

10.0 PROJECT ALTERNATIVES

10.1 Introduction

In accordance with Section 15126.6(a) of the CEQA Guidelines, an EIR must contain a discussion of *a range of reasonable alternatives to the project, or to the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives*. Section 15126.6(f) further states that *the range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice*. Thus, the following discussion focuses on project alternatives that are capable of eliminating significant environmental impacts or substantially reducing them as compared to the project, even if the alternative would impede the attainment of some project objectives, or would be more costly. In accordance with Section 15126.6(f)(1) of the State CEQA Guidelines, among the factors that may be taken into account when addressing the feasibility of alternatives are: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site. Additionally, a discussion on alternatives that were considered but rejected from further detailed analysis is provided.

10.2 Project Objectives

In accordance with State CEQA Guidelines Section 15126.6(a), the project alternatives are assessed relative to their ability to (1) meet the basic objectives of the project and (2) avoid or substantially lessen the significant effects of the project. Therefore, in developing the alternatives to be addressed in this section, consideration was given regarding an alternative's ability to meet the objectives of the project. The project objectives associated with the Riverwalk Specific Plan and related actions are:

- Create a focused long-range plan intended to promote increased residential density and employment opportunities consistent with the General Plan, Mission Valley Community Plan, San Diego River Park Master Plan, and the Climate Action Plan.
- Assist the City's housing supply needs by providing a range of housing, including both market rate and deed-restricted affordable units, proximate to transit, jobs, amenities, and services.
- Implement the City of Villages goals and smart growth principles by creating a mixed-use neighborhood with housing, commercial, employment, and recreation opportunities along transit while restoring a stretch of the San Diego River.
- Create a transit-accessible mixed-use development in a central, in-fill location.

- Promote multi-modal travel (pedestrian and bicycle friendly corridors) through the project site through on-site trails, paths, and sidewalks that connect to internal and adjacent amenities and services throughout Mission Valley.
- Construct a new Green Line Trolley stop easily accessible from within Riverwalk and to adjacent surrounding residential and employment areas.
- Design a neighborhood that integrates the San Diego River through active and passive park uses, trails, and resource-based open space.
- Allow for the establishment and creation of a habitat Mitigation Bank that provides long-term habitat conservation and maintenance.
- Improve the Fashion Valley Road crossing that:
 - Provides expanded storm water flow volume accommodating a 10- to 15-year storm event;
 - Improves emergency response times by facilitating north-south vehicular access in storm events; and
 - Expands active transportation circulation by providing sidewalks and a buffered two-way cycle track.
 - Modernizes flood control gate operations in the project vicinity.
- Celebrate and interpret important cultural and historic resources within the Specific Plan area.

10.3 Significant Impacts of the Proposed Project

The review of alternatives includes an evaluation to determine if any specific significant environmental effect(s) would be *substantially less* than the project. A significant effect is defined in Section 15382 of the CEQA Guidelines as *a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project*.

Based on the analysis contained in Chapter 5.0 of this EIR, project implementation would result in significant impacts associated with air quality (operations); direct and indirect impacts associated with biological resources; and direct impacts associated with historical resources, noise, and tribal cultural resources. Mitigation measures have been identified that reduce impacts to below a level of significance for these significant impacts, with the exception of air quality.

As addressed in Chapter 6.0, *Cumulative Effects*, , cumulative impacts have been evaluated for build-out of the Mission Valley Community Plan as part of the Mission Valley CPU Program EIR. Cumulative impacts at the Community Plan build-out level included the Riverwalk project. As concluded in Chapter 6.0, the project would not result in cumulative impacts beyond those already addressed in Mission Valley CPU Program EIR.

10.4 Alternatives Considered but Rejected

The following alternatives were considered for the project. These alternatives were rejected from further consideration as these alternatives would not reduce or avoid and may increase significant impacts associated with the project and would not meet the project objectives.

10.4.1 Alternative Locations

Consideration was given to alternative sites located within the Mission Valley community, as well as other areas in the City, where the project could occur. In accordance with CEQA Guidelines Section 15126.6(f)(2), identifying possible alternative locations focused on sites where *any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project would need to be considered for inclusion in the EIR.*

The project proposes an integrated mixed-use project on approximately 195 acres within the Mission Valley community. The project requires a large land mass to aggregate the types and intensities of development to create the viable mix of uses that would form a successful neighborhood and community center. Additionally, such a site must be accessible by public transit. There is only one other area within Mission Valley of sufficient size that could develop in a manner similar to that proposed by the project: the SDCCU (formerly Qualcomm) Stadium site, located in the eastern portion of the community. The SDCCU Stadium site is currently being planned for redevelopment by San Diego State University as a new stadium and mixed-use project. The SDCCU Stadium site is not owned by the project applicant and is not available to the applicant for the project.

While there may be areas in other portions of the City that remain undeveloped and of appropriate size to develop the project, these sites could be constrained to a greater degree by environmental resources, do not share the same qualities as the project site with respect to transit and accessibility, or would result in similar or greater environmental effects. The project is proposed on a developed golf course site, which is centrally located within the City and the Mission Valley community, and is under one ownership. The site has easy access to public streets and freeways and would be served by existing transit, as well as a new trolley stop provided by the project. Large landholdings that could accommodate the project could be further removed from existing infrastructure and lack access to transit. Traffic impacts from alternative sites could result in greater VMT than the project.

The project would result in significant unmitigated operational impacts relative to air quality. Operational impacts are primarily related to traffic and area sources (i.e. consumer products, architectural coating, and landscape equipment). Relocating the project to another site within the

City would result in the same or greater air quality impacts, as the size and scope of the project would remain the same, possibly requiring more and longer trips due to lack of proximity to transit and a mix of existing uses.

The project would result in impacts to sensitive biological resources that would be fully mitigated. Other sites could have greater amount of sensitive biological resources than those at project site (potentially unmitigable), limiting development potential and resulting in greater impacts. Thus, locating the project on an alternative site in the City would not avoid or substantially lessen the project's impacts and could result in greater environmental effects. Furthermore, the project applicant does not own any other properties within the City of a size to accommodate the project. For these reasons, there are no other feasible alternative locations for the project as proposed. Finally, the site is being proposed for land uses that are consistent with the Community Plan's identified land use and zoning; there are no land use conflicts that would be avoided by analyzing an alternative site. For these reasons, no alternative site location was analyzed in detail within the EIR.

10.4.2 Wetlands Avoidance Alternative

The Mobility Element of the Mission Valley Community Plan identifies Fashion Valley Road to be widened from its existing functional classification of a 4-Lane Collector without Two-Way Left-Turn Lane to its ultimate classification of a 4-Lane Major Arterial with a raised median and a two-way Class IV Cycle Track along the west side of the roadway. The project includes improvements to widen a portion of Fashion Valley Road along the project frontage to its ultimate classification per the Community Plan.

As evaluated in Section 5.4, *Biological Resources*, implementation of the project would result in a direct impact to 0.64 acre of wetland/riparian vegetation communities (southern cottonwood-willow riparian forest, and coastal and valley freshwater marsh), due to the construction of improvements to Fashion Valley Road. The project would also result in an indirect impact to sensitive bird species during project construction due to increased noise levels. A Wetlands Avoidance alternative was considered that would develop the project without improvements to Fashion Valley Road, thereby avoiding direct impacts to wetland/riparian vegetation. However, indirect impacts to biological resources would still occur, as construction activities associated with site development would have the potential to increase noise levels proximate to sensitive biological resources.

The Wetlands Avoidance alternative would reduce impacts to historical resources, as less grading would occur in areas where archaeological resources are known to occur, and monitoring would be required in other areas of the project site, as is the case with the project. Other than avoiding significant direct impacts to biological resources and reducing impacts to historical resources, the Wetlands Avoidance alternative would not avoid or reduce any other projects impact and may result in increasing effects associated with flooding and emergency access. The expanded storm water flow volume, accommodating a 10- to 15-year storm event, would not be provided under this

alternative. Seasonal flooding of the San Diego River would occur as it does periodically today, and there would not be increased north-south vehicular access in storm events that would be associated with the improvements to Fashion Valley Road.

This alternative would not meet some of the project's fundamental objectives. Specifically, this alternative would not improve the Fashion Valley Road crossing of the San Diego River by replacing it with a facility with a soft-bottom condition for the San Diego River; would not provide expanded storm water flow volume, accommodating a 10- to 15-year storm event; would not increase emergency access in storm events; and would not expand active transportation circulation by providing sidewalks and a buffered two-way cycle track.

The project's proposed improvements would enhance circulation for the community, allow for vehicular crossing up to 10- to 15-year flood events thereby providing for improved north-south circulation and minimize impacts to biological resources to the extent possible. There is no feasible alternative that could avoid impacts to wetlands and still provide roadway improvements as identified in the Mission Valley Community Plan. Therefore, this alternative has been rejected from further consideration.

10.4.3 No Project/Development Under Existing Plan (Levi Cushman Specific Plan)

When the project is the revision of an existing land use or regulatory plan, policy, or on-going operation, CEQA Guidelines Section 15126.6(e) requires addressing a "no project" alternative that would be the continuation of the existing plan, policy, or operation into the future. In the case of the Riverwalk project, the existing 1987 Levi-Cushman Specific Plan is in effect on the project site. In accordance with CEQA Guidelines Section 15126.6(e), the No Project/Development Under Existing Plan alternative evaluates an alternative where development of the site would occur under the existing Levi-Cushman Specific Plan.

As presented in Chapter 2.0, *Environmental Setting*, the Levi-Cushman Specific Plan, approved in 1987, is currently in effect for the project site. The 200-acre Levi-Cushman Specific Plan houses the majority of the Riverwalk Golf Course [which operates under Conditional Use Permit (CUP) No. 94-0563]] and is comprised of the 195 acres proposed for redevelopment with the Riverwalk Specific Plan and a five-acre parcel owned by MTS. The Levi-Cushman Specific Plan is proposed to be rescinded as part of the project actions. Development of the project site under the existing Levi-Cushman Specific Plan would not reduce or avoid any of the significant impacts associated with the project and would increase impacts and/or cause new impacts not associated with the project. Therefore, development under the Levi-Cushman Specific Plan has been rejected from further consideration as discussed below.

The Levi-Cushman Specific Plan identifies the project site for a mix of residential, retail, office, hotel, and recreational uses. (See Figure 2-8, *Levi-Cushman Specific Plan Land Use Map*.) Pursuant to the Levi-Cushman Specific Plan, development would result in total development intensity of 5.3 million square feet, comprised of 1,329 residential units; 1,000 hotel rooms; 200,000 square feet of commercial retail space; 2,582,000 square feet of office; approximately 40 acres of river open space (the river channel), 11 acres of recreational open space, and 25 acres of landscaped or project open space; and a total of 66,955 ADT. In order for the Levi-Cushman Specific Plan to proceed, it would require subsequent entitlement permits and rescinding or amending CUP No. 94-0563, which is in effect for the existing Riverwalk Golf Course.

As part of the Levi-Cushman Specific Plan, the San Diego River would be channelized through the project site. The channelization would be 400 to 500 feet in width and approximately 26 feet in depth, constructed to carry the 100-year flood projected by the USACOE. The channelization would reduce the floodway from approximately 106 acres to 40 acres, allowing for a larger development area within the area reclaimed by channelization. A 25-foot-wide buffer would be provided on either side of the river that would contain a planted barrier to prevent direct access to the river and habitat areas and may contain pedestrian and bike paths, landscaped areas, and passive recreation areas. The edges and banks of the river channel would be riparian woodland, wetland marsh, and other habitat areas. Three habitat islands would be included to increase the total area of wetland vegetation.

A key element of the Levi-Cushman Specific Plan is the creation of a 12-acre island located along the southern edge of the San Diego River to accommodate small-scale specialty retail, office, and residential uses and a dramatic tower theme feature (with reference to a tower element such as the Seattle Space Needle). The island would have a 40-foot canal on the south side to create a waterside environment of retail, office, and pedestrian uses. The canal would provide for a manufactured lake, separate from the San Diego River, that would accommodate paddleboats or similar water-oriented rides. A bridge of up to 50 feet in width would span from the north shore of the island for pedestrian use, commercial kiosks, and transit shuttles that would provide 100-year crossing, as well as emergency access.

Relative to roadways and transit, the Levi-Cushman Specific Plan calls for Fashion Valley Road to be upgraded to a 10-year flood level crossing. Where Fashion Valley Road crosses the river, it would be inundated at the time of a 100-year storm and cause a slight backwater upstream. The Levi-Cushman Specific Plan also includes a connection between Friars Road and Hotel Circle North (Levi-Cushman Specific Plan Street 'A', roughly in the location of the IOD for future public Street 'J'). Designed as a 100-year flood level crossing, this road would incorporate a weir structure to assure a perennial body of water within the project area. A trolley stop and transportation center would be provided within the center median of Levi-Cushman Specific Plan's road "Camino de la Reina" (roughly the location of Riverwalk Drive).

