

## EXHIBIT A

### CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

**General Plan and Community Plan Amendment, Specific Plan, Rezone, Multi-Habitat Planning Area Boundary Line Adjustment, Site Development Permit, and Vesting Tentative Map**

**ENVIRONMENTAL IMPACT REPORT NO. 0614791/SCH NO. 2004051076**

## 1.1 Introduction

### 1.1.1 Candidate Findings of Fact

The following Candidate Findings and Statement of Overriding Considerations (SOC) are made for the Southwest Village Specific Plan and associated discretionary approvals (project; Specific Plan). The environmental effects of the project are addressed in the Final Subsequent Environmental Impact Report (Final SEIR) dated April 9, 2026, which is incorporated by reference herein. In accordance with California Environmental Quality Act (CEQA), California Public Resources Code Section 21093, the SEIR tiers from the certified Final Program EIR (FEIR) prepared for the Otay Mesa Community Plan (OMCP/ State Clearinghouse Number [SCH No.] 2004051076) certified March 2014, and incorporated here by reference. The SEIR analyzes the potential environmental effects of the project in relation to the program-level analysis contained in the OMCP FEIR. Findings and Statement of Overriding Considerations (SOC) were adopted for the OMCP FEIR on March 25, 2014 as Resolution R-308809 and are incorporated here by reference.

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

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects on the environment 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;  
or

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final EIR.

The “changes or alterations” referred to in CEQA Guidelines Section 15091(a)(1) above, that are required in, or incorporated into, the project which 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.

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

CEQA further requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable” (Section 15093(a) of the CEQA Guidelines). When the lead agency approves a project that will result in the occurrence of significant effects that are identified in the Final SEIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the Final SEIR or other information in the record. The SOC shall be supported by substantial evidence in the record.

The Findings have been submitted by the City of San Diego (City) Development Services Department (DSD) as Candidate Findings to be made by the decision-making body. It is the exclusive discretion of the decision-maker certifying the SEIR to determine the adequacy of the proposed Candidate Findings. It is the role of staff to independently evaluate the proposed Candidate Findings, and to make a recommendation to the decision-maker regarding their legal adequacy.

### **1.1.2 Record of Proceedings**

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

- The FEIR dated December 18, 2013 and associated Findings and SOC prepared for the OMCP;
- The Notice of Preparation (NOP) dated February 26, 2020 and all other public notices issued by the City in conjunction with the project;
- All responses to the NOP received by the City;
- The Draft SEIR dated May 1, 2025;
- The Final SEIR dated April 9, 2026;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft SEIR;
- All responses to the written comments submitted by agencies or members of the public during the public review comment period on the Draft SEIR and included in the Final SEIR;
- All written and oral public testimony presented during a noticed public hearing for the project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program dated April 9, 2026;
- The reports and technical memoranda included or referenced in the Draft SEIR and Final SEIR and/or any responses to comments in the Final SEIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft SEIR and the Final SEIR;
- Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings and SOC; and

- Any other relevant materials required to be in the Record of Proceedings by Public Resources Code Section 21167.6(e).

### **1.1.3 Custodian and Location of Records**

The documents and other materials which constitute the record of proceedings for the City's actions on the project are located at the Office of the City Clerk, 202 C St., Second Floor, San Diego, California 92101. The Draft SEIR was placed on the City Clerk's website at <https://www.sandiego.gov/ceqa.draft>; and the Final SEIR was placed on DSD's website at <https://www.sandiego.gov/ceqa/final>. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

## **1.2 Project Summary**

### **1.2.1 Project Objectives**

The objectives of the project include the following:

1. Provide balanced residential neighborhoods with a range of housing, including attached and detached options, close to employment centers.
2. Accommodate increasing growth in the region and provide critically needed housing in accordance with the City's Regional Housing Needs Assessment.
3. Provide a Village Core that connects residential neighborhoods through a grid network including a comprehensive bicycle and pedestrian network that supports connections to transit.
4. Provide an integrated regional transportation network of walkways, bikeways, transit, roadways, and freeways that efficiently link communities and villages to each other and to employment centers.
5. Protect the canyon lands, adjacent mesa tops, and sensitive biological resources while providing recreational opportunities.
6. Provide public amenities and spaces including parks, paseos, trails, open space, and other amenities for active and passive recreation.
7. Follow environmentally sensitive design and sustainable development practices.
8. Plan for infrastructure improvements concurrent with development.

## 1.2.2 Project Description

The Specific Plan would guide future development within the Southwest Village Specific Plan area of the OMCP, which includes approximately 490 acres of land located immediately north of the United States/Mexico international border; east of Interstate 805; south of State Route 905; and west of undeveloped land. The broader OMCP Area is bordered by the San Ysidro and Otay Mesa-Nestor Community Plan Areas to the west, the City of Chula Vista and the Otay Valley Regional Park to the north, the County of San Diego unincorporated area to the east, and the United States/Mexico border and the City of Tijuana to the south.

Access to the Specific Plan area would be provided from Otay Mesa via Caliente Avenue and from San Ysidro via a western extension of Beyer Boulevard (Beyer Boulevard West). Roadway, utilities, and restoration activities would occur outside the Specific Plan area in areas totaling 46.5 acres. The 490-acre Specific Plan area and 46.5 acres outside the Specific Plan area are referred to as the project area.

The Specific Plan envisions a complete community that integrates a mixed-use center (Village Core) with surrounding residential neighborhoods, consistent with the OMCP and City of Villages Strategy in the General Plan (2024). Residential neighborhoods, retail, office, school, and recreational uses are identified around an interconnected grid-block development pattern through a comprehensive network of multi-modal streets and pedestrian linkages.

The proposed Specific Plan would establish 30 Planning Areas (PAs) with residential, mixed-use, park, and open space uses, and would include up to 5,130 dwelling units and the creation of a village anchored by up to 175,000 square feet of commercial and retail uses in a mixed-use Village Core within a total of approximately 490 acres. The Specific Plan also identifies public facilities, including public and private parks, recreational trails, open space, and internal roadways. A new 6.2-acre school site is also proposed for PA 16; additionally, a school overlay is proposed over a 6.9-acre site in PA 7 if an additional school is needed based on a determination by the San Ysidro School District.

The OMCP currently identifies Park, Institutional, and Neighborhood Village land uses for the project site, which allows for 15-25 dwelling units per acre (du/ac) and a total of up to 5,880 dwelling units. The OMCP also identifies future commercial development; however, specific acreages and square footages are not listed in the OMCP. The project would amend the OMCP and would establish a range of allowable residential densities for each PA to allow for flexibility in future planning and design and a total of 5,130 dwelling units (or 750 fewer residential units than the maximum number of dwelling units identified in the current OMCP). The proposed land use designations and allowable densities are as follows:

1. Medium-Low Density Residential allowing 8 to 22 du/ac

2. Medium Density Residential allowing 15 to 29 du/ac
3. Medium-High Density Residential allowing 20 to 44 du/ac
4. Residential Mixed Use allowing up to 175,000 square feet of commercial and retail uses at a maximum floor area ratio of 3.0 and multi-family attached residential units at a density range of 30 to 62 du/ac

The Specific Plan provides detailed text and exhibits describing the range of land uses (residential, retail, commercial, office, mixed-use, parks, and open space), public realm, mobility network, and infrastructure that would occur in the Specific Plan area. It provides policies and supplemental development regulations to ensure that the buildout of the Southwest Specific Plan area proceeds in a manner consistent with the OMCP and General Plan policies and regulations, and land development code regulations in the San Diego Municipal Code (SDMC).

The project includes program-level future development areas as well as project-level proposed development. The program-level components addressed in the SEIR include buildout of PAs 1 through 7, 15 through 22, 24 through 27, and associated infrastructure components. The project-level components include construction and operation of PA 8 through PA 14, construction of an extension of Beyer Boulevard connecting the Specific Plan area to San Ysidro, rough grading within PAs 7 and 15 through 20 to allow for a balanced grading operation, and supporting water, sewer, and transportation infrastructure improvements. The project-level components include up to 920 residential units.

### **1.2.3 Discretionary Actions**

The project requires the following entitlements from the City:

1. Certification of the Southwest Village SEIR and adoption of CEQA Findings, Mitigation Monitoring and Reporting Program, and SOC,
2. Adoption of an Ordinance approving the Specific Plan,
3. Adoption of a Rezone Ordinance to implement Specific Plan land uses,
4. Adoption of a General Plan (2024) and OMCP Amendment to modify the Neighborhood Village designation to reflect the proposed density range and show the locations of parks, schools, and mobility element roadways, including amendments to Beyer Boulevard and Caliente Avenue,
5. Adoption of a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment,

6. Adoption of a Vernal Pool Habitat Conservation Program (VPHCP) Major Amendment,
7. Approval of the Vesting Tentative Map (VTM) No. 2188969,
8. Approval of a Site Development Permit to implement requested deviations from the Environmentally Sensitive Lands Regulations and Historical Resources Regulations,
9. Approval of the Road Improvement Ordinance (City of San Diego Charter Section 55) allowing the construction of Beyer Boulevard West through and across City fee-owned dedicated parkland at City Parcel, APN 645-061-0200, Otay Mesa B,
10. Approval of the Road Improvement Resolution (Council Policy 700-17) allowing the construction of Beyer Boulevard West through and across City fee-owned designated parkland at City Parcel, APN 638-070-7100, Beyer Park,
11. Approval of resolution authorizing establishment of a non-wasting endowment fund for the maintenance of conserved land and accepting funds for a permanent endowment fund for long-term management of conserved land,
12. Approval of an Agreement to Acquire Real Property Interests or Approval of a Resolution of Necessity to Initiate Eminent Domain Proceedings and Acquire Real Property Interests of conservation easements held by the California Department of Fish and Wildlife (CDFW) on: 1) parcel owned by the City of San Diego (City Parcel, APN 645-061-0200, Otay Mesa B); and 2) parcel owned by National Enterprises, Inc. (National Enterprises Parcel, APN 645-061-1000, Otay Mesa A),
13. Approval of an Agreement to Acquire Real Property Interests or Approval of a Resolution of Necessity to Initiate Eminent Domain Proceedings and Acquire Real Property Interests of property owned by the County of San Diego (County Parcel, APN 638-070-7400; Furby North Preserve), and
14. Approval of an Agreement to Acquire Real Property Interests or Approval of a Resolution of Necessity to Initiate Eminent Domain Proceedings and Acquire Real Property Interests of property owned by National Enterprises, Inc. (National Enterprises Parcel, APN 645-061-1000, Otay Mesa A).

### **1.3 Environmental Review Process and Public Participation**

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

In compliance with Section 15082 of the CEQA Guidelines, the City published a NOP on February 26, 2020, which began a 30-day period for comments on the appropriate scope of the Draft SEIR. A public scoping meeting was held on March 4, 2020, from 5:30 PM to 7:30 PM at San Ysidro High School at 5353 Airway Road, San Diego, CA 92154. The NOP circulated for analysis of the project, related letters received, and comments made during the scoping meeting are included as Appendix A of the Final SEIR.

The City published the Draft SEIR on April 25, 2025, in compliance with CEQA. Pursuant to CEQA Guidelines Section 15085, upon publication of the Draft SEIR, the City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that the Draft SEIR had been completed and was available for review and comment by the public until June 16, 2025. The City also posted a Notice of Availability of the Draft SEIR at this time pursuant to CEQA Guidelines Section 15087.

The Final SEIR for the project was published on April 9, 2026. The document has been prepared in accordance with CEQA and the CEQA Guidelines.

## **1.4 Summary of Impacts**

Below is a summary of program-level, project-level, and cumulative impacts that would result from approval of the project. The OMCP FEIR Findings concluded that all potentially significant impacts could be mitigated to less than significant except for Air Quality (Criteria Pollutants and Sensitive Receptors), Transportation/Circulation, Noise (Traffic Generated Noise, Stationary Source Noise [Collocation], and Construction Noise), Public Utilities (Solid Waste), and Greenhouse Gas (GHG) Emissions (Consistency with Adopted Plans, Policies, and Regulations and Cumulative GHG Emissions).

### **1.4.1 Program-level Impacts**

The Final SEIR concluded the program-level components will have less than significant impacts and require no mitigation measures with respect to following issue areas as identified in Final SEIR Table 1-1:

- Land Use (2. Land Use Compatibility and 3. Regulation Consistency)
- Visual Effects and Neighborhood Character (1. Public Views, 2. Compatibility, 3. Landform Alteration, and 4. Unique Physical Features)
- Air Quality/Odor (1. Plan Consistency and 4. Odors)
- Biological Resources (2. Migratory Wildlife)
- Human Health/Public Safety/Hazardous Materials (2. Hazardous Substances)
- Energy Conservation
- Noise (3. Airport Noise)
- Traffic/Circulation (1. Circulation Plan Conflicts, 3. Traffic Hazards, and 4. Emergency Access)
- Public Services

- Water Supply (1. Water Supply and 2. Landscape Plans)
- Population and Housing (1. Population Growth and 2. Affordable Housing)
- Agricultural and Mineral Resources (1. Agricultural Resources, 2. City and Regional Consequences of Agricultural Land Conversion, and 3. Mineral Resources)
- Greenhouse Gas Emissions (1. Cumulative GHG Emissions and 2. Consistency with Adopted Plans, Policies, and Regulations)

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

- Land Use (4. Environmental Plan Consistency)
- Biological Resources (1. Sensitive Plants and Animals, 3. Sensitive Habitat and Invasive Plants, 4. Multiple Species Conservation Program [MSCP], 5. Wetland Impacts, and 6. Noise Generation)
- Historical Resources (3. Human Remains)
- Human Health/Public Safety/Hazardous Materials (3. Hazardous Sites)
- Hydrology/Water Quality (1. Runoff, 2. Natural Drainage System, 3. Flow Alteration, and 4. Water Quality)
- Geology/Soils (1. Geologic Hazards, 2. Erosion)
- Paleontological Resources

The following issues were determined to be significant and unavoidable at the program level because mitigation measures do not exist or are considered infeasible to reduce impacts to less than significant:

- Land Use (1. Land Use Plan Conflicts)
- Air Quality/Odor (2. Criteria Pollutants and 3. Sensitive Receptors)
- Historical Resources (1. Prehistoric or Historic Resources, and 2. Religious or Sacred Uses)
- Human Health/Public Safety/Hazardous Materials (1. Health and Safety Hazards)
- Noise (1. Traffic Generation Noise Impacts, 2. Stationary Source Noise, and 4. Noise Effects for Sensitive Receptors and Species)
- Traffic/Circulation (2. Vehicle Miles Traveled [VMT])
- Utilities (1. Utilities)
- Tribal Cultural Resources (1. Tribal Cultural Resources)

#### **1.4.2 Project-level Impacts**

The Final SEIR concludes the project-level components will have less than significant impacts and require no mitigation measures with respect to the following issue areas:

- Land Use (2. Land Use Compatibility and Regulation Consistency)
- Visual Effects and Neighborhood Character (1. Public Views, 2. Compatibility, 3. Landform Alteration, and 4. Unique Physical Features)

- Air Quality/Odor (1. Plan Consistency, 2. Criteria Pollutants, 3. Sensitive Receptors, and 4. Odors)
- Biological Resources (2. Migratory Wildlife)
- Human Health/Public Safety/Hazardous Materials (1. Health and Safety Hazards and 2. Hazardous Substances)
- Hydrology/Water Quality (1. Runoff, 2. Natural Drainage System, 3. Flow Alteration, and 4. Water Quality)
- Geology/Soils (1. Geologic Hazards and 2. Erosion)
- Energy Conservation
- Noise (2. Stationary Source Noise and 3. Airport Noise)
- Traffic/Circulation (1. Circulation Plan Conflicts, 3. Traffic Hazards, and 4. Emergency Access)
- Public Services
- Utilities
- Water Supply (1. Water Supply and 2. Landscape Plans)
- Population and Housing (1. Population Growth and 2. Affordable Housing)
- Agricultural and Mineral Resources (1. Agricultural Resources, 2. City and Regional Consequences of Agricultural Land Conversion, and 3. Mineral Resources)
- GHG Emissions (1. Cumulative GHG Emissions, and 2. Consistency with Adopted Plans, Policies, and Regulations)

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

- Land Use (4. Environmental Plan Consistency)
- Biological Resources (1. Sensitive Plants and Animals, 3. Sensitive Habitat and Invasive Plants, 4. MSCP, 5. Wetland Impacts, and 6. Noise Generation)
- Historical Resources (3. Human Remains)
- Human Health/Public Safety/Hazardous Materials (3. Hazardous Sites)
- Paleontological Resources (1. Paleontological Resources)

The following issues were determined to be significant and unavoidable at the project level because mitigation measures do not exist or are considered infeasible to reduce impacts to less than significant:

- Land Use (1. Land Use Plan Conflicts)
- Historical Resources (1. Prehistoric or Historic Resources and 2. Religious or Sacred Uses)
- Noise (1. Traffic Generation Noise Impacts and 4. Noise Effects for Sensitive Receptors and Species)
- Traffic/Circulation (2. VMT)
- Tribal Cultural Resources (1. Tribal Cultural Resources)

### 1.4.3 Cumulative Impacts

The Final SEIR concludes that cumulative impacts would be less than significant and require no mitigation measures with respect to the following issue areas:

- Land Use (2. Land Use Compatibility, 3. Regulation Consistency, and 4. Environmental Plan Consistency)
- Visual Effects and Neighborhood Character (1. Public Views, 2. Compatibility, 3. Landform Alteration, and 4. Unique Physical Features)
- Air Quality/Odor (1. Plan Consistency, 3. Sensitive Receptors, and 4. Odors)
- Biological Resources (1. Sensitive Plants and Animals, 2. Migratory Wildlife, 3. Sensitive Habitat and Invasive Plants, 4. MSCP, 5. Wetland Impacts, and 6. Noise Generation)
- Historical Resources (3. Human Remains)
- Human Health/Public Safety/Hazardous Materials (1. Health and Safety Hazards, 2. Hazardous Substances, and 3. Hazardous Sites)
- Hydrology/Water Quality (1. Runoff, 2. Natural Drainage System, 3. Flow Alteration, and 4. Water Quality)
- Geology/Soils (1. Geologic Hazards and 2. Erosion)
- Energy Conservation
- Noise (2. Stationary Source Noise and 3. Airport Noise)
- Paleontological Resources
- Traffic/Circulation (1. Circulation Plan Conflicts, 3. Traffic Hazards, and 4. Emergency Access)
- Public Services
- Water Supply (1. Water Supply and 2. Landscape Plans)
- Population and Housing (1. Population Growth and 2. Affordable Housing)
- Agricultural and Mineral Resources (1. Agricultural Resources, 2. City and Regional Consequences of Agricultural Land Conversion, and 3. Mineral Resources)
- Greenhouse Gas Emissions (1. Cumulative GHG Emissions, and 2. Consistency with Adopted Plans, Policies, and Regulation)

The following issues were determined to be significant and unavoidable at the cumulative level because mitigation measures do not exist or are considered infeasible to reduce impacts to less than significant

- Land Use (1. Land Use Plan Conflicts)
- Air Quality/Odor (2. Criteria Pollutants)
- Historical Resources (1. Prehistoric or Historic Resources, and 2. Religious or Sacred Uses)
- Noise (1. Traffic Generation Noise Impacts, and 4. Noise Effects for Sensitive Receptors and Species)
- Traffic/Circulation (2. VMT)
- Utilities (1. Utilities)

- Tribal Cultural Resources (1. Tribal Cultural Resources)

## 1.5 Findings Regarding Significant Impacts

In making each of the findings below, the City has considered the Record of Proceedings.

