

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
RIVERWALK PROJECT**

Project No. 581984
SCH No. 2018041028

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1.0 INTRODUCTION

1.1 Findings of Fact and Statement of Overriding Considerations

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

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 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’s definition of mitigation, 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 state-wide 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 state-wide 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 Riverwalk project (project), Project No. 581984/State Clearinghouse No. 2018041028 (Final EIR), as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) are made, and a Statement of Overriding Considerations (Statement) is adopted by the City of San Diego (City) in its capacity as the CEQA Lead Agency. These Findings and Statement set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

1.2 Record of Proceedings

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

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the project;
- All responses to the NOP received by the City;
- The Final EIR;
- 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 Final EIR;
- All written and oral public testimony presented during a noticed public hearing for the project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in the Draft EIR, the Final EIR, and any responses to comments in the Final EIR;
- The revised and/or updated reports and technical memoranda included or referenced in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft EIR and the Final EIR;
- Matters of common knowledge to the City, including, but not limited to, Federal, State, and local laws and regulations;
- Any documents expressly cited in these Findings and Statement; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

1.3 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, Development Services Department, 1222 First Avenue, San Diego, California 92101. The Development Services Department is the custodian of the administrative record for the project. Copies of these documents, which constitute the Record of Proceedings, are and at all relevant times have been and will be available upon request at the offices of the Development Services Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

2.0 PROJECT SUMMARY

2.1 Project Location

The 195-acre project site is generally located at 1150 Fashion Valley Road, San Diego, California 92108. The site is bounded to the south by Hotel Circle North, to the east by Fashion Valley Road, and to the north by Friars Road. Interstate 8 (I-8) is located immediately to the south of Hotel Circle North. The site offers regional access from I-8 and State Route 163 (SR 163). Local vehicular access is provided from Fashion Valley Road, Hotel Circle North, and Friars Road. The project is located within the City's Multiple Species Conservation Program (MSCP) Subarea, and a portion of the Multi-Habitat Planning Area (MHPA) (the San Diego River) runs generally through the central portion of the site. The project site contains approximately 21 acres within the MHPA.

The site has been previously graded and is developed with the Riverwalk Golf Course, comprised of three nine-hole golf courses, driving range, clubhouse building, maintenance facilities, surface parking, access roadways, and golf cart paths/bridges. The three nine-hole courses include the Friars Course in the north, the Presidio Course in the middle-western area, and the Mission Course in the south. Two holes of the Presidio Course occur on Metropolitan Transit System (MTS)-owned land, outside of the premises. There are numerous sand traps, water features, irrigation pipes, and sprinklers throughout the course. Parking is accommodated within surface parking lots. Landscaping consists of turf, non-native ornamental vegetation, and trees. The MTS Green Line Trolley crosses the site parallel to the river, approximately 300 to 800 feet north of the river. The trolley line was constructed on a raised berm across the site. Two under-crossing tunnels occur under the tracks that are large enough for two golf carts (side-by-side). Additionally, two bridges cross the San Diego River that support golf carts and lightweight vehicles.

The site slopes gently towards the San Diego River, which curves through the central portion of the site. Elevations vary between 67 feet above mean sea level (AMSL) along the northern side of the project site to 16 feet AMSL near the western river edge. The average (non-flood) river water level varies from 12 feet AMSL in the west to 15 feet AMSL in the east. Site drainage runs within pipes and over the land surface towards the San Diego River, which flows into the west and ultimately empties into the Pacific Ocean.

Under existing conditions, a large portion of the site is within the San Diego River floodplain and floodway, which is mapped on FEMA's May 16, 2012, Flood Insurance Rate Map No. 06073C1618G. (See Figure 2-5, FEMA 100-Year Floodway and Floodplain Map, of the Final EIR.) The floodplain and floodway flow in a westerly direction and are primarily south of the trolley. An off-site natural hillside area to the north conveys flows to the site via storm drain facilities along Friars Road. The on- and off-site runoff are ultimately conveyed to the San Diego River.

The site is surrounded by urban development. Multi-family residential developments exist to the west and northeast. To the north are multi-family residential and commercial developments. To the east, there is commercial retail development (Fashion Valley Mall) and hospitality use. The hospitality use (Town and Country Resort Hotel) is currently being redeveloped as a mixed-use project with residential uses. A mix of office, residential, and hotel uses, as well as I-8, are located south of the site. The San Diego River runs in an east-west manner through roughly the center of the project site; the MTS Green Line Trolley traverses the Specific Plan area in an east-west manner in the upper portion of the site, roughly parallel to Friars Road.

2.2 Project Background

In 1947, the first golf course to occupy the site – Mission Valley Golf Club – opened on land acquired by a lease from the Levi and Cushman families. The original course opened without a clubhouse, with only a shack to provide drinks and sandwiches. Multiple renovations to the course have occurred since construction. Nine more holes were added between 1955 and 1962; the course became Stardust Country Club in 1961. Approximately \$500,000 in renovations were completed around 1965 that included dredging the San Diego River and a partial redesign of the course. In 1976, six of the holes on the course were redesigned. Over the years, additional incremental changes were made. In September 1996, the 27-hole Stardust Country Club that occupied the site closed due to a terminated lease. The golf course formerly known as Stardust Country Club was completely redesigned in 1998 as the Riverwalk Golf Course, with three sets of nine holes incorporating the San Diego River into the course play.

The Levi-Cushman Specific Plan was approved by Resolution 269106 for an area that includes the project site by the City Council in 1987. The 200-acre Levi-Cushman Specific Plan houses the majority of the Riverwalk Golf Course, which operates under Conditional Use Permit (CUP) No. 94-0563, and is comprised of the 195 acres proposed for redevelopment and a five-acre parcel owned by MTS. This five-acre parcel is part of a larger 15-acre holding of MTS. The entire 15 acres owned by MTS is utilized by the Riverwalk Golf Course, but only five acres of this holding are within the Levi-Cushman Specific Plan; the remaining 10 acres are not a part of the Levi-Cushman Specific Plan.

The Levi-Cushman Specific Plan identifies the project site for a mix of residential, retail, office, hotel, and recreational uses. Much of the housing and neighborhood commercial uses approved with the Levi-Cushman Specific Plan were planned to be located on the north side of the San Diego River, with office and hotel development sited on the south side of the river. Central to the Levi-Cushman

Specific Plan was the creation of a 12-acre island along the southern edge of the San Diego River to accommodate small-scale specialty retail, office, and residential uses. In total, the Levi-Cushman Specific Plan allows for 1,329 residential dwelling units; 1,000 hotel rooms; 200,000 square feet of retail; 2,582,000 square feet of office; and a minimum of 75 acres of open areas, including the San Diego River, the river buffer, parks, setbacks, hiking/biking/walking trails, theme entries, plazas, and privately maintained open areas within each parcel.

Development allowed under the Levi-Cushman Specific Plan has not occurred. Accordingly, the site continues to operate as Riverwalk Golf Course under CUP No. 94-0563 until such time as redevelopment occurs.

2.3 Project Description

Statement of Objectives

Pursuant to CEQA Guidelines Section 15124(b) and as described in Section 3.1.2 of the Final EIR, the project has the following objectives:

- 1) Create a focused long-range plan intended to promote increased residential density and employment opportunities consistent with the General Plan, Mission Valley Community Plan, San Diego River Park Master Plan, and the Climate Action Plan.
- 2) Assist the City's housing supply needs by providing a range of housing, including both market rate and deed-restricted affordable units, proximate to transit, jobs, amenities, and services.
- 3) Implement the City of Villages goals and smart growth principles by creating a mixed-use neighborhood with housing, commercial, employment, and recreation opportunities along transit while restoring a stretch of the San Diego River.
- 4) Create a transit-accessible mixed-use development in a central, in-fill location.
- 5) Promote multi-modal travel (pedestrian and bicycle friendly corridors) through the project site through on-site trails, paths, and sidewalks that connect to internal and adjacent amenities and services throughout Mission Valley.
- 6) Construct a new Green Line Trolley stop easily accessible from within Riverwalk and to adjacent surrounding residential and employment areas.
- 7) Design a neighborhood that integrates the San Diego River through active and passive park uses, trails, resource-based and a connected open space.

