

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO CERTIFYING THE FINAL PROGRAM  
ENVIRONMENTAL IMPACT REPORT, ADOPTING  
FINDINGS, A STATEMENT OF OVERRIDING  
CONSIDERATIONS, AND A MITIGATION MONITORING  
AND REPORTING PROGRAM FOR THE CLIMATE  
ACTION PLAN.

WHEREAS, the City Council of the City of San Diego considered Final Program  
Environmental Impact Report No. 416603 prepared for the Climate Action Plan (FEIR); NOW,  
THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego that it is certified that  
the FEIR has been completed in compliance with the California Environmental Quality Act of  
1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA  
Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.),  
that the FEIR reflects the independent judgment of the City of San Diego as Lead Agency and  
that the information contained in said FEIR, together with any comments received during the  
public review process, has been reviewed and considered by the City Council in connection with  
the approval of the Climate Action Plan.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA  
Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the  
Climate Action Plan, which are attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that pursuant to State CEQA Guidelines Section 15093,  
the City Council hereby adopts the Statement of Overriding Considerations with respect to the  
Climate Action Plan, which is attached hereto as Exhibit B.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Climate Action Plan as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit C.

BE IT FURTHER RESOLVED, that the FEIR and other documents constituting the record of proceedings upon which the approval is based are available to the public at the Office of the City Clerk, 202 C Street, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Climate Action Plan.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

\_\_\_\_\_  
Heidi K. Vonblum  
Deputy City Attorney

HKV:nja

12/01/15

12/07/15 Cor.Copy

Or.Dept: Planning Dept.

Doc. No.: 1179692

Attachments: Exhibit A, Findings  
Exhibit B, Statement of Overriding Considerations  
Exhibit C, Mitigation Monitoring and Reporting Program

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

# Exhibit A

## EXHIBIT A - 112015

### CANDIDATE FINDINGS REGARDING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR SAN DIEGO CLIMATE ACTION PLAN NO. 416603/SCH NO. 2015021053

#### I. INTRODUCTION

The following Candidate Findings are made for the San Diego Climate Action Plan (hereinafter referred to as the "Project"). The environmental effects of the Project are addressed in the Final Program Environmental Impact Report ("Final PEIR") dated November 23, 2015 (State Clearinghouse No. 2015021053), which is incorporated by reference herein.

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

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

- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

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

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

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

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region- wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed and considered the Final Program Environmental Impact Report for the City of San Diego Climate Action Plan, State Clearinghouse No. 2015021053 (Final PEIR), as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) are made by the City of San Diego (City) in its capacity as the CEQA Lead Agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

## **II. PROJECT LOCATION**

The City of San Diego is located within San Diego County in the southwestern corner of California. San Diego County is bordered by the Pacific Ocean on the west, Riverside County to the north, Imperial County to the east, Orange County at the northwest corner, and the Republic of Mexico to the South. The planning area for the CAP is the City of San Diego General Plan (2008) planning area, which encompasses all land within the city limits and prospective annexation areas.

### **III. PROJECT BACKGROUND**

The Climate Action Plan (CAP) has been developed in response to State legislation and policies that are aimed at reducing California's greenhouse gas (GHG) emissions. This includes Executive Order S-3-05, which established the 2050 statewide GHG reduction target of 80 percent below 1990 levels, Executive Order B-30-15, which established the 2030 statewide GHG reduction target of 40 percent below 1990 levels, and Assembly Bill 32, the Global Warming Solutions Act, which tasked the California Air Resources Board (CARB) with creating the Climate Change Scoping Plan (Scoping Plan) to establish a 2020 interim target and to provide a path for local governments to contribute their fair share of the GHG emission reductions necessary to achieve the target. The CAP is intended to ensure the City of San Diego contributes its fair share of GHG reductions through local action.

### **IV. PROJECT DESCRIPTION AND PURPOSE**

The CAP identifies five primary strategies implemented by 17 actions and 32 supporting measures, which together will meet GHG reduction targets for 2020 and 2035. The CAP is a comprehensive document that serves as a framework for City GHG reduction strategies, and that includes requirements for monitoring and periodic updates of the City's GHG inventory to ensure the City is achieving the goals of the CAP.

The following primary objectives support the purpose of the Project, assist the Lead Agency in developing a reasonable range of alternatives to be evaluated in the EIR, and ultimately aid decision-makers in preparing findings and overriding considerations, if necessary.

- Provide a roadmap to achieve GHG reductions;
- Conform to California laws and regulations;
- Implement climate action policies of the General Plan;
- Provide CEQA streamlining for GHG emissions from new developments;
- Create green jobs through incentive-based policies, such as the manufacture and installation of solar panels;
- Improve public health by removing harmful pollutants from our air and improve water quality;
- Increase local control over the City's future by reducing dependence on imported water and energy;

- Enhance quality of life by supporting active transportation, planting trees and reducing landfill waste; and
- Save taxpayer money by decreasing municipal water, waste, and energy usage in City-owned buildings.

CEQA Section 15183.5(b)(1)(A)-(F) provides that a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements in a previously adopted plan or mitigation program. That plan for the reduction of GHG emissions should:

- A. Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;
- B. Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;
- C. Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;
- D. Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
- E. Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels; and
- F. Be adopted in a public process following environmental review.

The City's CAP meets the above requirements. With future implementing actions, the City intends to use the CAP and Final PEIR to analyze and mitigate the significant effects of GHG emissions at a programmatic level to reduce GHG emissions, whereby individual projects preparing project-specific environmental documents, if eligible, may tier from and/or incorporate by reference the CAP's programmatic review of GHG impacts in their cumulative impacts analysis.

## **V. ISSUES ADDRESSED IN FINAL PEIR**

The Final PEIR contains an environmental analysis of the potential impacts associated with implementing the policies and reduction strategies contained in the CAP. The proposed CAP is a policy document that provides direction for how GHG emissions should be reduced within the City, and the

analysis identifies the potential for implementation of those policies to cause physical changes to the environment. Environmental issues addressed in the Final PEIR include: Land Use, Visual and Neighborhood Resources, Air Quality, Greenhouse Gases, Historical Resources, Traffic and Circulation, Utilities, and Water Supply.

The City of San Diego Planning Department, located at 1222 First Avenue, San Diego, CA 92101, is the custodian of the documents (including the Final PEIR and supporting technical reports) and other materials, which constitute the entire record and the proceedings upon which the decision is based (Administrative Record).

