

**ATTACHMENT 4**

**DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT  
CANDIDATE FINDINGS**

**AND**

**DRAFT PROGRAM ENVIRONMENTAL REPORT  
STATEMENT OF OVERRIDING CONSIDERATIONS (SOC)  
FOR THE NORTH PARK COMMUNITY PLAN UPDATE**

**REGARDING FINAL PEIR FOR THE NORTH PARK AND  
GOLDEN HILL COMMUNITY PLAN UPDATES**

**PROJECT NUMBER 380611**

**SCH No. 2013121076**

**September 2016**

**CANDIDATE FINDINGS FOR THE NORTH PARK COMMUNITY PLAN UPDATE****I. INTRODUCTION****A. Findings of Fact and Statement of Overriding Considerations**

The following Candidate Findings and Statement of Overriding Considerations are made for the North Park Community Plan Update (CPU) (hereinafter referred to as the "Project"). Separate Candidate Findings are prepared for the Golden Hill CPU. The environmental effects of the Project are addressed in the Final Program Environmental Impact Report ("Final PEIR") dated September 2016 (State Clearinghouse No. 2013121076), which is incorporated by reference herein.

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

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
  - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
  - 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the

project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

These requirements also exist in Section 21081 of the CEQA statute. The "changes or alterations" referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Should significant and unavoidable impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations must be prepared. The statement provides the lead agency's views on whether the benefits of a project outweigh its unavoidable adverse environmental effects. Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

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

Having received, reviewed and considered the Final Program Environmental Impact Report for the North Park and Golden Hill Community Plan Updates, State Clearinghouse No. 2013121076 (PEIR), as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) for the North Park Community Plan Update (CPU) are made and Statement of Overriding Considerations (Statement) is adopted by the City of San Diego (City) in its capacity as the CEQA Lead Agency. These Findings and Statement set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

The following Findings have been prepared by the Planning Department as candidate findings to be made by the decision-making body.

## **B. Record of Proceedings**

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

- The Notice of Preparation (NOP), dated December 23, 2013, and all other public notices issued by the City in conjunction with the Project;
- The Draft PEIR (Draft PEIR), dated May 31, 2016;
- The Final PEIR for the Project, dated September 2016;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR and included in the Final PEIR;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The reports and technical memoranda included or referenced in Responses to Comments and/or in the Final PEIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft PEIR and the Final PEIR;
- Matters of common knowledge to the City, including but not limited to federal, state and local laws and regulations;
- Any documents expressly cited in these Findings and SOC; and
- Any other relevant materials required to be included in the record of proceedings pursuant to Public Resources Code Section 21167.6(e).

**C. Custodian and Location of Records**

The documents and other materials which constitute the administrative record for the City's actions related to the project are located at the City of San Diego, Planning Department, 1010 Second Avenue, 12th Floor, San Diego, CA 92101. The City Planning Department is the custodian of the administrative record for the Project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been, and will be available upon request at the offices of the City Planning Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

**II. PROJECT SUMMARY****A. Project Location**

The North Park CPU area (North Park community or North Park) comprises approximately 2,300 acres (approximately 3.6 square miles) and is located in the central portion of the City of San Diego and is in close proximity to Downtown San Diego. North Park abuts the community planning areas of Uptown on the west, Mission Valley on the north, Mid-City on the east, and Golden Hill and Balboa Park on the south.

**B. Project Background**

The adopted North Park Community Plan was last updated in 1986. The City initiated the process of updating the Uptown, North Park and Golden Hill Community Plans in 2009. The Notice of Preparation (NOP) for the Program Environmental Impact Report (PEIR) was issued on December 23, 2013 (State Clearinghouse No. 2013121076) and a public scoping meeting was held on January 9, 2014 to gather agency and public input on the scope and content of the PEIR. As a result of timing related to stakeholder input, the environmental analysis for the Uptown CPU was removed from this PEIR and is analyzed in a separate CEQA document. While the North Park and Golden Hill CPUs are analyzed in one EIR, these findings pertain only to the North Park CPU.

Between 2009 and 2016, an extensive outreach program was undertaken to solicit input from residents, business owners, community leaders, public officials, and other interested parties. The outreach program included multiple Community Plan Update Advisory Committee (CPUAC) meetings on various land use topics, historic resources and mobility open house events, and a cluster workshop involving participants from each of the three communities to discuss urban design. Multi-day workshops or "charrettes" focusing on land use, areas of change and stability, urban design, mobility, historic resources, and recreation were conducted for the North Park CPU area culminating in an urban design framework that would set the foundation for developing land use policies and recommendations. Additionally, "Open Mic Night" events were hosted by the City in an effort for community members to consider various perspectives from stakeholder organizations such as those representing local business districts, neighborhood-level organizations, historic preservation societies, planning and architectural organizations, and hospitals, as well as walkability, open space, and housing advocates. The policies and details of the CPU was developed and shaped through this process.

### **C. Project Description and Purpose**

The projects analyzed in the Final PEIR include implementation of the North Park and Golden Hill CPUs along with several other associated discretionary actions. These Findings address the North Park CPU and discretionary actions relevant to that community as described below. The purpose of the proposed North Park CPU is to ensure consistency with and incorporate relevant policies from the City of San Diego General Plan (General Plan), as well as provide a long-range, comprehensive policy framework and vision for growth and development in the community through 2035.

The project includes amendments to the General Plan to incorporate the updated community plan as a component of the General Plan's Land Use Element; amendments to the Land Development Code and maps; adoption of the North Park Impact Fee Study (IFS) (formerly known as Public Facilities Financing Plans), and rezoning the CPU area with Citywide zones. The CPU and associated regulatory documents form the "project" for this Final PEIR.

Specific project elements are further detailed below:

#### **1. General Plan Elements**

The Land Use Element defines Village Districts and key corridors where future growth is targeted in order to fulfill the General Plan's City of Villages strategy. While the proposed CPU sets forth procedures for implementation, it does not on its own establish regulations or legislation, nor does it, on its own, rezone property. Controls on development and use of public and private property including zoning, development regulations, and implementation of transportation improvements are included as part of the North Park CPU.

The North Park CPU contains ten elements and an Introduction and Implementation chapter. Applicable goals and policies are provided within each of the following elements: Land Use; Mobility; Urban Design; Economic Prosperity; Public Facilities, Services and Safety; Recreation; Sustainability and Conservation, Noise and Light, Historic Preservation; and Arts and Culture.

#### **2. Zoning**

Throughout the CPU area, Citywide zoning would be applied in all areas. Proposed densities would be consistent with existing zoning with the exception of Community Enhancement Areas where increased density and modified development regulations would be allowed with processing of a PDP.

The Project also would include adoption of Zoning Amendments for Neighborhood and Community Commercial Citywide zones to regulate Artisan Food and Beverage Producers, amendments to the Neighborhood Commercial and Community Commercial use regulations, amendments to the CN-1-3 Zone, and various other revisions.

### 3. Land Development Code Amendments

The Project would amend the Mid-City Communities Planned District to remove North Park from the Regulations and rezone parcels with existing and modified Citywide zones to implement the proposed land use plan designations.

The Project also includes an amendment to the Historical Resources Regulations of the Municipal Code (Sections 143.0210 et seq.) to provide supplemental development regulations for Potential Historic Districts as adopted by the City Council at the review and consideration of the CPU. These regulations would provide interim protections to the integrity of the specified potential historic districts within the CPU area by requiring an evaluation of proposed modifications to applicable residential structures within the boundaries of the proposed Potential Historic Districts. These supplemental regulations would apply to single- and multi-family residential structures within the Potential Historic Districts.

### 4. MHPA Boundary Line Corrections

The Project includes comprehensive community-wide Multi-Habitat Planning Area (MHPA) boundary line corrections. The MHPA boundary line corrections were completed using a comprehensive, systematic approach. The boundary line corrections generally removed existing developed areas in addition to the 35-foot brush management zone 1 area as required in accordance with the City's Land Development Code, Section 142.0412. The comprehensive MHPA boundary corrections result in removal of acreage of existing developed lands from the MHPA and an addition of sensitive habitats including coastal sage scrub and chaparral.

### 5. Adoption of the North Park Impact Fee Study (IFS)

The Project would include adoption of the North Park IFS which provides a list of facilities that are needed to implement the goals of the community plan, and to develop applicable Development Impact Fees (DIFs) pursuant to the California Government Code through which new development will pay a share of the cost of those facilities based on a clear nexus. The IFS functions as an implementation document of the City of San Diego's General Plan and the North Park Community Plan.

In summary, this Project would update the existing North Park Community Plan that was last updated by the City Council in 1986. The proposed North Park CPU would be compatible with the adopted City of San Diego General Plan City of Villages strategy and would provide guidance for future growth and redevelopment with regard to the distribution and arrangement of land uses (public and private), local street and transit network, prioritization and provision of public facilities, community and site-specific urban design guidelines, and recommendations to preserve and enhance natural and cultural resources.

The overall vision of the proposed North Park Community Plan is to guide, over the next 20 to 30 years, future infill development that is transit supportive per the General Plan and is also protective of desired community character and resources. The proposed land use plan would locate the highest intensity land uses within the community along transit corridors where existing and future

commercial, residential and mixed-use development can support existing and planned transit investments. Residential density is proposed to be increased from the adopted plan particularly in areas with access to transit in order to achieve these objectives.

Following adoption of the North Park CPU, changes may be required as a result of subsequent projects submittals in order to address changed circumstances and opportunities. If approved, they would take the form of amendments. The City's Planning Commission and City Council are responsible for reviewing and evaluating recommendations, and/or approving any amendments. Any proposed amendment would be subject to environmental review.

#### **D. Statement of Objectives**

As described in Section 3.3 of the Final PEIR, the Project has the following nine objectives:

1. Develop a multi-modal transportation network emphasizing active transportation measures for walkable and bicycle-friendly streets, and transit-related measures supporting transit operations and access.
2. Maintain or increase the housing supply through the designation of higher residential densities focusing along major transit corridors.
3. Provide for increased economic diversification through land use to increase employment and economic growth opportunities.
4. Preserve the neighborhood character and design relationships between neighborhoods within each community through the development of transitions and design policies.
5. Identify significant historic and cultural resources within each community and provide for their preservation, protection, and enhancement.
6. Provide increased recreation opportunities and new public open spaces.
7. Preserve, protect and enhance each community's natural landforms, including canyons and environmentally sensitive lands.
8. Include financing strategies that can secure infrastructure improvements concurrent with development.
9. Environmental Leadership and Sustainability: Follow environmentally sensitive design and sustainable development practices.

### **III. SUMMARY OF IMPACTS**

The Project addressed in these findings is a comprehensive update to the currently adopted North Park Community Plan described in Chapter 3.0 of the Final PEIR. The proposed CPU is a component of the City's General Plan as it expresses the General Plan policies in the proposed CPU area through the provision of more site-specific recommendations that implement goals and policies contained



within the 10 elements of the General Plan. As such, the proposed CPU sets forth procedures for implementation and provides goals and policies for future development within the CPU area.

Controls on development and use of public and private property including zoning, design controls, and implementation of transportation improvements are included as part of the implementation program for the North Park CPU.

