DRAFT CANDIDATE FINDINGS OF FACT AND

STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING

FINAL ENVIRONMENTAL IMPACT REPORT FOR 3ROOTS SAN DIEGO PROJECT

SCH No. 2018041065
Project No. 587128
June 2020

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SECTION I: INTRODUCTION

I. PROJECT DESCRIPTION

A. Project Background

- The site was an active aggregate mining and processing quarry under several operators between 1958 and 2018 when operations ceased. Throughout the decades, mining activities were approved under a series of CUPs, which not only approved mining activities, but also contemplated the "reclamation," or the re-contouring of the site, at the conclusion of extraction and processing activities.

- In 1994, the Carroll Canyon Master Plan ("CCMP") was approved by the City as an amendment to the Mira Mesa Community Plan ("MMCP"). The approved CCMP provides an ultimate standard for reclamation of the site following completion of mining. The CCMP envisions a 554-acre, mixed-use development and parks and open space system designed to be implemented in phases.

- In 2001, the City approved the Fenton-Carroll Canyon Technology Center project as implementation of the first phase of the 1994 CCMP. As envisioned in the CCMP, that project encompassed industrial uses, open space, and affiliated public and private infrastructure (in the form of roadways and utilities) over 130-acres of the former Fenton Materials mining operation. Currently, 600,000 SF of the approved 900,000 SF are constructed and serve as an employment center for Mira Mesa and the region. In 2003, the roadway segment of Camino Santa Fe from Mira Mesa Boulevard to Trade Street was built. In 2004 the Fenton-Carroll Canyon Technology Center and the affiliated Camino Santa Fe extension were removed from CUP 89-0585 as all reclamation and mining obligations in this area were deemed complete.

- In 2016, the mining operations on the project site ceased, although aggregate processing activities continued through 2018. Reclamation activities started in 2016 (and are ongoing).

- The 3Roots project represents the second and final phases of the approved 1994 CCMP.

B. Project Objectives

The EIR included the following project objectives:

- Provide for the reuse and redevelopment of the former mining site into a vibrant and active infill neighborhood within the Mira Mesa community.

- Provide for a mix of land uses that promotes the City's vision for smart growth by reducing vehicle miles travelled.

- Address the City's housing supply needs by providing an expanded residential footprint, in order to provide 1,800 residential units and allow for a broader range of housing, with a variety of sizes and ownership options that cater to a variety of life stages and include both market rate residences and for rent, affordable units consistent with the City's Inclusionary Affordable Housing Regulations.

- Provide a variety of residential options, including multi-family, detached condos, and single family detached homes in close proximity to UTC, Sorrento Valley, and MCAS Miramar, contributing to an improved jobs-housing balance in the area and catering to a diverse set of life stages.

- Provide a new public community park and other publicly accessible parks, trails, and spaces for a total of approximately 36 acres of new park space.

- Dedicate over 40 percent of the project site as natural open space, increasing the City's Multi Habitat Planning Area (MHPA) and implementing the adopted CUP/Reclamation Plan mandated restoration and enhancement of the degraded Carroll Canyon Creek, which traverses the project site from east to west.

- Implement a "mobility focused" development with a centralized Mobility Hub for public and private multi-modal transportation options.

C. 3Roots Project Description

The project's goals and objectives provide for the reuse and redevelopment of the remaining portion of the former mining site into a master planned development with a mix of land uses. The project's scope includes three major elements: a proposed Master Planned Development Permit (MPDP), an amendment to the existing mining Conditional Use Permit/Reclamation Plan (CUP/Reclamation Plan), and the relocation/removal of SDG&E facilities. The MPDP also requires a Community Plan Amendment (CPA) to revise Carroll Canyon Master Plan (CCMP) adopted land uses to be consistent with land uses proposed to be developed under the MPDP.

The project would include residential land uses, designed at varying densities to cater to a variety of life stages. Residential uses would include: 28.1 acres of single-family residential and 66.2 acres of detached (single-family on multi-family lotting) and multi-family residential, all connected by 45.0 acres of on-site roads and parkways.

The project would also include an approximately 40-acre mixed-use district "Root Collective" which serves as a mixed-use core area (EIR at Figure 3-1 includes the Proposed Site Plan). The Root Collective would include 12.6 acres of commercial uses, including a proposed Mobility Hub, and 12.8 acres of higher density multi-family residential, as well as parks, open space, and roadways. The commercial uses would provide office, food and beverage, and retail uses.

As part of the Root Collective's multi-family residential component, the project would provide affordable for-rent units (consistent with the City's Inclusionary Affordable Housing Regulations.

The Mobility Hub is an approximately 1.35-acre area within the Root Collective mixed-use core area designed to provide a centralized space for on-demand, regularly scheduled, multi-modal transportation services near the intersection of Camino Santa Fe and Carroll Canyon Road. The Mobility Hub would be located in this area and is anticipated to support a future transit stop which would be a component of SANDAG's future transit service in Carroll Canyon. EV charging spaces calculated pursuant to the 3Roots Climate Action Plan (CAP) Checklist would be congregated in the Mobility Hub.

The project would also set aside nearly 250 acres of open space, consisting of approximately 181.3 acres of natural open space, 36.1 gross acres of parks and trails, and approximately 28.6 acres of landscaped slopes, amenities, and dedicated brush management zones (BMZs), and water quality/retention basins.

The project would provide a mix of multi-family and single-family homes, for a total of up to 1,800 units. The 3Roots proposed residential units vary from a minimum of 5 dwelling units/acre up to 73 dwelling units/acre, depending on the minimum and maximum densities of the proposed base zones. Residential densities follow a gradient of higher densities located within the Root Collective district in proximity to future transit and decreasing densities toward the edges of the project site closer to existing and adjacent single-family homes.

The 3Roots proposed MPDP requires an amendment to the Mira Mesa Community Plan to address a potential land use inconsistency with land uses adopted by the CCMP. The amendment would reconfigure land uses to conform with those proposed by the MPDP. The CPA's main effects on land use would be elimination of the industrial land use, reconfiguration and consolidation of park acreage, consolidation of commercial use, and increase in residential land area. The CCMP would also be rescinded and MPDP land uses and relevant policies merged into the community plan.

The project would replace the industrial areas planned in the CCMP for the southern portion of the project site with a community park and expanded land area for residential uses. The industrial land uses are identified as 'Other Industrial Lands' by the General Plan and are not specifically identified for protection unlike 'Prime Industrial Lands' (refer to Figure 5.1-1, *City Prime Industrial Lands in the Vicinity of 3Roots*).

The three parks (totaling 20 acres) identified in the CCMP would be consolidated into a larger City-owned community park of 23.6 usable acres. The project would provide a total of approximately 35.1 usable acres of active and passive parkland overall, providing substantially more than the 20 acres of park space proposed in the approved 1994 CCMP. Of this total, approximately 1 acre would be private and restricted to HOA members. The 23.6 acre-community park would be public, and the remaining additional 8.4 acres would be private facilities with public recreation easements, allowing for park use by community members as well.

The project would be similar to the uses envisioned under the CCMP, as shown in EIR Table 3-3, *Comparison of 1994 CCMP and Project Land Uses*. The project would include a maximum of 1,800 residential units, an on-site mobility hub that would serve as the 'Transit Station' identified by the CCMP, local-serving retail, some office use, parks and open space. Consistent with the Draft Mira Mesa Community Plan Update, currently under review, the project is also conditioned to provide an on-site centerline IOD to accommodate future BRT within Carroll Canyon Road.

The project proposes a broader range of residential densities than the CCMP. While the residential uses proposed in the CCMP are limited to medium and medium-high density; by expanding the residential footprint, densities along the periphery of the development area would be reduced, allowing for a variety of product types intended to provide diverse housing opportunities to accommodate different life stages. The project also adds some high-density residential uses to the mixed-use core.

The project site was an active aggregate mining operation and concrete processing plant from 1958 to 2016, at which time the reclamation began. The CUP approved by the City for mining and processing activities has been modified throughout the life of the mine to adjust the boundaries of the resource extraction area. The latest CUP was approved on September 13, 1990 (CUP 89-0585).

As described in EIR Section 2.2.4, Reclamation Plan – Project Baseline, the City adopted a Reclamation Plan for the CCMP area in 1990, in conjunction with the approval of CUP 89-0585 and certified a Supplemental EIR (1990 EIR; DEP No. 89-0585; SCH No. 85121814) at that time. These adopted and certified documents addressed impacts of on-site mining and reclamation, including on surrounding land uses. These documents identified required re-contouring to stabilize the slopes and prepare land for future development, and required the restoration and enhancement of native habitat, including restoration of Carroll Canyon Creek. The 1990 CUP included a variety of conditions and mitigation measures. The current project would ensure that those conditions and mitigation measures, not already satisfied, would be completed.

Although active mining operations have ceased, an amended Reclamation Plan and CUP are necessary to address changes in the site conditions and the redevelopment plans since 1990, and to complete regulatory closure of the mined lands. The project proposes an amendment to the existing Reclamation Plan and CUP to modify the Reclamation Plan boundary, adjust grade elevations to align with the proposed development, revise the originally proposed road networks to match existing infrastructure, and protect sensitive habitat. Reclamation Plan Amendment activities would be completed in accordance with PRC Division 2, Chapter 9, Section 2710 et seq; as well as CCR Title 14, Division 2, Chapter 8, Subchapter 1 Article 1 Section 3500 and Article 9 Section 3700, as applicable.

SDG&E Facility Modifications (east-west modifications, north-south modifications, and substation removal); are required and are analyzed as part of 3Roots documentation (see EIR Figure 3-4, *SDG&E Facility Modifications*). The existing overhead east-west double circuit 69kV system as well as other 69kV systems would be converted to an underground facility and relocated along the north or south side of Carroll Canyon Road or under the roadway itself. The existing overhead north-south double circuit 69kV system along the west side of Camino

Santa Fe in the vicinity of Carroll Canyon Road would remain overhead with an approximately 500-foot realignment to remove the pole near the creek. To distribute electric service to the project, SDG&E would convert and relocate the existing overhead 12kV system that is attached to the 69kV pole line described in EIR Section 3.3.3.2, including conversion to underground within the Carroll Canyon Road right-of-way (ROW). Electric distribution lines ultimately would be located underground within the future project ROWs and designated electricity corridors. The existing SDG&E 69kV/12kV Fenton Substation located within the project site would be decommissioned, taken out of service, and removed by SDG&E.

II DISCRETIONARY ACTIONS

This EIR is intended to provide documentation pursuant to CEQA to cover all local, regional, and state permits and/or approvals that may be needed to implement the project. Implementation of the project would require the following discretionary approvals from the City:

- CUP/Reclamation Plan Amendment
- Carroll Canyon Master Plan (CCMP)/General Plan Amendment/Mira Mesa Community Plan (MMCP) Amendment
- Re-zone and associated implementation of the Community Plan Implementation Overlay Zone (CPIOZ)
- Master Planned Development Permit (MPDP)
- Site Development Permit (SDP)
- Neighborhood Development Permit (NDP)
- Easement Vacations
- Vesting Tentative Map
- MHPA Boundary Line Adjustment
- Water Supply Assessment / Water Supply Verification

Permits by other Responsible and/or Trustee Agencies include:

- National Pollutant Discharge Elimination System (NPDES) General Construction Permit from the Regional Water Quality Control Board (RWQCB) to ensure consistency with water quality protection requirements during construction;
- Section 404 authorization from the USACE to authorize impacts to Waters of the United States (this permit relies upon the Section 401 certification);

- Section 401 waiver/certification from the RWQCB to authorize impacts to Waters of the United States (this waiver/certification requires a certified EIR before files can be closed and 401 issued);

- Section 1602 streambed alteration agreement from the CDFW to authorize impacts to Waters of the State;

- MCAS Miramar Airport Land Use Compatibility Plan (ALUCP) Consistency Review to confirm consistency with the ALUCP by the ALUC (project has been found consistent); and

- Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (FEMA) to modify the Flood Insurance Rate Map (FIRM) for Carroll Canyon Creek. Per February 2019 coordination with FEMA, issuance of the CLOMR requires completion of the USACE Section 404 permit. As noted above, the 404 requires RWQCB Section 401 waiver/certification, which in turn requires a certified EIR; therefore, CLOMR issuance will follow project approval and EIR certification. Phase 2 construction of the project includes elements located within the floodplain and is conditioned upon receipt of all agency permits.

SECTION II: ENVIRONMENTAL REVIEW PROCESS

The City of San Diego (City) is the lead agency conducting environmental review under the California Environmental Quality Act (California Public Resources Code Sections 21000, *et seq.,* and the Guidelines promulgated thereunder in California Code of Regulations, Title 14, Sections 15000, *et seq*. (CEQA Guidelines)*,* hereinafter collectively, CEQA). The City as lead agency is primarily responsible for carrying out the project. In compliance with Section 15082 of the CEQA Guidelines, the City published an initial Notice of Preparation on April 26, 2018, which was rescinded due to a change in the date of the Scoping Meeting, and a new notice was issued on May 4, 2018, which began a 30-day period for comments on the appropriate scope of the project Environmental Impact Report (EIR). Consistent with Public Resources Code Section 21083.9, the City held a Scoping Meeting on May 23, 2018. The purpose of this meeting was to seek input and concerns from public agencies as well as the general public regarding the environmental issues that may potentially result from the project.

Pursuant to CEQA Guidelines Section 15084(d)(3), HELIX Environmental Planning, Inc. prepared and submitted environmental documents to the City on behalf of the applicant. The City reviewed and approved the Draft Environmental Impact Report for public circulation. The City posted a Notice of Availability of the EIR pursuant to CEQA Guidelines Section 15087. The Draft EIR was circulated for 45 days for public review and comment beginning on June 28, 2019 and through August 12, 2019. During the public comment period, the City received a request from the Department of Conservation Division of Mines for extension of public review to August 16, 2019, which was granted. After the close of public review, the City prepared the Final EIR, which provided responses in writing to all comments received on the Draft EIR. The Final EIR, published in July 2020. has been prepared in accordance with CEQA.

The EIR addresses the environmental effects associated with implementation of the project. The EIR is intended to serve as an informational document for public agency decision-makers

and the general public regarding the objectives and components of the project. The EIR addresses the potential significant adverse environmental impacts associated with the project, and identifies feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these impacts.

The EIR is the primary reference document for the formulation and implementation of a mitigation monitoring program for the project. Environmental impacts cannot always be mitigated to a level that is considered less than significant. In accordance with CEQA, if a lead agency determines that a project has significant impacts that cannot be mitigated to a level below significance, the agency must adopt findings mandated by CEQA Guidelines Section 15091(a) explaining the specific factors which render mitigation measures or project alternative infeasible. In addition, the lead agency is required to state in writing the specific reasons and overriding considerations before approving the project based on the final CEQA documents and any other information in the public record for the project. (CEQA Guidelines, § 15093.)