The Final PEIR concludes that the proposed Project will have **no potentially significant impacts** and require no mitigation measures with respect to the following issues:

- Land Use
  - General Plan consistency
  - Consistency with local, regional or State habitat conservation plan
- Visual and Neighborhood Resources
  - Light and glare
- Air Quality
  - Consistency with Regional Air Quality Strategy (RAQS)
- Greenhouse Gases
  - Consistency with adopted plans, policies, and regulations
  - Cumulative GHG emissions
- Transportation and Circulation
  - Consistency with existing and planned transportation systems
  - Consistency with adopted policies, plans or programs supporting alternative transportation modes
- Utilities
  - Utilities systems and existing infrastructure

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

- Land Use
  - Conflict with applicable land use plans, policies or regulations of an agency with jurisdiction over the Project
- Air Quality
  - Construction and operations air emissions
- Water supply
  - Excessive use of water

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

- Visual and Neighborhood Resources
  - Public views
  - Bulk and scale
- Air Quality
  - Exposure of sensitive receptors
- Historical Resources
  - Prehistoric and historic sites
- Transportation and Circulation
  - Changes in traffic circulation and transportation modes

## **VI. CANDIDATE FINDINGS**

### **IV.A FINDINGS REGARDING IMPACTS THAT CAN BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE (PUB. RES. CODE §21081(a)(1))**

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

- Land Use (Issue 1);
- Air Quality (Issue 2)
- Water Supply (Issue 1).

## 1. LAND USE

**Potential Impact:** Some projects undertaken pursuant to the CAP or in support of CAP programs, particularly the development of large-scale renewable energy facilities within the City limits could conflict with existing land use and zoning designations or could conflict with adjacent land uses. This could result in a significant land use impact at the program-level.

**Finding:** Pursuant to Pub. Res. Code §21081(a)(1) and CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment.

**Facts in support of Finding:** Potential impacts related to inconsistency with existing land use and zoning designations will be mitigated below a level of significance through implementation of Mitigation Measure MM-LU-1 (Issue 1), as further detailed in Subchapter A.4 Land Use, of the Final PEIR.

Implementation of Mitigation Measure MM-LU-1 would ensure that large-scale renewable energy projects are compatible and not in conflict with existing land use and zoning designations, and that any such facilities do not result in conflicts with adjacent land uses. It requires the City to develop a set of siting guidelines for such facilities. The guidelines will avoid land use conflicts and contain specific provisions for appropriate siting of large renewable energy facilities to include all of the following:

- Definition of the type and scale of facility that is subject to the siting guidelines.  
This list may be revised from time to time, as new technologies emerge and evolve.
- A matrix table that shows, for each type of facility, the appropriate land use and zoning designations, where siting of facilities would not be expected to cause a significant land use conflict.
- Guidelines or best management practices for minimizing conflicts with neighboring land uses. These would include, but not be limited to, required and recommended siting criteria; general design guidelines (such as property line setbacks); minimizing construction and operational noise (such as adherence to Noise Ordinance standards and General Plan compatibility standards); minimizing electromagnetic frequency (EMF) exposure; minimizing visual prominence (for example, by avoiding siting of facilities on ridgelines and other prominent topographical features, or by providing vegetative screens); and minimizing lighting and glare effects (such as adherence to the City's Outdoor Lighting Regulations).

- The requirement that a facility demonstrate that there are no sensitive biological resources present on-site that would be impacted by development of the proposed large-scale renewable energy facility, or demonstrate compliance with the MSCP Subarea Plan Section 1.4.3, Land Use Adjacency Guidelines, and with the City's ESL Regulations.
- The requirement that a facility demonstrate that there are no historical resources present on-site that would be impacted by development of the proposed large-scale renewable energy facility, or demonstrate compliance with Mitigation Framework HIST-1.
- A checklist to determine whether, even with adherence to the guidelines provided, a facility may still result in a land use conflict.

These mitigation measures are feasible and made binding via the Mitigation Monitoring Reporting Program ("MMRP"). Implementation of these measures will reduce potential impacts to land use for Issue 1 to below a level of significance.

## **2. AIR QUALITY (CONSTRUCTION AND OPERATIONS AIR EMISSIONS)**

**Potential Impact:** Proposed CAP actions expected to result in construction activities that would disturb less than four acres per day, not involve substantial demolition of existing structures, only have a temporary effect on intersection level of service, and involve limited use of diesel-powered equipment include proposed CAP Action 2.2 Municipal Zero Emissions Vehicles, Action 2.3 Convert Municipal Waste Collection Trucks to Low Emission Fuel, Action 3.2 Implement the City's Pedestrian Master Plan in Transit Priority Areas, Action 3.3 Implement the City's Bicycle Master Plan, Action 3.5 Implement a Roundabouts Master Plan, and small-scale, distributed renewable energy facilities developed as an indirect result of Action 2.1 Community Choice Aggregation. Each project undertaken pursuant to these proposed CAP actions would not result in significant construction-related emissions. However, it is possible that several small-scale construction activities could be underway simultaneously in the City that together may involve grading of four or more acres of land. Therefore, the potential exists for a significant air quality impact from implementation of these CAP actions.

Proposed CAP Action 4.1 Divert Solid Waste and Capture Landfill Emissions and Action 4.2 Methane Capture from Wastewater Treatment Plants both may involve operation of new or expanded facilities, including composting facilities, methane or biogas generation, capture, and combustion facilities that may emit criteria pollutants and TACs, and solid waste processing facilities that have the potential to produce

dust and odors. These facilities would likely be considered stationary sources and therefore would have the potential for significant air emissions impacts.

Proposed CAP Action 4.1 Divert Solid Waste and Capture Landfill Emissions, may result in specific measures that would change solid waste collection and handling in the City. Supporting measures for this action include changing to weekly collection of recycling and greenwaste and the addition of food scraps to the greenwaste collection program. These would result in the increase in the number of weekly collections serving each household or business, and a substantial increase in vehicle miles traveled (VMT) by collection vehicles, and therefore the potential for increased air emissions.

Proposed CAP Action 2.3 Conversion of Waste Collection Vehicles to Alternative Fuel would reduce emissions rates for collection vehicles, and would partially or completely offset the increase in collection vehicle VMT. However, the conversion would not be complete until 2035. Furthermore, this action only addresses collection vehicles. Proposed CAP Action 4.1 may also result in the use of new or different waste processing facilities, such as composting facilities, anaerobic digesters, and material recovery facilities. In some instances, the haul distance to these facilities from local transfer stations may be longer than the current haul distance. This could result in increased VMT by diesel powered long-haul trucks and increased air emissions. This could also result in significant air emissions.