- 8) Allow for the establishment and creation of a habitat Mitigation Bank that provides long-term habitat conservation and maintenance.
- 9) Improve the Fashion Valley Road crossing that:
 - Provides expanded storm water flow volume accommodating a 10- to 15-year storm event;
 - Improves emergency response times by facilitating north-south vehicular access in storm events;
 - Expands active transportation circulation by providing sidewalks and a buffered two-way cycle track; and
 - Modernizes flood control gate operations in the project vicinity.
- 10) Celebrate and interpret important cultural and historic resources within the Specific Plan area.

2.3.1 Summary of Riverwalk Specific Plan

The Specific Plan establishes goals and policies for a transit-oriented development (TOD) with a range of land uses in a mixed-use setting. The Specific Plan also establishes development standards and architectural guidelines for build-out of the plan area. The intent of the design guidelines and development standards is to provide a methodology to achieve the development of cohesive neighborhood of districts. Additionally, the Specific Plan includes individual district-specific guidelines, design considerations, and special treatment areas. The various Specific Plan components are comprised of: Land Use; Planning Districts; Parks, Open Space, Trails and the Pedestrian Realm; Transportation and Circulation; Public Services, Utilities, and Safety; Land Uses, Development Standards, and Design Guidelines; and Implementation.

The Specific Plan would provide approximately 97 acres of parks, open space, and trails; 4,300 residential units offered as a variety of “for sale” and/or “for rent”, including 10 percent deed-restricted affordable housing built on-site; 152,000 square feet of commercial retail space; and 1,000,000 square feet of office and non-retail commercial use. The Specific Plan area is divided into four districts: the North District, Central District, South District, and Park District. The following provides a brief description of Riverwalk’s districts.

2.3.1.1 North District

The North District encompasses approximately 68.2 acres between Friars Road and the MTS Green Line Trolley tracks. This district would provide the primary mixed-use core for the site and is the location of much of Specific Plan’s residential development. To achieve the residential and mixed-use focus of the North District, land uses include residential, commercial retail, office and non-retail commercial, and parks and open space. Zoning in the North District would be RM-4-10 for the residentially-focused areas and CC-3-9 for the mixed-use core of the district and the area adjacent to

the Fashion Valley Mall. Supportive retail services and employment amenities would establish this district's mixed-use core. The North District would also provide a focal node of the trolley stop and mobility hub, located in the approximate center of the district. Included at this location would be a central plaza within the mixed-use core that would provide retail, employment, and residential use within proximity to the trolley, Riverwalk River Park, and associated pedestrian walkway amenities. Development in the North District would be centered along an east-west internal spine street (Streets 'D1', 'D2, ' and 'E') (which would be anchored by parks on the east and west ends) that acts as a promenade for pedestrians, bicyclists, and vehicles with connections to Friars Road.

2.3.1.2 Central District

The Central District encompasses approximately 22.3 acres south of the North District, between the trolley tracks and the San Diego River, and would include a mixture of open space and urban land uses. Land uses in this district would be residential, commercial retail, and parks and open space. Zoning in the Central District would be CC-3-9 and OP-1-1. Interspersed with public parks in the west and east portions of this district, a mix of residential and commercial uses would occur within the central portion of the Central District. The former golf course clubhouse would be re-purposed as a restaurant and amenity space, perhaps with a banquet hall and other private dining options or even a small brewing facility. The Central District interfaces with the North District at the two trolley crossings (one at-grade, one grade-separated), as well as at the pedestrian/bicycle tunnel that runs under the existing trolley tracks. The Central District also interfaces with the Park District at the southern boundary. Additional connectivity is provided between the Central District and the South District, to the south, via two existing pedestrian/bicycle bridges within the Park District.

2.3.1.3 South District

The southernmost district is the South District, which comprises the approximately 15.9-acre area south of the Riverwalk River Park. Land uses within the South District would be commercial retail and office and non-retail commercial; applicable zoning would be CC-3-9. Residential use may also occur here. The South District is envisioned to develop with an employment focus, which may occur as individual buildings or as a more integrated campus-like development. The location of the employment component of the project in this district provides convenient access to transit both on-site and at Fashion Valley Transit Center, the regional transportation network via the I-8 freeway, and a variety of uses provided on-site and in surrounding developments, which include commercial retail, residential, and hospitality uses that have a synergistic relationship to the project and its employment uses.

2.3.1.4 Park District

The Park District would develop parks and open space land uses within the OP-1-1 and OC-1-1 zones. The approximately 88.0-acre Park District is comprised of the Riverwalk River Park (45.0 acres), an extension of the San Diego River Pathway traversing the project site on the north side of the San

Diego River, habitat restoration area (34.6 acres), irrevocable offers of dedication (IODs) for future streets 'J' and 'U' (7.7 acres), and the easement for Fashion Valley Road (0.6 acre). Provision and implementation of the Riverwalk River Park is a major element of the Specific Plan that would serve the Specific Plan area and the surrounding communities as a passive and active recreational area. Passive areas are located closer to the river, while active use would be located away from the river to limit impacts such as noise, litter, and unauthorized access. The passive areas include a no-use wetland buffer and riparian restoration area with habitat, natural open space (with some portions located within the MHPA), and nature viewing areas.

Trails would be provided throughout the Riverwalk River Park, located in the central portion of the site, with connections through smaller park elements and tie-ins to the pedestrian network within the street system and other developed portions of the site. Additionally, a portion of the San Diego River Pathway would be developed through the project site on the north side of the river.

The project includes a habitat restoration effort within the Riverwalk River Park along the existing San Diego River channel and within the MHPA. The restoration would include the removal of invasive, non-native plant species and the planting of native seed and container stock. The restoration is intended to increase and enhance the native habitats along the San Diego River, within and adjacent to the MHPA. The restoration area includes 11.54 acres of wetland habitat enhancement and 13.32 acres of wetland habitat creation. While the mitigation bank use is disclosed in this EIR, the permitting and approvals for the mitigation bank are not included as part of the project. Additionally, the project provides for a 50-foot no use buffer adjacent to the MHPA. Boulders or deterrent vegetation, as well as peeler log fencing, would be installed to deter entrance into the 50-foot no use buffer around the MHPA. Two access points for emergency vehicles would be located immediately adjacent to the existing pedestrian/golf cart bridges. These access points would be available only to emergency personnel in the event of an emergency.

2.3.1.5 Landscape Treatments

Landscape design for the project would provide for a well-maintained and organized appearance in areas not covered by buildings or parking, enhance and preserve existing site character, minimize adverse visual and environmental affects, and promote water conservation. Additionally, the provision of tree-lined streets, parks, and other public areas allows the Riverwalk landscape plan to contribute to the City's Climate Action Plan implementation and urban forestry goals, reduce urban heat island effect, and aid in carbon sequestration. The Specific Plan contains landscape discussion relative to streetscape, street yard landscaping, remaining yard landscaping, vehicular use area, open areas, bioswales, erosion control, and culturally significant species and interpretive signage.

2.3.2 Transportation Improvements

The project proposes both external and internal roadway improvements. Vehicular circulation access points within the project site are located along existing city streets. Proposed improvements to existing City streets fronting the project site are described below.