The Final PEIR concludes that the proposed North Park CPU would have **no significant impacts** and require no mitigation measures with respect to the following issues:

1. Land Use
  - Conflicts with Applicable Plans
  - Conversion of Open Space or Farmland
  - Conflicts with the MSCP Subarea Plan
  - Conflicts with an Adopted ALUCP
2. Visual Effects and Neighborhood Character
  - Scenic Vistas or Views
  - Neighborhood Character
  - Distinctive or Landmark Trees
  - Landform Alteration
  - Light or Glare
3. Transportation
  - Alternative Transportation
4. Air Quality
  - Sensitive Receptors
  - Odors
5. Greenhouse Gas Emissions
  - Greenhouse Gas Emissions
  - Conflicts with Plan or Policies
6. Noise
  - Airport Noise
  - Noise Ordinance Compliance
  - Temporary Construction Noise (operational vibration)
7. Biological Resources
  - Sensitive Wildlife Species
  - Sensitive Habitats
  - Wetlands
  - Wildlife Corridors and Nursery Sites
  - Multiple Species Conservation Program

8. Geologic Conditions
  - Seismic Hazards
  - Erosion or Loss of Topsoil
  - Geologic Instability
  - Expansive Soils
9. Hydrology and Water Quality
  - Flooding and Drainage Patterns
  - Water Quality
  - Groundwater
10. Public Services and Facilities
11. Public Utilities
  - Water Supply
  - Utilities
  - Solid Waste and Recycling
12. Health and Safety
  - Wildfire Hazards
  - Schools
  - Emergency Evacuation and response Plans
  - Hazardous Materials Site and Health Hazards
  - Aircraft Related Hazards

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

- Paleontological Resources (for discretionary projects only)
- Noise (Temporary Construction Noise)

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

1. Transportation and Circulation
  - Traffic Circulation
2. Air Quality
  - Conflicts with Air Quality Plans
  - Air Quality Standards
3. Noise
  - Ambient Noise
  - Vehicular Noise
  - Temporary Construction Noise (vibration during construction)

4. Historical Resources
  - Historic Structures, Objects, or Sites
  - Prehistoric Resources, Sacred Sites, and Human Remains
5. Paleontological Resources (for ministerial projects only)

#### **IV. FINDINGS REGARDING SIGNIFICANT IMPACTS**

##### **A. Findings Regarding Impacts That Will be Mitigated to Below a Level of Significance (CEQA §21081(a)(1) and CEQA Guidelines §15091(a)(1))**

The City, having independently reviewed and considered the information contained in the Final PEIR and the public record for the Project, finds, pursuant to Public Resource Code §21081(a)(1) and State CEQA Guidelines §15091(a)(1), that changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment related to:

##### **1. Noise - Temporary Construction Noise**

###### **Significant Effect**

Construction activities related to implementation of the proposed CPU and associated discretionary actions would potentially generate short-term noise levels in excess of 75 dB(A)  $L_{eq}$  at adjacent properties (Impact 6.6-4)

###### **Facts in Support of Finding**

While the City regulates noise associated with construction equipment and activities through enforcement of noise ordinance standards (e.g., days of the week and hours of operation) and imposition of conditions of approval for building or grading permits, a permit may be obtained to deviate from the noise ordinance under certain circumstances. Due to the highly developed nature of the CPU area with sensitive receivers potentially located in proximity to construction sites, there is a potential for construction noise sensitive land uses to be exposed to noise levels in excess of noise ordinance standards. At a program-level of analysis it is not possible to conduct site specific noise evaluations to verify anticipated construction noise levels.

###### **Rationale and Conclusion**

Future development implemented in accordance with the CPU would be required to incorporate standard controls detailed in the Final PEIR mitigation measure NOISE-6.6-1 which would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance. With the implementation of these measures, and the limited duration of the noise-generating construction period, the substantial temporary increase in ambient noise levels from construction would be less than significant.

## **2. Paleontological Resources (Discretionary Projects only)**

### **Significant Effect**

A potentially significant impact would result from implementation of future discretionary projects within the North Park CPU area associated with grading into the San Diego and Mission Valley Formations, which have a high sensitivity for paleontological resources. Grading into these formations could potentially destroy fossil resources. (Impact 6.10)

### **Facts in Support of Finding**

A potentially significant impact would occur because future development would have the potential to disturb geologic formations during grading that contain fossils. The North Park CPU area is underlain with San Diego and Mission Valley Formations which have high paleontological resource sensitivity. If grading associated with future development destroys fossil remains occurring within these formations, a significant impact would occur.

### **Rationale and Conclusion**

Mitigation framework PALEO 6.10 assures that future discretionary projects implemented in accordance with the North Park CPU would be screened by City staff to determine the potential for grading to impact sensitive geologic formations. If future development projects would exceed the grading thresholds specified in the mitigation framework, the City would require paleontological monitoring which would ensure any inadvertent fossil discoveries during construction are identified, recovered, and handled in accordance with the required Paleontological MMRP. Thus, implementation of the regulatory framework would reduce potentially significant impacts to paleontological resources for future discretionary projects (but not ministerial projects) within the North Park CPU area to less than significant. Implementation of this mitigation framework would be assured because it would be incorporated into the Project's MMRP.

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

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

## **1. Traffic and Circulation – Freeway Segments and Ramp Meters**

### **Significant Effect**

#### **a. Freeway Segments**

- I-5 from Old Town Avenue to Imperial Avenue (Impact 6.3-27)
- I-8 from Hotel Circle West to SR-15 (Impact 6.3-28)
- SR-15 from I-805 to SR-94 (Impact 6.3-29)
- I-805 from SR-15 to SR 163 (Impact 6.3-30)

- SR-94 from I-5 to I-805 (Impact 6.3-31)
- SR-163 from I-8 to I-5 (Impact 6.3-32)

#### **b. Ramp Meters**

- Hancock Street to I-5 southbound on-ramp in the PM peak period (Impact 6.3-33)
- Kettner Boulevard to I-5 southbound on-ramp in the PM peak period (Impact 6.3-34)
- Fifth Ave to I-5 southbound on-ramp in the PM peak period (Impact 6.3-35)

### **Facts in Support of Finding**

#### **a. Freeway Segments**

At the project-level, significant impacts at locations outside of the jurisdiction of the City could be partially mitigated in the form of fair share contribution or transportation demand management (TDM) measures that encourage carpooling and other alternative means of transportation consistent with proposed North Park CPU policies. Additionally, fair share contributions could be provided toward the construction of the following projects that are identified in SANDAG's San Diego Forward: The Regional Plan (RP):

- Operational improvements along I-8 between I-15 and SR-125 and between I-5 and I-15 (TRANS 6.3-28)
- Construction of managed lanes along SR-15 from I-5 to I-805 and from I-8 SR-163 (TRANS 6.3-29)
- Construction of managed lanes along I-805 between SR-15 and SR-52 (TRANS 6.3-30)
- Construction of managed lanes along SR-94 between I-5 to SR-125 (TRANS 6.3-31)

The SANDAG RP did not identify any improvements to the I-5 segment from Old Town Avenue to Imperial Avenue (Impact 6.3-27) or to the SR-163 northbound from I-8 to Robinson Avenue and SR-163 southbound from I-8 to I-5 segments (Impact 6.3-32). Thus, no feasible mitigation has been identified to reduce this impact.

#### **b. Ramp Meters**

At the project-level, significant impacts at locations outside of the jurisdiction of the City could be partially mitigated in the form of fair share contribution or transportation demand management (TDM) measures that encourage carpooling and other alternative means of transportation consistent with proposed CPU policies. TRANS 6.3-33 also requires the City of San Diego to coordinate with Caltrans to address ramp capacity at impacted on-ramp locations. Improvements could include, but are not limited to, additional lanes and interchange reconfiguration; however, specific capacity improvements are still undetermined by Caltrans, as future improvements require additional study to determine actual improvements that would address the identified impacts. However, future development projects could identify impacts and appropriate mitigation through project specific project transportation studies. Fair share contributions may be provided at the project level for impacted ramps where the impacted facility is identified in the SANDAG's RP.

## **Rationale and Conclusion**

### **a. Freeway Segments**

Implementation of the North Park CPU and associated discretionary actions would result in a significant impact to the segment of I-8 from I-5 to SR-125 (Impact 6.3-28). The SANDAG RP identifies operational improvements along I-8 between I-15 and SR-125 and between I-5 and I-15 (TRANS 6.3-28) that would partially mitigate this impact.

A significant impact is also identified along the segment of SR-15 from I-805 to SR-94 (Impact 6.3-29). The SANDAG RP identifies construction of managed lanes along SR-15 from I-5 to I-805 and from I-7 to SR-163 (TRANS 6.3-29) that would partially mitigate this impact.

A significant impact is identified along the segment of I-805 from SR-15 to SR 163 (Impact 6.3-30). The SANDAG RP identifies construction of managed lanes along I-805 between SR-15 and SR-52 (TRANS 6.3-30) that would partially mitigate this impact.

A significant impact is also identified along the segment of SR-94 from 25<sup>th</sup> Street to SR-15 (Impact 6.3-31). The SANDAG RP identifies construction of managed lanes along SR-94 between I-5 and SR-125. Caltrans is evaluating alternatives to this measure as part of the environmental analysis for the SR-94 Express Lanes Project, including bus on shoulders and other multi-modal projects outlined in the Community Based Alternatives of the SR-94 Express Lanes Project. This measure (or an alternative measure) would provide partial mitigation, since it reduces the traffic demand on the freeway general purpose lanes (TRANS 6.3-31).

Although implementation of the SANDAG RP measures would partially mitigate these impacts, at a program level of analysis, actual development and associated traffic impacts for the North Park CPU will materialize over time. In addition, there is uncertainty as to the timing of implementation of the improvements and whether they will occur prior to the occurrence of the impacts. Regarding impacts, 6.3-27 and 6.3-32, the SANDAG RP did not identify any improvements to the I-5 segment from Old Town Avenue to Imperial Avenue (Impact 6.3-27) or to the SR-163 northbound from I-8 to Robinson Avenue and SR-163 southbound from I-8 to I-5 segments (Impact 6.3-32). Future development project's transportation studies would be able to more accurately identify individual project level impacts and provide the mechanism to mitigate them through fair share contributions in addition to the forecast funding planned by SANDAG and other funding sources consistent with the SANDAG RP. Thus, these freeway segment impacts would remain significant and unavoidable.

### **b. Ramp Meters**

Mitigation measures that would potentially reduce southbound ramp meter impacts include additional freeway lanes, interchange reconfiguration, implementation of TDM measures that encourage carpooling and other alternate means of alternative transportation, or a combination of these measures. At a program level of analysis, implementation of ramp improvements is infeasible because the City does not have approval authority over freeways. Actual development and associated traffic impacts for the CPU will materialize over time. In addition, there is uncertainty as to the timing of implementation of improvements and whether they will occur prior to the occurrence of impacts. At the project -level, future projects could make fair-share contributions to impacted ramps; however, only if these ramps are included in the SANDAG RP. None of the

impacted segments are currently included within the SANDAG RP; thus, fair share funding for the impacted ramps is infeasible at this time. Future development project's transportation studies would be able to more accurately identify potential transportation impacts and provide the mechanism to mitigate them through project-specific mitigation including but not limited to physical improvements, fair share contribution, transportation demand management measures which may be more cost effective than alternative infrastructure improvements, or a combination of these measures. Thus, at a program level of analysis, the impact to ramp meters remains significant and unavoidable.

## **2. Air Quality – Conflicts with Applicable Air Quality Plans**

### **Significant Effect**

The Final PEIR identifies a significant impact related to conflicts with air quality plans due to projected emissions being greater than what was accounted for in the Regional Air Quality Strategy (RAQS). Specially, emissions of ozone precursors (ROG and NOx) would be greater than what was accounted for in the RAQS, representing a significant impact related to conflict with air quality plan (Impact 6.4-1).

### **Facts in Support of Finding**

The air quality impact associated with conflicts with the RAQS would be partially mitigated through implementation of measure AQ 6.4-1 which requires that prior to the next update of the RAQS and within six months of the certification of the Final PEIR, the City shall provide a revised land use map for the North Park CPU area to SANDAG to ensure that any revisions to the population and employment projections used by the Air Pollution Control District (APCD) in updating the RAQS and the State Implementation Plan (SIP) will accurately reflect anticipated growth due to the proposed North Park CPU.