Development of the project site as approved in the Levi-Cushman Specific Plan would be consistent with the General Plan. It would also be consistent with the Mission Valley Community Plan, due to the Specific Plan Subdistrict CPIOZ-type A, which allows for an approved Specific Plan to remain in effect and allows for development per the approved Specific Plan.

The City's MSCP was approved after adoption of the Levi-Cushman Specific Plan. Development identified in the Levi-Cushman Specific Plan occurs in areas where the MHPA has been mapped. The Levi-Cushman Specific Plan would allow greater breadth of development at closer proximity to the San Diego River and would result in roadways that would cross the MHPA. Thus, development under this alternative has the potential increased indirect noise impacts to sensitive habitat along the river due to construction, in addition to other potential MHPA impacts, which may or may not be fully mitigable. This alternative would result in greater impacts than the project relative to MSCP and the MHPA LUAGs, because this alternative would develop urban uses both inside the San Diego River (on a 12-acre manufactured island) and closer to San Diego River than the Riverwalk project due to the channelization of the river.

Development under the Levi-Cushman Specific Plan would result in greater setbacks and more restrictive lot coverage and development intensity would be taller, specifically along Friars Road adjacent to existing uses. The Levi-Cushman Specific Plan does not include any buffering provisions from existing development and recommends the highest structures (up to 250 feet in height) to be located adjacent to existing multi-family residential development that are up to four stories in height and single and two-story commercial and office buildings in the northern and southern portions of the site, resulting in a stark contrast with the existing surrounding neighborhood. Additionally, the expansive setbacks along major circulation element roadways, such as Fashion Valley Road and Friars Road, would be more suburban in nature. Thus, this alternative would result in a greater change to the visual environment and neighborhood character.

The Levi-Cushman Specific Plan would result in the generation of greater traffic volumes than the project due to its greater development intensity. As such, a greater exceedance of air emission standards and, therefore, greater operational air quality impacts would result. Due to increased grading and construction associated with the Levi-Cushman Specific Plan, construction emissions would be greater than the project. The increase in traffic volumes would result in greater amount of trips and increased development intensity; therefore, a greater amount of GHG emissions would result when compared to the project.

Because grading associated with the No Project/Development Under Existing Plan alternative would be greater than the project, it could have the potential to disturb historical resources (archaeology), as well as tribal cultural resources to a greater extent than the project. Therefore, this alternative has the potential to result in greater impacts to subsurface archaeological resources than the project. The greater amount of grading would also result in a greater amount of impervious surfaces that would increase urban runoff to a greater extent than the project. The increase in urban runoff

carries with it the potential for an increase in urban pollutants entering sensitive water bodies, like the San Diego River. However, development under the Levi-Cushman Specific Plan would be required to implement BMPs as required by City regulations, which would preclude significant potential impacts to water quality.

This alternative would result in greater noise impacts during construction than the project, as a greater level of development intensity and larger developable area would result. Additionally, a greater level of temporary construction noise impacts on sensitive species would result, because construction would occur in closer proximity to the San Diego River than the project. This alternative would also result in greater operational noise than the project due to a greater level of traffic generation.

Development under the Levi-Cushman Specific Plan would result in a greater impact on public utilities than the project, because this alternative would result in greater development intensity. This alternative would generate a greater amount of solid waste during the grading, construction, and operational phases than the project.

Impacts associated the Levi-Cushman Specific Plan would be greater when compared to the project and would result in greater impacts to the MHPA, biological resources, historical resources, and tribal cultural resources. Additionally, because a greater amount of traffic would occur with this alternative, a greater amount of vehicular air emissions would result, exacerbating impacts to air quality and generating more GHG emissions. This alternative would also result in incrementally greater impact to energy, geologic conditions, hydrology, water quality, and public utilities.

Implementation of the Levi-Cushman Specific Plan would result in increased impacts when compared to Riverwalk, therefore, this alternative was rejected from further consideration.

10.5 Alternatives Considered

The alternatives identified in this analysis have been developed in order to further reduce or avoid significant environmental impacts associated with the project. These include the “no project” alternative that is mandated by CEQA and a Reduced Development Intensity alternative. The discussion of project alternatives in this section provides:

- A description of the alternative considered.
- The identification of the impacts of the alternative.
- A comparative analysis of the impacts of the alternative under consideration and the project. The focus of this comparative analysis is to determine if the alternative is capable of eliminating or substantially reducing the significant environmental effects of the project.
- A determination as to whether the alternatives meets the objectives of the project.

Table 10-3, *Comparison of Alternatives to Project*, presented at the end of this section provides a comparison of environmental issues for all alternatives analyzed in this section.

10.5.1 Alternative 1 – No Project/No Build

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

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

10.5.1.1 Environmental Analysis

Land Use

The project site is currently entitled under the Levi-Cushman Specific Plan and operates as the Riverwalk Golf Course with an approved CUP. Under the No Project/No Build alternative, the golf course would continue operation until such a time that the CUP expires or the golf course ceases operation. Continued operation of the Riverwalk Golf Course in accordance with CUP 94-0563 would not result in potential impacts relative to MHPA adjacency, as the land use in effect is minimally disruptive to the natural environment and would involve no new grading or development. As such, although impacts to the MHPA for indirect noise associated with the project would be fully mitigated, this alternative would be less impactful. Like the project, this alternative would not physically divide an established community and would not result in land uses that are incompatible with the Montgomery Field or SDIA ALUCPs. This alternative would not require a deviation or variance, as no new development would occur.

This alternative would not implement goals and policies of the San Diego River Park Master Plan as no development would occur, but would also not preclude implementation of such features as the San Diego River Path at a later date. This alternative would be consistent with the Mission Valley Community Plan. This alternative would not fulfill the long-range planning goals for the community, the City, and the region.

Transportation and Circulation

Continued operation of the Riverwalk Golf Course, as would occur under this alternative, would not result in traffic and circulation impacts as no additional trips would be generated. Because the No Project/No Build alternative assumes continued operation under of the Riverwalk Golf Course and no new development, no transportation improvements would be required.

Transit opportunities in the project vicinity include bus service and the trolley. Pedestrian and bicycle opportunities are provided through sidewalks and bicycle lanes throughout Mission Valley. The No Project/No Build alternative would not affect bus and trolley service and would not affect existing pedestrian and bicycle facilities. However, this alternative would not provide an additional trolley stop or other improvements to pedestrian/bicycle accessibility and connectivity through the site and, therefore, would not result in the benefits to mobility options created by the project.

Visual Effects and Neighborhood Character

The No Project/No Build alternative would retain the existing golf courses uses and would not include any development, redevelopment, or alterations to the site or its appearance as it exists today. The project would not create a negative aesthetic on-site; similarly, this alternative would not create a negative aesthetic and it would also not result in an inconsistency relative to bulk, scale, materials, or style of the surrounding development, as no redevelopment would occur. Although the existing and planned character in the surroundings of the site continues to evolve and intensify, the existing low intensity use would not result in a substantial alteration to the surrounding character, as the use currently exists within the community fabric. The golf course use remains aesthetically compatible with the San Diego River that runs through it. This alternative would not create new sources of light or glare, as no redevelopment would occur on the golf course site. Like the project, this alternative would not result in significant impacts relative to visual effects and neighborhood character.

Biological Resources

The No Project/No Build alternative would avoid all impacts to biological resources, as no new development would occur. Thus, habitat restoration would not be required, and there would be no requirement to comply with Guideline B15 of the MSCP. The No Project/No Build alternative would result in fewer impacts to biological resources than what would occur with the project.

Air Quality

Under the No Project/No Build alternative, no changes to the existing site would result. No demolition, grading, and construction would occur. Therefore, the No Project/No Build alternative, would not have the potential to increase air emissions that would result during construction. Air emissions associated with golf course operations and use would continue, such as vehicles accessing the golf course and maintenance vehicles. The existing golf course operations would be consistent with and would not impair the implementation of the RAQS, SIP, and AQMP, as existing

development would have been taken into account in the preparation of those documents. No objectional odors would occur as a result of continued golf course operation and no exposure to toxic air contaminants or CO hot spots would occur, as no increase in vehicle trips would be anticipated. Because no redevelopment would occur, no new operational emissions would occur. Air quality impacts would be considered less than the project under this alternative.

Historical Resources

No grading would occur as a result of the No Project/No Build alternative, because the golf course would remain in operation as it exists today. As such, there would be no opportunity to encounter significant archaeological sites or unknown subsurface human remains. No potentially significant structures or sacred sites are located on the site that could be impacted by continued golf course operation. No historical resources impacts would result.

Energy

Under the No Project/No Build alternative, no increased demand for energy would be generated. Although a significant impact was not identified for the project, energy demand for the existing use would be substantially less than the Project.

Noise

The existing noise levels generated by the existing operations would continue under this alternative. Unlike the project, this alternative would not include demolition, grading, or construction; and no new operational noise sources would be created on-site. This alternative would result in less noise than what would occur with the project.

Greenhouse Gas Emissions

Under the No Project/No Build alternative, emissions would be associated with on-going operation and maintenance of the golf course. No new construction would occur. As no new development or emission would be generated, no GHG impacts would occur. Although a significant GHG impact was not identified for the project, generation of GHG emissions would be less under this alternative when compared to the project.

Tribal Cultural Resources

No grading would occur as a result of the No Project/No Build alternative, because golf course uses would remain in operation as it exists today. As such, there would be no impacts to tribal cultural resources.

Geologic Conditions

The on-going golf course operations that currently occur at the project site would continue under the No Project/No Build alternative. Although the project would not result in any significant impacts,

when compared to the project, this alternative would result in less impacts to geologic conditions relative to seismic events, as no development would be associated with the existing operations.

Hydrology

Existing site conditions would remain and no grading or development would occur as a result of the No Project/No Build alternative. No modifications to hydrology would occur. As such, flooding would continue to occur on-site, with off-site effects, as it does during storm events currently.

Improvements to Fashion Valley Road associated with the project would not occur, and periodic flooding that results in obstructing access would continue. Benefits to circulation and access would not occur under this alternative. Like the project, the No Project/No Build alternative would not result in impacts to hydrology beyond what exists today. However, because no improvements to flooding would occur, this alternative's impacts would be incrementally greater than the project.

Public Utilities

The No Project/No Build alternative would not affect public utilities. Sewer, water, gas, and electric services would continue to be provided as they are today. The No Project/No Build alternative would avoid impacts solid waste, as no construction or increased operational waste generation would occur. While the project would not result in significant impacts to public utilities, this alternative's environmental effect would be incrementally less than the project.

Water Quality

The No Project/No Build alternative would result in the continued golf course activities on the project site. The No Project/No Build alternative would not result in an increase in impervious surfaces. Runoff would continue as it occurs today. No water quality BMPs and improvements associated with the project would occur. It is not anticipated that significant impacts to water quality would occur under this alternative. While the project would not result in significant impacts to water quality, this alternative's environmental effect would be incrementally less than the project.

Public Services and Facilities

The No Project/No Build alternative would not result in development that would increase population resulting in a need to expand public services and facilities. Impacts to public services and facilities when compared to the project would be considered less. While the project would not result in significant impacts to public services and facilities, this alternative's environmental effect would be incrementally less than the project.

Health and Safety

Under the No Project/No Build alternative, there would be no change to existing conditions. Although the project would not result in any significant impacts, when compared to the project, the No Project/No Build alternative would result in fewer impacts including wildland fire, hazard

emissions, emergency response, and airport hazards, as no new structures would be introduced to the project site.

Cumulative Effects

The No Project/No Build alternative would not result in cumulative impacts, as no new development would occur. Thus, cumulative impacts under this alternative would be less than the project.

10.5.1.2 Evaluation of Alternative

The No Project/No Build alternative would result in no changes to the current site conditions. The project would not be implemented, and the Riverwalk Golf Course would remain in operation as it does today.

When compared to the project, the No Project/No Build alternative would avoid significant unmitigated operational air quality impacts associated with the project. The No Project/No Build alternative would avoid impacts to biological resources, including secondary noise impacts on sensitive biological resources. Habitat restoration and compliance with Guideline B15 would not be required. Because no redevelopment would occur under this alternative, there would be no potential to encounter significant archaeological sites or unknown subsurface human remains, and no new operational air emissions would occur. Additionally, the No Project/No Build alternative would avoid exposing sensitive receptors to potential health and safety risks, as no new land uses would occur on the site. However, because the No Project/No Build alternative would not result in improvements to Fashion Valley Road as proposed by the project, there would be no improvements to north-south vehicular access in storm events. Flooding would continue to occur on-site, with off-site effects, as it does during storm events currently. The No Project/No Build alternative would not improve hydrology the same as the project, but also would not result in significant impacts to hydrology beyond what exist today. The No Project/No Build alternative would not meet any of the project objectives.