- Friars Road: Friars Road would be widened by 13-feet in the eastbound direction to include two 11-foot travel lanes, a 5-foot-wide Class II bike lane with 2-foot buffers on either side, an eight-foot-wide Class IV two-way cycle track, and a 17-foot-wide landscaped area that buffers a 6-foot-wide non-contiguous sidewalk). A 14-foot-wide raised median with turn lanes would separate the travel lanes and the ultimate right-of-way would be 123 feet. The cycle track would transition to a Class II bike lane approximately 900 feet west of Fashion Valley Road.
- Fashion Valley Road: Fashion Valley Road would be widened between Private Driveway 'T' and Hotel Circle North to include two 11-foot travel lanes in either direction, separated by a 24-foot-wide planted median with turn lanes. A 12-foot wide Class IV two-way cycle track would be constructed on the west side of the roadway, with a four-foot buffer between the cycle track and the travel way. To the west of the cycle track, a 9-foot landscaped area would buffer a 6-foot non-contiguous sidewalk. On the east side of the roadway, the existing 5-foot contiguous sidewalk would remain. The project would raise Fashion Valley Road to accommodate 10- to 15-year storm event and provide a soft-bottom condition for the San Diego River. Right-of-way width would be increased to 110 feet.

The project would not be responsible for improvements along Fashion Valley Road north of the property line between Private Drive 'T' and Friars Road. The project would construct the Class IV two-way cycle track along Fashion Valley Road from Hotel Circle North to Riverwalk Drive. The project has been designed to accommodate a future extension of the two-way cycle track north of Riverwalk Drive; this improvement would occur concurrently with future action to extend the widening of Fashion Valley Road north of the Riverwalk property line.

In conjunction with the improvements to Fashion Valley Road, the project would install automated gates adjacent to the road to restrict traffic when the river reaches the level at which it crosses over the roadway. The gates would be connected to sensors in the river, which would measure the water level and would trigger the gates to close Fashion Valley Road to traffic, across the culvert, in a north and south direction.

- Hotel Circle North: Hotel Circle North's classification was changed with the Mission Valley Community Plan to become a one-way street with two westbound travel lanes, a two-way cycle track, and a non-contiguous sidewalk (north side of the street). To implement these improvements, the project would widen the north side of the road by approximately 10 feet along the project frontage. However, prior to implementation of the one-way couplet system shown in the MVCP, the project will widen Hotel Circle North between Interstate 8 westbound

hook ramps and the eastern edge of the of the property and Fashion Valley Road to four lanes, with a raised median and Class II bike lanes in each direction.

The project proposes a roadway network comprised of public streets and private driveways to facilitate multimodal access within and through the project site. Riverwalk Drive would be constructed through the project site, tying together the various planned land uses in the North and Central Districts. Riverwalk Drive would connect Fashion Valley Road on the east to project features in the west-central portion of the project. In addition to Riverwalk Drive, the project would construct an interconnected grid of public streets and private drives to provide for pedestrian, bicycle, vehicular, and transit access within the various districts of the Specific Plan. The proposed streets have been designed in accordance with City regulations and would accommodate fire and emergency vehicles.

2.3.3 Light Rail Transit

As part of the project, a new Green Line Trolley stop would be constructed in the central portion of the North and Central Districts, providing expanded transit access to Riverwalk residents, employees, and visitors, as well as members of the surrounding communities. A mobility hub with multi-modal transportation amenities, such as bicycle lockers/racks and rentals, and alternatives, such as drop-off/pick-up and rideshare, would be located at the transit stop.

2.3.4 Grading

The Specific Plan provides for development of Riverwalk in three phases that are anticipated to occur over a period of approximately 10 to 15 years. The three anticipated phases represent the best estimate for the order and duration of project buildout based on expert advice considering site constraints and the scale of development. It is not anticipated that phasing could occur substantially faster than planned; however, the anticipated phasing is not required under the City regulations or the project entitlements. The necessary on-site and off-site infrastructure must be in place to service development as it is constructed, which is assured through conditions of the project and the Riverwalk Development Agreement.

Grading would occur throughout the project site and within the limits of the proposed park to accommodate park uses, as well as native vegetation along the river. Grading for the project would result in 176.5 acres of on-site area to be graded (or 90.4 percent of the total project site). Additionally, the project would require a total of 0.65 acre of off-site grading. The amount of remedial grading (alluvium removal and re-compaction) would be 1,506,700 cubic yards (cy). The total amount of geometric cut would be 426,400 cy, with a maximum cut depth of 24 feet. The total amount of geometric fill would be 1,454,000 cy, with a maximum fill depth of 32 feet. Grading for the project would require 1,028,000 cy of import.

2.3.5 Irrevocable Offers of Dedication

The project would include Irrevocable Offers of Dedications (IODs) for Community Plan Mobility Circulation Element Roads within the project site, which would provide development areas for the future construction of public Streets 'J' and 'U'. Funding and timing for these roadways is unknown at this time. Additionally, the applicant for the project is not responsible for construction of the roadways, nor are the roadways part of the project. Design-specific evaluation, including CEQA review, would need to be undertaken when public improvement plans are processed for these roadways. Permits from the City, as well as any permits from other agencies, as applicable, would also need to be obtained at that time.

2.4 Discretionary Actions

The project would require approval of the following discretionary actions:

- Levi-Cushman Specific Plan Rescission – With rescission, the MTS parcel would be regulated by the Mission Valley Community Plan land use designation and zoning. The Riverwalk Specific Plan would wholly replace the Levi-Cushman Specific Plan for the remaining 195 acres.
- Mission Valley Community Plan Amendment – To align the Mission Valley Community Plan with the Riverwalk Specific Plan, the Community Plan would be revised to adjust the overall site boundary and the boundaries of the existing land use designations to be consistent with the Specific Plan and to remove the "To be completed" reference on the Riverwalk Specific Plan area label. The project site would be removed from the CPIOZ map, consistent with the proposed Land Development Code amendment, and slight text changes would be made indicating that the specific plans identified in the Specific Plan Subdistrict were adopted prior to the adoption of the current Mission Valley Community Plan.
- General Plan Amendment – An amendment to the City's General Plan would be required due to the amendment to the Mission Valley Community Plan. The General Plan Land Use and Street System Map would be amended to reflect the Riverwalk Specific Plan land uses.
- Land Development Code Amendment – An amendment to the Land Development Code (LDC) related to the Community Plan Implementation Overlay Zone (CPIOZ) is required to remove the area covered by the Levi-Cushman Specific Plan, which includes the proposed Riverwalk Specific Plan, as well as five acres owned by MTS. Specifically, LDC, Chapter 13, Article 2, Division 14, Diagram 132-14R would be modified to remove the property.
- Adoption of the Riverwalk Specific Plan.
- Rezones – The Specific Plan would require some areas to be rezoned (see Figure 3-12, Proposed Zoning, of the Final EIR). The areas to be rezoned include the park areas located between the San Diego River and the proposed San Diego River Pathway (CC-3-9 to OP-1-1; OP-1-1 to OC-1-1), the area east of Lot 40 and south of Riverwalk Drive (CC-3-9 to OP-1-1) and a portion of property on Lots 41 and MM (CC-3-9 to RM-4-10).

- Vesting Tentative Map (VTM) – The VTM provides details relative to grading, street design, utility layout necessary to implement the Specific Plan land use plan, as well as providing for the implementation of residential and commercial condominiums.
- Site Development Permit (SDP) – The project site contains areas that are regulated by the City’s Environmentally Sensitive Lands (ESL) regulations [LDC Section 143.0110], that include sensitive biological resources and areas mapped as Special Flood Zones. Additionally, the project site has historic resources (archaeological sites) that would be affected by the project. Therefore, an SDP would be required for the project in accordance with Section 126.0502 of the LDC.
- Amendment to Conditional Use Permit (CUP) 94-0563 – CUP No. 94-0563 would be amended to allow for the golf course to remain in operation on the site as the project develops.
- Public Easement Vacations – Public easements that occur on the project site have been either previously abandoned by the City or are proposed to be relocated in conjunction with the VTM. These easements include public sewer, which runs east-west across the project site roughly between the trolley tracks and Friars Road. Additionally, easements for public sewer, public drainage, and access for these easements intrude into the site at various locations in the North District from Friars Road.
- Park General Development Permit (GDP) – A Park GDP is required for the Riverwalk River Park, consistent with City Council Policy 600-33. The Park GDP would be approved by the Park and Recreation Board.
- Financing District Formation. Future formation of various financing districts to fund the maintenance of certain public improvements (e.g. parkland) would be required in connection with the development of the Specific Plan, which would require a vote of property owners within the district and ultimate City Council approval.
- Public Improvement Agreements – Project implementation includes future construction of public improvements to City standards that require City Council approval.
- Development Agreement – The Development Agreement defines the rights and duties of the City and the Developer regarding buildout of Riverwalk project that is described in the Final EIR and identifies extraordinary benefits resulting from the project.