**Finding:** Pursuant to Pub. Res. Code §21081(a)(1) and CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment.

**Facts in support of Finding:** Potential impacts related to construction and operations air emissions will be mitigated below a level of significance through implementation of Mitigation Measure MM-AIR1 and MM-AIR2, as further detailed in Subchapter C.4 Air Quality, of the Final PEIR.

MM-AIR1 incorporates the Mitigation Framework for construction-related air impacts contained in the General Plan PEIR, which states the following:

For projects that may exceed daily construction emissions established by the City of San Diego, Best Available Control Measures will be incorporated to reduce construction emissions to below daily emission standards established by the City of San Diego. Project proponents must prepare and implement a Construction Management Plan which includes but is not limited to Best

Available Control Measures. Appropriate control measures will be determined on a project-by-project basis, and are specific to the pollutant for which the daily threshold may be exceeded.

Control measures may include:

- Minimizing simultaneous operation of multiple construction equipment units;
- Use of low pollutant emitting equipment;
- Use of catalytic reduction for gasoline-powered equipment;
- Watering the construction area to minimize fugitive dust; and
- Minimizing idling time by construction vehicles.

Mitigation Measure AIR-2 for Expanded Recycling and Organics Collection Programs would ensure that increased VMT resulting from implementation of CAP Action 4.1 does not result in significant air emissions. It states that collection vehicles shall be converted to alternative fuels, such as natural gas, during roll-out of the expanded program, such that combined emissions fall below the significance threshold for daily and annual NOx emissions. This will be confirmed using generally accepted air emissions modeling, such as the CalEEMod model. In addition, to the extent that new programs increase VMT for long-haul vehicles, these vehicles shall also be converted to alternative fuels, such as natural gas, such that any increase falls below the significance threshold for daily and annual NOx emissions.

These mitigation measures are feasible and made binding via the Mitigation Monitoring Reporting Program (“MMRP”). Implementation of these measures will reduce potential impacts to Air Quality for Issue 2 to below a level of significance.

### 3. WATER SUPPLY

**Potential Impact:** Large scale renewable energy projects, such as solar and wind farms, could involve new, large or extensive facilities such as solar and wind farms. Substantial volumes of water could be required for construction and operation of such facilities. Future development of these large-scale renewable facilities would therefore be required to provide detailed information regarding water use and availability, if they demand an amount of water required by a the development types listed above, as consistent with the requirements of SB 610.

**Finding:** Pursuant to Pub. Res. Code §21081(a)(1) and CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment.

**Facts in support of Finding:** Potential significant impacts to water supply would be mitigated to below levels of significance with implementation of Mitigation Measure WS-1, as described in Subchapter H.4 Water Supply, of the Final PEIR. The mitigation would require that development of large-scale renewable energy facilities and other facilities provide detailed information regarding water use and availability, as consistent with the requirements of SB 610. In order to ensure that large-scale renewable energy projects do not use excessive amounts of water, a Water Supply Assessment (WSA) will be submitted for review as part of the subsequent environmental review process. The WSA will demonstrate that the proposed project would not demand an amount of water greater than the amount required by a 500 dwelling unit project.

This mitigation measure is feasible and made binding via the Mitigation Monitoring Reporting Program (“MMRP”). Implementation of the measure will reduce potential impacts to water supply to below a level of significance.

#### **IV.B FINDINGS REGARDING INFEASIBLE MITIGATION MEASURES AND ALTERNATIVES (PUB. RES. CODE §21081(a)(3))**

##### **IV.B.1 Potentially Significant Impacts That Cannot Be Mitigated Below a Level of Significance (Pub. Res. Code §21081(a)(3))**

The Project would have significant and unmitigable impacts in the following issue areas:

- Visual and Neighborhood Resources: Issue 1, Public Views; Issue 2, Bulk & Scale
- Air Quality: Issue 2, Construction and Operation Air Emissions from large-scale renewable energy facilities
- Historical Resources: Issue 1, Prehistoric and Historic Sites
- Transportation and Circulation: Issue 2, Changes in Traffic Circulation and Transportation Modes

Although mitigation measures are identified in the Final PEIR that could reduce significant impacts resulting from implementation of the proposed CAP, mitigation measures cannot feasibly be implemented at this time. This is because the degree of future impacts and applicability, feasibility, specific design, and success of future mitigation measures cannot be adequately known for each specific future project at the

program level in such a manner as to avoid conflict with the goals, policies, and objectives of the CAP, in particular those relating to pedestrians, bicycles, and transit oriented development. This finding is appropriate as there are no feasible mitigation measures available at the program level that would reduce the identified impacts to below a level of significance. "Feasible" is defined in Section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that "other" considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

The City, as part of these findings, has adopted a Statement of Overriding Considerations pursuant to Pub. Res. Code §§21081(b) and 21081.5 and CEQA Guidelines §15093, which balances the economic, legal, social, technological, or other benefits of the Project against the unavoidable environmental impacts described in the Final PEIR (See Exhibit B).

**1. VISUAL AND NEIGHBORHOOD RESOURCES (ISSUE 1, PUBLIC VIEWS AND ISSUE 2, BULK AND SCALE)**

**Potential Impact:** Large scale renewable energy projects, such as solar and wind farms, could involve new, large or extensive facilities that could alter or block public views, within and outside the City. This could occur if, for example, a wind farm introduced a new, incompatible visual element to a scenic view from a public view point, vista, or open space. Depending on the affected vista and the degree of change, this could cause a significant impact.

Large scale renewable energy projects, such as solar and wind farms, could involve new, large or extensive facilities with distinct visual characteristics. These facilities have an essentially industrial visual quality. Wind farms, in particular, involve tall, moving structures that are visually prominent. If located in or adjacent to a residential or mixed use neighborhood, large scale facilities may appear incompatible with the surrounding urban environment. Depending on the affected vista and the degree of change, this could cause a significant impact.

**Finding:** Pursuant to Pub. Res. Code §21081(a)(1) and (3) and CEQA Guidelines §15091(a)(1) and (3), changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment related to the Project; however, these impacts cannot

be fully mitigated. Therefore, specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or alternatives identified in the Final PEIR.

The City finds that implementation of Mitigation Measure LU-1 (as described above) would ensure that large-scale renewable energy projects are compatible and not in conflict with existing land use and zoning designations, and that any such facilities would not result in conflicts with adjacent land uses.

