

**FINDINGS OF FACT
REGARDING THE ENVIRONMENTAL IMPACT REPORT
FOR THE
MISSION BAY PARK IMPROVEMENTS PROGRAM**

**SCH No. 2024100048
April 2026**

I. Introduction

A. Findings of Fact

The following Candidate Findings of Fact (Findings) are made for the Mission Bay Park Improvements Program (Program). The environmental impacts of the program are addressed in the Final Environmental Impact Report (EIR) dated April 2026 (State Clearinghouse No, 2024100048), which is incorporated by reference herein.

The California Environmental Quality Act (CEQA) (Public Resources Code [PRC], Section 21000 et seq.) and the State CEQA Guidelines (CEQA Guidelines) (14 CCR 15000 et seq.) promulgated therein, require that the environmental impacts of a 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, CEQA Guidelines Section 15091 provides the following:

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

- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes, which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material, 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 PRC Section 21081. The "changes or alterations" referred to in CEQA Guidelines Section 15091(a)(1) above, that are required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impacts of the project, may include a wide variety of measures or actions as set forth in CEQA Guidelines Section 15370, including the following:

- (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, including through permanent protection of such resources in the form of conservation easements,

Should significant and unavoidable impacts remain after changes or alterations are applied to a 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 impacts. Regarding a Statement of Overriding Considerations, CEQA Guidelines Section 15093 provides the following:

- (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.

B. Record of Proceedings

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

- The Notice of Preparation, dated October 1, 2024, and all other public notices issued by the City of San Diego (City) in conjunction with the Program
- The Draft EIR, dated December 16, 2025
- The Final EIR, dated Month XX, 2026
- 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 submitted by agencies or members of the public during the public review comment period on the Draft EIR and included in the Final EIR
- The reports and technical memoranda included or referenced in the Response to Comments and/or in the Final EIR
- All documents, studies, EIRs, or other materials incorporated by reference in 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 the Findings and the Statement of Overriding Considerations
- Any other relevant materials required to be in the Record of Proceedings pursuant to PRC Section 21167.6(e)

II. Project Summary

A. Project Location

The Program location consists of the Mission Bay Park Improvement Zone (Improvement Zone), as defined in City Charter Section 55.2. Regionally, the Improvement Zone is located in the coastal westernmost portion of central San Diego, bounded by the communities of Pacific Beach to the north, Ocean Beach to the south, Mission Beach to the west, and Interstate (I) 5 to the east. The Improvement Zone encompasses Mission Bay Park and additional adjacent areas in all directions. Within the Improvement Zone are various identified sites for known discrete projects (or 'elements') within the Program to be analyzed under the EIR, as well as bay-wide elements identified for disclosure purposes, including deferred maintenance and a comprehensive update to the signage throughout Mission Bay Park. Regional access is provided by I-5 from the north and south, and I-8 from the east. Access to each individual element of the Program is provided by local roadways throughout and surrounding Mission Bay Park.

B. Project Description

The proposed Program is intended to address issues related to water quality and water circulation improvements, habitat improvements, and visitor-serving improvements, in specifically identified areas. The Program includes the implementation of the following elements: wetland and water quality improvements, restoration of shoreline, upland habitat and preserve expansion, bicycle and pedestrian improvements, restoration of seawall bulkhead, deferred maintenance, and signage update. A Preliminary Engineering Report was prepared up to 30% complete design for each of these location-specific elements, and a deferred maintenance Preliminary Engineering Report was prepared to aide in the programming of completing that maintenance. A comprehensive signage update (design and locations) was also completed. The proposed project is an improvements program (the Program) with specific elements to be implemented throughout Mission Bay Park. The Program is inclusive of site-specific project elements components and Bay-wide programmatic elements.

Certain elements in the Improvement Zone are located in areas that are the subject of the Mission Bay Park Master Plan (Master Plan) amendments, specifically Fiesta Island. The Fiesta Island Mission Bay Park Master Plan amendment was completed in 2022, and elements herein on Fiesta Island are designed and evaluated in relation to that amendment.

1. Wetland and Water Quality Improvements Element

These provide new or enhanced wetlands promoting water quality and habitat improvements focused on the following specific locations:

- a) North Fiesta Island
- b) Tecolote Creek and Fiesta Island Causeway
- c) Cudahy Creek

Improvements involve creating or expanding wetlands habitats, increasing channels including, through the Fiesta Island causeway and through the north end of Fiesta Island, establishing native wetlands plant species, and designing for resiliency with transition of wetland habitats overtime (for example high marsh to low marsh).

2. Shoreline Restoration Element

A Bay-wide assessment was conducted of the need for shoreline preservation, which identified areas where erosion and or other damage has resulted in the need for improvements. The needs were prioritized in the following specific locations:

- a) Vacation Island NW
- b) Vacation Island NE
- c) Vacation Island SW
- d) Ventura Cove
- e) Crown Point
- f) West Sail Bay
- g) Bonita Cove
- h) Bahia Point

Improvements include a mix of nature-based and traditional solutions to protect the Bay shoreline. Nature-based approaches involve dunes and oyster beds, while traditional hard solutions include replacing riprap and extending the seawall. Softer measures, such as beach nourishment, cobble berms, and groins, are also proposed for certain areas requiring shoreline protection.

3. Upland Habitats and Preserves Expansion Element

This element too initially involved an assessment of opportunities suitable for expanding upland habitat and upland habitat preserves. The following specific locations are identified:

- a) Site No. 1 Fiesta Island South
- b) Site No. 2 Fiesta Island Central
- c) Site No. 3 Fiesta Island Near Youth Camping
- d) Site No. 4 Fiesta Island Least Tern Preserve
- e) Site No. 5a Cloverleaf Enhancement Area
- f) Site No. 5b Triangle Enhancement Area
- g) Site No. 5c South Shores Restoration and Enhancement Area

The improvements would involve planting native plant species and enhancing soil conditions for the suitability of local wildlife.

4. Bicycle and Pedestrian Improvements Element

The element addressing bicycle and pedestrian improvements focuses on four locations where connectivity gaps or substandard conditions exist, as follows:

- a) Rose Creek Bike Path
- b) Fiesta Island Causeway
- c) Ocean Beach Bike Path

Improvements in these areas would include improving or creating pavement conditions, widening bike/pedestrian paths to meet City standards, and enhancing the connectivity and experience of cycling or walking in and around Mission Bay Park.

5. Restoration Seawall Bulkhead Element

The restoration of the seawall bulkhead element would occur along the oceanfront at Pacific Beach and Mission Beach. Two existing segments totaling approximately 9,780 linear feet would see parapet replacement and voids repair, a third segment of approximately 375 feet would be added as new seawall from Thomas Avenue to Crystal Pier, up to 14 existing beach access points would be replaced with code conforming stairways or Americans with Disabilities Act (ADA) compliant access ramps, and a new vehicular access would be created at the end of Thomas Avenue.

6. Deferred Maintenance Element

The deferred maintenance element would occur Bay-wide and include ongoing maintenance of the following facilities: playgrounds, comfort stations, furnishings, and parking lot repairs (including stormwater best management practices). Maintenance activities would include but not be limited to ADA-compliant access ramp repair; parking lot pavement, including stormwater improvements such

as biofiltration options; bench repair/replacement; picnic table repair/replacement; lighting sustainability enhancements; fire pit and hot coal disposal replacement; playground equipment repair/maintenance; and comfort station repair/replacement.

7. Signage Update Element

The signage update element improvements include a comprehensive update to the design and location of signs throughout Mission Bay Park.

C. Project Objectives

The following project objectives for the Program are based on the goals of Section 55.2 of Article V of the City Charter:

1. Improve the water quality of Mission Bay Park through wetland expansion, water quality improvements, and the protection and expansion of eelgrass beds as identified in the Mission Bay Park Master Plan.
2. Identify inadequate and failing shorelines within Mission Bay Park, and prioritize shoreline restoration treatments, including restoration of beach sand and stabilization of erosion control features.
3. Expand endangered or threatened species preserves and upland habitats in areas identified in the Mission Bay Park Master Plan, including on North Fiesta Island, along the levee of the San Diego River floodway, and other opportunity areas.
4. Implement deferred maintenance projects, including but not limited to, maintenance and regular replacement of recreational and public safety facilities, to the benefit of park users.
5. Assess deficiencies and gaps in the existing bicycle and pedestrian circulation network to improve overall circulation, safety, and enjoyment of bicyclists and pedestrians in Mission Bay Park.
6. Restore the seawall bulkhead on Oceanfront Walk to a condition no less than the quality of restoration previously performed in 1998 from Thomas Street to Pacific Beach Drive or to conditions as may be required by historic standard.

III. Summary of Impacts

The Final EIR concludes the Program would have no significant impacts (direct/or cumulative) and require no mitigation with respect to the following issue areas:

1. Agricultural and Forestry Resources (Direct and Cumulative)
2. Biological Resources
 - a. Multi-Habitat Planning Area Edge Effects (Direct and Cumulative)

- b. Local Policies/Ordinances (Direct and Cumulative)
- 3. Mineral Resources (Direct and Cumulative)
- 4. Land Use and Planning
 - a. Conversion of Open Space or Farmland (Direct and Cumulative)
 - b. Conflicts with the Multiple Species Conservation Program (MSCP) Subarea Plan (Direct and Cumulative)
- 5. Paleontological Resources (Direct and Cumulative)
- 6. Population and Housing (Direct and Cumulative)
- 7. Public Services and Facilities (Direct and Cumulative)
- 8. Public Utilities (Direct and Cumulative)
- 9. Transportation (Direct and Cumulative)
- 10. Visual Effects and Neighborhood Character (Direct and Cumulative)

A. Less than Significant Impacts

The Final EIR concludes that the Program would have less than significant impacts (direct and/or cumulative) and require no mitigation measures with respect to the following issues:

- 1. Air Quality
 - a. Substantial Pollutant Concentrations (Direct and Cumulative)
 - b. Odors (Direct and Cumulative)
 - c. Alteration of Air Movement (Direct and Cumulative)
- 2. Energy
 - a. Consumption of Energy Resources (Direct and Cumulative)
 - b. Renewable Energy and Energy Efficiency Plan (Direct and Cumulative)
- 3. Geology and Soils
 - a. Geologic Hazards (Direct and Cumulative)
 - b. Soil Erosion (Direct and Cumulative)
 - c. Geologic Instability (Direct and Cumulative)
- 4. Greenhouse Gas Emissions
 - a. Greenhouse Gas Emissions (Direct and Cumulative)
 - b. Conflicts with Plans or Policies (Direct and Cumulative)
- 5. Historical Resources

- a. Disturbance of Human Remains (Direct and Cumulative)
- 6. Health and Safety
 - a. Transport, Use, or Disposal of Hazardous Materials (Direct and Cumulative)
 - b. Upset and Accident Conditions (Direct and Cumulative)
 - c. Hazards Near a School (Direct and Cumulative)
 - d. Emergency Plan Consistency (Direct and Cumulative)
 - e. Hazardous Materials Sites (Direct and Cumulative)
 - f. Wildland Fire Risk (Direct and Cumulative)
 - g. Aircraft-Related Hazards (Direct and Cumulative)
- 7. Hydrology and Water Quality
 - a. Groundwater (Direct and Cumulative)
 - b. Drainage (Direct and Cumulative)
 - c. Risk of Pollutants from Inundation (Direct and Cumulative)
 - d. Water Quality Standards (Direct and Cumulative)
 - e. Water quality Plans (Direct and Cumulative)
- 8. Land Use and Planning
 - a. Conflicts with Applicable Plans (Direct and Cumulative)
- 9. Noise
 - a. Noise Ordinance and City Thresholds (Direct and Cumulative)
 - b. Transportation Noise (Direct and Cumulative)
 - c. Groundborne Vibration (Direct and Cumulative)
 - d. Compatibility with Airport Comprehensive Land Use Plan (Direct and Cumulative)
- 10. Recreation
 - a. Deterioration of Parks and Recreational Facilities (Direct and Cumulative)

B. Impacts that are Less than Significant with Mitigation

The Final EIR concludes that the Program would have potentially significant impacts (direct and/or cumulative), which can be mitigated to below a level of significance with respect to the following issues:

- 1. Air Quality
 - a. Conflicts with Air Quality Plans (Direct and Cumulative)
 - b. Air Quality Standards & Particulate Matter (Direct and Cumulative)
- 2. Biological Resources
 - a. Invasive Species (Direct and Cumulative)
- 3. Historical Resources
 - a. Archaeological Resources (Direct and Cumulative)

4. Tribal Cultural Resources
 - a. Tribal Cultural Resources (Direct and Cumulative)

C. Significant and Unavoidable Impacts

The Final EIR identifies the following direct and/or cumulatively significant impacts, which are considered significant and unavoidable because mitigation measures either do not exist or are considered not feasible, or feasible mitigation would not reduce impacts to less than significant.