3.0 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City conducted environmental review under CEQA (California Public Resources Code Sections 21000, et seq., and the Guidelines promulgated thereunder in California Code of Regulations, Title 14, Further, the City as lead agency shall be primarily responsible for carrying out the project. In compliance with Section 15082 of the State CEQA Guidelines, the City published a Notice of Preparation on April 6, 2018, which began a 30-day period for comments on the appropriate scope of the EIR. Consistent with CEQA Section 21083.9, the City held a public agency scoping meeting on April 24, 2018, at the Mission Valley Branch Library. The purpose of this meeting was to seek input from the public regarding the environmental effects that may potentially result from the project. Various agencies and other interested parties responded to the NOP. The NOP, comment letters, and transcript of comments made during the scoping meeting are included as Appendices A and B of the Final EIR.

The City prepared and published a Draft EIR, which was circulated for a 45-day public review and comment period beginning on May 15, 2020, in compliance with CEQA. Pursuant to State CEQA Guidelines Section 15085, upon publication of the Draft EIR, the City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that the Draft EIR had been completed and was available for review and comment by the public. The City also posted a Notice of Availability of the Draft EIR at this time pursuant to State CEQA Guidelines Section 15087. During the public comment period, the City received a request from the Mission Valley Community Planning Group for extension of public review to July 3, 2019, which was granted.

During the public review period, the City received comments on the environmental document. After the close of public review period, the City provided responses in writing to all comments received on the Draft EIR. The Final EIR and the response to comments for the project was published on October 7, 2020. The Final EIR has been prepared in accordance with CEQA and the State CEQA Guidelines.

4.0 SUMMARY OF IMPACTS

Impacts associated with specific environmental issues resulting from approval of the project and future implementation are discussed below.

The Final EIR concludes that the project will have no impacts with respect to the following issues:

- Agricultural Resources and Forestry
- Mineral Resources
- Paleontological Resources
- Population and Housing

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

- Land Use
- Transportation and Circulation
- Visual Effects and Neighborhood Character
- Energy
- Greenhouse Gas Emissions
- Geologic Conditions
- Hydrology
- Public Utilities
- Water Quality
- Public Services and Facilities
- Health and Safety

The Final EIR concludes the project will potentially have a **significant impact but mitigated to below a level of significance** with respect to the following issue areas:

- Biological Resources
- Historical Resources (archaeology)
- Noise (operational-stationary sources)
- Tribal Cultural Resources

The Final EIR concludes the project will potentially have a **significant unmitigated impact** and no feasible mitigation measures are available to reduce impacts to below a level of significance for the following issue area:

- Air Quality (cumulative – operational)

5.0 FINDINGS REGARDING SIGNIFICANT IMPACTS

In making each of the findings below, the City has considered the plans, programs, and policies discussed in the Final EIR. The plans, programs, and policies discussed in the Final EIR are existing regulatory plans and programs the project is subject to, and, likewise, are explicitly made conditions of the project's approval.

5.1 Findings Regarding Impacts that will be Mitigated to Below a Level of Significance (CEQA § 21081(a)(1) and CEQA Guidelines § 15091(a)(1))

The City, having independently reviewed and considered the information contained in the Final EIR 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 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 Final EIR (Project No. 581984/SCH No. 2018041028) as described below.

5.1.1 Biological Resources

5.1.1.1 Potentially Significant Effect

A. Direct Impacts

The project would result in significant direct impacts to sensitive biological resources, wetland/riparian vegetation communities, with project implementation.

B. Indirect Impacts

The project would result in significant indirect impacts to Clark's marsh wren, Coopers hawk, double-crested cormorant, yellow warbler, yellow breasted chat, western bluebird, Vaux's swift, osprey least Bell's vireo, willow fly-catcher, southwestern willow flycatcher, least bittern, and light-footed Ridgway's rail), with project implementation.

5.1.1.2 Facts in Support of Finding

A. Direct Impacts

The project would result in direct impacts to approximately 0.64 acre of wetland/riparian vegetation communities (0.57 acres of southern cottonwood-willow riparian forest, 0.01 acres of coastal and valley freshwater marsh, and 0.06 acres of open water) as a result of the Fashion Valley Road

improvements. The project proposes to widen Fashion Valley Road to a four-lane major arterial roadway, per its ultimate classification in the Mission Valley Community Plan. This improvement is identified as an essential roadway improvement in the Mobility Element of the Mission Valley Community Plan.

Mitigation Measures: Mitigation measures have been identified to address impacts on biological resources associated with Fashion Valley Road improvements. MM 5.4-1 requires that a qualified project biologist be retained to implement the project's biological monitoring program, preconstruction meetings, resource delineation. MM 5.4-2 requires that the impacts to wetland/riparian vegetation be mitigated by creation of 0.21-acre of freshwater marsh riparian and 0.57-acre of southern cottonwood-willow riparian forest and enhancement of 1.14-acres of southern cottonwood-willow riparian forest, as detailed in the *Riverwalk Project Wetland Mitigation Plan*. Additionally, evidence shall be provided that resource agency permits (404 permit from the United States Army Corps of Engineers, 401 Certification from the Regional Water Quality Control Board, and 1602 streambed alteration agreement from the California Department of Fish and Wildlife) have been obtained. Lastly, MM 5.4-3 requires that the revegetation mitigation measure requirements be shown verbatim on the grading and/or construction plans. Further the mitigation measure requires the implementation of the revegetation/restoration plan.

B. Indirect Impacts

Construction-related noise from sources as a result of clearing, grading, and construction associated with the project could result in a significant indirect impact to Clark's marsh wren, Coopers hawk, double-crested cormorant, yellow warbler, yellow breasted chat, western bluebird, Vaux's swift, osprey, least Bell's vireo, southwestern willow flycatcher, willow flycatcher, least bittern, and the light-footed Ridgway's rail.

Mitigation Measures: As conditions of project approval, MHPA Land Use Adjacency Guidelines shall be adhered to. Additionally, mitigation measures would be required to address indirect impacts on avian species identified above during construction. More specifically, mitigation measures MM 5.5-1, MM 5.4-4 and MM 5.4-5 require verification preconstruction surveys to determined absence or presence of the avian species list above. Should identified avian species be present then the applicant would be required to either avoid construction activities during the breeding season or implement sound attenuation measures to ensure that the construction noise activities not exceed 60 dB(A) or the ambient noise level if already exceeding the 60 dB(A) hourly average at the edge of occupied habitat.

5.1.1.3 Finding

A. Direct Impacts

Implementation of mitigation measures MM 5.4-1, MM 5.4-2, and MM 5.4-3 would reduce direct impact to sensitive biological resources to below a level of significance.

B. Indirect Impacts

Implementation of mitigation measures MM 5.4-1, MM 5.4-4 and MM 5.4-5 would reduce indirect impacts to sensitive avian to below a level of significance.

Reference: Final EIR § 5.4.

5.1.2 Historical Resources (Archaeology)

5.1.2.1 Potentially Significant Effect

5.1.2.2 Facts in Support of Finding

The project would impact three significant archaeological sites: SDI-11767, SDI-12220, and SDI-12126. These sites are beneath an indeterminate amount of fill that was previously deposited over the project site, but in an area that would require grading and could be impacted during the excavation for future development projects, as part of overall project implementation. Additionally, there is the potential the project could result in impacts to unknown or previously unidentified archaeological resources during ground-disturbing activities. Consequently, impacts to historical resources would be potentially significant.