The City, acting as the Lead Agency, certified that the EIR reflects the City's own independent judgment and analysis under Public Resources Code Section 21082.1(a)-(c) and CEQA Guidelines Section 15090(a)(3).

The documents and other materials that constitute the record of proceedings on which the City's CEQA findings are based are located at the Office of the City Clerk, 202 C Street, 2nd Floor, San Diego, California 92101. This information is provided in compliance with CEQA Guidelines Section 15091(e).

SECTION III: FINDINGS

I. INTRODUCTION

CEQA states that no public agency shall approve or carry out a project which identifies one or more significant environmental impacts of a project unless the public agency makes one or more written findings for each of those significant effects, accompanied by an justification and rationale for each finding in the form of a statement of overriding considerations. The possible findings are:

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment.

- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be adopted by that other agency and not the agency making the findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

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

(*Pub. Res. Code*, § 21081; CEQA Guidelines, § 15091.)

CEQA requires that the lead agency adopt mitigation measures or alternatives where feasible to avoid or lessen significant environmental impacts that would otherwise occur with the implementation of the project. Project mitigation or alternatives are not required, however, when they are infeasible or when the responsibility for modifying the proposed project lies with another agency. (CEQA Guidelines, § 15091(a)(b).) For those significant impacts that cannot feasibly be reduced to a less than significant level, the lead agency is required to find that specific overriding economic, legal, social, technological, or other benefit of the proposed project outweighs the significant effects on the environment. (Pub. Res. Code, § 21081(b); CEQA Guidelines, § 15093.) If such findings can be made, the CEQA Guidelines state that "the adverse environmental effects may be considered acceptable." (CEQA Guidelines, § 15093.)

CEQA also requires that the findings made pursuant to Section 15091 be supported by substantial evidence in the record, meaning enough relevant information has been provided, including reasonable inferences that may be made from this information, to support a conclusion, even though other conclusions might also be reached. Substantial evidence includes facts, reasonable assumptions predicated on facts, and expert opinion supported by facts. (CEQA Guidelines, § 15384.)

The findings reported in the following pages incorporate the facts and discussions of the EIR, including the responses to comments, for the project as fully set forth therein. For each of the significant impacts associated with the project, the following discussion is provided:

- *Description of Significant Effects:* A specific description of the environmental effects identified in the EIR, including a conclusion regarding the significance of the impact.
- *Finding*: One or more of the three specific findings set forth in CEQA Guidelines Section 15091.
- *Mitigation Measures*: Identified feasible mitigation measures or actions, that are required as part of the project, and if mitigation is infeasible, the reasons supporting the finding that the rejected mitigation is infeasible.
- *Rationale*: A summary of the reasons for the finding(s).
- *Reference*: A notation on the specific section in the EIR that includes the evidence and discussion of the identified impact.

II. SUMMARY OF IMPACTS

The Final EIR concludes the project would have **no impacts** with respect to the following issue areas:

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

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

- Land Use
- Visual Effects/Neighborhood Character
- Greenhouse Gas Emissions
- Energy
- Geology and Soils
- Health and Safety
- Public Utilities
- Public Services and Facilities
- Noise (ground-borne vibration, construction)
- Biological Resources (interference with movement/corridors, long-term conservation)
- Transportation/Circulation (traffic exceeding community plan allocation; freeway segment, interchange, ramp; hazards; alternative transportation; public access)
- Air Quality (conflict/obstruct air quality plan, Phase 1 construction and Phase 2 construction concurrent with Phase 1 operations, CO hotspots, odors, air movement)
- Hydrology and Water Quality

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

- Noise (operations)
- Biological Resources (limited impacts to sensitive species, sensitive habitats, wetlands)
- Transportation/Circulation (direct impacts to one intersection in 2021 and six intersections in 2025, respectively, and cumulative impacts to five intersections in 2050)
- Historical Resources
- Tribal Cultural Resources
- Air Quality (violation of standard/exceed particulate matter threshold)

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

- Transportation/Circulation (direct impacts to three intersections and 12 roadway segments [with 7 partially mitigated] in 2021; direct impacts to five intersections [with one partially mitigated] and 12 roadway segments [with 7 partially mitigated] in 2025; and cumulative impacts to six intersections [with two partially mitigated] and 13 roadway segments [with 7 partially mitigated] in 2050

III. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION

The City Council of the City of San Diego, having independently reviewed and considered the information contained in the Final EIR, hereby finds pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1) that the following potentially

significant impacts would be less than significant after implementation of the specified mitigation measures. These findings are based on the discussion of impacts in Chapter 5.0 sections of the EIR, as more fully described below.

A. Noise

1. Impact: Would the proposed project result in or create a significant increase in the existing ambient noise levels?

a) *Finding*:

The analysis for construction impacts combines the three project components, due to the similarity of impacts. Because impacts related to the CUP/Reclamation Plan Amendment, which would be short-term, are covered under the construction analysis, and because operation of the SDG&E facility modifications would not generate noise during operations, the analysis for the project's operational impacts focuses on the MPDP Development.

Project Operation

Project-generated traffic would not increase by 3 dBA or greater off-site noise levels, and impacts would be less than significant.

Project-generated noise from public address systems associated with sports fields would potentially exceed the allowable ordinance levels and impacts are considered potentially significant.

Project-generated operational noise from the commercial uses (PA-19 and PA-20) may result in the exposure of future on-site residents of the multi-family areas of PA-12, PA-13, and PA-14 to noise levels created by the project that would exceed the City's adopted noise ordinance, and impacts would be potentially significant.

Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment. Following the implementation of mitigation measures noise impacts would be less than significant.

b) *Mitigation Measures*:

NOI-1 would control community park sports field noise through public address system control options and NOI-2 would ensure compliant internal noise levels through orientation, shielding and/or prohibition of specific noise sources associated with commercial uses adjacent to residential areas during specified time periods. The specific discussion of each mitigation is located in Section 5.7.2.3 and incorporated by reference herein to these findings.

c) *Rationale*:

Operational Noise

The anticipated primary project operational noise sources would include HVAC units, loading docks (back up alarms), trash compactors, music (e.g., from outdoor dining areas and

breweries), public address system/loudspeaker noise (e.g., from food trucks), vehicular traffic and crowd noise (e.g., from outdoor dining areas, pop-up retail, and food trucks) associated with the commercial area at PA-19 and PA-20; sports fields, playgrounds, and live music at the community park; and vehicular traffic. The operational noise associated with the commercial uses would occur approximately 1,700 feet from the closest existing residences to the northeast of the project boundary along Osgood Way; therefore, noise from this source would be negligible at the nearest existing receivers. Similarly, the proposed community park would be located approximately 1,100 feet from the nearest existing NSLUs (the single-family residences to the north off Osgood Way). The park would generate noise from sporting events. Typical noise generated by these types of activities would be greatly attenuated by a distance of 1,100 feet, and noise levels from these sources at the off-site residences would be less than the on-site impacts. Therefore, impacts from sports fields to existing NSLUs would be less than significant.

The Community Park would be separated from on-site housing units by approximately 350 feet across Carroll Canyon Road. The sports fields with public address systems would generate an approximate noise level of 65.9 dBA LEQ at 350 feet, which could potentially exceed the allowable ordinance levels at any time and is considered potentially significant. The dog park areas and children's playground would generate noise levels less than 45 dBA LEQ at 350 feet and would be less than significant. At the proposed community park, a public address system impacts could be addressed by either prohibiting such an address system, or by providing a sound system with directional speakers which point away from residential areas to reduce volume levels at the residential uses. The final layout plan for the park will require a review by the Park & Recreation Department for compliance with the City's noise ordinance. Because the exact types of commercial uses are not yet known, prior to issuance of Phase 2 building permits, a noise analysis shall be completed to assess operational noise sources from the commercial area within PA-19 and PA-20 (including, but not limited to, HVAC units, loading docks [back up alarms], trash compactors, music [e.g., from outdoor dining areas and breweries], public address system noise [e.g., from food trucks], vehicular traffic, and conversational crowd noise [e.g., from outdoor dining areas, pop-up retail, and food trucks]) and their noise impacts to the nearby multi-family residences in PA-12, PA-13, and PA-14. Appropriate noise attenuation measures identified in the noise analysis of the EIR shall be incorporated into the project design to ensure compliance with the City Noise Ordinance limits between a commercial zone (PA-19 and PA 20) and a multi-family residential zone (PA- 12, PA-13, and PA-14) of 60 dBA from 7:00 a.m. to 7:00 p.m., 55 dBA from 7:00 p.m. to 10:00 p.m., and 52.5 dBA from 10:00 p.m. to 7:00 a.m.

Reference: EIR § 5.7.2

B. Biological Resources

1. Impacts:

Issue 1: Would the project result in a substantial adverse impact, either directly or through habitat modification, on any species identified as a candidate, sensitive or special status species in the MSCP or other local or regional plans, policies or regulations, or by CDFW or USFWS?

Issue 2: Would the project result in a substantial adverse impact on any Tier I, Tier II, Tier IIIA, or Tier IIIB habitats as identified in the Biology Guidelines of the Land Development Code or other sensitive natural community identified in local or regional plans, policies or regulations, or by CDFW or USFWS?

Issue 3: Would the project result in a substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pools, riparian areas, etc.) through direct removal, filling, hydrological interruption, or other means?

a) Finding:

Significant impacts to biological resources discussed below would occur in the CUP/ Reclamation phase of the project, as well as during the implementation of the MPDP development plan, and during the modifications to SDG&E facilities. Changes or alterations have been incorporated into the project at all stages of development which mitigate or avoid the significant effects on the environment. Following the implementation of mitigation measures impacts to biological resources would be less than significant.

The rational for these findings are subdivided into the three parts of project development and the three impact areas shown in Section IV.B.1 of these findings and are applied to each phase of development with corresponding impacts for each of the issue areas. Changes or alterations have been required in, or incorporated into, the project at each stage of development discussed below, which mitigate or avoid the significant environmental effects on the environment.

<u>CUP/Reclamation Plan Amendment</u>

(i) Vegetation Communities

Impacts to 3.06 acres of Tier II, IIIA, and IIIB habitats are identified as significant.

(ii) Jurisdictional Areas

No impacts would occur to jurisdictional resources as a result of CUP/Reclamation Plan Amendment implementation; therefore, no significant impacts could occur.

(iii) Sensitive Plant and Animal Species

Generally, impacts to plant species with a CNPS CRPR of 2 or lower are considered potentially significant. Regarding the single summer holly plant impacted; due to preservation of approximately 99 percent of on-site plants, loss of this plant would neither jeopardize the status of the species in the region, nor directly contribute to future elevated listing of the species. Impacts would be less than significant.

As noted above, CUP/Reclamation Plan Amendment implementation would result in direct impacts to approximately 3 acres of habitats that can support sensitive animals/birds. This is conservatively assumed to also result in impacts to sensitive species that may be located within these areas. Because there is adequate species coverage and suitable habitats

protected under the MSCP within the MHPA, these potential species impacts are not identified as significant. Additionally, direct impacts to species not covered by the MSCP would be less than significant due to the low number of individuals potentially affected, the relatively small amount of habitat impacted, and the remaining immediately adjacent suitable habitat.

(iv) Indirect Impacts

CUP/Reclamation Plan Amendment implementation would be largely separated by grade from vernal pools and their watersheds or sensitive habitat in Rattlesnake Canyon, and would occur in compliance with identified BMPs. In addition, the project is required comply with the regulations of the ESA, CESA, MBTA, and the CDFW Fish and Game Code, addressing potential impacts to nesting birds. CUP/Reclamation Plan Amendment-related impacts would be less than significant.

MPDP Development

(i) Vegetation Communities

Direct impacts to approximately 4.45 acres of wetland and Tier II and IIIA upland habitats are identified as significant.

(ii) Jurisdictional Areas

A total of 0.18 acre of direct impacts to wetlands jurisdictional to the City, RWQCB, and CDFW, as well as 0.01 acre of impacts to USACE non-wetland waters (incorporated into City wetlands habitat), would occur as a result of MPDP implementation. These impacts are identified as significant.

(iii) Sensitive Plant and Animal Species

Four Nuttall's scrub oak (CRPR 1B.2) would be directly impacted by the extension of Carroll Canyon Road west of Camino Santa Fe. Due to preservation of approximately 89 percent of on-site plants, loss of these individuals would neither jeopardize the status of the species in the region, nor directly contribute to future elevated listing of the species. Impacts would be less than significant. MPDP Development implementation also would result in direct impacts to approximately 4.45 acres of sensitive wetland and upland habitats that can support sensitive species. These direct impacts are identified as significant.

As noted above, MPDP Development implementation would result in direct impacts to approximately 4.45 acres of habitats that can support sensitive animals/birds. This is conservatively assumed to also result in impacts to sensitive species that may be located within these areas. These impacts would occur outside of the MHPA; however, and because there is adequate species coverage and suitable habitats protected under the MSCP within the MHPA, these potential species impacts are not identified as significant. Additionally, direct impacts to species not covered by the MSCP would be less than significant due to the low number of individuals potentially affected, the relatively small amount of habitat impacted, and the remaining immediately adjacent suitable habitat.

(iv) Indirect Impacts

MPDP Development implementation would be largely separated by grade from vernal pools and their watersheds or sensitive habitat in Rattlesnake Canyon, and would occur in compliance with identified BMPs as well as LUAGs as additionally discussed in EIR Section 5.9.4. As discussed in the general assessment of indirect impacts above, shading resulting from pedestrian bridge construction is not expected to result in significant impact to resources in the creek below. In addition, the project is required comply with the regulations of the ESA, CESA, MBTA, and the CDFW Fish and Game Code, addressing potential impacts to nesting birds. MPDP Development-related impacts would be less than significant.

SDG&E Facility Modifications

(i) Vegetation Communities

The proposed SDG&E facility modifications with potential for impacts to vegetation are limited in both physical extent and implementation time frame as they consist of pole removal, replacement, and minor relocation. Nonetheless, 0.26 acre of direct impacts to sensitive upland habitats is identified as significant.

(ii) Jurisdictional Areas

No direct jurisdictional impacts were identified to SDG&E facility modifications.