With implementation of Mitigation Measure LU-1, most potentially significant impacts to scenic views and visual quality from siting of most large-scale renewable energy facilities would be avoided. However, because the degree of impact and applicability, feasibility, and success of Mitigation Measure LU-1 cannot be accurately predicted for visual quality and scenic views for each specific project at this time, the program-level impact to visual effects and neighborhood character is considered significant and unavoidable.

**Facts in support of Finding:** The mitigation measure identified in the Final PEIR is feasible and made binding via the MMRP. However, even with implementation of the mitigation measure, the impacts to visual and neighborhood resources would remain significant and unavoidable.

**2. AIR QUALITY (ISSUE 2, CONSTRUCTION AND OPERATION AIR EMISSIONS FROM LARGE SCALE RENEWABLE ENERGY FACILITIES)**

**Potential Impact:** The only proposed CAP actions likely to involve individual construction projects of sufficient scale to involve grading of at least four acres per day, substantial demolition of existing structures, substantial reduction of roadway level of service, and substantial use of diesel powered equipment are those that facilitate implementation of the City of Villages strategy (Actions 3.1 and 3.6); and those that may involve construction or expansion of major infrastructure projects (Actions 1.5, 2.1, 4.1, and 4.1). Depending on the scale and intensity of construction activities taking place as a result of implementation of these actions, they could result in significant construction-related air emissions.

**Finding:** Pursuant to Pub. Res. Code §21081(a)(1) and (3) and CEQA Guidelines §15091(a)(1) and (3), changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment related to the Project; however, these impacts cannot be fully mitigated. Therefore, specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or alternatives identified in the Final PEIR.

Mitigation Measure AIR-1 in the Final PEIR incorporates the Mitigation Framework for construction-related air quality impacts contained in the General Plan PEIR, which states the following:

“For projects that may exceed daily construction emissions established by the City of San Diego, Best Available Control Measures will be incorporated to reduce construction emissions to below daily emission standards established by the City of San Diego. Project proponents must prepare and implement a Construction Management Plan which includes but is not limited to Best Available Control Measures. Appropriate control measures will be determined on a project-by-project basis, and are specific to the pollutant for which the daily threshold may be exceeded. Control measures may include:

- Minimizing simultaneous operation of multiple construction equipment units;
- Use of low pollutant emitting equipment;
- Use of catalytic reduction for gasoline-powered equipment;
- Watering the construction area to minimize fugitive dust; and
- Minimizing idling time by construction vehicles.

Air quality impacts associated with construction and operation of large facilities that could be proposed as a part of CAP Action 2.1 would remain significant even with implementation of Mitigation Measure AIR-1. Because the degree of air quality impacts associated with construction and operation of large facilities cannot be accurately predicted, and because the applicability, feasibility, and success of AIR-1 cannot be accurately predicted for large facilities, the program-level impact related to air quality is considered significant and unavoidable.

**Facts in support of Finding:** The mitigation measure identified in the Final PEIR is feasible and made binding via the MMRP. However, even with implementation of the mitigation measure, the impacts to air quality associated with construction and operation of large scale renewable energy projects would remain significant and unavoidable.

### **3. HISTORICAL RESOURCES (ISSUE 1)**

**Potential Impact:** Implementation of the CAP could have the potential to result in significant direct and/or indirect impacts to historical resources. Any significant impacts are most likely to occur through CAP Action 1.1 Residential Energy Conservation and Disclosure Ordinance, which may encourage

residential energy efficiency retrofits; and CAP Action 2.1 Community Choice Aggregation Program, which may encourage distributed and large-scale renewable energy facilities. Implementation of the General Plan policies and compliance with the City's Historical Resources Regulations and guidelines outlined in the Final PEIR, Section 3.E-3, Regulatory Setting, would serve to reduce impacts to a degree; however, existing legislation, including the California Solar Rights Act, currently limits the City's ability to require modifications to the placement or design of solar installations on historic and potentially historic resources; thereby increasing the likelihood that such resources may be adversely impacted as a result of solar installations and other retrofit actions.

**Finding:** Pursuant to Pub. Res. Code §21081(a)(1) and (3) and CEQA Guidelines §15091(a)(1) and (3), changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment related to the Project; however, these impacts cannot be fully mitigated. Therefore, specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or alternatives identified in the Final PEIR.

**Facts in support of Finding:** The mitigation measures identified in the Final PEIR, Section E.4 Historical Resources, is feasible and made binding via the MMRP.

Implementation of the General Plan policies and compliance with the City's Historical Resources Regulations and guidelines outlined in the Final PEIR, Section E.3 Regulatory Setting would serve to reduce impacts to a degree, but cannot guarantee that all future project level impacts will be avoided or mitigated to a level less than significant. In addition, existing legislation, including the California Solar Rights Act, currently limits the City's ability to require modifications to the placement or design of solar installations on historic and potentially historic resources; thereby increasing the likelihood that such resources may be adversely impacted as a result of solar installations and other retrofit actions. Because the degree of impact and applicability, feasibility, and success of these measures cannot be accurately predicted for each specific project at this time, the program level impact related to historical resources is considered significant and unavoidable.

#### 4. TRANSPORTATION AND CIRCULATION (ISSUE 2, CHANGES IN TRAFFIC CIRCULATION AND TRANSPORTATION MODES)

**Potential Impact:** Proposed CAP Action 3.5 (Implement a Roundabouts Master Plan), has the potential to result in significant safety impacts for pedestrians. This action would install roundabouts at 15 intersections by 2020 and an additional 20 intersections by 2035.

No large-scale renewable energy facilities are proposed as a part of the CAP, and therefore, the potential impacts from the substantial alteration or disruption of existing traffic and circulation patterns from the construction of such facilities is unknown and therefore could result in significant impacts.

**Finding:** Pursuant to Pub. Res. Code §21081(a)(1) and (3) and CEQA Guidelines §15091(a)(1) and (3), changes or alterations have been required in, or incorporated into, the Project which would mitigate or avoid the significant effects on the environment related to the Project; however, these impacts cannot be fully mitigated. Therefore, specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or alternatives identified in the Final PEIR.

**Facts in support of Finding:** The City finds that Mitigation Measure TR-1 for the Roundabouts Master Plan includes a monitoring and adaptive management program to evaluate, and if necessary, to correct, pedestrian safety issues at operating roundabouts. However, this measure would only monitor the implementation of the Roundabouts Master Plan, and not mitigate for the potential impact that could result from implementing the Roundabouts Master Plan. Thus, the program-level impact related to transportation and circulation is considered significant and unavoidable.

Because the degree of impact and applicability, feasibility, and success of any mitigation measures relating to traffic circulation cannot be accurately predicted for any large-scale renewable energy project at this time, the program-level impact related to transportation and circulation is considered significant and unavoidable.