Mitigation Measures: Mitigation measures have been identified to address impacts to historical resources (archaeology). MM 5.6-1 requires implementation of an Archeological Research and Data Recover Program (ADRP) for archeological sites SDI-11767, SDI-12220 and SDI-12126 prior to the issuance of any construction permits or the start of any construction activities. MM 5.6-2 requires archaeological and Native American monitoring during all soil disturbing and grading/excavation/trenching activities that could result in impacts to archaeological resources.

5.1.2.3 Finding

With implementation of mitigation measures MM 5.6-1 and MM 5.6-2, potentially significant impacts to historical resources (archaeology) would be reduced to below a level of significance.

Reference: Final EIR § 5.6.

5.1.3 Noise (Stationary-Operational)

5.1.3.1 Potentially Significant Effect

Noise levels from project stationary operations from heating, ventilation, and air conditioning (HVAC) could exceed the City's Municipal Code noise standards.

5.1.3.2 Facts in Support of Finding

HVAC equipment would be a primary stationary operational noise source on-site. Exterior HVAC noise levels could range from 60 to 70 dBA at five feet and it is possible that ground-level HVAC units may be installed. Ground-level HVAC systems would be shrouded and ducted to minimize operational noise. However, because the location of these units is unknown, ground-level HVAC systems could increase ambient noise levels in the project area by more than three dBA. Long-term noise levels from project HVAC sources would potentially result in a substantial permanent increase in ambient noise levels a potentially significant impact.

Mitigation Measure: MM 5.8-1 would require the preparation of an acoustical study that would identify any noise-generating equipment, predict noise level property lines from all identified equipment, and recommend appropriate mitigation measures that would attenuate to comply with the City noise ordinance.

5.1.3.3 Finding

With implementation of mitigation measure MM 5.8-1, potentially significant stationary operational noise impacts would be reduced to below a level of significance.

Reference: Final EIR § 5.8.

5.1.4 Tribal Cultural Resources

5.1.4.1 Potentially Significant Effect

The area is considered sensitive for tribal cultural resources (TCR) as identified by Iipay Nation of Santa Isabel and Jamul Indian Village, affiliated traditionally and culturally with the project area. Therefore, there is the potential for TCR to be impacted by project implementation

5.1.4.2 Facts in Support of Finding

Grading for the project could result in significant impacts to TCR on-site. There is the potential for the project to disturb subsurface TCRs. Potential impacts subsurface TCRs that may be encountered would be significant.

Mitigation Measures: Mitigation measures have been identified to address the project's potential to impact TCR. MM 5.10-1 requires the inclusion of a native plant palette of species traditionally used by the Kumeyaay be incorporated into the restoration effort taking place within the San Diego River and as part of the landscape plan for the Riverwalk River Park. MM 5.10-2 requires interpretative signage that includes 20 plant identification signs along the San Diego River Pathway with plants traditionally utilized by Native American tribes, provides a storyboard sign that describes native plants identified along the San Diego River Pathway and their relationship to the Kumeyaay people, and that the signage plan is reviewed and accepted to the satisfaction of DSD, lipay of Santa Isabel, and Jamul Indian Village. MM 5.10-3 requires that a street sign plan for the South District be reviewed and accepted to the satisfaction of DSD. Additionally, MM 5.10-4 requires that MM 5.6-1 (Archaeological Data Monitoring) and MM 5.6-2 (Archaeology and Native American Monitoring), summarized under Section 5.1.2.2 above, be implemented.

5.1.4.3 Finding

With implementation of mitigation measures MM 5.10-1 through MM 5.10-4, significant impacts would be reduced to below a level of significance.

Reference: Final EIR § 5.10.

5.3.1 Air Quality (Operational) Cumulative

5.3.1.1 Potentially Significant Effect

The project would result in cumulatively significant air quality impacts associated with project operations at buildout due to vehicular emissions, as well as energy, consumer products, and landscaping equipment emissions-associated with operation and maintenance of buildings.

5.3.1.2 Facts in Support of Finding

The project would exceed daily and annual ROG, CO, and PM₁₀ emissions standards. Therefore, the project would result in a cumulatively considerable net increase in CO, PM₁₀, and ROG emissions and this impact would be significant. The majority of the emissions are associated with operation of vehicles by residents, commercial tenants, and retail customers, as well as energy, consumer product, and landscaping equipment emissions associated with operation and maintenance of buildings. To the extent feasible and applicable, reductions to the project's operational emissions are accounted for in design features of the project consistent with the recommended measures identified by CAPCOA for reducing air emissions (such as increasing density from existing conditions (LUT-1), location efficiency (LUT-2), diversity of uses (LUT-3), destination accessibility (LUT-4), transit accessibility (LUT-5), etc.). The air quality analysis conducted for the project conservatively did not account for emissions reductions associated with implementation of the TDM Program. Nonetheless, because of the size and scope of the proposed development, there are no feasible methods for

reducing all cumulative emissions to meet annual and daily SDAPCD standards for ROG, CO, and PM₁₀.

5.3.1.3 Finding

Based on the size and scope of development, there are no feasible methods for reducing all cumulative emissions to meet annual and daily SDAPCD standards for ROG, CO, and PM₁₀ due to the operational emissions associated with project at buildout. Operational impacts remain cumulatively significant and unmitigated.

Reference: Final EIR §5.5.

5.2 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.

5.3 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 Final EIR 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 air quality impacts associated with operations:

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 Final EIR (Project No. 581984/SCH No. 2018041028) 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. This finding is appropriate with respect to the project because there are no feasible mitigation measures available that would reduce the identified impacts to below a level of significance.

5.4 Findings Regarding Alternatives (CEQA § 21081(a)(3) and CEQA Guidelines § 15091(a)(3))

Because the project would cause one or more significant environmental effects, the City must make findings with respect to the alternatives to the project considered in the Final EIR, evaluating whether these alternatives could feasibly avoid or substantially lessen the project's significant environmental effects while achieving most of its objectives (listed in Section 2.3 above and Section 3.1.2 of the Final EIR).

The City, having reviewed and considered the information contained in the Final EIR 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 Final EIR (Project No. 581984/SCH No. 2018041028):

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 Final EIR (Project No. 581984/SCH No. 2018041028) 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.

5.4.1 Alternative 1 – No Project/No Build

CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate a "no project" alternative, along with its impacts. The purpose of describing and analyzing a no project alternative is to allow a lead agency to compare the impacts of approving the project to the impacts of not approving it. Specifically, Section 15126.6(e)(3)(B) requires that an EIR for a development project on an identifiable property address the no project alternative as circumstances under which the project does not proceed. In other words, the no project assumes that the project site would not be developed with the project.

Under the No Project/No Build alternative, the project would not be implemented on the site. None of the improvements resulting from the project would occur: a mixed-use development would not be established; no additional housing or employment uses would be created; Fashion Valley Road would not be improved; a new trolley stop would not be provided; and a new expansive Riverwalk River Park would not be created to serve the community. Instead, the site would be left as it exists today and the golf course would remain as it is today.

5.4.1.1 Potentially Significant Effects

The No Project/No Build alternative would result in no changes to the current site conditions. The project would not be implemented, and the property would remain as it is today. When compared to the project, the No Project/No Build alternative would avoid cumulatively significant unmitigated operational air quality impacts associated with the project and impacts to biological resources, including secondary noise impacts on sensitive biological resources. Because no redevelopment would occur under this alternative, impacts associated with noise (operational-stationary sources due to HVAC units) would not occur; and there would be no potential to encounter significant archaeological sites or unknown subsurface human remains, thereby avoiding impacts to historical and tribal cultural resource.