(iii) Sensitive Plant and Animal Species

The proposed project would result in direct impacts to one sensitive plant species – summer holly (CRPR 1B.2). Generally, impacts to plant species with a CNPS CRPR of 2 or lower are considered potentially significant. As noted above, however, summer holly is widely distributed within the City and approximately 99 percent of summer holly within the project area would be conserved as a result of land dedication into the City MHPA. Impacts to six summer holly individuals would not jeopardize the status of the species in the region, and would not directly contribute to future elevated listing of the species, and the native habitat revegetation areas of the site include summer holly in the planting palette. Therefore, impacts to six summer holly shrubs are assessed as less than significant. There is also limited potential for impacts to Palmer's grapplinghook (CRPR 4.2) and San Diego barrel cactus (CRPR 2.1) in the SDG&E study area box north of Carroll Canyon Road West. The potential is being conservatively disclosed, due to the location of potential pole removal slightly east of mapped plants. Some of the 75 Palmer's grapplinghook (CRPR 4.2) and (although unlikely due to its location north and west of the impact area) some of the 14 San Diego barrel cactus (CRPR 2.1) in the SDG&E study area are conservatively assessed as potentially affected. It is anticipated that all or a majority of the barrel cacti would be avoided during final design and implementation of the pole relocation, which may include a pole footing and an access road. The access road would be required if an existing road (to serve existing structures in the immediate vicinity) could not be used. If a new access road is required, it would be expected to access the parcel from the southeast, via a connection to Carroll Canyon Road West. This is

considered less than significant because such impacts would not jeopardize the status of the species in the region, would not directly contribute to future elevated listing of the species, and the native habitat revegetation areas of the site include San Diego barrel cactus in the planting palette. Therefore, impacts to San Diego barrel cactus, should they occur, are not significant. There is also potential for the pole relocation(s) in the SDG&E study area to impact some of the 75 Palmer's grapplinghook. Because Palmer's grapplinghook is a CRPR list 4.2 species, potential impacts, are considered less than significant.

(iv) Indirect Impacts

The very limited extent of SDG&E facility modifications described above would affect a related limited amount of habitat, as noted above. In addition, the project is required comply with the regulations of the ESA, CESA, MBTA, and the CDFW Fish and Game Code, addressing potential impacts to nesting birds. The potential for effects to be indirect, combined with the transitory nature of the period of impact, results in indirect impacts being assessed as less than significant.

a) Mitigation Measures:

Mitigation measures for all project impacts are found in Section 5.9.2.1. BIO-1 (providing an IOD for preservation of sensitive habitat in perpetuity), BIO-2 (addressing construction activities adjacent to biological open space including monitoring and avoidance requirements), BIO-3 (providing a framework for revegetation and restoration of Carroll Canyon Creek including required plans, standards, monitoring, reports etc.), BIO-4 and BIO-5 (addressing least Bell's vireo and associated resource agency coordination and construction controls), BIO-6 (preparation of a Property Analysis Record), BIO-7 (identification of a qualified long-term habitat manager), BIO-8 (verification of long-term management areas and appropriate notes on the construction plans), and BIO-9 (verification of receipt of CDFW 1600 streambed alteration agreement, RWQCB 401 certification, and USACE 404 permit prior to Phase 2 grading). The specific discussion of each mitigation is located in Section 5.9.2.3 and incorporated by reference herein to these findings.

(b) Rationale:

The project area includes the approximately 413-acre quarry property and immediately adjacent off-site areas associated with the project-affiliated segment of Carroll Canyon Road extension and focused SDG&E utility work (totaling approximately 421.9 acres). The EIR impact analysis focused on the portions of the project site that have not been highly disturbed by quarry operations.

The site is located in a largely developed regional and local setting. Surrounding developed uses include roads and numerous structures and landscaped areas, as well as adjacent, off site, mining activities which are ongoing. The site itself has been largely disturbed due to active mining operations which occurred between the 1960s and 2016. Also, notable adjacent uses include open space undeveloped features such as Rattlesnake Canyon, some areas of steep slopes, and other retained open space. These conditions are depicted on EIR Figures 2-2 and 2-3.

In 2016, the on-site mining operation ceased but reclamation authorized and required by the mining CUP continued. Site reclamation is an ongoing activity and involves the rehabilitation of the site by excavating, removing undocumented fill areas, and backfilling and re-contouring mined areas to create a suitable condition for the intended/planned development and open space which was contemplated as part of the Carroll Canyon Master Plan. Reclamation as defined by EIR SCH No. 85121814 and CUP 89-0585 may include but is not limited to: grading and compacting building pads; grading and compacting planned development areas and roadways; grading and restoring/revegetating open space preservation areas; grading, re-aligning, and restoring Carroll Canyon Creek, and installing a culvert across Carroll Canyon Creek for the planned future alignment of Carroll Canyon Road. Therefore, much of the work necessary for site preparation of the project was contemplated, and analyzed previously with both the reclamation plan and the development of the Carroll Canyon Master Plan.

Because conditions on the site are continuously changing due to ongoing reclamation activities, the EIR analysis distinguished between existing conditions and the baseline condition. Existing conditions are defined as those conditions occurring at the time of surveys; baseline, or future baseline, conditions reflect the implementation of reclamation and mitigation tasks as authorized and required by the CUP for the reclamation of the site and associated EIR.

HELIX conducted site visits in 2016, 2017, and 2018 to assess existing conditions, map current vegetation, and identify sensitive species. HELIX conducted a formal jurisdictional delineation of the project site on April 19 and 20, 2016, with updates on June 19 and 23, 2017 and June 5 and 28, as well as December 4, 2018. Vegetation mapping and a general biological survey were conducted on May 2 and 3, 2017, with 2018 vegetation mapping updates also conducted on June 5 and 28, November 7, and December 4. Rare plant surveys were conducted on April 21 and June 23, 2017, as well as on April 9, 2019 for a potential SDG&E tower relocation area. Potential for rare plant presence also was reviewed during jurisdictional surveys noted above and during surveys for least Bell's vireo (*Vireo bellii pusillus*; LBVI). Least Bell's vireo surveys were conducted between April 21 and July 6, 2017. The conditions observed during these visits are reflected in the EIR's discussion of existing conditions on the site. These studies and their findings have been incorporated into the project EIR in Section 5.9 as supported by Appendix G and are incorporated herein to these findings by reference and provide substantial evidence for the determinations of significance shown in these findings.

Vegetation Communities:

The project site currently supports 17 vegetation communities which are shown and delineated in EIR Table 5.9-1. Upon completion of reclamation, the total project area remains 421.9 acres, but habitat acreage changes from the existing conditions summarized in Table 5.9-1 resulting from reclamation and the associated re-establishment/restoration of native habitats. These changes are reflected in EIR Table 5.9-2. The EIR at Section 5.9.1.1 thoroughly reviews and discusses each vegetation community and the changes that occur due to approved reclamation. Impacts associated with development of the project are addressed in Section 5.9.2. Project impacts are quantified on EIR Table 5.9-6.

The project includes the establishment of Brush Management Zones ("BMZs") for fire protection. A total BMZ 2 impact to vegetation of 13.5 acres is assessed based on existing and

ongoing brush management. This thinning would occur in areas where it is already an existing allowed use within MHPA, and would constitute continuation of an existing condition. While this area is included within the project impact analysis, such activities are considered impact neutral and do not require mitigation.

Jurisdictional Delineation:

The EIR provides a description of existing jurisdictional resources followed by a description of baseline jurisdictional resources following implementation of the adopted CUP and Reclamation Plan.

Requirements of the CUP 89-0585 reclamation plan were established in 1990, prior to establishment of applicable City of San Diego wetland regulations. Therefore, the first two EIR tables depicting jurisdictional areas (Table 5.9-3a and 5.9-3b) quantify reclamation existing conditions to federal and state, but not City, jurisdictional resources. Future baseline conditions for jurisdictional resources also are presented for waters under the purview of these agencies.

A jurisdictional delineation of the project area was conducted to identify and map water and wetland resources potentially subject to State and Federal jurisdiction. The delineation was also conducted to determine the presence of wetlands as defined by the City's Environmentally Sensitive Lands ordinance.

EIR Table 5.9-4, *Reclamation Impacts and Mitigation to Federal and State Jurisdictional Resources*, summarizes impacts and mitigation to federal and state jurisdictional areas that result from implementation of the approved Reclamation Plan. Impacts would occur to 1.6 acres of resources under USACE jurisdiction, as well as 2.06 acres of resources under CDFW and RWQCB jurisdiction. As presented in EIR Table 5.9-4, mitigation would occur for impacts to federal jurisdictional areas at a 3:1 ratio for vegetated areas and a 1:1 ratio for unvegetated areas (i.e., streambed). No-net loss of wetlands would be achieved through 1:1 re-establishment to compensate for all impacts. An additional 1.60 acres of jurisdictional habitat would be restored and enhanced to achieve a total of 3.20 acres of mitigation. Mitigation for impacts to state jurisdictional areas is similarly proposed at a 3:1 ratio for vegetated areas and a 1:1 ratio for unvegetated streambed. An additional 2.08 acres would be restored and enhanced to achieve a total of 4.14 acres of mitigation. Habitat establishment, restoration, and enhancement are described in detail in the Habitat Reclamation and Mitigation Plan, Appendix D of EIR Appendix G and incorporated into these findings by reference.

It is noted that the 10.31 acres of wetland re-establishment and restoration implemented for the reclamation exceeds the 4.14 acres- of mitigation anticipated for current resource agency mitigation requirements. Further, no jurisdictional impacts from the reclamation or reclamation-related mitigation would occur in previously designated mitigation land.

Following implementation of the adopted CUP and Reclamation Plan, approximately 27.47 acres of City-defined wetlands occur within the project area as noted in EIR Figure 5.9-4, *City Wetlands*; and Table 5.9-5, *City Jurisdictional Areas*.

Jurisdictional and City wetland impacts during the two-phase implementation of the MPDP are found in tables 5.9-7a-d. Much of the wetland impacts occurring in the project relate to the development of Carroll Canyon Road. According to the SDMC (Chapter 14, Article 3, Division 1, Section 143.0150, Deviations from ESL Regulations), "a deviation may only be requested for an Essential Public Project [EPP] where no feasible alternative exists that would avoid impacts to wetlands." For a project to be considered under the EPP option, the project would be required to meet one of the following criteria: (1) "Any public project identified in an adopted land use plan or implementing document and identified on the EPP List as Appendix III to the City Biology Guidelines," (2) "Linear infrastructure, including but not limited to major roads and land use plan circulation element roads and facilities," (3) "Maintenance of existing public infrastructure," or (4) State and federally mandated projects. Carroll Canyon Road is an EPP under the terms of the municipal code and the EIR fully analyzes each of the 4 EPP criteria.

The EIR has determined that a No Road Development option that would avoid wetland impacts is not feasible because the planned expansion of Carroll Canyon Road provides various traffic and transportation services needed to accommodate population and development growth in the community and region. Without this proposed arterial roadway expansion, the traffic circulation needs of the community would be underserved, and the necessary infrastructure adopted by the approved land use plans would not be met. Similarly, wetlands avoidance alternatives were analyzed, however, because the proposed road expansion would connect fixed termini of Carroll Canyon Road located east and west of the project site, few possible alignments exist to accommodate the road while meeting current road design standards of the City. To avoid wetlands, the extension of Carroll Canyon Road would require construction of a bridge that would extend east of the site to span an unnamed tributary of Carroll Canyon Creek and connect with an existing terminus of Carroll Canyon Road. The City has determined that construction of this bridge would be cost prohibitive and not practicable given the size and scope of such a project and therefore, the wetlands avoidance alternative was determined to be infeasible.

Plant and Animal Species:

A total of 204 plant species were identified during the biological survey, of which 92 (45 percent) are non-native species. Eight sensitive plant species were observed during biological surveys (EIR Figures 5.9-1 and 5.9-2). Sensitive species included Summer Holly which is a plant that occurs in Orange, Riverside, and San Diego counties south into Baja California, Mexico. It occurs in coastal chaparral. Summer holly is widely distributed within the City. None of the sensitive plant species observed on site is federally or state listed as endangered or threatened. No Narrow Endemic species were observed during the rare plant survey or other field surveys and none is expected to occur within the project area.

A total of 73 animal species was observed or otherwise detected on the project area during the biological surveys. They are mostly common urban wildlife associated with developed and disturbed places (see HELIX 2019c). Most species were detected in the northern and perimeter portions of the property, outside the quarry areas located in the central portion of the site. Seven sensitive wildlife species were identified during survey through direct observation or identification of scat or nests (Figures 5.9-1 and 5.9-2). These include coastal California gnatcatcher (*Polioptila californica californica*; CAGN), least Bell's vireo, Cooper's hawk (*Accipiter*

cooperii; COHA), orange-throated whiptail (*Aspidoscelis hyperythra*; OTWH), coastal whiptail (*Aspidoscelis tigris stejnegeri*; COWH), San Diego desert woodrat (*Neotoma lepida intermedia*; SDWR), and mule deer (*Odocoileus hemionus;* MUDE), as described below. In addition, one active raptor (red-tailed hawk) nest was observed during the biological surveys, in a utility tower along the eastern portion of Carroll Canyon Creek. Red-tailed hawk is a protected species under the CFG Code and the Federal Migratory Bird Treaty Act (MBTA). Coastal California Gnatcatcher was observed along coastal sage scrub in the north and eastern portions of the project area during surveys for least Bell's vireo. Due to the presence and number of coastal California gnatcatcher individuals detected on site during the breeding season (March 1 to August 15 annually, as defined by the City's Biology Guidelines), gnatcatcher nesting is presumed. It is assumed that multiple pairs utilize the site. Two least Bell's vireo were observed or detected at two separate locations within the project site (HELIX 2019c). However, no nesting behavior was observed within the property during any of the surveys; thus, it was determined that the two individuals detected on June 2 were likely transient individuals moving through the region. Because the species was observed during protocol surveys, the site is considered occupied by least Bell's vireo and used for foraging/movement during migration to suitable breeding habitat off site. Although the project area does support suboptimal and marginal suitable habitat for this species, results of the focused survey and species evaluation concluded that least Bell's vireo does not breed/nest in the project area.

Species and/or their habitat potentially directly impacted by CUP/Reclamation Plan Amendment implementation that are "covered" under the City's MSCP Subarea Plan include: coastal California gnatcatcher, Cooper's hawk, orange-throated whiptail, coast horned lizard, and southern California rufous-crowned sparrow, and mule deer.

Locations of sensitive biological resources relative to impact areas are depicted on EIR Figure 5.9-7, *Project Impacts to Sensitive Biological Resources*. MPDP implementation would result in impacts to the same upland sensitive and non-sensitive habitat types identified above for CUP/Reclamation Plan Amendment implementation.

Except for within habitat areas under USACE jurisdiction, least Bell's vireo is covered under the City's MSCP. Because the project would impact habitat for least Bell's vireo, mitigation is required. Anticipated impacts to habitat areas under the USACE jurisdiction require a Section 7 consultation between the USACE and USFWS to ensure compliance with the FESA. Additionally, project impacts to least Bell's vireo require a Consistency Determination by CDFW per the CESA and Section 2080.1 of the CFG Code. The project will obtain this Consistency Determination and the Section 7 consultation will be completed prior to commencement of the Phase 2 project.

Compliance with the City MSCP Land Use Adjacency Guidelines (LUAGs) is a requirement of the project approvals by the City (i.e., SDP issuance). These are specifically addressed in EIR Section 5.9.4, Impact 3: Long Term Conservation, however, compliance would result in avoidance of potential long-term indirect impacts to vegetation communities and sensitive plant species as well.