### 1.5.1 Findings Regarding Impacts that Will be Mitigated to Below a Level of Significance

The City, having independently reviewed and considered the information contained in the Final SEIR and the Record of Proceedings, finds pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1) that changes or alterations have been required in, or incorporated into, the project that avoid, mitigate, or substantially lessen the significant effects on the environment as identified in the Final SEIR. The basis for this conclusion is as follows:

#### 1.5.1.1 Program-Level Mitigation Findings

##### **Land Use (Environmental Plan Consistency – MHPA/Land Use Adjacency Guidelines)**

**Significant Effect:** Implementation of the program-level components would introduce land uses adjacent to the MHPA, which could result in potentially significant indirect impacts related to land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management at the program level.

**Facts in Support of Findings:** Mitigation measure **SP-LU-1** requires all subsequent development projects that are implemented in accordance with the Specific Plan that are adjacent to designated MHPA areas to demonstrate compliance with the MHPA Land Use Adjacency Guidelines of the MSCP in terms of land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management requirements prior to issuance of construction permits per San Diego Municipal Code 143.0110(d). The MHPA Land Use Adjacency Guidelines place certain restrictions on activities adjacent to the MHPA in order to reduce the indirect impacts of development projects on sensitive species located within the MHPA. Mitigation measures include, but are not limited to: sufficient buffers and design features, barriers (rocks, boulders, signage, fencing, and appropriate vegetation) where necessary, lighting directed away from the MHPA, and berms or walls adjacent to commercial or industrial areas and any other use that may introduce construction noise or noise from future development that could impact or interfere with wildlife utilization of the MHPA. The biologist for each proposed project would identify specific mitigation measures needed to reduce impacts to below a level of significance. Subsequent environmental review would be required to determine the significance of impacts related to compliance with the Land Use Adjacency Guidelines of the MSCP Subarea Plan (SAP). Prior to approval of any subsequent development project in an area adjacent to the MHPA, the City shall identify specific conditions of approval to avoid

or reduce potential impacts to the adjacent MHPA. Compliance with the MHPA Land Use Adjacency Guidelines would ensure the compatibility of the project with the biological resources identified in the adjacent MHPA, thus preventing significant impacts.

**Rationale and Conclusion:** Implementation of **SP-LU-1** would reduce impacts to below a level of significance by demonstrating compliance with the MHPA Land Use Adjacency Guidelines. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.1.6 of the OMCP FEIR and Section 5.1, *Land Use* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

### **Biological Resources (Sensitive Plants and Animals)**

**Significant Effect:** Future development would have potentially significant impacts to sensitive plant and wildlife species. Sensitive species surveys of the program-level areas cannot be completed at this time, as those areas are not in the control of the Applicant. Due to the likely presence of sensitive species within the program-level areas outside the project-level areas, impacts may occur during future grading and development within the program-level area. Impacts would be potentially significant.

**Facts in Support of Findings:** Mitigation measure **SP-BIO-1** requires site-specific biological resources surveys be conducted in accordance with City's Biology Guidelines, and mitigation for impacts to sensitive upland habitats shall occur in accordance with the mitigation ratios specified within the City's Biology Guidelines. The requirements of these measures would ensure that if sensitive plant or wildlife species are present, adequate measures will be taken to avoid direct and indirect impacts to sensitive species in accordance with applicable regulations and best practices.

**Rationale and Conclusion:** With the implementation of **SP-BIO-1**, impacts would be less than significant. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.4.4 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

### **Biological Resources (Sensitive Habitat and Invasive Plants)**

**Significant Effect:** Implementation of the program-level components would potentially result in impacts to sensitive vegetation communities totaling approximately 97 acres of predominately non-native grasslands (Tier IIIB) and Diegan coastal sage scrub (Tier II). Additionally, future development could potentially introduce invasives into the surrounding

open space. Impacts to sensitive habitat and impacts from the introduction of invasive and non-native plant and wildlife species would potentially be significant.

**Facts in Support of Findings:** Mitigation measure **SP-BIO-1** requires site-specific biological resources surveys be conducted in accordance with the City's Biology Guidelines, and mitigation for impacts to sensitive upland habitats shall occur in accordance with the mitigation ratios specified within the City's Biology Guidelines. As discussed further above under Land Use (MHPA/Land Use Adjacency Guidelines), **SP-LU-1** requires all subsequent development projects that are implemented in accordance with the Specific Plan which are adjacent to designated MHPA areas to demonstrate compliance with the MHPA Land Use Adjacency Guidelines of the MSCP, which require that the project's landscape plan would not contain any exotic plant/invasive species and would include an appropriate mix of native species which would be used adjacent to the MHPA.

**Rationale and Conclusion:** With the implementation of **SP-BIO-1** and **SP-LU-1**, impacts would be less than significant with mitigation. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.4.6 and 5.4.8 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

### **Biological Resources (MSCP)**

**Significant Effect:** Implementation of the program-level components would introduce land uses adjacent to MHPA, which could result in potentially significant indirect impacts related to land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management at the program level.

**Facts in Support of Findings:** Mitigation measure **SP-LU-1** requires all subsequent development projects that are implemented in accordance with the Specific Plan which are adjacent to designated MHPA areas to demonstrate compliance with the MHPA Land Use Adjacency Guidelines of the MSCP in terms of land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management requirements prior to issuance of construction permits per San Diego Municipal Code 143.0110(d), as discussed further above under Land Use (MHPA/Land Use Adjacency Guidelines).

**Rationale and Conclusion:** Implementation of **SP-LU-1** would reduce impacts to below a level of significance by requiring compliance with the MHPA Land Use Adjacency Guidelines. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference Section 5.4.7 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

### **Biological Resources (Wetland Impacts)**

**Significant Effect:** Impacts to wetlands, vernal pools, and other jurisdictional water resources resulting from subsequent development projects implemented in accordance with the Specific Plan would be potentially significant. Vernal pools are known to occur in the program-level areas, and other potential sensitive habitats include wetlands (mule fat scrub, southern willow scrub, disturbed southern willow scrub, disturbed riparian, and disturbed wetlands), and natural flood channels (non-wetland waters/streambed). Surveys of the program-level areas cannot be completed at this time to verify the presence and characteristics of wetland resources as those areas are not in the control of the Applicant. Due to the potential for wetlands to exist within the program-level areas outside the project-level areas, impacts would be potentially significant.

**Facts in Support of Findings:** Mitigation measure **SP-BIO-2** requires a site-specific biological resources survey to be completed in accordance with the City's Biology Guidelines prior to obtaining discretionary permits for future actions implemented in accordance with the Specific Plan. Engineering design specifications based on project-level grading and site plans shall be incorporated into the project design to minimize direct impacts to potential wetlands/waters, riparian habitats, vernal pools, etc., consistent with federal, state, and the City's Biology Guidelines. Any required mitigation for impacts shall be outlined in a conceptual wetland mitigation plan prepared in accordance with the City's Biology Guidelines. Mitigation for vernal pool impacts may include salvage of special-status species from vernal pools to be impacted, introduction of salvaged material into restored vernal pool habitat where appropriate (e.g., same pool series) and maintenance of vernal pool habitat consistent with the VPHCP.

**Rationale and Conclusion:** Implementation of **SP-BIO-2** would reduce impacts to below a level of significance by requiring a no-net loss of wetland resources. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference Section 5.4.9 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

### **Biological Resources (Noise Generation)**

**Significant Effect:** There is a potential for permanent noise impacts from the introduction of noise generating land uses adjacent to MHPA. Noise impacts to wildlife within the MHPA would be potentially significant.

**Facts in Support of Findings:** Mitigation measure **SP-LU-1** requires all subsequent development projects that are implemented in accordance with the Specific Plan which are adjacent to designated MHPA areas to demonstrate compliance with the MHPA Land Use Adjacency Guidelines of the MSCP in terms of land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management requirements prior to issuance of construction permits per San Diego Municipal Code 143.0110(d), as discussed further above under Land Use (MHPA/Land Use Adjacency Guidelines)

**Rationale and Conclusion:** Implementation of **SP-LU-1** would reduce impacts to below a level of significance by requiring compliance with the MHPA Land Use Adjacency Guidelines regarding noise. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference Section 5.4.10 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

### **Historical Resources (Human Remains)**

**Significant Effect:** Future grading of original in-situ soils could expose buried human remains, and impacts to human remains associated with construction of the program-level components would be potentially significant.

**Facts in Support of Findings:** Mitigation measure **SP-HIST-3** requires pre-excavation investigation such as background research, forensic dogs, or non-destructive ground-penetrating procedures to identify human remains prior to implementing a data recovery program for an archaeological site. If unanticipated human remains are found during grading, compliance with California Public Resources Code Section 5097.98 and state Health and Safety Code Section 7050.5 shall be implemented before proceeding with any project action that would further disturb the remains.

**Rationale and Conclusion:** Implementation of **SP-HIST-3** would minimize the likelihood of encountering human remains and ensure that any discovered human remains are handled according to existing laws and protocols during construction. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference Section 5.5.5 of the OMCP FEIR and Section 5.5, *Historical Resources* and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

## **Human Health/Public Safety/Hazardous Materials (Health and Safety Hazards)**

**Significant Effect:** Due to the existing and proposed land use patterns around which the community is formed, new development in the wildland interface areas may expose people and structures to wildland fire hazards, representing a potentially significant impact. Potential impacts associated with wildfires would be significant.

**Facts in Support of Findings:** Mitigation measure **SP-HAZ-1** requires future projects to incorporate sustainable development and other measures into site plans in accordance with the City's Brush Management Regulations and Landscape Standards pursuant to General Plan and Specific Plan policies intended to reduce the risk of wildfires. In addition, all future projects shall be reviewed for compliance with the most current California Fire Code, Section 145.0701 through 145.0711 of the Land Development Code (LDC), and the California Wildland-Urban Interface Code in Title 24, Part 7.

**Rationale and Conclusion: SP-HAZ-1** assures that future projects implemented in accordance with the Specific Plan are required to incorporate sustainable development and other measures into site plans in accordance with the City's Brush Management Regulations, and Landscape Standards pursuant to General Plan and Specific Plan policies intended to reduce the risk of wildfires. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference Section 5.6.3 of the OMCP FEIR and Section 5.6, *Human Health/Public Safety/Hazardous Materials* of the Final SEIR.

## **Human Health/Public Safety/Hazardous Materials (Hazardous Sites)**

**Significant Effect:** The presence of sites compiled pursuant to Government Code Section 65962.5, along with any unknown hazardous sites, would have potentially significant impacts on future development and land uses within the program-level areas.

**Facts in Support of Findings:** Mitigation measure **SP-HAZ-2** requires prior to the issuance of a grading permit: 1) a Phase I Environmental Site Assessment shall be completed in accordance with federal, state, and local regulations for any property identified on a list compiled pursuant to Government Code Section 65962.5; 2) the project applicant shall retain a qualified environmental engineer to develop a soil and groundwater management plan to address the notification, monitoring, sampling, testing, handling, storage, and disposal of contaminated media or substances (soil, groundwater); 3) the applicant shall submit documentation showing that contaminated soil and/or groundwater on proposed development parcels have been avoided or remediated to meet cleanup requirements established by the local regulatory agencies (Regional Water Quality Control Board [RWQCB]/Department of Toxic Substances Control [DTSC]/Department of Environmental Health and Quality [DEHQ]); 4) the applicant shall obtain written authorization from the regulatory agency (RWQCB/DTSC/DEHQ) confirming the completion of remediation; and 5)

all cleanup activities shall be performed in accordance with all applicable federal, state, and local laws and regulations, and required permits shall be secured prior to commencement of construction.

**Rationale and Conclusion:** Implementation of **SP-HAZ-2** would assure that all subsequent development projects implemented in the program-level areas would be required to complete a Phase I Environmental Site Assessment, and potentially a Phase II Environmental Site Assessment and ultimately ensure that all existing on-site contamination has been avoided or remediated in compliance with federal, state and local regulations. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference Section 5.6.5 of the OMCP FEIR and Section 5.6, *Human Health/Public Safety/Hazardous Materials* of the Final SEIR.

### **Hydrology/Water Quality (Runoff)**

**Significant Effect:** Buildout in the program-level areas would result in an increase in impervious surfaces and associated increased runoff, and could result in alterations to on- and off-site drainage. Therefore, implementation of the program-level components have the potential to result in significant direct and indirect impacts associated with runoff and alterations to on- and off-site drainage patterns.

**Facts in Support of Findings:** Mitigation measure **SP-HYD/WQ-1** requires, prior to approval of future projects implemented under the Specific Plan, that the applicant demonstrate to the satisfaction of the City Engineer, based on the project application, that the future project is sited and designed to minimize impacts on absorption rates, drainage patterns, and surface runoff rates and floodwaters in accordance with current City and RWQCB regulations. Future design of projects shall incorporate all practicable measures in accordance with the RWQCB, the City Storm Water Runoff and Drainage Regulations (Chapter 14, Article 2, Division 2 of the LDC), and other LDC sections, and shall be based on the recommendations of a detailed hydraulic analysis.

**Rationale and Conclusion:** Implementation of **SP-HYD/WQ-1** would ensure that future projects are designed in accordance with policies and regulations that minimize drainage and runoff impacts. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference Section 5.7.3 of the OMCP FEIR and Section 5.7, *Hydrology/Water Quality*; Appendix F-1, *Storm Water Quality Management Plan Southwest Village Vesting Tentative Map*; and Appendix F-2, *Conceptual Drainage and Water Quality Summary for the Southwest Village Specific Plan* of the Final SEIR.

## Hydrology/Water Quality (Natural Drainage System)

**Significant Effect:** Buildout in the program-level areas has the potential to result in a substantial change to stream flow velocities and drainage patterns on downstream properties. Therefore, implementation of the program-level areas has the potential to result in significant direct and indirect impacts to the natural drainage system.

**Facts in Support of Findings:** Mitigation measure **SP-HYD/WQ-1** assures that future development in the program-level areas is subject to the requirements of the Storm Water Standards, which includes design of a new or improved system to meet local and state regulatory requirements satisfactory to the City Engineer, as discussed further above under Hydrology/Water Quality (Runoff).

**Rationale and Conclusion:** Adherence to **SP-HYD/WQ-1**, which requires regulatory compliance as noted above, would ensure impacts associated with storm water run-off and associated impacts to natural drainage systems and downstream resources would be reduced to below a level of significance. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference Section 5.7.4 of the OMCP FEIR and Section 5.7, *Hydrology/Water Quality* and Appendix F-1, *Water Quality Management Plan Southwest Village Vesting Tentative Map* of the Final SEIR.

## Hydrology/Water Quality (Flow Alteration)

**Significant Effect:** Future development within the program-level areas would potentially impact the existing course and flow of flood waters, resulting in potentially significant impacts.

**Facts in Support of Findings:** Mitigation measure **SP-HYD/WQ-1** assures that future projects associated with altering the course of flood waters would be reviewed for compliance with the City's Storm Water Standards and conform to all applicable plans and policies, thereby assuring the design and function of each project does not impact downstream drainage patterns. **SP-HYD/WQ-1** is discussed further above under Hydrology/Water Quality (Runoff).

**Rationale and Conclusion:** Implementation of **SP-HYD/WQ-1** would ensure that future projects are designed in accordance with policies and regulations that minimize flow alteration. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference Section 5.7.5 of the OMCP FEIR and Section 5.7, *Hydrology/Water Quality* and Appendix F-3, *Drainage Study for Southwest Village Tentative Map* of the Final SEIR.

## **Hydrology/Water Quality (Water Quality)**

**Significant Effect:** Future projects constructed during buildout of the program-level components could result in impacts to water quality, including discharges to surface water or groundwater. The construction of such facilities and, to a lesser degree, the operation of these facilities, could impact water quality. Grading and exposed soil could result in sedimentation. Program-level impacts to water quality would be potentially significant.