5.4.1.2 Finding and Supporting Facts

While the No Project/No Build alternative would reduce the significant environmental effects associated with project related to biological resources, air quality, historical resources, tribal cultural resources, and noise, it would not meet any of the project's primary objectives. The No Project/No Build alternative would not create a focused long-range plan intended to promote increased residential density and employment opportunities consistent with the General Plan, Mission Valley Community Plan, San Diego River Park Master Plan, and the Climate Action Plan (Project Objective 1). The alternative would not assist the City's housing supply needs or implement the City of Villages goals and smart growth principles by creating transit-accessible mixed-use neighborhood with housing, commercial, employment, and recreation opportunities along transit while restoring a stretch of the San Diego River (Project Objectives 2, 3, and 4). The No Project/No Build alternative would not promote multi-modal travel (pedestrian and bicycle friendly corridors) through the project site through on-site trails, paths, and sidewalks that connect to internal and adjacent amenities and services throughout Mission Valley (Project Objective 5) and would not construct a new Green Line Trolley stop (Project Objective 6). A new active and passive park along the San Diego River would not occur with this alternative (Project Objective 7). This alternative would not allow for the establishment and creation of a habitat Mitigation Bank that provides long-term habitat conservation and maintenance (Project Objective 8). Improvements to the community's circulation system would not occur under this alternative, including improvements to Fashion Valley Road that accommodate a 10- to 15-year storm event and improves emergency response times by facilitating north-south vehicular access in storm events (Project Objective 9). This alternative would not celebrate and interpret important cultural and historic resources within the Specific Plan area (Project Objective 10), as the street sign and interpretative signage requirements of the project and Specific Plan would not be implemented.

Finding: The No Project/No Build alternative is rejected because specific economic, social, or other considerations, including matters of public policy, make this alternative infeasible.

Rationale: The No Project/No Build alternative is rejected because it would not feasibly accomplish the basic objectives of the project.

Reference: Final EIR § 10.5.1.

5.4.2 Alternative 2 – Reduced Development Intensity/Operational Air Quality Impact Avoidance

The Reduced Development Intensity/Operational Air Quality Impact Avoidance alternative would reduce development to 2,275 residential units, 106,000 square feet commercial retail space, and 700,000 square feet of commercial and office and non-commercial retail space. Thus, this alternative would result in 47 percent less residential units and 30 percent less commercial and office and non-commercial retail uses. Areas for park, open space, and trails would remain the same as the project. Approximately 29,800 ADT would be generated by this alternative. Grading, on-site public street infrastructure, and improvements to Fashion Valley Road, would also remain the same as the project.

5.4.2.1 Potentially Significant Effects

The Reduced Development Intensity/Operational Air Quality Impact Avoidance alternative would result in avoidance of cumulatively significant air quality impacts associated with operational emissions. Because grading required under this alternative would not change from that proposed for the project, impacts to biological resources, historical resources, and tribal cultural resources would not change from those associated with the project. Appropriate mitigation measures would be required as with the project. Noise impacts (operational-stationary source due to HVAC units) could occur under this alternative as they could with the project.

5.4.2.2 Finding and Supporting Facts

The Reduced Development Intensity/Operational Air Quality Impact Avoidance alternative would meet many of project objectives, such as creating a focused long-range plan intended to promote increased residential density and employment opportunities consistent with the General Plan, Mission Valley Community Plan, San Diego River Park Master Plan, and the Climate Action Plan (Project Objective 1); creating a transit-accessible mixed-use development in a central, in-fill location (Project Objective 4); promoting multi-modal travel (pedestrian and bicycle friendly corridors) through the project site including connectivity via open space areas (Project Objective 5); constructing a new Green Line Trolley stop (Project Objective 6); designing a neighborhood that integrates the San Diego River through active and passive park uses (Project Objective 7); allowing for establishment and creation of a habitat mitigation bank (Project Objective 8); improving Fashion Valley Road (Project Objective 9); and celebrating and interpreting important cultural and historical resources within the Specific Plan area the same as would be required of the project (Project Objective 10). While this alternative would assist the City's housing supply needs (Project Objective 2), it would result in a 47 percent reduction in housing, substantially reducing the amount of much needed housing (market-

rate and affordable) that could occur with the project. Similarly, while this alternative would implement the City of Villages goals and smart growth principles by creating a mixed-use neighborhood with housing, commercial, employment, and recreation opportunities along transit while restoring a key stretch of the San Diego River (Project Objective 3), this alternative would result in 30 percent less commercial retail and office and non-commercial retail uses and, thus, would not implement the City of Villages goals and smart growth principles to the extent that the project would. Therefore, because the Reduced Development Intensity/Operational Air Quality Impact Avoidance alternative fails to substantially fulfill the basic project objectives of creating transit-supportive density and employment within a high-density village setting, this alternative is rejected.

Finding: The Reduced Development Intensity/Operational Air Quality Impact Avoidance alternative is rejected because specific economic, social, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

Rationale: This alternative would not provide housing and employment opportunities to the extent that the project would. The creation of housing, particularly as part of dense, mixed use development in a Transit Priority Area is an important public policy goal of the City. Due to the reduction in housing and employment, this alternative would not realize the potential of the site envisioned in the Mission Valley Community Plan as a key urban village area.

Reference: Final EIR § 10.5.2.

5.4.3 Alternative 3 – Reduced Intensity Development/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts

The Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative would result in modifying development areas in order to avoid impacts to three significant archaeological sites. Development would not occur on Lots 16 through 25 and Lots 39 and 40 to avoid potential disturbance of Sites SDI-11767 and SDI-12220. Development would not occur on Lot 31 to avoid potential disturbance of Site SDI-12126. Development on Lots 32 through 37 would not occur, as these lots would not be afforded at least two methods of ingress and egress without Riverwalk Drive and Streets 'J1' and 'J2'. Additionally, extension of Riverwalk Drive beyond its current western terminus, as well as development of Streets 'J1' and 'J2' would not occur to avoid potential disturbance of Site SDI 11767; construction of the Street 'J2' vehicular tunnel under the MTS trolley tracks would not occur to avoid potential disturbance of Site SDI 11767. As such, no development would occur south of the trolley tracks and north of the San Diego River (i.e., all of the Central District of the Specific Plan). Approximately one-third of the developable area in the North District would be removed. Development density and intensity of this alternative would be accommodated in the remaining portion of the North District and the South District.

The Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative would develop the project site with a reduced development intensity that would result in 2,200 residential units; 40,000 square feet commercial retail space; 900,000 square feet of commercial and office and non-commercial retail space, and 114 acres of park, open space, and trails. This alternative would result in 51 percent less residential units, 18 percent less commercial and office and non-commercial retail uses, and 17 percent more parks when compared to the project. This alternative would require new zones to allow reduced development intensity and to reflect the land use intensity associated with this alternative.

5.4.3.1 Potentially Significant Effects

When compared to the project, the Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative would avoid significant direct impacts to three archaeological sites and cumulatively significant impacts to air quality. Additionally, this alternative would result in reduced impacts to historical resources and tribal cultural resources; however, mitigation measures like those for the project would be required to fully mitigate all impacts to historical and tribal cultural resources. Significant biological resources and noise impacts (operational – stationary source) would be the same as what would occur with the project and would require the same mitigation measures as the project to reduce impacts to below a level of significance.