Long-term indirect impacts to sensitive wildlife post construction, could include post-project anthropogenic disturbances such as (but not limited to) human presence, noise, and lighting.

These long-term indirect impacts are not expected as MPDP Development would comply with City MSCP LUAG requirements.

Wildlife Corridors:

Lands surrounding the project area to the north and south are mostly developed, except for a few vacant lots on slopes. Large surface streets and extensive residential and commercial development constrict and fragment upland habitats. Additionally, the project site is exposed to noise from reclamation activities and the surrounding existing development in Mira Mesa, as are surrounding habitat fragments. Therefore, given the site's history, its current disturbed condition, and the overall urban setting, the project site does not serve as a critical wildlife corridor or habitat linkage for the region. Implementation of the project and restoration of Carroll Canyon Creek would facilitate new wildlife movement through the project thereby enhancing the potential for the area to become a wildlife corridor.

Reference: EIR §5.9.2

C. Transportation/Circulation

1. Impacts:

Issue 2: Would the project result in an increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system?

Issue 4: Would the project have a substantial impact upon existing or planned transportation systems?

Direct Transportation Impacts

(a) Finding:

Direct significant impacts from the project in the near-term (2021) would occur at six intersections and 12 roadway segments with implementation of Phase 1 of the project. Significant impacts would occur at 11 intersections and 12 roadway segments with implementation of both Phases 1 and 2 of the project compared to near-term traffic conditions in 2025. Changes or alterations have been required in, or incorporated into the project which mitigate or avoid some of the significant environmental effects on the environment. Feasible mitigation measures are proposed to mitigate intersection impacts to one intersection in 2021 and six intersections in 2025.

(b) Mitigation Measures:

The following mitigation measures identified in EIR Section 5.2.2.4 fully mitigate project intersection impacts in 2021 and 2025: TRA-1, TRA-12, TRA-14, TRA-15, TRA-16, TRA-17, and TRA-19. TRA-1 and TRA-3 require assurance by permit and bond specific intersection improvements (e.g., striping, and installation of signal modifications for intersections determined to be impacted in 2021. TRA-12, TRA-14, TRA-15, TRA-16, TRA-17, and TRA-19 require assurance by permit and bond specific intersection improvements (e.g., striping and

signal modifications, as appropriate for intersections determined to be impacted in 2025. A description of each mitigation measure is found in EIR Section 5.2.2.4 and is incorporated by reference herein to these Findings.

(c) *Rationale*:

CUP/Reclamation Plan Amendment

Prior mining activities and ongoing reclamation grading created an existing condition of numerous truck movements on site, as well as export of mined materials. The proposed condition would therefore be analogous to the existing condition relative to earth movement, although no import/export would occur for the CUP/Reclamation Plan Amendment. CUP/Reclamation Plan Amendment trips, therefore, would be expected to be overall fewer than those associated with baseline conditions.

MPDP Development

The project would involve the construction and operation of up to 1,800 residential units and 160,160 SF of commercial and office development on approximately 412.9 acres over two phases. The Traffic Impact Analysis ("TIA") (EIR Appendix B) assumes that the project's Phase 1 would be completed in 2021 and that Phase 2 would be completed in 2025. The entirety of the operational traffic trips associated with Phase 1 of the proposed project would not be generated until the completion of Phase 1 in 2021. Instead, project-related traffic impacts are determined based on the anticipated opening day near-term traffic conditions in 2021 for Phase 1 and in 2025 for Phase 2. All mitigation would be implemented prior to first occupancy of each phase unless an equivalent dwelling unit trigger has been identified. To estimate direct project impacts in 2021 and 2025, SANDAG's Series 12 Year 2008 and Year 2020 models were refined to align with SANDAG's 2008 base model volumes and daily traffic volume counts collected in 2017, respectively, and annual growth rates were applied for 2021 and 2025. The development of near-term projects in the Mira Mesa community are included in the baseline traffic conditions for 2021, including the adjacent Fenton Technology Park and Phase I of the proposed Stone Creek project.

The unbuilt segments of Carroll Canyon Road are critical components of the planned transportation network in the Mira Mesa community and would complete a regionally important connection. Current Carroll Canyon Road segments extend from I-805 to Carroll Road, and from a point east of the project boundary to Camino Ruiz. Between Carroll Road and the eastern boundary of the project, the road does not exist in paved form, and is the subject of three different planning efforts that address three different portions of the road which are fully described on EIR page 5.2-12. The segments include the portion that is being constructed through the project site. The segments are identified in the Mira Mesa Public Facilities Financing Plan ("PFFP") as segments T-5A, T-5B, and T-5C. Segment T-5C would be constructed with the project and includes the section of Carroll Canyon Road that goes through the project. The EIR TIA demonstrates that this section of Carroll Canyon Road is not required until Phase 2 of the project. Segment T-5B would be constructed by the project but is not a mitigation measure for the project. This segment of Carroll Canyon Road from Camino Santa Fe west to the border of the Fenton Technology Park property was required as part of the Fenton Technology Park approvals, and the project applicant agreed to complete this

segment in a private agreement with the Fenton Technology Park. Segment T-5A (assumed to be constructed within the same timeframe as T-5B and T-5C) connects from the western edge of the Fenton Technology Park to Carroll Road. This segment will be paid for by the Mira Mesa PFFP and is scheduled to receive $2 million in funding beginning in 2023 with an additional $6.18 million in 2024 for a total of $8.18 million. For cumulative traffic impacts, community buildout horizon year 2050 incorporates fully funded transportation network improvements as identified in the PFFP, including completion of Carroll Canyon Road between I-805 and I-15, improvements to Camino Ruiz, and Kearny Villa Road. Improvements to I 805 as well as the operation of a high frequency transit line along Carroll Canyon Road are planned by Caltrans and SANDAG, respectively, and also included in the horizon year analysis.

Estimated cumulative vehicle trip generation for 2021, 2025, and 2050 (11,788, 26,209, and 25,478 daily trips, respectively) is shown in EIR Tables 5.2-7c, *Cumulative Trip Generation Summary: Phase 1 (Near-Term 2021)*; 5.2-7e, *Cumulative Trip Generation Summary: Project Buildout (Near-Term 2025)*; and 5.2 7g, *Cumulative Trip Generation Summary: Project Buildout (Long-Term 2050)*, respectively. No trip reductions were applied in 2021; however, mixed-use trip reductions were applied starting in the 2025 near term scenario and also for the cumulative 2050 scenario to account for the internal trips that occur as the result of including a mix of residential and commercial uses within the project site. A transit trip reduction was also applied in 2050 to account for the future planned BRT and/or local transit service anticipated along the centerline of future Carroll Canyon Road, and the proposed mobility hub that would serve a future transit line.

Near-Term Plus Project Phase 1 (2021).Traffic generated by Phase 1 of the project was added to the forecasted 2021 traffic volumes to develop the near-term opening day (2021) plus project volumes, with the resulting conditions at intersections and roadway segments outlined below. Associated traffic volumes are shown on EIR Figures 5.2-7a-c, *Near-Term 2021 Plus Phase 1 Traffic Intersection Volumes*, and Figure 5.2-8, *Near-Term 2021 Plus Phase 1 ADT Volumes*.

Intersection operations with Phase 1 of the project compared to near-term 2021 conditions are shown in EIR Table 5.2-8, *Near-Term 2021 Intersection Operations*. Of the 50 study area intersections, 40 are calculated to operate at LOS D or better during Phase 1 of the project. Of the 10 failing intersections anticipated in 2021, the addition of project traffic under Phase 1 would exceed the City's thresholds for additional delay at 6 intersections, and project mitigation is proposed for 4 of the 6, with two of the four not requiring ROW. Although TRA-3 requires only re-striping and signalization modification consistent with the Excavation Moratorium to New Pavement in Public Right-of-Way in the Street Preservation Ordinance (San Diego Municipal Code §§ 62.1203 and 62.1206) the City has a policy requiring improvements at the same location within a five-year timeframe to be implemented at one time. As a result, although 2021 impacts could be fully mitigated by TRA-3, which does not require new ROW, because 2025 impacts at the same location would be mitigated by TRA-13 which would require ROW, the impacts are currently assessed as significant and unavoidable and both TRA-3 and TRA-13 are addressed in Section IV.

Roadway segment operations with Phase 1 of the project are shown in Table 5.2-9, *Near-Term 2021 Roadway Segment Operations*. Of the 48 segments, 13 are calculated to operate at LOS D or better with Phase 1 of the project. One roadway segment (i.e., Mira Mesa Boulevard from

Parkdale Avenue to Reagan Road) was determined to not result in a significant impact based on the City's alternative analysis for roadway segments. This results in 12 roadway segments requiring mitigation (see Section IV).

Near-Term Plus Project Buildout (2025). Near-term 2025 project impacts on traffic congestion are evaluated based on the anticipated traffic conditions when project Phase 2 trips are added to the surrounding transportation network once Phases 1 and 2 of the project are completed. Specifically, 2025 conditions anticipate that the Carroll Canyon Road extension between Camino Santa Fe and Camino Ruiz is completed by the project and that the proposed improvements to transportation facilities in Phase 1 of the project are also completed.

As Phase 2 of the project is anticipated to be completed in 2025, baseline trips without Phase 2 of the project were determined by starting with SANDAG's Series 12 Year 2020 model, adding five years of annual growth rates (similar to what was done for the near-term 2021 analysis); and manually adding Phase 1 trips associated with the project. Anticipated trips associated with Phase 2 of the project were then distributed throughout the study area to determine the changes in operations for intersections, roadway segments, freeway mainlines, and freeway on- and off-ramps.

Traffic generated by Phase 2 of the project was added to the forecasted 2025 traffic volumes to develop the near-term (2025) plus project volumes, with the resulting conditions at intersections and roadway segments outlined below. Associated traffic volumes are shown on Figures 5.2-9a-c, *Near-Term 2025 Plus Project Intersection Volumes*, and Figure 5.2-10, *Near-Term 2025 Plus Project ADT Volumes*.

Intersection operations with Phase 2 of the project compared to near-term 2025 conditions are shown in Table 5.2-14, *Near-Term 2025 Intersection Operations*. Of the 50 study area intersections, 36 are calculated to operate at LOS D or better with Phase 2 of the project. Of the 14 failing intersections anticipated in 2025, the addition of project traffic under Phase 2 would exceed the City's thresholds for delay at 11 intersections, and mitigation is proposed for 8 of the 11, with one of those being partial mitigation from 2021.

Roadway segment operations with Phase 2 of the project are shown in Table 5.2-15, *Near Term 2025 Roadway Segment Operations*. Of the 48 roadway segments evaluated, 34 are calculated to operate at LOS D or better. Mitigation is proposed for 12 of the 14 segments (see Section IV).

Impacts After Mitigation Applied (2021 and 2025). Mitigation for direct impacts under the 2021 and 2025 near-term scenarios is detailed in the EIR on pages 5.2-25 through 5.2-31.

As shown on Table 5.2-25, *Near-Term 2021 Intersections with Mitigation*, mitigation to fully lower impacts to less than significant is proposed for four of the six intersections, but two intersections would require ROW, and are discussed in Section IV of these Findings, as is one intersection for which mitigation would be implemented in conjunction with 2025 mitigation for the same intersection, and for which ROW also would be required. As a result, identified mitigation is conservatively assessed as fully mitigating potentially significant impacts in 2021 to one intersection. Mitigation measures for 2021 are illustrated on Figure 5.2-13, *2021 Mitigation Measures*.

As shown on Table 5.2-27, *Near-Term 2025 Intersections with Mitigation*, mitigation to fully lower impacts to less than significant is proposed for 8 of the 11 intersections, but two intersections would require ROW, and are discussed in Section IV of these Findings. As a result, identified mitigation is conservatively assessed as fully mitigating potentially significant impacts to six intersections. Mitigation measures for 2025 are illustrated on Figure 5.2-14, *2025 Mitigation Measures*.

Significant impacts in the Near Term 2021 at the intersection of Camino Santa Fe and Mira Mesa Boulevard would be mitigated by the completion of Carroll Canyon Road in Phase 2 of the project. Therefore, feasible mitigation would be applied through construction of Carroll Canyon Road in Phase 2 of the project, which would fully mitigate the short-term impact at Camino Santa Fe and Mira Mesa Boulevard.

SDG&E Facility Modifications

SDG&E work to realign and underground 69kV facilities within the site would occur during overall road preparation tasks associated with the CUP/Reclamation Plan Amendment. As such, no specific trips would be associated with the action. Relative to substation removal, that would occur during demolition work. As detailed in the TIA in Appendix D of this EIR, total demolition is expected to total 1,340 total trips over a period of 20 days. This equates to 67 trips per day. The SDG&E portion would comprise only part of the total construction trips detailed and accounted for in the TIA, and are expected to be negligible relative to overall traffic spread over a full workday within industrial/commercial traffic associated with businesses off Camino Santa Fe.

Reference: EIR 5.2.2

<u>Cumulative Transportation Impacts</u>

(a) Finding:

As shown in EIR Table 5.2-29, *Long-Term 2050 Intersections with Mitigation*, and EIR Table 5.2-30, *Long-Term 2050 Roadway Segments with Mitigation*, mitigation to fully lower impacts to less than significant is proposed for 6 of 11 impacted intersections, but one intersection would require ROW, and is discussed in Section IV of these Findings. One cumulative impact would be mitigated through a fair share contribution toward an existing financing plan. As a result, identified mitigation is conservatively assessed as fully mitigating potentially significant impacts to five intersections with the completion of 3Roots and cumulative projects added to the transportation network.

The City finds that all feasible mitigation measures have been applied to the project to fully mitigate cumulatively significant impacts to five intersections.

(b) Mitigation Measures:

Previously implemented as part of the project, mitigation measures TRA-1 (2021),and TRA-12, TRA-14, and TRA-15 (2025), , result in 2050 project-related intersection traffic effects being less than significant. TRA-22 would address a new cumulative intersection impact to occur in 2050,

and would require a fair share contribution to mitigate an intersection impact to which the project would make a considerable contribution. A description of each mitigation measure is found in EIR Section 5.2.2.4 and is incorporated by reference herein to these Findings.

(c) Rationale:

Long-term cumulative traffic project impacts are evaluated based on the anticipated traffic conditions upon buildout of the land uses in the SANDAG region by the year 2050, including buildout of the Mira Mesa community. Specifically, this includes projects scheduled to be completed according to the PFFP including the construction of Carroll Canyon Road between I-5 and I-15; improvements to Camino Ruiz associated with the Vulcan Stone Creek project, and improvements to Kearny Villa Road between Black Mountain Road and approximately 600 feet south of Miramar Road. In addition, SANDAG and Caltrans long-term plans include the completion of a second HOV lane in each direction on I-805 between La Jolla Village Drive and SR-52 and completion of on- and off-ramps from I-805 between the carpool lanes and Nobel Drive. Baseline volumes without the project in 2050 were established by comparing SANDAG's Series 12 Year 2020 and Year 2050 models to obtain the growth forecasted over 30 years, then applying 25 years of growth to the near-term 2025 baseline described previously for the analysis of impacts in the short-term in 2025. Anticipated trips associated with both phases of the project were then distributed throughout the study area to determine the changes in operations for intersections, roadway segments, freeway mainlines, and freeway on- and off-ramps.