The mitigation measure identified in the Final PEIR is feasible and made binding via the MMRP. However, even with implementation of the mitigation measure, the impacts to transportation and circulation would remain significant and unavoidable.

#### **IV.C.2 Infeasibility of Project Alternatives to Reduce or Avoid Significant Impacts (Public Resources Code §21081(a)(3))**

Because the proposed project would cause one or more unavoidable significant environmental effects, the City must make findings with respect to the alternatives to the proposed project considered in the Final PEIR, evaluating whether these alternatives could feasibly avoid or substantially lessen the proposed project's unavoidable significant environmental effects while achieving most of its objectives (listed in Section IV.B above and Section 2.C of the Final PEIR).

The City, having reviewed and considered the information contained in the Final PEIR and the Record of Proceedings, and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), makes the following findings with respect to the alternatives identified in the Final PEIR (Project No. 416603/SCH No. 2015021053):

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

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

The Final PEIR for the proposed project conducted an initial review of four alternatives, two of which were subsequently eliminated from further study. The reasons these alternatives were eliminated from detailed evaluation are discussed in Chapter 8 of the Final PEIR.

Two alternatives received a detailed analysis in the Final PEIR:

- **No Project Alternative.** The No Project Alternative represents a continuation of the City’s existing General Plan (adopted in 2008) without the adoption of the CAP.
- **The CMAP Alternative** is based on the City of San Diego’s earlier efforts to develop a climate action plan, called the Climate Mitigation and Adaptation Plan (CMAP). The CMAP was drafted in 2012, but never adopted. This alternative consists of a somewhat different set of strategies and actions than the CAP.

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

#### **IV.C.2.1 No Project Alternative**

This alternative is required under CEQA Guidelines §15126.6(e)(2). The No Project Alternative examines the scenario that would occur if the CAP is not adopted and implemented by the City. Under this scenario, the General Plan policies and programs would still be in effect, including the City of Villages development strategy and Mobility Element.

**Description of the Alternative:** While the General Plan includes several policies related to climate change, it lacks the specificity of program development contained in the CAP. Under the No Project Alternative, strategies and actions that implement those policies would not be put into place. Actions aimed at facilitating and encouraging implementation of the City of Villages strategy, including Actions 3.1 and 3.6, would not occur. Therefore, it is likely that implementation of the City of Villages strategy and concentration of future development within TPAs may be slowed. There would not be development of a community choice aggregation program or similar program, so there would be less incentive for development of small-scale and large-scale renewable energy facilities, and a slower shift to renewable energy sources. Other actions that would increase building energy efficiency and water use would not be implemented, and efforts to reduce waste and increase recovery of methane from waste treatment would be less intensive and less coordinated.

Implementation of the Bicycle Master Plan and Pedestrian Master Plan, as well as the Urban Forestry Plan and the Recycled Water Master Plan, all of which have already been adopted by the City, would still occur. Other CAP actions, such as 3.4 Implement a Traffic Signal Master Plan and 3.5 Implement a Roundabouts Master Plan, would not occur. Overall, the No Project Alternative would result in fewer actions and measures to reduce GHG emissions, and less coordinated and presumably less effective implementation of the General Plan's goals and policies to address climate change.

Without the CAP, the City may not achieve its GHG reduction target of 51 percent below 2010 levels by the Year 2035 as it would under the CAP. Under the No Project Alternative the City would still realize GHG emissions reductions from several high-impact state-wide measures included in the AB 32 Scoping Plan; but the gap in emissions reduction potential intended to be filled by the CAP would likely still exist.

A summary of the environmental impacts of the No Project Alternative is provided in Chapter 8 of the Final PEIR.

**Facts in Support of Finding:** The City finds that the No Project Alternative would have an additional significant impact related to GHGs, since it would not implement the policies regarding reduction of GHGs contained in the General Plan and would not achieve statewide GHG reduction targets. In addition, the No Project Alternative would not meet the following Project objectives:

- Provide a roadmap to achieve GHG reductions;
- Conform to California laws and regulations;
- Implement the General Plan;
- Provide CEQA tiering for new development's GHG emissions;
- Create green jobs through incentive-based policies, such as the manufacturing and installation of solar panels;
- Improve public health by removing harmful pollutants from our air and improve water quality;
- Increase local control over the City's future by reducing dependence on imported water and energy;
- Enhance quality of life by supporting active transportation, planting trees and reducing landfill waste; and
- Save taxpayer' money by decreasing municipal water, waste and energy usage in city- owned buildings.

#### **IV.C.2.2 CMAP Alternative**

The CMAP was the initial GHG reduction plan considered by the City that provided policy direction and identified actions that the City and community could take to reduce GHG emissions consistent with AB 32. The City released a draft of the CMAP in August, 2012, but the plan was never adopted. This Alternative would adopt and implement the 2012 Draft CMAP and its strategies and actions instead of the strategies and actions in the CAP.

The CMAP Alternative establishes a planning horizon of 2013-2035; however, the CMAP would not serve as a qualified GHG reduction plan under CEQA Guidelines Section 15183.5. that would account for emissions post-2020. The CMAP Alternative includes the following: quantifies GHG emissions from community-at-large and City operations; establishes reduction targets for 2020, 2035 and 2050; identifies strategies and measures to reduce GHG levels, focusing on those that the City has authority to implement; and provides guidance for monitoring progress on an annual basis. In addition, the CMAP Alternative highlights climate change vulnerabilities, adaptation strategies, and recommendations for further research.

The CMAP Alternative, similar to the proposed Project, focuses on four categories of GHG sources and associated reduction strategies:

1. The Energy strategy aims to reduce GHG emissions by improving the energy efficiency of both new and existing residential and commercial buildings, increasing the use of distributed renewable and efficient energy production, and improving community wide understanding of energy management.
2. The Transportation strategy focuses on reducing emissions by reducing VMT through multimodal transportation options, and by decreasing the energy intensity per miles travel by reducing idling and increasing electric vehicle use by improving the electric vehicle infrastructure.
3. The Land Use and Local Food System strategy would reduce emissions by supporting the City's General Plan, resulting in more compact, walkable, transit-accessible neighborhoods and by strengthening the regional food system, including expanding urban agricultural activities.
4. The Waste strategy would reduce emissions by diverting waste from landfills, and by supporting continual improvement in equipment and operation for wastewater treatment and landfill management.

