City's Multiple Species Conservation Program (MSCP) Subarea Plan.

Facts in Support of Finding

The potentially significant indirect impact to the adjacent MHPA would be mitigated to below a level of significance with implementation of the mitigation measure LU-1 identified in Section 4.1.3.3 of the FEIR. Implementation of this mitigation measure would require, prior to issuance of any grading permits, the DSD Environmental Designee (ED) to verify that the project design has been accurately represented in the construction documents (CDs) and is in conformance with: i) the associated discretionary permit conditions; ii) Exhibit "A;" and iii) the City's MSCP Land Use Adjacency Guidelines for the MHPA. The CDs are required to show MHPA boundaries on-site and on adjacent properties, identifying the potential for direct/indirect impacts where applicable. The CDs shall also show drainage details, areas for equipment storage and trash, location of fencing, lighting plans, landscaping plans including the use of native plants adjacent to or within 100 feet of the MHPA, brush management and construction noise reduction measures.

Thereafter, prior to the start of construction, a pre-construction meeting with the crew and subcontractor is required to discuss the sensitive nature of the adjacent habitat.

During construction, verification is required that all construction activities are consistent with the CDs and MHPA Land Use Adjacency Guidelines. A qualified biologist/owner representative ("project biologist") is responsible for ensuring the limits of grading are clearly delineated by a survey crew prior to brushing, clearing or grading, and is responsible for supervising the placement of orange construction fencing or equivalent along the limits of disturbance, which must be checked by the project biologist before initiation of construction grading. Drainage from all development areas adjacent to the MHPA is required to be directed away from the MHPA, or if not possible, to not drain directly into the MHPA, but instead into filtration devices, swales, and/or detention/desiltation devices. In addition, permanent maintenance after construction must

be assured. All construction activities (including staging areas, storage, and trash areas) must be restricted to the development footprint and further comply with notes on the CDs. Inspections will be performed to assure that all lighting is directed away from preserve areas using appropriate placement and shields. The project biologist is required to assure that, as shown in the landscape plans contained within the CDs, no invasive plants are used.

To avoid disturbance to the California Gnatcatcher, construction noise that exceeds 60 dBA levels allowed shall be avoided during the breeding season (3/1-8/15). If construction is proposed during the breeding season, U.S. Fish and Wildlife Service protocol surveys will be required in order to determine species presence/absence. When applicable, adequate noise reduction measures shall be incorporated.

Upon completion of construction, the project biologist shall submit a final biological monitoring report to the Resident Engineer (RE)/Mitigation Monitoring Coordinator (MMC) within 30 days of the completion of construction. The report shall incorporate the results of the MMRP/MSCP requirements per the CDs and the Biological Monitoring Exhibit to the satisfaction of RE/MMC.

Rationale and Conclusion

These individual actions making up mitigation measure LU-1 assure that detailed CDs are prepared to address all issues of potential indirect impact to the MHPA, a project biologist is accountable to verify that CDs are followed throughout the construction period, and sensitive nesting bird species are protected from construction noise. This mitigation measure would reduce potentially significant land use adjacency impacts to a less than significant level.

Implementation of this mitigation measure would be assured through incorporation into the project's MMRP.

HISTORICAL RESOURCES (Archaeological Resources)

Potentially Significant Effect

Grading for the proposed project could result in significant impacts to buried cultural resources on-site.

Facts in Support of Finding

The project's potentially significant historical resources impacts as they relate to cultural resources would be mitigated to below a level of significance with implementation of the mitigation measure HR-1 identified in Section 4.2.3.3 of the FEIR. Implementation of this mitigation measure would require that, prior to any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, or prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) ED must verify that the requirements for

Archaeological Monitoring and Native American monitoring have been noted on the appropriate CDs. Also prior to permit issuance, the applicant is required to submit a letter of verification to a Mitigation Monitoring Coordinator (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). The MMC will respond to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project. Prior to the start of work, the applicant is required to obtain approval from MMC for any personnel changes associated with the monitoring program.

Prior to start of construction, this mitigation measure requires the PI to provide verification to the MMC that a site specific records search (¼ mile radius) has been completed. Verification includes, but is not limited to, a copy of a confirmation letter from South Coast Information Center, or, if the search is conducted in-house, a letter of verification from the PI stating that the search was completed, and identification of any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. Prior to beginning any work that requires monitoring, this mitigation measure requires the applicant to arrange a preconstruction meeting including the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. Additionally, the qualified Archaeologist and Native American Monitor shall attend any grading/ excavation related preconstruction meetings to make comments and/or suggestions concerning the Archaeological Monitoring program. If the PI is unable to attend, the applicant is required to schedule a focused preconstruction meeting with MMC, the PI, RE, CM or BI, if appropriate prior to the start of any work that requires monitoring.

Implementation of this mitigation measure requires the PI, prior to the start of any work, to submit an Archaeological Monitoring Exhibit (AME) identifying the areas to be monitored, including the delineation of grading/excavation limits, and a construction schedule to MMC through the RE indicating when and where monitoring will occur. The PI may request a modification to the monitoring program based on relevant information which indicates that site conditions, such as depth of excavation and/or site graded to bedrock, etc., may reduce or increase the potential for resources to be present. Implementation of this mitigation measure requires the Archaeological Monitor (AM) to be present full-time during all soil disturbing and grading/excavation/trenching activities that could result in impacts to archaeological resources as identified on the AME. Additionally, the Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC.

Thereafter, the CM is responsible for notifying the RE, PI, and MMC of changes to any construction activities. Included in this mitigation measure is the requirement that the AM document field activity via the Consultant Site Visit Record (CSVR), which is to be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly and in the case of any discoveries. The RE shall forward copies to the MMC. The mitigation measure provides that the PI may submit a detailed letter to MMC during

construction requesting a modification to the monitoring program when a field condition such as modern disturbance, post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

Implementation of this mitigation measure requires a discovery notification process whereby the AM is required to direct the contractor to temporarily suspend all soil disturbing activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate, and PI (unless the AM is the PI). Additionally, the PI is required to immediately notify the MMC by phone of the discovery, and submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

This mitigation measure provides a protocol for the determination of significance of resources found. Specifically, the PI and Native American monitor are required to evaluate the significance of the resource, notify the MMC by phone to discuss significance determination and submit a letter to the MMC indicating whether additional mitigation is required. If the resource is considered significant, the PI is required to submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from the MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. If the resource is not significant, the PI is required to submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

If human remains are discovered, implementation of this mitigation measure requires that work stop in that area and the procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) are followed. These are also detailed in the FEIR.

Implementation of this mitigation measure requires that, if night and/or weekend work is to be performed, the extent and timing be discussed at preconstruction meetings. In the event that no discoveries were encountered during night and/or weekend work, the PI is required to record the information on the CSVR and submit to MMC via fax by 8 AM of the next business day. All discoveries are required to be processed and documented using the existing procedures detailed in the Discovery Notification Process identified in the mitigation measure.

Upon completion of construction, the PI is required to submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the City's Historical Resources Guidelines, describing the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics), including the ADRC, to MMC for review and approval within 90 days following the completion of monitoring. This mitigation measure requires the PI to record any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of

such forms to the South Coastal Information Center with the Final Monitoring Report. The MMC shall return the Draft Monitoring Report to the PI for revision or for preparation of the Final Report. The PI shall submit the revised Draft Monitoring Report to the MMC for approval. The MMC shall provide written verification to the PI of the approved report and shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

With respect to artifacts found, implementation of this mitigation measure requires the PI to be responsible for ensuring that all cultural remains collected are cleaned and catalogued, all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate. The cost for curation is the responsibility of the property owner.

The PI is responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution, completed in consultation with the MMC and a Native American representative, as applicable. The PI is also required to include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

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

Rationale and Conclusion

These individual actions making up mitigation measure HR-1 assure the recording and recovery of important historical and/or prehistorical information which may otherwise be lost during construction of the proposed project. The requirement for an archaeological monitor to be present for all soil disturbing activities, along with specified processes, assures that soil disturbance will be halted or diverted should any discovery be made.

In the event that human remains are unearthed during grading activities, the Medical Examiner and/or the NAHC would be contacted as required to ensure that the proper steps are taken.

This mitigation measure would reduce potentially significant impacts to historical resources (archaeological) to a less than significant level. Implementation of this mitigation measure would be assured through incorporation into the project's MMRP.

TRANSPORTATION/CIRCULATION AND PARKING (Traffic Capacity - Year 2030)

Potentially Significant Effect

The proposed project would result in significant impacts to one internal intersection (Presidents Way/Centennial Road) in the Year 2030. As discussed in Section 4.4.2.1(d) of the FEIR, this intersection is proposed by the project and does not currently exist. However, an intersection at this same location (Presidents Way/Gold Gulch) does exist. Without the project this existing intersection is expected to operate at an acceptable level of service (LOS) in the Year 2030. This is primarily due to the small size and utilization of the existing Gold Gulch parking lot. The project would result in an increase in traffic volume at this reconfigured intersection in the Year 2030. The increase in traffic would degrade the LOS at this intersection to an unacceptable level.