1. Biological Resources
 - a. Sensitive Species (Direct)
 - b. Sensitive Habitats (Direct)
 - c. Wetlands (Direct)
 - d. Wildlife Movement and Nursery Sites (Direct)
 - e. Conservation Planning (Direct)
2. Historical Resources
 - a. Built Environment Historic Resources (Direct)
3. Noise
 - a. Ambient Noise Levels (Direct and Cumulative)
4. Recreation
 - a. Construction or Expansion of Recreational Facilities (Direct)

IV. Findings Regarding Significant Impacts

A. Findings Regarding Impacts that will be Mitigated to Below a Level of Significance (CEQA Section 21081[a][1] and CEQA Guidelines Section 15091[a][1])

The City, having independently reviewed and considered the information contained in the Final EIR and the public record for the Program, finds, pursuant to PRC Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), that changes or alterations have been required in, or incorporated into, the Program that avoid, mitigate, or substantially lessen the significant effects on the environment as identified to the issue areas discussed in Section III.B and below.

Air Quality

Issue 1 Conflicts with Air Quality Plan

Significant Impact

Impacts related to the Program's potential to conflict with or obstruct implementation of the applicable air quality plan would be **potentially significant**.

Facts in Support of Finding

Clean air plans for attainment and maintenance of the National Ambient Air Quality Standards and California Ambient Air Quality Strategy in the San Diego Air Basin include state implementation plans and Regional Air Quality Strategy. The relevant federal air quality plan is the O3 maintenance plan and the Regional Air Quality Strategy is the applicable plan for purposes of state air quality planning.

The Program would have the potential to exceed mass daily emission thresholds during concurrent construction of activities assuming the worst-case emissions scenario prior to mitigation; and therefore, the Program would potentially result in higher emissions than what was anticipated in the state implementation plan and Regional Air Quality Strategy. While it is anticipated that during Program implementation construction of individual projects or certain concurrent projects would not exceed mass daily emission thresholds and would result in a less-than-significant impact without mitigation, because this analysis evaluates a worst-case scenario, impacts related to the Program's potential to conflict with or obstruct implementation of the applicable air quality plan would be **potentially significant prior to mitigation**.

Mitigation Measures:

MM-AQ-1: Construction Off-Road Equipment Exhaust Minimization. Prior to the issuance of any construction or development permit or award of construction contract, the City of San Diego (City) Engineering & Capital Projects Department (ECP) or its designee shall ensure that all 50-horsepower or greater diesel-powered off-road construction equipment are powered with California Air Resources Board (CARB)-certified Tier 4 Final engines or better.

An exemption from this requirement may be granted by the City ECP if (1) the City ECP documents equipment with Tier 4 Final engines are not reasonably available, and (2) the required corresponding reductions in criteria air pollutant emissions can be achieved for the project from other combinations of construction equipment. Before an exemption may be granted, the City ECP shall (1) demonstrate that at least three construction fleet owners/operators in San Diego County were contacted and that those owners/operators confirmed Tier 4 Final equipment could not be located within San Diego County during the desired construction schedule, and (2) the City ECP shall provide evidence to Mitigation Monitoring Coordination (MMC) that the proposed replacement equipment has been evaluated using California Emissions Estimator Model (CalEEMod) or other industry standard emission estimation method, and

documentation has been provided to MMC to confirm that necessary project-generated emissions reductions are achieved.

MM-AQ-2: Construction Dust Control. The City of San Diego Engineering & Capital Projects Department (ECP) or its designee shall provide evidence to Mitigation Monitoring Coordination (MMC) that construction dust control practices beyond the requirements of San Diego Air Pollution Control District (SDAPCD) Rule 55, Fugitive Dust Control, would be employed to reduce fugitive dust emissions, including watering of the active sites three (3) times per day depending on weather conditions.

Finding

Issue 1 would be reduced to a level of significance with the implementation of **MM-AQ-1** and **MM-AQ-2**, which requires that all off-road equipment with engines rated at 50 horsepower or greater would meet Tier 4 Final emission standards, and construction dust control practices would be employed to reduce fugitive dust emissions, including watering of the active sites three times per day; the Program would not exceed City thresholds or result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations.

Issues 2 and 3 Air Quality Standards and Particulate Matter

Significant Impact

Implementation of the Program would result in construction emissions exceeding the City's oxides of nitrogen and coarse particulate matter thresholds. Therefore, this impact would be **potentially significant**.

Facts in Support of Finding

Construction of the proposed Program would result in the temporary addition of pollutants to the local airshed caused by on-site sources (i.e., off-road construction equipment, soil disturbance, and volatile organic compound off-gassing) and off-site sources (haul trucks, vendor trucks, worker vehicles, tugboats, and support vessels). Development of the proposed Program and its components would generate air pollutant emissions from entrained dust, off-road equipment, vehicles, tugboats and vessels, asphalt pavement application, and architectural coatings. Entrained dust results from the exposure of earth surfaces to wind from the direct disturbance and movement of soil, resulting in coarse and fine particulate matter emissions. Assuming the worst-case scenario from concurrent component implementation, emissions of oxides of nitrogen and coarse particulate matter would exceed the City construction thresholds.

Mitigation Measures:

MM-AQ-1 and **MM-AQ-2**, above.

Finding

Issues 2 and 3 would be reduced to a level of significance with the implementation of **MM-AQ-1** and **MM-AQ-2**, which that all off-road equipment with engines rated at 50 horsepower or greater would meet Tier 4 Final emission standards, and construction dust control practices would be employed to reduce fugitive dust emissions, including watering of the active sites three times per day.

Biological Resources

Issue 8 Invasive Species

Construction of the proposed Program would result in potentially significant indirect impact related to the potential to spread an invasive algae, genus *Caulerpa*, if the algae is present in the vicinity where dredging would occur. Indirect impacts would be **potentially significant**.

Facts in Support of Finding

The Program proposes to conduct tidal channel dredging, which is a bottom disturbing activity that has the potential to spread an invasive algae, genus *Caulerpa*, if the algae is present in the vicinity where dredging would occur. If *Caulerpa* is present in the Program area, it could cause adverse impacts to native foundational species that create important habitats and provide ecological functions, ecosystem services, and support diverse species. *Caulerpa* can grow quickly and rapidly out-compete native species, including native eelgrass, and may be inedible to native marine herbivorous fish and invertebrates and thus potentially interfering with wildlife nursery sites.

Environmental Protocols and Mitigation Measures:

EP-BIO-1: Resource Verification and Regulatory Compliance. Future implementation of core Program elements under the Improvements Program shall be preceded by surveys for biological resources, conducted in accordance with the San Diego Biology Guidelines (SDBG), to verify proposed impacts are consistent with the analysis included in the approved Program EIR and Biological Resources Technical Report, to confirm the applicability of Environmental Protocols and Mitigation Measures, and regulatory permit requirements (e.g., Section 404/10 permits for dredge/fill within waters of the United States). Focused surveys shall follow approved protocols for state/federally protected species and MSCP Subarea Plan-covered and/or narrow-endemic species that were observed or identified as having a moderate-high potential of occurring within or adjacent to the proposed impact area in the Program EIR. Resource verification shall include written and graphic depiction of the project-specific biological resources/impacts and avoidance areas, access/staging/loading routes, the equipment that would be used to complete the work, and applicable mitigation measures and would be verified in relation to the Program EIR by the Engineering and Capital Projects Department Environmental Designee (ED) during subsequent environmental review and approval.

EP-LU-1: MHPA Land Use Adjacency Guidelines. Final design of Program elements adjacent to the MHPA shall incorporate and document on the final design plans conformance with the MHPA Land Use Adjacency Guidelines (LUAGs).

1. **Drainage:** All new and proposed parking lots and developed areas in and adjacent to the preserve must not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA.
2. **Toxics:** Land uses, such as recreation and agriculture, that use chemicals or generate by-products such as manure, that are potentially toxic or impactful to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. Such measures should include drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials.
3. **Lighting:** Lighting of all developed areas adjacent to the MHPA should be directed away from the MHPA. Where necessary, development should provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting.
4. **Noise:** Uses in or adjacent to the MHPA should be designed to minimize noise impacts. Berms or walls should be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA. Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species. Adequate noise reduction measures should also be incorporated for the remainder of the year.
5. **Barriers:** New development adjacent to the MHPA may be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.
6. **Invasives:** No invasive non-native plant species shall be introduced into areas adjacent to the MHPA.
7. **Brush Management:** New residential development located adjacent to and topographically above the MHPA (e.g., along canyon edges) must be set back from slope edges to incorporate Zone 1 brush management areas on the development pad and outside of the MHPA. Zones 2 and 3 will be combined into one zone (Zone 2) and may be located in the MHPA upon granting of an easement to the City (or other acceptable agency) except where narrow wildlife corridors require it to be located outside of the MHPA.
8. **Grading/Land Development:** Manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA.

MM-BIO-3 Biological Resource Protection During Construction

The following measures would be included in the construction plans for each program component that is within or adjacent to sensitive wetlands or sensitive uplands (Tier I-III):

Prior to Construction

- A. **Biologist Verification** – Prior to the start of Project construction activities, the Project Biologist shall submit a letter to the City of San Diego (City) Environmental Designee (ED) that a Qualified Biologist, as defined in the City of San Diego’s Biological Guidelines (2018), has been retained to implement the project’s biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Biological Documents** – Prior to the issuance of the Notice to Proceed and/or first preconstruction meeting, The Qualified Biologist shall submit all required documentation to the ED verifying that any special mitigation reports, including, but not limited to, maps, plans, surveys, survey timelines, or buffers, are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP) Subarea Plan (SAP), Environmentally Sensitive Lands (ESL) Ordinance, project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state, or federal requirements.

Prior to the start of construction within or immediately adjacent to the Multi-Habitat Planning Area (MHPA), the ED shall verify that all MHPA boundaries and limits of work have been delineated on all construction documents.

- C. **BCME** – Prior to the issuance of the Notice to Proceed and/or first preconstruction meeting, The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME), which includes the biological documents in C above. In addition, the BCME shall include the limits of work, proposed monitoring schedule, restoration/revegetation plans, plant salvage/relocation requirements, avian or other wildlife surveys/survey schedules (including general avian nesting and U.S. Fish and Wildlife Service [USFWS] protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the ED. The BCME shall include a site plan, a written and graphic depiction of the project’s biological mitigation/monitoring program, and a schedule. The BCME shall be approved by the ED and referenced in the construction documents. The BCME shall be approved by the ED prior to the start of construction.
- D. **Avian Protection Requirements** – To avoid any direct impacts to any species identified as a listed, candidate, sensitive, or special-status species in the MSCP SAP, removal of habitat that supports active nests of native species in the proposed area of disturbance shall occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of

- construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to the ED for review and approval prior to initiating any construction activities. If nesting bird activities are detected, a letter report in conformance with the City's Biology Guidelines (i.e., appropriate follow-up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's ED and Biologist shall verify and approve that all measures identified in the report are in place prior to and/or during construction.
- E. **Resource Delineation** – Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME to ensure crews remain in the approved work areas. These demarcations will not be required for locations with existing structures, such as chain-link fencing, along the limits of work or areas that are adjacent to non-sensitive habitat areas. In-water work areas shall be buoyed off to limit the extent of direct impacts to eelgrass. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora and fauna species, including nesting birds) during construction. Appropriate care shall be taken to minimize attraction of nest predators to the site.
- F. **Cover Trenches.** The qualified monitoring biologist shall oversee the construction site so that cover and/or escape routes for wildlife from excavated areas shall be provided daily. All steep trenches, holes, and excavations during construction shall be covered at night with backfill, plywood, metal plates, or other means, and if plastic sheeting is used, the edges must be covered with soils such that small wildlife cannot access the excavated hole. Soil piles shall be covered at night to prevent wildlife from burrowing in. The edges of the sheeting shall be weighed down by sandbags. These areas may also be fenced to prevent wildlife from gaining access. Exposed trenches, holes, and excavations shall be inspected twice daily (i.e., each morning and before sealing the exposed area) by the qualified monitoring biologist to monitor for wildlife entrapment. Excavations shall provide an earthen ramp to allow for a wildlife escape route. The qualified monitoring biologist shall verify that the contractor
- G. **Pre-Construction Meeting/Education** – Prior to construction, a pre-construction meeting shall be held on site with the following in attendance: the City's Project Manager (PM; or equivalent personnel), an Engineering & capital Projects (ECP) Environmental representative, the Project Contractor (PC) (if applicable), and the Qualified Monitoring Biologist (QMB). At this meeting, the QMB shall identify and discuss the mitigation

measures that apply to project activities and the sensitive nature of the adjacent habitat with the crew and PC.

At the pre-construction meeting, the QMB shall submit to the City ED and PM a copy of the BCME that identifies areas to be protected, fenced, and monitored. This data shall include all planned locations and design of noise attenuation walls or other devices, if applicable.

Prior to commencement of utility undergrounding activities, the QMB shall also meet with the PC and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved work area and to protect sensitive flora and fauna that may occur at the project location (e.g., explain the avian and wetland buffers and the flag system for removal of invasive species or retention of sensitive plants and clarify acceptable access routes/methods and staging areas).

During Construction

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

Post Construction

- J. **Final Monitoring Report** - If no deviations from the approved construction plan occur during work, no additional documentation is required. If deviations from the approved construction plan do occur, such as unanticipated impacts to sensitive vegetation communities or unanticipated discharge of pollutants, a Final Monitoring Report shall be prepared within 30 days following the completion of mitigation monitoring efforts detailing construction and monitoring that occurred and any remedial or compensatory measures taken.