### **Rationale and Conclusion**

Implementation of mitigation measure AQ 6.4-1 would reduce significant impacts, but not to below a level of significance. The impact in this case stems from an inconsistency between the proposed North Park CPU and the adopted land use plans upon which the RAQS was based. Thus, the only measure that can mitigate this effect would be to revise the RAQS and SIP based on the revised land use plan in the proposed North Park CPU. Since the City does not have the authority to update the RAQS or the SIP, the impact would remain significant and unavoidable.

## **C. Findings Regarding Infeasible Mitigation Measures and Alternatives (CEQA §21081(a)(3) and CEQA Guidelines §15091(a)(3))**

The following Potentially Significant Impacts cannot be Mitigated Below a level of Significance (Public Resource Code §21081(a) (3):

1. Transportation and Circulation
  - Traffic Circulation

2. Air Quality
  - Conflicts with Air Quality Plans
  - Air Quality Standards
3. Noise
  - Ambient Noise
  - Vehicular Noise
  - Temporary Construction Noise (vibration during construction)
4. Historical Resources
  - Historic Structures, Objects, or Sites
  - Prehistoric Resources, Sacred Sites, and Human Remains
5. Paleontological Resources (for ministerial projects only)

Although mitigation measures are identified in the Final PEIR that could reduce significant impacts due to implementation of the proposed CPU, implementation of some of the mitigation measures cannot be assured since the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at the program level. "Feasible" is defined in Section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that "other" considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

Relative to traffic and circulation, for those measures included in the IFS, full funding cannot be assured to implement these mitigation measures because the adequacy and timing of funding is not known and thus, the timing of completion of the improvements is uncertain. Other identified mitigation measures would not be consistent with the policy framework and goals of the proposed CPU and therefore, they are not recommended for implementation. Thus, for these significant impacts, a finding of infeasibility is appropriate because there are no feasible mitigation measures available that would reduce the identified impacts to below a level of significance.

## **1. Transportation – Traffic Circulation**

### **Significant Effect**

The following cumulative impacts to intersections, roadway segments, freeway segments and ramp meters were determined to be significant:

#### **a. Intersections**

- Madison Avenue & Texas Street (Impact 6.3-1)
- El Cajon Boulevard & 30th Street (Impact 6.3-2)
- El Cajon Boulevard & I-805 SB Ramps (Impact 6.3-3)



- University Avenue & 30th Street (Impact 6.3-4)
- University Avenue & Boundary Street (Impact 6.3-5)
- University Avenue & I-805 NB Ramps (Impact 6.3-6)
- North Park Way/ I-805 SB Ramps & Boundary Street/33rd Street (Impact 6.3-7)
- Upas Street & 30th Street (Impact 6.3-8)

#### **b. Roadway Segments**

- 30th Street: Meade Avenue to University Avenue (Impact 6.3-9)
- 30th Street: North Park Way to Juniper Street (Impact 6.3-10)
- 32nd Street: University Avenue to Upas Street (Impact 6.3-11)
- Adams Avenue: Texas Street to 30th Street (Impact 6.3-12)
- Boundary Street: University Avenue to North Park Way (Impact 6.3-13)
- El Cajon Boulevard: Oregon Street to Utah Street (Impact 6.3-14)
- El Cajon Boulevard: 30th Street to I-805 Ramps (Impact 6.3-15)
- Florida Street: El Cajon Boulevard to Upas Street (Impact 6.3-16)
- Howard Avenue: Texas Street to 32nd Street (Impact 6.3-17)
- Madison Avenue: Texas Street to Ohio Street (Impact 6.3-18)
- Meade Avenue: Park Boulevard to Iowa Street (Impact 6.3-19)
- Redwood Street: 28th Street to 30th Street (Impact 6.3-20)
- Texas Street: Adams Avenue to University Avenue (Impact 6.3-21)
- University Avenue: Park Boulevard to Florida Street (Impact 6.3-22)
- University Avenue: Texas Street to Boundary Street (Impact 6.3-23)
- Upas Street: Alabama Street to 30th Street (Impact 6.3-24)
- Utah Street: Howard Avenue to Lincoln Avenue (Impact 6.3-25)
- Utah Street: North Park Way to Upas Street (Impact 6.3-26)

#### **Facts in Support of Finding**

##### **a. Intersections**

###### *Madison Avenue & Texas Street (Impact 6.3-1)*

The Madison Avenue & Texas Street intersection impact (Impact 6.3-1) could be mitigated to less than significant with implementation of mitigation measure TRANS 6.3-1 which would require addition of a northbound through lane and westbound dual exclusive right turn lane to improve LOS to D or better. These improvements cannot be accomplished with the restriping of the roadway.

###### *El Cajon Boulevard & 30th Street (Impact 6.3-2)*

The El Cajon Boulevard & 30th Street impact (Impact 6.3-2) could be mitigated to less than significant with implementation of mitigation measure TRANS 6.3-2 which would require restriping to add a second southbound left-turn lane on 30<sup>th</sup> Street and a second westbound left-turn lane on El Cajon Boulevard and remove parking to improve the LOS at this location to LOS D or better.

*El Cajon Boulevard & I-805 SB Ramps (Impact 6.3-3)*

The El Cajon Boulevard & I-805 SB Ramps impact (Impact 6.3-3) could be mitigated to less than significant with implementation of mitigation measure (TRANS 6.3-3) which would include widening the I-805 SB off-ramp to add a second right-turn lane to improve the LOS to LOS D or better.

*University Avenue & 30th Street (Impact 6.3-4)*

The University Avenue & 30th Street impact (Impact 6.3-4) could be mitigated to less than significant with implementation of mitigation measure TRANS 6.3-4 which would require restriping 30th street in the southbound direction to add a second through lane and removing parking.

*University Avenue & Boundary Street (Impact 6.3-5)*

The impact at University Avenue & Boundary Street (Impact 6.3-5) could be mitigated to less than significant with implementation of mitigation measure TRANS 6.3-5 which would require signal modifications and restriping of the southbound approach to provide exclusive right-turn, though, and left-turn lanes on Boundary Street.

*University Avenue & I-805 NB Ramps (Impact 6.3-6)*

The impact at the University Avenue & I-805 NB Ramps (Impact 6.3-6) could be mitigated to less than significant with implementation of mitigation measure TRANS 6.3-6 which would require widening of University Avenue in the eastbound direction to add an exclusive right-turn lane, widening in the westbound direction to add a shared through right-turn lane, and restriping and reconstructing medians on the I-805 northbound ramps to have dual left-turn lanes and an exclusive through lane and right-turn lane. These improvements would improve the LOS to D or better.

*North Park Way/ I-805 SB Ramps & Boundary Street/33rd Street (Impact 6.3-7)*

The impact at the North Park Way/ I-805 SB Ramps & Boundary Street/33rd Street (Impact 6.3-7) could be mitigated to less than significant with implementation of mitigation measure TRANS 6.3-7 which would require signaling the intersection and adding a second left-turn lane in the southbound direction on Boundary Street and widen the I-805 southbound on-ramp to add an additional receiving lane. An additional lane may be required by Caltrans on the SB I-805 off-ramp. This measure would improve the LOS at this intersection to LOS D or better.

*Upas Street & 30th Street (Impact 6.3-8)*

The impact at Upas Street & 30th Street (Impact 6.3-8) could be mitigated to less than significant with implementation of mitigation measure TRANS 6.3-8 that would require restriping Upas Street in the westbound direction to add an exclusive right-turn lane. The addition of a westbound exclusive right turn lane would improve the LOS at this location to LOS D or better.

**b. Roadway Segments**

*30th Street from Meade Avenue to University Avenue (Impact 6.3-9) and 30th Street from North Park Way to Juniper Street (Impact 6.3-10)*

The functional classification of these roadway segments is 2 lane collector with no center lane. The 30<sup>th</sup> Street roadway segment impact from Meade Avenue to University Avenue (Impact 6.3-9) would be mitigated to less than significant with implementation of measure TRANS 6.3-9 which would require widening 30<sup>th</sup> Street to a 4-lane collector. Widening to 4 lane collector with continuous left turn lane would fully mitigate the impact at this location by improving operations to LOS D or better.

The 30th Street segment impact from North Park Way to Juniper Street (Impact 6.3-10) could be mitigated to less than significant through implementation of mitigation measure TRANS 6.3-10 which would include widening 30th Street from North Park Way to Upas Street to a 4-lane collector and restriping to add a center two-way left turn lane from Upas Street to Juniper Street. This measure would improve operations to LOS D or better.

*32nd Street from University Avenue to Upas Street (Impact 6.3-11)*

The 32nd Street segment from University Avenue to Upas Street has a functional classification of a 2 lane collector with no center lane. The impact at this segment (Impact 6.3-11) could be mitigated to less than significant through implementation of mitigation measure TRANS 6.3-11 which would require restriping the roadway to a 2 lane collector with continuous left-turn lane. Installation of this measure would improve the LOS to LOS D or better.

*Adams Avenue from Texas Street to 30th Street (Impact 6.3-12)*

This roadway segments is functionally classified as 2 lane collector with no center lane. The street segment impact would be mitigated to less than significant with implementation of mitigation measure TRANS 6.3-12 which would require widening the roadway to a 4-lane collector with a continuous left turn lane.

*Boundary Street: University Avenue to North Park Way (Impact 6.3-13)*

*The functional classification of this roadway segment is 2 lane collector with no center lane. This street segment impact would be mitigated to less than significant with implementation of mitigation measure TRANS 6.3-13 which would require widening to 4 lane collector with continuous left turn lane. This improvement project is identified in the North Park IFS.*

*El Cajon Boulevard: Oregon Street to Utah Street and El Cajon Boulevard: 30th Street to I-805 Ramps (Impacts 6.3-14 and 6.3-15)*

The functional classification of these roadway segments is 6 lane major arterial. These street segment impacts would be mitigated to less than significant with implementation of mitigation measures TRANS 6.3-14 and TRANS 6.3-15 which would require widening or restriping to 8 lane major arterial.

*Florida Street: El Cajon Boulevard to Upas Street (Impact 6.3-16)*

The functional classification of these roadway segments is 2 lane collector with no center lane in the existing community plan. These street segment impacts would be mitigated to less than significant with implementation of mitigation measure TRANS 6.3-16 which would require installation of a continuous left turn lane. This could be achieved by re-striping of the roadway.

*Howard Avenue: Texas Street to 32nd Street (Impact 6.3-17)*

The functional classification of these roadway segments is 2 lane collector with no center lane. These street segment impacts would be mitigated to less than significant with implementation of mitigation measure TRANS 6.3-17 which would require restriping for the installation of a continuous left turn lane.

*Madison Avenue: Texas Street to Ohio Street (Impact 6.3-18)*

The functional classification of these roadway segments is 2 lane collector with no center lane. These street segment impacts would be mitigated to less than significant with implementation of mitigation measure TRANS 6.3-18 which would require restriping for the installation of a continuous left turn lane. This improvement project is identified in the North Park IFS.

*Meade Avenue: Park Boulevard to Iowa Street (Impact 6.3-19)*

The functional classification of these roadway segments is 2 lane collector with no center lane. These street segment impacts would be mitigated to less than significant with implementation of mitigation measure TRANS 6.3-19 which would require removal of the bicycle boulevard to restore the roadway configuration to a 2 lane collector and restriping for the installation of a continuous left turn lane.

*Redwood Street: 28th Street to 30th Street (Impact 6.3-20)*

The functional classification of this roadway segment is 2 lane collector with no center lane. These street segment impacts would be mitigated to less than significant with implementation of mitigation measure TRANS 6.3-20 which would require restriping for the installation of a continuous left turn lane.