Facts in Support of Finding

The project's significant impact to the intersection of Presidents Way and Centennial Road would be mitigated to below a level of significance with implementation of the mitigation measure TR-1 identified in Section 4.4.2.3 of the FEIR. The Traffic Impact Analysis notes that, according to the projected traffic growth rate, 2026 would be the first year that this intersection's LOS could be below acceptable levels. Therefore, implementation of this mitigation measure would require the City's Park and Recreation Department to monitor the intersection for failure every two years, commencing in the year 2026. If the monitoring efforts reveal a failure pursuant to City standards, the intersection would be reconfigured to make the eastbound Presidents Way approach stop-controlled instead of the Centennial Road approach. The intersection monitoring would continue until the Palisades area is converted to parkland per the CMPP or the reconfiguration is completed.

Rationale and Conclusion

These individual actions making up mitigation measure TR-1 assure that if traffic service levels fall below acceptable levels, indicating a significant project impact, steps are taken to remediate the condition through reconfiguration of the intersection. The reconfigured intersection would mitigate the impact by allowing a change in the through traffic flow from Presidents Way to Centennial Road. Implementation of this mitigation measure would be assured through incorporation into the project's MMRP.

BIOLOGICAL RESOURCES (Sensitive Species and MSCP)

Potentially Significant Effect (California Gnatcatchers)

The proposed project could result in significant direct and indirect impacts to wildlife, specifically to coastal California gnatcatchers.

Facts in Support of Finding

The project's potentially significant impacts to sensitive species would be mitigated to below a level of significance with implementation of the mitigation measure identified in Section 4.1.3.3 of the FEIR. This mitigation measure (LU-1) is discussed on pages 13-14, above.

Rationale and Conclusion

Coastal California Gnatcatchers were detected in the MHPA adjacent to the Arizona Street Landfill. As discussed above, grading activities within the landfill could result in indirect noise impacts to these areas as a result of construction activities. The individual actions making up LU-1 assure protection of Coastal California Gnatcatchers in the adjacent MHPA during construction activities. Implementation of this mitigation measure will reduce potentially significant impacts to the gnatcatchers to less than significant.

Implementation of this mitigation measure would be assured through incorporation into the project's MMRP.

Potentially Significant Effect (Nesting Raptors)

The proposed project could result in significant direct and indirect impacts to nesting raptors and species covered under the Migratory Bird Treaty Act (MBTA) during construction activities.

Facts in Support of Finding

The project's potentially significant impacts to nesting raptors and species covered under the MBTA would be mitigated to below a level of significance with implementation of the mitigation measure BR-1 identified in Section 4.6.2.3 of the FEIR. Implementation of this mitigation measure would require, prior to the issuance of any grading permit, the ADD ED to verify that a project biologist has been retained to implement the mitigation program through issuance of two letters: the first stating that a project biologist has been retained, and a second submitted to the MMC including the name and contact information of the project biologist and the names of all persons involved in the biological monitoring of the project. Additionally, at least 30 days prior to the pre-construction meeting, the project biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant relocation requirements and timing, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated.

If project grading is proposed during raptor breeding season (February 1–September 15), implementation of this mitigation measure requires the project biologist to conduct a pre-grading survey for active raptor nests within 300 feet of the development area and submit a letter report to MMC. If active raptor nests are detected, the report shall include mitigation in conformance with the City's Biology Guidelines to the satisfaction of the ADD of the Entitlements Division.

Implementation of this mitigation measure also requires the project biologist to verify that the following project requirements regarding the MBTA are shown on the construction plans: "No direct impacts shall occur to nesting birds, their eggs, chicks, or nests during the breeding season. If construction activities are to occur during the bird breeding season, pre-construction surveys will be necessary to confirm the presence or absence of breeding birds. If nests or breeding activities are located on-site, an appropriate buffer area around the nesting site shall be maintained until the young have fledged."

Rationale and Conclusion

These individual actions making up BR-1 require a project biologist to be accountable for protective steps to assure that raptors are not disturbed during their breeding season. Specifically, pre-grading surveys would identify whether nesting raptors are present, and if they are, additional mitigation and monitoring measures are identified and required to reduce impacts to less than significant.

Implementation of this mitigation measure would be assured through incorporation into the project's MMRP.

Potentially Significant Effect (MSCP)

The proposed project could result in significant indirect impacts to the City's MHPA portion of the MSCP associated with noise, lighting, drainage, and the introduction of invasive plants due to grading operations within the Arizona Street Landfill disposal site.

Facts in Support of Finding

The project's potentially significant indirect impacts to MHPA would be mitigated to below a level of significance with implementation of the mitigation measure identified in Section 4.1.3.3 of the FEIR. This measure (LU-1) is detailed on pages 13-14, above.

Rationale and Conclusion

These individual actions making up LU-1 assure that detailed CDs are prepared to address all issues of potential impact to the MHPA, a project biologist is accountable to verify that CDs are followed throughout the construction period, and sensitive nesting bird species are protected from construction noise. Together, this mitigation measure

would reduce the potentially significant impact associated with noise, lighting, drainage, and the introduction of invasive plants to less than significant.

Implementation of this mitigation measure would be assured through incorporation into the project's MMRP.

PALEONTOLOGICAL RESOURCES

Potentially Significant Effect

Because of the moderate and high sensitivity potential for paleontological resources, project grading could potentially destroy fossil remains, resulting in a significant impact to paleontological resources.

Facts in Support of Finding

The project's potentially significant impacts to paleontological resources would be mitigated to below a level of significance with implementation of the mitigation measure (PAL-1) identified in Section 4.13.2.3 of the FEIR. Implementation of this mitigation measure would require, prior to the issuance of any construction permit, the ADD ED to verify that the requirements for paleontological monitoring have been noted on the appropriate CDs. Thereafter, letters of qualifications of all persons involved in the paleontological monitoring program must be submitted to the MMC. This mitigation measure requires that, prior to the start of construction, the following occurs: a site-specific records search, identification of expectations and probabilities of discovery, and a preconstruction meeting intended to include a discussion of the Paleontological Monitoring Program. The PI is required to prepare a Paleontological Monitoring Exhibit (PME) based on the preceding information and provide a construction schedule to the MMC indicating when and where monitoring will occur.

The monitor is required to be present full time during grading/excavation/trenching activities as identified on the PME. In the event of a discovery, trenching activities in the area of discovery is required to stop and the monitor to immediately notify all appropriate parties as detailed in the FEIR, including the MMC. The resource is required to be studied so a determination of significance can be made. If the resource is significant, the PI is required to submit a Paleontological Recovery Program and obtain written approval from the MMC. The PI shall submit a letter to the MMC indicating that the resource will be collected, curated, and documented in the Final Monitoring Report, before ground disturbing activities in the area of discovery will be allowed to resume.

Upon completion of construction, a Draft Monitoring Report (even if negative), is required to be prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to the MMC. Additional details are included in the FEIR; however, it should be noted that the PI is responsible for recording any significant or potentially significant fossil resources encountered and for ensuring that all fossil remains collected are cleaned and cataloged.

Rationale and Conclusion

These individual actions making up PAL-1 assure the recording and recovery of important paleontological resources which may otherwise be lost during construction of the proposed project. The requirement for a monitor to be present for all ground disturbing activities, along with the specified processes, assures that such activities will be halted or diverted should any discovery be made. Implementation of the mitigation measure assures that significance determination occurs right away and that important discoveries are reported and/or collected. Through this mitigation measure, potentially significant impacts to paleontological resources would be reduced to less than significant.

Implementation of this mitigation measure would be assured through incorporation into the project's MMRP.

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

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

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 (Plan Consistency), Historical Resources (Built Environment), Visual Resources (Neighborhood Character/Architecture), and Noise (Temporary Construction-equipment):

> **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.**

No mitigation measures are identified in the FEIR for those significant impacts arising from project element a (Centennial Bridge) associated with Land Use (Plan Consistency), Historical Resources (Built Environment), and Visual Resources (Neighborhood Character/Architecture). In addition, no mitigation measures are identified in the FEIR that will reduce the impacts from Temporary Construction Noise to below a level of significance. This finding is appropriate, however, 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 (Plan Consistency)

Significant Effect

Construction of the Centennial Bridge would be inconsistent with historic preservation goals and policies found in the General Plan, Balboa Park Master Plan, and Central Mesa Precise Plan. The required deviation from the Historic Resources Regulations, in particular, would result in direct impacts related to the historic spatial characteristics 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 screening the bridge and minimizing the size and silhouette of the structure) that could mitigate this impact to a less than significant level. Some design alterations that were considered but rejected in this regard included placing the roadway on massive berms rather than on a bridge and incorporating steep slopes in the roadway/bridge to achieve the lowest elevation possible. (Section 3.9 of the FEIR includes a list of design changes to Centennial Bridge that were considered and either accepted or rejected.) These alterations, however, would have still yielded the same significant land use, historic and visual impacts. The only way to avoid the significant impacts associated with the Centennial Bridge is to not construct the bridge. Alternatives were developed to avoid construction of the bridge and findings are made with respect to each of the Alternatives in the following section. Those findings are incorporated herein.