- K. **Unintended Impact Mitigation** - In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP SAP, State CEQA, and other applicable local, state, and federal laws. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the ED within 30 days of construction completion.

MM-BIO-7 Caulerpa Management

Prior to subsequent project level approval, as part of subsequent project-specific environmental review pursuant to CEQA, the City shall retain a certified *Caulerpa* surveyor as per National Oceanic and Atmospheric Administration Fisheries Certified *Caulerpa* Surveyors List to identify the potential existence of invasive *Caulerpa* spp. within the program component areas that have potential to support invasive *Caulerpa* spp., as identified during subsequent review and approvals, through surveys conducted in accordance with the *Caulerpa* Control Protocol: <https://media.fisheries.noaa.gov/2021-12/caulerpacontrol-protocol-v5.pdf> (October 2021) prior to construction in those Program component areas. Any sightings of *Caulerpa* spp. shall be reported within 24 hours to CDFW (Caulerpa@wildlife.ca.gov) and the National Oceanic and Atmospheric Administration Fisheries at (562) 980-4037 and nmfs.wcr.caulerpa@noaa.gov.

Finding

Issue 8 would be reduced to below a level of significance by the implementation of **EP-BIO-1**, **EP-LU-1**, **MM-BIO-3**, and **MM-BIO-7**, which would ensure that Program components do not result in the introduction of invasive species of plants into natural open space areas.

Historical Resources

Issue 2 Archaeological Resources

Significant Impact

Implementation of the Bicycle and Pedestrian Improvements Element would result in a potentially significant impact to archaeological resources due to the proximity of a known archaeological resource (CA-SDI-005017).

Facts in Support of Finding

A South Coastal Information Center records search was conducted for Improvement Zone in June 2019. The records search indicated that a total of 135 previously identified cultural resources are located within 1 mile of the Improvement Zone, 16 of which intersected the Improvement Zone.

CA-SDI-005017 intersects Rose Creek Bike Path, a component in the Bicycle and Pedestrian Improvements Element. The prehistoric archaeological resource consists of La Rinconada de Jamo,

an ethnohistoric Native American village located at the mouth of Rose Canyon. During the pedestrian surveys, the boundary of CA-SDI-005017 was confirmed to be bisected by Rose Creek Bike Path, a component of the Bicycle and Pedestrian Improvements Element. However, no cultural resources were observed during the survey.

The resource boundary covers approximately 300 acres, and none of these deposits were identified within the project footprint. However, the project area has undergone extensive alteration of the terrain along the east bank of Rose Creek. This has likely displaced any remnants of the resource had any previously existed. Although intact cultural deposits are unlikely, there is still potential for impacts to CA-SDI-005017 to occur during grading and excavation.

The Restoration of Seawall Bulkhead Element does not intersect any known archaeological resources, and none were identified during the site survey for the components within this Element. However, the Mission Beach Seawall is a built environment historical resources and during the City's Native American consultation efforts in compliance with Assembly Bill 52, Lisa Cumper, Tribal Historic Preservation Officer for Jamul Indian Village, stated that a natural source of pitch used by the Kumeyaay to adhere projectile points to shafts is located in the area and projectile points have been linked to the area of the seawall. Ms. Cumper recommended cultural monitoring during ground disturbance associated with the Seawall Bulkhead Restoration Project Element.

Mitigation Measures:

MM-CUL-4 Construction Monitoring. The following shall be implemented to protect unknown archaeological resources and/or grave sites that may be identified during ground-disturbing activities associated with the construction or maintenance of the Rose Creek Bike Path Project Element and the Seawall Bulkhead Restoration Project Element.

I. Prior to Permit Issuance or Bid Opening/Bid Award

A. Entitlements Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Environmental Designee (ED) shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ED

1. Prior to Bid Award, the applicant shall submit a letter of verification to ED identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the

archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.

2. ED will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written approval from ED for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to ED that a site-specific records search (1 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to ED requesting a reduction to the $\frac{1}{4}$ mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and ED. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with ED, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)

The applicant shall submit a letter to ED acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.

3. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.

The AME shall be based on the results of a site specific records search as well as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or formation).

ED shall notify the PI that the AME has been approved.

4. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to ED through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to ED prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

5. Approval of AME and Construction Schedule

After approval of the AME by ED, the PI shall submit to ED written authorization of the AME and Construction Schedule from the CM.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching/Habitat Restoration

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and ED of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and ED. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
 3. The PI may submit a detailed letter to ED during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
 4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be emailed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to ED.
- B. Discovery Notification Process
1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.

3. The PI shall immediately notify ED by phone of the discovery, and shall also submit written documentation to ED within 24 hours by email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify ED by phone to discuss significance determination and shall also submit a letter to ED indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from ED, CM and RE. ADRP and any mitigation must be approved by ED, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA Section 15064.5, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
 - (1). Note: For pipeline trenching and other linear projects in the public Right-of-Way, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If the resource is not significant, the PI shall submit a letter to ED indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
 - (1). Note: For Pipeline Trenching and other linear projects in the public Right-of-Way, if the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.

(2). Note, for Pipeline Trenching and other linear projects in the public Right-of-Way, if significance cannot be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources - Pipeline Trenching and other Linear Projects in the Public Right-of-Way

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities or for other linear project types within the Public Right-of-Way including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:

1. Procedures for documentation, curation and reporting

- a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.
- b. The PI shall prepare a Draft Monitoring Report and submit to ED via the RE as indicated in Section VI-A.
- c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
- d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Discovery of Human Remains

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

A. Notification

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

B. Isolate discovery site

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

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendant (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:

- a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission, OR;
- b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN
- c. To protect these sites, the landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement; or
 - (3) Record a document with the County.
- d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c, above.

D. If Human Remains are **NOT** Native American

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

V. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.

- a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to ED via email by 8AM of the next business day.

- b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.

- c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.

- d. The PI shall immediately contact the RE and ED, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

- B. If night and/or weekend work becomes necessary during the course of construction

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

- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

- A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to ED via the RE for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the**

allotted 90-day timeframe as a result of delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.

- a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
- b. Recording Sites with State of California Department of Parks and Recreation

The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

2. ED shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to ED via the RE for approval.
4. ED shall provide written verification to the PI of the approved report.
5. ED shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

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

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with ED and the Native American representative, as applicable.

2. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection C.
3. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to ED.
4. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to ED.
5. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to ED (even if negative), within 90 days after notification from ED of the approved report.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from ED which includes the Acceptance Verification from the curation institution

MM-CUL-5 Cultural Review of Future Development Projects. Prior to the issuance of any discretionary permit for a future development projects that were not reviewed in the Cultural Resources Constraints Analysis for the Mission Bay Park Improvements Program (Appendix N) and that could directly and/or indirectly affect a cultural resource (i.e., archaeological and Tribal Cultural Resources), the City shall require the following steps be taken to determine (1) the potential presence and/or absence of cultural resources, and (2) the appropriate mitigation for any significant resources that may be impacted. For the purposes of CEQA review, a cultural resource is defined in CEQA Guidelines Section 15064.5. Tribal Cultural Resources are defined in PRC Section 21074.

I. Initial Determination

The City's Environmental Designee shall determine the potential presence and/or absence of cultural resources at the project site by reviewing site photographs and existing historic information (e.g., Archaeological Sensitivity Maps, the Archaeological Map Book, the California Historical Resources Inventory System, and the City's "Historical Inventory of Important Architects, Structures, and People in San Diego") and may conduct a site visit. A review of the cultural resources

records search data (see Appendix N) shall be done at the initial planning stage of a project to ensure that cultural resources are avoided and/or impacts are minimized to the extent feasible in accordance with the City's Historical Resources Guidelines. The sensitivity levels described below shall guide the appropriate steps necessary to address the potential resources. Sensitivity ratings may be adjusted based on the amount of disturbance that has occurred, which may have previously impacted cultural resources, as well as new data available to the City.

- A. High Sensitivity: indicates locations where significant cultural resources have been documented or would have the potential to be identified. High sensitivity resources include village and habitation sites and areas near fresh water sources. These resources may range from moderately complex to highly complex, with more defined living areas or specialized work space areas, and a large breadth of features and artifact assemblages. The potential for identification of additional resources in such areas would be high.
- B. Moderate Sensitivity: Indicates that some cultural resources have been recorded within the area or the area was developed before 1984 when CEQA review may not have been applied. Moderate sensitivity resources consist of diversity or density of feature and artifact types (e.g., a moderately dense lithic scatter).
- C. Low Sensitivity: Indicates areas where there is a high level of disturbance or development, and few or no previously recorded cultural resources are present based on records search results and due to the timing of development of the project site occurring after 1984 when CEQA would have been applied. Within these areas, the potential for additional resources to be identified would be low.

I. Phase I

Based on the results of the initial determination, if there is any evidence that the project area contains archaeological and/or Tribal Cultural Resources, a site-specific records search and/or survey may be required and shall be determined on a case-by-case basis by the City's Environmental Designee. If a cultural resources study is required, it shall be prepared consistent with the City's Historical Resources Guidelines. All individuals conducting any phase of the cultural resources program shall meet the professional qualifications in accordance with the City's Historical Resources Guidelines. The cultural resources study shall include the background research conducted as part of the initial determination. This includes a record search at the SCIC at San Diego

State University. A review of the Sacred Lands File maintained by the NAHC shall also be conducted at this time. The cultural resources study shall include a field survey and/or an evaluation of significance, as applicable if cultural resources are identified, based on the City's Historical Resources Guidelines. Native American participation shall be required for all field work.

II. Phase II

Once a cultural resource (as defined in the PRC) has been identified, a significance determination shall be made. If a project were to impact areas identified as low sensitivity, it is assumed that any significant cultural resources no longer hold integrity or are not present. If a project impacts these areas, no additional mitigation measures shall be required.

If a project were to impact areas identified as moderate sensitivity, a site-specific records search and/or survey may be required on a case-by-case basis. If cultural resources are identified in the records search and/or survey, a significance evaluation for the identified cultural resources shall be required. If no significant resources are found and site conditions are such that there is no potential for further discoveries, then no further action shall be required. Resources found to be nonsignificant as a result of a survey and/or assessment shall require no further work beyond documentation of the resources on the appropriate Department of Parks and Recreation site forms and inclusion of the results in the survey and/or assessment report. If no significant resources are found, but results of the initial evaluation indicate there is still a potential for resources to be present in portions of the property, then mitigation monitoring shall be required. If the resource has not been evaluated for significance, a testing plan shall be required. If the resource is determined to be significant, a testing plan, data recovery plan, and mitigation monitoring shall be required.

If a project were to impact areas identified as high sensitivity, a survey and testing program may be required by the qualified archaeologist to further define resource boundaries subsurface presence or absence and determine the level of significance. A thorough discussion of testing methodologies including surface and subsurface investigations can be found in the City's Historical Resources Guidelines. The results from the testing program shall be evaluated against the Significance Thresholds found in the City's Historical Resources Guidelines. If significant cultural resources are identified within the area of potential effects, the site may be eligible for local designation.

Preferred mitigation for direct and/or indirect impacts to cultural resources is to avoid the resource through project redesign. If the resource cannot be

entirely avoided, all prudent and feasible measures to minimize harm shall be taken. Mitigation measures such as, but not limited to, a Research Design and Archaeological Data Recovery Program (ADRP), construction monitoring, site designation, capping, granting of deeds, designation of open space, and avoidance and/or preservation shall be required and shall be determined by the City's Environmental Designee on a case-by-case basis.

III. Phase III

Archaeological Data Recovery Program

If a cultural resource is found to be significant and preservation is not an option, a Research Design and ARDP shall be required, which includes a Collections Management Plan for review and approval by the City's Environmental Designee. The ADRP shall be based on a written research design and is subject to the provisions as outlined in PRC Section 21083.2. The ADRP shall be reviewed and approved by the City's Environmental Designee prior to distribution of a draft CEQA document.

Local Designation of Resources

The final cultural resource evaluation report shall be submitted to Historical Resources Board (HRB) staff for designation. The final cultural resource evaluation report and supporting documentation will be used by HRB staff in consultation with qualified City staff to ensure that adequate information is available to demonstrate eligibility for designation under the applicable criteria.

Monitoring and Archaeological Resource Reports

Archaeological monitoring may be required during building demolition and/or construction grading when significant cultural resources are known or suspected to be present on a site but cannot be recovered prior to grading due to obstructions such as, but not limited to, existing development, dense vegetation, or if a data recovery did not reduce the impact to the resource. Monitoring shall be documented in a consultant site visit record.

Native American participation shall be required for all subsurface investigations, including geotechnical testing and other ground disturbing activities whenever a Tribal Cultural Resource or any archaeological site. In the event that human remains are encountered during data recovery and/or a monitoring program, the provisions of PRC Section 5097 shall be followed. In the event that human remains are discovered during project grading, work shall halt in that area and the procedures set forth in the PRC (Section 5097.98) and State Health and Safety Code (Section 7050.5), and in the federal, state, and local regulations described above shall be undertaken. These provisions

shall be outlined in the Mitigation Monitoring and Reporting Program included in a subsequent project-specific environmental document. The Most Likely Descendent shall be consulted during the preparation of the written report, at which time they may express concerns about the treatment of sensitive resources.