As stated in the 2012 Draft CMAP, GHG reductions from actions undertaken pursuant to the plan would be 1.6 million metric tons (MT) of CO<sub>2</sub>e by 2020, and 3.3 million MT by 2035. A summary of the environmental impacts of the CMAP Alternative is provided in Chapter 8 of the Final PEIR.

**Facts in Support of Finding:** The City finds the CMAP Alternative infeasible since it was only intended to act as a qualified GHG reduction plan through 2020 and would not fully meet the Project objective of providing CEQA streamlining for GHG emissions for new developments and it would not be as effective as the CAP in reducing GHG emissions. The CMAP Alternative establishes a planning horizon of 2013-2035; however, the CMAP did not contain specific implementing actions and corresponding reductions for meeting the post-2020 reduction goals. Also, due to the less-recently updated nature of the CMAP, it would not serve as a qualified GHG reduction plan under CEQA Guidelines Section 15183.5 that would account for emissions post-2020. The CMAP Alternative would not be as effective as the CAP in reducing GHG emissions overall. The CAP also provides a more current policy document to guide GHG emissions using the latest data and methodologies available. Additionally, the CAP contains a comprehensive chapter that discusses social equity and job creation. Implementation of the strategies and actions in the CAP would result in green, local, middle-class jobs.

## Exhibit B

### EXHIBIT B

#### STATEMENT OF OVERRIDING CONSIDERATIONS

##### (PUBLIC RESOURCES CODE §21081(b))

Pursuant to Public Resources Code §§21081(b) and 21081.5, and CEQA Guidelines §§15093 and 15043, CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project.

If the specific economic, legal, social, technological, or other benefits, including considerations for the provision of employment opportunities for highly trained workers outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code §21081. CEQA further requires that when the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final PEIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final PEIR and/or other information in the record.

Pursuant to the Public Resources Code §21081(b) and CEQA Guidelines §15093, the decision-making body, having considered all of the foregoing, finds that the following specific overriding economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, associated with the proposed Project outweigh unavoidable adverse direct impacts related to visual resources and neighborhood character, air quality, historical resources, and transportation and circulation. Each of the separate benefits of the proposed Project, as stated herein, is determined to be, unto itself and independent of the other Project benefits, a basis for overriding all unavoidable adverse environmental impacts identified in these Findings.

The decision-making body also has examined alternatives to the Project, none of which are both environmentally preferable to the Project and meet most of the basic Project objectives.

The California Supreme Court has stated that, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” *Citizens of Goleta Valley v. Bd. of Supers.* (1990) 52 Cal.3d 553, 576.

Courts have upheld overriding considerations that were based on policy considerations including, but not limited to, new jobs, stronger tax base, implementation of an agency's economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plans and general plans, and provision of construction jobs. See *Towards Responsibility in Planning v. City Council* (1988) 200 Cal.App.3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal.App.3d 1029; *City of Poway v. City of San Diego* (1984) 155 Cal.App.3d 1037; *Markley v. City Council* (1982) 131 Cal.App.3d 656.

Therefore, the decision-making body expressly finds that in accordance with Public Resources Code §§21081(b) and 21081.5, and CEQA Guidelines §§15093 and 15043, based on the following specific considerations, the following benefits of the Project would outweigh the Project's significant effects on the environment:

- The Project identifies measures to reduce the City's carbon footprint and updates the City's Climate Protection Action Plan in accordance to the City's General Plan.
- The Project would result in a reduction in citywide GHG emissions, leading to overall improved quality of life and health for the residents, workers, and visitors of the City of San Diego.
- The Project would result in the City contributing to its share of reductions that would not interfere with the statewide GHG emissions reduction targets.
- The Project, with future implementing actions, would streamline future development projects with respect to GHG analyses consistent with California Environmental Quality Act Section 15183.5.
- The Project would advance the "City of Villages" concept of walkable and pedestrian-friendly neighborhoods with a mixture of uses by promoting active transportation and rapid transit systems to help preserve and improve accessibility for vulnerable groups, including: children, the elderly, people with disabilities, and the economically disadvantaged.
- The Project would foster programs to create well-paying jobs for the middle class. Implementation of the CAP will lead to an increased demand for workers in high-growth "green" industries. This will lead to greater opportunities for new and existing workers to flourish in these innovative sectors.
- The Project would help build communities that are resilient to climate change through the identification of vulnerabilities and the corresponding implementation of adaptation

measures. These measures are intended to: protect public health and safety; secure and maintain water supplies and services; protect and maintain urban infrastructure and community services; protect environmental quality; maintain open space, parks, and recreation; support coastal management and protection; promote urban forest management and local food production; improve building and occupant readiness; and enhance community education, knowledge and collaboration.

- While roundabouts may, in some instances, result in increased safety hazards for pedestrians by eliminating signalized pedestrian crossing, implementation of additional roundabouts throughout the City would, at a minimum, provide the following benefits: elimination of crossing conflicts and a tendency toward reduction in crashes, lower operational delays, increased pedestrian safety due to reduced vehicular speeds, attractive intersections, and lower operating and maintenance costs.

### **Conclusion**

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

## **EXHIBIT C**

# **Mitigation Monitoring and Reporting Program**

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### **A. Introduction**

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring and what is to be monitored. A record of the Mitigation Monitoring and Reporting Program will be maintained at the Planning Department, 1010 Second Avenue, Twelfth Floor, San Diego, CA, 92101. All mitigation measures contained in this Program Environmental Impact Report (PEIS) shall be enforceable as further described below.

The proposed Project, i.e., the Climate Action Plan (CAP) is described in the PEIR. The PEIR focused on issues determined to be potentially significant by the City. The issues addressed in the PEIR include land use, visual effects and neighborhood character, air quality, greenhouse gas emissions, historical resources, transportation/circulation, public utilities, and water supply.

Public Resources Code Section 21081.6 requires monitoring of only those impacts identified as significant or potentially significant. After analysis, potentially significant impacts requiring mitigation were identified for land use, visual effects and neighborhood character, air quality, historical resources, and transportation/circulation.

The environmental analysis identified mitigation measures determined to be feasible that would reduce some or all of the potentially significant impacts to a less than significant level for the following issues: land use, visual effects and neighborhood character, air quality, and transportation/circulation however, impacts would not be fully reduced for the following issue areas: Visual Effects and Neighborhood Character, Air Quality, Historical Resources, and Transportation and Circulation. These impacts are potentially significant and unavoidable.