Rationale and Conclusion

The construction of the Centennial Bridge is an important project component, without which the project fails to fulfill its underlying purpose. The Centennial Bridge is vital to safely and effectively reconfigure vehicular traffic flow away from Plaza de California, El Prado, Plaza de Panama, and the Mall and to re-dedicate these areas to pedestrian use. Engineering measures have been included to reduce the bridge's width, span and height to the extent feasible. However, no effective mitigation measure is available that would avoid or further reduce this impact to a less than significant level.

As discussed throughout Section 9.0 of the FEIR and in the Alternatives section of these Findings, each project alternative that removes this component fails to meet a primary purpose of the project (i.e., the removal of vehicular traffic from pedestrian areas of the

park while maintaining public and proximate vehicular access to the park's institutions) or creates significant traffic impacts outside the park. These conclusions apply equally to any potential mitigation measure that would eliminate the Centennial Bridge from the project.

As a result, the Centennial Bridge and its associated significant impacts cannot feasibly be eliminated from the project.

HISTORICAL RESOURCES (Built Environment)

Significant Effect

Construction of the Centennial Bridge component of the project would be inconsistent with SOI Rehabilitation Standards 2 and 9, thereby contributing to a substantial adverse impact to the Balboa Park National Historic Landmark District because it would alter the spatial relationships and iconic views within a portion of the Park, especially the relationship of Cabrillo Bridge and the California Quadrangle.

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 screening the bridge and minimizing the size and silhouette of the structure) that could mitigate this impact to a less than significant level. Some design alterations that were considered but rejected in this regard included placing the roadway on massive berms rather than on a bridge and incorporating steep slopes in the roadway/bridge to achieve the lowest elevation possible. (Section 3.9 of the FEIR includes a list of design changes to Centennial Bridge that were considered and either accepted or rejected.) These alterations, however, would have still yielded the same significant land use, historic and visual impacts. The only way to avoid the significant impacts associated with the Centennial Bridge is to not construct the bridge. Alternatives were developed to avoid construction of the bridge and findings are made with respect to each of the Alternatives in the following section. Those findings are incorporated herein.

Rationale and Conclusion

The construction of the Centennial Bridge is an important project component, without which the project fails to fulfill its underlying purpose. The Centennial Bridge is vital to safely and effectively reconfigure vehicular traffic flow away from Plaza de California, El Prado, Plaza de Panama, and the Mall and to re-dedicate these areas for pedestrian use. Engineering measures have been included to reduce the bridge's width, span and height to the extent feasible. However, no effective mitigation measure is available that would avoid or further reduce this impact to a less than significant level.

As discussed throughout Section 9.0 of the FEIR and in the Alternatives section of these Findings, each project alternative that removes this component fails to meet a primary purpose of the project (i.e., the removal of vehicular traffic from pedestrian areas of the

park while maintaining public and proximate vehicular access to the park's institutions) or creates significant traffic impacts outside the park. These conclusions apply equally to any potential mitigation measure that would eliminate the Centennial Bridge from the project.

As a result, the Centennial Bridge and its associated significant impacts, cannot feasibly be eliminated from the project.

VISUAL RESOURCES (Neighborhood Character/Architecture)

Significant Effect

Construction of the Centennial Bridge would alter the historical character of the Park through the introduction of elements of modern architecture associated with the Centennial Bridge. Impacts associated with incompatible architectural style 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 screening the bridge and minimizing the size and silhouette of the structure) that could mitigate this impact to a less than significant level. Some design alterations that were considered but rejected in this regard included placing the roadway on massive berms rather than on a bridge and incorporating steep slopes in the roadway/bridge to achieve the lowest elevation possible. (Section 3.9 of the FEIR includes a list of design changes to Centennial Bridge that were considered and either accepted or rejected.) These alterations, however, would have still yielded the same significant land use, historic and visual impacts. The only way to avoid the significant impacts associated with the Centennial Bridge is to not construct the bridge. Alternatives were developed to avoid construction of the bridge and findings are made with respect to each of the Alternatives in the following section. Those findings are incorporated herein.

Rationale and Conclusion

Construction of the Centennial Bridge would require the construction of new abutments and a curvilinear concrete bridge to span Cabrillo Canyon, located southwest of the California Quadrangle. Pursuant to the Secretary of Interior's standards, new structures should reflect elements of the historic place without mimicking historic features or details which would create a "false sense of history" and should "be of their own time" rather than artificial reproductions. General Plan Policy HP-A.5 directs that construction of new structures in designated historic districts should apply the Secretary of Interior's standards. As a result, it would be inconsistent with General Plan Policy HP-A.5 and, therefore, infeasible to design the Centennial Bridge to mimic the architectural style of the Cabrillo Bridge and the California Quadrangle.

While the Centennial Bridge is a modern engineering feature, it is an important project component, without which the project fails to fulfill its underlying purpose. The Centennial Bridge is vital to safely and effectively reconfigure vehicular traffic flow away from Plaza de California, El Prado, Plaza de Panama, and the Mall in order to re-dedicate these areas to pedestrian use. Engineering measures have been included to reduce the bridge's width, span and height. However, no effective mitigation measure is available that would avoid or further reduce this impact to a less than significant level.

As discussed throughout Section 9.0 of the FEIR and in the Alternatives section of these Findings, each project alternative that removes this component fails to meet a primary purpose of the project (i.e., the removal of vehicular traffic from the historically pedestrian areas of the park while maintaining public and proximate vehicular access to the park's institutions) or creates significant traffic impacts outside the park. These conclusions apply equally to any potential mitigation measure that would eliminate the Centennial Bridge from the project.

As a result, the Centennial Bridge and its associated significant impacts, cannot feasibly be eliminated from the project.

NOISE

Significant Effect

Because exterior construction noise levels could exceed 60 dB, interior noise levels could exceed the 45 dB standard for interior noise levels. As identified in Section 4.12.6.2 of the FEIR, temporary interior noise impacts would be potentially significant at the following institutions: The Old Globe, San Diego Museum of Man, House of Charm, San Diego Museum of Art, Timken Museum of Art, House of Hospitality, Hall of Nations, United Nations Building, and House of Pacific Relations/Cottages, San Diego Hall of Champions, Balboa Park Club, Marie Hitchcock Puppet Theater, and San Diego Automotive Museum.

Facts in Support of Finding

The project's potentially significant interior noise impacts would be mitigated somewhat through adherence to the City's Noise Abatement and Control Ordinance and implementation of the mitigation measure N-1 identified in Section 4.12.6.3 of the FEIR. The City's ordinance restricts exterior construction noise within residentially zoned neighborhoods (applied to the project) to no greater than 75 dB(a) during the 12-hour period from 7:00 A.M. TO 7:00 P.M. Implementation of project mitigation measures requires use of noise reduction equipment on all noise-producing equipment and vehicles, use of electrically powered equipment instead of pneumatic or internal combustion powered equipment where feasible, location of material stockpiles and mobile equipment staging, parking, and maintenance areas as far as practicable from noise-sensitive receptors, enforced speed limits throughout the construction site and access roads, use of noise-producing signals (including horns, whistles, alarms, and bells) for safety warning

purposes only, and the prohibition of project-related public address or music systems that are audible at any adjacent receptor.

This mitigation measure also requires the designation of a noise disturbance coordinator, whose number will be posted on-site. The noise disturbance coordinator is responsible for responding to any local complaints about construction noise. As concluded in the Noise Technical Report, attached as Appendix K to the FEIR, notwithstanding this mitigation measure, impacts could remain significant.

No additional feasible noise reduction measures are available. It is impossible to locate the noise-generating equipment at a greater distance from the sensitive receptors because the equipment must be located where construction activity is occurring (indeed, the equipment is engaged in the construction activity). In addition, it would be impractical to construct a noise barrier (a standard mitigation measure for noise impacts) around the construction activity. Such a barrier, which would need to encircle virtually the entire project area at various times, would be unreasonably costly, unsightly, time-consuming to build and would have uncertain utility. Noise barriers are customarily eight feet high and constructed out of sound-attenuated plywood partitions. It is estimated that approximately 11,300 linear feet of 8 foot high plywood partition would be required to surround the individual work areas, resulting in an estimated cost to acquire and install such a barrier of almost $1,000,000, including the effort to move the barrier multiple times as work on the project progressed, but not including costs attributable to the project delay such a substantial effort would entail. In addition, such a barrier could create its own significant visual impact and would have uncertain utility because much construction equipment is close to or greater than eight feet in height, which would render any barrier ineffective.