Archaeological Resource Reports shall be prepared by qualified professionals as determined by the criteria set forth in Appendix B of the City's Historical Resources Guidelines. In the event that a cultural resource deposit is encountered during construction monitoring, a Collections Management Plan shall be required in accordance with the project's Mitigation Monitoring and Reporting Program. The disposition of human remains and burial related artifacts that cannot be avoided or are inadvertently discovered is governed by State (i.e., AB 2641 [Coto] and NAGPRA of 2001 [Health and Safety Code 8010-8011]) and federal (i.e., federal NAGPRA United States Code 3001-3013]) law, and must be treated in a dignified and culturally appropriate manner with respect for the deceased individual(s) and their descendants. Any human bones and associated grave goods of Native American origin shall be turned over to the appropriate Native American group for repatriation, as identified by the NAHC.

Arrangements for long-term curation must be established between the applicant/property owner and the consultant prior to the initiation of the field reconnaissance, and must be included in the archaeological survey, testing and/or data recovery report submitted to the City for review and approval. Curation must be accomplished in accordance with the California State Historic Resources Commission's Guidelines for the Curation of Archaeological Collection (dated May 7, 1993) and, if federal funding is involved, 36 Code of Federal Regulations 60. Additional information regarding curation is provided in Section II of the Historical Resources Guidelines.

Finding

With the implementation of monitoring (**MM-CUL-4**) and future development projects review (**MM-CUL-5**), potential impacts of the Bicycle and Pedestrian Improvements Element and any activities near sensitive archaeological resources, impacts would be reduced to **less than significant with mitigation**.

Noise

Issue 1 Short-Term Construction Noise (Direct and Cumulative)

Significant Impact

Temporary construction noise impacts associated with the Wetland and Water Quality Improvements Element, Restoration of Shoreline Element, Bicycle and Pedestrian Improvements Element, and Restoration of Seawall Bulkhead Element would be **potentially significant**.

Facts in Support of Finding

Construction activities associated with multiple components of the Program would result in temporary noise levels that exceed the City's 75 A-weighted decibel (dBA) average sound level (L_{eq}) 12-hour threshold for construction noise.

For the Wetland and Water Quality Improvements Element, earthwork activities at the Tecolote Creek and Fiesta Island Component are predicted to reach up to 87.6 dBA L_{eq} over a 12-hour period at receptors 50 feet away.

For the Restoration of Shoreline Element, beach nourishment activities at Vacation Island Northwest (NW) are predicted to be up to 79.8 dBA L_{eq} over a 12-hour period at receptors 60 feet away. Installation of oyster habitat activities near the southern/eastern element boundaries, and all other activities at Vacation Island Northeast (NE) – Ingraham Street are predicted to be up to 78.0 dBA L_{eq} over a 12-hour period at receptors 70 feet away. Mobilization activities near the eastern element boundaries at Crown Point are predicted to be up to 83.0 dBA L_{eq} over a 12-hour period at receptors 110 feet away. Construction activities along the western element boundaries at West Sail Bay are predicted to be up to 87.7 dBA L_{eq} over a 12-hour period at receptors 30 feet away. Demolish Existing Sidewalk and Construct New Sidewalk activities take place along the western element boundaries at Bonita Cove are predicted to be up to 84.9 dBA L_{eq} over a 12-hour period at receptors 45 feet away.

For the Bicycle and Pedestrian Improvements Element, Demolition of AC Paving activities at the Rose Creek Bike Path are predicted to be up to 88.7 dBA L_{eq} over a 12-hour period at receptors 20 feet away. Demolition of AC Paving activities at the Ocean Beach Bike Path are predicted to be up to 77.5 dBA L_{eq} over a 12-hour period at receptors 70 feet away.

For the Restoration of Seawall Bulkhead Element, demolition activities for access improvements are predicted to be up to 80.8 dBA L_{eq} over a 12-hour period at receptors 90 feet away.

Mitigation Measures:

MM-NOI-1 NOISE ABATEMENT

During the construction of the following Program components, the City shall install noise abatement in order to result in adequate noise reduction at the nearest noise sensitive receptor, in accordance with Table 4.10-45, Noise Abatement Component Requirements.

**Table 4.10-45
 Noise Abatement Component Requirements**

Component (Construction Phase)	Minimum Construction Noise Reduction (dBA)	Nearest Noise-Sensitive Receptors	Minimum Barrier Height Required (Feet)
Tecolote Creek and Fiesta Island Causeway Component (All 5 Phases)	12.9	Along Ocean Front Walk/Mission Beach Boardwalk, east of the element	9
Vacation Island Northwest (All 4 Phases)	7.4	On Sunset Road and Sands Drive, along the southern and eastern component boundaries	8
Vacation Island Northeast - Ingraham Street (All 5 Phases)	3.7	On Hummingbird Lane, along the southern and eastern component boundaries	7
Crown Point (Mobilization and Shoreline Stabilization)	9.2	On Riviera Drive, along the eastern component boundaries	11
West Sail Bay (All 3 Phases)	14	Along Bayside Walk, east of Mission Boulevard	9
Bonita Cove (All 6 Phases)	10.2	Along Bayside Lane and San Fernando Place, west of the element boundary	9
Rose Creek Bike Path (All 10 Phases)	15.5	Along Figueroa Boulevard, Magnolia Avenue, and Hornblend Street, east of the element boundary	9
Ocean Beach Bike Path (Demolition of AC Paving, Place AC Pavement, Form and Pour Concrete)	9.9	Along Point Loma Boulevard, south of the element boundary	8
Replace Segment A (All 4 Phases)	15.7	Along Ocean Front Walk/Mission Beach Boardwalk, east of the element boundary	13

**Table 4.10-45
 Noise Abatement Component Requirements**

Component (Construction Phase)	Minimum Construction Noise Reduction (dBA)	Nearest Noise-Sensitive Receptors	Minimum Barrier Height Required (Feet)
Replace Segment B (All 4 Phases)	15.7	Along Ocean Front Walk/Mission Beach Boardwalk, east of the element boundary	13
New Segment C (All 7 Phases)	15.5	Along Ocean Boulevard and Thomas Avenue, east of the element boundary	10
Access Improvements (All 4 Phases)	7.9	Along Ocean Front Walk/Mission Beach Boardwalk	8

Note: dBA = A-weighted decibel.

The City shall install noise abatement during the construction of each element listed in Table 4.10-45 during the respective phases specified in Section 4.10.4, Impacts Analysis, on the site boundary fencing (or within, as practical and appropriate) in the form of sound blankets or comparable temporary solid barriers to occlude construction noise emission between the site (or specific equipment operation as the situation may define) and the noise-sensitive receptor(s) of concern (i.e., where the line-of-sight is blocked). By way of example, suspended sound blankets, field-erected plywood sheeting, or comparable temporary solid or flexible but sufficiently massive barriers (of minimum sound transmission class rating of 25) would occlude construction noise emission between the site and the noise-sensitive receptor(s) of concern.

In addition to the noise abatement component standards presented in Table 4.10-45 and discussed above, the following measures should be considered as supplemental abatement strategies to sufficiently reduce construction noise emission:

- **Administrative controls** (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances to a nearest receiving occupied off-site property).
- **Engineering controls** (change equipment operating parameters [e.g., speed, capacity], or install features or elements that otherwise reduce equipment noise emission [e.g., upgrade engine exhaust mufflers]).

Finding

With the implementation of **MM-NOI-1**, construction noise during allowable daytime hours (between 7:00 a.m. and 7:00 p.m.) would not exceed the 75 dBA L_{eq} 12-hour City guidance at the

nearest noise-sensitive receptor. Therefore, temporary construction-related noise associated with the Tecolote Creek and Fiesta Island Component, Vacation Island NW, Vacation Island NE, Crown Point, West Sail Bay, Bonita Cove, Rose Creek Bike Path, Ocean Beach Bike Path, and Restoration of Seawall Bulkhead Element access improvements would be **less than significant with mitigation incorporated**.

Tribal Cultural Resources

Issue 1 Tribal Cultural Resources

Significant Impact

Implementation of the Bicycle and Pedestrian Improvements Element would result in a potentially significant impact to archaeological resources due to the proximity of a known archaeological resource (CA-SDI-005017).

Implementation of the Restoration of Seawall Bulkhead Element would result in a **potentially significant impact** on cultural resources associated with the Mission Beach Seawall.

Facts in Support of Finding

A South Coastal Information Center records search and pedestrian survey were completed for the Program. The records search indicated that a total of 135 previously identified cultural resources are located within 1 mile of the Improvement Zone, 16 of which intersected the Improvement Zone. CA-SDI-005017 intersects Rose Creek Bike Path, a component in the Bicycle and Pedestrian Improvements Element. The prehistoric archaeological resource consists of La Rinconada de Jamo, an ethnohistoric Native American village located at the mouth of Rose Canyon. During the pedestrian surveys, the boundary of CA-SDI-005017 was confirmed to be bisected by Rose Creek Bike Path, a component of the Bicycle and Pedestrian Improvements Element. However, no cultural resources were observed during the survey. Where ground disturbance is required to create new trails and sidewalks, areas are highly disturbed, and there is a low potential of cultural resources. However, in the event that an unknown, intact tribal cultural resources (TCRs) are encountered during construction, the potential disturbance to the site would result in a **potentially significant impact**.

The Restoration of Seawall Bulkhead Element would include the replacement in-kind of the Mission Beach Seawall, which is a built environment historical resource (P-37-016522). While the Element includes alteration of a cultural resource, the Mission Beach Seawall is not a TCR, as defined in PRC Section 21074. However, during the City's Native American consultation efforts in compliance with Assembly Bill 52, Lisa Cumper, Tribal Historic Preservation Officer for Jamul Indian Village, stated concerns that there is an increased potential of encountering unanticipated TCRs during ground disturbing activities associated with the Seawall Bulkhead Restoration Element. Ms. Cumper stated

that a natural source of pitch used by the Kumeyaay to adhere projectile points to shafts is located in the area and projectile points have been linked to the area of the seawall. Ms. Cumper recommended cultural monitoring during ground disturbance associated with the Seawall Bulkhead Restoration Element.

Mitigation Measures:

- MM-CUL-4** **Construction Monitoring.** (see Section 4.6, Historical Resources, of the Program EIR, and Section IV.A., Historical Resources, above)
- MM-CUL-5** **Cultural Review of Future Development Projects.** (see Section 4.6, Historical Resources, of the Program EIR, and Section IV.A., Historical Resources, above)

Finding

With the implementation of monitoring (**MM-CUL-4**), and future review of development projects (**MM-CUL-5**), potential impacts of the Bicycle and Pedestrian Improvements Element and the Seawall Bulkhead Restoration Element on TCRs would be reduced to **less than significant with mitigation**.

B. Findings Regarding Mitigation Measures Which are the Responsibilities of Another Agency (CEQA Section 21081[a][2] and CEQA Guidelines Section 15091[a][2])

The City, having independently reviewed and considered the information contained in the Final Program EIR and the public record for the project finds, pursuant to PRC Section 21081(a)(2) and CEQA Guidelines Section 15091(a)(2), that there are no changes or alterations which would mitigate or avoid the significant effects on the environment that are within the responsibility and jurisdiction of another public agency.

C. Findings Regarding Infeasible Mitigation Measures (CEQA Section 21081[a][3] and CEQA Guidelines Section 15091[a][3])

The City, having independently reviewed and considered the information contained in the Final Program EIR and the public record for the project, finds, pursuant to PRC Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), that there is no additional feasible mitigation that would mitigate or avoid the significant impacts to below a level of significance on the environment, and that the project would have unavoidable impacts to the issue areas discussed in Section III.C and below.

Biological Resources

Issue 1 Sensitive Species (Direct)

Significant Impact

Impacts related to the Program's potential to have a substantial adverse impact on any species identified as a candidate, sensitive, or special status species would be significant and unavoidable.

Facts in Support of Finding

Sensitive Plant Species

A total of 19 sensitive plant species were detected within the biological study area (BSA) during focused surveys completed for the Biological Resources Technical Report and are considered present within the BSA or have a moderate to high potential of occurring within the BSA.