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

As presented in Section 5.5, *Air Quality*, the project would result in a cumulatively significant impact associated with operational (vehicular) air emissions. Based on the size and scope of the project, there are no feasible measures for reducing air quality impacts; and impacts would remain significant and unmitigated.

A Reduced Development Intensity/Operational Air Quality Impact Avoidance alternative was evaluated that would reduce proposed development intensity to a level such that significant operational air quality impacts would be avoided. Development under this alternative would

develop the project site in the same locations and overall footprint as the project but would reduce development to 2,275 residential units, 106,000 square feet commercial retail space, and 700,000 square feet of commercial and office and non-commercial retail space. Thus, this alternative would result in 47 percent less residential units and 30 percent less commercial and office and non-commercial retail uses, as shown in Table 10-1, *Development Intensity Comparison - Proposed Project and Reduced Development Intensity/Operational Air Quality Impact Avoidance Alternative*. Areas for park, open space, and trails would remain the same as the project. Approximately 29,800 ADT would be generated by this alternative. Grading, on-site public street infrastructure, and improvements to Fashion Valley Road, would also remain the same as the project. This alternative would result in 6,028 EDUs. As such, some off-site roadway improvements required for the project may not be required under this alternative, as less development intensity would generate less traffic.

Future development under this alternative would have similar characteristics as the project, albeit at a reduced level, and would follow the Riverwalk Specific Plan design guidelines and development regulations proposed by the Riverwalk Specific Plan. This alternative would require application of zones that reflect the reduced development intensity and modifications to the proposed Riverwalk Specific Plan to reflect the land use intensity associated with this alternative.

Table 10-1. Development Intensity Comparison – Proposed Project and Reduced Development Intensity/Operational Air Quality Impact Avoidance Alternative

Land Use	Proposed Project	Reduced Development Intensity/Operational Air Quality Impact Avoidance Alternative
Residential	4,300 units	2,275 units
Commercial Retail Space	152,000 square feet	106,000 square feet
Office and Non-Commercial Retail Space	1,000,000 square feet	700,000 square feet
Park, Open Space, and Trails	Approximately 97 acres	No Change

10.5.2.1 Environmental Analysis

Land Use

Like the project, this alternative would be consistent with relevant policies and guidelines of the applicable plans similar to the project, including the Mission Valley Community Plan (and its Mobility Element with regards to improvements to Fashion Valley Road), as well as the San Diego River Park Master Plan. Additionally, this alternative would be consistent with the ALUCPs for Montgomery-Gibbs Executive Airport and San Diego International Airport. Like the project, development under this alternative would require deviations from the Land Development Code relative to ESL regulations.

Like the project, this alternative would not result in physically dividing an established community. Implementation of the Reduced Development Intensity/Operational Air Quality Impact Avoidance alternative would include a circulation network that connects through the project site and with the adjacent roadway network, similar to the project. As such, this alternative would facilitate connectivity in a similar manner as the project. Similarly, like the project, development under this alternative would also not result in land uses that are incompatible with the Montgomery Field or SDIA ALUCPs. This alternative would not, however, build-out at the level of intensity assumed for the project site in the Community Plan. Because of the much lower development intensity, this alternative would not be as transit-supportive as the project.

Future development under this alternative would occur in accordance design guidelines and development regulations proposed by the Riverwalk Specific Plan, which includes Tailored Development Standards. However, as with the project, those Tailored development Standards would not result in a significant environmental impact.

Like the project, this alternative would not result in conflict with the City's MSCP Subarea Plan or other approved local, regional, or State habitat conservation plan. Development would be located in the same areas as the proposed project. This alternative would require compliance with Guideline B15, as would the project, and would be required to implement conditions and mitigation measures similar to the project to ensure no significant impacts to wildlife habitat and sensitive species.

Relative to the Noise Element of the General Plan, like the project, this alternative would allow for residential development proximate to the I-8 freeway. The Riverwalk Specific Plan includes Policy R-18 regarding exterior useable open space, which prohibits residential balconies from fronting I-8 in areas that exceed an exterior noise level of 70 dBA CNEL. This policy would apply to this alternative and would preclude a land use incompatibility with regards to exterior noise levels. To avoid significant interior noise, interior noise levels would be required to meet implementation of construction techniques and materials required to meet Title 24 of the California Energy Code if noise standards are exceeded.

Transportation and Circulation

The Reduced Development Intensity/Operational Air Quality Impact Avoidance alternative is anticipated to also result in a less than significant impact on transportation and circulation, because the resident VMT per capita and employee VMT per employee would be at least 15 percent below the Regional Average VMT/Capita and Regional Average VMT/Employee, respectively. Like the project, this alternative would implement pedestrian, bicycle, and transit plans that would be consistent with adopted alternative transportation mode plans and policies. Transportation and circulation impacts would be less than significant, the same as with the project.

Visual Effects and Neighborhood Character

Like the project, this alternative would not create a negative aesthetic on the site, as buildout of the site would be compatible with the bulk, scale, materials, and style of the surrounding development. The Reduced Development Intensity/Operational Air Quality Impact Avoidance alternative would not result in a substantial alteration to the existing or planned character of the area as development would occur in accordance with the various design guidelines of the Riverwalk Specific Plan. By adhering to required regulations, the project would not create substantial light or glare that would adversely affect daytime or nighttime views in the area. This alternative would result in a project that is lower in scale and implements a reduced development intensity over the same development area as the project. Visually, this alternative would appear more suburban in nature rather than urban infill. But, like the project, this alternative would not result in significant impacts with regard to visual effects and neighborhood character.

Biological Resources

Grading required under this alternative would not change from that proposed for the project. Significant direct impacts would occur to wetland/riparian vegetation communities, as well as indirect impacts to sensitive bird species during project construction. However, construction would be less, as less development would occur under this alternative. Therefore, impacts to biological resources would be incrementally less than those identified with the project. This alternative would require implementation of mitigation measures as presented in Section 5.4, *Biological Resources*, to reduce potential impacts to below a level of significance.

Air Quality

Operational air quality impacts associated with this alternative would be avoided, as development intensity would be reduced to below significance thresholds. Additionally, because less development would occur, there would be a reduction in construction emissions. Thus, this alternative would result in less air quality impacts when compared to the project.

Historical Resources

Grading required with this alternative would be similar to the project. Therefore, impacts to historical resources (archaeology) would be the same as those identified with the project. Mitigation measures like those required for the project would be required for this alternative and would reduce impacts to below a level of significance, similar to the project.

Energy

Energy consumption under this alternative would be incrementally reduced with the decrease in development intensity. However, like the project, no adverse effects on non-renewable resources are anticipated. This alternative would comply with UBC and Title 24 requirements for energy efficiency and would incorporate sustainable design features directed at reducing energy consumption. Impacts would be less than significant, as would the project. Like the project, the

Reduced Development Intensity/Operational Air Quality Impact Avoidance would not result in significant impacts with regard to energy.

Noise

Like the project, temporary construction impacts to sensitive bird species would occur, and implementation of mitigation measures as required for the project would reduce impacts to below a level of significance. Because development intensity with this alternative would be less than the project, construction noise would be reduced and impacts to bird species during construction would be less. Like the project, depending on the size and location of ground-level HVAC units, an increase in ambient conditions may cause a significant impact which would require mitigation like that required for the project. This alternative would construct the Riverwalk River Park in the same manner as the project, and noise from performances at the proposed amphitheater within the Riverwalk River Park could result in significant noise impacts to sensitive wildlife species within the San Diego River corridor requiring mitigation as is required for the project to reduce impacts to below a level of significance. Like the project, noise associated with this alternative would not have an adverse impact on existing noise levels at neighboring sensitive properties.

Greenhouse Gas Emissions

Like the project, the Reduced Development Intensity/Operational Air Quality Impact Avoidance alternative would not conflict with the CAP or any other applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases. Because less development would occur under this alternative than with the project, a lesser amount of GHG emissions would result. As with the project, impacts would be less than significant.

Tribal Cultural Resources

Grading associated with the Reduced Development Intensity/Operational Air Quality Impact Avoidance would be similar to the project; therefore, impacts to tribal cultural resources would be the same as those identified with the project. Mitigation measures like those required for the project would also be required for this alternative and would reduce impacts to below a level of significance. Overall, tribal cultural resources impacts would be similar to the project.

Geologic Conditions

Like the project, this alternative would involve development disturbance, albeit to a lesser degree, and like the project would require associated seismic and soil impacts. Similar to the project, this alternative would be required to implement standard grading and construction practices to ensure an acceptable level of risk. Geologic and soil impacts under this alternative would be avoided or reduced to below a level of significance through implementation of applicable design measures and geotechnical recommendations, as well as conformance with applicable regulatory/industry standard. Similar to the project, this alternative would not expose people or property to potentially substantial effects including the risk of life, injury, or death due to hazards such as earthquakes,

landslides, mudslides, ground failure, or similar hazard. Comparable to the project, impacts would be less than significant.

Hydrology

The Reduced Development Intensity/Operational Air Quality Impact Avoidance alternative would not result in a reduction of impervious surfaces when compared with the project. Building heights would be reduced under this alternative, but the development area would remain the same. Thus, hydrology impacts under this alternative would be the same as the project. For both the project and this alternative, no significant impacts would occur relative to hydrology and drainage.

Like the project, this alternative would not result in a substantial increase in runoff ,because it would be required to construct storm drain systems to handle project runoff consistent with City storm water regulations. Like the project, this alternative would not increase the water surface elevation downstream of the site, within the site, or upstream of the site, and all structures constructed within the floodway would be raised two feet above based flood elevation. No significant impacts associated with drainage and runoff would result. This alternative would not result in flood hazards to the project site or impose flood hazards on other properties, because like the project, development would be required to elevate habitable portions of the project site out of the 100-year floodplain.

Public Utilities

Like the project, this alternative would not result in impacts to water infrastructure and wastewater infrastructure that would be significant. This alternative would result in less demand on potable water supply due to reduced development intensity. Water consumption would not be significant under this alternative or the project. This alternative would generate solid waste during the grading, construction, and operational phases at a lower rate than the project, because less development would occur. Like the project, this alternative would be required to implement strategies outlined in a project-specific WMP through conditions of approval, as well as compliance with applicable City regulations related to solid waste, impacts would be less than significant. Like the project, this alternative would incorporate water sustainable design features, techniques, and materials that would reduce water consumption to below a level of significance. Additionally, this alternative would include landscaping consisting of native and drought-tolerant species consistent with the Landscape Regulations, resulting in an impact that would be less than significant. While this alternative would result in less impacts to public utilities, neither this alternative nor the project would result in significant impacts.

Water Quality

Like the project, the Reduced Development Intensity/Operational Air Quality Impact Avoidance alternative is not expected to substantially affect the quality of storm water runoff leaving this site compared to existing conditions. When compared to the project, this alternative would generate a

similar amount of in urban pollutants as the project. Although development intensity would be reduced, development would occur in the same development area as the project. Like the project, no short-term and long-term effects on local and regional water quality would result from implementation of this alternative. Like the project, this alternative would be required to implement BMPs as required by City regulations, which would preclude significant potential impacts to water quality. Thus, this alternative would result in the same level of no impacts to water quality as the project.

Public Services and Facilities

Development intensity under the Reduced Development Intensity/Operational Air Quality Impact Avoidance alternative would result in a decrease in residential units and a reduction in commercial space. Impacts to public services and facilities would be reduced with regards to police protection and fire/life safety protection as the project. This alternative would result in a decreased demand for public services such as schools, parks, and libraries, as this alternative would generate less people than would the project (4,232 residents under this alternative compared to 7,998 with the project, based on a generation rate of 1.86 persons per household). Thus, like the project, this alternative would not result in significant impacts to the public services and facilities.

Health and Safety

Like the project, the Reduced Development Intensity/Operational Air Quality Impact Avoidance alternative would not result in excessive use of hazardous materials, such as cleaning solvents; anticipated use would be at levels that would result in substantial hazardous emissions or waste. Industry standards are in place to ensure no risk to workers by hazardous materials during demolition and construction. Additionally, like the project, this alternative would not impair implementation of, or physically interfere with, emergency response plans or emergency evacuation plans. This alternative would also not result in conflicts with the applicable ALUCPs.

Due to the presence of previously-removed USTs along with the existing wastewater clarifier, there is the potential for the presence of arsenic and organochlorine pesticides in soils within the project site, which is regarded a potentially significant impact associated with health and safety. Former agricultural uses on the project site that ceased over 50 years ago, there is the potential for exposure to COCs, which is regarded a potentially significant impact associated with health and safety with the project and would also be the same with this alternative. Conditions required for the project would also be required for this alternative and would mitigate these impacts to below a level of significance.