**Facts in Support of Findings:** Mitigation measure **SP-HYD/WQ-2** requires that future projects be sited and designed to minimize impacts on receiving waters, in particular the discharge of identified pollutants to an already impaired water body. Prior to approval of any entitlements for any future project, the City shall ensure that any impacts on receiving waters be precluded and, if necessary, mitigated in accordance with the requirements of the City's Storm Water Runoff and Drainage Regulations (Chapter 14, Article 2, Division 2 of the LDC) and other appropriate agencies (e.g., RWQCB). To prevent erosion, siltation, and transport of urban pollutants, all future projects shall be designed to incorporate any applicable storm water improvement, both off- and on-site, in accordance with the City of San Diego Stormwater Standards Manual. Future projects shall incorporate storm water improvements and water quality protection measures as determined by project-specific water quality reports.

**Rationale and Conclusion:** Strict adherence to **SP-HYD/WQ-2**, which requires regulatory compliance, would ensure that potential impacts related to discharges into surface or ground water, alterations to surface or groundwater, increases in pollutant discharges (erosion) and downstream sedimentation would be reduced to below a level of significance. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference Section 5.7.6 of the OMCP FEIR and Section 5.7, *Hydrology/Water Quality* and Appendix F-2, *Conceptual Drainage and Water Quality Summary for the Southwest Village Specific Plan* of the Final SEIR.

## **Geology/Soils (Geologic Hazards)**

**Significant Effect:** The program-level areas contain geologic conditions which would pose significant risks for future development if not properly addressed at the project level. Specifically, the program-level areas could be subjected to moderate to severe ground shaking in the event of an earthquake; the San Ysidro Landslide area borders the program-level areas near PA 16 and PA 18 to the south; and compressible and expansive soils would pose a risk without design considerations and potential mitigation. Unstable geologic conditions represent a potentially significant impact.

**Facts in Support of Findings:** Mitigation measure **SP-GEO-1** requires that future projects adhere to the City's Seismic Safety Study and recommendations of a site-specific geotechnical report, prepared in accordance with the City's Geotechnical Report Guidelines. Specific recommendations could include but are not limited to soil removal, soil compaction, or design of foundations and surface improvements to account for expansive soil movement. Impacts shall also be avoided or reduced through engineering design that meets or exceeds adherence to the SDMC and the California Building Code (CBC).

**Rationale and Conclusion:** Compliance with established development and engineering standards, as well as strict adherence to **SP-GEO-1**, which requires regulatory compliance, ensures that impacts related to geological hazards would be reduced to below a level of significance. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference Section 5.8.3 of the OMCP FEIR and Section 5.8, *Geology/Soils* and Appendix H-1, *Phase II Groundwater Assessment, Otay Mesa Southwest Village* of the Final SEIR.

### **Geology/Soils (Erosion)**

**Significant Effect:** At the program level, a large amount of grading, ground disturbance, drainage pattern modifications, and development near slopes would occur that would result in potentially significant erosion impacts.

**Facts in Support of Findings:** Mitigation measure **SP-GEO-2** requires that future projects adhere to the Grading Regulations and National Pollutant Discharge Elimination System permit requirements and conduct geotechnical investigations. Submittal, review and approval of site-specific geotechnical investigations shall be completed in accordance with the SDMC requirements. Engineering design specifications based on future project-level grading and site plans shall be incorporated into all future projects implemented in accordance with the Specific Plan to minimize hazards associated with site-level geologic and seismic conditions satisfactory to the City Engineer; and shall include measures, detailed in **SP-GEO-2**, to control erosion during and after grading or construction. All future projects developed in accordance with the Specific Plan shall also adhere to the CBC to avoid or reduce geologic hazards to the satisfaction of the City Engineer.

**Rationale and Conclusion:** Compliance with established development and engineering standards, as well as adherence to the mitigation framework detailed in **SP-GEO-2**, which requires regulatory compliance, would ensure that impacts related to an increase in the potential for erosion of soil, on or off-site, would be reduced to below a level of significance. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference Section 5.8.4 of the OMCP FEIR and Section 5.8, *Geology/Soils* of the Final SEIR.

### **Paleontological Resources**

**Significant Effect:** The program-level areas contain geology with moderate and high sensitivity potential for paleontological resources, and implementation of the program-level components, including future project grading, could potentially destroy fossil remains, resulting in a significant impact to paleontological resources.

**Facts in Support of Findings:** Mitigation measure **SP-PALEO-1** requires that future projects be sited and designed to minimize impacts on paleontological resources in accordance with the City's LDC (Section 142.0151) and General Grading Guidelines for Paleontological Resources Guidelines. Specifically, **SP-PALEO-1** ensures that requirements for paleontological monitoring have been noted on the appropriate construction documents; a records search and preconstruction meetings have been conducted to assess the potential to encounter paleontological resources and determine where monitoring must occur; monitoring during construction; discovery notification and fossil recovery if paleontological resources are encountered; and a Paleontological Monitoring Report and resource curation post-construction.

**Rationale and Conclusion:** Implementation of **SP-PALEO-1** would ensure that any discovered paleontological resources are protected during construction. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference Section 5.11.3 of the OMCP FEIR and Section 5.11, *Paleontological Resources* of the Final SEIR.

#### **1.5.1.2 Project-Level Mitigation Findings**

##### **Land Use (Environmental Plan Consistency)**

**Significant Effect:** While the project-level development has demonstrated consistency with the City's MSCP SAP, implementation of the project-level components would introduce land uses adjacent to the MHPA, which could result in significant indirect impacts related to land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management at the project level.

**Facts in Support of Findings:** Mitigation measure **PR-LU-1** requires all project-level components that are implemented in accordance with the Specific Plan which are adjacent to designated MHPA areas to demonstrate compliance with the MHPA Land Use Adjacency Guidelines of the MSCP in terms of land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management requirements prior to issuance of construction permits per San Diego Municipal Code 143.0110(d). The MHPA

Land Use Adjacency Guidelines place certain restrictions on activities adjacent to the MHPA in order to reduce the indirect impacts of development projects on sensitive species located within the MHPA. The project-level components include, but are not limited to underground stormwater vaults to treat and control the release of surface runoff. As required by Site Development Permit conditions, all stormwater detention facilities would have maintenance requirements to ensure long-term functioning for the protection of downstream water quality. The proposed stormwater vaults would use biofiltration to treat runoff and reduce the potential for toxins to enter the MHPA. The project would incorporate downcast lighting to direct light away from the MHPA, and no night-time lighting is proposed during construction. Noise monitoring and noise reduction measures would be implemented to avoid impacts to the coastal California gnatcatcher, as required in mitigation measure **PR-BIO-8a**. Fencing is required along Beyer Boulevard West as required by the Supplemental Development Regulations (SDRs) in the Southwest Village Specific Plan, and design features such as rear yard fencing and vegetated slopes would be implemented in residential development areas to prevent pedestrian access into the MHPA. A native plant palette would be incorporated for land adjacent to the MHPA to prevent the spread of invasives. Vegetation clearing for purposes of brush management would be done consistent with City standards and would avoid/minimize impacts to covered species to the maximum extent possible. The Land Use Adjacency Guidelines compliance measures would be required to be placed on the construction documents. The project-level components would comply with the MHPA Land Use Adjacency Guidelines, which would ensure the compatibility of the project with the biological resources identified in the adjacent MHPA, thus preventing significant impacts.

**Rationale and Conclusion:** Implementation of **PR-LU-1** along with the Site Development Permit conditions and Supplemental Development Regulations in the Specific Plan would reduce impacts to below a level of significance by demonstrating compliance with the MHPA Land Use Adjacency Guidelines. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.1.3 of the OMCP FEIR and Section 5.1, *Land Use* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

### **Biological Resources (Sensitive Plants and Animals)**

**Significant Effect:** Of the 25 special-status species known to occur within the project-level areas or with a moderate to high potential to occur within the project-level areas, development of the project-level components would have significant impacts to Otay tarplant (*Deinandra conjugens*), San Diego barrel cactus (*Ferocactus viridescens*), thread-leaved brodiaea (*Brodiaea filifolia*), San Diego button-celery (*Eryngium aristulatum* var. *parishii*), snake cholla (*Cylindropuntia californica* var. *californica*), Quino checkerspot butterfly (*Euphydryas editha quino*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), Crotch's bumble bee (*Bombus crotchii*), western

spadefoot (*Spea hammondi*), burrowing owl (*Athene cunicularia*), southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*), least Bell's vireo (*Vireo bellii pusillus*), Cooper's hawk (*Astur cooperii*), northern harrier (*Circus cyaneus*), coastal California gnatcatcher (*Poliophtila californica californica*), white-tailed kite (*Elanus leucurus*), merlin (*Falco columbarius*), California horned lark (*Eremophila alpestris actia*), yellow-breasted chat (*Icteria virens*), grasshopper sparrow (*Ammodramus savannarum*), yellow warbler (*Setophaga petechia*), loggerhead shrike (*Lanius ludovicianus*), and Bell's sage sparrow (*Artemisiospiza belli belli*). Potential impacts to plants would occur through the removal of individuals or suitable habitat during future grading and development within the project-level areas. Potential impacts to animals may occur through the removal of suitable habitat or noise generated during future grading and development within the project-level areas. Impacts would be significant.

**Facts in Support of Findings:** Mitigation measures **PR-BIO-1** through **PR-BIO-3**, **PR-BIO-5**, **PR-BIO-6**, **PR-BIO-11**, and **PR-BIO-12** require implementation of species-specific mitigation plans for San Diego Button Celery, Otay Tarplant, San Diego Barrel Cactus and Snake Cholla, Quino Checkerspot Butterfly, San Diego and Riverside Fairy Shrimp, Cactus Wren, Western Spadefoot prior to any ground disturbance. The species-specific mitigation plans ensure that requirements for revegetation/restoration plans and specifications have been shown and noted on construction documents; landscape revegetation/restoration planting and irrigation plans are prepared in accordance with the San Diego LDC Chapter 14, Article 2, Division 4 and the City's Biology Guidelines; and construction monitoring and restoration efforts are overseen by a qualified restoration specialist. **PR-BIO-4** requires focused rare plant surveys for Thread-leaved Brodiaea prior to the start of construction to flag or fence any individuals that occur on the project site for avoidance. Individuals must be avoided to the maximum extent feasible, and any individuals that cannot be avoided during construction shall be transplanted into the Vernal Pool/Quino Checkerspot Restoration area to prevent permanent impacts. **PR-BIO-7a** prohibits construction during the least Bell's vireo breeding season (March 15 to September 15) unless occupied least Bell's vireo habitat is demarked by a qualified biologist and noise attenuation features are incorporated during construction to keep noise levels below 60 A-weighted decibels (dB[A]) hourly average at the edge of occupied habitat. These requirements must be approved by the City Manager and shown on construction plans. For restoration, **PR-BIO-7b** prohibits activities that would result in noise levels exceeding 60 dB(A) during the least Bell's vireo breeding season (March 15 to September 15). It also requires a pre-implementation survey if removal of least Bell's vireo habitat must occur during the breeding season (March 15 to September 15) to determine the presence or absence of nesting birds and propose measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. All measures shall be approved by the City prior to implementation. Like **PR-BIO-7a**, **PR-BIO-8a** requires demarcation of occupied coastal California gnatcatcher habitat by a qualified biologist and proof that noise attenuation features would reduce construction noise levels to below 60 dB(A) at the edge of occupied

habitat, subject to approval by the City manager. **PR-BIO-8b** prohibits noise levels exceeding 60 dB(A) during the breeding season for coastal California gnatcatcher (March 1 to August 15) and requires the incorporation of measures to ensure that take of coastal California gnatcatcher or eggs or disturbance of breeding activities is avoided during restoration, subject to approval by the City. **PR-BIO-9a** requires a pre-construction survey for Crotch's bumble bee to be conducted by a qualified biologist, and if Crotch's bumble bee are identified on-site, the qualified biologist shall consult with CDFW to establish, monitor, and maintain no-work buffers around the associated floral resources or nest; construction activities shall not occur within the no-work buffers until the bees appear no longer active. **PR-BIO-9b** requires preservation of 160.94 acres of Crotch's bumble bee potential foraging and nesting habitat that shall be protected in perpetuity and maintained by a long-term management plan and Covenant of Easement to the benefit of the City or dedicated in fee title to the City. **PR-BIO-10** requires pre-construction surveys for Burrowing Owls to be conducted by a qualified biologist, and no construction activities shall occur within 300 feet of an active burrow without written concurrence from the Wildlife Agencies. **PR-BIO-13** requires demarcation of western spadefoot breeding areas by a qualified biologist prior to construction. To avoid impacts to breeding western spadefoot, the breeding areas shall be avoided during construction or a qualified biologist shall relocate eggs or larva/tadpoles to a suitable location such as the vernal pool restoration area, subject to approval by the City. **PR-BIO-14** requires pre-construction bird surveys and the incorporation of measures (monitoring schedules, noise barriers, etc.) to ensure that take of birds or eggs or disturbance or breeding activities is avoided, subject to City approval. Finally, **PR-BIO-15** requires the dedication of 160.94 total acres of sensitive uplands consisting of 89.94 acres of maritime succulent scrub, 24.82 acres of disturbed maritime succulent scrub, 24.93 acres of Diegan coastal sage scrub, 2.36 acres of disturbed Diegan coastal sage scrub, and 18.89 acres of non-native grassland.

**Rationale and Conclusion:** **PR-BIO-1** through **PR-BIO-15** require the project-level components to demonstrate site-specific measures – such as avoidance, noise attenuation, or relocation – to prevent significant impacts to sensitive species and the provision of mitigation lands to ensure the long-term survival of sensitive plants and animals in the project vicinity. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.4.4 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

### **Biological Resources (Sensitive Habitat and Invasive Plants)**

**Significant Effect:** Implementation of the project-level components would potentially result in impacts to sensitive vegetation, including a total of 81.75 acres of Tier I and Tier II vegetation communities, 105.84 acres of Tier IIIB non-native grasslands, and 2.46 acre of wetland vegetation communities and vernal pools. Additionally, development could

potentially introduce invasives into the surrounding open space. Impacts to sensitive habitat and impacts from the introduction of invasive and non-native plant and wildlife species would be significant.

**Facts in Support of Findings:** Mitigation measure **PR-LU-1** requires all project-level components that are implemented in accordance with the Specific Plan which are adjacent to designated MHPA areas to demonstrate compliance with the MHPA Land Use Adjacency Guidelines of the MSCP, which require that the project's landscape plan would not contain any exotic plant/invasive species and would include an appropriate mix of native species which would be used adjacent to the MHPA. **PR-LU-1** is discussed further above under Land Use (MHPA/Land Use Adjacency Guidelines). **PR-BIO-15** requires the dedication of 160.94 acres of mitigation lands to offset impacts to sensitive upland vegetation prior to issuance of the first grading permit for Phase 1 of the project as discussed further above under Biological Resources (Sensitive Plants and Animals).

**Rationale and Conclusion:** **PR-LU-1** and **PR-BIO-15** would reduce impacts to below a level of significance by requiring compliance with the MHPA Land Use Adjacency Guidelines and dedication of mitigation lands to ensure the preservation of sensitive habitat. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.4.6 and 5.4.8 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

### **Biological Resources (MSCP)**

**Significant Effect:** Implementation of the project-level components would introduce land uses adjacent to MHPA, which could result in significant indirect impacts related to land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management at the project level.

**Facts in Support of Findings:** As discussed further above under Land Use (MHPA/Land Use Adjacency Guidelines), mitigation measure **PR-LU-1** requires all project-level components that are implemented in accordance with the Specific Plan that are adjacent to designated MHPA areas to demonstrate compliance with the MHPA Land Use Adjacency Guidelines of the MSCP in terms of land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management requirements prior to issuance of construction permits per San Diego Municipal Code Section 143.0110(d).

**Rationale and Conclusion:** Implementation of **PR-LU-1** would reduce impacts to below a level of significance by requiring compliance with the MHPA Land Use Adjacency Guidelines. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.4.7 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

### **Biological Resources (Wetland Impacts)**

**Significant Effect:** The project-level components would impact 5.26 acres of Waters of the U.S. and 1.32 acres of City wetlands, including 0.85-acre of vernal pools, 0.11-acre of disturbed wetlands, and 0.36-acre of wetland (mule fat scrub, southern willow scrub, and disturbed riparian). Impacts would be significant. An additional 0.12-acre of indirect impacts to City wetlands are anticipated due to watershed impacts to vernal pools and disturbed wetlands located outside of the impact footprint.

**Facts in Support of Findings:** Mitigation measure **PR-BIO-16a** requires the project applicant to submit a Final Wetlands Mitigation and Monitoring Plan and Final Vernal Pool and Quino Checkerspot Butterfly Mitigation and Monitoring Plan to the satisfaction of the City, U.S. Army Corps of Engineers, RWQCB, and CDFW. Consistent with the final plans, the project applicant shall provide compensatory wetland mitigation for project impacts to City wetlands prior to issuance of any construction permits, such as grading permits, to ensure no net loss of wetlands. The project impact to 0.004 acre of riparian forest (southern willow scrub and disturbed southern willow scrub) wetlands shall be mitigated (without the Candlelight project mitigation) at a 3:1 ratio and impacts to 0.36 acre of mule fat scrub shall be mitigated at a 2:1 ratio (mule fat scrub, disturbed riparian, disturbed wetlands, natural flood channel) with a total of 0.73 acre of mitigation. Additionally, to compensate for the loss of vernal pool and disturbed wetland resources, mitigation measure **PR-BIO-16b** requires the applicant to mitigate impacts to vernal pool and disturbed wetland resources at a ratio of 2:1 with the exception of the two vernal pools that support San Diego button-celery which shall be mitigated at a ratio of 3:1 (see mitigation measure **PR-BIO-1**). A total of 2.18 acres of vernal pool basins shall be restored within the 33.7-acre vernal pool preserve to mitigate for project impacts. The mitigation required by mitigation measures **PR-BIO-16a** and **PR-BIO-16b** shall occur consistent with the Final Wetlands Mitigation and Monitoring Plan and Final Vernal Pool and Quino Checkerspot Butterfly Mitigation and Monitoring Plan.