Traffic generated by the project was added to the forecasted 2050 traffic volumes to develop the long-term (2050) plus project volumes, with the resulting conditions at intersections and roadway segments. Associated traffic volumes are shown on Figure 5.2-11a-c, *Long-Term 2050 Intersection Volumes*, and Figure 5.2-12, *Long-Term 2050 ADT Volumes.*

Intersection operations with the project compared to long-term 2050 conditions are shown in Table 5.2-19, *Long-Term 2050 Intersection Operations*. Of the 50 study area intersections analyzed, 36 are calculated to operate at LOS D or better. Of the 14 failing intersections anticipated in 2050, the addition of project traffic would exceed the City's thresholds for additional delay at 11 intersections and project mitigation would lower significant impacts to less than significant for five intersections in 2050.

Roadway segment operations with the project in the long-term are shown in EIR *Table 5.2-20*, *Long-Term 2050 Roadway Segment Operations*. Of the 48 segments evaluated, 31 segments are calculated to operate at LOS D or better.

Section 5.2.2.5 of the EIR provides the information on the level of significance for impacts to intersections after mitigation has been completed.

Reference: EIR §5.2.2

D. Historical Resources

1. Impact:

Issue 1: Would the project result in an alteration, including the adverse physical or aesthetic effects and/or the destruction of a prehistoric or historic building (including an architecturally significant building), structure, or object or site?

Issue 2: Would the project result in an impact to existing religious or sacred uses within the potential impact area?

Issue 3: Would the project result in the disturbance of any human remains, including those interred outside of formal cemeteries?

(a) *Finding*:

Implementation of the project could result in impacts to unanticipated surface or subsurface cultural resources during ground-disturbing activities. Consequently, impacts to historical resources would be potentially significant. Changes or alterations have been required in, or incorporated into the project at all stages of development which mitigate or avoid the significant environmental effects on the environment. Should (unanticipated) historical resources be present in areas not fully mined, implementation of the monitoring, coordination, documentation, and preservation described in Mitigation Measure HIS 1 would lower impacts to a less than significant level.

(b) *Mitigation Measures*:

HIS-1 includes qualifications standards, monitoring locations, actions upon location of currently unknown materials, protocol for assessment of significance and notifications, curation and reports. The specific discussion of this mitigation measure is located in EIR Section 5.10.2.4 and incorporated by reference herein to these Findings.

(c) *Rationale*:

This analysis is applicable to all project components. The majority of the project site was excavated as part of the sand and gravel quarry or is associated with other industrial operations. Approximately 218 acres of the project site have been disturbed by mining activities. Additionally, portions of the southern slope appear to have been landscaped, as evidenced by irrigation lines in those areas. While no prehistoric cultural material was observed within the project site during the field survey, the project area and the vicinity were undoubtedly used for resource gathering activities and as travel routes. Los Peñasquitos Canyon is located less than 2.0 miles north of the project site and is quite sensitive in terms of cultural resources. Numerous archaeological sites are known in the canyon and its fingers and tributaries. No cultural resources, including those related to existing religious or sacred uses, have been identified within the project site, and there is no evidence to suggest the presence of human remains; therefore, it is likely that no such resources would be affected by project implementation. Project mitigation includes the requirements for Archaeological Monitoring and Native American monitoring prior to the start of project grading. The monitor would be

present during grading and trenching and all other soil disturbing activities at the site, and would comply with the discovery and notification process outlined in the project mitigation if resources or human remains are discovered.

Reference: EIR §5.10.2

E. Tribal Cultural Resources

1. Impact:

Issue 1: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or**
- **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

(a) *Finding*:

The project site has not been selected as a site recommended for historic designation. Furthermore, the project site is not identified on any of the historic resource lists/databases—the National Register of Historic Places and the California State Historical Landmarks, Points of Historical Interest, and Register of Historic Places. The Iipay Nation of Santa Isabel, the Jamul Indian Village, and the Viejas Band of Kumeyaay Indians are affiliated traditionally and culturally with the project area. The area is considered sensitive for potential TCR (buried cultural resources and/or subsurface deposits). Therefore, there is the potential for inadvertent discovery of a resource that could be impacted by project implementation. Impacts would be considered significant. Changes or alterations have been required in, or incorporated into the project at all stages of development which mitigate or avoid the significant environmental effects on the environment. Should (unanticipated) Tribal cultural resources be present in areas not fully mined, implementation of the monitoring, coordination, documentation, and preservation described in Mitigation Measures TCR-1/HIS-1 would lower impacts to a less than significant level.

(b) Mitigation Measures:

TCR-1/HIS-1 include qualifications standards, monitoring locations, actions upon location of currently unknown materials, protocol for assessment of significance and notifications, curation and reports. The specific discussion of this mitigation measure is located in EIR Section 5.11.2.4 and incorporated by reference herein to these Findings.

(c) Rationale:

This discussion is applicable to all project components. The project area is located within an area identified as sensitive on the City of San Diego Historical Resources Sensitivity Maps; furthermore, there are recorded cultural resources within a one-mile buffer of the site. Therefore, qualified City staff conducted a records search of the CHRIS digital database; although the search identified that no previously recorded resources are located within the project boundaries, the search confirmed numerous previously recorded historic and prehistoric sites in the project vicinity. A Sacred Lands Search was requested of the NAHC on August 17, 2017, and a response from the NAHC was received on August 29, 2017. The results of the Sacred Lands Search were negative in that no resources have been previously identified in the immediate project area.

The project site has not been selected as a site recommended for historic designation. Furthermore, the project site is not identified on any of the historic resource lists/databases—the National Register of Historic Places and the California State Historical Landmarks, Points of Historical Interest, and Register of Historic Places. Although the City as the Lead Agency has not identified TCR within the APE, the area is considered sensitive for potential TCR (buried cultural resources and/or subsurface deposits). Therefore, there is the potential for inadvertent discovery of TCR that could be impacted by project implementation due to the existing conditions and anticipated grading activities and excavation depths proposed.

Reference: EIR §5.11.2

F. Air Quality

1. Impact:

Issue 2: Would the project result in a violation of any air quality standard or contribute substantially to an existing or projected air quality violation?

Issue 3: Would the project exceed 100 pounds per day of particulate matter (PM) (dust)?

(a) Finding:

As shown in Table 5.4-10, project emissions of CO and PM_{10} during operation would exceed the daily thresholds set by the City. Operation of the project would therefore cause potentially significant direct and cumulative regional impacts on air quality. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment. Following the implementation of the specified mitigation measure these impacts would be less than significant.

(b) Mitigation:

AQ-1 requires installation of electric outlets in the project, and HOA use of electrically powered landscape equipment. The specific discussion of this mitigation measure is located in EIR Section 5.4.3.4 and incorporated by reference herein to these Findings.

(c) Rationale:

Electric lawn equipment including lawn mowers, leaf blowers, and chain saws are available. When electric landscape equipment is used in place of a conventional gas-powered equipment, direct emissions from fossil fuel combustion are eliminated. Implementation of Mitigation Measure AQ-1 would result in an average reduction of area source related CO emissions by 24 percent (from 149 pounds per day to 113 pounds per day) and particulate emissions (PM_{10} and $PM_{2.5}$) by 25 percent (less than 1 pound per day). As shown in Table 5.4-11, *Maximum Daily Operational Emissions with Mitigation*, with implementation of Mitigation Measure AQ–1, CO emissions would be reduced to a less than significant level of emissions. In addition, VOC, NO_X, SO_X, and $PM_{2.5}$ emissions would be further reduced from their previous less than significant levels. PM_{10} emissions would be incrementally reduced but remain above the stated threshold.

The screening-level thresholds provided by SDAPCD are to be used as screening criteria for potential impact significance for stationary sources. As noted above, where mitigated emissions still exceed SDAPCD's screening-level thresholds, and where the potential exists for a significantly cumulative air quality impact, the City's significance threshold guidance for air quality requires application of the more restrictive state and national AAQS. Further, in response to recent case law (specifically the December 24, 2018 California Supreme Court decision S219783 on Sierra Club v. County of Fresno [Friant Ranch]), the localized effects from the emissions were evaluated to determine potential pollutant concentrations at sensitive receptors.

As shown on Table 5.4-3, California target thresholds for PM_{10} are 50 µg/m3 for 24-hour and 20 µg/m3 for maximum annual average counts, respectively. The maximum 24-hour and annual average PM_{10} concentrations of 0.30 µg/m3 and 0.17 µg/m3, respectively, were identified within the site boundaries. When summed with the peak ambient background concentrations provided in Table 5.4-2, the maximum 24-hour average PM_{10} concentration is estimated to be 46.3 µg/m3 and the maximum annual average concentration is estimated to be 17.8 µg/m3.

Concentrations of this magnitude fall below the state AAQS (50 µg/m3 and 20 µg/m3, respectively), which define clean air and are established to protect even the most sensitive individuals.

Reference: EIR §5.4.3

IV. FINDINGS REGARDING IMPACTS THAT ARE FOUND TO BE SIGNIFICANT AND UNAVOIDABLE

The City Council of the City of San Diego hereby finds that the environmental impacts described below for Transportation/Circulation are significant and unavoidable and there is no feasible mitigation that can be applied to reduce these impacts to below a level of significance. "Feasible" is defined in Section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The City may reject a mitigation measure if it finds that it would be infeasible to implement the measure because

of specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers or for matters of public policy.

A. Transportation/Circulation

1. Impact: Potential for Traffic Congestion

Issue 2: Would the project result in an increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system?

Issue 4: Would the project have a substantial impact upon existing or planned transportation systems?

(a) Finding:

Direct Impacts (2021 and 2025)

Mitigation for direct impacts under the 2021 and 2025 near-term scenarios is discussed in Section III of these Findings, above, and detailed in the EIR on pages 5.2-25 through 5.2-31.

Two 2021 significant intersection impacts would require new ROW to implement mitigation, one would be implemented in conjunction with 2025 mitigation below which would require new ROW for implementation, and no feasible mitigation was identified for two intersections. Partial mitigation was provided for 7 of the 12 roadway segments with significant impacts. As shown on Tables 5.2-25, *Near-Term 2021 Intersections with Mitigation*, and 5.2-26, *Near-Term 2021 Roadway Segments with Mitigation*, once ROW is obtained, two intersections and 12 roadway segments would remain significant and unavoidable in 2021 with the completion of Phase 1. Mitigation measures for 2021 are illustrated on Figure 5.2-13, *2021 Mitigation Measures*.

In 2025, two intersection mitigation measures would require new ROW for implementation, and no feasible mitigation was identified for three intersections; one of which would receive partial mitigation that also requires ROW. Of the 12 significant roadway impacts, 7 would be partially mitigated. As shown on Tables 5.2-27, *Near-Term 2025 Intersections with Mitigation*, and 5.2-28, *Near-Term 2025 Roadway Segments with Mitigation*, once ROW is obtained, three intersections and 12 roadway segments would remain significant and unavoidable with mitigation incorporated in 2025 with buildout of the project. Mitigation measures for 2025 are illustrated on Figure 5.2-14, *2025 Mitigation Measures*.

Although changes or alterations have been required in, or incorporated into, the project which mitigate or avoid some of the significant environmental effects on the environment, all those impacts cannot be mitigated to below a level of significance and continue to be significant and unavoidable after mitigation is applied. The City finds that all feasible mitigation measures have been applied to the project for years 2021 and 2025. However, practical constraints related to certainty of obtaining necessary ROW to implement improvements in 2021/2025, requirement of receipt of agency permits prior to implementation of Phase 2 on-site Carroll Canyon Road, which mitigates a 2021 impact, or policy constraints such as prior City

commitment to retain roads in existing format, result in inability to implement or ensure implementation of some proposed mitigation within the required time frame. Therefore, specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or project alternatives identified in the Final EIR which would fully mitigate the project impact to transportation.

Cumulative Impacts (2050)

Mitigation implemented in 2021 and 2025 for three intersections and seven roadway segments would partially mitigate impacts in 2050. As shown in EIR Table 5.2-29, *Long-Term 2050 Intersections with Mitigation*, and EIR Table 5.2-30, *Long-Term 2050 Roadway Segments with Mitigation*, once ROW is obtained, four intersections and 13 roadway segments would remain significant and unavoidable in 2050 with partial mitigation incorporated through the completion of 3Roots and cumulative projects added to the transportation network.

Mitigation measures have been incorporated that would partially mitigate cumulative 2050 impacts; however, those impacts cannot be mitigated to below a level of significance and continue to be significant and unmitigable. The City finds that all feasible mitigation measures have been applied to the project. However, practical constraints related to certainty of obtaining necessary ROW to implement improvements, absence of an existing PFFP identified project for implementation of fair share funds, or policy constraints such as prior City commitment to retain roads in existing format, result in inability to implement or ensure implementation of some proposed mitigation within the required time frame. Therefore, specific economic, legal, social, technological, or other considerations, including important matters of public policy, make infeasible the mitigation measures or project alternatives identified in the Final EIR which would fully mitigate the project impact to transportation.

(b) Impacts after Mitigation:

Near-Term Plus Project Phase 1 (2021)

Mitigation measures TRA-2 through TRA-4, when implemented. would result in less than significant impacts. Because implementation of the mitigation at these intersections[1] requires acquisition of real property interests from third parties, and that acquisition is beyond the ability of the applicant to ensure in a timely manner, it is unknown at this time when the proposed mitigation can be fully implemented. As a result, the impact is identified as significant and unmitigated.

Two intersections did not have mitigation identified, with impacts identified as significant, for reasons identified in "Rationale," below. These include Camino Santa Fe/ Mira Mesa Boulevard

[1]TRA-3 does not require ROW to implement, but because TRA-13 would require ROW, and because the City has a policy that mitigation in the same location occurring within a five-year period must be implemented in one disturbance period, impacts at this intersection have been conservatively assessed as significant and unavoidable.

and La Jolla Village Drive/Towne Center Drive. These 2021 intersection impacts remain significant and unavoidable.