*Texas Street: Adams Avenue to University Avenue (Impact 6.3-21)*

The functional classification of the Texas Street from Adams Avenue to Mission Avenue roadway segment is 3 lane major arterial. Widening to 6 lane major arterial (TRANS 6.3-21) would fully mitigate the impact at this location. The functional classification of the Texas Street from Mission Avenue to El Cajon Boulevard roadway segment is 2 lane collector with continuous left turn lane. Widening to 6 lane major arterial (TRANS 6.3-21) would fully mitigate the impact at this location. The functional classification of the Texas Street from El Cajon Boulevard to University Avenue roadway segment is 2 lane collector with continuous left turn lane. Widening to a 4 lane collector with continuous left turn lane (TRANS 6.3-21) would fully mitigate the impact at this location.

*University Avenue: Park Boulevard to Florida Street (Impact 6.3-22) and University Avenue: Texas Street to Boundary Street (Impact 6.3-23)*

The functional classification of the University Avenue from Park Boulevard to Florida Street and University Avenue from Texas Street to 30<sup>th</sup> Street roadway segments is 4 lane collector with no center lane. Implementation of mitigation measures TRANS 6.3-22 and 6.3-23 would require widening for the installation of a continuous left turn lane and would fully mitigate the impact at these locations.

The functional classification of the University Avenue from 30<sup>th</sup> Street to 32<sup>nd</sup> Street roadway segment is 3 lane collector with no center lane. Implementation of mitigation measure TRANS 6.3-23 would require widening to a 4 lane collector with continuous left turn lane and would fully mitigate the impact at this location.

The functional classification of the University Avenue from 32<sup>nd</sup> Street to Boundary Street roadway segment is 4 lane collector with no center lane. Implementation of mitigation measure TRANS 6.3-23 would require widening for installation of a raised median for classification as a 4 lane major arterial and would fully mitigate the impact at this location.

*Upas Street: Alabama Street to 30th Street (Impact 6.3-24)*

The functional classification of Upas Street from Alabama Street to Pershing Road roadway segment is 2 lane collector with no center lane. Restriping for the installation of a continuous left turn lane would fully mitigate the impact at this location (TRANS 6.3-24). The functional classification of the Upas Street from Pershing Rd to 30th Street roadway segment is 2 lane collector with continuous left turn lane. Widening to a 4 lane collector with continuous left turn lane would fully mitigate the impact at this location (TRANS 6.3-24).

*Utah Street: Howard Avenue to Lincoln Avenue (Impact 6.3-25) and Utah Street: North Park Way to Upas Street (Impact 6.3-26)*

The functional classification of these roadway segments is 2 lane collector with no center lane. Restriping for the installation of a continuous left turn lane (TRANS 6.3-25 and 6.3-26) would fully mitigate the impact at this location.

## **Rationale and Conclusion**

Although improvements are identified in the FEIR that would reduce impacts to local roadways and intersections, the City is unable to rely on these measures to reduce the impacts to less than significant levels for three reasons. First, for those mitigation measures that are included in the IFS, full funding for the construction of improvements and timing of construction cannot be assured at the time the improvement is needed. Second, although some of the identified improvements would reduce traffic congestion, their implementation would be contrary to achieving the smart growth goals of the General Plan, North Park CPU, and Climate Action Plan. Lastly, surrounding development restricts the ability to obtain sufficient right-of-way to construct some of the identified improvements. Thus, impacts of the Project on local roadway segments and intersections will be significant and unavoidable. Findings for specific intersection and street segments impacts are discussed below with reference to the three reasons for infeasibility (1, 2 and/or 3).

### **a. Intersections**

*Madison Avenue & Texas Street (Impact 6.3-1)*

Implementation of mitigation measure TRANS 6.3-1 would require right-of-way acquisitions that would increase pedestrian crossing distance and have an adverse impact on nine existing residential properties through taking of portions of the front and/or side yard residential setbacks for road purposes. In addition, this measure would not support the goals of the North Park CPU regarding

pedestrian access and mobility (e.g. Policy ME-1.8) because it would increase pedestrian crossing distances. Therefore, this impact is considered significant and unavoidable (Infeasibility Category: 2, 3).

*El Cajon Boulevard & 30th Street (Impact 6.3-2)*

Implementation of mitigation measure TRANS 6.3-2 would require restriping of intersection approaches which would require removal of approximately 14 on-street parking spaces in a location where on-street parking is heavily used in support of small, local businesses. Removal of parking would be in conflict with Policy ME-5.2 that states, "Provide on-street parking on all streets to support adjacent uses and enhance pedestrian safety and activity where feasible" and Policy ME-5.15 that states, "Preserve on-street parking in commercial areas to serve short-term shoppers". Additionally, the mitigation measure would add lane capacity which would not support the North Park CPU objective to develop a multi-modal transportation network emphasizing active transportation measures for walkable and bicycle-friendly streets, and transit-related measures supporting transit operations and access. Thus, implementation of measure TRANS 6.3-2 is infeasible and the impact would remain significant and unavoidable (Infeasibility Category: 2).

*El Cajon Boulevard & I-805 SB Ramps (Impact 6.3-3)*

Implementation of mitigation measure (TRANS 6.3-3) would increase the pedestrian crossing distance and is not a recommended improvement since it would not support the goals of the North Park CPU for walkable and bicycle friendly streets. Therefore, this impact would remain significant and unavoidable (Infeasibility Category: 2).

*University Avenue & 30th Street (Impact 6.3-4)*

Implementation of mitigation measure TRANS 6.3-4 would require additional right-of-way at the southwest corner of the intersection to accommodate two receiving lanes. Implementation of the measure would have a detrimental impact on existing properties and community character because it would require removal of existing pedestrian space for roadway purposes at a heavily used pedestrian intersection and would reduce usable frontage available for commercial properties in this location. Widening the roadway would not be consistent with the pedestrian scale character of this commercial district and would be in conflict with related Mobility Element policies related to enhancing pedestrian mobility. . Therefore, this impact would remain significant and unavoidable (Infeasibility Category: 2, 3).

*University Avenue & Boundary Street (Impact 6.3-5)*

Implementation of mitigation measure TRANS 6.3-5 is included within the proposed IFS and is a recommended improvement. However, implementation of this measure cannot be guaranteed because the IFS funding would not be adequate to fully fund the necessary improvements and there is no guarantee that they would be constructed prior to an impact occurring. Thus, the impact would remain significant and unavoidable (Infeasibility Category: 1).

*University Avenue & I-805 NB Ramps (Impact 6.3-6)*

Implementation of mitigation measure TRANS 6.3-6 would require right-of-way acquisition that would affect adjacent properties, would increase pedestrian crossing distance, and would require geometric designs that would need to be further evaluated and approved by Caltrans. This would be inconsistent with proposed North Park CPU Mobility Element policies regarding pedestrian access and mobility (e.g. Policy ME-1.8) because it would increase pedestrian crossing distances and make the intersection less attractive for pedestrian use. Right-of-way acquisitions would be required at one existing residential property and six commercial properties. Right-of-way acquisitions would decrease the usable frontage and pedestrian accessibility by taking land for road purposes. Thus, the improvement is not recommended. The impact at this location would remain significant and unavoidable (Infeasibility Category: 2, 3).

*North Park Way/ I-805 SB Ramps & Boundary Street/33rd Street (Impact 6.3-7)*

Implementation of mitigation measure TRANS 6.3-7 would require right-of-way acquisition affecting other properties and an additional lane may be required by Caltrans on the SB I-805 off-ramp. This improvement project is identified in the North Park IFS and recommended for implementation. However, implementation of this measure cannot be guaranteed because the IFS funding would not be adequate to fully fund the necessary improvements and there is no guarantee that they would be constructed prior to an impact occurring. Therefore, the impact at this location would remain significant and unavoidable (Infeasibility Category: 1, 3).

*Upas Street & 30th Street (Impact 6.3-8)*

Implementation of mitigation measure TRANS 6.3-8 would increase pedestrian crossing distances and would require removal of one parking space. The measure would conflict with proposed North Park CPU policies regarding pedestrian access and mobility (e.g. Policy ME-1.8) by increasing pedestrian crossing distances and making the intersection less attractive for pedestrian use. Additionally, removal of parking in this commercial area would be in conflict with Policy ME-5.15 that states, "Preserve on-street parking in commercial areas to serve short-term shoppers". Therefore, the impact at this location would remain significant and unavoidable (Infeasibility Category: 2).

**b. Roadway Segments***30th Street from Meade Avenue to University Avenue (Impact 6.3-9) and 30th Street from North Park Way to Juniper Street (Impact 6.3-10)*

Implementation of measure TRANS 6.3-9 and TRANS 6.3-10 would improve operations to LOS D or better along these segments of 30<sup>th</sup> Street. However, widening 30<sup>th</sup> Street from Meade Avenue to Upas Street would increase crossing distance for pedestrians and would reduce the frontage available for pedestrian and property owner use along 29 residential and 49 commercial properties. The impact from Upas Street to Juniper Street could be mitigated by restriping the roadway, however this would result in the removal of approximately 162 on-street parking spaces to accommodate a center turn lane. Given that parking is heavily utilized in this area, removal of on-street parking would be inconsistent with proposed North Park CPU Policy ME-5.15 that supports preservation of on-street parking in commercial areas to serve short-term shoppers. Neither of

these improvements align with CPU goals for a walkable and bicycle friendly community. Thus, this potential improvement would be significant and unavoidable (Infeasibility Category: 2, 3).

*32nd Street from University Avenue to Upas Street (Impact 6.3-11)*

Implementation of mitigation measure 6.3-11 would require the removal of approximately 130 on-street parking spaces to accommodate restriping. Removal of on-street parking would be inconsistent with proposed North Park CPU Policy ME-5.15 that supports preservation of on-street parking in commercial areas to serve short-term shoppers.. Thus, the impact would remain significant and unavoidable (Infeasibility Category: 2).

*Adams Avenue from Texas Street to 30th Street (Impact 6.3-12)*

Implementation of mitigation measure TRANS 6.3-12 would increase pedestrian crossing distances which would conflict with proposed North Park CPU policies regarding pedestrian access and mobility (e.g. Policy ME-1.8) and with the existing community's dominant grid pattern of fine grain streets. Widening would also impact approximately two residential and 12 commercial structures by removing usable frontage for road purposes. Thus, the impact at this location would remain significant and unavoidable (Infeasibility Category: 2, 3).

*Boundary Street: University Avenue to North Park Way (Impact 6.3-13)*

*Implementation of mitigation measure TRANS 6.3-13 is recommended for completion and included within the proposed North Park IFS. However, because the IFS would not fully fund the improvement and there is no guarantee this mitigation measure would be implemented prior to occurrence of the impact, it would remain significant and unavoidable (Infeasibility Category: 1).*

*El Cajon Boulevard: Oregon Street to Utah Street (Impact 6.3-14) and El Cajon Boulevard: 30th Street to I-805 Ramps (Impact 6.3-15)*

Implementation of mitigation measures TRANS 6.3-14 and TRANS 6.3-15 is not feasible because it would require the removal of approximately 30 on-street parking spaces which would be inconsistent with proposed North Park CPU Policy ME-5.15 that supports preservation of on-street parking in commercial areas to serve short-term shoppers. Additionally, widening the roadway would increase pedestrian crossing distances which is inconsistent with the goals of the North Park CPU regarding enhanced pedestrian access and mobility. Implementation of these measures would also impact three commercial properties by removing usable commercial frontage for road purposes. Therefore, impact at this location would remain significant and unavoidable (Infeasibility Category: 2, 3).