- Aphanisma (*Aphanisma blitoides*) is a California Rare Plant Rank (CRPR) 1B.2 and MSCP SAP Narrow Endemic and covered species
- Beach goldenaster (*Heterotheca sessiliflora* ssp. *sessiliflora*) is a CRPR 1B.1 species
- Brand's star phacelia (*Phacelia stellaris*) is a CRPR 1B.1 species
- Coast woolly-heads (*Nemacaulis denudata* var. *denudata*) is a CRPR 2B.2 species
- Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*) is a CRPR 1B.1 species
- Coulter's saltbush (*Atriplex coulteri*) is a CRPR 1B.2 species
- Cliff spurge (*Euphorbia misera*) is a CRPR 2B.2 species
- Decumbent goldenbush (*Isocoma menziesii* var. *decumbens*) is a CRPR 1B.2 species
- Estuary seablite (*Suaeda esteroa*) is a CRPR 1B.1 species
- Golden-spined cereus (*Bergerocactus emoryi*) is a CRPR 2B.2 species.
- Nuttall's lotus (*Acmispon prostratus*) is a CRPR 1B.1 and MSCP-Covered species
- Nuttall's scrub oak (*Quercus dumosa*) is a CRPR 1B.1 species
- Orcutt's pincushion (*Chaenactis glabriuscula* var. *orcuttiana*) is a CRPR 1B.1 species
- Palmer's frankenia (*Frankenia palmeri*) is a CRPR 2B.1 species
- San Diego barrel cactus (*Ferocactus viridescens*) is a CRPR 2B.1 and MSCP-Covered species
- San Diego marsh elder (*Iva hayesiana*) is a CRPR 2B.2 species
- Salt marsh bird's beak (*Chloropyron maritimum* ssp. *maritimum*) is a CRPR list 1B.2 species and MSCP-Covered species
- South coast saltscale (*Atriplex pacifica*) is a CRPR 1B.2 species
- Slender-pod jewelflower (*Caulanthus stenocarpus*) is a MSCP-Covered species

Nine proposed components identified within the Program have the potential to directly impact sensitive plant species. Impacts to these species would be considered **potentially significant absent mitigation**.

Sensitive Wildlife Species

A total of 38 sensitive wildlife species were observed during biological surveys conducted for the Biological Resources Technical Report or have a moderate to high potential of occurring within the BSA. Of the sensitive species with potential to occur within the BSA (i.e., either observed during biological surveys or determined to have a moderate or high potential to occur), nine are state and/or federally listed or candidate species: coastal California gnatcatcher (*Polioptila californica californica*), California least tern (*Sternula antillarum browni*), western snowy plover (*Charadrius nivosus nivosus*), Belding's Savannah sparrow (*Passerculus sandwichensis beldingi*), light-footed Ridgway's rail (*Rallus obsoletus levipes*), western burrowing owl (*Athene cunicularia*), least Bell's vireo (*Vireo bellii pusillus*), green sea turtle (*Chelonia mydas*), and Crotch's bumble bee (*Bombus crotchii*).

California coastal gnatcatcher, California least tern, light-footed Ridgway's rail, western snowy plover, Belding's Savannah sparrow, western burrowing owl, and least Bell's vireo are MSCP SAP-covered and listed species. In addition, the BSA supports protected marine mammals (bottlenose dolphin [*Tursiops truncatus*], Pacific harbor seal [*Phoca vitulina richardii*], and California sea lion [*Zalophus californianus*]) and a managed fishery (grunion). Direct impacts to the state and/or federally listed or candidate species as a result of the loss of or harm to individuals during Program implementation, or as a result of the loss of occupied habitat would be **potentially significant absent mitigation**.

Non-Listed Wildlife Species

Avian Species

The following non-listed, special-status avian species have at least a moderate potential to occur in the Program area but are not expected to breed within the Program area: Brant (*Branta bernicla*), California brown pelican (*Pelecanus occidentalis californicus*), long-billed curlew (*Numenius americanus*), reddish egret (*Egretta rufescens*), white-faced ibis (*Plegadis chihi*), and large-billed savannah sparrow (*Passerculus sandwichensis rostratus*). Implementation of the Program, including the Water Quality Improvements and Restoration of Shoreline Element, would have the potential to temporarily disrupt foraging and/or roosting behaviors and would temporarily and permanently remove potentially suitable wintering and foraging habitat for some of these species. As a result of the temporary loss of suitable foraging and roosting habitat, impacts would be **potentially significant absent mitigation**.

The proposed Program would result in impacts to areas that could support nesting by California horned lark (*Eremophila alpestris actia*), Canada goose (*Branta canadensis*), northern harrier (*Circus hudsonius*), yellow rail (*Coturnicops noveboracensis*), elegant tern (*Thalasseus elegans*), and/or yellow warbler (*Setophaga petechia*). Individual adults of each of these species are unlikely to be directly killed

or injured during construction activities because they are highly mobile and would likely leave the area during construction. The exception to this would be if active nests of these species are present during construction; direct impacts to active nests are **potentially significant absent mitigation**.

Invertebrates and Reptiles

Within the Program area, salt marsh skipper (*Panoquina panoquin*) could occur in salt marsh habitats where saltgrass is present. Direct impacts to salt marsh skipper, as a result of the loss of or harm to individuals during Program implementation, or as a result of the loss of occupied habitat, would be **potentially significant absent mitigation**.

Within the Program area, orange-throated whiptail (*Aspidoscelis hyperythra*) and Southern California legless lizard (*Anniella stebbinsi*) both have a moderate potential to occur. Direct impacts to orange-throated whiptail and Southern California legless lizard, as a result of the loss of or harm to individuals during Program implementation, or the temporary loss of potentially suitable habitat, would be **potentially significant absent mitigation**.

Rationale and Conclusion

Sensitive Plant Species

Implementation of **EP-BIO-1, EP-LU-1, MM-BIO-1, MM-BIO-2a, MM-BIO-2b, MM-BIO-3, and MM-BIO-4** would ensure that special-status plant species mapping and impact assessments are current, prior to implementation, and that significant direct impacts to MSCP SAP-covered and non-covered special-status plant species are reduced through design avoidance and minimization, construction monitoring and reporting, and restoration of suitable habitat and, where required, specific populations of special-status plant species. However, because the timing of restoration implementation and program component phasing is undetermined, direct impacts to special-status plant species are significant and unavoidable.

Sensitive Wildlife Species

Implementation of **EP-BIO-1, EP-BIO-2, EP-WQ-1, EP-LU-1, MM-BIO-1a-g, MM-BIO-2a, MM-BIO-2b, MM-BIO-3, and MM-BIO-8a-h** would ensure that mapping and impact assessments of direct and indirect impacts to listed wildlife species (California coastal gnatcatcher, California least tern, western snowy plover, western burrowing owl, least Bell's vireo, green sea turtle, and Crotch's bumble bee) and protected marine mammals are current, prior to implementation, and that significant direct impacts from 1) habitat impacts are reduced through design avoidance and minimization, including MSCP SAP and Natural Resources Management Plan (NRMP) conformance; 2) breeding season impacts and/or direct injury or harm to wildlife are reduced through construction monitoring and reporting, including specific survey requirements; 3) adverse edge conditions and other direct and indirect impacts to habitat during construction would be reduced through biological monitoring and reporting and construction best management practices; and 4)

unavoidable direct impacts to suitable habitat are mitigated through restoration of suitable habitat. However, because the timing of restoration implementation and program component phasing is undetermined, direct impacts to listed wildlife species from potential temporal loss of suitable habitat are significant and unavoidable.

Non-Listed Wildlife Species

Implementation of **EP-BIO-1**, **EP-BIO-2**, **EP-WQ-1**, **EP-LU-1**, **MM-BIO-1**, **MM-BIO-2a**, **MM-BIO-2b**, **MM-BIO-3**, and **MM-BIO-8** would ensure that habitat mapping and impact assessments of direct impacts to non-listed special-status wildlife species (including MSCP SAP-covered and non-covered species, breeding and non-breeding avian species, invertebrate species, and reptiles) are current, prior to implementation, and that significant direct impacts from 1) habitat impacts are reduced through design avoidance and minimization, including MSCP SAP and NRMP conformance; 2) breeding season impacts are reduced through construction monitoring and reporting; 3) adverse edge conditions and other direct and indirect impacts to habitat during construction would be reduced through biological monitoring and reporting and construction best management practices; and 4) unavoidable direct impacts to suitable habitat are mitigated through restoration of suitable habitat. However, because the timing of restoration implementation and program component phasing is undetermined, direct impacts to non-listed wildlife species from potential temporal loss of suitable habitat are significant and unavoidable.

Issue 2 Sensitive Habitats (Direct)

Direct impacts to special-status vegetation communities from implementation of the Program would be significant and unavoidable.

Facts in Support of Finding

Six components proposed in the Program, including Fiesta Island Site No. 1 South, Fiesta Island Site No. 2 North Central, Fiesta Island Site No. 3 Near Youth Camping, Sea World Drive/San Diego River Site No. 5b Triangle, Sea World Drive/San Diego River Site No. 5c South Shores East, and Ocean Beach Bike Path, have the potential to directly impact sensitive upland vegetation communities as a result of the removal of vegetation to construct the component.

Two sensitive upland vegetation communities may be directly impacted by implementation of the above components. These include Diegan coastal sage scrub (SDBG Tier II) and southern foredunes (SDBG Tier I). Direct impacts to these vegetation communities totaling 0.1 acres or more would be considered significant per the City's Significance Determination Thresholds.

Impacts to Tier I and II uplands are above the 0.10-acre SDBG threshold at the Fiesta Island Site No. 1 South component, Fiesta Island Site No. 2 – North Central Component, Fiesta Island Site No. 3 – Near

Youth Camping Component, SeaWorld Drive/San Diego River Site No. 5b - Triangle Restoration Area Component, and SeaWorld Drive/San Diego River Site No. 5c - South Shores East Area Component.

Rationale and Conclusion

Implementation of **EP-BIO-1**, **EP-LU-1**, **MM-BIO-2a**, **MM-BIO-2b**, and **MM-BIO-3** would ensure that mapping and impact assessments of special-status vegetation communities are current, prior to implementation, and that significant direct impacts to special-status vegetation communities are reduced through design avoidance and minimization, construction monitoring and reporting, and restoration of native vegetation communities/habitats. Because the timing of restoration implementation and program component phasing is undetermined, direct impacts to special-status vegetation communities are significant and unavoidable.

Issue 3 Wetlands (Direct)

Direct impacts to jurisdictional aquatic resources from implementation of the Program would be significant and unavoidable.

Facts in Support of Finding

A total of 19 individual components proposed in the Program have the potential to directly impact wetlands as a result of dredging, filling, hydrological interruption, hydrological modification, and bank modification. A total of 17 wetland vegetation communities may be directly impacted by implementation of these components.

Any direct impact to wetlands within the coastal zone are considered significant per the City's significance determination thresholds. The vast majority of wetland impacts proposed under the Program would occur within the coastal zone and are considered significant. Outside the coastal zone, impacts to wetlands exceeding 0.01 acres are considered significant. The Rose Creek Bike Path component is the only Program component that extends beyond the limits of the coastal zone.

Rationale and Conclusion

Implementation of **EP-BIO-1**, **EP-LU-1**, **MM-BIO-2a**, **MM-BIO-3**, and **MM-BIO-5** would ensure that mapping and impact assessments of jurisdictional aquatic resources are current, prior to implementation, and that significant direct impacts to jurisdictional aquatic resources are reduced through design avoidance and minimization, construction monitoring and reporting, and restoration of native vegetation communities/habitats. Because the timing of restoration implementation and program component phasing is undetermined, direct impacts to jurisdictional aquatic resources are significant and unavoidable.

Issue 4 Wildlife Movement and Nursery Sites (Direct)

Direct impacts to wildlife movement and nursery sites from implementation of the Program would be significant and unavoidable.

Facts in Support of Finding

The Program components include areas within the MHPA, which acts as a local habitat linkage and an important stopover on the Pacific Flyway, a coastal migratory route.

The Program's conformance with the MSCP SAP and Mission Bay NRMP is intended to ensure that the MHPA continues to function as a local habitat linkage during and following construction. This conformance requires measures that ensures minimization of adverse biological impacts (e.g., lighting, noise, trash, hazards) during construction and to verify habitat restoration benefits following construction, and therefore, impacts would be potentially significant absent mitigation. The function of the Program area as a stopover on the Pacific Flyway would be similarly impacted and is therefore considered **potentially significant absent mitigation**.

Rationale and Conclusion

Implementation of **EP-BIO-1, EP-LU-1, MM-BIO-2a, MM-BIO-2b, MM-BIO-3, MM-BIO-6, and MM-BIO-7** would ensure that significant direct impacts to wildlife movement and nursery sites (grunion spawning areas) are reduced through design avoidance and minimization, construction monitoring and reporting, including measures to prevent the spread of invasive *Caulerpa*, and restoration of native vegetation communities/habitats. Based on these reductions, direct impacts to wildlife movement and nursery sites during construction would be reduced to less than significant. Because the timing of restoration implementation and program component phasing is undetermined, direct impacts to wildlife movement and nursery sites from potential temporal loss of suitable habitat are significant and unavoidable.

Issue 5 Conservation Planning (Direct)

Implementation of the Program would result in significant and unavoidable impacts related to the MSCP SAP.