Cumulative Effects

Based on the analysis contained in Chapter 6.0 of the EIR, cumulative impacts have been evaluated for build-out of the Mission Valley Community Plan as part of the Mission Valley CPU Program EIR. Cumulative impacts at the Community Plan build-out level include development of the project site at

a greater level of intensity than this alternative. In that manner, cumulative effects from this alternative would have already been anticipated in the Mission Valley CPU Program EIR. Like the project, this alternative would not result in cumulative impacts beyond those already addressed in the CPU Program EIR. Unlike the project, the air quality impacts (operational) of the project would not be cumulatively considerable. This alternative would have a lower intensity than buildout of the site anticipated in the Mission Valley Community Plan Program EIR; therefore, this alternative would not result in additional cumulative impacts.

10.5.2.2 Evaluation of Alternative

The Reduced Development Intensity/Operational Air Quality Impact Avoidance alternative would result in avoidance of cumulatively significant air quality impacts associated with operational (vehicular) emissions. Like the project, the Reduced Development Intensity/Operational Air Quality Impact Avoidance alternative would be subject to Policy R-18 of the Riverwalk Specific Plan prohibiting residential balconies fronting I-8 to occur where exterior noise levels exceed 70 dBA CNEL, which would preclude a land use incompatibility with regards to exterior noise levels due to locating residential development proximate to the I-8 freeway. Because grading required under this alternative would not change from that proposed for the project, impacts to biological resources, historical resources, and tribal cultural resources would not change from those associated with the project. Appropriate mitigation measures would be required as with the project. Relative to health and safety, the same potential for health risks associated with contaminated soils would occur under this alternative as would with the project, and the same mitigation measures would be required to ensure that impacts are reduced to below a level of significance.

This alternative would result in an incremental decrease in energy use, GHG emission, hydrology, water quality, and public utilities, because less development intensity and density would result under this alternative. However, no significant impacts to those environmental issue area would occur with the project. This alternative would incrementally reduce the potential for impacts associated with geologic conditions and soils. However, neither the project nor this alternative would result in significant impacts associated geologic conditions. With regards to public services and facilities, development intensity under the Reduced Development Intensity – Operational Air Quality Impact Avoidance alternative would contribute less impacts to schools, parks, and libraries. Like the project, this alternative would not result in significant impacts to the public services and facilities.

The Reduced Development Intensity – Operational Air Quality Impact Avoidance alternative would meet the following project objectives:

- Create a focused long-range plan intended to promote increased residential density and employment opportunities consistent with the General Plan, Mission Valley Community Plan, San Diego River Park Master Plan, and the Climate Action Plan.

- Create a transit-accessible mixed-use development in a central, in-fill location.
- Promote multi-modal travel (pedestrian and bicycle friendly corridors) through the project site including connectivity via open space areas.
- Construct a new Green Line Trolley stop easily accessible from within Riverwalk and to adjacent surrounding residential and employment areas.
- Design a neighborhood that integrates the San Diego River through active and passive park uses, trails, resource-based and a connected open space.
- Allow for the establishment and creation of a habitat Mitigation Bank that provides long-term habitat conservation and maintenance.
- Improve the Fashion Valley Road crossing that:
 - Provides expanded storm water flow volume accommodating a 10- to 15-year storm event;
 - Improves emergency response times by facilitating north-south vehicular access in storm events; and
 - Expands active transportation circulation by providing sidewalks and a buffered two-way cycle track.
 - Modernizes flood control gate operations in the project vicinity.
- Celebrate and interpret important cultural and historic resources within the Specific Plan area.

This alternative would meet other project objectives but at a substantially reduced level, as summarized below.

- Assist the City's housing supply needs by providing a range of housing, including both market rate and deed-restricted affordable units, proximate to transit, jobs, amenities, and services.

This alternative would result in a 47 percent reduction in housing, substantially reducing the amount of much needed housing (market-rate and affordable) that could occur with the project.
- Implement the City of Villages goals and smart growth principles by creating a mixed-use neighborhood with housing, commercial, employment, and recreation opportunities along transit while restoring a key stretch of the San Diego River.

In addition to the much reduce residential development that would occur with this alternative, this alternative would also result in 30 percent less commercial retail and office and non-commercial retail uses and, thus, would not implement the City of Villages goals and smart growth principles to the extent the that project would.

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

As presented in Section 5.5, *Air Quality*, the project would result in a cumulatively significant impact associated with operational (vehicular) air emissions. Based on the size and scope of the project, there are no feasible measures for reducing air quality impacts; and impacts would remain significant and unmitigated. Additionally, as presented in Section 5.6, *Historical Resources*, the project has the potential to result in direct impacts to known cultural sites as a result of grading needed to remove soils and render the site suitable for development. By eliminating areas of development where some subsurface resources occur, impacts would be reduced. Therefore, a Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative was evaluated that reduces development intensity to a level such that significant operational air quality impacts would be avoided. Additionally, under this alternative, mixed-use development would be eliminated in areas where grading has the potential to affect significant historical resources and tribal cultural resources.

This alternative would develop the project site with a reduced development intensity that would result in: 2,200 residential units; 40,000 square feet commercial retail space; 900,000 square feet of commercial and office and non-commercial retail space and 114 acres of park, open space, and trails. This alternative would generate approximately 24,942 ADT and would result in 51 percent less residential units, 18 percent less commercial and office and non-commercial retail uses, and 17 percent more parks when compared to the project. This alternative would require application of zones that reflect the reduced development intensity and modifications to the proposed Riverwalk Specific Plan to reflect the land use intensity associated with this alternative. This alternative would result in 4,938 EDUs. As such, some off-site roadway improvements required for the project may not be required under this alternative, as less development intensity would generate less traffic. (See Table 10-2, *Development Intensity Comparison – Proposed Project and Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts Alternative*).

Table 10-2. Development Intensity Comparison – Proposed Project and Reduced Development Intensity – Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts Alternative

Land Use	Proposed Project	Reduced Development Intensity – Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts Alternative
Residential	4,300 units	2,200 units
Commercial Retail Space	152,000 square feet	40,000 square feet
Office and Non-Commercial Retail Space	1,000,000 square feet	900,000 square feet
Park, Open Space, and Trails	Approximately 97 acres	Approximately 114 acres

Future development under this alternative would have similar characteristics as the project, albeit at a reduced level, and would follow the same design guidelines and development regulations proposed by the Riverwalk Specific Plan as would the project. Grading and public street infrastructure, including improvements to Fashion Valley Road, would also remain the same as shown for the project with the following exceptions:

- Development would not occur on Lots 16 through 25 and Lots 39 and 40 (see Figure 10-1, *General Areas of Development Under the Reduced Development Intensity – Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts Alternative*) to avoid potential disturbance of Sites SDI-11767 and SDI-12220.
- Development would not occur on Lot 31 to avoid potential disturbance of Site SDI-12126.
- Extension of Riverwalk Drive beyond its current western terminus, as well as development of Street 'J1' and Street 'J2' would not occur to avoid potential disturbance of Site SDI 11767.
- Construction of the Street 'J2' vehicular tunnel under the MTS trolley tracks would not occur, to avoid potential disturbance of Site SDI 11767.
- Development on Lots 32 through 37 would not occur, as these lots would not be afforded at least two methods of ingress and egress without Riverwalk Drive and Streets 'J1' and 'J2'.

As such, no development would occur south of the trolley tracks and north of the San Diego River (i.e., all of the Central District of the Riverwalk Specific Plan). Approximately one-third of the developable area in the North District would be removed. (See Figure 10-1, *General Areas of Development Under the Reduced Development Intensity – Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts Alternative*.) Development density and intensity shown in Table 10-2 would be accommodated in the remaining portion of the North District and the South District.

10.5.3.1 Environmental Analysis

Land Use

This alternative would be generally consistent with the Mission Valley Community Plan (and its Mobility Element) with regards to improvements to Fashion Valley Road, as well as the San Diego River Park Master Plan, except as described below under Transportation and Circulation.

This alternative would be consistent with the ALUCPs for Montgomery-Gibbs Executive Airport and San Diego International Airport. Similarly, like the project, development under this alternative would also not result in land uses that are incompatible with the Montgomery Field or SDIA ALUCPs. This alternative would not, however, build-out at the level of intensity assumed for the project site in the Community Plan. Because of the much lower development intensity, this alternative would not be as transit-supportive as the project. Like the project, development under this alternative would require deviations from the Land Development Code relative to ESL regulations. Like the project, the Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative would be consistent with the City of San Diego General Plan's applicable goals and policies and the City's Climate Action Plan.

Like the project, this alternative would not result in physically dividing an established community. Like the project, implementation of the Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative would include a circulation network that connects through the project site and with the adjacent roadway network. As such, this alternative would facilitate connectivity in a similar manner as the project.

Future development under this would occur in accordance the design guidelines and development regulations proposed by the Riverwalk Specific Plan, which includes Tailored Development Standards. However, as with the project, those Tailored Development Standards would not result in a significant environmental impact.

Like the project, this alternative would not result in conflict with the City's MSCP Subarea Plan or other approved local, regional, or State habitat conservation plan. Development would be located in the same areas as the proposed project, This alternative would require compliance with Guideline B15, as would the project, and would be required to implement conditions and mitigation measures similar to the project to ensure no significant impacts to wildlife habitat and sensitive species.

Relative to the Noise Element of the General Plan, like the project, this alternative would allow for residential development proximate to the I-8 freeway. The Riverwalk Specific Plan includes Policy R-18 relative to exterior useable open space, which prohibits residential balconies from fronting I-8 in areas that exceed an exterior noise level of 70 dBA CNEL. This policy would apply to this alternative and would preclude a land use incompatibility with regards to exterior noise levels. To avoid significant interior noise, interior noise levels would be required to meet implementation of

construction techniques and materials required to meet Title 24 of the California Energy Code if noise standards are exceeded.

This alternative would not develop Riverwalk Drive to its ultimate classification per the Community Plan or Streets 'J1' and 'J2'; as such, this alternative would not be consistent with the Mission Valley Community Plan. However, major circulation element roadways would remain in place and the alternative would implement improvements to key roadways, such as Fashion Valley Road. Internal circulation would be accommodated to ensure compatibility with the existing and planned roadway network of the Mission Valley Community Plan.

This alternative would be consistent with the ALUCPs for Montgomery-Gibbs Executive Airport and San Diego International Airport. Like the project, development under this alternative would require deviations from ESL regulations. This alternative would be consistent with the policies and guidelines relative to the City's MSCP Subarea Plan.

In summary, this alternative would result in no change with regards to the analysis of land use impacts from what has been evaluated for the project.

Transportation and Circulation

This alternative would be generally consistent with the Mission Valley Community Plan (and its Mobility Element) with regards to improvements to Fashion Valley Road, as well as the San Diego River Park Master Plan, except this alternative would not develop:

- Riverwalk Drive as a two-lane Collector roadway, as the roadway would not be constructed beyond the terminus at the existing golf course clubhouse.
- Class II bike lanes along Riverwalk Drive from Fashion Valley Road to the trolley stop, as Riverwalk Drive would terminate at the existing golf course clubhouse.
- Streets 'J1' and 'J2' as two-lane Collector roadways.
- Class II bike lanes along Streets 'J1' and 'J2', as these roadways would not be constructed.

Like the project, the Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative is anticipated to also result in a less than significant impact on transportation and circulation, because the resident VMT per capita and employee VMT per employee would be at least 15 percent below the Regional VMT/Capita and Regional VMT/Employee, respectively. Like the project, this alternative would implement pedestrian, bicycle, and transit plans that would be consistent with adopted alternative transportation mode plans and policies. Additionally, this alternative would not result in increased traffic hazards due to circulation network design, and would improve access by way of improvements to Fashion Valley Road. Like the project, transportation and circulation impacts would be less than significant.

Visual Effects and Neighborhood Character

This alternative would result in the same scale and intensity of development, and would occur in the same areas as the project except where development would be eliminated in areas to avoid impacts to cultural resources as previously described. A greater portion of the project site would not be developed with urban uses. Instead, development under this alternative would occur along Friars Road, broken up by a greater amount of open area, and then a smaller area of development area along Fashion Valley Road and at Hotel Circle North / Fashion Valley Road. While development under this alternative would appear visually different than what would occur with the project, like the project, this alternative would not create a negative aesthetic on the site. Development would occur in accordance with the Riverwalk Specific Plan, like the project, to ensure compatibility with the bulk, scale, materials, and style of the surrounding development. Thus, neither the project or this alternative would not result in a substantial alteration to the existing or planned character of the area. By adhering to required regulations, the project would not create substantial light or glare that would adversely affect daytime or nighttime views in the area. Like the project, this alternative would not result in significant impacts with regard to visual effects and neighborhood character.

Biological Resources

The Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative would construct the Fashion Valley Road improvements, as with the project. As such, significant direct impacts would occur to wetland/riparian vegetation communities. Less grading would not occur under this alternative, which would reduce the indirect impacts to sensitive bird species during project construction. Nonetheless, this alternative would require implementation of mitigation measures as presented in Section 5.4, *Biological Resources*, to reduce potential impacts to below a level of significance.