Rationale and Conclusion

Construction noise, while within allowable regulatory levels (which apply to noise impacts on residential properties) could cause interior noise levels within nearby museums and theaters to exceed 45 dB, a comfortable level for receptors at such institutions. The individual actions making up Mitigation Measure N-1 would assure that steps are taken, where feasible, to reduce noise levels during all phases of construction. Temporary interior construction noise would therefore be reduced, but not to a less than significant level. No feasible mitigation measures exist that would reduce construction noise impacts to below a level of significance.

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 3.1 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 the Balboa Park Plaza de Panama Project conducted an initial review of eight alternatives which were then eliminated from further study. The reasons these eight alternatives were eliminated from detailed evaluation are discussed in the FEIR and these reasons are incorporated herein.

Another 13 alternatives received a detailed analysis in the FEIR. These alternatives can be grouped into the following categories:

- No Project;
- Closing Cabrillo Bridge to vehicles with no Centennial Bridge;
- Allowing vehicles on Cabrillo Bridge with and without Centennial Bridge; and
- Phased Project.

These 13 project alternatives are summarized below, along with the findings relevant to each alternative.

NO PROJECT (NO DEVELOPMENT/EXISTING CONDITIONS) ALTERNATIVE

The No Project (No Development/Existing Conditions) Alternative addresses the situation that would occur if the project did not go forward and the project area remained in its existing condition. 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 project area in its existing condition, without any improvements, would avoid the project's potentially significant impacts associated with Land Use (Plan Consistency), Historical Resources (Built Environment, Archaeological Resources), Visual Quality (Architecture), Biological Resources (Sensitive Species- wildlife, MSCP), Traffic, Temporary Construction Noise, and Paleontological Resources.

Finding and Supporting Facts

While adoption of the No Project (No Development/Existing Condition) Alternative would maintain the existing condition of the site and avoid several of the project's potential significant impacts, none of the project objectives would be attained, including pedestrian improvements, resolution of pedestrian/vehicular conflicts, additional free and open parkland or additional parking. Therefore, because all project objectives are unmet, this alternative is considered infeasible.

NO PROJECT/CENTRAL MESA PRECISE PLAN ALTERNATIVE

Consistent with the adopted CMPP, this alternative would provide one-way eastbound vehicular access from the West Mesa (via the Cabrillo Bridge) during tram service hours. Traffic would be routed to the southwest corner of Plaza de Panama, and parking would be removed from the Plaza, enabling approximately three-fourths of the Plaza to be reclaimed for pedestrian use. The Alcazar parking lot would be regraded, similar to the project, and reconfigured in order to accommodate the majority of ADA parking in proximity to the Prado. Vehicular traffic would use one side of the Mall to connect to a new subterranean parking structure located behind the Organ Pavilion. An underground parking structure with a rooftop park would be constructed at the location of the existing Organ Pavilion parking lot. This lot would hold 1,000 to 1,500 spaces, thus resulting in a net gain in parking, compared to the existing condition, of approximately 568 to 1,068 spaces. The portion of Pan American Road East, adjacent to the new parking structure, would be converted to a narrow pedestrian promenade (the Pan American Promenade) similar to the project.

Potentially Significant Effects

Implementation of the CMPP Alternative would avoid the significant impacts to Land Use (Plan Consistency), Historical Resources (Built Environment), and Visual Quality (Architecture) associated with the Centennial Bridge component of the project.

However, this alternative would have greater traffic capacity impacts compared to the project in the near-term and in Year 2030. In 2015, four intersections and roadway segments would have significant impacts, one of which is unmitigable. In 2030, a total of ten intersections and roadway segments would have significant impacts, four of which are unmitigable. (These traffic impacts can be compared to the project, which has no significant impacts in 2015 and one significant, but mitigable, impact in 2030.)

Like the proposed project, the CMPP Alternative also would result in significant and unmitigable Temporary Construction Noise impacts. Its implementation would result in the same significant and mitigable impacts to Land Use (MSCP), Historical Resources (Archaeological Resources), Biological Resources (Sensitive Species- wildlife, MSCP), and Paleontological Impacts. These same impacts would occur with the project, but would vary in location and extent compared to the CMPP Alternative.

Finding and Supporting Facts

While this alternative would attain some of the project objectives, it would fail to meet certain project objectives because it would not remove vehicles from El Prado, Plaza de California, the Mall, or a portion of Pan American Road, or restore pedestrian and park uses to El Prado and Plaza de California. Therefore, because project objectives are unmet or only partially met and the alternative does not avoid or reduce significant unmitigated impacts to a greater degree than the project, this alternative is considered infeasible.

NO NEW PARKING STRUCTURE ALTERNATIVE

As is common to all four "Pedestrianize the Cabrillo Bridge" alternatives, development under this alternative would prohibit vehicle traffic along El Prado West, east of Balboa Drive and over the Cabrillo Bridge. There would be no public vehicular access to the Park from the West Mesa, and a total of 4.01 acres would be reclaimed for pedestrian use including the Cabrillo Bridge, Plaza de California, El Prado, Plaza de Panama, and the Mall. In conjunction with the removal of vehicles, the rest of the landscape and hardscape improvements identified for the project would be implemented with the No New Parking Structure Alternative. The existing 21 ADA parking spaces, passenger drop-off, and valet operations removed from Plaza de Panama would be accommodated in the regraded and reconfigured Alcazar parking lot. The non-ADA parking removed from Plaza de Panama would not be replaced; but all other existing parking lots would be retained. The No New Parking Structure Alternative would thus result in a net loss of 158 parking spaces.

Potentially Significant Effects

The No New Parking Structure Alternative would avoid the project's significant unmitigable Land Use (Plan Consistency), Historical Resources (Built Environment), and Visual Quality (Architecture) impacts by not including the Centennial Bridge project component. The No New Parking Structure Alternative would also reduce (but not completely avoid in all cases) the project's significant and mitigable impact to Land Use (MSCP), Biological Resources (Sensitive Species- wildlife, MSCP), Historical Resources (Archaeological Resources), and Paleontological Resources, due to a less intensive construction footprint. However, Temporary Construction noise impacts would remain significant and unmitigable under this alternative.

This alternative would have greater traffic capacity impacts compared to the project in the near-term and in Year 2030. In 2015, four intersections and roadway segments would have significant impacts, one of which is unmitigable. In 2030, a total of eleven

intersections and roadway segments would have significant impacts, five that are unmitigable. (These traffic impacts can be compared to the project, which has no significant impacts in 2015 and one significant, but mitigable, impact in 2030.)

Finding and Supporting Facts

While the No New Parking Structure Alternative would attain some of the project objectives by removing vehicles from El Prado, Plaza de California, Plaza de Panama, and the Mall, it would not improve access to the Central Mesa through the provision of additional parking due to a net loss of 158 parking spaces, or improve the pedestrian link between El Prado and the Palisades. Rather than improving access, this alternative would restrict it by removing vehicular access from the west, creating only a single point of vehicular entry to the Central Mesa. Therefore, because important project objectives are unmet and the alternative does not avoid or reduce significant unmitigated impacts to a greater degree than the project, this alternative is considered infeasible.

ORGAN PAVILION PARKING STRUCTURE ALTERNATIVE

Development under this alternative would prohibit vehicle traffic along El Prado West, east of Balboa Drive and over the Cabrillo Bridge. There would be no public vehicular access to the Park from the West Mesa, and a total of 7.29 acres would be reclaimed for pedestrian use including the Cabrillo Bridge, Plaza de California, El Prado, Plaza de Panama, the Mall, Pan American Road East, and the existing Organ Pavilion parking lot. Vehicular access to the Central Mesa would be from the east via Presidents Way, Space Theater Way, or Village Place. Upon entrance from Presidents Way, vehicle traffic would continue to the parking structure/rooftop park included at the site of the existing Organ Pavilion parking lot. Vehicular traffic could continue north via the new Centennial Road to the Alcazar parking lot for ADA parking, valet services, or passenger drop-off, only. Under this alternative, there would be only a single entrance/exit into the Alcazar parking lot. This alternative would provide a net increase of 273 parking spaces through the construction of a 798-stall, underground pay parking structure at the location of the Organ Pavilion parking lot, same as the project. Also similar to the project, the roof of the parking structure would be covered with a landscaped park and the Pan American Promenade would be constructed to connect the rooftop park to the Organ Pavilion.