The following mitigation measures identified in EIR Section 5.2.24 would partially mitigate roadway segment impacts in 2021: TRA-5, TRA-6, TRA-7, TRA-8, TRA-9, TRA-10, and TRA-11.These measures require assurance by permit and bond improvements (such as signal communications gap, ethernet converter cards and switches, closed circuit television cameras, and/or median construction as appropriate for specific roadway segments. These impacts remain significant and unavoidable despite this partial mitigation. Roadway segments where mitigation was not proposed to mitigate 2021 impacts (for reasons described below) include segments of Mira Mesa Boulevard between Pacific Heights Boulevard and Sequence Drive, and between Camino Santa Fe and Parkdale Avenue; two segments of Carroll Road between Nancy Ridge Road Camino Santa Fe, and a segment of Eastgate Mall between Judicial Drive and Miramar Road. These 2021 roadway segment impacts remain significant and unavoidable.

Near-Term Plus Project Buildout (2025)

Mitigation measures TRA-13 and 18, would result in less than significant impacts to intersections when implemented. Because implementation of the mitigation requires acquisition of real property interests from third parties, and that acquisition is beyond the ability of the applicant to ensure in a timely manner, it is unknown at this time when the proposed mitigation can be fully implemented. As a result, the impact is identified as significant and unmitigated.

Two intersections did not have mitigation identified, with impacts identified as significant, for reasons identified in “Rationale,” below. These include: La Jolla Village Drive/Towne Center Drive and Trade Street/Camino Santa Fe. Partial mitigation that requires ROW (TRA-2) was identified for Camino Santa Fe /Carroll Road. These 2025 intersection impacts remain significant and unavoidable.

Partially mitigated roadway segment impacts in 2021 (TRA-5, TRA-6, TRA-7, TRA-8, TRA-9, TRA-10, and TRA-11) also partially mitigate 2025 impacts. TRA-20 also was identified for 2025 road segment mitigation. TRA-20 also requires assurance by permit and bond ethernet converter cards, switches and a closed-circuit television camera. These impacts remain significant and unavoidable despite these partial mitigations.

Roadway segments where mitigation was not proposed to mitigate 2025 impacts (for reasons described in “Rationale” below) include two segments of Carroll Road between Nancy Ridge Road Camino Santa Fe, one segment of Eastgate Mall between Judicial Drive and Miramar Road, and three segments of Camino Santa Fe between Carroll Canyon Road and Miramar Road.. These 2025 impacts also remain significant and unavoidable. A description of each mitigation measure is found in EIR Section 5.2.2.4 and is incorporated by reference herein to these Findings.

Long-Term with Project (2050)

Mitigation measure TRA-4 would result in less than significant intersection impacts when implemented. Because implementation of the mitigation requires acquisition of real property interests from third parties, and that acquisition is beyond the ability of the applicant to ensure in a timely manner, it is unknown at this time when the proposed mitigation can be fully implemented. As a result, the impact is identified as significant and unmitigated.

Two intersections did not have mitigation identified, with impacts identified as significant, for reasons identified "Rationale" below. These include La Jolla Village Drive/Towne Center Drive and Camino Santa Fe/Trade Street. These 2050 intersection impacts remain significant and unavoidable.

Intersections for which mitigation identified in the DEIR would be partially mitigated relative to project impacts in 2050 include TRA-2, and TRA-13, and TRA-16. These result in partial mitigation, and impacts at these intersections therefore remain significant and unavoidable for reasons identified under "Rationale" below.

New cumulative intersection impacts also would occur in 2050. TRA-21 requires fair share payment toward an intersection improvement to which the project would make a considerable contribution to cumulative impacts modeled for 2050, but the intersection (Camino Santa Fe and Mira Mesa Boulevard) is not currently included in the PFFP.

TRA-5, TRA-6, TRA-7, TRA-8, TRA-9, TRA-10, TRA-11, and TRA-20, would continue to partially mitigate for roadway segment impacts in 2050 through the previously implemented improvements provided in 2021/2025. A description of each mitigation measure is found in EIR Section 5.2.2.4 and is incorporated by reference herein to these Findings. These impacts remain significant and unavoidable despite these partial mitigations.

Roadway segments where mitigation was not proposed to mitigate 2050 impacts (for reasons described in "Rationale" below) include segments of Mira Mesa Boulevard between Camino Santa Fe and Parkdale Avenue; two segments of Carroll Road between Nancy Ridge Road and Camino Santa Fe, a segment of Eastgate Mall between Judicial Drive and Miramar Road and three segments of Camino Santa Fe from Carroll Canyon Road to Miramar Road. These 2050 roadway segment impacts remain significant and unavoidable for reasons identified under "Rationale" in Subsection III of the Findings, above.

(c) R*ationale*:

Discussion of project design and modeling assumptions leading to generation of project-related traffic is provided under the heading "Rationale" in Subsection IV of the Findings, above. As discussed in "Impacts after Mitigation," the following mitigation measures partially mitigate the impacts at intersections (once right-of-way is obtained) and roadway segments in 2021 and 2025:

- Intersections: TRA-2 (2025)

- Roadway Segments: TRA-5 (2021/2025); TRA-6 (2021/2025), TRA-7 (2021/2025), TRA-8 (2021), TRA-9 (2021/2025), TRA-10 (2021/2025), TRA-11 (2021/2025) and TRA-20 (2025)

The mitigation measures reduce impacts to the maximum extent feasible, and further mitigation is found to be infeasible for specific economic, legal, social, technological, or other considerations including matters of public policy. Medians would be placed in certain areas along Miramar Road that restrict turning movements where existing left turn restrictions currently exist for safety reasons. The remainder of this discussion focuses on the reasons that impacts remain significant without mitigation.

Significant and unavoidable impacts where no mitigation is proposed are identified in EIR Section 5.2.24 and include the following locations:

- Camino Santa Fe / Mira Mesa Boulevard (2021)
- La Jolla Village Drive / Towne Center Drive (2021 & 2025)
- Trade Street / Camino Santa Fe (2025)
- Segments of Mira Mesa Boulevard:
    - Pacific Heights Boulevard to Sequence Drive (2021)
    - Camino Santa Fe to Parkdale Avenue (2021)
- Segments of Carroll Road:
    - Nancy Ridge Road to Rehco Road (2021 & 2025)
    - Rehco Road to Camino Santa Fe (2021 & 2025)
- Eastgate Mall – Judicial Drive to Miramar Road (2021 & 2025)
- Segments of Camino Santa Fe
    - Carroll Canyon Road to Trade Street (2025)
    - Trade Street to Carroll Road (2025)
    - Carroll Road to Miramar Road (2025)

Mitigation for significant impacts at Camino Santa Fe and Mira Mesa Boulevard (2021) would be mitigated by the completion of Carroll Canyon Road in Phase 2 of the project and therefore the direct impact is identified as temporary. Mitigation of the temporary 2021 impact at this intersection would require permanent relocation of major power, water and sewer utilities to allow for a widening of Mira Mesa Boulevard. The movement of utilities would likely cause temporary roadway impacts in addition to the impacts being mitigated by the movement of those utilities. The construction of Carroll Canyon Road would occur during Phase 2 of the project upon the issuance of Resource Agency permits. Mitigation of the impact is confirmed per permit conditions to assure by permit and bond the completion of the roadway, prior to issuance of the first building permit for development in Phase 2. Therefore, no further feasible mitigation would be applied to the 2021 impact until the construction of Carroll Canyon Road

in Phase 2 of the project. The project will pay a fair share contribution for the 2050 impact forecast to occur, which will partially mitigate the cumulative impact (TRA-21).

Near-term 2021 and 2025 significant impacts would also occur at the intersection of the La Jolla Villa Drive and Town Center Drive in the University Community after all feasible mitigation has been applied. La Jolla Village Drive has reached its ultimate width and should not be widened to accept additional turn lanes from Towne Center Drive. In addition, the University Community Plan discourages the continued widening of the major roadways in that Community.

The policy discussion at page 38 states:

> *In the coming decades, the community will have to accommodate an increasing number of automobiles generated by new developments. All efforts will be made to increase street capacity by utilizing minimum acceptable travel lane widths, eliminating on-street parking, acquiring additional right-of-way, or a combination of these techniques. Medians will not be converted into travel lanes. On the contrary, they will be landscaped or embellished by art and recognized as an environmental necessity in order to soften and interrupt the vast expanses of asphalt of multi-lane streets. There will be a point in time where the "just widened" streets will be again congested. Further widenings will not be possible and the most convenient and rapid mode of transportation will be public transit."*

The City through the Climate Action Plan and General Plan's City of Villages Strategy has also placed an emphasis on enhancing transit opportunities, over the continual widening of local streets, which leads to a less pedestrian friendly and community-oriented atmosphere. The Mid-Coast Trolley connection from Old Town to the UTC shopping mall will be open for transit ridership in late 2021, prior to occupancy within the project. Therefore, as a matter of public policy the further widening of La Jolla Village Drive is not compatible with the University Community Plan or desirable and infeasible.

Intersection impacts would also continue to be significant after mitigation at Camino Santa Fe and Trade Street (2050), and Camino Santa Fe and Carroll Road (2025 and 2050).; as would impacts along Camino Santa Fe from Carroll Canyon Road to Miramar Road (2025 and 2050). These impacts can only be further mitigated by returning Camino Santa Fe to its previous 6-lane configuration. Prior to construction in the Spring of 2016, the City of San Diego made the determination that a 4-lane Camino Santa Fe with protected bike lanes on each side was the appropriate configuration for the roadway. Included in Appendix B of the Traffic Impact Analysis is a City document titled, "Camino Santa Fe Class II Bicycle Lanes / Road Diet." This "Fact Sheet" states that, "collected data indicates a demand for bicycle ridership along this segment. The implementation of Class II Bicycle Lanes would help fulfill the goals and objectives of the Bicycle Master Plan which creates a safe and comprehensive local and regional bikeway network." The roadway had been planned and built to 6-lanes, but a determination was made to enhance bicycle connectivity through this corridor through a "Road Diets" to connect the Miramar and University areas to Sorrento Valley and Mira Mesa, furthering the City's Bicycle Master Plan goals and as an enhancement to alternative transportation facilities in the City. Bringing the roadway back to a 6-lane configuration would either be contrary to the stated public policy goals of the City and contrary to the previous decision to constrain the roadway through a "Road Diet" to 4-lanes to allow for greater bicycle

access and safety or would require widening. Therefore, potential mitigation would be infeasible as a matter of public policy.

Roadway segments along Mira Mesa Boulevard, Miramar Road, Carroll Road, Eastgate Mall, and Camino Santa Fe would continue to have significant impacts in the Near Term 2021 and 2025 conditions after mitigation. As noted above for Camino Santa Fe, bringing the roadway back to a 6-lane configuration would either be contrary to the stated public policy goals of the City and contrary to the previous decision to constrain the roadway through a "Road Diet" to 4-lanes to allow for greater bicycle access and safety. Therefore, potential mitigation would be infeasible as a matter of public policy. Carroll Road is currently constructed as a two-lane Collector with a two-way center turn lane and cross-sectional width of approximately 50 fee curb to curb. The community plan identifies Carroll Road from Nancy Ridge Road to Recho Road as a four-lane Collector. Existing development along the corridor limits the ability to widen this road currently to a four lane Urban Collector standard. Also as noted above, impacts to Mira Mesa Boulevard in the Near-Term 2021 condition would be mitigated by the construction of Carroll Canyon Road. The road would be assured by permit and bond prior to issuance of the first building permit in Phase 2, and would be constructed upon receipt of resource agency permits, as required by project conditions. 2.

Cumulative Impacts (2050)

As shown in EIR Table 5.2-29, *Long-Term 2050 Intersections with Mitigation*, and EIR Table 5.2-30, *Long-Term 2050 Roadway Segments with Mitigation*, four intersections and 13 roadway segments would remain significant and unavoidable with mitigation incorporated in 2050 with the completion of the project and cumulative projects added to the transportation network. One intersection would require ROW, for which timing cannot be guaranteed.

Conclusion

Section 5.2.2.5 of the EIR provides the information on the level of significance for impacts to intersections and roadway segments after mitigation has been completed. The mitigation measures reduce impacts to the maximum extent feasible, and further mitigation is found to be infeasible for specific economic, legal, social, technological, or other considerations including matters of public policy.

Reference: EIR §5.5.2

V. FINDINGS REGARDING PROJECT ALTERNATIVES

A. Alternatives

Project objectives are stated in Section I.B of these Findings. Pursuant to CEQA guidelines Section 15126.6 an EIR shall describe 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 alternative. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially

feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible.

The following project alternatives were analyzed in the EIR:

1. No Project (Adopted Reclamation Plan) Alternative.

2. No Project (Development Consistent with the 1994 Carroll Canyon Master Plan) Alternative.

3. Increased Employment Alternative.

The following rationale was considered when developing this range of alternatives:

At least one No Project Alternative is required per State CEQA Guidelines Section 15126.6(e). It provides a basis for comparing the impacts that would occur if the project were approved, relative to what would occur if the project were not approved. As discussed in EIR Section 2.2.4, the owner of the mining property is required to implement the Reclamation Plan, the conditions of CUP 89-0585, and the mitigation measures listed in the SEIR for the CUP which specified restoration and other mitigation measures to reclaim the site consistent with state law. As indicated above, because the Reclamation Plan is currently being implemented, a traditional "No Project (No Development) Alternative" was not analyzed. However, the EIR analyzes two other No Project Alternatives. The first is the No Project (Adopted Reclamation Plan) alternative that analyzes the project's baseline condition which assumes full implementation and completion of the Reclamation Plan on the project site.

Also consistent with Section 15126.6(e), a second alternative, the No Project (Development Consistent with the 1994 Carroll Canyon Master Plan) Alternative analyzes the environmental effects associated with development consistent with the existing land use regulatory document for the project site.

The Increased Employment Alternative reflects a "reduced project" alternative while also incorporating the CCMP and preserving the planned industrial uses rather than converting them to parkland and residential use such as would occur under the proposed project. This alternative was designed to minimize vehicular trip numbers and associated air pollutant emissions.

The City Council finds that these alternatives represent a reasonable range of alternatives, as defined in the State CEQA Guidelines, because they provide feasible alternate development patterns that would reduce and/or eliminate significant impacts associated with the project.

B. Findings on Project Alternatives

The City Council of the City of San Diego hereby finds that Alternative 1, Alternative 2, Alternative 3, do not meet or obtain the majority of the project objectives specified above and are not feasible. The City finds that there are specific economic, legal, social, technological and technological, and other considerations, including important matters of public policy, which make infeasible these project alternatives identified in the EIR. As noted earlier, "feasible" is

defined in Section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The City may reject an alternative if it finds that it would be infeasible to implement because of "[s]pecific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers." (CEQA Guidelines, § 15091(a)(3).) An agency may also reject an alternative that does not meet the public policy goals and objectives of the agency. In *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal. App. 4th 899, 947, the city approved a project while rejecting as infeasible a reduced-density alternative that stripped out portions of the project that would have created a synergistic mix of retail and restaurant tenants. Additionally, in *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal. App. 4th 1018, the court upheld the city's findings requiring that additional preservation of open space would be infeasible because it would "at the very least [slow] 'the progress of necessary development such that the public's health and welfare is harmed through lack of economic growth and productivity and a shortage of housing supply.'" (*Environmental Council of* Sacramento, *supra*, (2006) 142 Cal. App. 4th 1018, 1039). Similarly, courts have upheld a city's infeasibility finding on a policy-based rationale in the following cases: *Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 Cal. App. 4th 911, 936, and *Defend the Bay v. City of Irvine* (2004) 119 Cal. App. 4th 1261, 1270.