Air Quality

Operational air quality impacts associated with this alternative would be avoided, as development intensity would be reduced to a level such that vehicular emissions would be below significance thresholds. Additionally, because less development would occur, there would be a reduction in construction emissions. Thus, this alternative would result in less air quality impacts when compared to the project.

Historical Resources

The Reduced Development Intensity, Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative would avoid potential impacts to three significant archaeological sites and a data recovery program would not be required. While mitigation measures required for the project would reduce impacts to below a level of significance for all cultural resources, this alternative would avoid disturbance to Sites SDI-11767, SDI-12220, and SDI-12126, resulting in reduced impacts to cultural resources.

Energy

Energy consumption under this alternative would be incrementally reduced with the decrease in development intensity. However, like the project, no adverse effects on non-renewable resources are anticipated. This alternative would comply with UBC and Title 24 requirements for energy efficiency and would incorporate sustainable design features directed at reducing energy consumption. Impacts would be less than significant, as would the project. Like the project, the Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources would not result in significant impacts with regard to energy.

Noise

Like the project, temporary construction impacts to sensitive bird species would also occur, and implementation of mitigation measures as required for the project would reduce impacts to below a level of significance. However, because less development would occur under this alternative, impacts would be reduced. Additionally, depending on the size and location of ground-level HVAC units, and increase in ambient conditions may cause a significant impact that would require mitigation like that required for the project. This alternative would construct the Riverwalk River Park in the same manner as the project, and noise from performances at the proposed amphitheater within the Riverwalk River Park could result in significant noise impacts to sensitive wildlife species within the San Diego River corridor requiring mitigation as is required for the project to reduce impacts to below a level of significance. Like the project, noise associated with this alternative would not have an adverse impact on existing noise levels at neighboring sensitive properties.

Greenhouse Gas Emissions

This alternative would result in less development intensity and, therefore, would generate less GHG emissions than the project. Like the project, the Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts would not conflict with the CAP or any other applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases. Impacts would, therefore, be less than significant. Like the project, this alternative would not result in significant GHG emissions.

Tribal Cultural Resources

This alternative would avoid disturbance to Sites SDI-11767, SDI-12220, and SDI-12126, resulting in fewer potential impacts to tribal cultural resources. The Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts would avoid potential impacts to these sites, and data recovery would not be required. Nonetheless, this alternative would require mitigation measure, comprised of monitoring during ground-disturbing activities, which would reduce impacts to tribal cultural resources to below a level of significance.

Geologic Conditions

Like the project, this alternative would involve development disturbance, albeit to a lesser degree. Similar to the project, this alternative would be required to implement standard grading and construction practices to ensure an acceptable level of risk. Geologic and soil impacts under this alternative would be avoided or reduced to below a level of significance through implementation of applicable design measures and geotechnical recommendations, as well as conformance with applicable regulatory/industry standard. Similar to the project, this alternative would not expose people or property to potentially substantial effects including the risk of life, injury, or death due to hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazard. Comparable to the project, impacts would be less than significant. Like the project, geologic and soil impacts under this alternative would be avoided or reduced to below a level of significance through implementation of applicable design measures and geotechnical recommendations, as well as conformance with applicable regulatory/industry standard.

Hydrology

Like the project, the Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative would result in an increase in impervious surfaces from what exists currently, albeit less than the project due to the reduced development area. Also like the project, this alternative would not result in an increase in runoff because the alternative would be required to construct storm drain systems to handle project runoff consistent with City storm water regulations. No significant impacts associated with drainage and runoff would result. This alternative would not result in flood hazards to the project site or impose flood hazards on other properties, because habitable structures would be elevated in those portions of the project site in the 100-year floodplain. This alternative would not increase the water surface elevation downstream of the site, within the site, or upstream of the site. This alternative would result in greater pervious surfaces than the project, as no development would occur south of the trolley tracks (i.e., all of the Central District of the Riverwalk Specific Plan). Approximately one-third of the developable area in the North District would be removed. Thus, impacts under this alternative associated with hydrology would be less than those that are anticipated with the project (due to the diminished increase in impervious surfaces) and, like the project, would not be significant.

Public Utilities

Because this alternative would result in less development intensity and less development area, less impact to water infrastructure and wastewater infrastructure would occur. Like the project, impacts would not be significant. Like the project, this alternative would generate solid waste during the grading, construction, and operational phases; however, solid waste generation would be less due to less development intensity. Like the project, strategies outlined in a project-specific WMP through conditions of approval, as well as compliance with applicable City regulations related to solid waste, would be required to ensure impacts would be less than significant. Like the project, this alternative would incorporate water sustainable design features, techniques, and materials that would reduce

water consumption to below a level of significance. Additionally, this alternative would include landscaping consisting of native and drought-tolerant species consistent with the Landscape Regulations, resulting in an impact that would be less than significant as with the project.

Water Quality

The Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative would result in less generation of urban pollutants that could affect sensitive water bodies, like the San Diego River, than the project due to an overall reduction in development area and intensity. Like the project, the Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative is not expected to substantially affect the quality of storm water runoff leaving this site compared to existing conditions. No short-term and long-term effects on local and regional water quality would result from implementation of this alternative. Like the project, this alternative would be required to implement BMPs as required by City regulations, which would preclude significant potential impacts to water quality.

Public Services and Facilities

Development intensity under the Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative would result in a decrease in residential units, and a reduction in commercial and office space. Impacts to public services and facilities would be less with regards to police protection and fire/life safety protection as the project. This alternative would also result in less demand for public services such as schools, parks, and libraries, than the project, as this alternative would generate less people than would the project (4,092 residents under this alternative compared to 7,998 with the project, based on a generation rate of 1.86 persons per household). This alternative would create approximately 17 percent more park space than the project, which would further reduce the Mission Valley Community Plan identified deficit of park space for Mission Valley. Like the project, this alternative would not result in significant impacts to the public services and facilities.

Health and Safety

Like the project, the Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative would not result in excessive use of hazardous materials, such as cleaning solvents; anticipated use would be at levels that would result in substantial hazardous emissions or waste. Industry standards are in place to ensure no risk to workers by hazardous materials during demolition and construction. Additionally, like the project, this alternative would not impair implementation of, or physically interfere with, emergency response plans or emergency evacuation plans. This alternative would also not result in conflicts with the applicable ALUCPs. Due to the presence of previously-removed USTs along with the existing wastewater clarifier, there is the potential for the presence of arsenic and organochlorine pesticides in soils within the project site, which is regarded a potentially significant impact associated with

health and safety. Former agricultural uses on the project site that ceased over 50 years ago, there is the potential for exposure to COCs, which is regarded a potentially significant impact associated with health and safety with the project and would also be the same with this alternative. Conditions required for the project would also be required for this alternative and would mitigate these impacts to below a level of significance.

Cumulative Effects

Based on the analysis contained in Chapter 6.0 of the EIR, cumulative impacts have been evaluated for build-out of the Mission Valley Community Plan as part of the Mission Valley CPU Program EIR. Cumulative impacts at the Community Plan build-out level include development of the project site at a greater level of intensity than this alternative. In that manner, cumulative effects from this alternative would have already been anticipated in the Mission Valley CPU Program EIR. Like the project, this alternative would not result in cumulative impacts beyond those already addressed in the CPU Program EIR. Unlike the project, the air quality impacts (operational) of the project would not be cumulatively considerable. This alternative would have a lower intensity than buildout of the site anticipated in the Mission Valley CPU Program EIR; therefore this alternative would not result in additional cumulative impacts.

10.5.3.2 Evaluation of Alternative

The Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative would result in avoidance of cumulatively significant air quality impacts associated with operational (vehicular) emissions and would lessen impacts relative to historic resources and tribal cultural resources. The intensity of development under this alternative would be reduced to a level where operational air quality emissions standards are not exceeded, and development in areas of three significant cultural sites would be eliminated.

Like the project, the Reduced Development Intensity/Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative has the potential to result in land use compatibility conflicts due to locating sensitive receptors (i.e., residential development) proximate to the I-8 freeway) and would be subject to Policy R-18 of the Riverwalk Specific Plan prohibiting residential balconies fronting I-8 to occur where exterior noise levels exceed 70 dBA CNEL, which would preclude a land use incompatibility with regards to exterior noise levels.

Grading required under this alternative for Fashion Valley Road would not change from that proposed for the project; impacts to biological resources would not change from those associated with the project. Appropriate mitigation measures would be required as with the project. Additionally, grading for areas where development occurs under this alternative would have the potential to result in significant indirect noise impacts to sensitive biological resources, as would the project. However, due to a reduction in development areas, those impacts would be less.

Relative to health and safety, the same potential for health risks associated with contaminated soils would occur under this alternative as would with the project, and the same mitigation measures would be required to ensure that impacts are reduced to below a level of significance. Like the project, this alternative would not result in impacts associated with energy, GHG emissions, geologic conditions, hydrology, water quality, and public utilities.

With regards to public services and facilities, development intensity under the Reduced Development Intensity – Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative would contribute less impacts to schools, parks, and libraries. But, like the project, this alternative would not result in significant impacts to the public services and facilities.

The Reduced Development Intensity – Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts alternative would meet the following project objectives:

- Create a focused long-range plan intended to promote increased residential density and employment opportunities consistent with the General Plan, Mission Valley Community Plan, San Diego River Park Master Plan, and the Climate Action Plan.
- Design a neighborhood that integrates the San Diego River through active and passive park uses, trails, resource-based and a connected open space.
- Allow for the establishment and creation of a habitat Mitigation Bank that provides long-term habitat conservation and maintenance.
- Improve the Fashion Valley Road crossing that:
 - Provides expanded storm water flow volume accommodating a 10- to 15-year storm even;
 - Improves emergency response times by facilitating north-south vehicular access in storm events; and
 - Expands active transportation circulation by providing sidewalks and a buffered two-way cycle track.
 - Modernizes flood control gate operations in the project vicinity.
- Celebrate and interpret important cultural and historic resources within the Specific Plan area.

This alternative would meet other project objectives but at a substantially reduced level, as summarized below.

- Assist the City's housing supply needs by providing a range of housing, including both market rate and deed-restricted affordable units, proximate to transit, jobs, amenities, and services.
- Create a transit-accessible mixed-use development in a central, in-fill location.

This alternative would result in a 48 percent reduction in housing, substantially reducing the amount of much needed housing (market-rate and affordable) and the amount of housing immediately proximate and access to transit that could occur with the project. Further, development on lots immediately adjacent to the trolley stop would not occur, eliminating the mixed-use density proposed around the transit station.

- Implement the City of Villages goals and smart growth principles by creating a mixed-use neighborhood with housing, commercial, employment, and recreation opportunities along transit while restoring a key stretch of the San Diego River.

In addition to the much reduced residential development that would occur with this alternative, this alternative would also result in 18 percent less commercial retail and office and non-commercial retail uses and, thus, would not implement the City of Villages goals and smart growth principles to the extent the that project would.

- Promote multi-modal travel (pedestrian and bicycle friendly corridors) through the project site through on-site trails, paths, and sidewalks that connect to internal and adjacent amenities and services throughout Mission Valley.

While multi-modal travel could occur under this alternative, development intensity would be reduced, would occur in a disconnected and less efficient manner, and would not promote multi-modal accessibility to the extent of the project.

- Construct a new Green Line Trolley stop easily accessible from within Riverwalk and to adjacent surrounding residential and employment areas.

Because less development intensity would occur under this alternative, particularly immediately adjacent to the transit stop, the potential transit ridership and use of a new transit stop would be reduced.

10.6 Environmentally Superior Alternative

The environmental analysis of alternatives presented above is summarized in Table 10-3, *Comparison of Alternatives to Project*. CEQA requires that the EIR identify the environmentally superior alternative among all of the alternatives considered, including the project. If the No Project alternative is selected as environmentally superior, then the EIR shall also identify an environmentally superior alternative among the other alternatives. Based on the comparison of the overall environmental impacts for the described alternatives, the No Project/No Build alternative is identified as the environmentally superior alternative. The No Project/No Build alternative would not result in any of the environmental effects associated with the project and would avoid all significant impacts. The No Project/No Build alternative would not meet any objectives of the project.

Of the remaining alternatives, the Environmentally Superior Alternative is the Reduced Development Intensity – Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural

10.0 PROJECT ALTERNATIVES

Resources Impacts alternative as it could reduce or avoid the significant environmental effects associated with the project. More specifically, cumulatively significant operational air quality impacts and reduced impacts to historical resources and tribal cultural resources when compared to the project while meeting the project objectives, but to a lesser extent as compared to the project.