Potentially Significant Effects

The Organ Pavilion Parking Structure Alternative would avoid the significant and unmitigable project impacts from Land Use (Plan Consistency), Historical Resources (Built Environment), and Visual Quality (Architecture) by not including the Centennial Bridge component. However, this alternative would have greater traffic capacity impacts compared to the project in the near-term and in Year 2030. In 2015, a total of four intersections and roadway segments would have a significant impact, one of which is unmitigable. In 2030, fourteen intersections and roadway segments would have significant impacts, five of which are unmitigable. (These traffic impacts can be compared to the project, which has no significant impacts in 2015 and one significant, but mitigable, impact in 2030.)

Like the project, this alternative would result in significant and mitigable impacts associated with Land Use (MSCP), Biological Resources (Sensitive Species- wildlife, MSCP), Historical Resources (Archaeological Resources), and Paleontological Resources, and significant and unmitigable impacts associated with Temporary Construction Noise.

Finding and Supporting Facts

While this alternative would attain several of the project objectives, specifically those associated with reclaiming pedestrian areas and providing additional parking, drop-off, disabled and valet options, and a new tram system, it would also remove park access from the west, creating only a single point of vehicular entry to the Central Mesa. Therefore, rather than improving access, this alternative would restrict access.

Because an important project objective is unmet and the alternative does not avoid or reduce significant unmitigated impacts to a greater degree than the project, this alternative is considered infeasible.

WEST MESA PARKING STRUCTURE ALTERNATIVE

Development under this alternative would prohibit vehicle traffic along El Prado West, east of Balboa Drive and over the Cabrillo Bridge. There would be no public vehicular access to the Park from the West Mesa, and a total of 4.01 acres would be reclaimed for pedestrian use including the Cabrillo Bridge, Plaza de California, El Prado, Plaza de Panama, and the Mall. A new 797-space, subterranean paid parking structure would be located on the West Mesa, at the northeast corner of El Prado and Balboa Drive, at the location of the existing lawn bowling greens. After construction of the parking structure, the lawn bowling facilities would be replaced in their current location, atop the parking structure. The location of the West Mesa parking structure would be 2,206 feet from the Plaza de Panama, approximately 1,206 feet further than the project's parking structure at the Organ Pavilion location. Visitors to the Park who wish to enter from the west would park in the new parking structure and either walk across Cabrillo Bridge or take an improved tram system, which would loop from the parking structure to Plaza de Panama. Vehicular access to the Prado and Palisades areas of the Central Mesa would be from Park Boulevard, via Presidents Way, Space Theater Way, or Village Place.

Parking would be removed from Plaza de Panama and the Alcazar parking lot would be regraded and reconfigured to accommodate the loss of ADA parking and to create a new location for valet operations and passenger drop-off. The Organ Pavilion parking lot would be maintained in its current condition, allowing this alternative to net 640 additional parking spaces, approximately 367 more spaces than with the project. Pan American Road East would remain open to vehicular traffic, and the Pan American Promenade would not be constructed under this alternative. Reclaimed pedestrian areas would total 4.01 acres, approximately 2.4 acres less than the project.

Potentially Significant Effects

The West Mesa Parking Structure Alternative would avoid the project's significant and unmitigable Land Use (Plan Consistency), Historical Resources (Built Environment), and Visual Quality (Architecture) impacts associated with the Centennial Bridge component of the project. However, this alternative would have greater traffic capacity impacts compared to the project in the near-term and in Year 2030. In 2015, a total of three intersections and roadway segments would have a significant impact, one which is unmitigable. In 2030, eight intersections and roadway segments would have significant impacts, four of which are unmitigable. (These traffic impacts can be compared to the project, which has no significant impacts in 2015 and one significant, but mitigable, impact in 2030.)

Like the project, this alternative also would result in significant and mitigable impacts associated with Land Use (MSCP), Biological Resources (Sensitive Species- wildlife, MSCP), Historical Resources (Archaeological Resources), and Paleontological Resources, and significant unmitigable impacts associated with Temporary Construction Noise.

Finding and Supporting Facts

While this alternative would attain some of the project objectives, it would not maintain proximate access to the Park's institutions, because it would place the parking structure significantly further (1,200 feet) from Plaza de Panama than the project. The estimated walking distance from the West Mesa Structure to Plaza de Panama is 2,200 feet, whereas 2,000 feet is generally considered the maximum walking distance from a parking facility to a public attraction, based on ULI Level of Service Conditions for Walking Distance from Parking Tables**.** This alternative would also result in 2.4 fewer acres of new parkland because the Pan American Promenade and Organ Pavilion rooftop park would not be reclaimed. Rather than improving access, this alternative would restrict access by removing vehicular access from the west, creating only a single point of vehicular entry to the Central Mesa. Therefore, because important project objectives are unmet and the alternative does not avoid or reduce significant unmitigated impacts to a greater degree than the project, this alternative is considered infeasible.

INSPIRATION POINT PARKING STRUCTURE ALTERNATIVE

Development under this alternative would prohibit vehicle traffic along El Prado West, east of Balboa Drive and over the Cabrillo Bridge. There would be no public vehicular access to the Park from the West Mesa, and a total of 7.29 acres would be reclaimed for pedestrian use including the Cabrillo Bridge, Plaza de California, El Prado, Plaza de Panama, the Mall, Pan American Road East and the existing Organ Pavilion parking lot. A new above-ground parking structure would be located southeast of the intersection of Presidents Way and Park Boulevard, in the area known as Inspiration Point. This location is approximately 2,730 feet from Plaza de Panama, 1,730 feet further than the project. The parking structure, which would be free to the public, would contain approximately 798 parking spaces to provide the same net project gain of 273 parking spaces,

accounting for the loss of parking from Plaza de Panama and the existing Organ Pavilion surface parking lot. The Alcazar parking lot would be regraded and reconfigured to accommodate the ADA spaces lost from restoration of the Plaza de Panama.

Potentially Significant Effects

The Inspiration Point Parking Structure Alternative would avoid the project's significant and unmitigable impacts on: Land Use (Plan Consistency), Historical Resources (Built Environment), and Visual Quality (Architecture) associated with the Centennial Bridge component of the project. However, this alternative has the potential to result in other significant and unmitigable impacts including impacts to public safety through potential ALUC and AEOZ inconsistencies and impacts to public view corridors. Greater traffic impacts compared to the project would occur in the near-term and in Year 2030. In 2015, a total of three intersections and roadway segments would have a significant impact, all of which are mitigable. In 2030, ten intersections and roadway segments would have significant impacts, six of which are unmitigable. (These traffic impacts can be compared to the project, which has no significant impacts in 2015 and one significant, but mitigable, impact in 2030.)

Like the project, this alternative also would result in significant and mitigable impacts associated with Biological Resources (Sensitive Species- wildlife) and Historical Resources (Archaeological Resources), and significant unmitigable impacts associated with Temporary Construction Noise.

Finding and Supporting Facts

This alternative would attain some of the project objectives, as it would remove vehicles from and restore pedestrian uses within El Prado, Plaza de California, the Mall, Pan American Road, and the Organ Pavilion parking lot; it would provide convenient drop-off, valet, and ADA-accessible parking in the Alcazar parking lot; and it would provide a pedestrian link between the Prado and Palisades area. It would not, however, maintain proximate vehicular access to the Park's institutions, because it would place the parking structure further from Plaza de Panama (1,730 feet). The estimated walking distance from the Inspiration Point Structure to Plaza de Panama is 2,730 feet (whereas 2,000 feet is generally considered the maximum walking distance from a parking facility to a public attraction, based on ULI Level of Service Conditions for Walking Distance from Parking Tables). Rather than improving access to the Central Mesa, this alternative would restrict access by removing vehicular access from the west, creating only a single point of vehicular entry to the Central Mesa. Therefore, because important project objectives are unmet and the alternative does not avoid or reduce significant unmitigated impacts to a greater degree than the project, this alternative is considered infeasible.

GOLD GULCH PARKING STRUCTURE ALTERNATIVE

Development under this alternative would be similar to the project in that it would maintain vehicular traffic over the Cabrillo Bridge and construct the Centennial Bridge. This alternative would also construct a new road, "Park Road", that traverses the edge of

Palm Canyon, similar to Centennial Road under the project. A total of 6.3 acres would be reclaimed for pedestrian use, including the Plaza de California, El Prado, Plaza de Panama, the Mall, Pan American Road East, and the existing Organ Pavilion parking lot. The Alcazar parking lot would be regraded and reconfigured to accommodate the loss of ADA parking, valet services and passenger drop-off operations. Under this alternative, the existing Organ Pavilion parking lot would be converted to parkland in a slightly larger configuration than would occur with the project. The Pan American Promenade would be constructed from the new Organ Pavilion park to the west side of the Organ Pavilion.