Facts in Support of Finding

The Program would occur within the City MSCP SAP area, an approved habitat conservation plan and natural community conservation plan. The Program does not conflict with the MSCP SAP area. Land uses proposed within the MHPA are limited to habitat restoration, passive recreation, and associated infrastructure (e.g., lighting, fencing), which are compatible land uses identified in the MSCP SAP. Restoration and recreation infrastructure (e.g., trails and signage) as well as utility infrastructure (e.g., bike paths, stormwater outfalls) have been designed in accordance with required MSCP SAP planning policies and design guidelines. The Program conforms with Area Specific Management Directives for the Urban Area, Mission Bay Park, and covered species

conditions, primarily by ensuring no-net-loss of covered species or habitats within the MHPA in the Program area and substantial functional uplift through habitat restoration of wetland and upland communities. Additionally, the Program is consistent with the goals and policies outlined in the Mission Bay NRMP. Therefore, the Program would not conflict with the provisions of the MSCP SAP, and potential impacts would be less than significant. While the program overall and each component would enhance biological resources in conformance with the requirements of the MSCP SAP, because there would be instances (such as North Fiesta Island components moving the designated California least tern preserve) where temporarily MSCP SAP designated components are removed and for which the duration between removal and relocated restoration cannot be determined at this time, this temporary impact would be significant and unavoidable.

Rationale and Conclusion

Implementation of **EP-BIO-1**, **EP-LU-1**, **MM-BIO-2a**, **MM-BIO-2b**, **MM-BIO-3**, and **MM-BIO-8** would ensure that mapping and impact assessments of MSCP SAP-covered species and habitats are current, prior to implementation, and that significant direct impacts to MSCP SAP are reduced through design avoidance and minimization, compliance with the MSCP SAP and NRMP, construction monitoring and reporting, and restoration of native vegetation communities/habitats. Based on these measures, components would only be implemented following review for MSCP SAP and NRMP conformance, which would avoid conflicts with the MSCP SAP. However, because the timing of restoration implementation and program component phasing is undetermined, direct impacts from the potential temporal loss of covered habitats in the MSCP SAP are significant and unavoidable.

Reference: These findings incorporate by reference the information and analysis included in the Final Program EIR Section 4.2, Biological Resources.

Historical Resources

Issue 1 Built Environment Historic Resources (Direct and Cumulative)

Significant Impact

The Program would cause a significant and unavoidable impact to a historical resource, the Mission Beach Seawall.

Facts in Support of Finding

The Mission Beach Seawall (P-37-016522) is a historic resource eligible for inclusion in the National Register of Historic Places and the California Register of Historical Resources under Criteria A/1 and C/3 for its association with the early development of Mission Beach (1914–1915), its integral part in the award-winning Mission Beach Subdivision Plan, and its period and method of construction

utilizing tongue and groove pilings. The seawall is also considered eligible for listing as a historical resource by the City Historical Resources Board for meeting designation Criteria A, C, and E. The eligibility recommendation includes the 2.4-mile-long seawall from Thomas Avenue to the north and the South Mission Beach jetty to the south.

The Restoration of the Seawall Bulkhead Element would include the replacement of two segments of the existing seawall (segments A and B). Under the Proposed Program, the majority of the Mission Beach Seawall would be replaced with modern construction consistent with required safety and ADA accessibility codes. The demolition of the seawall in segments A and B and new construction of segment C and ADA ramps would constitute a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 because the demolition of the resource would result in a loss of all seven aspects of integrity and render the structure unable to convey its significance under National Register of Historic Places/California Register of Historic Resources Criteria A/1 and C/3 and City Criteria A, C, and E. The design for the new seawall would not adhere to the Standards for Rehabilitation because very few original materials, features, finishes, and construction techniques would be preserved or retained, which is required by the Standards for Rehabilitation.

Implementation of Mitigation Measures (MM) including **MM-CUL-1**, which requires the documentation of the Mission Beach Seawall and its setting through the preparation of a Historic American Engineering Record "Like" documentation, and **MM-CUL-2**, which requires the development of interpretation and education materials to be displayed to tell the story and history, and explain the historical significance of the original Mission Beach Seawall. The interpretation and education materials may include historic photographs, maps, and architectural renderings of the Mission Beach Seawall. **MM-CUL-3** would require the incorporation of historic design features of the Mission Beach Seawall into the new construction. **MM-CUL-1**, **MM-CUL-2**, and **MM-CUL-3** also required the Program to retain a qualified historian and/or architectural historian to prepare the interpretative materials prior to construction activities and coordinate with City Heritage Preservation staff during the design phase.

Rationale and Conclusion

The Mission Beach Seawall would be restored to the condition that is required by the City of San Diego's historical standards consistent with the San Diego Municipal Code. The alteration of the Mission Beach Seawall cannot be determined to be consistent with the Standards for Rehabilitation and would require a deviation from the City's Historical Resources Regulations. The deviation would require the City to process a Site Development Permit for a Substantial Alteration to a Historical Resource, and the Program would be required to make the findings in San Diego Municipal Code Section 126.0505(i). Through the Site Development Permit process, the City would need to prove that the proposed alteration to the Seawall is the minimum deviation from the Historical Resources Regulations required to accommodate the component and that there are no less environmentally damaging alternatives. The design of the component would need to incorporate historic design

features of the historically significant Seawall to make the findings and the quality of design would be at a minimum equal to the current structure. These features should include those called out as significant in the 1998 Mission Beach Boardwalk Project EIR/Environmental Assessment such as the pop-out walls, which historically featured open balustrades, elevation of solid walls along the Boardwalk, and specific concrete color and finish.

Implementation of **MM-CUL-1**, **MM-CUL 2**, and **MM-CUL 3** would reduce impacts to the extent feasible but would not reduce the direct impact to a level of less than significant. Therefore, impacts to a historical resource, the Mission Beach Seawall, would be significant and unavoidable.

Reference: These findings incorporate by reference the information and analysis included in the Final Program EIR Section 4.6, Historical Resources.

Noise

Issue 1 Short-Term Construction Noise (Direct and Cumulative)

Significant Impact

Temporary construction noise impacts associated with the Restoration of Seawall Bulkhead Element would be significant and unavoidable.

Facts in Support of Finding

For Segment A of the Restoration of Seawall Bulkhead Element, the estimated construction noise levels are predicted to be up to 89.2 dBA L_{eq} over a 12-hour period at the nearest noise-sensitive receptor (as close as 25 feet away) when Parapet Replacement activities take place along the eastern element boundaries, and therefore would result in an exceedance of the 75 dBA L_{eq} 12-hour City threshold for construction noise. Measured noise levels at measurement locations ST1 and ST4, representative of the nearest noise-sensitive receptors to construction activities along Segment A, were measured to be 63.7 dBA L_{eq} and 56.9 dBA L_{eq} , respectively. Thus, temporary construction noise levels would be up to approximately 32.3 dBA higher than the measured outdoor ambient noise levels.

For Segment B of the Restoration of Seawall Bulkhead Element, the estimated construction noise levels are predicted to be up to 89.4 dBA L_{eq} over a 12-hour period at the nearest noise-sensitive receptor (as close as 25 feet away) when Parapet Replacement activities take place along the eastern element boundaries, and therefore would result in an exceedance of the 75 dBA L_{eq} 12-hour City threshold for construction noise. Measured noise levels at measurement locations ST4 and ST5, representative of the nearest noise-sensitive receptors to construction activities along Segment B, were measured to be 56.9 dBA L_{eq} and 59.1 dBA L_{eq} , respectively. Thus, temporary construction

noise levels would be up to approximately 32.5 dBA higher than the measured outdoor ambient noise levels.

For Segment C of the Restoration of Seawall Bulkhead Element, the estimated construction noise levels are predicted to be up to 89.6 dBA L_{eq} over a 12-hour period at the nearest noise-sensitive receptor (as close as 25 feet away) when Construct Seawall activities take place along the eastern element boundaries, and therefore would result in an exceedance of the 75 dBA L_{eq} 12-hour City threshold for construction noise. Measured noise levels at measurement location ST5, representative of the nearest noise-sensitive receptor to construction activities along Segment C, were measured to be 59.1 dBA L_{eq} . Thus, temporary construction noise levels would be up to approximately 30.5 dBA higher than the measured outdoor ambient noise levels.

For construction activities for the Restoration of Seawall Bulkhead Element, **MM-NOI-1** is required, which would require the Program to implement certain noise reduction measures as site conditions warrant.

Rationale and Conclusion

Proper implementation of **MM-NOI-1** would reduce noise levels by up to 15.7 dB if a 13-foot-tall temporary construction noise barrier is implemented during each activity phase along the boundary, when construction activities take place at the perpendicular (P) distance (i.e., 25 feet) from a noise-sensitive receptor.

For Segment A of the Restoration of Seawall Bulkhead Element, when Parapet Replacement activities take place at a 25-foot perpendicular distance from a noise-sensitive receptor along Ocean Front Walk/Mission Beach Boardwalk, a 13-foot-tall temporary construction noise barrier placed along the eastern boundary (where construction activities take place) would reduce noise levels by up to 15.7 dB, resulting in construction noise levels of 73.9 dBA L_{eq} (12-hour) during the phase. With the implementation of **MM-NOI-1**, the estimated construction noise levels are predicted to be up to 79.6 dBA L_{eq} over a 12-hour period at the nearest noise-sensitive receptor (as close as 25 feet away) during Void Repairs activities. Therefore, construction noise during allowable daytime hours (between 7:00 a.m. and 7:00 p.m.) would still exceed the 75 dBA L_{eq} 12-hour City guidance at the nearest noise-sensitive receptor during Void Repairs activities at Segment A, and temporary construction-related noise impacts would be significant and unavoidable.

For Segment B of the Restoration of Seawall Bulkhead Element, when Parapet Replacement activities take place along Segment B at a 25-foot perpendicular distance from a noise-sensitive receptor along Ocean Front Walk/Mission Beach Boardwalk, a 13-foot-tall temporary construction noise barrier placed along the eastern boundary (where construction activities take place) would reduce noise levels by up to 15.7 dB, resulting in construction noise levels of 73.8 dBA L_{eq} (12-hour) during the phase. With the implementation of **MM-NOI-1**, the estimated construction noise levels are

predicted to be up to 82.0 dBA L_{eq} over a 12-hour period at the nearest noise-sensitive receptor (as close as 25 feet away) during Demolition activities. Therefore, construction noise during allowable daytime hours (between 7:00 a.m. and 7:00 p.m.) would still exceed the 75 dBA Leq 12-hour City guidance at the nearest noise-sensitive receptor during Demolition activities at Segment B, and temporary construction-related noise impacts would be significant and unavoidable.

For Segment C of the Restoration of Seawall Bulkhead Element, when Construct Seawall activities take place along Segment C at a 25-foot perpendicular distance from a noise-sensitive receptor Ocean Boulevard and Thomas Avenue, a 10-foot-tall temporary construction noise barrier placed along the eastern boundary (where construction activities take place) would reduce noise levels by up to 15.5 dB, resulting in construction noise levels of 74.2 dBA Leq (12-hour) during the phase. With the implementation of **MM-NOI-1**, the estimated construction noise levels are predicted to be up to 82.9 dBA L_{eq} over a 12-hour period at the nearest noise-sensitive receptor (as close as 25 feet away) during Place AC Pavement activities. Therefore, construction noise during allowable daytime hours (between 7:00 a.m. and 7:00 p.m.) would still exceed the 75 dBA Leq 12-hour City guidance at the nearest noise-sensitive receptor during all phases except Construct Seawall, Clearing and Grubbing, and Striping and Signage activities at Segment C, and temporary construction-related noise impacts would be significant and unavoidable.

Reference: These findings incorporate by reference the information and analysis included in the Final Program EIR Section 4.10, Noise.

Recreation

Issue 2 Construction or Expansion of Recreational Facilities (Direct and Cumulative)

Significant Impact

The Program would result in significant and unavoidable impacts on the environment related to construction, though not expansion, of recreational facilities, including active recreational facilities such as trails, bridges, and bike paths, and passive recreation such as wetland and upland habitats.

Facts in Support of Finding

The Bicycle and Pedestrian Path Improvements Element would include improvements to missing path connectivity, existing pavement conditions, wayfinding signage, path geometry, and safety and security. Construction at Rose Creek Bike Path, Fiesta Island Causeway Path, and Ocean Beach Bike Path would require temporary rerouting of existing users. The bicycle and pedestrian path improvements would have the potential to significantly impact the environment, specifically regarding air quality (Section 4.1, Air Quality, of the Program EIR), cultural resources (Section 4.6,

Historic Resources; and Section 4.12, Tribal Cultural Resources, of the Program EIR), and noise (Section 4.10, Noise, of the Program EIR).

The Restoration of Seawall Bulkhead Element proposes expansion of the new seawall from the end of Thomas Avenue, northwards to Grand Avenue/Crystal Pier, as well as the replacement of two other segments in need of repair and replacement. Because the seawall is a feature in areas used for recreational activities, construction would result in temporary physical impacts to the environment during ground-disturbing construction activities. The seawall improvements would have the potential to create significant negative impacts on the environment, specifically regarding air quality (Section 4.1, Air Quality, of the Program EIR), cultural resources (Section 4.6, Historic Resources; and Section 4.12, Tribal Cultural Resources, of the Program EIR), and noise (Section 4.10, Noise, of the Program EIR).

The Shoreline Restoration Element would include beach nourishment to provide additional or improved recreational opportunities. During construction, ground-disturbing activities, and activities involving heavy equipment would have the potential to result in physical impacts to the environment. The shoreline restoration would have the potential to create significant negative impacts on the environment, specifically regarding air quality (Section 4.1, Air Quality, of the Program EIR), biological resources (Section 4.2, Biological Resources, of the Program EIR), and noise (Section 4.10, Noise, of the Program EIR).