Table 10-3. Comparison of Alternatives to Project

Environmental Issue Area	Project	Alternative 1 No Project/No Build	Alternative 2 Reduced Intensity Development – Operational Air Quality Impact Avoidance	Alternative 3 Reduced Intensity Development – Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts
Land Use	Less than significant impact to plans and policies. Secondary impacts relative to increased noise levels during construction on sensitive biological resources.	Greater level of impact than project. Would not implement goals and policies of the San Diego River Park Master Plan. Would not provide for improvements to Fashion Valley Road as envisioned in the Mission Valley Community Plan. Would not fulfill the long-standing long-range planning goals for the community, the City, and the region.	Same as project (i.e., less than significant).	Same as project (i.e., less than significant).
Transportation and Circulation	Less than significant impact.	No new development; therefore, no impacts.	Same as project (i.e., less than significant).	Same as project (i.e., less than significant).
Visual Effects and Neighborhood Character	Less than significant impact.	No new development; therefore, no impacts.	Same as project (i.e., less than significant).	Same as project (i.e., less than significant).
Biological Resources	Significant direct impacts on wetland/riparian vegetation communities. Significant indirect impacts on sensitive avian species due to increased noise levels during construction.	No new development; therefore, no impacts. Would not improve the ecology of the San Diego River.	Same as project. Would require same mitigation.	Same as project. Would require same mitigation.

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Environmental Issue Area	Project	Alternative 1 No Project/No Build	Alternative 2 Reduced Intensity Development – Operational Air Quality Impact Avoidance	Alternative 3 Reduced Intensity Development – Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts
Air Quality	Cumulatively significant operational impacts.	No new development; therefore, no impacts.	Lesser level of impact than project. Would avoid cumulatively significant operational impacts.	Lesser level of impact than project. Would avoid cumulatively significant operational impacts.
Historical Resources	Potential to impacts subsurface cultural resources.	No new development; therefore, no impacts.	Same as project. Would require same mitigation.	Lesser level of impact than project. Would avoid impacts to three potentially significant archaeological sites. Would require same mitigation for potential impacts.
Energy	Less than significant impact.	Same as project (i.e., less than significant).	Same as project (i.e., less than significant).	Same as project (i.e., less than significant).
Noise	Significant temporary noise impacts to sensitive avian species during construction. Significant increase in ambient noise levels due to HVAC units, depending on location. Significant impact due to performances at Riverwalk River Park amphitheater.	No new development; therefore, no impacts.	Same as project. Would require same mitigation.	Same as project. Would require same mitigation.
Greenhouse Gas Emissions	Less than significant impact.	No new development; therefore, no impacts.	Same as project (i.e., less than significant).	Same as project (i.e., less than significant).

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Environmental Issue Area	Project	Alternative 1 No Project/No Build	Alternative 2 Reduced Intensity Development – Operational Air Quality Impact Avoidance	Alternative 3 Reduced Intensity Development – Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts
Tribal Cultural Resources	Potential to impacts subsurface cultural resources.	No new development; therefore, no impacts.	Same as project. Would require same mitigation.	Lesser level of impact than project. Would avoid impacts to three potentially significant archaeological sites. Would require same mitigation for potential impacts.
Geologic Conditions	Less than significant impact.	No new development; therefore, no impacts.	Same as project (i.e., less than significant).	Same as project (i.e., less than significant).
Hydrology	Less than significant impact.	No new development; therefore, no impacts. However, would not result in any improvements to hydrologic conditions, including flooding during major storm events.	Same as project (i.e., less than significant).	Same as project (i.e., less than significant). Would result in less impervious area than project.
Public Utilities	Less than significant impact.	No new development; therefore, no impacts.	Same as project (i.e., less than significant).	Same as project (i.e., less than significant).
Water Quality	Less than significant impact.	No new development; therefore, no impacts.	Same as project (i.e., less than significant).	Same as project (i.e., less than significant).
Public Services and Facilities	Less than significant impact.	No new development; therefore, no impacts.	Same as project (i.e., less than significant).	Same as project (i.e., less than significant).
Health and Safety	Potential for the presence of arsenic and organochlorine pesticides in soils within the project site. Potential for exposure to COCs due to former agricultural uses on the project site.	No new development; therefore, no impacts. However, would not result in any improvements to hydrologic conditions, including flooding during major storm events. Therefore, no improvement to emergency response times.	Same as project. Would require same mitigation.	Same as project (i.e., less than significant).

10.0 PROJECT ALTERNATIVES

Environmental Issue Area	Project	Alternative 1 No Project/No Build	Alternative 2 Reduced Intensity Development – Operational Air Quality Impact Avoidance	Alternative 3 Reduced Intensity Development – Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts
Cumulative Effects	Cumulative impacts evaluated for build-out of the Mission Valley Community Plan as part of the Mission Valley CPU Program EIR. No significant unmitigated cumulative impacts, except impacts associated with air quality.	No new development; therefore, no impacts.	No new impacts. Lesser level of impact than project. Would avoid cumulatively significant operational air emissions.	No new impacts. Lesser level of impact than project. Would avoid cumulatively significant operational air emissions.



Figure 10-1. General Areas of Development Under the Reduced Development Intensity – Operational Air Quality Impact Avoidance and Minimized Historical/Tribal Cultural Resources Impacts Alternative

11.0 MITIGATION MONITORING AND REPORTING PROGRAM

CEQA, Section 21081.6, requires that a mitigation monitoring and reporting program (MMRP) be adopted upon certification of an EIR to ensure that the mitigation measures are implemented. The mitigation monitoring and reporting program specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The EIR, incorporated herein as referenced, focuses on issues determined to be potentially significant by the City of San Diego. The issues addressed in the EIR include land use, transportation/circulation, visual effects and neighborhood character, biological resources, air quality, historical resources, energy, noise, greenhouse gas emissions, tribal cultural resources, geologic conditions, hydrology, public utilities, water quality, public services and facilities, and health and safety.

PRC section 21081.6 requires the monitoring of measures proposed to mitigate significant environmental effects. Issues related to biological resources, historical resources, noise, and tribal cultural resources, were determined to be potentially significant and require mitigation as described in this EIR. All impacts associated with these issue areas would be fully mitigated to below a level of significance with implementation of mitigation measures. Cumulative air quality impacts would remain significant and unmitigable.

The Mitigation Monitoring and Reporting Program (MMRP) for the project is under the jurisdiction of San Diego and other agencies as specified below. The MMRP for the project addresses only the issue areas identified above as potentially significant. The following is an overview of the mitigation monitoring and reporting program to be completed for the project.

11.1 Monitoring Activities

Monitoring activities would be accomplished by individuals identified in the *Document Submittal/ Inspection Checklist* table, below. Specific consultant qualifications will be determined by the City of San Diego.

11.2 Mitigation Measures

GENERAL REQUIREMENTS – PART I Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD)

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Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE-CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from the MITIGATION MONITORING COORDINATOR (MMC). Attendees must also include the Permit Holder's Representative(s), Job Site Superintendent and the following consultants:
Qualified Acoustician, Archaeologist(s), Native American Monitor(s), and Biologist(s)

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**

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b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant t is also required to call **RE and MMC at 858-627-3360**.

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 581984 and/or Environmental Document Number 581984, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency:
- *California Department of Fish and Wildlife: California Fish and Game Code Section 1602 Streambed Alteration Agreement*
 - *Federal Emergency Management Agency: Conditional Letter of Map Revision*
 - *Regional Water Quality Control Board: National Pollutant Discharge Elimination System General Construction Permit, Clean Water Act Section 401 Waiver/ Certification*
 - *U.S. Army Corps of Engineers: Clean Water Act Section 404 Authorization*
 - *PUC Approval of the Formal Application*
4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11"x17" reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

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Note: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Land Use (MSCP)	Land Use Adjacency Issues CVSRs	Land Use Adjacency Issue Site Observations
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Biology Reports	Biology/Habitat Restoration Inspection
Paleontology	Paleontology Reports	Paleontology Site Observation
Archaeology	ADRP Reports and Archaeology Reports	ADRP/Archaeology/Historic Site Observation
Noise	Acoustical Reports	Noise Mitigation Features Inspection
Traffic	Traffic Reports	Traffic Features Site Observation
Tribal Cultural Resources	Native Plant Palette, Interpretative Signage Plan, Street Sign Plan, ADRP Reports, and Archaeology Reports	Native Plant Palette, Interpretative Signage Plan, Street Sign Plan, ADRP Reports, and Archaeology Reports
Waste Management	Waste Management Reports	Waste Management Inspections
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

Biological Resources

MM 5.4-1: Biological Resources (Protection During Construction)

Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, or beginning any construction-related activity on-site, but prior to the first preconstruction, for lots south of the MTS Trolley Tracks (Lots 32-40, 43-

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52, TT, UU, VV, WW, XX, YY, ZZ, AAA, BBB, CCC, DDD, or EEE as shown on VTM 2213361) the Development Services Department (DSD) Environmental Designee (ED) shall review and approve all construction documents (plans, specifications, details, etc.) to ensure the MMRP requirements are incorporated.

I. Prior to Construction

- A. **Biologist Verification:** The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2018), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Preconstruction Meeting:** The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. **Biological Documents:** The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- D. **BCME:** The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. **Avian Protection Requirements:** To avoid any direct impacts to the Clark's marsh wren, Cooper's hawk, double-crested cormorant, yellow warbler, yellow breasted chat, western bluebird, least Bell's vireo, southwestern willow flycatcher, and the light-footed Ridgway's rail, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding

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season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If nesting Clark's marsh wren, Cooper's hawk, double-crested cormorant, yellow warbler, yellow breasted chat, western bluebird, least Bell's vireo, southwestern willow flycatcher, and the light-footed Ridgway's rail are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.

- F. **Resource Delineation:** Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- G. **Education:** Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

II. During Construction

- A. **Monitoring:** All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR shall be e-mailed to MMC on the 1st day of monitoring, the 1st

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week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

- B. **Subsequent Resource Identification:** The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc). If active nests of the Clark's marsh wren, Cooper's hawk, double-crested cormorant, yellow warbler, yellow breasted chat, western bluebird, least Bell's vireo, southwestern willow flycatcher, and the light-footed Ridgway's rail or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction Measures

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

MM 5.4-2: Biological Resources Wetlands

Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting for public improvements or impacts associated with the construction of Fashion Valley Road between Riverwalk Drive and Hotel Circle North., the Owner/Permittee shall mitigate for City wetland/riparian vegetation impacts to 0.64-acre (0.01 acre of coastal and valley freshwater marsh, 0.57 acre of southern cottonwood-willow riparian forest) and 0.06-acre of open water. Mitigation for impacts to City jurisdictional wetlands shall occur at a 3:1 mitigation-to-impact ratio in accordance with Table 2a of the City's Biology Guidelines. Accordingly, mitigation for City wetland/riparian impacts shall include a 1:1 creation component to ensure no net loss of wetlands and a 2:1 restoration/enhancement component. The Owner/Permittee shall provide 1.92 acres of habitat and shall be achieved on-site via the following, as detailed in the *Riverwalk Project Wetland Mitigation Plan* (Alden Environmental, Inc. February 19, 2020):

- Creation of 0.21-acre of freshwater marsh riparian and 0.57-acre of southern cottonwood-willow riparian forest
- Enhancement of 1.14-acres of southern cottonwood-willow riparian forest

Biological Resources Other Resources Agency Permits

Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting for public improvements or impacts associated with the construction of Fashion Valley Road

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between Riverwalk Drive and Hotel Circle North, the Owner/Permittee shall provide evidence of the following permits: a 404 permit from U.S. Army Corps of Engineers, 401 Certification from Regional Water Quality Control Board, and a 1602 streambed alteration agreement from the California Department of Fish and Wildlife. Evidence shall include copies of permit(s) issued, letter of resolution(s) by the responsible agency documenting compliance, or other evidence documenting compliance deemed acceptable by MSCP, DSD, and MMC.

MM 5.4-3: Biological Resources (Revegetation Plan)

Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting for public improvements or impacts associated with the construction of Fashion Valley Road between Riverwalk Drive and Hotel Circle North, the Assistant Deputy Director (ADD) environmental designee of the City's Land Development Review Division (LDR) shall verify that the following statements are shown verbatim on the grading and/or construction plans as a note under the heading *Environmental Requirements*: "Riverwalk Specific Plan" is subject to Mitigation, Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in the "Environmental Impact Report PTS. No. 581984 / SCH No. 2018041028."

Prior to Permit Issuance

- A. Land Development Review (LDR) Plan Check
 - 1. Prior to issuance for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, whichever is applicable, the ADD environmental designee shall verify that the requirements for the revegetation/restoration plans and specifications, including mitigation of direct impacts to City wetland/riparian vegetation impacts to 0.64-acre (0.01 acre of coastal and valley freshwater marsh, 0.57 acre of southern cottonwood-willow riparian forest) and 0.06-acre of open water, and the remaining restoration revegetation onsite subjected to MSCP B15 requirements shall be shown and noted on the appropriate landscape construction documents. The landscape construction documents and specifications must be found to be in conformance with the *Habitat Restoration Plan*, prepared by Alden Environmental, Inc., February 19, 2020, the requirements of which are summarized below:
- B. Revegetation/Restoration Plan(s) and Specifications
 - 1. Landscape Construction Documents (LCD) shall be prepared on D-sheets and submitted to the City of San Diego Development Services Department, Landscape Architecture Section (LAS) for review and approval. LAS shall consult with Mitigation Monitoring Coordination (MMC) and obtain concurrence prior to approval of LCD. The LCD shall consist of revegetation/restoration, planting, irrigation and erosion control plans; including all required graphics, notes, details, specifications, letters, and reports as outlined below.