*Florida Street: El Cajon Boulevard to Upas Street (Impact 6.3-16)*

Implementation of mitigation measure TRANS 6.3-16 is not feasible because it would require the removal of approximately 274 on-street parking spaces to accommodate restriping which would be inconsistent with proposed North Park CPU Policy ME-5.15 that supports preservation of on-street parking in commercial areas to serve short-term shoppers. Therefore, impact at this location would remain significant and unavoidable (Infeasibility Category: 2).



*Howard Avenue: Texas Street to 32nd Street (Impact 6.3-17)*

Implementation of mitigation measure TRANS 6.3-17 would require the removal of the bicycle boulevard on this segment to accommodate restriping. This improvement would conflict with the goals of the North Park CPU to provide an enhanced bicycle network (Mobility Element Policies ME-1.14 through ME-1.16) and would conflict with the Bicycle Master Plan. Therefore, impact at this location would remain significant and unavoidable (Infeasibility Category: 2).

*Madison Avenue: Texas Street to Ohio Street (Impact 6.3-18)*

Implementation of mitigation measure TRANS 6.3-18 would reduce this impact to less than significant. This measure would be consistent with the CPU and is identified in the North Park IFS. However, because the IFS would not fully fund the improvement and there is no guarantee the measure would be implemented prior to occurrence of the impact, the impact remains significant and unavoidable (Infeasibility Category: 1).

*Meade Avenue: Park Boulevard to Iowa Street (Impact 6.3-19)*

Implementation of mitigation measure TRANS 6.3-19 would require the removal of the bicycle boulevard on this segment to accommodate restriping. This improvement would conflict with the goals of the North Park CPU to provide an enhanced bicycle network (Mobility Element Policies ME-1.14 through ME-1.16) and would conflict with the Bicycle Master Plan. Therefore, impact at this location would remain significant and unavoidable (Infeasibility Category: 2).

*Redwood Street: 28th Street to 30th Street (Impact 6.3-20)*

Implementation of mitigation measure TRANS 6.3-20 would require the removal of approximately 60 on-street parking spaces to accommodate restriping which would be inconsistent with proposed North Park CPU Policy ME-5.15 that supports preservation of on-street parking in commercial areas to serve short-term shoppers. Therefore, impact at this location would remain significant and unavoidable (Infeasibility Category: 2).

*Texas Street: Adams Avenue to University Avenue (Impact 6.3-21)*

Implementation of TRANS 6.3-21 would require the construction of a large retaining wall along the east side of Texas Street between Adams Avenue and Mission Avenue and widening the Adams Avenue Bridge under path. Street widening would increase pedestrian crossing distances which is inconsistent with community character that has a dominant grid pattern of fine grain streets. Widening would also impact approximately 65 residential and 8 commercial properties by removing frontage for road purposes between Mission Avenue and El Cajon Boulevard. From El Cajon Boulevard to University Avenue, an additional 54 residential and two commercial properties would be impacted. These improvements would increase pedestrian crossing distances which would conflict with proposed North Park CPU policies regarding pedestrian access and mobility (e.g. Policy ME-1.8). Therefore, impact at this location would remain significant and unavoidable (Infeasibility Category: 2, 3).

*University Avenue: Park Boulevard to Florida Street (Impact 6.3-22) and University Avenue: Texas Street to Boundary Street (Impact 6.3-23)*

Implementation of mitigation measures TRANS 6.3-22 and TRANS 6.3-23 would increase pedestrian crossing distances which is would be inconsistent with community character that is dominated by pedestrian scale streets and would conflict with proposed North Park CPU policies regarding pedestrian access and mobility (e.g. Policy ME-1.8). Widening from Park Boulevard to 30<sup>th</sup> Street would impact 14 residential and 38 commercial properties by eliminating usable property frontage for road purposes. From 30<sup>th</sup> Street to 32<sup>nd</sup> Street, implementation of TRANS 6.3-23 would reduce usable frontage at 26 commercial properties. From 32<sup>nd</sup> Street to Boundary Street, frontage at an additional six commercial properties would be reduced. Therefore, impact at this location would remain significant and unavoidable (Infeasibility Category: 2, 3).

*Upas Street: Alabama Street to 30th Street (Impact 6.3-24)*

Implementation of TRANS 6.3-24 is infeasible because it would require the removal of approximately 213 on-street parking spaces between Alabama Street and Pershing Road which would be inconsistent with proposed North Park CPU Policy ME-5.15 that supports preservation of on-street parking in commercial areas to serve short-term shoppers. Widening associated with TRANS 6.3-24 between Pershing and 30<sup>th</sup> Street would increase pedestrian crossing distances which is inconsistent with community character due to a wider street cross section compared to the community's dominant grid pattern of fine grain streets. Widening along this segment would also reduce project frontage for approximately 17 residential and two commercial properties. Therefore, impact at these segments would be significant and unavoidable (Infeasibility Category: 2, 3).

*Utah Street: Howard Avenue to Lincoln Avenue (Impact 6.3-25) and Utah Street: North Park Way to Upas Street (Impact 6.3-26)*

Implementation of TRANS 6.3-25 and 6.3-26 would require the removal of approximately 25 on-street parking spaces and Class II bicycle facilities to accommodate restriping. This improvement would be inconsistent with proposed North Park CPU Mobility Element Policies regarding providing enhanced bicycle facilities and would be inconsistent with the Bicycle Master Plan. The improvement would also be inconsistent with policy ME-5.15 that supports preservation of on-street parking in commercial areas to serve short-term shoppers. Therefore, the impact at these segments would be significant and unavoidable (Infeasibility Category: 2).

## **2. Air Quality – Air Quality Standards**

### **Significant Effect**

The Final PEIR identifies a significant impact related to exceedance of air quality standards associated with operational and construction emissions. Operational emissions would be greater for all pollutants when compared to the adopted Community Plan. Additionally, the project would result in emissions in excess of project-level thresholds. Thus, the proposed North Park CPU would have a potentially significant impact on regional air quality (Impact 6.4-2).

### **Facts in Support of Finding**

The air quality impact associated with exceedances of air quality standards would be partially mitigated through implementation of measure AQ 6.4-2 that requires development that would significantly impact air quality, either individually or cumulatively, receive entitlement only if it is conditioned with all reasonable mitigation to avoid, minimize, or offset the impact.

### **Rationale and Conclusion**

Implementation of mitigation measure AQ 6.4-2 would reduce emissions and may preclude many potential impacts; however at a program level of analysis it cannot be ensured that every project will be able to incorporate adequate mitigation needed to offset the impact. Project-level emissions information is not available at this time and it cannot be guaranteed that operational air emissions from future developments within the planning area could be fully mitigated to below a level of significance even with implementation of mitigation measure AQ 6.4-2. Therefore, impacts related to exceedance of air quality standards associated with build-out of the North Park CPU would be significant and unavoidable at the program level.

## **3. Noise**

### **Significant Effect**

#### **a. Ambient Noise**

Section 6.6 of the Final PEIR identifies a significant impact related to increases in ambient noise levels resulting from vehicular traffic associated with continued build-out of the proposed CPU and increases in traffic due to regional growth. Significant ambient noise level increases would occur in the North Park CPU area and would affect both existing noise sensitive land uses (Impact 6.6-1) and future noise sensitive land uses subject only to a ministerial permit process (Impact 6.6-2).

#### **b. Vehicular Noise**

Traffic generated from build-out of the CPU would result in vehicular noise in excess of the applicable land use and noise compatibility levels in certain areas, resulting in a potentially significant exterior noise impact for ministerial projects (Impact 6.6-3).

#### **c. Temporary Construction Noise - Vibration**

During build-out of the proposed North Park CPU, potential pile driving during construction that occurs within 95 feet of existing structures has the potential to exceed 0.20 inch per second peak particle velocity. Thus, potential vibration impacts during future construction activity associated with build-out of the proposed North Park CPU would be potentially significant (Impact 6.6-5).

### **Facts in Support of Finding**

#### **a. Ambient Noise**

A significant increase in ambient noise would occur adjacent to several street segments in the North Park CPU area due to future traffic noise that would result in exposure of noise sensitive land uses

to noise levels in excess of the compatibility levels established in the General Plan. A significant impact is identified for existing noise sensitive land uses because there is no mitigation framework that can be applied to existing land use to ensure future noise levels are less than significant. Similarly, significant increases in ambient noise could also affect future ministerial projects with noise sensitive land uses because there would be no discretionary review that would allow application of the mitigation framework in this Final PEIR to ministerial projects.

#### **b. Vehicular Noise**

A mitigation framework exists for new discretionary development in areas exposed to high levels of vehicle traffic noise. Individual discretionary projects would be required to demonstrate exterior and interior noise levels would be compatible with City standards. However, in the case of ministerial projects, there is no procedure to ensure that exterior noise is adequately attenuated. Ministerial projects are not subject to a discretionary review that would allow site specific noise evaluation and attenuation for exterior noise impacts. Thus, there is no mechanism to require future ministerial projects to comply with the mitigation framework in the PEIR.

#### **c. Temporary Construction Noise - Vibration**

The PEIR concludes that vibration during construction (primarily resulting from potential pile driving) has the potential to generate perceptible groundborne vibration levels at a range of approximately 100 feet from its source. Mitigation measure Noise 6.6-2 would require a site specific vibration analysis be conducted when construction includes vibration-generating activities such as pile driving and would occur within 95 feet of existing structures. This measure would require a vibration monitoring and contingency plan, monitoring during vibration, and post survey evaluation of structures for potential damage and repairs if damage occurs as a result of construction activities.

### **Rationale and Conclusion**

#### **a. Ambient Noise**

The significant impacts related to ambient noise increases (Impacts 6.6-1 and 6.6-2) would remain significant and unavoidable because there is no process in place to require existing land uses and future land uses that only require a ministerial permit to incorporate noise mitigation to attenuate for ambient noise levels in excess of the compatibility levels established in the General Plan Noise Element. Thus, ambient noise impacts to existing noise sensitive land uses (Impacts 6.6-1) and to future noise sensitive land uses subject to a ministerial permit only (Impacts 6.6-2), would be significant and unavoidable. No feasible mitigation has been identified at the program level to reduce these impacts to less than significant as there is no mechanism to require exterior noise analysis and attenuation for these ministerial projects.

#### **b. Vehicular Noise**

The PEIR identifies significant and unavoidable impacts would occur for future ministerial projects exposed to vehicular traffic noise levels in excess of the compatibility levels established in the General Plan Noise Element, based on future (2035) noise contours (Impact 6.6-3). These impacts would be significant and unavoidable. No feasible mitigation has been identified at the program

level to reduce these impacts to less than significant as there is no mechanism to require exterior noise analysis and attenuation for these ministerial projects.

### **c. Temporary Construction Noise – Vibration**

Regarding vibration impacts during construction (Impact 6.6-5), implementation of the mitigation measure NOISE 6.6-2 would reduce construction-related vibration impacts; however, at the program-level it cannot be known whether the measures would be adequate to minimize vibration levels to less than significant. Thus, even with implementation of NOISE 6.6-2, construction related vibration impacts at the program level would be significant and unavoidable.

## **4. Historical Resources**

### **Significant Effect**

#### **a. Historic Structures, Objects, or Sites**

Section 6.7 of the Final PEIR identifies a significant impact related to the alteration of a historic building, structure, object, or site (Impact 6.7-1).

#### **b. Prehistoric Resources, Sacred Sites, and Human Remains**

Section 6.7 of the Final PEIR identifies a significant impact related to the disturbance of prehistoric archeological resources, including religious or sacred use sites and human remains (Impact 6.7-2).