This alternative would place a new parking structure within the canyon located east of the existing Organ Pavilion parking lot, known as Gold Gulch. The parking structure would be a five-level, 797-stall structure, resulting in a net increase of 273 additional parking spaces. The parking structure would be located approximately 1,406 feet from Plaza de Panama, approximately 400 feet further than the Organ Pavilion parking structure included by the project. Construction of a parking structure in the location would also require encroachment into the leasehold of the Japanese Friendship Garden. The Gold Gulch Parking Structure Alternative would also substantially alter the existing circulation patterns within the project area and vicinity because of the need to provide a new connection to Park Boulevard through Gold Gulch as well as parking structure ingress/egress points.

Potentially Significant Effects

The Gold Gulch Parking Structure Alternative would not avoid any of the project's significant and unmitigable impacts as it includes the Centennial Bridge component, and would result in additional potentially significant unmitigable impacts to Visual Resources (Public Views, Neighborhood Character, and Landform Alteration) due to the location of the parking structure within Gold Gulch, the necessitated landform alteration, and removal of CMPP Significant Trees.

This alternative would have similar traffic impacts compared to the project in the near-term and in 2030. The Gold Gulch Parking Structure Alternative also would result in the same significant, unmitigable Temporary Construction Noise and mitigable impacts to Land Use (MSCP), Biological Resources (Sensitive Species- wildlife, MSCP), Historical Resources (Archaeological Resources), and Paleontological Resources impacts as the project.

Finding and Supporting Facts

While this alternative would attain several of the project objectives, specifically those associated with reclaiming pedestrian areas, it would not maintain proximate parking access to the Park's institutions as well as the project because it would place the parking structure further (approximately 400 feet) from Plaza de Panama than the project. Therefore, because important project objectives are unmet and the alternative does not

avoid or reduce significant unmitigated impacts to a greater degree than the project, this alternative is considered infeasible.

NO PAID PARKING ALTERNATIVE

The No Paid Parking Alternative contains all of the same features as the project except that parking in the Organ Pavilion parking structure would be free of charge in perpetuity. This alternative was included in the FEIR to provide a comparison of impacts under a paid and no paid parking structure scenario.

Potentially Significant Effects

All environmental impacts would be similar to the project, with one exception. The lack of parking fees under this alternative would result in one additional transportation/circulation impact associated with the Organ Pavilion parking structure in both 2015 and 2030. In the near-term (2015), the No Paid Parking Alternative would have two roadway segments or intersections that would be significant mitigable impacts. In 2030, the No Paid Parking Alternative would have two roadway segments or intersections that would be significant mitigable impacts. (These traffic impacts can be compared to the project, which has no significant impacts in 2015 and one significant, but mitigable, impact in 2030.)

The mitigable impacts would occur at the intersections of Presidents Way/Federal Aerospace Lot (the new impact) and Presidents Way/Centennial Road, because the lack of a parking fee would result in a greater concentration of visitors seeking to park at the Organ Pavilion structure. These impacts would be less than significant with mitigation. Thus, impacts would be only slightly greater than under the project, which has no transportation/circulation impacts in the near-term.

Finding and Supporting Facts

While this alternative would attain most of the project objectives, it would not meet the objective of implementing a self-sustaining funding plan for the parking structure's operation and maintenance (Objective 5). Under this alternative, public funds or private funding would be required to pay for the parking structure and planned tram operations. Therefore, because this alternative does not avoid or reduce significant unmitigated impacts to a greater degree than the project and this alternative fails to meet an important project objective, it is considered infeasible.

TUNNEL ALTERNATIVE

Development under this alternative would reclaim for pedestrian use the entire Plaza de Panama and the eastern portion of the Mall by undergrounding a section of the roadway in the southwest corner of the Plaza, as it rounds the corner adjacent to the Mingei International Museum (House of Charm) to the Mall. From the Mall, vehicles would then utilize Centennial Road to access a new underground pay parking structure south of the Organ Pavilion. The subterranean parking structure would contain 797 stalls, which

would yield a net increase of 273 parking spaces within the project area under this alternative.

Similar to the project, the parking structure behind the Organ Pavilion would be covered with a rooftop park, and the Pan American Promenade would be provided connecting the rooftop park to the back of the Organ Pavilion and the Mall. Pan American Road East and a large portion of the Mall would be pedestrianized, and a portion of Centennial Road would be constructed, from the end of the tunnel, north of the parking structure, and connecting to Presidents Way. Also similar to the project, the Alcazar parking lot would be regraded and reconfigured to accommodate ADA parking, valet services, and passenger drop-off.

Potentially Significant Effects

Although the Tunnel Alternative would avoid the project's significant and unmitigable impacts on Land Use (Plan Consistency), Historical Resources (Built Environment), and Visual Quality (Architecture) associated with the Centennial Bridge component of the project, this alternative would nevertheless cause similar significant and unmitigable impacts to land use (Land Use (Plan Consistency), Historical Resources (Built Environment), Visual Quality (Architecture) and temporary Construction Noise, and mitigable impacts to Land Use (MSCP), Biological Resources (Sensitive Species-wildlife, MSCP), Historical Resources (Archaeological Resources), and Paleontological Resources impacts. The additional significant and unmitigable impacts associated with Land Use, Historical, and Visual Quality result because approximately half of West El Prado as well as half of The Mall would be removed to accommodate the tunnel entrance and exit points; and both the entrance and exit points would be located within major view corridors identified in the CMPP. Similar to the project's Centennial Bridge; this alternative would introduce modern architecture (the tunnel) into the historical setting which would be a significant unmitigable impact.

The Tunnel Alternative would have significant but mitigable traffic impacts that would be slightly greater than the project. In 2015, the Tunnel Alternative would have one intersection or roadway segment that would have a significant mitigable impact. In 2030, the Tunnel Alternative would have two significant mitigable impacts to intersections and roadway segments. (These traffic impacts can be compared to the project, which has no significant impacts in 2015 and one significant, but mitigable, impact in 2030.) Air quality impacts (particulates) would be greater compared to the project because of the additional 11,500 cy of grading in associated with tunnel excavation activities. Unmitigable temporary construction noise also would be greater under this alternative, due to construction requirements for the tunnel.

Finding and Supporting Facts

This alternative would attain some of the project objectives through reconfiguration of the Alcazar parking lot and construction of the Organ Pavilion parking structure, rooftop park and a pedestrian link to the Palisades. However, it would not remove vehicles from

El Prado or Plaza de California, or restore pedestrian and park uses to El Prado and Plaza de California. Therefore, because important project objectives are unmet and the alternative does not avoid or reduce significant unmitigated impacts to a greater degree than the project, this alternative is considered infeasible.

STOP LIGHT (ONE-WAY) ALTERNATIVE

Development under this alternative would reclaim for pedestrian use three-fourths of Plaza de Panama and the eastern half of the Mall in a plan similar to the CMPP, with one-way eastbound vehicular traffic routed through the southwest corner of the Plaza. Vehicles would continue on a one-way basis through Plaza de Panama, following the road's present alignment, toward the Organ Pavilion and past the Organ Pavilion parking lot. This alternative would install a surface-mounted traffic signal (for pedestrian safety) just west of the archway on the west side of Plaza de California outside the Museum of Man (California Building). The Organ Pavilion parking structure would not be constructed and the Organ Pavilion parking lot would remain in its current condition.

The ADA parking spaces removed from Plaza de Panama would be recovered through regrading and reconfiguring of the Alcazar parking lot. Passenger drop-off would occur along El Prado and within the southwest corner of Plaza de Panama, along with valet service. Additional parking would be provided in a surface lot in the current lawn area at the southwest corner of Presidents Way and Park Boulevard, as an extension of the Federal Building parking lot (behind the Hall of Champions). All vehicle traffic would be required to exit the project area via Presidents Way at Park Boulevard.

Potentially Significant Effects

The Stop Light (One-Way) Alternative would avoid the project's significant and unmitigable impacts on Land Use (Plan Consistency), Historical Resources (Built Environment), and Visual Quality (Architecture) associated with the Centennial Bridge component of the project. This alternative also would avoid the project's significant but mitigated impacts to the MHPA, as it would not include export to the Arizona Street Landfill. However, this alternative would have greater traffic impacts compared to the project. In 2015, the Stop Light (One-Way) Alternative would have a total of four roadway segments or intersections that would have significant impacts, one of which is unmitigable. In 2030, a total of ten intersections and roadway segments would have significant impacts, of which four are unmitigable. (These traffic impacts can be compared to the project, which has no significant impacts in 2015 and one significant, but mitigable, impact in 2030.)