The Wetland and Water Quality Improvements Element would involve water quality improvements and wetland habitat creation to enhance existing wetland habitat, jurisdictional limits, topography, and tidal influence. The North Fiesta Island component would involve the construction of recreational facilities, specifically a new public access trail and lookout turnaround. However, this would not be an expansion, as it would replace the existing continuous roadway around the entire North Fiesta Island with an approximately 1,340-foot trail providing access to only the east side of North Fiesta Island. The proposed wetland and water quality improvements would result in temporary construction activities within Mission Bay Park that would have the potential to result in physical impacts to the environment. The wetland and water quality improvements have the potential to significantly impact air quality (Section 4.1, Air Quality, of the Program EIR), biological resources (Section 4.2, Biological Resources, of the Program EIR), and noise (Section 4.10, Noise, of the Program EIR).

The Upland Habitat and Preserve Expansion Element would enhance and expand upland habitat and restore/enhance suitable upland habitat for listed plant and wildlife species known to occupy existing preserves and/or that occur within Mission Bay. This element would not include the construction or expansion of recreational facilities. However, due to the proposed construction activities that would occur within Mission Bay Park, the Upland Habitat Expansion and Preservation Element would have the potential to result in potentially significant temporary impacts to the environment, specifically regarding air quality (Section 4.1, Air Quality, of the Program EIR), biological

resources (Section 4.2, Biological Resources, of the Program EIR), and noise (Section 4.10, Noise, of the Program EIR).

Rationale and Conclusion

With the implementation of mitigation measures **MM-AQ-1**, **MM-AQ-2**, and **MM-NOI-1**, these impacts would be reduced to less than significant. However, for biological resources and cultural resources mitigation measures **MM-BIO-1** through **MM-BIO-8** and **MM-CUL-1** through **MM-CUL-5** would be implemented but would not reduce impacts to below the level of significance.

Reference: These findings incorporate by reference the information and analysis included in the Final Program EIR Section 4.11, Recreation.

D. Findings Regarding Alternatives (CEQA Section 21081[a][3] and CEQA Guidelines Section 15091[a][1])

Because the Program would cause one or more unavoidable significant environmental impacts, the City must make findings with respect to the alternatives to the Program considered in the Final Program EIR, evaluating whether these alternatives could feasibly avoid or substantially lessen the Program's unavoidable significant environmental impacts while achieving most of its objectives (listed in Section II above and Chapter 3.0 of the Final Program EIR).

Background

The Final Program EIR evaluated the following three alternatives:

1. No Project/No Build Alternative
2. Increased Public Access Alternative
3. Reduced Hardscape Alternative

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

Alternative 1 – No Project/No Build Alternative

Description

Under the No Project/No Build Alternative, the Program would not be approved by the City Council, and none of the Elements or Components would be constructed. Standard operation and maintenance activities would occur at many of the improvement project locations; however, this would be consistent with the activities that currently occur and would not represent a change from

existing conditions. Certain activities, such as bike path improvements (i.e., repaving, striping, or widening), may occur under the City's ongoing maintenance programs or under the capital improvement project program.

Potentially Significant Impacts

As stated in Chapter 6.0 of the Final Program EIR, the No Project/No Build Alternative would avoid potentially significant impacts associated with the Program, including significant impacts related to biological resources, historical resources, noise, and recreation, and would reduce significant but mitigated impacts related to air quality, health and safety, and TCRs.

Finding and Supporting Facts

Like the Program, the No Project/No Build Alternative would have less than significant impacts related to energy, geology and soils, greenhouse gases, hydrology and water quality, and land use and planning.

The No Project/No Build Alternative would reduce significant and unavoidable impacts related to biological resources, historical resources, noise, and recreation.

Regarding biological resources, the No Project/No Build Alternative would not result in any temporary or permanent impacts to biological resources. However, implementation of the Program would ultimately expand several habitat areas, resulting in long-term benefits to wetland and upland habitats, sensitive species, and the bay ecosystem as a whole, which would not occur under the No Project/No Build Alternative. Overall, the No Project/No Build Alternative would avoid significant and unavoidable impacts related to biological resources and would have a reduced impact to biological resources compared to the proposed Program.

Regarding historic resources, the No Project/No Build Alternative would not include any demolition or construction activities, so it would not result in impacts to built environment historic resources, archaeological resources, or human remains, nor would it have the potential for inadvertent discovery of archaeological resources or human remains. Thus, the No Project/No Build Alternative would reduce the significant and unavoidable impact related to built environment historic resources.

Regarding noise, the No Project/No Build Alternative would not result in any demolition or construction activities that would result in impacts related noise. Thus, the No Project/No Build Alternative would reduce the significant and unavoidable impact related to noise.

Regarding recreation, the No Project/No Build Alternative would not implement development activities, and therefore would not result in an impact to the deterioration of parks, nor the need for construction or expansion of recreational facilities. Thus, the No Project/No Build Alternative would reduce the significant and unavoidable impact related to recreation.

The No Project/No Build Alternative would reduce significant but mitigated impacts related to air quality, health and safety, and TCRs.

Regarding air quality, the No Project/No Build Alternative would not result in any development and would result in a reduced impact related to emissions of criteria pollutants compared to the proposed Program and would not introduce any land uses typically associated with nuisance odors. Overall, the No Project/No Build Alternative would have a reduced impact to air quality compared to the proposed Program.

Regarding health and safety, the No Project/No Build Alternative would not include construction activities, as no development would occur. Therefore, the No Project/No Build Alternative would result in reduced impacts related to hazards and hazardous materials.

Regarding TCRs, the No Project/No Build Alternative would not include any demolition or construction activities, so it would not result in impacts to TCRs, nor would it have the potential for inadvertent discovery of TCRs. Therefore, the No Project/No Build Alternative would result in reduced impacts related to TCRs.

Rationale and Conclusion

Under the No Project/No Build Alternative, the Program would not be approved by the City Council, and none of the elements or components would be constructed. Under this alternative, none of the environmental impacts associated with construction and operation of the Program would occur.

While this alternative would avoid all significant and mitigated impacts of the Program, the No Project/No Build Alternative would not entirely meet any of the Project Objectives because it would not implement any wetland restoration, shoreline protection and restoration, habitat and preserve expansion, or any other improvements.

For the above-described reasons, the No Project/No Build Alternative is rejected as infeasible because it would not achieve the Project Objectives to the same extent as the Program and would be Infeasible based on economic, social, environmental and other factors.

Alternative 2 – Increased Public Access Alternative

Description

The Increased Public Access Alternative would include two alternative designs for two improvement projects as part of the Program. The first alternative design would reduce the amount of restoration area proposed for the South Shores area of Mission Bay, only retaining a small area for the

preservation of Nuttall's Lotus habitat. This design would allow for public access to most of the central portion of South Shores area, consistent with existing conditions and would propose a limited area for restoration and habitat protection, which would be reduced compared to the Program. The second portion of the alternative design for this alternative is the development of a culvert instead of a channel and a bridge over Tecolote Creek for the Tecolote Creek/Fiesta Island Causeway Wetland Component. This alternative design would allow for less disruption to the traffic on the causeway but would result in reduced water flow compared to the proposed open channel that is part of the proposed Program.

Reduced South Shores Habitat Expansion

The Increased Public Access Alternative would reduce the proposed habitat expansion included in the Sea World Drive/San Diego River Site No. 5c – South Shores Restoration and Enhancement Area as part of the Upland Habitat and Preserve Expansion Element. This alternative would allow for protection of the existing Nuttall's lotus population within the center of the site but would not propose expansion of any other habitat type, as is proposed as part of the Upland Habitat and Preserve Expansion Element. This would result in the preservation and restoration of approximately 3 acres of primarily coastal strand vegetation community. Restoration activities would include non-native species eradication, sand import to improve soils, and coastal strand revegetation. The habitat expansion site would be reduced from 17.47 acres to 3 acres. This reduction in habitat expansion area would allow for the continued public access to the South Shores area and the possibility of future development of the area for recreational purposes, as has been contemplated by the City. Existing uses, including informal trails, would remain outside of the Nuttall's lotus habitat protection area.

Fiesta Island Causeway Culvert

The Increased Public Access Alternative would include an alternate design to the proposed Fiesta Island Causeway. A (two-way) culvert beneath the existing Fiesta Island Causeway would be constructed to connect the north and south basins and allow water flow. This would be constructed by excavation and placement and would be accomplished by allowing one lane of the causeway to remain open to traffic with flaggers. The causeway component would be installed using excavators to remove the portion of the causeway needed for the culvert or the bridge. The culvert would be placed on a bedding layer of rock and backfilled with earth material. Excavators would be used to remove the portion of the existing causeway needed to install the culvert.

The culvert would allow for continued access to Fiesta Island along the existing public roadway with a single open lane and flaggers during construction, similar to the construction of the bridge across the Fiesta Island causeway under the proposed Program; however, the construction period would be shorter to build the culvert than to construct the bridge and the channel. In addition, the culvert alternative design would require a reduced footprint compared to the bridge because it would be excavated from the existing causeway, while the bridge would be a constructed by drilling cast-in-

drilled-hole piles for the substructure, constructing abutments and bent caps, placing pre-cast concrete girders, and then casting the deck and barriers across the span of the proposed channel. The culvert is a less optimal alternative compared to an open channel from a hydrologic perspective because it could hamper connectivity and tidal flow and would be hydraulically less efficient than an open channel. A culvert could also present an impediment to wildlife movement, while the open channel/bridge alternative would allow for clear passage for shore birds and other wildlife. A culvert may also pose a public safety threat to people unless well-marked, cordoned off, and screened over the opening.

Inspection and maintenance of the culvert would be conducted periodically to ensure proper functioning. Inspection and maintenance frequency would vary with site conditions, such as the presence of floating debris, which can plug the opening, marine fouling organisms (mussel growth), and vandalism. Inspections would occur every year, with periodic cleaning (if necessary) to maintain smooth operation. Inspections would verify the condition of the openings and of the wetland water levels to confirm unimpeded connections. If a marine fouling community develops inside the culvert pipe, the fouling may have to be periodically removed. Cleaning of the culverts would be conducted with a hand scraper or power washer to remove bio-fouling and accumulated sediment only if they interfere with the conveyance of water through the pipes.

Potentially Significant Impacts

As stated in Chapter 6.0 of the Final Program EIR, the Increased Public Access Alternative may result in significant effects to the following:

1. Biological resources
2. Historical resources
3. Noise
4. Recreation

Finding and Supporting Facts

Like the Program, the Increased Public Access Alternative would result in less than significant impacts related to energy, geology and soils, greenhouse gases, hydrology and water quality, and land use and planning.

Like the Program, the Increased Public Access Alternative would result in less than significant impacts with mitigation related to air quality, health and safety, and TCRs.

Like the Program, the Increased Public Access Alternative would result in significant and unavoidable impacts related to biological resources, historical resources, noise, and recreation.

Regarding biological resources, the Increased Public Access Alternative would result in slightly reduced direct impacts to special status species due to a smaller footprint of impact areas compared to the proposed Program. However, this alternative would result in slightly less expanded habitat and restoration in the South Shores area, resulting in decreased potential habitat for sensitive species within the upland area compared to the proposed Program. Regarding impacts to biological resources, the Increased Public Access Alternative would result in slightly less impacts than the Program but would not avoid the significant and unavoidable impacts.

Regarding historical resources, the Increased Public Access Alternative would not include any activities that would result in a change in the potential impacts to built environment historic resources, archaeological resources, or human remains compared to the proposed Program. Similar to the proposed Program, this alternative would have the potential to result in a significant and unavoidable impact to a historic resource because the proposed improvements to the Mission Beach Seawall, a historic resource under CEQA, would not meet all of Secretary of Interior's Standards. Therefore, this alternative would result in similar significant and unavoidable impacts related to historical resources and less than significant impacts with mitigation to archaeological resources.

Regarding noise, the Increased Public Access Alternative would result in slightly reduced short-term construction noise. However, the other phases of the Tecolote Creek and Fiesta Island Causeway Component would result in temporary construction noise over the acceptable thresholds, which would be a potentially significant impact prior to mitigation. Therefore, this alternative would result in similar significant and unavoidable impacts related to noise, and less-than-significant impacts related to vibration, compared to the proposed Program.

Regarding recreation, the Increased Public Access Alternative would not include construction or operational activities that would result in the deterioration of Mission Bay Park, nor would it result in the need for construction or expansion of recreational facilities, because this alternative would not induce increased use of Mission Bay Park by recreational users. The recreation facilities proposed under this alternative including walkways and outlooks in wetlands and water quality improvements, seawall bulkhead restoration, and bike and pedestrian trail improvements, would potentially result in impacts described above to biological resources and cultural resources. As such, this Alternative would result in significant unavoidable recreation impacts, similar to the proposed Program.

Rationale and Conclusion

This alternative would not avoid any of the proposed Program's significant and unavoidable impacts.