### **Facts in Support of Finding**

#### **a. Historic Structures, Objects, or Sites**

The significant impact of the proposed North Park CPU would be mitigated partially through regulatory compliance, including conformance with the City of San Diego's General Plan, combined with Federal, State, and local regulations, which provide a regulatory framework for project-level historical resources, valuation/analysis criteria, and when applicable, mitigation measures for future discretionary projects. All development projects with the potential to affect historical resources such as designated historical resources; historical buildings, districts, landscapes, objects, and structures are subject to site-specific review in accordance with the City's Historical Resources Regulations and Historical Resources Guidelines, through the subsequent project review process. Mitigation measure HIST-6.7-1 provides a framework that would be required of all development projects with the potential to impact significant historical resources. The framework outlines requirements avoidance and minimization of impacts to historic buildings and structures and required measures such as preparation of a historic resource management plan, screening and shielding to protect the character of historic resources, and amendments to the Historical Resources Regulations to provide supplemental development regulations to preserve the integrity and eligibility of potential historic districts.

#### **b. Prehistoric Resources, Sacred Sites, and Human Remains**

All development projects with the potential to affect prehistoric resources such as important archaeological sites; tribal cultural resources, and traditional cultural properties are subject to site-

specific review in accordance with the City's Historical Resources Regulations and Historical Resources Guidelines, through the subsequent project review process. Additionally, mitigation measure HIST-6.7-2 provides a framework that would be required of all development projects with the potential to impact significant historical resources. This framework outlines the process of project level reviews conducted by City staff review, requirements for field surveys and archeological testing, archeological monitoring requirements, curation, and required compliance with the City's CEQA Thresholds.

## **Rationale and Conclusion**

### **a. Historic Structures, Objects, or Sites**

Implementation of mitigation measure HIST 6.7-1 combined with the proposed North Park CPU policies promoting the identification and preservation of historical resources in the North Park CPU area would reduce the program-level impact related to historic resources of the built environment. However, even with implementation of the mitigation framework, the degree of future impacts and applicability, feasibility, and success of future mitigation measures cannot be adequately known for each specific future project at this program level of analysis.

With respect to potential historic districts, while supplemental development regulations are proposed, until such time as they are intensively surveyed, verified and brought forward for designation consistent with City regulations and procedures, potential impacts to the potential historic districts would remain significant and unavoidable. Thus, potential impacts to historic resources including historic structures, objects or sites and historic districts would be significant and unavoidable at the program level.

### **b. Prehistoric Resources, Sacred Sites, and Human Remains**

Implementation of mitigation measure HIST 6.7-2, which addresses archaeological and tribal cultural resources, combined with the policies of the General Plan and the proposed North Park CPU promote the identification, protection and preservation of archaeological resources; compliance with CEQA and Public Resources Code Section 21080.3.1 requiring tribal consultation, and the City's Historical Resources Regulations (SDMC Section 143.0212), which require review of ministerial and discretionary permit applications for any parcel identified as sensitive on the Historical Resources Sensitivity Maps, would reduce the program-level impact related to prehistoric or historical archaeological resources and tribal cultural resources. However, even with application of the existing regulatory framework and mitigation framework, the feasibility and efficacy of mitigation measures cannot be determined at this program level of analysis. Thus, impacts to prehistoric resources, sacred sites, and human remains would be significant and unavoidable at the program level.

## **5. Paleontological Resources (for ministerial projects only)**

### **Significant Effect**

Section 6.10 of the Final PEIR identifies a significant impact related to the potential destruction of paleontological resources. Because of high sensitivity for paleontological resources within the San Diego and Mission Valley Formations, grading into these formations could potentially destroy fossil

resources. Therefore, grading activities associated with the future ministerial projects that require grading in excess of 1,000 cubic yards, extending to a depth of ten feet or greater into high sensitivity formations, could result in significant impacts to paleontological resources.

### **Facts in Support of Finding**

Since ministerial projects are not subject to a discretionary review process, there would be no mechanism to screen for grading quantities and geologic formation sensitivity and apply appropriate requirements for paleontological monitoring. Thus, impacts related to future ministerial development that would occur with build-out of the proposed North Park CPU and associated discretionary actions would be significant and unavoidable (Impact 6.11)

### **Rationale and Conclusion**

Build-out of future ministerial projects in conformance with the proposed North Park CPU could result in a certain amount of disturbance to the native bedrock within the study areas. Since ministerial projects are not subject to a discretionary review process, there would be no mechanism to screen for grading quantities and geologic formation sensitivity and apply appropriate requirements for paleontological monitoring. Thus, impacts resulting from future ministerial development that would occur with build-out of the proposed North Park CPU and associated discretionary actions would be significant and unavoidable.

### **D. Findings Regarding Alternatives (CEQA § 21081(a)(3) and CEQA Guidelines §15091(a)(3))**

Because the proposed project will cause one or more unavoidable significant environmental effects, the City must make findings with respect to the alternatives to the proposed project considered in the Final PEIR, evaluating whether these alternatives could feasibly avoid or substantially lessen the proposed project's unavoidable significant environmental effects while achieving most of its objectives (listed in Section II.E above and Section 3.3 of the Final PEIR).

The City, having reviewed and considered the information contained in the Final PEIR and the Record of Proceedings, and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), makes the following findings with respect to the alternatives identified in the Final PEIR (Project No. 30330/304032/SCH No. 2004651076):

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

"Feasible" is defined in Section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that "other" considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

## Background

Three alternatives to the North Park CPU were evaluated in Chapter 11 of the Final PEIR:

- No Project (Adopted Community Plan);
- Higher-Density; and
- Lower-Density.

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

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

The No Project Alternative is the continued implementation of the adopted Community Plan for North Park (1986), consistent with CEQA Guidelines Section 15126.6(e)(3)(A). The No Project Alternative for the North Park CPU would consist of the adopted Community Plan land use designations as they apply today, including all amendments to the Community Plan from its original adoption in 1986 to the most recent amendment in 2003 (as outlined in Table 11-2 of the Final PEIR). The land use plan for the No Project Alternative is shown on Final PEIR Figure 6.6-1.

### **Potentially Significant Effects**

The No Project Alternative consists of continued implementation of the adopted Community Plan, consistent with CEQA Guidelines Section 15126.6(e)(3)(A). Compared to the proposed North Park CPU and associated discretionary actions, the No Project Alternative would retain primarily residential land uses and lower-intensity land uses along major corridors, and would not facilitate mixed-use development to the same extent as under the proposed North Park CPU. This alternative would preserve a similar amount of open space as the North Park CPU, but the necessary MHPA boundary line corrections would not be included as part of this alternative. Thus, under this alternative, sensitive habitats outside of the MHPA would not receive the MHPA protections that would occur from implementation of the boundary line corrections that would add sensitive habitat into the MHPA.

Implementation of the No Project Alternative would avoid one of the significant and unavoidable impacts of the proposed North Park CPU and associated discretionary actions (air quality). Unlike the proposed North Park CPU and associated discretionary actions, the No Project Alternative would not conflict with or obstruct implementation of the applicable air quality plan, which for the proposed North Park CPU and associated discretionary actions would require mitigation; nor would the adopted Community Plan result in a violation of any air quality standard or contribute substantially to an existing or projected air quality violation.

The No Project Alternative would result in greater impacts than the proposed North Park CPU and associated discretionary actions relative to Greenhouse Gas emissions and Historical Resources.

The No Project Alternative would result in slightly less GHG emissions associated with buildout of the plan area as compared to the proposed North Park CPU and associated discretionary actions. However, the No Project Alternative would not change land uses to provide high density and mixed use development within proximity to transit, and would not implement land use changes consistent



with the City of Villages Strategy and the CAP. Thus, at a Citywide and community level, impacts associated with GHG emissions under the No Project Alternative would be slightly greater than the proposed North Park CPU and associated discretionary actions.

The No Project Alternative would result in greater impacts to historical resources than the proposed North Park CPU and associated discretionary actions, because it would not include the supplemental development regulations for potential historic districts. Included with the proposed North Park CPU discretionary actions is an amendment to the Historical Resources Regulations to include supplemental development regulations to assist in the preservation of specified potential historic districts until they can be intensively surveyed and brought forward for designation. These regulations would limit how and where modifications can be made on residential properties identified as potentially contributing to specified potential historic districts.

### **Finding and Supporting Facts**

The No Project Alternative meets several of the eight project objectives, but none to the same extent as the proposed North Park CPU and associated discretionary actions. The No Project Alternative does not provide the same policy framework relative to the provision of a multi-modal transportation network; does not provide the same extent or diversity of housing options; does not facilitate economic development through the creation of new mixed-use opportunities; and does not provide the same regulatory context for the preservation of historical resources. Furthermore, because the No Project Alternative does not include the same provisions for multi-modal facilities or mixed-use development, it would not implement CAP or City of Villages strategies to the same extent as the proposed North Park CPU and associated discretionary actions.

While adoption of the No Project (Adopted Community Plan) Alternative would allow future development to proceed in accordance with the adopted Community Plan, adoption of this alternative would not achieve the following important project objectives:

- Develop a multi-modal transportation network emphasizing active transportation measures for walkable and bicycle-friendly streets, and transit-related measures supporting transit operations and access.
- Maintain or increase the housing supply through the designation of higher residential densities focusing along major transit corridors.
- Provide for increased economic diversification through land use to increase employment and economic growth opportunities.
- Identify significant historic and cultural resources within each community and provide for their preservation, protection, and enhancement.

### **Rationale and Conclusion**

The No Project Alternative is rejected as infeasible because this alternative fails to meet multiple project objectives, and failure to meet even a single objective would be sufficient for rejection of the alternative, this alternative is considered infeasible.

Further, the No Project Alternative is infeasible because it would not meet the General Plan policy regarding preparation of community plan updates. Specifically, Policy LU-C.1 requires that the

update process “establish each community plan as an essential and integral component of the City’s General Plan with clear implementation recommendations and links to General Plan goals and policies.” It further states that community plan updates are important to “maintain consistency between community plans and General Plan, as together they represent the City’s comprehensive plan.” The No Project Alternative would not allow the update to proceed and achieve these General Plan policies.

### **Higher-Density Alternative**

The Higher-Density Alternative for the proposed North Park CPU and associated discretionary actions increases intensity within specific commercial nodes. The node locations and associated density increases beyond the proposed North Park CPU are shown on Figure 11-1 in the Final PEIR and are noted below:

1. Along 30<sup>th</sup> North Park Way to Upas (up to 44 du/ac)
2. Meade to Madison (up to 109 du/ac)
3. Along 30<sup>th</sup> Madison to Adams (up to 73 du/ac)
4. Along Adams between Kansas and Hamilton (up to 44 du/ac)
5. Along 30<sup>th</sup> at Thorn, Redwood, and Jupiter (up to 44 du/ac)
6. University between Mississippi and Louisiana (up to 44 du/ac)

The Higher-Density Alternative would increase densities in line with the goal of facilitating transit-oriented development and mixed use development. It expands residential capacity in select mixed-use areas near and along transit corridors. The increase would accommodate approximately 384 additional Multi-Family units in areas where residents would have access to transit and commercial services. The remaining land use designations and zoning in the Higher-Density Alternative would be the same as in the proposed North Park CPU and associated discretionary actions. All of the other policies in the Higher-Density Alternative are the same as those included in the proposed North Park CPU and all other discretionary actions would be the same as the proposed North Park CPU for this alternative.

### **Potentially Significant Effects**

The Higher-Density Alternative increases residential density along certain corridors above what is proposed under the proposed North Park CPU and associated discretionary actions. Implementation of the Higher-Intensity Alternative would not reduce or avoid any significant impacts of the proposed North Park CPU and associated discretionary actions and rather, would result in greater impacts relative to transportation (traffic circulation), air quality, and public services and facilities.