5.4.3.2 Finding and Supporting Facts

The Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative would meet some project objectives at a substantially reduced level. This alternative would assist the City's housing supply needs (Project Objective 2) and would create a transit-accessible mixed-use development in a central, in-fill location (Project Objective 4). However, this alternative would result in 51 percent fewer residential units, substantially reducing the amount of much needed housing (market-rate and affordable) and the amount of housing immediately proximate to transit that could occur with the project. Further, development on lots immediately adjacent to the trolley stop would not occur, eliminating the mixed-use density proposed around the transit station. This alternative would implement the City of Villages goals and smart growth principles by creating a mixed-use neighborhood with housing, commercial, non-commercial uses, employment, and recreation opportunities along transit while restoring a key stretch of the San Diego River (Project Objective 3). However, employment opportunities would be reduced, resulting in 18 percent less commercial and office and non-commercial retail uses, and 17 percent more parks when compared to the project. Thus, this alternative would not meet Project Objective 1, calling for the creation of a focused long-range plan intended to promote increased residential density and employment opportunities consistent with the General Plan, Mission Valley Community Plan, San Diego River Park Master Plan, and the Climate Action Plan to the extent that the project would. Like the project, this alternative would promote multi-modal travel (pedestrian and bicycle friendly corridors) through the project site through on-site trails, paths, and sidewalks that

connect to internal and adjacent amenities and services throughout Mission Valley and would construct a new MTS Green Line Trolley stop easily accessible from within Riverwalk and to adjacent surrounding residential and employment areas (Project Objectives 5 and 6). This alternative meet the objectives of designing a neighborhood that integrates the San Diego River through active and passive park uses (Project Objective 7); allowing for establishment and creation of a habitat mitigation bank (Project Objective 8); improving Fashion Valley Road (Project Objective 9); and celebrating and interpreting important cultural and historical resources within the Specific Plan area the same as would be required of the project (Project Objective 10).

Finding: The Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative is rejected because specific economic, social, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

Rationale: The Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative fails to substantially fulfill the basic project objectives of creating transit-supportive density and employment within a high-density village setting that promotes multi-modal accessibility, this alternative is considered infeasible. While multi-modal travel could occur under this alternative, development intensity would be reduced, occurring in a disconnected and less efficient manner, and would not promote multi-modal accessibility to the extent of the project. Because of the reduced development intensity occurring under this alternative, particularly immediately adjacent to the trolley stop, the potential transit ridership and use of a new trolley stop would be reduced.

Reference: Final EIR § 10.5.3.

6.0 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 21081(b) of CEQA and Sections 15093 and 15043(b) of the State CEQA Guidelines, the City is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or state-wide benefits, of a proposed project against its unavoidable significant environmental impacts when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code Section 21081.

Pursuant to Public Resources Code Section 21081(b) and the State CEQA Guidelines Section 15093, the City has balanced the benefits of the proposed project against potential unavoidable significant impacts to Air Quality (cumulative operational) associated with the project and has examined alternatives to the project that could avoid significant Air Quality impacts and has rejected them as infeasible, finding that none of them would fully meet the basic project objectives.

Each of the separate benefits of the proposed project, as stated herein, is determined to be, unto itself and independent of the other project benefits, a basis for overriding all potential unavoidable significant environmental impacts identified in these findings. Any one of the reasons set forth below is sufficient to justify approval of the project. Substantial evidence supports the various benefits and such evidence can be found whether in the preceding section, which are by reference in this section, the Final EIR, or in documents that comprise the Records of Proceedings in this matter.

Having considered the entire administrative record on the project, and (i) made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the project, adopting all feasible mitigation measures; (ii) examined a reasonable range of alternatives to the project and, based on this examination, determined that all those alternatives are either environmentally inferior, fail to meet the basic project objectives, or are not feasible, and therefore should be rejected; (iii) recognized all significant, unavoidable impacts; and (iv) balanced the benefits of the project against the project's significant and unavoidable effects, the City hereby finds that the following economic, legal, social, technological, or other benefits, including region-wide benefits, of the project outweigh the potential unavoidable adverse environmental impacts and render those potential adverse environmental impacts acceptable based upon the following considerations, set forth below.

6.1 Provides Much Needed Housing for the City and Region in Accordance with the City of San Diego General Plan

The City General Plan is based on a City of Villages strategy that focuses growth into mixed-use activity centers that are pedestrian-friendly districts linked to an improved regional transit system. A "village" is defined as the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated. Each village will be unique to the

community in which it is located. All villages will be pedestrian-friendly and characterized by inviting, accessible and attractive streets and public spaces. Public spaces will vary from village to village, consisting of well-designed public parks or plazas that bring people together. Individual villages will offer a variety of housing types affordable for people with different incomes and needs. Over time, villages will connect to each other via an expanded regional transit system.

The project site is identified on the City's Village Propensity Map as having medium propensity for development as a Village. The project will develop a mixed-use neighborhood that is consistent with this identification.

Per the Regional Housing Needs Assessment 6th Housing Element Cycle 2021-2029, the draft allocation housing for the San Diego region is 171,685 dwelling units. Of those 171,685 dwelling units, the City's housing burden is 107,901 dwelling units. The proposed project allows for Mission Valley to contribute positively to addressing the housing crisis in a manner that fits within established densities of the community, without proposing a density in excess of those identified in the Mission Valley Community Plan. Riverwalk supports City and regional housing needs in the following ways:

- Adds 4,300 new housing units to the City's housing stock, assisting the City in meeting its housing needs (an increase of approximately 2,200 dwelling units above the existing Levi-Cushman Specific Plan).
- Provides of 10 percent affordable housing on-site, within a Transit Priority Area and within active transportation distance of existing and proposed transit, as well as existing and proposed retail and employment opportunities.

6.2 Creates Infill Transit Oriented Development Neighborhood within a Transit Priority Area and Vehicle Miles Traveled Efficient Location

The project results in providing a transit-supportive development, an important element in reducing vehicle trips that generate air pollutants and greenhouse gas emissions.

According to the Federal Transit Administration (FTA), the term “transit-supportive development” broadens the definition of a concept that has existed for years—that the utilization of effective and predictable transit encourages surrounding development, which, in turn, supports transit. The basic principle is that convenient access to transit can be a key attraction that fosters mixed-use development, and the increased density in station areas not only supports transit but also may accomplish other goals, including reducing sprawl, reducing congestion, increasing pedestrian activity, increasing economic development potential, realizing environmental benefits, and building sustainable communities.¹

¹ Federal Transit Administration. (2014). *Planning for Transit-Supportive Development: A Practitioner's Guide, Section 1: Introduction*. FTA Report No. 0053.

Riverwalk will develop as an infill, transit-integral² transit-oriented development (TOD) within a Transit Priority Area (TPA) and will create a new transit/trolley stop to serve the existing MTS Green Line Trolley, providing accessibility not only for Riverwalk, but also western Mission Valley and southern Linda Vista. The project's proximity to the proposed trolley station and the existing transit center would provide future residents and employees connections to other trolley, bus, and train services, allowing convenient access to various destinations across San Diego. TOD development at Riverwalk implements smart growth planning by concentrating development where access to infrastructure, transit, recreational and open space amenities, and authentic live/work opportunities are able to be capitalized.

Senate Bill (SB) 743, signed in 2013, further underscores the importance of creating infill developments that are transit supportive and which can potentially reduce vehicle miles travelled (VMT). Today, measuring traffic impacts under CEQA focuses on *the reduction of greenhouse gas emissions, the development of multi-modal transportation networks, and a diversity of land uses*. State CEQA Guidelines Section 15064.3 was adopted in December 2018 to implement SB 743. To assist lead agencies in this endeavor, the State Office of Planning and Research (OPR) has also published a Technical Advisory on Evaluating Transportation Impacts in CEQA (December 2018), which provides guidance in the calculation and application of VMT analyses within CEQA documents. Consistent with the OPR Technical Advisory, the project's resident VMT per capita would be at least 15 percent below the San Diego regional average resident VMT per capita and the proposed project's employee VMT per employee would be at least 15 percent below the San Diego regional average VMT per employee.³

6.3 Creates 97 Acres of Parks and Open Space

The project contributes to a city-wide interconnected park system in a manner that results in greater recreational opportunities than typically associated with traditional parks. The project will create more than 97 acres of parks and open space, including an approximately 45-acre Riverwalk River Park, providing opportunities for active play and exercise, passive relaxation and enjoyment of nature, and social connections in a central location to serve a wide population base that extends beyond the Riverwalk neighborhood and Mission Valley community. Riverwalk's parks system will be transit accessible, and the Riverwalk River Park will be the largest park accessible by trolley in the San Diego Region. The project will support and expand the City's park needs by:

- Providing for a series of parks that amount to approximately 55 acres of population-based parks, resulting in an excess of approximately 33 acres of park space provided beyond what is required by City standards.