The following findings are based on the discussion in Section 10.0 of the EIR.

1. No Project (Adopted Reclamation Plan) Alternative

(a) Alternative Description:

Section 15126.6(e) of the State CEQA Guidelines provides that the "no project" analysis shall discuss the existing conditions at the time the Notice of Preparation is published, as well as what would be reasonably expected to occur in the foreseeable future if a project were not approved, based on current plans and consistent with available infrastructure and community services. A conventional "No Project (No Development) Alternative" is not feasible in this case due to ongoing reclamation grading required under the adopted Reclamation Plan associated with CUP 89-0585. Instead, this alternative assumes that reclamation and the other requirements of CUP 89-0585 have been completed and fulfilled. This alternative assumes that no further development occurs after the Reclamation Plan has been fully implemented. under this alternative CUP 89-0585 focused existing obligations to reclaim (regrade and restore) habitats on site would be completed; however, no residential or commercial development would be constructed, the SDG&E infrastructure upgrades would not be completed. Grading for the extension of Carroll Canyon Road would occur but the road would not be completed, and the existing Carroll Canyon Road east of the project (built subsequent to the Reclamation Plan mapping) would not connect with on-site ROW, which would result in a future lack connectivity with other arterial roads and freeways.

The existing Reclamation Plan and CUP do not specify acreages, vegetation-type classifications, or specific actions of enhancement or revegetation of Carroll Canyon Creek. The underground pipe that exists between the eastern and central segments of the Carroll Canyon Creek would be removed and replaced with a pipe to convey a 100-year storm event

and the site would be graded to allow for future development. The existing MHPA boundaries on site would remain the same (i.e., no net increase) and the MHPA would cover less than 10 percent of the stream corridor (i.e., approximately 600 linear feet of the roughly 6,500 linear feet on site). Additionally, disturbed habitats and non-native habitats within the existing MHPA that were not impacted under the CUP and are not addressed through existing CUP obligations would remain in their current state, without restoration.

(b) Finding:

The City finds that specific economic, social, or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

As a matter of public policy, this alternative would be at odds with the City's stated goal to expand housing supply in the City. The City Council has declared a "housing state of emergency" to call attention to the need for housing supply to reduce the price of housing and diversify the supply. Allowing a large site that has been planned for housing to be graded for future uses is less responsive than the project, which would actively implement those uses. Similarly, this alternative is uncertain to provide the variety of residential options called for in the project objectives as no specific housing would be required (including affordable units) to be built on site. Although project impacts would be avoided, benefits provided (parks, substantially re-created/enhanced Carroll Canyon Creek, implementation of Carroll Canyon Road segments and formal identification of IOD to support regional public planning efforts) would not occur.

(c) Rationale:

The No Project (Adopted Reclamation Plan) Alternative would avoid significant and unmitigated or unavoidable traffic impacts; as well as significant but mitigated impacts to air quality, historical resources, Tribal cultural resources, and noise. Less than significant impacts would be further lessened under this alternative for public utilities and public services and facilities. Wildfire hazards could potentially be slightly increased over project implementation; hydrology and water quality impacts also would be increased, although not beyond a level of less than significant. This alternative would not require plan amendments, but would be less preferred than the project with regard to implementing the environmental goals and objectives of applicable land use plans. With regard to air quality, GHG, and energy, this alternative would result in reduced impacts on a localized, site-specific basis. It would not, however, implement strategies designed to reduce these impacts on a regional, long-term basis.

The potential minimization in air quality emissions related to reduced daily trips due to placement of residential uses immediately adjacent to shopping/recreational amenities and potential jobs market; placement of more intense, mixed uses within easy reach of multiple public transportation options; and upgrades in connectivity between pedestrian, bicycle, and transit modes, would not be obtained. It also would not result in the related strategic reduction of regional GHG emissions, associated with placement of development near transit centers, improving connectivity with and between alternative modes of travel, and implementing transportation/ parking demand measures suggested for the project. Each of these would benefit the City overall, and regionally contribute to placement of intensive new

uses in infill areas rather than pushing much needed housing, work opportunities, and associated amenities to more fringe/rural areas where growth has historically occurred (non-compliant with current regional growth planning).

The Alternative would not provide for the reuse and redevelopment of the former mining site into an infill neighborhood within the Mira Mesa community, as no development would be completed. Under the Alternative, the site would be left open and vacant (or undeveloped) in perpetuity. This alternative would not fully implement the CCMP, particularly land use policies that provide for development of a mixed-use neighborhood at or prior to build-out of the Mira Mesa community. The CCMP specifically calls for a mixed-use Transit-Oriented Development with up to 1800 residential units, industrial and commercial areas, as well as several parks and an interconnected open space system.

Similarly, the Alternative's lack of development would not provide for a mix of land uses that promote the City's vision for smart growth by implementing uses supporting reduction of vehicle trips as discussed in Table 5.5-2. The City has adopted the City of Villages strategy in the City's General Plan, which encourages the placement of housing near job centers to create a jobs/housing balance, and to foster the use of alternative transportation and transit, and reduce vehicle trips on roadways. The project is located in proximity to an employment center located to the west, the Sorrento Valley/Golden Triangle area, as well as to Fenton Technology Center across Camino Santa Fe, and a business district located immediately south of the project. Providing housing in this area would lower vehicle miles traveled by bringing housing closer to jobs and allowing people who work in the area and currently live far from their jobs, to move into the area.

The No Project (Adopted Reclamation Plan) Alternative would not provide for the reuse and redevelopment of the former mining site with a mix of land uses by providing up to 1,800 residential units, including affordable units (Objectives 1 through 4). In addition, this alternative would not provide a new public community park (Objective 5); nor would it implement a mobility focused development with a centralized Mobility Hub (Objective 7). Ultimately, the implementation of site development as envisioned by the approved community planning documents would not be achieved. Although the existing Reclamation Plan would preserve a large area of Rattlesnake Canyon and other open space areas; and thus, meet Objective 6, it is noted that because a portion of Carroll Canyon Creek would still be carried by pipe rather than being wholly a surface, open flowing feature, as proposed by the project, subsequent growth of riparian species and provision of wildlife habitat benefits through increased variety/forage in that area would not occur.

Specific to transportation, Carroll Canyon Road is an important east west connector through the Mira Mesa area. The Mira Mesa Community Plan has designated it as a major east west thorough fair since the inception of the Community. Because no development is assumed under this alternative, no traffic would be generated and no project-related volume impacts would occur. Therefore, this Alternative would avoid the significant and unmitigated traffic impacts at intersections and roadway segments that would result from the project in one or more of the study years evaluated. However, the Alternative would fail to complete a critical east to west connection and preclude its use as a major vehicle corridor. Failure to build Carroll Canyon Road would also preclude its use as a transit corridor. The original Mira Mesa

Community Plan saw Carroll Canyon Road as a corridor for Trolley Transit connecting the I-805 to the I-15 corridor. Although the Trolley was removed from the Community Plan, SANDAG is studying the concept of a BRT line along a similar corridor and the Draft Mira Mesa Community Plan indicates BRT will be located along the road. Consistent with this, project conditions require, and the proposed project has provided, an IOD for potential ROW along the Carroll Canyon Road centerline that could be used by a future BRT. The Alternative would not facilitate the creation of a transit corridor in this area and therefore would not meet the transit goals in the City of Villages strategy which contemplates a series of villages, connected by high quality transit. The Alternative is therefore found infeasible, because it would conflict with the land use policies in the General Plan, Mira Mesa Community Plan, and CCMP, as well as fail to fulfill the City's policy goals related to housing and transit, and the project objectives.

2. No Project (Development Consistent with the 1994 Carroll Canyon Master Plan) Alternative

(a) Alternative Description:

This alternative would implement the project envisioned by the 1994 Carroll Canyon Master Plan (CCMP; Figure 10-1, *1994 Approved Master Plan*), and focusing on the CCMP area not addressed in the Phase I Fenton Technology Park VTM 14555. The CCMP is the primary governing planning document for the project site, and as such, is discussed in the Project Description (Chapter 3.0). Table 3-3 compares the 1994 CCMP to the project. As shown therein, the CCMP envisions a Transit-Oriented Development located around a future 1.5- acre transit stop. The CCMP includes a 40-acre mixed-use area intended for development of a core commercial area to include employment generating uses (such as office and light industrial), retail (a minimum of 10,000 square feet), and residential (100 units). The site would contain 69 acres of multi-family residential land overall (43 acres of medium density residential and 26 acres of medium high residential uses). In addition, the CCMP includes two office-industrial parks (one has been developed as the Fenton Technology Park, as noted above). The on-site portion consists of 52 acres of (non-prime industrial land) industrial uses. Also included are approximately 239 acres of open space (generally containing slopes, basins, brush management areas and enhanced landscape), and a total of 20 acres of parks (three parks spread throughout the site).

The proposed project also would provide 1,800 residential units on 107.1 acres. These units would include 28.1 acres (185 units) of low-density residential, 35.6 acres of low-medium residential, 30.6 acres of medium density residential, 8.7 acres of medium-high density residential, and 4.1 acres of high-density residential uses. The Mobility Hub would use 1.35 acres, and a total of 12.6 acres of non-residential uses would be sited in the mixed-core area. A total of 38.3 gross acres would be designated park. This gross acreage would contain 35.1 acres of usable acres per City population-based park standards. The 23.6-acre community park would be public, and 8.4 acres of private park space would have public recreation easements, allowing for park use by (non-resident) community members as well. Approximately 1 acre of park would be restricted to residents. An additional 209.9 acres would contain slopes, basins, brush management areas and enhanced landscape.

As described, the alternative and project contain similar uses, including a maximum of 1,800 residential units, an on-site Mobility Hub (referenced as a 'Transit Station' in the CCMP), local-serving retail, office use, parks and open space. The CCMP specifies that a minimum of 100 of the total CCMP-allowed units and 10,000 square feet of retail would be built within the core. CCMP ground floor commercial uses are to occupy up to 10 percent of the core area. Comparison shows that the project more precisely allocates development intensity within a 25.4-acre core area with a mix of uses. The project includes 12.8 acres of residential and residential/commercial mixed-use (609 units including residential and ground floor shopkeeper units adjacent to a public plaza) and 12.6 acres of commercial uses. The project does not propose industrial uses envisioned by the CCMP, but would replace them with the active recreation community park and residential land uses. The project also proposes a broader range of residential densities than the CCMP. While CCMP residential uses are limited to medium and medium-high density; by expanding the residential footprint, the project would reduce densities along the periphery of the development area, allowing for a variety of product types intended to provide diverse housing opportunities to accommodate different life stages. The project includes both lower and higher densities, and adds some high-density residential to the mixed-use core. The proposed project would offer a total of 35.1 usable acres of active and passive parkland substantially exceeding the (schematic total acreage of) park space provided in the approved 1994 CCMP for the same number of residents.

(b) Finding:

The City finds that specific social or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

The Mira Mesa Community Plan states that:

> *Recreational facilities are used heavily in Mira Mesa. Community groups have expressed the need for additional, permanent playing fields to accommodate the many sports programs in Mira Mesa. The widespread support of, and participation in, Little League baseball, Bobby Sox softball, soccer and football have resulted in a tremendous demand for multipurpose fields to house these activities*. (MMCP p. 56)

The project better supports this goal than the No Project (Carroll Canyon Master Plan) Alternative by provision of a larger single-use community park recently designed in conjunction with community input as part of the GDP process. The project also would provide increased housing options within the same number of required units. Finally, the CCMP requires a total of approximately 180 acres of open space, of which approximately 36 acres have been dedicated through the Fenton Technology Park VTM 14555, leaving a requirement for follow on development to provide an additional approximately 144 acres. The project would place 146.44 acres into MHPA and also would place open space easement over 30.9 acres in the southern portion of the site. Further, the project would realign current MHPA boundaries to increase MHPA within the project area by approximately 6.68 net acres. This would be accomplished through the deletion of approximately 29.43 acres of existing MHPA that is made up almost entirely (approximately 96 percent) of non-sensitive habitats and landforms. The 36.11 acres proposed for inclusion contain a variety of native habitats and non-sensitive upland areas that would be restored to native habitats. Resource agency confirmation of BLA approval was received on February 25, 2020.

(c) Rationale:

This alternative would have a generally similar (e.g., number of homes as well as commercial uses) intensity of land uses as the project. It is noted, however, that the alternative includes industrial uses within the alternative that would be converted to park and residential uses under the proposed project. Those industrial uses would result in increased traffic and related vehicular emissions over the proposed project. The trip generation rates identified on Table 4 of the CCMP Amendment EIR provided trip numbers assumed for the CCMP Amendment uses. The CCMP Amendment assumed more intensive development than the proposed project east of Camino Santa Fe, which assumes the same number of residential units, but no industrial uses. Using CCMP trip rates, of the 42,200 trips per day generated by the Master Plan, 33,800 trips would be generated by the 3Roots portion. Comparing this number to the project trips detailed in Section 5.2 of the DEIR (29,567 driveway trips per day, and 26,209 cumulative trips at project buildout in 2025), the project would generate fewer trips than assumed for CCMP Amendment uses. The project assessment of significant and unmitigated or unavoidable direct and cumulative transportation/ circulation (traffic congestion) impacts would remain, and the magnitude of those effects would be incrementally increased with this alternative due to the increased traffic. While project impacts related to air quality would be reduced to below a level of significance, it is anticipated that this alternative would result in significant and unmitigable impacts related to emissions of CO due to the increased number of trips. Potentially significant, but mitigable, impacts related to noise, and historical and tribal cultural resources would be similar to the project. Impacts that are concluded to be less than significant for the project, such as energy use and GHG emissions, also would be less than significant, but would be incrementally increased over project effects because of the inclusion of industrial uses rather than a community park. This alternative would have a similar less than significant impacts with regard to geology, health and safety, public services and facilities, and public utilities.

Upon approval of a CUP Amendment/Reclamation Plan Amendment, CCMP/MMCP Amendments, associated GPA, MPDP, Re-zone, SDP, and MHPA BLA, the project would be consistent with the General Plan, MMCP, and all development regulations. This alternative would be consistent with the MMCP and CCMP by definition and is assumed to comply with the General Plan, MSCP subarea plan, and all other development regulations. It is expected that the alternative could require a Reclamation Plan Amendment to allow for a change to anticipated grading to support development of Carroll Canyon Road. As noted elsewhere in these analyses, the existing Reclamation Plan showed grading to support a road footprint that does not match up to the existing connection to off-site Carroll Canyon Road to the east (built following existing Reclamation Plan approval). Nevertheless, no significant impacts would occur for either the project or this alternative.