**Rationale and Conclusion:** **PR-BIO-16a** and **PR-BIO-16b** would ensure a no net loss of wetland resources. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.4.9 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

### **Biological Resources (Noise Generation)**

**Significant Effect:** There is a potential for permanent noise impacts from the introduction of noise generating land uses adjacent to MHPA. Indirect impacts to coastal California gnatcatcher from Beyer Boulevard operational noise may occur to an approximately 0.09-acre area of suitable habitat (Diegan coastal sage scrub), including a small area that would be exposed to noise levels above the 60 dB(A) contour established by noise modeling. Additionally, the 60 dB(A) noise contour extends slightly into the adjacent cactus wren habitat area within an approximate 0.46-acre area of cholla-dominated maritime succulent scrub. Also, noise generation impacts to nesting birds including Cooper's hawk, northern harrier, white-tailed kite, merlin, California horned lark, yellow warbler, yellow-breasted chat, loggerhead shrike, southern California rufous crowned sparrow, grasshopper sparrow, and Bell's sage sparrow would be significant.

**Facts in Support of Findings:** As discussed further above under Land Use (MHPA/Land Use Adjacency Guidelines), mitigation measure **PR-LU-1** requires all project-level components that are implemented in accordance with the Specific Plan which are adjacent to designated MHPA areas to demonstrate compliance with the MHPA Land Use Adjacency Guidelines of the MSCP in terms of land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management requirements prior to issuance of construction permits per San Diego Municipal Code Section 143.0110(d). **PR-BIO-8a** requires the incorporation of noise attenuation features during construction to ensure noise levels do not exceed 60 dB(A) at the edge of suitable coastal California gnatcatcher habitat. **PR-BIO-11** implements the Coastal Cactus Wren Mitigation Plan prepared by RECON Environmental dated August 2024, which requires a total of 1.09 acre of coastal cactus wren habitat restoration within the County of San Diego's Furby North Preserve to ensure that sufficient habitat exists for the coastal cactus wren. **PR-BIO-15** requires the dedication of 160.94 acres of mitigation lands to offset impacts to sensitive upland vegetation prior to issuance of the first grading permit for Phase 1 of the project. **PR-BIO-8a**, **PR-BIO-11**, and **PR-BIO-15** are discussed further above under Biological Resources (Sensitive Plants and Animals).

**Rationale and Conclusion:** Noise impacts would be reduced to less than significant through compliance with the MHPA Land Use Adjacency Guidelines, habitat preservation, and noise control measures required by **PR-LU-1**, **PR-BIO-8a**, and **PR-BIO-11**. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.4.10 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

### **Historical Resources (Human Remains)**

**Significant Effect:** Future grading of original in-situ soils could expose buried human remains, and impacts to human remains associated with construction of the project-level components would be significant.

**Facts in Support of Findings:** Mitigation measure **PR-HIST-2** requires a records search to assess the potential to encounter historical resources and determine where monitoring must occur. An archaeological monitor and Native American monitor shall be present during all activities which could result in impacts to archaeological resources, as determined by the records search and documented in an Archaeological Monitoring Exhibit. In the event of a discovery, the monitors shall evaluate the significance of the resource, and impacts to significant resources must be mitigated pursuant to an Archaeological Data Recovery Program before ground disturbing activities may continue. If unanticipated human remains are found during grading, compliance with California Public Resources Code Section 5097.98 and state Health and Safety Code Section 7050.5 shall be implemented before proceeding with any project action that would further disturb the remains.

**Rationale and Conclusion:** Implementation of **PR-HIST-2** would minimize the likelihood of encountering human remains and ensure that any discovered human remains are handled according to existing laws and protocols during construction. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.5.5 of the OMCP FEIR and Section 5.5, *Historical Resources* and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

### **Human Health/Public Safety/Hazardous Materials (Hazardous Sites)**

**Significant Effect:** While no hazardous sites compiled pursuant to Government Code Section 65962.5 have been identified in the project-level areas, the presence of site conditions that require special handling procedures (including trash and debris and asbestos- and lead-containing materials) would represent a significant impact.

**Facts in Support of Findings:** Mitigation measure **PR-HAZ-1** requires a qualified environmental engineer to develop a soil and groundwater management plan for each project to address the notification, monitoring, sampling, testing, handling, storage, and disposal of contaminated media or substances (soil, groundwater). The qualified

environmental consultant shall monitor excavations and grading activities in accordance with the plan. The groundwater management and monitoring plans shall be approved by the City prior to issuance of grading permits for the site. Additionally, all cleanup activities shall be performed in accordance with all applicable federal, state, and local laws and regulations, and required permits shall be secured prior to commencement of grading and construction to the satisfaction of the City and compliance with applicable regulations such as but not limited to SDMC Section 42.0801, Division 9, and Section 42.0901.

**Rationale and Conclusion:** Implementation of **PR-HAZ-1** ensures that all existing on-site contamination has been avoided or remediated in compliance with federal, state and local regulations. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.6.5 of the OMCP FEIR; Section 5.6, *Human Health/Public Safety/Hazardous Materials* of the Final SEIR; and Converse 2002a-k, 2004a-j, 2006a-b, 2008a-b.

### **Paleontological Resources**

**Significant Effect:** High paleontological sensitivity areas are located along the proposed Beyer Boulevard alignment and within portions of PA 7, PA 8 through PA 10, and portions of PA 11. Project-level construction would require over 1,000 cubic yards of excavation in these high resource potential areas, and impacts would be significant.

**Facts in Support of Findings:** Mitigation measure **PR-PALEO-1** requires that future projects be sited and designed to minimize impacts on paleontological resources in accordance with the City's LDC (Section 142.0151) and General Grading Guidelines for Paleontological Resources Guidelines. Specifically, **PR-PALEO-1** ensures that requirements for paleontological monitoring have been noted on the appropriate construction documents; a records search and preconstruction meetings have been conducted to assess the potential to encounter paleontological resources and determine where monitoring must occur; monitoring during construction; discovery notification and fossil recovery if paleontological resources are encountered; and a Paleontological Monitoring Report and resource curation post-construction.

**Rationale and Conclusion:** Implementation of **PR-PALEO-1** would ensure that any discovered paleontological resources are protected during construction. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.11.3 of the OMCP FEIR and Section 5.11, *Paleontological Resources* of the Final SEIR.

### **1.5.2 Findings Regarding Mitigation Measures Which are the Responsibility of Another Agency**

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

### **1.5.3 Findings Regarding Infeasible Mitigation Measures**

The City, having independently reviewed and considered the information contained in the Final SEIR and the Record of Proceedings and pursuant to Public Resource Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), finds that the project will have significant and unavoidable impacts in the following issue areas and there are no feasible mitigation measures to reduce these impacts: land use (land use plan conflicts), air quality/odor (criteria pollutants and sensitive receptors), historical resources (prehistoric or historic resources and religious or sacred uses), human health/public safety/hazardous materials (health and safety hazards), noise (traffic generation noise impacts, stationary source noise, noise effects for sensitive receptors and species), traffic/circulation (VMT), utilities, and tribal cultural resources (TCRs).

“Feasible” is defined in Section 15364 of the CEQA Guidelines to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” Public Resources Code Section 21081 and CEQA Guidelines Section 15091(a)(3) also provide that “other” considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. These findings are appropriate because there are no feasible mitigation measures available that would reduce the identified project impacts to below a level of significance.

#### **1.5.3.1 Program-Level Impacts**

##### **Land Use (Land Use Plan Conflicts)**

**Significant Effect:** The program-level components would produce noise and solid waste at volumes that would be inconsistent with General Plan (2024) Noise Element Policy NE-B.3 and NE-I.1, OMCP Noise Element Policy 9.2-2, and OMCP Public Facilities, Services, and Safety Element policy 6.5-3. The program-level components would also have the potential to impact significant archaeological and historic resources in conflict with the General Plan (2024) Historic Preservation Element Policy HP-A.5 and OMCP Historic Preservation Element. These land use plan conflicts could therefore result in potential secondary

environmental impacts related to noise, utilities, historical resources, and TCRs. Land use plan incompatibility impacts would be significant.

**Facts in Support of Findings:** Prior to the issuance of building permits, mitigation measure **SP-NOS-1** requires future program-level development to conduct exterior noise analyses and identify noise reduction measures for residential receptors that would be placed in locations where the exterior existing or future noise levels would exceed the noise compatibility guidelines of the General Plan. Prior to the issuance of building permits, **SP-NOS-2** requires future program-level development to conduct interior noise analyses and incorporate noise control measures if necessary to demonstrate compliance with the interior noise compatibility guidelines of the City's General Plan. **SP-UTIL-1** requires a future waste management plan (WMP) for projects generating 60 tons or more of solid waste during construction prior to project approval. The WMP would outline the project's waste generation and measures for compliance with the City's Recycling Ordinance for ultimate approval by the City Environmental Services Department to ensure that impacts are reduced to a less than significant level. The required WMP would include measures in pursuit of the City's waste reduction targets and associated Refuse and Recyclable Materials Storage Regulations (SDMC Chapter 14, Article 2 Division 8) and Recycling Ordinance (SDMC Chapter 6, Article 6, Division 7) regulations. Mitigation measures **SP-HIST-1** and **SP-HIST-2** would require implementation of an archaeological data recovery program and construction monitoring to ensure that cultural resources are adequately identified and measures are taken consistent with the Historical Resources Regulations prior to issuance of any permit for a future development project.

**Rationale and Conclusion:** While the mitigation framework provided in the SEIR would reduce noise levels and solid waste generation and require protective measures for historical resources, future projects may not be able to lower noise, solid waste, and historical resources impacts below the City's project-level thresholds of significance. It is too speculative at the program level of environmental review to determine the compliance of future projects or recommend additional mitigation beyond **SP-NOS-1**, **SP-NOS-2**, **SP-UTIL-1**, **SP-HIST-1**, and **SP-HIST-2**, as building and grading information is not available and impacts cannot be determined nor guaranteed to be mitigated to below a level of significance due to uncertain feasibility considering the lack of future project-specific design information. Impacts would remain significant and unavoidable at the program level. The OMCP FEIR Findings concluded that the OMCP would have less than significant land use plan conflict impacts. Therefore, relative to the OMCP FEIR Findings, the SEIR has identified new significant and unavoidable land use plan conflict impacts related to noise, solid waste, and historical resources.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.1.3 of the OMCP FEIR and Section 5.1, Land Use and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan*; Appendix I, *Noise Analysis for the Southwest Village Specific Plan*; and Appendix L, *Waste Management Plan for the Southwest Village Specific Plan*, of the Final SEIR.

## **Air Quality/Odor (Criteria Pollutants)**

**Significant Effect:** Construction-related pollutants result from dust raised during demolition and grading, exhaust emissions from construction vehicles, and products used during construction. Air pollutants generated by the construction of projects within the program-level areas would vary depending upon the number of projects occurring simultaneously and the size of each individual project. If several projects were to occur simultaneously, there is the potential for multiple projects to exceed significance thresholds. Operational impacts would occur primarily due to emissions within the basin from mobile sources associated with the vehicular travel along the roadways within the program-level areas. Air emissions from future developments within the program-level areas cannot be adequately quantified at this time considering grading details, construction details, phasing/timing, development layout, and other information is unknown, and construction and operation of the program-level areas could produce emissions that would contribute to exceedances of federal or state air quality standards, including for pollutants for which the San Diego Air Basin is in non-attainment (ozone precursors and particulate matter with a diameter of 10 microns or less [PM<sub>10</sub>]). Impacts in the program-level areas would be potentially significant.

**Facts in Support of Findings:** Mitigation measure **SP-AQ-1** requires the incorporation of best available control measures and technology – including but not limited to alternative fueled equipment and dust control measures - for projects that would exceed daily construction emissions thresholds established by the City to reduce construction emissions to a less than significant level. **SP-AQ-2** requires future projects to demonstrate how they would buffer sensitive receptors from air pollution sources using landscaping, open space, and other separation techniques prior to entitlement to reduce operational emissions on sensitive receptors to a less than significant level.

**Rationale and Conclusion:** While the mitigation framework provided in the SEIR would reduce criteria pollutant emissions, future projects may not be able to reduce construction or operational emissions below the City's project-level significance thresholds. It is too speculative at the program level of environmental review to determine the compliance of future projects or recommend additional mitigation beyond **SP-AQ-1 and SP-AQ-2**, as building and grading information is not available and impacts cannot be determined nor guaranteed to be mitigated to below a level of significance due to uncertain feasibility considering the lack of project-specific design information. This finding is consistent with the OMCP FEIR Findings, which also identified significant and unavoidable impacts related to criteria pollutants.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.3.4 of the OMCP FEIR and SEIR Section 5.3, Appendix B-1, *Air Quality Analysis for the Southwest Village Specific Plan* of the Final SEIR.

## **Air Quality/Odor (Sensitive Receptors)**

**Significant Effect:** Should a gas station, dry cleaner, or other use identified in the California Air Resources Board's (CARB's) Land Use Siting Constraints be proposed within the program-level areas, a significant impact related to exposure of sensitive receptors could occur. Specific project-level design information would be needed to determine stationary source emission impacts. Future uses in the program-level areas could emit substantial pollutant concentrations, and program-level impacts related to exposing sensitive receptors to substantial pollutant concentrations would be potentially significant.

**Facts in Support of Findings:** Prior to the issuance of building permits for any new facility that would have a potential to emit toxic air contaminants, mitigation measure **SP-AQ-3** requires a health risk assessment to be prepared for any new facility that would have the potential to emit toxic air contaminants. If adverse health impacts exceeding public notification levels (cancer risk equal to or greater than 10 in 1,000,000; see FEIR Section 5.3.5.1 [b and c]) are identified, the facility shall provide public notice to residents located within the public notification area and submit a risk reduction audit and plan to the Air Pollution Control District that demonstrates how the facility will reduce health risks to less than significant levels within five years of the date the plan. Similarly, prior to the issuance of building permits for facilities known to pose health risks, **SP-AQ-4** requires a health risk assessment that identifies best available control technology required to reduce health risk to less than 10 in 1,000,000.

**Rationale and Conclusion:** While **SP-AQ-3** and **SP-AQ-4** would reduce the potential impacts associated with exposure to air toxics, no specific projects or improvements are proposed within the program-level areas at this time; therefore, it cannot be determined whether the proposed mitigation would reduce all impacts to below a level of significance. It is therefore too speculative at the program level of environmental review to determine the compliance of future projects with or recommend additional mitigation beyond **SP-AQ-3** and **SP-AQ-4**. Impacts would remain significant and unavoidable. This finding is consistent with the OMCP FEIR Findings, which also identified significant and unavoidable impacts related to sensitive receptors.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.3.5 of the OMCP FEIR and SEIR Section 5.3, Air Quality/Odor and Appendix B-1, *Air Quality Analysis for the Southwest Village Specific Plan* of the Final SEIR.

## **Historical Resources (Prehistoric or Historical Resources)**

**Significant Effect:** Given the known historic resources in the program-level areas, the likelihood of future surveys identifying additional historic resources, either prehistoric or historic archaeological resources or built environment resources, that may require

evaluation in unsurveyed areas is moderate to high. Therefore, impacts from future development to historic resources, both prehistoric and historic archaeological resources and built environment resources, are potentially significant.

**Facts in Support of Findings:** Prior to issuance of any permit for future projects, mitigation measure **SP-HIST-1** requires that future development projects implemented in accordance with the Specific Plan conduct a site visit to identify any significant or potentially significant cultural resources, including human remains. If there is evidence that the site contains archaeological resources, then a historic evaluation consistent with the City LDC Historical Resources Guidelines shall be required to determine the significance of the resource(s) and identify appropriate measures to be undertaken to address potential impacts in accordance with CEQA and the City's Historical Resources Regulation and Guidelines. Prior to issuance of any permit for future projects, **SP-HIST-2** requires buildings that would be affected by project development to be assessed for historical significance and, if historically significant, protected through all prudent and feasible mitigation measures. These measures would be detailed in a site-specific report prepared at the project level subject to approval by the City.

**Rationale and Conclusion:** Even with **SP-HIST-1** and **SP-HIST-2**, implementation of the program-level areas would result in potentially significant unidentified archaeological and/or historical resources. It is too speculative at the program level of environmental review to recommend additional mitigation beyond **SP-HIST-1** and **SP-HIST-2**. At the program-level, specific designs such as site access are not known, nor are the specifics of the archaeological resource known, and it cannot be determined if significant resources can be avoided or impacts reduced to below a level of significance. Impacts would remain significant and unavoidable. The OMCP FEIR Findings concluded that the OMCP would have less than significant impact on prehistoric and historic resources with mitigation framework HIST-1 and HIST-2. Therefore, relative to the OMCP FEIR Findings, the SEIR has identified a new significant and unavoidable impact related to prehistoric resources.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.5.3 of the OMCP FEIR and SEIR Section 5.5, Historical Resources and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

### **Historical Resources (Religious or Sacred Uses)**

**Significant Effect:** The Native American Heritage Commission (NAHC) search conducted for the project was positive. Future ground disturbance into native soils in the program-level areas during the implementation of future development within the program-level areas could expose buried religious or sacred resources. Impacts would be potentially significant.