² Defined by the FTA as "a mixed-use or single-use development that is implemented in concert with station and corridor implementation. These developments have significant connectivity with the proposed stations and have no access barriers to surrounding land uses. They have the advantage of early planning and are encouraged by zoning, code, and design controls that support their development."

³ *Transportation Impact Analysis*, Linscott, Law, and Greenspan Engineers (LLG) and Urban Systems Associates, Inc. (USAI), March 20, 2020

- Developing a system of parks that vary in design and size to serve a variety of recreation opportunities.
- Implementing the vision of the San Diego River Park Master Plan by developing an expansive River Park, flanking the San Diego River, and extending a 14-foot wide San Diego River Pathway along the north side of the San Diego River.
- Providing for on-going maintenance and security within the Riverwalk River Park to ensure safe and inviting recreational experience.
- Identifying a location for a recreation center as center of activity and gatherings and as identified in the Mission Valley Community Plan.

6.4 Provides Employment and Economic Benefits

The project supports a broad range of employment opportunities by providing small-scale commercial uses that will serve residents in Riverwalk, as well as in the surrounding neighborhoods, and by creating additional office space and other non-retail use space to enhance employment opportunities in Mission Valley and the City. Specifically, the Riverwalk project supports employment and the local economy as follows:

- Provides 1,152,000 square-feet of employment area.
- Land use types and development patterns of the Specific Plan provide for a broad range of employment opportunities, from service sector and retail jobs to employment within business and professional offices; government office; and regional and corporate headquarters.

6.5 Encourages Walkable Design and Multimodal Transportation

The project creates a walkable neighborhood that offers multimodal transportation options. Specifically, Riverwalk supports active and multimodal transportation as follows:

- Creates a new MTS Green Line Trolley transit/trolley stop that would serve Riverwalk and the surrounding neighborhoods in western Mission Valley and southern Linda Vista. The transit stop is anticipated to be a well utilized stop on the Green Line Trolley with 2,734 daily riders.⁴
- Locates neighborhood-serving retail uses in the center of the project, providing new retail opportunities within walking distance for all Riverwalk residents and those in surrounding neighborhoods.
- Establishes multi-modal trails for pedestrian and bicycle use and access to transit to and through the project site for residents, employees, visitors, and the surrounding neighborhoods.
- Provides over six miles of sidewalks and pedestrian trails; over six miles of multi-use paths, dedicated bike lanes, and two-way cycle tracks; and convert two existing golf cart bridges to

⁴ Page 75, Riverwalk Transportation Analysis (May 20, 2020).

pedestrian and bicycle-only bridges over the San Diego River, providing much needed north-south connectivity.

- Constructs a roughly 0.75-mile extension of the San Diego River Pathway, furthering the vision of this multimodal trail that will connect the beaches to the San Diego River headwaters.
- Provides six pedestrian and bicycle crossings of the MTS Green Line Trolley
- Implements improvements for vehicular circulation including:
 - Widening of project frontage portions of Fashion Valley Road and installation of an arch culvert under Fashion Valley Road to allow the road to be passible to vehicles during larger storm events, than existing conditions, improving this critical north-south river crossing in western Mission Valley;
 - Installing Intelligent Traffic Signal technology at intersections along Friars Road and Fashion Valley Road; and
 - Providing two new vehicular crossings of the Green Line Trolley; and Contributing to regional improvements, including a Project Study Report for the western Mission Valley circulation network that includes I-8 between SR 163 and I-5, Hotel Circle and the future extension of Street 'J'.

6.6 Implements the City's Climate Action Plan

The City's Climate Action Plan (CAP) is a proactive step toward addressing the City's GHG emissions. The CAP provides a road map for the City to collaborate with communities in assessing vulnerability to future climate change, developing overarching adaptation strategies and implementing measures to enhance resilience. Compliance with the CAP is determined via the CAP Consistency Checklist, which evaluates such factors as land use consistency, energy and water efficiency of buildings; clean and renewable energy; and bicycling, walking, transit, and land use.

The proposed project is consistent with the CAP and facilitates San Diego's goals of addressing climate change by providing for an interconnected (internally and regionally) mix of uses that allows residents, employees, and visitors to limit their impact on the environment. As such, the project successfully reduces its carbon footprint by:

- Locating intensified mixed-use development within walking and bicycling distance of two transit stops (a new stop in Riverwalk and the existing stop at Fashion Valley), as well as the existing Fashion Valley Transit Center, which offers trolley and bus connectivity to the City and the region.
- Resulting in a VMT efficient area with VMT reductions greater than a 15 percent reduction from regional baseline in both VMT/resident and VMT/employee.
- Providing housing and employment uses within the same development, facilitating direct linkage between housing and jobs.
- Linking residents living within the residential component of the project with employment sites via the established pedestrian and bicycle network.

- Promoting active transportation (such as bicycling and pedestrian transportation) as a core design element of the Specific Plan, making walking, bicycling, and other human-powered forms of transportation a first option for getting around Riverwalk and connecting to surrounding uses and amenities.

6.7 Implements the Mission Valley Community Plan Vision

The Mission Valley Community Plan calls for improvements to existing and future roadways within and adjacent to Riverwalk. The Community Plan also identifies a future public park along a portion of the San Diego River that flows through the project site to serve current and future residents, employees, and visitors of Mission Valley. The project fulfills applicable requirements of the Community Plan by:

- Fulfilling the Urban Village Area Vision outlined by the Mission Valley Community Plan by establishing a park and residential focus in the Western Mission Valley area, with complementing office and retail uses.
- Identifying an appropriate development mix and intensity that optimizes the use of the project site, ensuring a successful variety of uses that further supports the Mission Valley Community Plan.
- Constructing improvements to Fashion Valley Road. The Fashion Valley Road improvements include an arch, which will improve flood conveyance goals and widen its frontage on Fashion Valley Road in accordance with the Community Plan Mobility Element.
- Constructing portions of Street 'J' and Street 'U' and establishing IODs for future construction of Public Streets 'J' and 'U', which are critical components of the Community Plan Mobility Element.
- Creating 97 acres of parks and open space immediately north and south of the San Diego River corridor, including approximately 55 acres of population-based parks. A component of these parks will be an approximately 45-acre Riverwalk River Park that provides opportunities for passive and active recreation opportunities, including a location for a recreation center, centrally located to serve a wide population-base that extends throughout the Mission Valley community and beyond.
- Expanding physical and visual access to the San Diego River by constructing a 14-foot-wide San Diego River Pathway on the north side of the San Diego River that aligns with the eastern continuation of the San Diego River Pathway.
- Connectivity within and through project site affords easy public access to transit so that the greater San Diego population can enjoy the Riverwalk River Park and experience the San Diego River by way of mobility options beyond traditional automobile travel.

6.8 Facilitates Conservation Goals

The Specific Plan allows for the redevelopment of an existing golf course. By locating project development on a previously disturbed site, impacts to the natural environment – including biological

resources – are minimized. Additionally, the project will implement the following in support of conserving, preserving and creating environmental resources:

- Allows for management of the San Diego River within an urban open space corridor where the river's biology and hydrology can be managed in a natural environment.
- Restores 11.54 acres of wetland habitat enhancement and 13.32 acres of wetland habitat creation where only 1.92 acres of wetland mitigation is required.
- Provides a 50-foot no use buffer adjacent to the MHPA as further protection of the river's natural resources.
- Improves Fashion Valley Road in a manner that minimizes impacts to wetlands and provides a soft-bottom condition for the San Diego River.

7.0 CONCLUSION

For the foregoing reasons, the City Council finds in accordance with Public Resources Code 21081(b) and 21085.5 and CEQA Guidelines 15093 and 15043, that the project's adverse, unavoidable environmental impacts are outweighed by the noted benefits, any of which individually would be sufficient to reach the conclusion that overriding findings justify the significant, unmitigated effects that were found. Therefore, the City Council has adopted this Statement of Overriding Considerations.