The Higher-Density Alternative would increase the amount of traffic generated, and traffic impacts would be incrementally greater under this Alternative. Likewise, air quality impacts under this alternative would be greater than the anticipated impacts due to the proposed North Park CPU and associated discretionary actions. Like the proposed North Park CPU, the Higher-Density Alternative would conflict with or obstruct implementation of the applicable air quality plan, and would it result in a violation of any air quality standard or contribute substantially to an adopted or projected air quality violation. In addition, the Higher-Density Alternative’s future operational emissions would be

greater than those of the proposed North Park CPU and associated discretionary actions and therefore, be significant.

The Higher-Density Alternative would slightly increase GHG emissions over those of the proposed North Park CPU; however, the increased density in the Higher-Density Alternative furthers the goals of the CAP, specifically CAP Strategy 3: Bicycling, Walking, Transit & Land Use, of facilitating transit-oriented development and mixed use development. It expands residential capacity in select mixed-use areas near and along transit corridors. Increasing residential and commercial density in transit corridors and Community Villages within a TPA would support the City of San Diego in achieving the GHG emissions reduction targets of the CAP. Impacts associated with GHG Plan Consistency under both the alternative and the proposed North Park CPU and associated discretionary actions would be similar and would be less than significant.

Impacts to Public Services and Facilities under the Higher-Density Alternative would be similar or incrementally greater than the anticipated impacts under the proposed North Park CPU and associated discretionary actions because the anticipated population at build-out of the Higher-Density Alternative would be more than the anticipated population for the build-out of the proposed North Park CPU and associated discretionary actions. Specifically, additional population would result in a potentially greater parkland deficit than under the proposed North Park CPU and associated discretionary actions.

### **Finding and Supporting Facts**

The Higher-Density Alternative meets all of the eight project objectives, similar to the proposed North Park CPU and associated discretionary actions. However, due to the increased intensity of development along certain corridors and greater total buildout potential within the CPU area, this alternative would result in incrementally greater impacts associated with air quality, traffic, and public services (parks and recreation) than under the proposed North Park CPU and associated discretionary actions. Furthermore, it would not avoid any of the significant unavoidable impacts of the proposed North Park CPU and associated discretionary actions (traffic, air quality, noise, historical resources, and paleontological resources). Similar to the proposed North Park CPU and associated discretionary actions, programmatic mitigation included in the Final PEIR would be implemented through future discretionary projects to reduce potential impacts associated with paleontological resources and noise to below a level of significance.

### **Rationale and Conclusion**

The Higher Density Alternative is rejected as infeasible because this alternative would not reduce any of the significant effects of the Project and would result in incrementally greater impacts with regard to with air quality, traffic, and public services (parks and recreation) without offering sufficient benefits to offset the increased level of impact.

### **Lower-Density Alternative**

The Lower-Density Alternative uses the proposed North Park CPU land uses and removes the Planned Development Permit (PDP) density increase mechanism and decreases intensity in the central multi-family area. This alternative maintains the proposed North Park CPU's objectives to create walkable areas with mixed-use development along transit corridors and within commercial

nodes. However, the density of future development would be lower under this alternative, resulting in less overall development near these facilities. The Lower-Density Alternative would result in approximately 1,700 fewer units compared to the proposed North Park CPU and associated discretionary actions.

The main reduction in density would occur in the residential neighborhood between El Cajon Blvd and University Avenue. Residential densities would be designated for 16-29 du/ac in the central residential area and 30-44 du/ac for properties abutting the commercial corridors. The other density reductions would occur with the removal of the discretionary process 4 PDP density increase tool proposed with the proposed North Park CPU. The Medium High Residential zone would not be allowed to increase from a maximum 44 du/ac to 73 du/ac, within commercial areas along Park Blvd from 73 du/ac to 145 du/ac, and El Cajon Blvd. from 109 du/ac to 145 du/ac.

The Lower-Density Alternative would reduce the allowed density in both the central residential and mixed-use areas of the community. The rest of the community would mirror the proposed North Park CPU and the Lower-Density Alternative would also feature all the same policies as the proposed North Park CPU and all other discretionary actions would be the same as the proposed North Park CPU for this alternative.

### **Potentially Significant Effects**

The Lower-Density Alternative would result in approximately 1,700 fewer units than the proposed North Park CPU and associated discretionary actions. Implementation of this alternative would result in fewer trips than would be generated by the proposed North Park CPU and associated discretionary actions, and therefore, impacts relative to traffic and air quality would be incrementally less under the Lower-Density Alternative. A reduced population at buildout also would result in less demand for public services and facilities than would occur under the proposed North Park CPU and associated discretionary actions.

The Lower-Density Alternative would decrease GHG emissions over those of the proposed North Park CPU and associated discretionary actions, as there would be approximately 1,700 fewer units when compared to the proposed plan. However, the decrease in density would occur in areas where residents would have convenient access to transit and commercial services and would result in a potential conflict with the implementation of CAP Strategies and the General Plan's City of Villages Strategy. Decreasing residential and commercial density in transit corridors and Community Villages within a Transit Priority Area (TPA) would not support the City of San Diego in achieving the GHG emissions reduction targets of the CAP and thus, impacts associated with GHG Plan Consistency would be greater than the proposed North Park CPU and associated discretionary actions and would potentially significant for the Lower-Density Alternative.

Impacts relative to all other issues would be similar to the proposed North Park CPU and associated discretionary actions.

### **Finding and Supporting Facts**

The Lower-Density Alternative meets all of the eight project objectives, but none to the same extent as the proposed North Park CPU and associated discretionary actions. This alternative does not provide the same extent or density of housing as proposed under the proposed North Park CPU and

associated discretionary actions, especially within transit corridors; therefore, it also does not facilitate economic development through the creation of new mixed-use opportunities to the same degree as the proposed North Park CPU and associated discretionary actions.

**Rationale and Conclusion**

This alternative is rejected as infeasible because it does not meet the project objectives to the same extent as the proposed North Park CPU and associated discretionary actions and would not implement CAP Strategies and the General Plan City of Villages Strategy to the same degree as the project. This alternative would have slightly less impacts related to traffic and air quality; however those reduced impacts would not outweigh the greater impacts of this alternative with regard to CAP consistency.

**STATEMENT OF OVERRIDING CONSIDERATIONS  
(PUBLIC RESOURCES CODE §21081(b))**

Pursuant to Section 21081(b) of CEQA and CEQA Guidelines §15903 and 15043, CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks, when determining whether to approve the North Park Community Plan Update (CPU) and associated discretionary actions (hereinafter referred to as the Project), as defined in the Final Program Environmental Impact Report (PEIR). This statement of overriding considerations is specifically applicable to the significant and unavoidable mitigation measures identified in Chapter 6 of the Final PEIR. As set forth in the Findings, the Project will result in unavoidable adverse cumulative impacts related to transportation and circulation, air quality, noise, historical resources, and paleontological resources.

The City Council of the City of San Diego, having:

- (i) Independently reviewed the information in the Final PEIR and the record of proceedings;
- (ii) 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 recommended mitigation measures identified in the Final PEIR; and
- (iii) 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 City Council's judgment, the benefits of the Project outweigh the unavoidable significant impacts. Each of these 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 in the preceding sections, which are incorporated by reference into this section, the Final PEIR, or in documents that comprise the Record of Proceedings in this matter.

## FINDINGS FOR STATEMENT OF OVERRIDING CONSIDERATIONS

### 1. The Community Plan Update provides a comprehensive guide for growth and development in the North Park community consistent with the General Plan City of Villages Strategy.

Together with the General Plan, the proposed North Park Community Plan Update (CPU) guiding principles, goals, and policies provide a long-range and comprehensive guide for the future physical development of the community planning area. Community identified needs formed the basis for the CPU's guiding principles, goals and policies.

#### Guiding Principles

- Multi-modal circulation and community access;
- Housing diversity and affordability;
- Sustainable neighborhoods;
- Business vitality and employment growth;
- Public facilities and recreation needs;
- Open space conservation;
- Artistic expression; and
- Respecting historic resources.

Guided by the City of Villages growth strategy and citywide policy direction contained in the General Plan, the CPU goals and policies establish the following land use and multi-modal mobility strategies to cohesively guide growth and development in North Park:

- Direct higher density residential mixed-use development along transit corridors, nodes, and villages,
- Direct higher density residential in multi-family areas near the transit corridors emphasizing pedestrian connectivity,
- Foster walkable and transit-oriented neighborhoods,
- Maintain the low density character of traditional neighborhoods,
- Create a high-quality, reliable, multi-modal transportation network,
- Promote a clean, sustainable environment and encourage social equity.

The CPU focuses future growth and development on transit corridors, in multi-family areas in close proximity to the transit corridors, and community village areas. The CPU identifies two community villages located at 30<sup>th</sup> Street and University Avenue and 30<sup>th</sup> Street and El Cajon Boulevard. The CPU identifies all or portions of El Cajon Boulevard, University Avenue, 30<sup>th</sup> Street, Adams Avenue, and Park Boulevard as transit corridors.

Single-family and low-density traditional character neighborhoods will remain intact. The CPU addresses the street and transit network with the development of a balanced, multi-modal transportation network that improves pedestrian, bicycle and transit mobility while also addressing vehicular traffic capacity consistent with "complete streets" principles. The mobility vision and multi-modal transportation network strengthens the land use vision and promotes a sustainable environment.

**2. The Community Plan Update follows General Plan policy direction governing the preparation of community plans, including application and refinement of citywide policies, designating land uses, and making site-specific recommendations that address the needs of the North Park community.**

Based on General Plan policy direction, the CPU contains detailed land uses and site-specific policy recommendations. The CPU addresses community specific development aspects that include:

- Distribution and arrangement of designated land uses;
- Multi-modal function and design of the street and transit network;
- Location, prioritization, and the provision of public facilities;
- Community and site-specific urban design guidelines;
- Urban design guidelines addressing the public realm; and
- Community and site-specific recommendations to preserve and enhance natural and cultural resources.

The CPU addresses General Plan topics of citywide importance such as housing capacity, appropriate implementation mechanisms, and a sufficient level of information for development review, including detailed policies and land use and mobility maps. The CPU supports the City of Villages strategy by focusing growth along transit corridors and multifamily areas adjacent to transit corridors while maintaining single-family, lower density traditional neighborhoods.

The CPU provides detailed, site-specific recommendations for the two village areas and at nodes formed by intersections of major streets and transit stops along transit corridors. The CPU contains policies that address density in proximity to transit stops, building orientation, pedestrian mobility improvements, land use compatibility, and location-specific land use policies.

The CPU identifies the location of new and expanded public facilities, including specific park and recreation opportunities and park equivalencies, and functional descriptions. A funding source and prioritization list is provided in the Impact Fee Study (formerly referred to as public facilities financing plan), which is a project component.

The CPU contains policies and guidelines that address community and site-specific design goals. The policies and guidelines define important features within existing traditional and evolving neighborhoods, districts, and corridors, and address relationships of new buildings, groups of buildings, streetscapes and landscapes to adjacent lower density neighborhoods. The CPU provides direction to design new buildings that provide transitions from existing lower scale traditional neighborhoods.

The CPU addresses the preservation and enhancement of natural and cultural resources by a precisely mapped open space boundary, and conservation policies related to preservation of landforms, natural vegetation, public views and sustainable development.

The CPU identifies cultural resources unique to North Park in a historic context statement and survey. The CPU contains policies for the preservation and protection of historical resources, including the identification of potential historic districts.



Citywide zoning and amendments to the Municipal Code will serve as the development regulations to implement the CPU. The citywide zoning will support streamlined permit processing. The citywide base zones will implement the CPU policies related to villages and transit-oriented development. The proposed amendments to the Municipal Code will help implement the vision of the community plan, including modifications to density and use requirements relevant to development in mixed-use corridors. The proposed amendments to the Municipal Code include changing the allowed density in the CN-1-5 zone from 43 dwelling units [dus]/acre to allow up to 73 dus/acre, allowing artisan and beverage producer uses as a limited use in the CC-3 zones and with a neighborhood use permit in the CN zones, allowing museum uses in the CC-3 zones, and allowing visitor accommodations and full alcohol sales in the CN zones. The proposed amendments include modifications related to the orientation of parking and the permitting process for tandem parking. These proposed amendments will create additional housing and employment opportunities along the major transit corridors thereby implementing the City's General Plan. In addition, the proposed amendments include amendments to the Historical Resource regulations, which will create a process for review of potential contributing resources to a potential historical district.