**Facts in Support of Findings:** Prior to issuance of any permit for future projects, mitigation measure **SP-HIST-1** requires site-specific research and identification of any identified potential religious or sacred resources, as discussed further above under Historical Resources (Prehistoric or Historic Resources).

**Rationale and Conclusion:** While **SP-HIST-1** would require site-specific research, it is too speculative at the program level of environmental review to determine the compliance of future projects with, or recommend additional mitigation beyond, **SP-HIST-1**. At the program-level, specific designs such as site access are not known, nor are the specifics of the archaeological resource known, and it cannot be determined if significant resources can be avoided or impacts reduced to below a level of significance. Impacts would remain significant and unavoidable. The OMCP FEIR Findings concluded that the OMCP would have less than significant impacts on religious and sacred uses with mitigation framework HIST-1. Therefore, relative to the OMCP FEIR Findings, the SEIR has identified a new significant and unavoidable impact related to religious and sacred uses.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.5.4 of the OMCP FEIR and SEIR Section 5.5, Historical Resources and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

### **Human Health/Public Safety/Hazardous Materials (Health and Safety Hazards)**

**Significant Effect:** Health hazard impacts related to air toxics would be considered significant at the program level, as the potential of a gas station, dry cleaner, or other use with siting constraints identified by CARB may be proposed within PAs 24 through 27 which could expose sensitive receptors to toxic air contaminants and impacts would be significant.

**Facts in Support of Findings:** As discussed further above under Air Quality/Odor (Sensitive Receptors), mitigation measure **SP-AQ-3** requires a health risk assessment to be prepared for any new facility that would have the potential to emit toxic air contaminants and public notice to be sent to residents located within the public notification area. Similarly, prior to the issuance of building permits for facilities known to pose health risks, **SP-AQ-4** requires a health risk assessment that identifies best available control technology required to reduce health risk to less than 10 in 1,000,000.

**Rationale and Conclusion:** While the mitigation measures **SP-AQ-3** and **SP-AQ-4** would reduce the potential impacts associated with exposure to air toxics, specific land uses that may be proposed within PAs 24 through 27 which could expose sensitive receptors to toxic air contaminants and would require implementation of these measures are not known at this time. It is therefore too speculative at the program level of environmental review to determine the compliance of future projects with or recommend additional mitigation

beyond **SP-AQ-3** and **SP-AQ-4**. Impacts would remain significant and unavoidable. This finding is consistent with the OMCP FEIR Findings, which also identified significant and unavoidable impacts related to health and safety hazards.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.6.3 and 5.3.5 of the OMCP FEIR and SEIR Section 5.6, *Human Health/Public Safety/Hazardous Materials* and Appendix B-1, *Air Quality Analysis for the Southwest Village Specific Plan* of the Final SEIR.

### **Noise (Traffic Generated Noise)**

**Significant Effect:** Implementation of the project would result in a significant increase in traffic noise levels above the land use compatibility criteria at uses located adjacent to the following roadway segments: Airway Road between Caliente Avenue and Santa Road; Beyer Boulevard between Alaquinas Drive/Park Avenue and Enright Drive; Caliente Avenue south of Airway Road; Center Street between East Beyer Boulevard and San Ysidro Boulevard; and East Beyer Boulevard between Beyer Boulevard and Center Street/Hill Street. Exterior noise at proposed multi-family ground floor exterior use space and second- or third-floor balconies facing Beyer Boulevard or Caliente Avenue for PA 1, PA 7, PA 26, and PA 27 would exceed 70 CNEL in some locations and impacts would be potentially significant. On-site noise compatibility impacts associated with potential development of the optional school site within PA 7 would be significant as noise levels would exceed 65 CNEL within 50 feet of Caliente Avenue. If no school is developed within PA 7, the PA would be developed into residential communities, which could be exposed to incompatible second- and third-floor noise levels (above 70 CNEL), as described above. Noise impacts on cactus wren and coastal California gnatcatcher habitat would be significant, as discussed further above under Section 1.5.1 Biological Resources (Noise Generation). Interior noise impacts would be significant in areas where exterior noise exceeds 65 CNEL (areas closest to Beyer Boulevard and Caliente Avenue within PA 1, PA 7, PA 26, and PA 27), resulting in a potentially significant impact. Implementation of the program-level components would result in a significant increase in traffic noise levels above the land use compatibility criteria at uses located adjacent to five off-site roadway segments as noted above. As the traffic noise levels generated by Specific Plan buildout along these segments would exceed the City's thresholds, impacts would be potentially significant.

**Facts in Support of Findings:** As discussed further above under Land Use (Land Use Plan Conflicts), mitigation measure **SP-NOS-1** requires site-specific exterior noise analyses that demonstrate how the project would not place residential receptors in locations where the exterior existing or future noise levels would exceed the noise compatibility guidelines of the General Plan (2024), with noise reduction measures included if necessary. Prior to the issuance of building permits, **SP-NOS-2** requires site-specific interior noise analyses demonstrating compliance with the interior noise compatibility guidelines of the General Plan (2024), with noise control features included if necessary. **SP-LU-1** requires all subsequent development projects that are implemented in accordance with the Specific

Plan that are adjacent to designated MHPA areas to demonstrate compliance with the MHPA Land Use Adjacency Guidelines of the MSCP in terms of land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management requirements prior to issuance of construction permits per San Diego Municipal Code 143.0110(d).

**Rationale and Conclusion:** Due to the magnitude of noise increases along the identified roadways (see SEIR Table 5.10-3) and unavailability of specific, future project design information, no additional mitigation is available to reduce these impacts. It is too speculative at the program level of environmental review to determine the compliance of undefined future projects or recommend additional mitigation beyond **SP-NOS-1**, **SP-HIST-2**, and **SP-LU-1**. Impacts would remain significant and unavoidable. This finding is consistent with the OMCP FEIR Findings, which also identified significant and unavoidable impacts related to traffic generated noise.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.10.3 of the OMCP FEIR and SEIR Section 5.10, *Noise* and Appendix I, *Noise Analysis for the Southwest Village Specific Plan* of the Final SEIR.

#### **Noise (Stationary Source Noise)**

**Significant Effect:** The Specific Plan land use plan includes mixed-use areas where there is a residential-commercial interface and residential areas adjacent to non-residential land uses. Due to the lack of specific development plans in program level areas, there is potential that heating, ventilation, and air conditioning (HVAC) units or other noise generating equipment could result in noise levels exceeding the applicable Noise Abatement and Control Ordinance (SDMC Chapter 5, Article 9.5, Division 4) limits at residential receivers. Impacts would be potentially significant.

**Facts in Support of Findings:** Prior to the issuance of building permits, mitigation measure **SP-NOS-3** requires site-specific acoustical analyses of any on-site generated noise sources to predict noise levels at property lines and incorporation of noise-reduction features if necessary. Noise reduction features such as noise-attenuating walls or quieter machinery shall be incorporated if necessary to demonstrate compliance with the City's Noise Abatement and Control Ordinance.

**Rationale and Conclusion:** While **SP-NOS-3** would require the incorporation of noise-reduction features if necessary to reduce project noise levels, without detailed operational data due to the unavailability of specific development plans at the program level, it cannot be verified that **SP-NOS-3** would reduce all impacts below a level of significance. It is too speculative at the program level of environmental review to determine the compliance of future projects or recommend additional mitigation beyond **SP-NOS-3**. Impacts would

remain significant and unavoidable. This finding is consistent with the OMCP FEIR Findings, which also identified significant and unavoidable impacts related to stationary source noise.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.10.4 of the OMCP FEIR and SEIR Section 5.10, *Noise* and Appendix I, *Noise Analysis for the Southwest Village Specific Plan* of the Final SEIR.

### **Noise (Noise Effects for Sensitive Receptors and Species)**

**Significant Effect:** Permanent noise sources associated with the program-level components would include vehicular traffic, residential HVAC units, commercial/retail mechanical equipment and loading docks, and pump stations. These permanent noise sources have the potential to generate noise levels above the applicable noise limits and impacts would be significant. Implementation of the project in combination with additional vehicle trips anticipated through 2050, would result in a substantial (3 dB) increase in traffic noise levels for multiple off-site roadway segments and would, therefore, expose existing sensitive receptors to cumulative increases in noise levels. Indirect impacts from noise during breeding season to burrowing owl (February 1 to August 15), least Bell's vireo (March 15 to September 15), and coastal cactus wren (February 1 to August 31) would be significant if construction noise levels exceed 60 dB(A) or the existing ambient noise level if already above 60 dB(A) during the breeding season. As program-level construction and restoration activity have the potential to exceed this noise level at MHPA lands, conflicts with the MHPA Land Use Adjacency Guidelines could occur. Program-level roadway and stationary source noise also have the potential to exceed 60 dB(A) and, therefore, could conflict with the MHPA Land Use Adjacency Guidelines during the breeding season.

**Facts in Support of Findings:** As discussed further above under Land Use (Land Use Plan Conflicts), mitigation measure **SP-NOS-1** and **SP-NOS-2** require future program-level development to be analyzed prior to the issuance of building permits and potential attenuation features to be recommended to address potential exterior noise compatibility conflicts and ensure interior noise levels are attenuated to the applicable standard. Prior to the issuance of building permits, **SP-NOS-3** requires site-specific acoustical analyses of any on-site generated noise sources demonstrating compliance with the City's Noise Abatement and Control Ordinance, with noise control features included if necessary. **SP-BIO-1** requires site-specific biological resources surveys be conducted in accordance with the City's Biology Guidelines, and mitigation for impacts to sensitive upland habitats shall occur in accordance with the mitigation ratios specified within the City's Biology Guidelines. Additionally, **SP-LU-1** requires all subsequent development projects that are implemented in accordance with the Specific Plan which are adjacent to designated MHPA areas to demonstrate compliance with the MHPA Land Use Adjacency Guidelines of the MSCP in terms of land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management requirements prior to issuance of construction permits per San Diego Municipal Code 143.0110(d).

**Rationale and Conclusion: SP-BIO-1** and **SP-LU-1** would reduce impacts to sensitive species to a less-than-significant level. However, even with implementation of **SP NOS-1** through **SP-NOS-3**, noise reduction to below the City's compatibility and noise generation thresholds cannot be guaranteed. It is too speculative at the program level of environmental review to determine the compliance of future projects or recommend additional mitigation beyond **SP-NOS-1** and **SP-NOS-3**, as project design information and site condition information is not available at the program-level. Impacts would remain significant and unavoidable. This finding is consistent with the OMCP FEIR Findings, which also identified significant and unavoidable impacts related to noise effects for sensitive receptors.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.10.3 of the OMCP FEIR and SEIR Section 5.10, *Noise* and Appendix I, *Noise Analysis for the Southwest Village Specific Plan* of the Final SEIR.

### **Traffic/Circulation (Vehicle Miles Traveled)**

**Significant Effect:** At the program level, VMT impacts would be considered significant due to anticipated VMT per resident and VMT per employee being in excess of 85 percent of the regional mean. Future development within the program-level areas of the Specific Plan that do not screen out from further analyses would require project-level VMT analyses at the time development is proposed to determine significance and the potential for impacts to be mitigated to less than significant or to the extent feasible. Impacts related to VMT for the program-level components are assumed to be potentially significant consistent with the Findings that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003) that is incorporated by reference herein.

**Facts in Support of Findings:** Refer to the Findings that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003). Consistent with the Complete Communities Findings, the project includes mitigation measure **SP-TRA-1** that requires project-specific studies to demonstrate consistency with the City's Transportation Study Manual (TSM) at the time of analysis and determine the anticipated VMT and applicable VMT reduction measures or fees to reduce project VMT impacts to the extent feasible in conformance with the Mobility Choices Regulations. Impacts would be significant after the implementation of mitigation, as detailed in the Findings and SOC that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003) that is incorporated by reference in the Final SEIR and herein. Per those Findings and SOC, compliance with the City's Mobility Choices Program Regulations is considered mitigation to the extent feasible.

**Rationale and Conclusion:** As discussed in the Findings and SOC that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003), compliance with the City's Mobility Choices Regulations (**SP-TRA-1**), including payment of the Active Transportation In-Lieu Fee, constitutes mitigation to the extent feasible and impacts would remain significant and not mitigated due to the potential for project VMT impacts to occur prior to the implementation of City-wide active transportation improvements that would be funded by the Active Transportation In-Lieu Fee payment. Refer to the Findings and SOC that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003) for additional information. This finding is consistent with the OMCP FEIR Findings, which identified significant and unavoidable traffic/circulation impacts. Impacts would remain significant and unavoidable.

**Reference:** These findings incorporate by reference the information and analysis included in the Findings that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003), Section 5.12.3 of the OMCP FEIR and SEIR Section 5.12, *Traffic/Circulation* and Appendix J-1, *Southwest Village Specific Plan Programmatic Level Vehicle Miles Traveled Assessment* of the Final SEIR.

## Utilities

**Significant Effect:** As the amount of waste and the timing of disposal is not predictable at this stage, the impacts associated with waste generation for the program-level planning areas would be significant since it cannot be assessed at this stage whether landfills would have sufficient capacity to handle waste generation associated with the development of program-level areas. The program-level components would produce quantities of waste that could result in potentially significant impacts to utilities.

**Facts in Support of Findings:** Mitigation measure **SP-UTIL-1** requires future development projects that would generate 60 tons or more of solid waste to prepare a WMP prior to project approval that identifies the amount of waste anticipated to be generated and how the project would reduce waste for the demolition, construction, and occupancy phases of the project. The required WMP would include measures in pursuit of the City's waste reduction targets and associated Refuse and Recyclable Materials Storage Regulations (LDC Chapter 14, Article 2 Division 8) and Recycling Ordinance (SDMC Chapter 6, Article 6, Division 7) regulations. The WMP would be conceptually approved by the City Environmental Services Department.

**Rationale and Conclusion:** All future program-level development may not be required to prepare a WMP or may not reduce project-level waste management impacts to below a level of significance. It is too speculative at the program level of environmental review to determine the amount of waste generated by future projects or compliance of future projects with, or recommend additional mitigation beyond, **SP-UTIL-1**, as future projects may be ministerial or otherwise unable to guarantee that waste deposited in landfills

would be reduced to below a level of significance. Impacts would remain significant and unavoidable. This finding is consistent with the OMCP FEIR Findings, which also identified significant and unavoidable impacts related to solid waste.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.14.4 of the OMCP FEIR and SEIR Section 5.14, *Utilities* of the Final SEIR.

### **Tribal Cultural Resources**

**Significant Effect:** Although no impacts to known TCRs have been identified in the program-level areas, intact subsurface cultural deposits, which can also be TCRs, may exist within the proposed program-level areas considering the sensitivity rating of the area and that cultural resources have been identified in the program-level area. Proposed grading would potentially disturb or destroy such subsurface TCRs. Impacts would be potentially significant.

**Facts in Support of Findings:** Prior to issuance of any permit for future projects, mitigation measure **SP-HIST-1** requires future development projects implemented in accordance with the Specific Plan to conduct site-specific surveys to identify any significant or potentially significant cultural resources, including human remains, and identify appropriate measures to be undertaken to address potential impacts in accordance with CEQA and the City's Historical Resources Regulation and Guidelines.

**Rationale and Conclusion:** While implementation of **SP-HIST-1** or other measures developed to address specific resources would serve to mitigate such impacts to the extent feasible, there is potential for significant archaeological resources to be present that cannot be mitigated to below a level of significance. These archaeological resources have potential to meet the definition of a TCR. No additional feasible mitigation or project alternative has been identified that could reduce TCR impacts to below a level of significance. It is too speculative at the program level of environmental review to recommend additional mitigation beyond **SP-HIST-1**, as project design information and the characteristics of the TCR are unknown. Impacts would remain significant and unavoidable. While the OMCP FEIR did not include a tribal cultural resource finding directly, the OMCP FEIR Findings concluded that the OMCP would have less than significant impact on prehistoric resources and sacred sites with mitigation framework HIST-1 and HIST-2. Therefore, relative to the OMCP FEIR Findings, the SEIR has identified a new significant and unavoidable impact related to TCRs.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.5.3 and 5.5.4 of the OMCP FEIR and SEIR Section 5.19, *Tribal Cultural Resources* and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

### 1.5.3.2 Project-Level Impacts

#### Land Use (Land Use Plan Conflicts)

**Significant Effect:** Project-level traffic volumes would cause exterior noise levels to exceed 65 Community Noise Equivalent Level (CNEL) at those areas closest to Beyer Boulevard and Caliente Avenue within PA 8, PA 10, and PA 11. Standard construction techniques are assumed to reduce noise by approximately 20 CNEL; consequentially, exterior noise levels exceeding 65 CNEL along Beyer Boulevard and Caliente Avenue would cause interior noise levels to exceed the required 45 CNEL noise level without additional noise control measures. This would cause an incompatibility with General Plan (2024) Noise Element Policy NE-B.3 and NE-I.1, and impacts would be significant. The project-level components would also impact significant archaeological resource, CA-SDI-22,936, in conflict with the General Plan (2024) Historic Preservation Element Policy HP-A.5 and OMCP Historic Preservation Element. These land use plan conflicts could result in potential environmental impacts related to historical resources.

**Facts in Support of Findings:** Mitigation measure **PR-NOS-1** requires interior noise analyses prior to the issuance of building permits to demonstrate compliance with the interior noise compatibility guidelines of the General Plan Noise Element. The noise analyses shall identify noise control measures such as sound-attenuating walls or equipment enclosures if necessary to demonstrate compliance with the noise compatibility guidelines. Prior to issuance of any construction permits, **PR-HIST-1** requires a data recovery program for CA-SDI-22,936 to excavate and curate a portion of CA-SDI-22,936 within the low-disturbance central area (665-square-meter portion) of the resource. As discussed under Historical Resources (Human Remains) above, **PR-HIST-2** requires construction monitoring for historical resources during construction to ensure that any unanticipated resources encountered during construction are handled according to the relevant protocols and regulations.