Measure 1 of the Monitoring and Reporting Section of CAP Chapter 3 includes four implementing mechanisms for ensuring that the CAP's 2020 and 2035 GHG Emission Reduction Targets are met. The implementing mechanisms include the establishment of the Sustainability Program Manager position; the preparation of an annual monitoring report, provisions for citywide data collection and sharing, and the annual evaluation of city policies, plans (including the Cap) and codes. At the programmatic level, the Sustainability Program Manager (Economic Development Department) will oversee the implementation of many of the following mitigation measures. Included after each mitigation measure are City Departments also responsible for the measure's implementation.

## B. Significant Impacts, Mitigation Measures, Monitoring and Reporting Requirements

### Land Use

**Impact:** implementation of the CAP could conflict with applicable land use plans, policies or regulations of an agency with jurisdiction over the Project.

#### **Mitigation Measure LU-1: Siting of Large-scale Renewable Energy Projects.**

To ensure that large-scale renewable energy projects are compatible and not in conflict with existing land use and zoning designations, and that any such facilities do not result in conflicts with adjacent land uses, the City shall develop a set of siting guidelines for such facilities prior to permitting any large-scale renewable energy projects. The guidelines shall avoid land use conflicts and contain specific provisions for appropriate siting of large renewable energy facilities to include all of the following at a minimum:

- A definition of the type and scale of facility that is subject to the siting guidelines. This list may be revised from time to time, as new technologies emerge and evolve.
- A matrix table that shows, for each type of facility, the appropriate land use and zoning designations, where siting of facilities would not be expected to cause a significant land use conflict.
- Guidelines or best management practices for minimizing conflicts with neighboring land uses. These would include, but not be limited to, required and recommended siting criteria; general design guidelines (such as property line setbacks); minimizing construction and operational noise (such as adherence to Noise Ordinance standards and General Plan compatibility standards); minimizing electromagnetic frequency (EMF) exposure; minimizing visual prominence (for example, by avoiding siting of facilities on ridgelines and other prominent topographical features, or by providing vegetative screens); and minimizing lighting and glare effects (such as adherence to the City's Outdoor Lighting Regulations).
- The requirement that a facility demonstrate that there are no sensitive biological resources present on-site that would be impacted by development of the proposed large-scale renewable energy facility, or demonstrate compliance with the MSCP Subarea Plan Section 1.4.3, Land Use Adjacency Guidelines, and with the City's ESL Regulations.
- The requirement that a facility demonstrate that there are no historical resources present on-site that would be impacted by development of the proposed large-scale renewable energy facility, or demonstrate compliance with Mitigation Framework HIST-1.
- A checklist to determine whether, even with adherence to the guidelines provided, a facility may still result in a land use conflict.

**Responsible Department:** Planning Department and Sustainability Program Manager (Economic Development Department)

## Visual Effects and Neighborhood Character

**Impact:** Implementation of the CAP could affect the visual quality of the planning area, particularly with respect to views from public viewing areas, vistas, or open spaces.

**Mitigation:** Implement **Mitigation Measure LU-1**.

**Impact:** Implementation of the CAP could introduce incompatible uses with surrounding development in terms of bulk, scale, materials, or style that would result in adverse visual impacts.

**Mitigation:** Implement **Mitigation Measure LU-1**.

## Air Quality

**Impact:** Implementation of the CAP could result in air emissions that would substantially deteriorate ambient air quality, including the exposure of sensitive receptors to substantial pollutant concentrations.

### **Mitigation Measure AIR-1: Best Available Control Measures for Construction Emissions.**

This mitigation measure incorporates the Mitigation Framework for construction-related air impacts contained in the General Plan PEIR, which states the following:

For projects that may exceed daily construction emissions established by the City of San Diego, Best Available Control Measures will be incorporated to reduce construction emissions to below daily emission standards established by the City of San Diego. Project proponents must prepare and implement a Construction Management Plan which includes but is not limited to Best Available Control Measures. Appropriate control measures will be determined on a project-by-project basis, and are specific to the pollutant for which the daily threshold may be exceeded. Control measures may include:

- Minimizing simultaneous operation of multiple construction equipment units;
- Use of low pollutant emitting equipment;
- Use of catalytic reduction for gasoline-powered equipment;
- Watering the construction area to minimize fugitive dust; and
- Minimizing idling time by construction vehicles.

### **Mitigation Measure AIR-2: Reduce Emissions from Expanded Recycling and Organics Collection Programs.**

To ensure that increased VMT resulting from implementation of CAP Action 4.1 does not result in significant air emissions, collection vehicles shall be converted to alternative fuels, such as natural gas, during roll-out of the expanded program, such that combined emissions fall below the significance threshold for daily and annual NO<sub>x</sub> emissions. This will be confirmed using generally accepted air emissions modeling, such as the CalEEMod model. In addition, to the extent that new programs increase VMT for long-haul vehicles, these

vehicles shall also be converted to alternative fuels, such as natural gas, such that any increase falls below the significance threshold for daily and annual NOx emissions.

**Responsible Department:** Development Services Department

## Historical Resources

**Impact:** Implementation of the CAP could cause a substantial adverse change in the significance of a historical resource, as defined in Section 15064.5, or have other physical or aesthetic effects to a prehistoric or historic building, structure, object or site.

### **Mitigation Measure HIST-1: Archaeological Resources.**

Prior to issuance of any permit for a future development that could directly affect an archaeological resource, the City shall require the following steps be taken to determine: (1) the presence of archaeological resources and (2) the appropriate mitigation for any significant resources which may be impacted by a development activity. Sites may include, but are not limited to, residential and commercial properties, privies, trash pits, building foundations, and industrial features representing the contributions of people from diverse socio-economic and ethnic backgrounds. Sites may also include resources associated with prehistoric Native American activities.

#### ***Initial Determination***

The likelihood for the project site to contain historical resources shall be determined by reviewing site photographs and existing historic information (e.g. Archaeological Sensitivity Maps, the Archaeological Map Book, and the City's "Historical Inventory of Important Architects, Structures, and People in San Diego") and conducting a site visit. If there is any evidence that the site contains archaeological resources, then a historic evaluation consistent with the City's Historical Resources Guidelines (City Guidelines) would be required. All individuals conducting any phase of the archaeological evaluation program must meet professional qualifications in accordance with the City Guidelines.

**Step 1:** Based on the results of the Initial Determination, if there is evidence that the site contains historical resources, preparation of a historic evaluation is required. The evaluation report would generally include background research, field survey, archeological testing and analysis. Before actual field reconnaissance would occur, background research is required which includes a record search at the SCIC at San Diego State University and the San Diego Museum of Man. A review of the Sacred Lands File maintained by the NAHC must also be conducted at this time. Information about existing archaeological collections shall also be obtained from the San Diego Archaeology Center and any tribal repositories or museums.