Like the project, implementation of the Stop Light (One-Way) Alternative would result in significant and unmitigable Temporary Construction Noise impacts and potentially significant, but mitigable, impacts to Biological Resources (Sensitive Species- wildlife) and Historical Resources (Archaeological Resources). These impacts would occur to a lesser extent under the Stop Light (One-Way) Alternative, because of the reduced development intensity that would occur under this alternative (less grading and less intensive construction).

Finding and Supporting Facts

This alternative would partially attain only two of the project objectives through reconfiguration of the Alcazar parking lot and pedestrianization of a portion of the Plaza de Panama and the Mall. This alternative would fail to meet the remainder of the project's objectives in that it would not remove vehicles from El Prado or Plaza de California, restore pedestrian and park uses to El Prado and Plaza de California, increase parking in close proximity to the Plaza de Panama or improve the pedestrian link between El Prado and the Palisades.

Therefore, because important project objectives are unmet and the alternative does not avoid or reduce significant unmitigated impacts to a greater degree than the project, this alternative is considered infeasible.

MODIFIED PRECISE PLAN WITHOUT PARKING STRUCTURE ALTERNATIVE

Development under this alternative would route two-way vehicular traffic along El Prado to the southwest corner of Plaza de Panama, adjacent to the Mingei International Museum (House of Charm). Most of Plaza de Panama and the eastern half of the Mall would be reclaimed for pedestrian use. Parking removed from Plaza de Panama would be replaced by reconfiguring existing parking lots behind Park institutions and along existing interior streets to create additional spaces, with an intention that there be no net gain or loss in parking.

The Organ Pavilion parking lot would remain in its existing condition. The 21 ADA parking spaces and 33 standard spaces removed from Plaza de Panama would be intended to be recovered through minor regrading and restriping the Alcazar parking lot (along with the removal of two maintenance sheds at the western edge of the lot), and the creation of additional spaces within the Organ Pavilion parking lot, the areas behind the Museum of Photographic Arts and the Model Railroad Museum, and adjacent to the southern border of the San Diego Zoo and Old Globe Way. The existing one-way access drives into the Alcazar parking lot would be retained.

Potentially Significant Effects

This alternative would avoid the project's significant and unmitigable Land Use (Plan Consistency), Historical Resources (Built Environment), and Visual Quality (Architecture) impacts by not including the Centennial Bridge component. This alternative also would avoid the project's significant, but mitigated impacts to the MHPA, as it would not include export to the Arizona Street Landfill. However, this alternative would have greater traffic impacts compared to the project. In 2015, the Modified Precise Plan without Parking Structure Alternative would have two intersections and roadway segments that have significant impacts, both of which are unmitigable. In 2030, the Modified Precise Plan without Parking Structure Alternative would also have a total of two intersections and roadway segments that have significant

impacts, both of which are unmitigable. (These traffic impacts can be compared to the project, which has no significant impacts in 2015 and one significant, but mitigable, impact in 2030.)

As mentioned above, this alternative proposes to distribute the 54 spaces (including 21 ADA spaces) currently contained in the Plaza de Panama among various lots and streets behind the core Central Mesa structures. An analysis of these and other potential central locations for additional parking has determined that it is physically possible to find space for some of the 54 additional parking stalls, but creating these stalls could generate numerous secondary adverse impacts making it questionable whether the City would ever approve the necessary grading and surface improvements. Moreover, it would be unlikely that the 21 lost ADA spaces could be replaced given the physical site constraints on these new stalls.

Like the project, implementation of the Modified Precise Plan without Parking Structure Alternative would result in significant and unmitigable Temporary Construction Noise impacts, and significant, but mitigable impacts to Biological Resources (Sensitive Species- wildlife) and Historical Resources (Archaeological Resources) impacts. These same impacts would occur to a lesser extent under the Modified Precise Plan without Parking Structure Alternative because of the reduced development intensity that would occur under this alternative (less grading and less intensive construction).

Finding and Supporting Facts

This alternative would partially attain several of the project objectives, specifically those associated with reclaiming pedestrian areas and reconfiguration of the Alcazar parking lot. However, this alternative would fail to meet many of the project's objectives in that it would not remove vehicles from El Prado or Plaza de California, reclaim pedestrian and park uses of El Prado and Plaza de California, or provide additional parking proximate to the Park's institutions, because it would not include the parking structure and would be unlikely to successfully replace all the parking spaces lost in the Plaza de Panama, particularly the 21 ADA spaces. In addition, this alternative would also fail to improve the pedestrian link between El Prado and the Palisades (Objective 4). Therefore, because important project objectives are unmet and the alternative does not avoid or reduce significant unmitigated impacts to a greater degree than the project, this alternative is considered infeasible.

HALF PLAZA ALTERNATIVE

In the Half-Plaza Alternative, vehicular traffic would enter the Central Mesa via the Cabrillo Bridge and would circulate through the project site along El Prado, a one-way loop around the Mall and southern half of Plaza de Panama, Pan American Road, and the new at-grade access road connecting to the Organ Pavilion parking structure. The loop road in the area now referred to as "the Mall" would be referred to as the "El Cid Island."

Parking would be removed from Plaza de Panama and Alcazar parking lot. The Alcazar parking lot, the northern half of Plaza de Panama, Pan American Road East and the

existing Organ Pavilion parking lot would be reclaimed as parkland for pedestrian use. Parking removed from Plaza de Panama and Alcazar parking lot would be accommodated in a new underground paid parking structure south of the Organ Pavilion similar to, but larger than that included in the project. Similar to the project, a rooftop park would be constructed on top of the structure. An at-grade access road would be placed along the structure's northern and eastern perimeters, connecting to Pan American Road East north of the structure and to Presidents Way southeast of the structure. (No grade-separated pedestrian overpass is included in this Alternative).

Potentially Significant Effects

This alternative would avoid the project's significant and unmitigable Land Use (Plan Consistency), Historical Resources (Built Environment), and Visual Quality (Architecture) impacts associated with the Centennial Bridge component of the project, but would create other significant and unmitigable impacts associated with the El Cid Island/Mall extension. This impact would occur because the El Cid Island comprises an extension of the Mall north into the southern portion of Plaza de Panama which would entirely alter the existing spatial relationships in the area, converting what was originally designed to be a large open plaza into a much smaller space. The extension of the Mall into the formerly open plaza space would also alter the relationship of this feature to the buildings that surround the Plaza. The El Cid Island component, therefore, would fail to comply with the Secretary of Interior's Rehabilitation Standards 2 and 9 and would result in significant impacts to the NHLD, similar to the project.

Additionally, this alternative would result in more traffic impacts than the project. In 2015, the Half-Plaza Alternative would have three intersections and roadway segments that have significant impacts, two of which are unmitigable. In 2030, the Half-Plaza Alternative would have a total of four intersections and segments that have a significant impact, two of which are unmitigable. (These traffic impacts can be compared to the project, which has no significant impacts in 2015 and one significant, but mitigable, impact in 2030.)

Like the project, implementation of the Half-Plaza Alternative would result in significant and unmitigable Temporary Construction Noise impacts and significant mitigable impacts to Biological Resources (Sensitive Species- wildlife), Historical Resources (Archaeological Resources), and Paleontological Resources impacts. These same impacts would occur to a lesser extent under the Half-Plaza Alternative because of the reduced development intensity associated with this alternative (less intensive construction without the bridge).

Finding and Supporting Facts

This alternative would attain, or partially attain, some of the project objectives, as it would place additional parking within proximity to the Park's institutions. However, it would not entirely remove vehicles from El Prado, Plaza de California, Plaza de Panama, the Mall, or a portion of Pan American Road, or restore pedestrian and park uses to El

Prado and Plaza de California and part of Plaza de Panama. In addition, the alternative would provide no ADA parking in proximity to the Park's institutions. Therefore, because important project objectives are unmet, this alternative is considered infeasible.

PHASED ALTERNATIVE

The collective construction included in the four phases of this alternative would be the same as the project. Because this alternative essentially contains identical components as the project (but implemented as individual phases on an as-needed basis) environmental impacts of the alternative are similar to those of the project, as described in the Findings above. Each subsequent phase would not occur unless and until there was a need due to insufficient parking, pedestrian/vehicular conflicts, or impacts on overall Park use.

The phases are defined as follows:

Phase 1: Phase 1 would include the elimination of parking and valet operations within Plaza de Panama, but continue to allow through vehicle traffic. Alcazar parking lot would be regraded and reconfigured to accommodate ADA parking and valet services at this phase. If parking continues to be insufficient, Phase 2 would be initiated.

Phase 2: Phase 2 would add the Organ Pavilion parking structure and rooftop park. If pedestrian/vehicular conflicts remain a problem, Phase 3 would be initiated.

Phase 3: Phase 3 would close the Cabrillo Bridge to vehicular traffic and include the reclamation of El Prado, the western Mall, and the remainder of Plaza de Panama for pedestrian uses. Centennial Road also would be completed under this phase and connect the Organ Pavilion parking structure to the Alcazar parking lot. If the bridge closure is determined to be too great an impact on Park and institution usage, Phase 4 would be initiated.