**Rationale and Conclusion:** **PR-NOS-1** would sufficiently attenuate interior noise for the project-level residential units to a less-than-significant level. This finding is consistent with the OMCP FEIR Findings, which also identified that impacts would be less than significant with mitigation. The entirety of CA-SDI-22,936 would be impacted by the project because it is located within the proposed alignment for Caliente Avenue, which is a required access route to the Specific Plan area. Modifications to the proposed Caliente Avenue alignment to avoid the resource are not feasible due to existing development and the location of the constructed portion of Caliente Avenue restricting the access point location to the project-level areas, roadway grade requirements and the steep topographical conditions to the southeast, safety design constraints associated with roadway curves, and the need to connect to Beyer Boulevard and surrounding properties to provide those parcels with access. The alignment of Caliente Avenue avoids a City conserved parcel that is part of the Vernal Pool Habitat Conservation Plan preserve and the alignment cannot be shifted in a way that would impact this parcel. Capping the resource is not feasible because the

proposed public utilities in Caliente Avenue require deep excavation in and adjacent to the resource area. Even if capped, the presence of essential infrastructure within and adjacent to the resource area creates a substantial likelihood of future ground disturbance that could undermine the intent of preservation in place. Even with **PR-HIST-1** and **PR-HIST-2**, CA-SDI-22,936 would not be preserved in its entirety, and no additional mitigation is available to reduce the impact. The OMCP FEIR Findings concluded that the OMCP would have less than significant land use plan conflict impacts. Therefore, relative to the OMCP FEIR Findings, the SEIR has identified a new significant and unavoidable impact related to land use plan conflicts associated with historical resources.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.1.3 of the OMCP FEIR and Section 5.1, Land Use; Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan*; and Appendix I, *Noise Analysis for the Southwest Village Specific Plan* of the Final SEIR.

### **Historical Resources (Prehistoric or Historic Resources)**

**Significant Effect:** Implementation of the project would impact resource CA-SDI-22,936, which would constitute a significant effect to a known historical resource. Additionally, there is a potential for unknown subsurface resources to be uncovered during grading activities given the historically sensitive nature of the project-level areas. Impacts would be significant.

**Facts in Support of Findings:** As discussed further above under Land Use (Land Use Plan Conflicts), mitigation measure **PR-HIST-1** requires an archaeological data recovery program for archaeological resource CA-SDI-22,936 prior to issuance of any construction permits to curate materials recovered from a portion of the site. **PR-HIST-2** requires archaeological and Native American monitoring during construction to ensure that any resources encountered during construction are handled according to the relevant protocols and regulations.

**Rationale and Conclusion:** Even with the implementation of **PR-HIST-1** and **PR-HIST-2**, impacts associated with future development at the project-level would remain significant considering the nature of the loss (e.g., loss of a minimally disturbed habitation site, CA-SDI-22,936, in Otay Mesa where such resources are scarce) and 100 percent of the site would continue to be impacted. As discussed above, modifications to the proposed Caliente Avenue alignment to avoid CA-SDI-22,936 are not feasible due to topographical, engineering, and environmental constraints. No additional mitigation is available to reduce the impact, which would be significant and unavoidable. The OMCP FEIR Findings concluded that the OMCP would have less than significant impact on prehistoric and historic resources with mitigation framework HIST-1 and HIST-2. Therefore, relative to the OMCP FEIR Findings, the SEIR has identified a new significant and unavoidable impact related to prehistoric resources.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.5.3 of the OMCP FEIR and SEIR Section 5.5, Historical Resources and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

### **Historical Resources (Religious or Sacred Uses)**

**Significant Effect:** The NAHC sacred lands file search conducted for the project was positive. Ground disturbance into native soils in the project-level areas could expose buried religious or sacred resources. Impacts to religious or sacred uses would be significant.

**Facts in Support of Findings:** Mitigation measure **PR-HIST-2** requires archaeological and Native American monitoring during construction to ensure that any resources encountered during construction are handled according to the relevant protocols and regulations.

**Rationale and Conclusion:** Potential impacts to religious or sacred resources would remain significant with the implementation of **PR-HIST-2**. As the locations of previously undiscovered religious or sacred uses are not currently known, there is no additional mitigation beyond construction monitoring available to reduce this impact. Impacts would be significant and unavoidable. The OMCP FEIR Findings concluded that the OMCP would have less than significant impacts on religious and sacred uses with mitigation framework HIST-1. Therefore, relative to the OMCP FEIR Findings, the SEIR has identified a new significant and unavoidable impact related to religious and sacred uses.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.5.4 of the OMCP FEIR and SEIR Section 5.5, Historical Resources and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

### **Noise (Traffic Generated Noise)**

**Significant Effect:** Implementation of the project would result in a significant increase in traffic noise levels above the land use compatibility criteria at existing uses located adjacent to the following roadway segments: Airway Road between Caliente Avenue and Santa Road; Beyer Boulevard between Alaquinas Drive/Park Avenue and Enright Drive; Caliente Avenue south of Airway Road; Center Street between East Beyer Boulevard and San Ysidro Boulevard; and East Beyer Boulevard between Beyer Boulevard and Center Street/Hill Street. As the traffic noise levels generated by buildout of the Specific Plan—which includes the project-level components—along these segments would exceed the City's significance thresholds, impacts related to off-site vehicle traffic noise would be significant. Exterior noise levels within project-level areas are projected to exceed 65 CNEL at areas closest to Beyer Boulevard and Caliente Avenue within PA 8, PA 10, and PA 11. Standard construction would not achieve the noise level reduction required to reduce exterior noise levels below the noise compatibility guidelines of the General Plan, and the project would

therefore place residences where traffic on Beyer Boulevard and Caliente Avenue could result in exceedances of the residential interior noise level standard of 45 CNEL. Additionally, indirect impacts to coastal California gnatcatcher from Beyer Boulevard operational noise may occur to an approximately 0.09-acre area of suitable habitat (Diegan coastal sage scrub), including a small area that would be exposed to noise levels above the 60 dB(A) contour established by noise modeling. Additionally, the 60 dB(A) noise contour extends slightly into the adjacent cactus wren habitat area within an approximate 0.46-acre area of cholla-dominated maritime succulent scrub. Impacts would be significant.

**Facts in Support of Findings:** As discussed further above under Land Use (Land Use Plan Conflicts) above, mitigation measure **PR-NOS-1** requires site-specific noise analyses prior to the issuance of building permits and incorporation of noise control measures into project designs when necessary to achieve the noise compatibility standards. **PR-BIO-15** requires the dedication of 160.94 acres of mitigation lands to ensure the long-term availability of suitable habitat for sensitive plants and animals in the project vicinity prior to issuance of the first grading permit for Phase 1 of the project.

**Rationale and Conclusion:** **PR-NOS-1** would reduce significant impacts to on-site noise compatibility to below a level of significance. **PR-BIO-15** would reduce significant impacts to coastal California gnatcatcher and coastal cactus wren to below a level of significance. However, no mitigation is available for increases in off-site traffic noise at existing land uses because the City cannot require alterations to these existing land uses. Due to the magnitude of noise increases along the identified roadways, no mitigation is available to mitigate off-site vehicle traffic noise impacts, and impacts would remain significant and unavoidable. This finding is consistent with the OMCP FEIR Findings, which also identified significant and unavoidable impacts related to traffic generated noise.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.10.3 of the OMCP FEIR and SEIR Section 5.10, *Noise* and Appendix I, *Noise Analysis for the Southwest Village Specific Plan* of the Final SEIR.

### **Noise (Noise Effects for Sensitive Receptors and Species)**

**Significant Effect:** Permanent traffic noise sources, including project-level traffic, have the potential to generate noise levels exceeding the applicable noise standards at residential receivers, as discussed further above under Noise (Traffic Generated Noise). Implementation of the project in combination with additional vehicle trips anticipated through 2050, would result in a substantial (3 dB) increase in traffic noise levels for multiple off-site roadway segments and would, therefore, expose existing sensitive receptors to cumulative increases in noise levels. Significant indirect impacts to coastal California gnatcatcher, coastal cactus wren, and burrowing owl would result from construction and restoration activity noise during the breeding season. Indirect impacts to least Bell's vireo from restoration activity noise during the breeding season would be significant. Also, impacts to nesting birds including Cooper's hawk, northern harrier, white-tailed kite,

merlin, California horned lark, yellow warbler, yellow-breasted chat, loggerhead shrike, southern California rufous crowned sparrow, grasshopper sparrow, and Bell's sage sparrow would be significant.

**Facts in Support of Findings:** As discussed above under Section 1.5.1.2 Land Use (Land Use Plan Conflicts), mitigation measure **PR-NOS-1** requires site-specific noise analyses prior to the issuance of building permits and incorporation of noise control measures into project designs when necessary to achieve the noise compatibility guidelines of the General Plan. As discussed above under Section 1.5.1.2 Biological Resources (Sensitive Plants and Animals), **PR-BIO-7a** and **PR-BIO-7b** require breeding season avoidance for least Bell's vireo during construction and restoration to prevent disruptions to breeding activities. Similarly, **PR-BIO-8a** and **PR-BIO-8b** require breeding season avoidance for coastal California gnatcatcher during construction and restoration to prevent disruptions to breeding activities. **PR-BIO-10** requires pre-construction surveys for Burrowing Owls and avoidance of occupied burrows during construction if Burrowing Owls are identified as present to prevent disruptions to breeding and fledgling activities. **PR-BIO-11** implements the coastal cactus wren mitigation plan, which requires a total of 1.09 acres of coastal cactus wren habitat restoration. **PR-BIO-14** requires pre-construction bird surveys and breeding disturbance avoidance during construction to prevent impacts to nesting birds. **PR-BIO-15** requires the dedication of 160.94 acres of suitable mitigation lands prior to issuance of the first grading permit for Phase 1 of the project to ensure the long-term availability of habitat for sensitive plants and animals in the project vicinity. Finally, **PR-LU-1** requires all project-level components that are implemented in accordance with the Specific Plan which are adjacent to designated MHPA areas to demonstrate compliance with the MHPA Land Use Adjacency Guidelines of the MSCP in terms of land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management requirements prior to issuance of construction permits per San Diego Municipal Code 143.0110(d).

**Rationale and Conclusion:** **PR-BIO-7a, PR-BIO-7b, PR-BIO-8a, PR-BIO-8b, PR-BIO-10, PR-BIO-11, PR-BIO-14, PR-BIO-15,** and **PR-LU-1** would reduce impacts to sensitive species to a less-than-significant level. **PR-NOS-1** would reduce potential traffic-related on-site compatibility impacts to a less than significant level. However, substantial increases in roadway noise would occur for off-site sensitive receptors and no mitigation is feasible to reduce this impact because the City cannot require alterations to these existing land uses. Impacts would remain significant and unavoidable. This finding is consistent with the OMCP FEIR Findings, which also identified significant and unavoidable impacts related to sensitive receptors.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.10.3 of the OMCP FEIR and SEIR Section 5.10, *Noise* and Appendix I, *Noise Analysis for the Southwest Village Specific Plan* of the Final SEIR.

## **Traffic/Circulation (Vehicle Miles Traveled)**

**Significant Impact:** The project-level development area is located in Census Tract 100.15 and has a VMT/Capita at 93.8 percent of the regional mean, which is above the 85th percentile mean VMT threshold. At the project level, VMT per resident would be in excess of 85 percent of the regional mean and impacts would therefore be significant.

**Facts in Support of Findings:** Mitigation measure **PR-TRA-1** requires payment of the current City of San Diego Active Transportation In-Lieu fee prior to the issuance of any building permit, which is mitigation to the extent feasible per the Findings adopted for the Complete Communities: Mobility Choices Final PEIR (City 2020; SCH No. 2019060003), which is incorporated by reference herein.

**Rationale and Conclusion:** Even with the implementation of **PR-TRA-1**, impacts related to VMT at the project level would be significant and unavoidable, consistent with the analysis incorporated by reference within the Findings and SOC from the Complete Communities: Mobility Choices Final PEIR (City 2020; SCH No. Southwest Village Specific Plan Subsequent EIR Page 5.12-17 5.12 Traffic/Circulation 2019060003). Per these Findings and SOC, compliance with the City's Mobility Choices Program regulations is mitigation to the extent feasible and impacts would remain significant and not mitigated due to the potential for project VMT impacts to occur prior to the implementation of City-wide active transportation improvements that would be funded by the Active Transportation In-Lieu Fee payment. See the Findings and SOC from the Complete Communities: Mobility Choices Final PEIR (City 2020; SCH 2019060003) for further details. This finding is consistent with the OMCP FEIR Findings, which identified significant and unavoidable traffic/circulation impacts.

**Reference:** These findings incorporate by reference the information and analysis included in the Findings and SOC from the Complete Communities: Mobility Choices Final PEIR (City 2020; SCH No. 2019060003), Section 5.12.3 of the OMCP FEIR and SEIR Section 5.12, *Traffic/Circulation* and Appendix J-1, *Southwest Village Specific Plan Programmatic Level Vehicle Miles Traveled Assessment* of the Final SEIR.

## **Tribal Cultural Resources**

**Significant Effect:** Implementation of the project would impact resource CA-SDI-22,936, which would constitute a significant effect to a known tribal cultural resource. Additionally, there is a potential for unknown subsurface resources to be uncovered during grading activities given the culturally sensitive nature of the project-level areas. Impacts would be significant.

**Facts in Support of Findings:** As discussed further above under Land Use (Land Use Plan Conflicts), mitigation measure **PR-HIST-1** requires an archaeological data recovery program for resource CA-SDI-22,936 prior to issuance of any construction permits to curate materials recovered from a portion of the site. **PR-HIST-2** requires archaeological and

Native American monitoring during construction to ensure that any unanticipated resources encountered during construction are handled according to the relevant protocols and regulations.

**Rationale and Conclusion:** Even with the implementation of measures **PR-HIST-1** and **PR-HIST-2**, impacts associated with future development at the project level would remain significant and unavoidable. While the OMCP FEIR did not identify TCRs impacts and findings directly, the OMCP FEIR Findings concluded that the OMCP would have less than significant impact on prehistoric resources and sacred sites with mitigation framework HIST-1 and HIST-2. Therefore, relative to the OMCP FEIR Findings, the SEIR has identified a new significant and unavoidable impact related to TCRs.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.5.3 and 5.5.4 of the OMCP FEIR and SEIR Section 5.19, *Tribal Cultural Resources* and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

### 1.5.3.3 Cumulative Impacts

#### Land Use (Land Use Plan Conflicts)

**Significant Effect:** The program-level components would produce solid waste at volumes that would be inconsistent with OMCP Public Facilities Services and Safety Element policy 6.5-3. The project inconsistency with the OMCP Public Facilities Services, Services, and Safety Element Policy 6.5-3 and associated solid waste impacts would contribute to a cumulatively significant solid waste impact. Additionally, the project would impact archaeological or historic resources in conflict with the General Plan Historic Preservation Element Policy HP-A.5 and OMCP Historic Preservation Element, contributing to a cumulatively significant impact.

**Facts in Support of Findings:** As discussed further above under Utilities, mitigation measure **SP-UTIL-1** requires a future WMP for projects generating 60 tons or more of solid waste during construction prior to project approval that identifies how the project would reduce waste for the demolition, construction, and occupancy phases of the project. The required WMP would include measures in pursuit of the City's waste reduction targets and associated Refuse and Recyclable Materials Storage Regulations (LDC Chapter 14, Article 2 Division 8) and Recycling Ordinance (SDMC Chapter 6, Article 6, Division 7) regulations. Prior to issuance of any permit for future projects, **SP-HIST-1** requires future development projects implemented in accordance with the Specific Plan to conduct site-specific surveys to identify any significant or potentially significant cultural resources and identify appropriate measures to be undertaken to address potential impacts in accordance with CEQA and the City's Historical Resources Regulation and Guidelines. Prior to issuance of any permit for future projects, **SP-HIST-2** requires assessment of buildings in excess of 45 years of age for historical significance that would be affected by project development and

protection through all prudent and feasible mitigation measures. **PR-HIST-1** requires an archaeological data recovery program for archaeological resource CA-SDI-22,936 prior to issuance of any construction permits to curate materials recovered from a portion of the site. Finally, **PR-HIST-2** requires archaeological and Native American monitoring during construction to ensure that any resources encountered during construction are handled according to the relevant protocols and regulations.

**Rationale and Conclusion:** Implementation of **SP-UTIL-1, SP-HIST-1, SP-HIST-2, PR-HIST-1, and PR-HIST-2** cannot be guaranteed to feasibly reduce solid waste and historical resources impacts for each project and the cumulative impact would remain significant and unavoidable. It is too speculative at the program level of environmental review to determine the compliance of future projects or recommend additional mitigation beyond **SP-UTIL-1, SP-HIST-1, SP-HIST-2, PR-HIST-1, and PR-HIST-2**. Impacts would remain significant and cumulatively considerable. The OMCP FEIR concluded that the OMCP would have less than significant cumulative land use plan conflict impacts. Therefore, relative to the OMCP FEIR, the SEIR has identified a new cumulatively considerable impact related to noise, solid waste, and historical resources land use plan conflicts.

**Reference:** These findings incorporate by reference the information and analysis included in Section 6.3.1 of the OMCP FEIR and Section 8.0, *Cumulative Impacts* and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan*; Appendix I, *Noise Analysis for the Southwest Village Specific Plan* of the Final SEIR; and Appendix L, *Waste Management Plan for the Southwest Village Specific Plan*.