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2. Landscape Revegetation/Restoration Planting and Irrigation Plans shall be prepared in accordance with the San Diego Land Development Code (LDC) Chapter 14, Article 2, Division 4, the LDC Landscape Standards submittal requirements, and Attachment "B" (General Outline for Revegetation/Restoration Plans) of the City of San Diego's LDC Biology Guidelines (2018). The Principal Qualified Biologist (PQB) shall identify and adequately document all pertinent information concerning the revegetation/restoration goals and requirements, such as but not limited to, plant/seed palettes, timing of installation, plant installation specifications, method of watering, protection of adjacent habitat, erosion and sediment control, performance/success criteria, inspection schedule by City staff, document submittals, reporting schedule, etc. The LCD shall also include comprehensive graphics and notes addressing the ongoing maintenance requirements (after final acceptance by the City).
3. The Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Construction Manager (CM) and Grading Contractor (GC), where applicable shall be responsible to insure that for all grading and contouring, clearing and grubbing, installation of plant materials, and any necessary maintenance activities or remedial actions required during installation and the 120-day plant establishment period are done per approved LCD. The following procedures at a minimum, but not limited to, shall be performed:
 - a. The RMC shall be responsible for the maintenance of the wetland/riparian mitigation area for a minimum period of 120-days. Maintenance visits shall be conducted on a weekly basis throughout the plant establishment period.
 - b. At the end of the 120-day period the PQB shall review the mitigation area to assess the completion of the short-term plant establishment period and submit a report for approval by MMC.
 - c. MMC will provide approval in writing to begin the five-year long-term establishment/maintenance and monitoring program.
 - d. Existing indigenous/native species shall not be pruned, thinned or cleared in the revegetation/mitigation area.
 - e. The revegetation site shall not be fertilized.
 - f. The RIC is responsible for reseeding (if applicable) if weeds are not removed, within one week of written recommendation by the PQB.
 - g. Weed control measures shall include the following: (1) hand removal, (2) cutting, with power equipment, and (3) chemical control. Hand removal of weeds is the most desirable method of control and will be used wherever possible.
 - h. Damaged areas shall be repaired immediately by the RIC/RMC. Insect infestations, plant diseases, herbivory, and other pest problems will be closely monitored throughout the five-year maintenance period. Protective mechanisms such as metal wire netting shall be used as necessary. Diseased and infected plants shall be immediately disposed of off-site in a legally acceptable manner at the discretion of the PQB or Qualified Biological Monitor (QBM) (City

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approved). Where possible, biological controls will be used instead of pesticides and herbicides.

4. If a Brush Management Program is required the revegetation/restoration plan shall show the dimensions of each brush management zone and notes shall be provided describing the restrictions on planting and maintenance and identify that the area is impact neutral and shall not be used for habitat mitigation/credit purposes.
- C. Letters of Qualification Have Been Submitted to ADD
1. The applicant shall submit, for approval, a letter verifying the qualifications of the biological professional to MMC. This letter shall identify the PQB, Principal Restoration Specialist (PRS), and QBM, where applicable, and the names of all other persons involved in the implementation of the revegetation/restoration plan and biological monitoring program, as they are defined in the City of San Diego Biological Review References. Resumes and the biology worksheet should be updated annually.
 2. MMC will provide a letter to the applicant confirming the qualifications of the PQB/PRS/QBM and all City Approved persons involved in the revegetation/restoration plan and biological monitoring of the project.
 3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the revegetation/restoration plan and biological monitoring of the project.
 4. PBQ must also submit evidence to MMC that the PQB/QBM has completed Storm Water Pollution Prevention Program (SWPPP) training.

Prior to Start of Construction

- A. PQB/PRS Shall Attend Preconstruction (Precon) Meetings
1. Prior to beginning any work that requires monitoring:
 - a. The owner/permittee or their authorized representative shall arrange and perform a Precon Meeting that shall include the PQB or PRS, Construction Manager (CM) and/or Grading Contractor (GC), Landscape Architect (LA), Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC.
 - b. The PQB shall also attend any other grading/excavation related Precon Meetings to make comments and/or suggestions concerning the revegetation/restoration plan(s) and specifications with the RIC, CM and/or GC.
 - c. If the PQB is unable to attend the Precon Meeting, the owner shall schedule a focused Precon Meeting with MMC, PQB/PRS, CM, BI, LA, RIC, RMC, RE and/or BI, if appropriate, prior to the start of any work associated with the revegetation/restoration phase of the project, including site grading preparation.
 2. Where Revegetation/Restoration Work Will Occur
 - a. Prior to the start of any work, the PQB/PRS shall also submit a revegetation/restoration monitoring exhibit (RRME) based on the appropriate

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- reduced LCD (reduced to 11"x 17" format) to MMC, and the RE, identifying the areas to be revegetated/restored including the delineation of the limits of any disturbance/grading and any excavation.
- b. PQB shall coordinate with the construction superintendent to identify appropriate Best Management Practices (BMP) on the RRME.
 3. When Biological Monitoring Will Occur
 - a. Prior to the start of any work, the PQB/PRS shall also submit a monitoring procedures schedule to MMC and the RE indicating when and where biological monitoring and related activities will occur.
 4. PQB Shall Contact MMC to Request Modification
 - a. The PQB may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the revegetation/restoration plans and specifications. This request shall be based on relevant information (such as other sensitive species not listed by federal and/or state agencies and/or not covered by the MSCP and to which any impacts may be considered significant under CEQA) which may reduce or increase the potential for biological resources to be present.

During Construction

- A. PQB or QBM Present During Construction/Grading/Planting
 1. The PQB or QBM shall be present full-time during construction activities including but not limited to, site preparation, cleaning, grading, excavation, landscape establishment in association with demolition and construction of Fashion Valley Road improvements which would result in impacts to sensitive biological resources as identified in the LCD and on the RRME. **The RIC and/or QBM are responsible for notifying the PQB/PRS of changes to any approved construction plans, procedures, and/or activities. The PQB/PRS is responsible to notify the CM, LA, RE, BI and MMC of the changes.**
 2. The PQB or QBM shall document field activity via the Consultant Site Visit Record Forms (CSVr). The CSVr's shall be faxed by the CM the first day of monitoring, the last day of monitoring, monthly, and in the event that there is a deviation from conditions identified within the LCD and/or biological monitoring program. The RE shall forward copies to MMC.
 3. The PQB or QBM shall be responsible for maintaining and submitting the CSVr at the time that CM responsibilities end (i.e., upon the completion of construction activity other than that of associated with biology).
 4. All construction activities (including staging areas) shall be restricted to the development areas as shown on the LCD. The PQB/PRS or QBM staff shall monitor construction activities as needed, with MMC concurrence on method and schedule. This is to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved LCD.

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5. The PQB or QBM shall supervise the placement of orange construction fencing or City approved equivalent, along the limits of potential disturbance adjacent to (or at the edge of) all sensitive habitats including southern cottonwood-willow riparian forest, southern willow scrub, coastal and valley freshwater marsh, emergent wetland, and open water: Clark's marsh wren, Cooper's hawk, double-crested cormorant, yellow warbler, yellow breasted chat, western bluebird, least Bell's vireo, southwestern willow flycatcher, and the light-footed Ridgway's, as shown on the approved LCD.
 6. The PBQ shall provide a letter to MMC that limits of potential disturbance has been surveyed, staked and that the construction fencing is installed properly.
 7. The PQB or QBM shall oversee implementation of BMP, such as gravel bags, straw logs, silt fences or equivalent erosion control measures, as needed to ensure prevention of any significant sediment transport. In addition, the PQB/QBM shall be responsible to verify the removal of all temporary construction BMP upon completion of construction activities. Removal of temporary construction BMP shall be verified in writing on the final construction phase CSV.
 8. PQB shall verify in writing on the CSV's that no trash stockpiling or oil dumping, fueling of equipment, storage of hazardous wastes or construction equipment/material, parking or other construction related activities shall occur adjacent to sensitive habitat. These activities shall occur only within the designated staging area located outside the area defined as biological sensitive area.
 9. The long-term establishment inspection and reporting schedule per LCD must all be approved by MMC prior to the issuance of the Notice of Completion (NOC) or any bond release.
- B. Disturbance/Discovery Notification Process
1. If unauthorized disturbances occur or sensitive biological resources are discovered that were not previously identified on the LCD and/or RRME, the PQB or QBM shall direct the contractor to temporarily divert construction in the area of disturbance or discovery and immediately notify the RE or BI, as appropriate.
 2. The PQB shall also immediately notify MMC by telephone of the disturbance and report the nature and extent of the disturbance and recommend the method of additional protection, such as fencing and appropriate Best Management Practices (BMP). After obtaining concurrence with MMC and the RE, PQB and CM shall install the approved protection and agreement on BMP.
 3. The PQB shall also submit written documentation of the disturbance to MMC within 24 hours by fax or email with photos of the resource in context (e.g., show adjacent vegetation).
- C. Determination of Significance
1. The PQB shall evaluate the significance of disturbance and/or discovered biological resource and provide a detailed analysis and recommendation in a letter report with the appropriate photo documentation to MMC to obtain concurrence and formulate a plan of action which can include fines, fees, and supplemental mitigation costs.

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2. MMC shall review this letter report and provide the RE with MMC's recommendations and procedures.

Post Construction

A. Mitigation Monitoring and Reporting Period

1. Five-Year Mitigation Establishment/Maintenance Period

- a. The RMC shall be retained to complete maintenance monitoring activities throughout the five-year mitigation monitoring period.
- b. Maintenance visits will be conducted twice per month for the first six months, once per month for the remainder of the first year, and quarterly thereafter.
- c. Maintenance activities will include all items described in the LCD.
- d. Plant replacement will be conducted as recommended by the PQB (note: plants shall be increased in container size relative to the time of initial installation or establishment or maintenance period may be extended to the satisfaction of MMC).

2. Five-Year Biological Monitoring

- a. All biological monitoring and reporting shall be conducted by a PQB or QBM, as appropriate, consistent with the LCD.
- b. Monitoring shall involve both qualitative horticultural monitoring and quantitative monitoring (i.e., performance/success criteria). Horticultural monitoring shall focus on soil conditions (e.g., moisture and fertility), container plant health, seed germination rates, presence of native and non-native (e.g., invasive exotic) species, any significant disease or pest problems, irrigation repair and scheduling, trash removal, illegal trespass, and any erosion problems.
- c. After plant installation is complete, qualitative monitoring surveys will occur monthly during year one and quarterly during years two through five.
- d. Upon the completion of the 120-days short-term plant establishment period, quantitative monitoring surveys shall be conducted at 0, 6, 12, 24, 36, 48 and 60 months by the PQB or QBM. The revegetation/restoration effort shall be quantitatively evaluated once per year (in spring) during years three through five, to determine compliance with the performance standards identified on the LCD. All plant material must have survived without supplemental irrigation for the last two years.
- e. Quantitative monitoring shall include the use of fixed transects and photo points to determine the vegetative cover within the revegetated habitat. Collection of fixed transect data within the revegetation/restoration site shall result in the calculation of percent cover for each plant species present, percent cover of target vegetation, tree height and diameter at breast height (if applicable) and percent cover of non-native/non-invasive vegetation. Container plants will also be counted to determine percent survivorship. The data will be used determine attainment of performance/success criteria identified within the LCD.