Phase 4: Phase 4 would be the construction of the Centennial Bridge, as defined in the project.

The following were the triggers used for each phase:

- For Phase 1, if Central Mesa area parking is anticipated to continue to be over capacity (85 percent), then go to Phase 2.

- For Phase 2, if pedestrian/vehicular conflicts are not reduced by at least 50 percent, then go to Phase 3.

- For Phase 3, If internal roadways and intersections are calculated to operate poorly (LOS E and LOS F), then go to Phase 4.

Potentially Significant Effects

Phase 1:

Phase 1 of the Phased Alternative would result in traffic impacts similar to the Modified Precise Plan without Parking Structure Alternative. In 2015, one intersection or roadway segment would have a significant impact, which would be unmitigable. In 2030, one intersection or roadway segment would be significant and unmitigable. Thus Phase 1 would have greater impacts with respect to traffic capacity compared to the project, which has only one mitigable impact for both the near-term and in 2030.

Phase 1 would also result in the same significant but mitigable impacts to Biological Resources (Sensitive Species, wildlife), Historical Resources (Archaeological Resources), and Paleontological Resources as the project. Temporary Construction Noise impacts would be potentially significant and unmitigable.

Phase 2:

Phase 2 of the Phased Alternative would result in similar significant, unmitigable traffic impacts as the No Project/Central Mesa Precise Plan Alternative, which are greater than those of the project. In 2015, Phase 2 would result in a total of four intersections and roadway segments that significant impacts. Of the four, one would be unmitigable. In 2030, if only Phases 1 and 2 were implemented, nine intersections and roadway segments would have significant impacts, of which four are unmitigable. Thus, Phase 2 would have greater impacts with respect to traffic capacity compared to the project, which has only one mitigable impact for both the near-term and in 2030.

Phase 2 would also result in the same significant but mitigable impacts to Land Use (MSCP), Historical Resources (Archaeological Resources), and Paleontological Resources impacts as the project. Temporary Construction Noise impacts would be potentially significant and unmitigable.

Phase 3:

Phase 3 of the Phased Alternative would result in similar significant, unmitigable traffic impacts as the Organ Pavilion Parking Structure Alternative, which are greater than those of the project. In 2015, Phase 3 would have four intersections and roadway segments with significant impacts, one of which is unmitigable. In 2030, if only Phases 1 through 3 were implemented, fourteen intersections and roadway segments would have significant impacts, four of which are unmitigable. Thus, Phase 3 would have greater impacts with respect to traffic capacity compared to the project, which has only one mitigable impact, for both the near-term and 2030 conditions.

The traffic analysis found that implementation of the Cabrillo Bridge closure alternatives (including Phase 3 of the Phased Alternative) would result in unacceptable LOS along several street segments. Thus, as compared to the project, which does not restrict access

from the west, this alternative would result in significant and unmitigated impacts to vehicle circulation associated with elimination of the Cabrillo Bridge as an access from the west. Phase 3 when considered by itself would differ from the project in that it would not result in significant but mitigable impacts to Land Use (MSCP), Historical Resources (Archaeological Resources), Biological Resources (Sensitive Species, wildlife), or Paleontological Resources. Temporary Construction Noise impacts would be potentially significant and unmitigable.

Phase 4:

Because development of this phase would construct the Centennial Bridge, it could create the Land Use (Plan Consistency), Historical Resources (Built Environment), and Visual Quality (Architecture) impacts associated with the Centennial Bridge component of the project. Constructing the Centennial Bridge, as proposed under the project, would alleviate several vehicle pedestrian conflicts, and would resolve most of the traffic impacts that would occur under Phase 3. One significant, mitigated impact would occur, similar to the project.

Phase 4 would also result in the same significant but mitigable impacts to Biological Resources (Sensitive Species; wildlife), Historical Resources (Archaeological Resources), and Paleontological Resources impacts as the project. Temporary Construction Noise impacts would be potentially significant and unmitigable.

Should the Phased Alternative be built out in its entirety, all impacts would be the same as project impacts.

Finding and Supporting Facts

Should all four phases be implemented, this alternative would result in the same features being constructed as the project; thus, this alternative (if completely built out) would fully meet Objectives 1 through 5. However, if the alternative is not built out, it would fail to meet certain objectives.

While the majority of project objectives would be met if this alternative was built out, this alternative could not be completed within the time frame identified in Objective 6, the centennial anniversary of the 1915 Panama-California Exposition.

Because this alternative would not reduce any significant impacts as compared to the project, and at a minimum would not attain a key objective of completing the project by January 2015, this alternative is considered infeasible.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Section 21081 and Guidelines Section 15091, the City has adopted all feasible mitigation measures with respect to the project's significant impacts and determined that no feasible mitigation measures exist for the project's unavoidable adverse impacts to Land Use, Historical Resources, Visual Resources and Temporary Construction Noise. The City has also examined alternatives to the proposed project and determined that none of the alternatives analyzed in the FEIR are feasible because they fail to meet the project's basic objectives and/or fail to provide sufficient environmental benefits compared to the project.

As required by CEQA Section 21081(b) and Guidelines Section 15093, the City has balanced the specific economic, legal, social, technological, and other benefits of the proposed project against its unavoidable adverse impacts and has determined that the benefits outweigh the impacts, so the unavoidable adverse impacts described above are considered "acceptable." This determination is based on the following specific benefits, each of which is determined to be, by itself and independent of the other project benefits, a basis for overriding and outweighing all unavoidable adverse environmental impacts identified in the FEIR.

A. Historic Rehabilitation Benefits:

- The project will remove vehicular traffic from Plaza de California, El Prado West, Plaza de Panama, and the Mall. The removal of vehicles in these portions of the park provides a major benefit to the City by rehabilitating and reclaiming these public spaces in a manner consistent with their original design.

- The project will include numerous physical improvements, such as 1915-era light fixtures, specialty paving and new steps at the entrance to the Museum of Art, throughout the project area. These changes will rehabilitate and restore the Central Mesa in a manner consistent with its original design.

B. Social and Public Safety Benefits:

- The project will reclaim 6.3 additional acres of parkland for recreational use through new park construction and restoration of roadways and parking areas. The contribution of recreational park land will provide a social benefit to the City through the provision of much needed public recreational land that would not otherwise be available in this urban portion of the City. The reclamation of the plazas and areas throughout the Park for pedestrian uses would create a tremendous urban open space, providing new social and recreational opportunities for the City.

- The project will include vibrant gardens, lawns and landscaping throughout the project area. These areas will provide a benefit to the City through rehabilitation of the park's interior, bringing revitalization and aesthetic renewal.

- The project will reduce pedestrian/vehicle conflicts (eliminating 14 of the existing 20 conflict areas), improve pedestrian access to the park's grounds, increase and improve ADA parking and accessibility, provide additional parking, improve restroom facilities and create an expanded tram service throughout the Central Mesa. These components of the project will provide a social and public safety benefit to the City by improving public access and safety within the park's interior.

- The project will construct a new roadway through the Central Mesa. The resulting roadway (Centennial Bridge and Road) will provide a social and safety benefit to the City by providing safe and convenient access to the new parking structure while minimizing internal and external roadway segment and intersection impacts.

- The project will provide a social benefit to the City by enhancing the City's 2015 Centennial celebration and promoting civic pride and enthusiasm.

C. Sustainability/Conservation Benefits:

- The project will include several sustainable building features consistent with the Sustainable Development goals contained in the General Plan's Conservation Element. Sustainable project features include natural ventilation in the new garage, use of technologies to reduce energy use associated with light fixtures throughout the park, use of PV solar units, and including skylights and clerestory windows in construction. These measures will provide a sustainability/conservation benefit to the City by reducing the project's total carbon footprint and reducing consumption of non-renewable resources.

D. Economic Benefits:

- Because the project, including design and construction of all components and the on-going operation and maintenance of the parking structure and the tram system, will be funded by private donations and bond financing backed by revenue from the parking structure, the City will avoid spending scarce public resources for the project's valuable public improvements.

- By reclaiming Plaza de California, El Prado, Plaza de Panama, and the Mall for pedestrian uses and re-creating a grand ceremonial plaza for recreation and civic activities, the project ensures the continuing vitality of Balboa Park, which will contribute to the economic well being of the City and the region as it continues to attract tourists and visitors to enjoy the unique public space.

VII. CONCLUSION

For the foregoing reasons, the City concludes that the proposed Balboa Park Plaza de Panama Project will cause certain unavoidable significant environmental impacts but will result in numerous public benefits which outweigh the adverse impacts. Therefore, the City adopts these Findings and this Statement of Overriding Considerations.