### **Air Quality/Odor (Criteria Pollutants)**

**Significant Effect:** The project would potentially result in construction emissions that would contribute to the region's non-attainment of air quality standards. In addition, total operational emissions associated with buildout of the Specific Plan would exceed project level significance thresholds, thereby contributing to a potentially significant cumulative air quality impact. As new development within the project area would result in a cumulatively considerable net increase in non-attainment criteria pollutants for construction and operations, and cumulative impacts would be significant, the project would result in a cumulatively considerable increase in pollutant emissions. In the absence of design, building and grading information, air emissions from future developments cannot be accurately quantified at this time, and construction and operation of simultaneous projects could produce emissions that would contribute to exceedances of federal or state air quality standards, including for pollutants for which the San Diego Air Basin is in non-attainment (ozone precursors and PM<sub>10</sub>).

**Facts in Support of Findings:** As discussed further above under Air Quality/Odor (Criteria Pollutants), mitigation measure **SP-AQ-1** requires the incorporation of best available control measures and technology for projects that would exceed daily construction emissions thresholds established by the City to reduce construction emissions to a less

than significant level. **SP-AQ-2** requires future projects to demonstrate how they would buffer sensitive receptors from air pollution sources prior to entitlement to reduce operational emissions on sensitive receptors to a less than significant level.

**Rationale and Conclusion:** It is too speculative at the program level of environmental review to determine the compliance of future projects with or recommend additional mitigation beyond **SP-AQ-1** and **SP-AQ-2**, as project design is unknown. Cumulative impacts would remain significant and cumulatively considerable. This finding is consistent with the OMCP FEIR Findings, which also identified a cumulatively considerable impact related to criteria pollutants.

**Reference:** These findings incorporate by reference the information and analysis included in Section 6.3.3 of the OMCP FEIR and SEIR Section 8.0, *Cumulative Impacts* and Appendix B-1, *Air Quality Analysis for the Southwest Village Specific Plan* of the Final SEIR.

### **Historical Resources (Prehistoric or Historic Resources)**

**Significant Effect:** Impacts to CA-SDI-22,936 as well as unknown historical (built environment and archaeological) resources in the project area would be significant. The archaeological resource CA-SDI-22,936 impact would be considered cumulatively significant considering the type/condition of the resource (e.g., minimally disturbed site), scarcity of such resources, that it is a finite/non-renewable resource, and the project would result in a 100 percent encroachment. Cumulative impacts would be potentially significant.

**Facts in Support of Findings:** As discussed further above under Land Use (Land Use Plan Conflicts), mitigation measure **SP-HIST-1** requires site-specific research and testing of any identified potential historic resources prior to issuance of any permit for future projects. Where preservation-in-place of a significant resource is not feasible, a data recovery program shall be prepared, with archaeological monitoring required when a significant resource cannot be recovered prior to grading. Prior to issuance of any permit for future projects, **SP-HIST-2** requires buildings that would be affected by project development to be assessed for historical significance and protected through all prudent and feasible mitigation measures. **PR-HIST-1** requires an archaeological data recovery program for resource CA-SDI-22,936 prior to issuance of any construction permits to curate materials recovered from a portion of the site. **PR-HIST-2** requires archaeological and Native American monitoring during construction to ensure that any unanticipated resources encountered during construction are handled according to the relevant protocols and regulations.

**Rationale and Conclusion:** **SP-HIST-1**, **SP-HIST-2**, **PR-HIST-1**, and **PR-HIST-2** would reduce impacts to sensitive resources, but impacts to CA-SD-22,936 and potential unknown historical resources would remain significant. Impacts would remain significant and cumulatively considerable. The OMCP FEIR concluded that the OMCP would have less than

significant cumulative historical resources impacts. Therefore, relative to the OMCP FEIR, the SEIR has identified a new cumulatively considerable impact related to prehistoric resources.

**Reference:** These findings incorporate by reference the information and analysis included in Section 6.3.5 of the OMCP FEIR and SEIR Section 8.0, *Cumulative Impacts* and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

### **Historical Resources (Religious or Sacred Uses)**

**Significant Effect:** The NAHC search conducted for the project was positive. Ground disturbance into native soils in the project-level areas could expose buried religious or sacred resources and contribute to a potentially significant cumulatively considerable impact.

**Facts in Support of Findings:** As discussed further above under Land Use (Land Use Plan Conflicts), mitigation measure **SP-HIST-1** requires site-specific research and testing of any identified potential historic resources prior to issuance of any permit for future projects. Where preservation-in-place of a significant resource is not feasible, a data recovery program shall be prepared, with archaeological monitoring required when a significant resource cannot be recovered prior to grading. **PR-HIST-2** requires archaeological and Native American monitoring during construction to ensure that any unanticipated resources encountered during construction are handled according to the relevant protocols and regulations.

**Rationale and Conclusion:** **SP-HIST-1** and **PR-HIST-2** would reduce impacts to sensitive resources, but impacts to CA-SD-22,936 and potential unknown religious or sacred uses would remain significant for the reasons described above under Sections 1.5.3.1 and 1.5.3.2. Impacts would remain significant and cumulatively considerable. The OMCP FEIR concluded that the OMCP would have less than significant cumulative historical resources impacts. Therefore, relative to the OMCP FEIR, the SEIR has identified a new cumulatively considerable impact related to religious and sacred uses.

**Reference:** These findings incorporate by reference the information and analysis included in Section 6.3.5 of the OMCP FEIR and SEIR Section 8.0, *Cumulative Impacts* and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

### **Noise (Traffic Generated Noise)**

**Significant Effect:** The development of the project would contribute vehicular volumes to the local mobility network that would contribute to the ambient noise environment in combination with other cumulative development projects. Implementation of the project in

combination with additional vehicle trips anticipated through 2050 would result in a substantial (3 dB) increase in traffic noise levels for multiple off-site roadway segments and cumulative impacts would be potentially significant.

**Facts in Support of Findings:** As discussed further above under Land Use (Land Use Plan Conflicts), mitigation measure **SP-NOS-1** and **SP-NOS-2** require future program-level development to be analyzed prior to the issuance of building permits and potential attenuation features to be required to address potential exterior noise compatibility conflicts and ensure interior noise levels are attenuated to the applicable standard. **PR-NOS-1** requires interior noise analyses prior to the issuance of building permits and the implementation of noise control measures if necessary to achieve the noise compatibility guidelines in the City's General Plan.

**Rationale and Conclusion:** Even with implementation of **SP-NOS-1**, **SP-NOS-2**, and **PR-NOS-1**, it is unknown if noise levels could be reduced below the compatibility thresholds due to a lack of project design information and feasibility information. It is too speculative at the program level of environmental review to determine the compliance of future projects or recommend additional mitigation beyond **SP-NOS-1**, **SP-NOS-2**, and **PR-NOS-1**. Cumulative impacts would remain significant and cumulatively considerable. This finding is consistent with the OMCP FEIR Findings, which also identified a cumulatively considerable impact related to traffic generated noise.

**Reference:** These findings incorporate by reference the information and analysis included in Section 6.3.10 of the OMCP FEIR and SEIR Section 8.0, *Cumulative Impacts* and Appendix I, *Noise Analysis for the Southwest Village Specific Plan* of the Final SEIR.

### **Noise (Noise Effects for Sensitive Receptors and Species)**

**Significant Effect:** Implementation of the project in combination with additional vehicle trips anticipated through 2050, would result in a substantial (3 dB) increase in traffic noise levels for multiple off-site roadway segments and would, therefore, expose existing sensitive receptors to cumulative increases in noise levels. Cumulative impacts would be potentially significant.

**Facts in Support of Findings:** As discussed further above under Land Use (Land Use Plan Conflicts), mitigation measures **SP-NOS-1** and **SP-NOS-2** require future program-level development to be analyzed prior to the issuance of building permits and potential attenuation features to be recommended to address potential exterior noise compatibility conflicts and ensure interior noise levels are attenuated to the applicable standard. **PR-NOS-1** requires interior noise analyses prior to the issuance of building permits and the implementation of noise control measures if necessary to achieve the noise compatibility guidelines in the City's General Plan.

**Rationale and Conclusion:** Even with implementation of **SP-NOS-1**, **SP-NOS-2**, and **PR-NOS-1**, it is unknown if noise levels could be reduced below the compatibility thresholds due to the lack of future project design and feasibility information. It is too speculative at the program level of environmental review to determine the compliance of future projects with or require additional mitigation beyond **SP-NOS-1**, **SP-NOS-2**, and **PR-NOS-1**. Cumulative impacts would remain significant and cumulatively considerable. This finding is consistent with the OMCP FEIR Findings, which also identified a cumulatively considerable impact related to sensitive receptors.

**Reference:** These findings incorporate by reference the information and analysis included in Section 6.3.10 of the OMCP FEIR and SEIR Section 8.0, *Cumulative Impacts* and Appendix I, *Noise Analysis for the Southwest Village Specific Plan* of the Final SEIR.

### **Traffic/Circulation (Vehicle Miles Traveled)**

**Significant Effect:** VMT is inherently a cumulative issue considering it is based on vehicles traveling distance between the site and various uses in the area. VMT cumulative impacts of the project would be considered significant due to anticipated VMT per resident and VMT per employee being in excess of 85 percent of the regional mean. Future development within the program-level areas of the Specific Plan that do not screen out from further analyses would require project-level VMT analyses at the time development is proposed to determine significance and the potential for impacts to be mitigated to less than significant or to the extent feasible. Impacts related to VMT for the program-level components are assumed to be potentially significant consistent with the Findings that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003) that is incorporated by reference herein.

**Facts in Support of Findings:** Refer to the Findings that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003). Consistent with the Complete Communities Findings, the project includes mitigation measure **SP-TRA-1** that requires project-specific studies to demonstrate consistency with the City's Transportation Study Manual (TSM) at the time of analysis and determine the anticipated VMT and applicable VMT reduction measures or in-lieu fees to reduce project VMT impacts to the extent feasible in conformance with the Mobility Choices Regulations. Cumulative impacts would be significant after the implementation of mitigation, as detailed in the Findings and SOC that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003) that is incorporated by reference in the Final SEIR and herein. Per those Findings and SOC, compliance with the City's Mobility Choices Program Regulations is considered mitigation to the extent feasible.

**Rationale and Conclusion:** As discussed in the Findings and SOC that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003), compliance with the City's Mobility Choices Regulations (SP-TRA-1)

constitutes mitigation to the extent feasible and cumulative City-wide impacts would remain significant and not mitigated due to the potential for project VMT impacts to occur prior to the implementation of City-wide active transportation improvements that would be funded by the Active Transportation In-Lieu Fee payment. Refer to the Findings and SOC that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003) for additional information. This finding is consistent with the OMCP FEIR Findings, which identified significant and unavoidable cumulative traffic/circulation impacts. Impacts would remain significant and unavoidable.

**Reference:** These findings incorporate by reference the information and analysis included in the Findings that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003), Section 5.12.3 of the OMCP FEIR and SEIR Section 5.12, *Traffic/Circulation* and Appendix J-1, *Southwest Village Specific Plan Programmatic Level Vehicle Miles Traveled Assessment* of the Final SEIR.

## Utilities

**Significant Effect:** The City's cumulative significance threshold for requiring a WMP is development that includes more than 40,000 square feet of building space or generating more than 60 tons of waste per year. The project would produce waste in exceedance of the 60 ton-per-year threshold of significance for having a cumulative solid waste impact. Thus, the project would considerably contribute to a potentially significant cumulative solid waste impact.

**Facts in Support of Findings:** Mitigation measure **SP-UTIL-1** requires future development projects that would generate 60 tons or more of solid waste to prepare a WMP prior to project approval that identifies how the project would reduce waste for the demolition, construction, and occupancy phases of the project. The required WMP would include measures in pursuit of the City's waste reduction targets and associated Refuse and Recyclable Materials Storage Regulations (LDC Chapter 14, Article 2 Division 8) and Recycling Ordinance (SDMC Chapter 6, Article 6, Division 7) regulations.

**Rationale and Conclusion:** Compliance with **SP-UTIL-1** alone may not result in solid waste diversion achieving City and/or state goals. It is too speculative at the program level of environmental review to determine the compliance of future projects with or recommend additional mitigation beyond **SP-UTIL-1**. Cumulative impacts would remain significant and cumulatively considerable. This finding is consistent with the OMCP FEIR Findings, which also identified a cumulatively considerable impact related to solid waste.

**Reference:** These findings incorporate by reference the information and analysis included in Section 5.14.4 of the OMCP FEIR and SEIR Section 5.14, *Utilities* of the Final SEIR.

## Tribal Cultural Resources

**Significant Effect:** The NAHC search conducted for the project was positive. Ground disturbance into native soils in the project-level areas could expose buried TCRs and contribute to a potentially significant cumulatively considerable impact.

**Facts in Support of Findings:** Prior to issuance of any permit for future projects, mitigation measure **SP-HIST-1** requires future development projects implemented in accordance with the Specific Plan to conduct site-specific surveys to identify any significant or potentially significant cultural resources, including human remains, and identify appropriate measures to be undertaken to address potential impacts in accordance with CEQA and the City's Historical Resources Regulation and Guidelines. **PR-HIST-1** requires an archaeological data recovery program for resource CA-SDI-22,936 prior to issuance of any construction permits to curate materials recovered from a portion of the site. **PR-HIST-2** requires archaeological and Native American monitoring during construction to ensure that any unanticipated resources encountered during construction are handled according to the relevant protocols and regulations.

**Rationale and Conclusion:** Even with the inclusion of **SP-HIST-1**, **PR-HIST-1**, and **PR-HIST-2**, potential impacts to TCRs would remain significant and the development of the project may contribute to a cumulatively considerable impact to TCRs. Cumulative impacts would be significant and cumulatively considerable. While the OMCP FEIR did not identify a TCRs finding directly considering it was not required at the time that document was prepared, the OMCP FEIR concluded that the OMCP would have less than significant cumulative historical resources impacts. Therefore, relative to the OMCP FEIR, the SEIR has identified a new significant and cumulatively considerable impact related to TCRs.

**Reference:** These findings incorporate by reference the information and analysis included in Section 6.3.5 of the OMCP FEIR and SEIR Section 8.0, *Cumulative Impacts* and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

## 1.6 Findings Regarding Infeasibility of Alternatives

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

The SEIR included an analysis of five initial alternatives that were eliminated from further consideration. The reasons these alternatives were eliminated from detailed evaluation are

discussed in Section 9.2 of the SEIR. Thus, the following discussion focuses on project alternatives that can eliminate significant environmental impacts or substantially reduce them as compared to the proposed project, even if the alternative would impede the attainment of some project objectives, or would be more costly.

“Feasible” is defined in Section 15364 of the CEQA Guidelines to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” Public Resources Code Section 21081 and CEQA Guidelines Section 15091(a)(3) also provide that “other” considerations may form the basis for a finding of infeasibility. An alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. In accordance with Section 15126.6(f)(1), among the factors that may be taken into account when addressing the feasibility of alternatives are: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.

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

The City, having independently reviewed and considered the information contained in the Final SEIR and the Record of Proceedings, and pursuant to Public Resource Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), finds that specific economic, legal, social, technological, or other considerations, including considerations of the provision of housing, as described below, make infeasible the alternatives identified in the Final SEIR (SCH No. 2004051076).

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

CEQA Guidelines Section 15126.6(e), requires that an EIR evaluate a “no project” alternative along with its impact. The purpose of describing and analyzing a no project alternative is to allow a lead agency to compare the impacts of approving the project to the impacts of not approving it. Under the No Project Alternative (Adopted Community Plan), the project areas would be developed pursuant to the OMCP as currently adopted.

**Potentially Significant Effects:** Under the No Project Alternative (Adopted Community Plan), the Southwest Specific Plan area would be developed as described in the OMCP pursuant to a future Specific Plan, which would result in 5,880 dwelling units, 750 more dwelling units than the proposed project, and include additional residential development areas within 164.8 acres comprising PAs 23 and 29 that are identified as open space in the

proposed Specific Plan. As a result, impacts would be greater for all environmental issue areas except for traffic/circulation, where impacts were identified to be significant and unmitigated and agricultural and mineral resources, where impacts were identified to be less than significant.

**Finding:** The No Project Alternative (Adopted Community Plan) is rejected because it fails to fully satisfy the proposed project's underlying purpose to provide a Specific Plan for the area to guide buildout of the Southwest District and fails to satisfy a number of project objectives. The OMCP requires the preparation of a Specific Plan prior to consideration of any comprehensive development and rezoning proposals within the Southwest District; therefore, without the project, the OMCP alone would not enable development to occur as proposed in the OMCP and the Specific Plan area. While development under the No Project Alternative (Adopted Community Plan) would be subject to the MHPA Land Use Adjacency Guidelines and other requirements protecting sensitive biological resources, the proposed project would conserve more open space, including sensitive biological resources, than the No Project Alternative (Adopted Community Plan). Open space conservation is a unique aspect of the proposed project and fulfills project objective 5 (protect the canyon lands, adjacent mesa tops, and sensitive biological resources) and 7 (follow environmentally sensitive design and sustainable development practices) that are not satisfied through the No Project Alternative (Adopted Community Plan). Moreover, specific considerations make the alternative infeasible; specifically, the presence of the San Ysidro landslide complex precludes development in the areas planned for development in the OMCP. The City finds that any of these grounds are independently sufficient to support rejection of this alternative.

**Rationale:** The No Project Alternative (Adopted Community Plan) would not protect canyon, mesa top, and sensitive biological resources (Objective 5) to the same extent as the project. Similarly, the proposed development of PAs 23 and 29 with residential uses under this alternative would not meet the project objective to follow environmentally sensitive design practices (Objective 7) to the same extent as the project, as the project would avoid development within PAs 23 and 29 to protect additional sensitive biological resources present in these PAs, including sensitive habitats and species. Additionally, this alternative would allow development within the San Ysidro Landslide area, which is infeasible because it would not comply with building code requirements and would create safety hazards that would preclude approval. This alternative would result in geotechnical-related impacts that make the buildout assumed in the OMCP for this area infeasible. Therefore, the City rejects this alternative and finds that any of the enumerated grounds are independently sufficient to support rejection of this alternative.