**3. Community Plan Update supports the City of Villages strategy through the implementation of additional housing and mixed uses near job/employment centers, and increase employment and economic growth opportunities for the North Park community.**

The CPU will increase the supply of higher density residential and mixed-use designated land uses and provide additional housing capacity. As of 2016, there are approximately 25,250 existing residential units within the North Park planning area. The adopted 1986 community plan provides capacity for up to 34,295 dwelling units at buildout. The CPU will provide for a capacity up to 36,570 residential units at buildout. This is a 25 percent (2,275 dwelling units) increase in dwelling units over the adopted Community Plan. The additional housing capacity will assist in addressing the citywide demand for future housing. The majority of these units will be within proximity to transit, advancing the City of Villages strategy. North Park is near major job centers in Mission Valley and Downtown. The CPU focuses future mixed-use development along transit corridors and in the two community village areas to allow residents to support transit use to employment centers. The CPU also contains policies that support the development of affordable housing adjacent to transit.

**4. Community Plan Update supports employment and economic growth opportunities.**

The CPU provides for new and enhanced local commercial opportunities to increase jobs in the community along transit corridors. Future residential development will provide for substantial new commercial opportunities, which will support employment and economic growth opportunities while providing additional commercial and retail services within walking and bicycling distance for the surrounding residential community.

As part of the implementation of the CPU, the proposed amendments to the Land Development Code (LDC) address artisan beverage and food producers by providing a new separately regulated use category for artisan uses in the urbanized commercial zones (CC and CN). The new use category will allow small establishments up to 20,000 square feet in size that engage in on-site production of food and/or beverage products (i.e., coffee products, ice cream, baked goods, confection, alcoholic and non-alcoholic beverages, and other foodstuffs) in the CC and CN commercial zones. These regulations recognize and support artisan food and beverage establishments that are an important part of the identity of North Park and provide local employment opportunities. The CPU will also

allow visitor accommodations in the applicable CN zones, which will provide additional employment opportunities.

**5. The Community Plan Update promotes neighborhood character and addresses design relationships between areas of growth and development and distinct character.**

The CPU establishes an urban design framework that provides policies and guidelines for new development that is sympathetic to the existing and evolving character of the community. The CPU provides design guidance for development to retain and enhance the distinct attributes and scale of neighborhoods. The CPU provides specific design guidance that acknowledges areas of distinct and diverse character. The CPU identifies the following development design areas based on the built environment:

Traditional Character Neighborhoods mostly contain buildings of traditional architectural styles with a high level of design quality largely present in the development from 1910s through the 1950s. The CPU contains policies to preserve traditional architecture and the continuation of the neighborhoods unifying sense of scale. Policies UD-3.46 through UD-3.52 and Box 4-1 address Traditional Character Neighborhoods.

Multi-Character Neighborhoods contain buildings that contrast with North Park's traditional character as well as some traditional architecture. The CPU contains policies to preserve and enhance traditional architecture and design themes, and redesign or replace buildings from the 1960s to 1980s with buildings that are pedestrian orientated and provide for a cohesive streetscape that is in keeping with the original pedestrian grid-pattern that was originally constructed when the community began to develop. (Refer to Urban Design Element policies UD-3.42 thru UD-3.45).

Centers and Corridors correspond to the mixed-use commercial areas along transit corridors including two village areas. The CPU contains policies to guide building and site design that is pedestrian-oriented, enhances private/public realm interface and includes development transitions that support placing higher intensity buildings along the major transit corridors. (Refer to Urban Design Element policies UD-3.15 thru UD-3.38).

The CPU provides guidance to ensure development transitions between future higher scale buildings along Centers and Corridors and the lower scale neighborhoods adjacent to these areas. The CPU includes guidelines to treat bulk and massing of higher scale buildings to minimize visual intrusiveness on neighboring lower scale buildings. (Refer to Urban Design Element policies UD-3.39 thru UD-3.41 and Figure 4-10). The CPU envisions that the bulk and massing of higher scale buildings will occur along the portion of the building that is farthest away from the transition line along Park Boulevard, Adams Avenue, 30<sup>th</sup> Street, El Cajon Boulevard, and University Avenue.

The CPU establishes guidance for development of sidewalks and pedestrian paths, use of shade-producing street trees, lighting and signage, and encourages incorporation of public art into new developments. These policies related to streetscapes and the public realm that would serve to enhance community character.

**6. The CPU promotes a Complete Streets strategy by providing a balanced street environment that addresses the needs of public transit, walking, bicycling, and vehicles.**

The CPU mobility strategy focuses on a balanced, multimodal transportation network that meets the needs of pedestrians, bicyclists, motorists, and transit users of streets for safe and convenient travel in a manner that is suitable to the North Park community and consistent with the General Plan multi-modal/complete streets policy. The CPU focuses growth and development on and adjacent to transit corridors. The CPU includes multi-modal goals and policies that support high frequency transit services, transit-oriented development, and safe and integrated bicycle and pedestrian networks. It identifies pedestrian and bicycle improvements to increase connectivity. The CPU also encourages village design to be pedestrian and include enhanced public realm spaces such as paseos and public plazas.

The CPU identifies a pedestrian-oriented route network and includes policies addressing connectivity, amenities, and safety to encourage walking as a viable mode of transportation. The CPU identifies the installation of corner bulb-outs and other measures as appropriate to promote pedestrian safety, and addresses mobility functions such as pedestrian access, bicycle parking, and transit stops. (Refer to Mobility Element policies ME-1.1 thru ME-1.13).

The CPU supports the installation of bicycle share stations and corrals within transit corridors, and repurposing of right-of-way to provide improved bicycle facilities. The CPU bicycle network adds connections and access that provides a more comprehensive and complete network for bicyclists. (Refer to Mobility Element policies ME-1.14 thru ME-1.19).

The CPU contains policies to expand transit services within the community and to adjacent communities. The CPU supports coordination with the San Diego Association of Governments and Metropolitan Transit System to provide improved transit amenities such as shade structures, benches and timetables at bus stops, implementation of electronic arrival schedules, and exclusive transit lanes. The CPU also supports a future San Diego Trolley extension along Park Boulevard and El Cajon Boulevard. (Refer to Mobility Element policies ME-2.1 thru ME-2.12).

The CPU supports the use of intelligent transportation systems solutions to manage the efficiency of the street grid network for transit and motorized vehicles. It also provides for the use of traffic calming measures and roundabouts to improve pedestrian safety while maintaining network efficiency. (Refer to Mobility Element policies ME-3.1 thru ME-4.3).

**7. The Community Plan identifies recreation opportunities and new public open spaces.**

The household population for the North Park Community Plan at build-out is estimated to be 73,170 residents. The projected population warrants almost three recreation centers equivalent to roughly 50,000 total square feet, and approximately one and one-half aquatic complexes. Opportunities for additional parkland and recreation facilities within North Park are anticipated to come primarily through development of private and public properties and through the application of park equivalencies. While the City's primary goal is to obtain land for population-based parks, where vacant land is limited, unavailable or is cost-prohibitive, the General Plan allows the application of park equivalencies to be determined by the community and the City through a set of guidelines.

Recreation Element Tables 7-1 and 7-2 summarize the existing and future parks, park equivalencies, and recreation facilities that have been selected by the North Park community to supplement their existing population-based park and recreation facilities inventory. Tables 7-1 and 7-2 also include recommendations contained in the Balboa Park East Mesa Precise Plan for the Neighborhood Edge, including the Morley Field Area, where appropriate, as well as recommendations generated by the community and City staff for facilities outside of Balboa Park. (Refer to Recreation Element policies RE-1.1 thru RE-1.15).

#### **8. The CPU contains strategies to protect historical resources.**

The CPU contains strategies to protect historical resources in the community. The CPU contains goals and recommendations to encourage identification and preservation of the community's historical resources, as well as understanding and appreciation of the community's history and culture. These policies, along with the supplemental development regulations for potential historic districts identified within the proposed CPU, provide additional protections for historic properties and the historic character of the community. (Refer to Historic Preservation Element policies HP-2.1 thru HP-2.10).

The proposed amendments to the Historical Resource regulations will create a process for review of potential contributing resources to a potential historic district. The proposed regulation would assist in maintaining the integrity of potential historic districts, by providing protections against modifications that would render a potential historic district ineligible for historic designation.

#### **9. The Community Plan implements strategies in the Climate Action Plan (CAP).**

One of the five primary strategies identified in the CAP is to implement bicycling, walking, transit and land use strategies. These concepts are consistent with the General Plan and City of Villages Strategy, and include a focus on increased capacity in Transit Priority Areas (TPAs).

The CPU provides recommendations consistent with these land use and mobility strategies. The CPU increases the capacity for transit-supportive residential and employment densities in TPAs and provides a comprehensive mobility network with added connections for pedestrians, bicycles, and transit. The CPU identifies two community villages, 30<sup>th</sup> Street and University Avenue and 30<sup>th</sup> Street and El Cajon Boulevard. (Refer to Figure 2-3). Both community villages are located within transit priority areas (TPAs) along transit corridors: the 30<sup>th</sup> and El Cajon Boulevard village is located along the Mid-City Rapid, a high-frequency, limited-stop bus transit service; and the 30<sup>th</sup> and University Avenue village is along University Avenue, which is one of the highest volume transit lines in the City. Future transit improvements included in Figure 3-3 of the Mobility Element includes a trolley line connecting Downtown San Diego to the 30<sup>th</sup> Street and El Cajon Boulevard Village. A streetcar is proposed to transect both villages along 30<sup>th</sup> Street that will connect to Golden Hill. The proposed mobility network complements the transit-supportive density proposed in the village areas and along the major transit corridors.

The CPU includes policies for increasing multi-modal opportunities and reduced reliance on single occupancy vehicles. The policies support improved access to transit through better pedestrian and bicycle infrastructure. The CPU also supports a future trolley extension along Park Boulevard and El Cajon Boulevard to improve access to employment centers. The policies complement mobility connections and options with streetscape elements to improve pedestrian walkability. The proposed

land use and zoning associated with the CPU would increase the capacity for transit-supportive residential densities along and adjacent transit corridors, and would accommodate mixed-use village development. The CPU directs growth and development within TPAs. (Refer to Mobility Element policies in Active Transportation section).

Additional strategies within the CAP also relate to efficiency in water and energy use, waste management, and climate resiliency. While these issues are primarily addressed through Citywide programs, the CPU includes some community-specific climate change policies designed to promote sustainability and reduce greenhouse gas emissions consistent with General Plan and CAP. The CPU policies require future development to be consistent with the CAP, provide protections for carbon sequestration resources to improve air quality, reduce net carbon emissions, and support efforts to identify opportunities for carbon sequestration. CPU policies address water recycling and conservation, implementation of energy-efficient building measures, and the formation of Eco Districts. The CPU provides guidance on sustainable building design that promotes natural ventilation, reduced water consumption, passive cooling, and measures to reduce heat gain in buildings; and provides support for installation of rooftop photovoltaic panels. The CPU also identifies the need for street trees and green street improvements. (Refer to the Sustainability and Conservation Element policies within the Sustainable Development and Climate Change sections; and Urban Design Element policies within the Sustainable Building Design sub-section).

## **CONCLUSION**

For the foregoing reasons, the City Council finds that the 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 has adopted this Statement of Overriding Considerations.