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- f. Biological monitoring requirements may be reduced if, before the end of the fifth year, the revegetation meets the fifth-year criteria and the irrigation has been terminated for a period of the last two years.
 - g. The PQB or QBM shall oversee implementation of post-construction BMP, such as gravel bags, straw logs, silt fences or equivalent erosion control measure, as needed to ensure prevention of any significant sediment transport. In addition, the PBQ/QBM shall be responsible to verify the removal of all temporary post-construction BMP upon completion of construction activities. Removal of temporary post-construction BMP shall be verified in writing on the final post-construction phase CSV.
- B. Submittal of Draft Monitoring Report
 - 1. A draft monitoring letter report shall be prepared to document the completion of the 120-day plant establishment period. The report shall include discussion on weed control, horticultural treatments (pruning, mulching, and disease control), erosion control, trash/debris removal, replacement planting/reseeding, site protection/signage, pest management, vandalism, and irrigation maintenance. The revegetation/restoration effort shall be visually assessed at the end of 120-day period to determine mortality of individuals.
 - 2. The PQB shall submit two copies of the Draft Monitoring Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring. Monitoring reports shall be prepared on an annual basis for a period of five years. Site progress reports shall be prepared by the PQB following each site visit and provided to the owner, RMC and RIC. Site progress reports shall review maintenance activities, qualitative and quantitative (when appropriate) monitoring results including progress of the revegetation relative to the performance/success criteria, and the need for any remedial measures.
 - 3. Draft annual reports (three copies) summarizing the results of each progress report including quantitative monitoring results and photographs taken from permanent viewpoints shall be submitted to MMC for review and approval within 30 days following the completion of monitoring.
 - 4. MMC shall return the Draft Monitoring Report to the PQB for revision or, for preparation of each report.
 - 5. The PQB shall submit revised Monitoring Report to MMC (with a copy to RE) for approval within 30 days.
 - 6. MMC will provide written acceptance of the PQB and RE of the approved report.
- C. Final Monitoring Reports(s)
 - 1. PQB shall prepare a Final Monitoring upon achievement of the fifth-year performance/success criteria and completion of the five-year maintenance period.

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- a. This report may occur before the end of the fifth year if the revegetation meets the fifth-year performance /success criteria and the irrigation has been terminated for a period of the last two years.
- b. The Final Monitoring report shall be submitted to MMC for evaluation of the success of the mitigation effort and final acceptance. A request for a pre-final inspection shall be submitted at this time, MMC will schedule after review of report.
- c. If at the end of the five years any of the revegetated area fails to meet the project's final success standards, the applicant must consult with MMC. This consultation shall take place to determine whether the revegetation effort is acceptable. The applicant understands that failure of any significant portion of the revegetation/restoration area may result in a requirement to replace or renegotiate that portion of the site and/or extend the monitoring and establishment/maintenance period until all success standards are met.

MM 5.4-4: Biological Resources – Least Bell's Vireo (State Endangered/Federally Protected)

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits the City Manager (or appointed environmental designee) shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met to the satisfaction of the City Manager:

- A. A qualified biologist (possessing a valid endangered species act section 10(a)(1)(a) recovery permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [dBA] or to the ambient noise level if it already exceeds 60 dBA hourly average for the presence of the least bell's vireo. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of construction. If the least Bell's vireo is present, then the following conditions must be met:
 - I. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
 - II. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dBA or to the ambient noise level if it already exceeds 60 dBA hourly average at the edge of occupied least bell's vireo or habitat. An analysis showing that

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noise generated by construction activities would not exceed 60 dBA hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the city manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of any of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or

- III. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dBA or to the ambient noise level if it already exceeds 60 dBA hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If least Bell's vireo are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:
 - I. If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
 - II. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

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MM 5.4-5: Biological Resources – Southwestern Willow Flycatcher (Federally Endangered)

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits the City Manager (or appointed environmental designee) shall verify that the following project requirements regarding the southwestern willow flycatcher are shown on the construction plans: No clearing, grubbing, grading, or other construction activities shall occur between May 1 and September 1, the breeding season of the southwestern willow Flycatcher, until the following requirements have been met to the satisfaction of the City Manager:
 - A. A qualified biologist (possessing a valid endangered species act section 10(a)(1)(a) recovery permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [dBA] hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average for the presence of the southwestern willow flycatcher. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If the southwestern willow flycatcher is present, then the following conditions must be met:
 - I. Between May 1 and September 1, no clearing, grubbing, or grading of occupied southwestern willow flycatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
 - II. Between May 1 and September 1, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dBA hourly average at the edge of occupied southwestern Willow flycatcher habitat or to the ambient noise level if it already exceeds 60 dBA hourly average. An analysis showing that noise generated by construction activities would not exceed 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
 - III. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average at the edge of habitat occupied by the

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southwestern willow flycatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 1).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If southwestern willow flycatcher are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between May 1 and September 1 as follows:
 - I. If this evidence indicates the potential is high for southwestern willow flycatcher to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
 - II. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

Historical Resources

MM 5.6-1: Historical Resources Archaeological Data Recovery Program

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Owner/Permittee shall ensure that the following mitigation measures are outline verbatim on appropriate construction plans.
2. The project requires implementation of an Archaeological Data Recovery Program (ADRP) to mitigate impacts to archaeological site (SDI-11767, SDI-12220, and SDI-12126) prior to the issuance of ANY construction permits or the start of ANY construction if no permits are required. The ADRP with Native American participation consists of a Statistical Sample and

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shall be implemented as described below after consultation with DSD ED in accordance with the Cultural Resources Report prepared by (*Riverwalk Redevelopment Project Archaeological Research and Data Recovery Program* (ASM Affiliates Inc., February 2020).

- a. A sampling strategy shall be conducted in accordance with the Methods Section of the *Riverwalk Redevelopment Project Archaeological Research and Data Recovery Program* (ASM Affiliates Inc., February 2020). Additional test units can be added in consultation with DSD EAS, project archaeologist, and Native American Monitor
- b. Laboratory Analysis in the form of specialized studies shall be conducted in accordance with the ADRP;
- c. Curation of all materials recovered during the ADRP with the exception of human remains and any associated burial goods, shall be prepared in compliance local, state and federal standards and be permanently curated at an approved facility that meets City standards;
- d. ADRP provision for the discovery of human remains shall be invoked in accordance with the California Public Resources Code, the Health and Safety Code. In the event human remains are encountered during the ADRP, soil shall only be exported from the project site after it has been cleared by the Most Likely Descendant (MLD) and the Project Archaeologist;
- e. Archaeological and Native American Monitoring shall be conducted during the remaining grading activities after completion of the ADRP and acceptance of a draft progress report for the program. The detailed Mitigation Monitoring and Reporting Program is identified in below.
- f. Upon completion of the ADRP and prior to issuance of grading permits, the qualified archaeologist and Native American Monitor shall attend a second preconstruction meeting to make comments and/or suggestions concerning the proposed grading process.

Discovery of Human Remains During Data Recovery

- i. The Archaeological Data Recovery Plan (ADRP) provisions for the discovery of human remains shall be invoked in accordance with the California Public Resources Code and the Health and Safety Code. In the event that human remains are encountered during the ADRP, soil shall only be exported from the project site after it has been cleared by the MLD and the project archaeologist. Any potential human remains recovered during the ADRP shall be directly repatriated to the MLD or MLD Representative at the location of the discovery.

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- ii. If the MLD does not make a recommendation within 48 hours of notification, or if the recommendations are not acceptable to the landowner following extended discussions and mediation between the City of San Diego and the MLD, the landowner shall reinter the remains and burial items with appropriate dignity on the property in a location not subject to further subsurface disturbance. The location of reinternment shall be protected by recording the location with the NAHC and the South Coastal Information Center.
 - 1. There shall be no further excavation or disturbance in that portion of the site or any nearby area reasonably suspected to overlie adjacent human remains until the San Diego County Medical Examiner is contacted and the discovery location shall be mapped by the monitoring archaeologist and protected and secured from further disturbance whenever possible.
 - 2. The monitoring archaeologist shall notify the Principal Investigator, the City Mitigation Monitoring Coordinator, and will contact the San Diego County Medical Examiner. The Medical Examiner shall make a determination as to the origins of the human remains.
 - 3. If the remains are recognized as or suspected to be Native American by the Medical Examiner or an authorized representative, the Medical Examiner shall contact the California Native American Heritage Commission (NAHC) within 24 hours of the discovery.
 - 4. The NAHC designates and contacts the Most Likely Descendant (MLD).
 - 5. The MLD shall make a recommendation for treatment of the remains and associated burial items within 48 hours of notification. Possible options for treatment may include:
 - a. Preservation in place and avoidance.
 - b. Reburial of the remains on the property in an area to remain undisturbed by the landowner.
 - c. Transport of the remains off-site.
 - 6. The landowner shall discuss with the Most Likely Descendant all reasonable options regarding the descendant's preferences for the treatment of human remains and any associated grave goods, as provided in PRC Section 5097.98.
 - 7. ADRP provisions for the discovery of human remains shall be invoked in accordance with the California PRC and the Health and Safety Code. In the event that human remains are encountered during the ADRP, soil shall only be

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exported from the project site after it has been cleared by the MLD and the project archaeologist. Any potential human remains recovered during the ADRP shall be directly repatriated to the MLD or MLD Representative at the location of the discovery.

MM 5.6-2: Historical Resources (Archaeological and Native American Monitoring)

I. Prior to Permit Issuance

- A. Entitlements Plan Check
 - 1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.
- B. Letters of Qualification have been submitted to ADD
 - 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
 - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
 - 3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

- A. Verification of Records Search
 - 1. The PI shall provide verification to MMC that a site-specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
 - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
 - 3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.
- B. PI Shall Attend Precon Meetings
 - 1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or

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Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

- A. Monitor(s) Shall be Present During Grading/Excavation/Trenching
 1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.
 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.

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3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
 4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
 4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

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IV. Discovery of Human Remains

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

A. Notification

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

B. Isolate discovery site

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

C. If Human Remains ARE determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being granted access to the site, OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, the landowner shall reinter the human remains and items associated with Native American human remains with

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appropriate dignity on the property in a location not subject to further and future subsurface disturbance, THEN

- c. To protect these sites, the landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement; or
 - (3) Record a document with the County. The document shall be titled "Notice of Reinterment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.

V. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D)

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which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.

- a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
- b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
 3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
 1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures

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were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.

D. Final Monitoring Report(s)

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

Noise (Operational)

MM 5.8-1: Prior to issuance of Building Permit the City shall require the design and installation of stationary noise sources for the project to include the following:

- Implement best design considerations and shielding, including installing stationary noise sources associated with HVAC systems indoors in mechanical rooms.
- Prior to the installation of equipment, the applicant or its designee shall prepare an acoustical study(s) of proposed mechanical equipment, which shall identify all noise-generating equipment, predict noise level property lines from all identified equipment, and recommended mitigation to be implemented (e.g., enclosures, barriers, site orientation), as necessary, to comply with the City of San Diego noise ordinance.

MM 5.8-2: As part of any General Development Plan for the Riverwalk River Park, if an amphitheater is included in the site plan, Owner/Permittee shall perform an acoustical evaluation of the amphitheater, to be reviewed by both DSD and MSCP, that identifies the location and orientation of the amphitheater and confirms that noise levels from the amphitheater would not exceed 60 dBA hourly average at the MHPA boundary.

Tribal Cultural Resources

MM 5.10-1 Prior to issuance of Building Permit or beginning of any construction related activity for the Riverwalk River Park, the Development Services Department (DSD) Director's Environmental Designee (ED) shall verify the plant palette shown on construction documents includes plants from the following species traditionally utilized by the Native American tribes culturally affiliated with the project area in barrier plantings and adjacent to the River Park Pathway: mugwort (*Artemisia douglasiana*), mulefat (*Baccharis salicifolia*), western ragweed (*Ambrosia psilostachya*), California deergrass (*Muhlenbergia rigens*), red willow (*Salix lasiolepis*), elderberry (*Sambucus nigra*), Fremont's cottonwood (*Populus fremontii*), black willow (*Salix exigua*), and arroyo willow (*Salix lasiolepis*), yerba

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mansa (*Anemopsis*), spiny rush (*Juncas acutus*), pale spikerush (*Elocharis macrostachya*), Saltmarsh fleabone (*Pluchea odorata*), Creeping wild rye (*leymus tritcoides*), San Diego sagewort (*Artemisia palmeri*), Tarragon (*Artemisia dracunculus*), and Purple needlegrass (*Stipa pulchra*).

- MM 5.10-2** Prior to issuance of Building Permit or beginning of any construction related activity for the Riverwalk River Park, the Development Services Department (DSD) Director's Environmental Designee (ED) shall verify the interpretive signage along the River Pathway as shown on construction documents. Signage shall include 20 plant identification signs (each approximately 6 by 8-inches) along the River Pathway with plants traditionally utilized by Native American tribes identified by a symbol. A storyboard sign (approximately 20 by 30 inches) shall also be provided that describes the native plants identified along the river pathway and their relationship to the Kumeyaay people's ability to thrive in the region. The interpretative signage plan shall be reviewed and accepted to the satisfaction of DSD, lipay of Santa Isabel, and Jamul Indian Village.
- MM 5.10-3** Prior to recordation of Final Map for the South District, Owner/permittee shall submit a street sign plan that includes Kumeyaay street names to be reviewed and accepted to the satisfaction of DSD.
- MM 5.10-4** Prior to issuance of any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, Owner/Permittee shall implement the conditions as detailed in MM 5.6-1 Historical Resources (Archaeological Data Recovery Monitoring) and MM 5.6-2 Historical Resources (Archaeology and Native American Monitoring).

12.0 REFERENCES

A list of the reference materials consulted in the course of the EIR's preparation is included in this section.

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