**Reference:** These findings incorporate by reference the information and analysis included in Final SEIR Section 9.3.1, No Project Alternative (Adopted Community Plan).

## 1.6.2 Reduced Project Alternative

The Reduced Project Alternative was identified to consider if reducing the development footprint of the Specific Plan to increase mesa top conservation would reduce significant biological resources impacts while still achieving the project objectives. Under this alternative, the Specific Plan development footprint would be reduced in size to expand mesa top conservation by converting 10.74 acres comprising PA 22 from residential to MHPA open space near the existing MHPA. The land use designation for PA 22 would change from residential to open space, resulting in 10.74 acres of additional open space and 267 fewer residential units of allowable development within the Specific Plan area for a total of 4,863 dwelling units instead of 5,130 under the proposed project. All other components of the project would remain unchanged in the Reduced Project Alternative.

**Potentially Significant Effects:** The Reduced Project Alternative would result in similar or slightly reduced impacts compared to the project, with no resulting increase in the severity of impacts. Less than significant impacts associated with visual effects and neighborhood character, population and housing, agricultural and mineral resources, and GHG emissions would be similar under the Reduced Project Alternative compared to the project. Significant and mitigated impacts associated with biological resources, hydrology/water quality, geology/soils, and paleontological resources, would be reduced under the Reduced Project Alternative compared to the project. The less than significant impacts on energy conservation, public services, and water supply would also be reduced under this alternative. Significant and unmitigated impacts related to land use plan consistency (noise compatibility and historic resources preservation consistency), air quality/odor (criteria pollutants construction and operational emissions and stationary sources and collocation), historical resources (prehistoric and historic), noise (traffic-generated and stationary source noise [collocation]), and utilities (solid waste) would remain significant and unmitigated, but impacts would be reduced compared to the project. Significant and unmitigated impacts to human health/public safety/hazardous materials (health hazards), traffic/circulation (VMT), and TCRs would also remain significant and unmitigated, similar to the project.

**Finding:** The Reduced Project Alternative fails to provide as much housing as the proposed project. This alternative would also result in the reduction of a Village Core and the associated transportation grid network making achievement of the mixed use Village Core concept envisioned by the OMCP infeasible. The City finds that either of these grounds are independently sufficient to support rejection of this alternative.

**Rationale:** As detailed in the City's General Plan Housing Element (2021-2029) adopted in 2020, the City has a significant need for housing. While this alternative would accommodate housing growth in the region (Objective 2), it would construct 267 fewer residential units than the proposed project and would therefore fulfill Objective 2 to a lesser extent than the project. It would fulfill the following project objectives: protect canyon lands, mesa tops and biological resources (Objective 5), provide recreational amenities (Objective 6), follow environmentally sensitive design and sustainable

development practices (Objective 7), and improvements would be implemented concurrently with development (Objective 8). However, the Reduced Project Alternative would provide 267 fewer residential units than the project and would not provide as balanced of a land use plan (Objective 1) as the proposed project. The Reduced Project Alternative would not fulfill project Objective 3 (provide a Village Core that connects residential neighborhoods through a grid network) because it would remove the medium-density residential area between the mixed-use Village Core area and the open space to the east, disrupting the development pattern and Village Core envisioned for the area by the OMCP. As described above, the City has a high demand for housing, and the production of 267 fewer residential units would preclude this alternative from meeting Objective 3 to the same extent as the project. The removal of a residential block would cause this alternative to not meet the Specific Plan's objectives to provide balanced neighborhoods and a Village Core (Objective 3) with a grid network (Objective 4) as it would result in the reduction of a Village Core and the associated transportation grid network. Therefore, the City rejects this alternative and finds that any of the enumerated grounds are independently sufficient to support rejection of this alternative.

**Reference:** These findings incorporate by reference the information and analysis included in Final SEIR Section 9.3.2, Reduced Project Alternative.

## **1.7 Findings Regarding Responses to Comments and Revisions in the Final SEIR**

The Final SEIR includes the comments received on the Draft SEIR 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).

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. CEQA Guidelines provide the following examples of significant new information under this standard (CEQA Guidelines, Section 15088.5[a]).

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (*Mountain Lion Coalition v. Fish and Game Com.* [1989] 214 Cal.App.3d 1043).

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (CEQA Guidelines, Section 15088.5[b]).

**Finding/Rationale:** None of the factors triggering recirculation under CEQA Guidelines Section 15088.5(b) are present. No new significant environmental impacts or new mitigation measures that would result in a new significant environmental impact were identified, nor was there any substantial increase in the severity of any environmental impact; final SEIR Table 1-1 was revised to provide clarification about the impacts under Human Health/Public Safety/Hazardous Materials Issue 1, but no revisions to the SEIR Analysis conclusions were made. As referenced in SEIR Section 5.5.6.4, the Historical Resources Report in Appendix D to the Final SEIR was revised to analyze capping CA-SDI-22,936 to prevent the significant impact to this archeological resource. However, consistent with the analysis in the Draft SEIR, this measure was deemed infeasible due to the depth of excavation necessary to implement the project's public utilities infrastructure and the proximity of ongoing maintenance areas to the resource, which creates a substantial likelihood of future ground disturbance that could undermine the intent of preservation in place. This measure was adequately explored by the project proponent and would not feasibly lessen the environmental impacts of the project. Finally, the Draft EIR was supported by extensive technical reporting, coordination between government entities, and public engagement, which resulted in a meaningful public review and comment period. In conclusion, responses to comments made on the Draft SEIR and revisions in the Final SEIR merely clarify and amplify the analysis presented in the Draft SEIR are insignificant modifications, and do not trigger the need to recirculate the adequate SEIR.

## 1.8 Statement of Overriding Considerations

Pursuant to Public Resources Code Section 21081(b) and California Environmental Quality Act (CEQA) Guidelines Sections 15043 and 15093, CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the Southwest Village Specific Plan and associated discretionary actions ("project") as defined in the Final Subsequent Environmental Impact Report (SEIR). If the specific economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code Section 21081

and Section 15093(a) of the CEQA Guidelines. CEQA further requires that when the lead agency approves a project that will result in the occurrence of significant effects identified in the EIR and not avoided or substantially lessened, the agency shall state in writing the specific reasons to support the action based on the EIR and/or other substantial evidence in the record.

Therefore, pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, the City Council of the City of San Diego (Council), having independently reviewed and considered all of the substantial evidence presented herein and in the Record of Proceedings, finds that the following specific overriding economic, legal, social, technological, or other benefits associated with the project outweigh unavoidable adverse direct impacts identified in Chapter 5.0, *Environmental Analysis* of the Final SEIR related to land use (land use plan conflicts), air quality/odor (criteria pollutants and sensitive receptors), historical resources (prehistoric or historic resources and religious or sacred uses), human health/public safety/hazardous materials (health and safety hazards), noise (traffic generation noise impacts, stationary source noise, noise effects for sensitive receptors and sensitive species), traffic/circulation (vehicle miles traveled), utilities, and tribal cultural resources.

The Council declares that it has made a good faith effort to adopt all feasible mitigation measures to reduce the project's proposed environmental impacts to an insignificant level; considered the entire Record of Proceedings, including the Final Program EIR (FEIR) prepared for the Otay Mesa Community Plan (OMCP/ State Clearinghouse Number [SCH No.] 2004051076) certified March 2014 and Final SEIR; and balanced the proposed benefits against the project's environmental impacts. This determination is based on the following specific benefits, each of which is determined to be, by itself and independent of the other project benefits, a basis for overriding and outweighing all unavoidable adverse environmental impacts identified in the Final SEIR.

As set forth above, the City's approval of the project will result in significant land use (land use plan conflicts), air quality/odor (criteria pollutants and sensitive receptors), historical resources (prehistoric or historic resources and religious or sacred uses), human health/public safety/hazardous materials (health and safety hazards), noise (traffic generation noise impacts, stationary source noise, noise effects for sensitive receptors and sensitive species), traffic/circulation (vehicle miles traveled), utilities, and tribal cultural resources. These impacts cannot be avoided, even with the adoption of all feasible mitigation measures. Whenever a lead agency adopts a project which will result in a significant and unavoidable impact, the agency must, pursuant to Public Resources Code Sections 21002 and 21081(b) and CEQA Guidelines Section 15093, declare in writing the specific reasons to support its action based on the Final SEIR and/or other information in the Record of Proceedings.

Therefore, pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, the Council: (i) having independently reviewed the information in the Final SEIR and the record of proceedings; (ii) having made a reasonable and good faith effort to eliminate or substantially lessen the significant impacts resulting from the project to the extent feasible by adopting the mitigation measures identified in the Final SEIR; and (iii) having balanced the benefits of the project against the significant environmental impacts, chooses to approve the project, despite its significant environmental impacts, because, in the Council's view, specific economic, legal, social, and other benefits of the project set forth below render the significant environmental impacts acceptable.

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

**A. The Specific Plan will provide a more specific and comprehensive guide for growth, helping to facilitate development in the Southwest District of the Otay Mesa Community Plan (OMCP) consistent with the OMCP vision for the Specific Plan area and the City's General Plan City of Villages Strategy.**

The 2014 OMCP outlines a general vision of the Southwest Specific Plan area as a mixed-use village core with public spaces, a variety of housing types surrounding the core, and interactive trails. The OMCP requires the preparation of a Specific Plan prior to consideration of any comprehensive development and rezoning proposals within the Southwest Specific Plan area so that development is consistent with applicable OMCP policies. The OMCP anticipated that more specific land uses, densities, and roadway alignments would be identified in the future Specific Plan.

As envisioned in the OMCP, the proposed Specific Plan would establish a range of allowable residential densities for each Planning Area (PA) to allow for flexibility in future planning and design given current conditions. The Specific Plan provides detailed text and exhibits describing the range of land uses (residential, retail, commercial, office, mixed-use, parks, and open space), public realm, mobility network, and infrastructure that would occur in the Specific Plan area. It provides policies and regulations to facilitate buildout of the Southwest Specific Plan and facilitates the ability of the City, other public agencies, and private developers to design projects that enhance the character of the community, consistent with its setting and amenities.

The Specific Plan implements the goals and policies of the City's General Plan (2024) and the OMCP. A guiding principle of the General Plan is the City of Villages strategy, which focuses growth into mixed-use, pedestrian-friendly districts linked to the regional transit network to create distinct yet interconnected neighborhoods. The General Plan identifies specific goals and policies to support implementation of the City of Villages strategy in each of its elements. For example, Policies LU-A.1, ME-A.1, UD-A.12, HE-O.2, and CE-B.5 promote compact village development, pedestrian-friendly infrastructure, and increased housing supply near transit to encourage alternative transportation options such as walking and biking. The Specific Plan implements and exceeds these policies in a number of ways. The Specific Plan proposes up to 5,130 residential units with density concentrated around the Village Core, which is envisioned to include a future transit stop and mobility hub. Consistent with the General Plan's City of Villages Strategy, the Specific Plan incorporates a comprehensive pedestrian, bicycle, and trail network to facilitate alternative transportation throughout the Specific Plan area.

Similarly, the OMCP envisions the Southwest Village area as a compact, mixed-use development. OMCP Land Use Element Policy 2.1-2(m) plans for higher density mixed residential uses within 0.5 mile of the community commercial center of the Southwest Village. The OMCP Urban Design Element describes the Southwest Village as a neighborhood village that brings together mixed-use, public facilities, and transit while protecting the sensitive biological resources in the vicinity. The Specific Plan concentrates higher density within 0.5 mile of the Village Core and is designed to avoid sensitive biological resources in the vicinity to the maximum extent feasible.

Therefore, the project would allow development within the Southwest Specific Plan area to more easily proceed according to the OMCP policies and provide a new complete community that integrates an urban mixed-use center with surrounding residential neighborhoods. These specific factors support the decision to approve the Specific Plan despite the significant unavoidable impacts identified in the Final SEIR.

**B. The Project will accommodate increasing growth in the region and provide a substantial number of critically needed housing units in accordance with the City's housing policies and its share of the Regional Housing Needs Assessment.**

In the 2021-2029 General Plan Housing Element, the City identifies enough potentially developable land for residential use (adequate sites) to meet the City's share of the Regional Housing Needs Assessment for housing capacity, which is 108,036 housing units. The 2021-2029 Housing Element's Adequate Sites Inventory identifies vacant sites within the project area as having capacity for at least 4,170 net potential housing units. The project would allow for the future development of up to

5,130 residential dwelling units with a range of densities, exceeding the number of homes identified by the Housing Element's Adequate Sites Inventory for new housing by 960 homes. This substantial number of units further contributes to the City's ability to achieve the level of housing consistent with the City's share of the Regional Housing Needs Assessment. As a result, the project is consistent with Housing Element policies, such as HE-A.1, HE-A.2, and HE-A.3, which encourage the use of land use plans to establish a range of residential density minimums in areas that can contribute to the City's share of the Regional Housing Needs Assessment.

**C. The Project will provide additional recreational trails in a biologically sensitive manner.**

The project proposes a comprehensive park and trail network as an integral component of the project intended to provide connections to the San Ysidro Community Plan area, expand recreational opportunities, and provide options for walking and biking instead of using cars. Approximately 35 acres of parkland and 5 total miles of trails are planned, including a perimeter trail that will allow circumnavigation around the perimeter of areas proposed for development. For example, non-contiguous sidewalk would be included on both sides of all public streets, except Beyer Boulevard West and portions of Central Avenue where non-contiguous sidewalk would be provided on one side only due to environmental constraints. The community would be surrounded by a perimeter trail to provide access along the edge of the development with views of surrounding open spaces. Multi-use paths and paseos are planned to provide pedestrian and bicycle access within the plan area neighborhoods. Paseos serve as connector trails by improving access and facilitating connections between and through the project area. Paseos would have an active frontage with seating, lighting, and signage; provide an opportunity for amenities; and allow for pedestrian and bicycle travel. The trail network also includes primitive trails within the MHPA, designated as open space, that continue off-site.

The detailed trail program expands upon the concepts laid out in the OMCP and was thoughtfully developed in coordination with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service (the Wildlife Agencies). Many existing or disturbed trails in Southwest Village are not compliant with City trail standards and are redundant, unsustainable, or potentially hazardous and do not contribute to a sustainable trails system. To address these conditions, some trails are planned to be closed and will require rehabilitation and restoration of disturbed habitat as well as public education efforts. As part of this effort, the proposed primitive trail network includes restoration of disturbed habitat while providing opportunities for recreational use, including walking, jogging, hiking, and mountain biking, in a manner consistent with the Multiple Species Conservation Program Subarea Plan trail policies. Specifically, as part of the proposed trail network, the project would enhance and restore disturbed areas within a 100-foot corridor of the proposed

primitive trails and include additional features to prevent users from wandering into unauthorized portions of the open space. Trailheads leading into the primitive trail network would include trash cans and signage to notify trail users to remain on designated trails, identify prohibited uses, and inform users of the sensitive resources present. Where needed to protect sensitive resources, peeler pole fencing would be provided to prevent access. Trail improvements could include trail stabilization, erosion control, and closure of unauthorized trail routes in proximity to proposed formal trail alignments. Refer to the Southwest Village Specific Plan SDRs 14 and 15.

The restoration of disturbed habitats surrounding the proposed primitive trail corridor would also enhance the existing habitats, further supporting wildlife use.

A trail restoration plan (Attachment 1 of Final SEIR Appendix C) has been prepared and will be implemented as a project design feature. The trail restoration plan includes details including site preparation, plant production and installation, seed application methods, and irrigation methods, a proposed schedule, and success criteria, along with measures to ensure the restoration effort does not result in significant impacts to rare plants, sensitive wildlife or aquatic resources.

**D. By clustering development in an environmentally sensitive manner, the Project will avoid substantial geotechnical hazards and add significant sensitive biological resources to the City's MHPA.**

The project was designed to avoid the San Ysidro Landslide complex, which presents a substantial geological hazard. As a result, development is clustered northeast of the landslide hazard, with the highest densities near the intersection of Beyer Boulevard East and South Caliente Avenue. Additionally, through the entitlement process, including coordination with the Wildlife Agencies, the area designated for open space is expanded to include Planning Area (PA) 23. PA 23 includes vernal pool resources and was originally identified for residential development in the OMCP; however, through negotiations with the Wildlife Agencies, a MHPA overlay will be placed over this land, and it will be designated as open space. These geotechnical considerations and newly proposed vernal pool conservation areas in PA 23 have resulted in the redesignation of 157 acres of PA 29 and 7.8 acres of PA 23 from development area to conserved area, resulting in approximately 165 more acres of designated open space than is currently identified in the OMCP. Designating PA 23 as open space expands the City's vernal pool preserve, which exists adjacent to PA 23 to the north.

## CONCLUSION

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

## 1.9 References

City of San Diego

- 2020 The City of San Diego General Plan Housing Element 2021-2029. Available at: [https://www.sandiego.gov/sites/default/files/he\\_final\\_screen\\_view\\_june2021.pdf](https://www.sandiego.gov/sites/default/files/he_final_screen_view_june2021.pdf)

Converse Consultants

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- 2004a Phase I Environmental Site Assessment Report Security Title Insurance (Kuta) Property Approximate 42-Acre Parcel APN 667-010-15 San Diego, California. March 24.
- 2004b Phase I Environmental Site Assessment Report Ablao Property Approximate 1-Acre Parcel APN 645-072-14 San Diego, California. March 12.
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