No deviations from the SDMC would be required for this alternative. Deviations from the SDMC are proposed as part of the project; but upon approval of the MPDP and the deviation findings, no impact would occur.

Neither the project nor this alternative would result in any inconsistency or conflict with adopted environmental plans (e.g., the MSCP) for the area. As a result of an update to MCAS Miramar noise contours, however, the CCMP urban core potentially conflicts with the ALUCP.

This contrasts with the project, which has been designed to ensure that all residential uses are north of the 60 to 65 CNEL contour and within compatible areas given structural controls for interior noise.

The No Project (Carroll Canyon Master Plan) Alternative would provide for the reuse and redevelopment of the former mining site with a mix of land uses and a variety of residential options that promote smart growth while addressing the City's housing supply needs by providing up to 1,800 residential units (Objectives 1 through 4). This alternative would not provide single-family detached housing or as great a variety of housing types to accommodate all the life stages (i.e., both lower and higher density levels and for rent as well as for sale housing). Although the CCMP did not specify, City requirements regarding affordable housing make it likely that such housing also would be provided under alternative implementation, similar to the project. Thus, it would meet Objectives 1 through 4, but somewhat lessened for Objective 4 due to the lessened variety in housing options. While this alternative would provide two passive parks and a 10-acre neighborhood park, it would not include the single larger 23.6-acre active community park proposed as part of the project, and overall park acreage would total 20 gross acres as opposed to 35.1 usable acres, so Objective 5 would also be met to a substantially lesser degree.

The project and this alternative would both dedicate over 181 acres of natural open space and implement a Mobility Hub (Objectives 6 and 7 respectively). The project, however, would fulfill Objective 6 to a greater extent by exceeding the amount of open space required and providing more, as well as improving the City MHPA.

3. Increased Employment Alternative

(a) Description of Alternative:

The Increased Employment Alternative proposes a reduced intensity which maintains industrial lands. This alternative was designed to generate less traffic in order to reduce the project's off-site traffic impacts as well as related pre-mitigation significant air quality impacts (CO and PM_{10}) to below a level of significance. The reduction in traffic is directly related to a reduction in residential units and commercial space as the reductions in vehicular activity and associated air quality effects are obtained by reduction driveway trips by 38 percent. The Increased Employment Alternative therefore addresses both a "reduced project" alternative and the project's replacement of the industrial lands south of Carroll Canyon Road with a community park and residential use. As shown on EIR Figure 10-2, *Increased Employment Alternative*, this alternative would retain the project's alignment of Carroll Canyon Road, but would provide industrial land both north and south of the roadway. In total, the industrial land would include up to 622,000 SF on 69.3 acres. Industrial uses would be provided in two parcels, one north of restored Carroll Canyon Creek, and one south of future Carroll Canyon Road and the park area. In addition to the industrial uses, this alternative would provide fewer (32.8 gross acres versus project-proposed 35.1 net usable acres of parkland, and in a different location as compared to the project. There would also be 85.3 acres of residential uses (312 units) in the northern portion of the project, up to 33,174 SF of non-residential commercial uses on 3.6 acres immediately adjacent to both existing Camino Santa Fe and a proposed 1.5-acre Mobility Hub just north of future on-site Carroll Canyon road, and over 181 acres of

natural open space. Creek restoration would be similar to that proposed for the Project, including assuming engineered design allowing wholly surface flow with associated habitats.

(b) Finding:

The City finds that specific social or other considerations including matters of public policy make this alternative infeasible, and rejects the alternative on such grounds.

This alternative potentially would provide more technically specialized jobs due to inclusion of additional industrial uses. It would provide only 312 residential units instead of 1,800, and therefore also would not provide as large a number of affordable units. Housing overall, including affordable housing, is required in the City and region. Additional housing in the major employment center of Mira Mesa would support a jobs-housing balance, and may also have the associated effect of reducing VMT from housing to work and back. The Sorrento Valley / Golden Triangle is the largest employment area in the County of San Diego and receives significant inflow of vehicle trips from all parts of the County. Compared to this alternative, the project also would better support SANDAG's (a sister regional agency) 5 Big Moves which is an aggressive move to reduce VMT to meet statewide GHG reduction targets by bringing people and jobs closer together along transit corridors, as well as to improve roadway capacity by removing cars from the road and freeway network, by moving jobs and housing closer. The Increased Employment alternative's reduction in housing units would run counter to these public policy goals, and further skew the jobs housing balance in favor of jobs and therefore the alternative is found infeasible.

(c) *Rationale*:

This alternative would implement industrial uses in accordance with existing plans, and reduce commercial from 12.8 acres to 3.6 acres (160,160 SF to 33,174 SF) and residential units (310 versus 1,800). These changes would be accomplished within the same footprint, so the alternative would have the same limits of disturbance as the project. It also would operate under the same site constraints and within the current regulatory climate. Using the same generation rates assumed for the project in Section 5.2 of this EIR, the land use mix assumed for this alternative would generate approximately 18,296 driveway trips per day. This is 38 percent less than the project, which would generate 29,567 driveway trips.

Due to the reduction in intensity and trip generation, the Increased Employment Alternative would reduce significant transportation/ circulation (traffic congestion) impacts, although traffic impacts would remain significant and unmitigated or unavoidable. Potentially significant, but mitigable, impacts related to air quality, noise, historical resources, and TCRs would be similar to the project. Impacts that are concluded to be less than significant for the project, such as energy use, GHG emissions, and public services, would be reduced as compared to the project because of a 38 percent reduction in ADTs and change in development specifics. Public utilities effects would be greater than the project, but still less than significant overall. The alternative would be similar to the project with regard to geology, health and safety, and hydrology and water quality (also less than significant).

The Increased Employment Alternative would provide for the reuse and redevelopment of the former mining site with a mix of land uses that promote smart growth while addressing the

City's housing supply needs by providing up to 312 residential units (Objectives 1 through 4). However, by providing only 312 units instead of 1,800 (and with a smaller associated real number of affordable units based on a percentage of 312 instead of 1,800), it would meet Objectives 1 through 4 to a lesser extent as compared to the project. Therefore, a reduction in the potential for housing production on land planned for housing is counter to the project Objective 3 to expand the residential footprint of the property and allow for a broader range of housing, and does not support Objective 4 to provide additional housing to allow for a better jobs-housing balance in the area to the same extent as the project.

This alternative would provide a community park (gross 32.8 acres). While meeting Objective 5, it would not be the same degree as the project, which would provide 35.1 acres of usable park space. The project and this alternative would both implement over 181 acres of natural open space (Objective 6) and both would provide a Mobility Hub (Objective 7).

C. Significant Irreversible Environmental Changes

Section 15126(c) of the CEQA Guidelines requires an EIR to address any significant irreversible environmental changes that may occur as a result of project implementation. Therefore, the City Council of the City of San Diego hereby finds, based on the discussion included in Section 6.0 of the EIR, implementation of the project would not result in significant irreversible impacts.

VI. ACRONYMS USED IN EIR AND FINDINGS DOCUMENT

ADA	Americans with Disabilities Act
ADD	Assistant Deputy Director
ADRP	Archaeological Data Recovery Program
ADT	average daily traffic / average daily trips
AIA	Airport Influence Area
ALUCP	Airport Land Use Compatibility Plan
BLA	Boundary Line Adjustment
BMZ	brush management zone
BRT	Bus Rapid Transit
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Model
CAGN	Coastal California gnatcatcher
CalARP	California Accidental Release Prevention Program
CalEPA	California Environmental Protection Agency
CALGreen	California Green
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAP	Climate Action Plan

CARB	California Air Resources Board
CASQA	California Stormwater Quality Association
CBC	California Building Code
CCAA	California Clean Air Act
CCMP	Carroll Canyon Master Plan
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CFG	California Fish and Game
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
City	City of San Diego
CLOMR	Conditional Letter of Map Revision
CPA	Community Plan Amendment
CUP	Conditional Use Permit
dB	decibel
EDU	equivalent dwelling unit
EIR	Environmental Impact Report
ESL	Environmentally Sensitive Land
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FIRM	Flood Insurance Rate Map
GDP	General Development Plan
GHG	greenhouse gas
HCP	Habitat Conservation Plan
I-	Interstate
IBC	International Building Code
IOD	Irrevocable Offer of Dedication
IWMP	Integrated Waste Management Plan
LDC	Land Development Code
LOS	level of service
LUAG	Land Use Adjacency Guidelines
MBTA	Migratory Bird Treaty Act
MCAS	Marine Corps Air Station
MHPA	Multi-Habitat Planning Area
MMCP	Mira Mesa Community Plan
MMRP	Mitigation Monitoring and Reporting Program
MPDP	Master Planned Development Permit

MSCP	Multiple Species Conservation Program
NDP	Neighborhood Development Permit
PFFP	Public Facilities Financing Plan
PM	particulate matter
PM_{10}	respirable particulate matter
$PM_{2.5}$	fine particulate matter
Ppm	parts per million
PPV	peak particle velocity
RAQS	Regional Air Quality Strategy
RARE	rare, threatened or endangered species
RCRA	Resource Conservation and Recovery Act
RHNA	Regional Housing Needs Assessment
RMP	Risk Management Plan
ROG	reactive organic gas
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SANDAG	San Diego Association of Governments
SCH	State Clearinghouse
SCIC	South Coastal Information Center
SDAB	San Diego Air Basin
SDAPCD	San Diego Air Pollution Control District
SDMC	San Diego Municipal Code
SDP	Site Development Permit
SIP	State Implementation Plan
SMARA	Surface Mining and Reclamation Act
SWPPP	Storm Water Pollution Prevention Plan
SWQMP	Storm Water Quality Management Plan
SWRCB	State Water Resources Control Board
TCR	tribal cultural resource
TIA	Traffic Impact Analysis
TMDL	total maximum daily load
TOD	transit-oriented district
TPA	Transit Priority Area
TSS	total suspended solids
UCSD	University of California, San Diego
USACE	U.S. Army Corps of Engineers
USDOT	U.S. Department of Transportation
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Department of Fish and Wildlife Service
USGS	U.S. Geological Survey

V/C	volume to capacity ratio
VMT	vehicle miles traveled
VTM	vesting tentative map
VUA	vehicular use area
WMP	Waste Management Plan
WSA	Water Supply Assessment

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the preceding sections, the City's approval of the 3 Roots project would result in significant environmental impacts that cannot be avoided even with the adoption of all feasible mitigation measures. Whenever a lead agency adopts a project which would 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, state in writing the specific reasons to support its action based on the EIR and/or other information in the administrative record.

The Council of the City of San Diego, (i) having independently reviewed the information in the EIR 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 EIR; 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 its view, specific economic, legal, social, and other benefits of the project 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 the preceding sections, which are incorporated by reference into this section, the EIR, or in documents that comprise the Record of Proceedings in this matter.

A. FINDINGS FOR STATEMENT OF OVERRIDING CONSIDERATIONS

1. The Project would Preserve Open Space Exceeding that Required in the MMCP/CCMP.

The CCMP requires a total of approximately 180 acres of open space, of which approximately 36 acres have been dedicated through the Fenton Technology Park VTM 14555, leaving a requirement for follow-on development to provide an additional approximately 144 acres. The project would place 146.44 acres into MHPA as part of a BLA, and also would place open space easement over 30.9 acres in the southern portion of the site. The BLA would increase MHPA within the project area by approximately 6.68 net acres. This would be accomplished through the deletion of approximately 29.43 acres of existing MHPA that is made up almost entirely (approximately 96 percent) of non-sensitive habitats and landforms. The 36.11 acres proposed for inclusion contain a variety of native habitats and non-sensitive upland areas that would be restored to native habitats.

2. The Project would Support the Housing Goals of the General Plan

The Mira Mesa area is predominantly single-family housing, and the additional multi-family housing on the site would provide the opportunity for a greater variety of ages and income levels to locate in the community. In addition, the multi-family units format in the project and inclusion of both lower and higher density uses than proposed in the MMCP would act as a transition between the mostly multi-family, North University City area, and the mostly single-family Mira Mesa area. These units would also be close to the community job-center, which could reduce the number of automobiles commuting in, keeping with the goals of SB375. Therefore, the project's housing units are consistent with Policy HE-A.7 and satisfy public policy goals of the City.

3. The project would create a multi-acre Community Park and sports field complex that would address significant park and sport field facilities in Mira Mesa and surrounding communities and provide a meaningful increase in park acreage over that required under City population-based park requirements.

As noted in the Mira Mesa Community Plan:

> *Recreational facilities are used heavily in Mira Mesa. Community groups have expressed the need for additional, permanent playing fields to accommodate the many sports programs in Mira Mesa. The widespread support of, and participation in, Little League baseball, Bobby Sox softball, soccer and football have resulted in a tremendous demand for multipurpose fields to house these activities.*

The MMCP identifies 20 acres of park for the site. Under the project, however, a total of 35.1 acres of usable acres per City population-based park standards. The 23.6-acre community park (exceeding the MMCP identification of 20 acres overall, and proposed to include sports fields, play areas, and a dog park, to address the active recreational needs of the Mira Mesa as developed in concert with that community through the DGP process) would be public. An additional 8.4 acres of private park space would have public recreation easements, allowing for increased park use by (non-3Roots) community members. The project would underground portions of SDG&E's regional 69KV transmission line, improving the aesthetics and safety of the area.

The City is undergrounding power lines throughout the City to improve views and aesthetics, as well as to provide added safety where power lines would not be impacted by high winds, or have the potential to start fires. The project would underground existing on-site 69kV lines for approximately 70 percent of their on-site length. The project would underground current above-ground lines crossing the site from the vicinity of Camino Santa Fe easterly to the vicinity of PA-18 within on-site future Carroll Canyon Road, when it would again become overhead and join the existing facility that is visually back-dropped by rising slope. This undergrounding would remove visual noise from the future Carroll Canyon Road alignment, as well as adjacent to the community park, substantially improving a visual condition not addressed in the CCMP.

4. The project addresses expected impacts of global climate change by facilitating sustainable development, and helping reduce greenhouse gas emissions in the City. The project would incorporate the following sustainable design features:

- The proposed project would add over the amount of open space required in the MMCP/CCMP to the City, which would allow for additional carbon sequestration.
- The proposed site design is walkable (approximately 8 miles of on-site trails and over 5 miles of on-site Green Streets), and bicycle storage facilities would be available for residents and employees with connectivity to surrounding bike routes.
- Proposed buildings would have sophisticated controls to monitor ongoing energy consumption.
- The site would limit the hours of operation of outdoor lighting to conserve energy, while maintaining the level of light required for security and safety.

B. CONCLUSION

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