The Increased Public Access Alternative would meet Project Objectives 1, 2, 4, 5, and 6. The Increased Public Access Alternative would meet Project Objective 3; however, it would not meet it to

the extent that the proposed Program would because this alternative would not include habitat restoration of the entire Sea World Drive/San Diego River Site No. 5c – South Shores Restoration and Enhancement Area, as the proposed Program would. This represents a gap in the potential expansion of habitat as identified in the Master Plan, and therefore does not entirely meet the intent of Project Objective 3.

For the above-described reasons, the Increased Public Access Alternative is rejected as infeasible because it would not substantially reduce or avoid the significant effects of the Program, would not achieve the Project Objectives to the same extent as the Program, and would be Infeasible based on economic, social, environmental and other factors.

Alternative 3 – Reduced Hardscape Alternative

Description

This alternative would reduce the amount of proposed “hardscape” development; i.e., it would reduce the number of human-made structural solutions for erosion, water quality improvement, and water flow, and instead propose nature-based solutions for certain areas identified for improvement. The certain areas are listed and described below:

Crown Point Living Shoreline

The Crown Point Living Shoreline design portion of this alternative would incorporate a nature-based shoreline protection solution for erosion control and beach stabilization at the Crown Point Shoreline Restoration Site. This proposed alternative would include the development of a cobble foundation that would be used to protect the beach from wave activity to reduce erosion and hold the shoreline position. This nature-based solution would also include beach nourishment to cover the cobble foundation, providing further wave protection and improving public beach and water access. This alternative design can provide protection for several years but would endure continuous erosion and would need to be re-nourished in the future.

This design option would replace the Crown Point Shoreline Restoration site proposed as part of the Program, which would construct an extension to the existing seawall along the shoreline at Crown Point, west of Ingraham Street.

Mission Beach/Pacific Beach Coastal Dunes

The Mission Beach/Pacific Beach Coastal Dunes design option would develop coastal dunes along the existing seawall between Balboa Court and Grand Avenue. Instead of parapet replacement along Segment A and Segment B of the seawall bulkhead, from Balboa Court to Thomas Avenue, as is proposed in the Program, this alternative would develop coastal dunes on the beach to the west of

the seawall and boardwalk. The existing seawall bulkhead would be left in place. Instead of a new seawall along Segment C, this alternative would develop coastal dunes along the beach to the west of the boardwalk. This alternative design would be similar to the winter sand berms that are currently built during winter months to protect the boardwalk, with the crest reaching approximately 5 feet above ground level. The dunes would be seeded or planted with an appropriate plant palette mix for coastal dunes in the area. The dunes would be constructed with openings to allow for public access to the beach that would coincide with the existing public access pathways along the boardwalk; however, this design alternative would not include the construction of enhanced ADA-compliant access pathways or ramps.

This design alternative would replace the Restoration of the Seawall Bulkhead Element of the proposed Program.

Potentially Significant Impacts

As stated in Chapter 6.0 of the Final Program EIR, the Reduced Hardscape Alternative may result in significant effects to the following:

1. Biological resources
2. Recreation

Finding and Supporting Facts

Like the Program, the Reduced Hardscape Alternative would result in less than significant impacts related to energy, geology and soils, greenhouse gases, hydrology and water quality, and land use and planning.

Like the Program, the Increased Public Access Alternative would result in less than significant impacts with mitigation related to air quality, health and safety, and TCRs.

The Increased Public Access Alternative would reduce the Program's significant and unavoidable impacts related to historical resources and noise.

Regarding historical resources, the Increased Public Access Alternative would replace the Restoration of the Seawall Bulkhead Element of the proposed Program with The Mission Beach/Pacific Beach Coastal Dunes design option, Therefore, the Reduced Hardscape Alternative would not involve any demolition or reconstruction of the Mission Beach Seawall, a historic resource under CEQA. Significant and unavoidable impacts related to historic resources would be avoided.

Regarding noise, the Reduced Hardscape Alternative would result in reduced short-term construction noise. The construction of a cobble foundation and beach nourishment at the Crown Point Shoreline Restoration site would remove the need for loud equipment such as a vibratory pile driver and an

impact pile driver. This would reduce the potentially significant construction noise impact at this component to less than significant and would remove the required implementation of mitigation. Similarly, the Mission Beach/Pacific Beach Coastal Dune design alternative would remove the need for concrete saw, crane, pumps, and air compressors, concrete mixer trucks, paver and roller equipment, which would significantly reduce the construction noise. The impact would be reduced from significant and unavoidable to **less than significant**, which would remove the need for mitigation.

Like the Program, the Reduced Hardscape Alternative would result in significant and unavoidable impacts related to biological resources and recreation.

Regarding biological resources, the Reduced Hardscape Alternative would result in similar direct impacts to special status species and would result in potentially significant direct impacts to biological resources compared to the proposed Program, prior to mitigation measures.

Regarding recreation, the Reduced Hardscape Alternative would not include construction or operational activities that would result in the deterioration of Mission Bay Park, or other nearby parks, nor result in the need for construction or expansion of recreational facilities, because this alternative would not induce increased use of Mission Bay Park by recreational users. The recreation facilities proposed under this alternative including walkways and outlooks in wetlands and water quality improvements, seawall bulkhead restoration, and bike and pedestrian trail improvements, would potentially result in impacts described above to biological resources, but not those associated with cultural resources. As such, this Alternative would result in significant unavoidable recreation impacts, similar to the proposed Program.

Rationale and Conclusion

The Reduced Hardscape Alternative would meet Project Objectives 1 through 5. The Reduced Hardscape Alternative would not meet Project Objective 6, which sets forward the objective of restoring the seawall bulkhead “to a condition no less than the quality of restoration previously performed in 1998 from Thomas Street to Pacific Beach Drive or to conditions as may be required by historic standards.” Because the Mission Beach/Pacific Beach Coastal Dune design alternative does not include the restoration of any segment of the seawall bulkhead and instead proposes the development of coastal dunes, this alternative does not meet the intent of Project Objective 6.

The Reduced Hardscape Alternative would reduce the most potentially significant impacts compared to the proposed Program, including the significant and unavoidable short-term construction noise impact associated with the Restoration of the Seawall Bulkhead Element and the significant and unavoidable impacts to built environment associated with the Restoration of the Seawall Bulkhead Element. Due to these reductions of potentially significant impacts identified in this EIR, the Reduced Hardscape Alternative is identified as the environmentally superior alternative among the other alternatives.

E. Findings Regarding Other CEQA Considerations

A. Growth Inducement

Section 15126.2(e) of the CEQA Guidelines mandates that the growth-inducing impact of a project be discussed. This discussion is presented in Chapter 7, Other CEQA Considerations, of the Final EIR. The City finds that the project would not result in short- or long-term growth-inducing impacts. Per the CEQA Guidelines, growth-inducing effects are not necessarily beneficial, detrimental, or of little significance to the environment.

Short-Term Growth Inducement

During Program improvement activities, demand for various construction trade skills and labor would increase. It is anticipated that this demand would be met predominantly by the local labor force and would not require importation of a substantial number of workers or cause an increased demand for temporary or permanent local housing. Further, implementation of the elements would not occur simultaneously, and Program improvement activities are expected to occur over several years, with each improvement component occurring over different time frames, from a few months to more than 1 year. Since the Program would involve short-term and temporary construction and improvement activities, it would not lead to an increase in employment on site that would stimulate the need for additional housing or services. Accordingly, no associated substantial short-term growth-inducing effects would result.

Long-Term Growth Inducement

The proposed Program is an improvement program with specific elements to be implemented throughout Mission Bay Park. The proposed Program is specifically intended to address issues related to water quality and water circulation improvements, habitat improvements, and visitor-serving improvements. Program visitor-serving improvements would include bicycle and pedestrian improvements and deferred maintenance activities, such as improvements to playgrounds, comfort stations, furnishings, and parking lots. These visitor-serving improvements would provide improved recreational opportunities to visitors; however, it is expected that these improvements would serve the existing residents in the San Diego area, as well as visitors. The Program would not introduce additional structures that would accommodate new employment or housing uses or any major road or utility infrastructure upgrades to the area that could induce significant growth.

The Program supports alternative transportation modes, such as walking and biking, and the Program area currently connects to existing City roadways, bicycle paths, pedestrian paths, and bus routes.

The Program would not foster economic or population growth or cause the construction of additional housing either directly or indirectly. The Program would not promote growth patterns resulting in the need for and/or provision of new utilities because the proposed Program would be located in areas with existing utilities and would not require the replacement or improvement of any existing utilities. As such, the Program would not support unplanned population growth. Therefore, no long-term growth inducement impacts would occur.

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

CEQA Guidelines section 15126.2(d) requires the evaluation of the following significant irreversible environmental changes that would occur should a project be implemented:

- (1) Primary impacts, such as the use of nonrenewable resources (during the initial and continued phases of the project [that] may be irreversible since a large commitment of such resources makes removal or non-use thereafter unlikely;
- (2) secondary impacts, such as road improvements, which provide access to previously inaccessible areas; and
- (3) environmental accidents potentially associated with the project.

Furthermore, Section 15126.2(d) of the CEQA Guidelines states that irretrievable commitments of resources should be evaluated to ensure that current consumption of such resources is justified. Implementation of the Program would not result in significant irreversible impacts on biological habitat, agricultural land, forestry resources, mineral deposits, water bodies, and energy resources. As discussed in Section 7.2 of this Program EIR, implementation of the Program would not have an impact on agricultural, forestry, or mineral resources.

Although sensitive biological resources are identified within the Program area, overall direct and indirect impacts would be offset through compliance with the City's Multiple Species Conservation Program Subarea Plan, Vernal Pool Habitat Conservation Plan, Environmentally Sensitive Lands Regulations of the City's Land Development Code, and enhancement or restoration of sensitive habitats. Water bodies in the Program area include Mission Bay and the San Diego River. As discussed in Section 4.8, Hydrology and Water Quality, implementation of the Program would have a beneficial impact on these water bodies.

Implementation of the Program would require the commitment of energy and non-renewable resources, such as electricity, fossil fuels, natural gas, construction materials (e.g., concrete, asphalt, sand, and gravel), potable water, and labor during construction. The demand for these resources would occur during construction only, as operation of the Program would require typical maintenance activities, similar to those activities that are already performed to operate and maintain the Improvement Zone, and therefore would represent a substantial increase over the

current demand. However, use of these resources on any level would have an incremental effect regionally and would, therefore, result in long-term irretrievable losses of non-renewable resources, such as fuel and energy. Energy consumption is discussed in greater detail in Section 4.3, Energy, of this Program EIR.

As detailed in Section 4.6, Historical Resources, one component of the Bicycle and Pedestrian Improvements Element, the Rose Creek Bike Path Improvement component, would bisect an archaeological resource. Potentially significant impacts to archaeological resources would be mitigated through monitoring and potential data recovery (**MM-CUL-4**). Impacts to archaeological resources and human remains would be **less than significant with mitigation**.

As detailed in Sections 4.6 and 4.12, potential for presence of TCRs has been identified in the vicinity of the Mission Beach seawall, and potential impacts to these resources could result from construction activities associated with the Restoration of Seawall Bulkhead Element. **MM-CUL-1** would require construction monitoring for ground-disturbing construction activities for the Restoration of Seawall Bulkhead Element. **MM-CUL-1** would reduce the potential impact to **less than significant**.

The Program area is accessible via regional transportation facilities (e.g., I-5 and I-8). No new freeways or public roadways are proposed that would provide access to currently inaccessible areas. The Program includes a maintenance vehicle access road that would provide access to the North Fiesta Island Least Tern Preserve Area; while this road would provide a new access point for vehicles, it would not provide public access, and the area was previously accessible to parks staff for maintenance. Additionally, the Program includes improvements to pedestrian and bicycle facilities that would increase accessibility and connectivity, but such facilities would not connect areas that are not currently inaccessible. The Program proposes two bridges: one bridge would connect the Least Tern Preserve to Fiesta Island Road across the western end of the new tidal channel for maintenance access only, and the other bridge would cross the eastern end of the new tidal channel along the east side of Fiesta Island Road and would afford public access. Access would be limited compared to current conditions on North Fiesta Island as part of the North Fiesta Island Wetland component and the Upland Habitat and Preserve Expansion Element. Therefore, implementation of the Program would not result in a significant irreversible impact with regard to access to previously inaccessible areas.

With respect to environmental accidents, and as further discussed in Section 4.7, Health and Safety, potential impacts related to hazardous materials and associated health hazards from implementation of the Program would be avoided or reduced to below a level of significance through mandatory conformance with applicable regulations, standards laid out in the City's "Whitebook" and industry standards and codes, as well as through implementation of **EP-SW-1**. The potential for wildfire hazards exists throughout the Program Area, as some areas are classified as

Very High Fire Hazard Severity Zones. However, implementation of the Program would be subject to applicable state and City regulations related to fire hazards and prevention and brush management. Accidents related to flood hazards would be less than significant because all development would be subject to the drainage and floodplain regulations in the San Diego Municipal Code and would be required to adhere to the City's Drainage Design Manual and Stormwater Standards Manual.

C. Findings Regarding Responses to Comments and Final EIR Revisions

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

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

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