In addition to the record searches mentioned above, background information may include, but is not limited to: examining primary sources of historical information (e.g., deeds and wills), secondary sources (e.g., local histories and genealogies), Sanborn Fire Maps, and historic cartographic and aerial photograph sources; reviewing previous archeological research in similar areas, models that predict site distribution, and archeological, architectural, and historical site inventory files; and conducting informant interviews. The results of the background information shall be included in the evaluation report.

Once the background research is complete, a field reconnaissance must be conducted by individuals whose qualifications meet the standards outlined in the City Guidelines. Consultants are encouraged to employ innovative survey techniques when conducting enhanced reconnaissance, including, but not limited to, remote sensing, ground penetrating radar, and other soil resistivity techniques as determined on a case-by-case basis. Native American participation is required for field surveys when there is likelihood that the project site contains prehistoric archaeological resources or traditional cultural properties. If through background research and field surveys historical resources are identified, then an evaluation of significance must be performed by a qualified archaeologist.

**Step 2:** Once a historical resource has been identified, a significance determination must be made. Tribal representatives and/or Native American monitors will be involved in making recommendations regarding the significance of prehistoric archaeological sites during this phase of the process. The testing program may require reevaluation of the proposed project in consultation with the Native American representative which could result in a combination of project redesign to avoid and/or preserve significant resources as well as mitigation in the form of data recovery and monitoring (as recommended by the qualified archaeologist and Native American representative). An archaeological testing program will be required which includes evaluating the horizontal and vertical dimensions of a site, the chronological placement, site function, artifact/ecofact density and variability, presence/absence of subsurface features, and research potential. A thorough discussion of testing methodologies, including surface and subsurface investigations, can be found in the City Guidelines.

The results from the testing program shall be evaluated against the Significance Thresholds found in the City Guidelines. If significant historical resources are identified within the Area of Potential Effect, the site may be eligible for local designation. At this time, the final testing report must be submitted to Historical Resources Board staff for eligibility determination and possible designation. An agreement on the appropriate form of mitigation is required prior to distribution of a draft environmental document. If no significant resources are found, and site conditions are such that there is no potential for further discoveries, then no further action is required. Resources found to be non-significant as a result of a survey and/or assessment will require no further work beyond documentation of the resources on the appropriate Department of Parks and Recreation (DPR) site forms and inclusion of results in the survey and/or assessment report. If no significant resources are found, but results of the initial evaluation and testing phase indicates there is still a potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring is required.

**Step 3:** Preferred mitigation for historical resources is to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm shall be taken. For archaeological resources where preservation is not an option, a Research Design and Data Recovery Program is required, which includes a Collections Management Plan for review and approval. The data recovery program shall be based on a written research design and is subject to the provisions as outlined in CEQA, Section 21083.2. The data recovery program must be reviewed and approved by the City's Environmental Analyst prior to draft CEQA document distribution. Archaeological monitoring may be required during building demolition and/or construction grading when significant resources are known or suspected to be present on a site, but cannot be

recovered prior to grading due to obstructions such as, but not limited to, existing development or dense vegetation.

A Native American observer must be retained for all subsurface investigations, including geotechnical testing and other ground-disturbing activities, whenever a Native American Traditional Cultural Property or any archaeological site located on City property or within the Area of Potential Effect of a City project would be impacted. In the event that human remains are encountered during data recovery and/or a monitoring program, the provisions of Public Resources Code Section 5097 must be followed. In the event that human remains are discovered during project grading, work shall halt in that area and the procedures set forth in the California Public Resources Code (Section 50987.98) and State Health and Safety Code (Section 7050.5), and in the federal, state, and local regulations described above shall be undertaken. These provisions are outlined in the Mitigation Monitoring and Reporting Program (MMRP) included in the environmental document. The Native American monitor shall be consulted during the preparation of the written report, at which time they may express concerns about the treatment of sensitive resources. If the Native American community requests participation of an observer for subsurface investigations on private property, the request shall be honored.

**Step 4:** Archaeological Resource Management reports shall be prepared by qualified professionals as determined by the criteria set forth in Appendix B of the City Guidelines. The discipline shall be tailored to the resource under evaluation. In cases involving complex resources, such as traditional cultural properties, rural landscape districts, sites involving a combination of prehistoric and historic archaeology, or historic districts, a team of experts will be necessary for a complete evaluation.

Specific types of historical resource reports are required to document the methods (see Section III of the City Guidelines) used to determine the presence or absence of historical resources; to identify the potential impacts from proposed development and evaluate the significance of any identified historical resources; to document the appropriate curation of archaeological collections (e.g. collected materials and the associated records); in the case of potentially significant impacts to historical resources, to recommend appropriate mitigation measures that would reduce the impacts to below a level of significance; and to document the results of mitigation and monitoring programs, if required.

Archaeological Resource Management reports shall be prepared in conformance with the California Office of Historic Preservation "Archaeological Resource Management Reports: Recommended Contents and Format" (see Appendix C of the City Guidelines), which will be used by Environmental Analysis Section staff in the review of archaeological resource reports. Consultants must ensure that archaeological resource reports are prepared consistent with this checklist. This requirement will standardize the content and format of all archaeological technical reports submitted to the City. A confidential appendix must be submitted (under separate cover) along with historical resources reports for archaeological sites and traditional cultural properties containing the confidential resource maps and records search information gathered during the background study. In addition, a Collections Management Plan shall be prepared for projects which result in a substantial collection of artifacts and must address the management and research goals of the project and the types of materials to be collected and curated based on a sampling strategy that is acceptable to the City. Appendix D (Historical Resources Report Form) may be used when no archaeological resources were identified within the project boundaries.

**Step 5:** For Archaeological Resources: All cultural materials, including original maps, field notes, non-burial related artifacts, catalog information, and final reports recovered during public and/or private development projects must be permanently curated with an appropriate institution, one which has the proper facilities and staffing for insuring research access to the collections consistent with state and federal standards. In the event that a prehistoric and/or historic deposit is encountered during construction monitoring, a Collections Management Plan would be required in accordance with the project MMRP. The disposition of human remains and burial related artifacts that cannot be avoided or are inadvertently discovered is governed by state (i.e., Assembly Bill 2641 and California Native American Graves Protection and Repatriation Act of 2001) and federal (i.e., Native American Graves Protection and Repatriation Act) law, and must be treated in a dignified and culturally appropriate manner with respect for the deceased individual(s) and their descendants. Any human bones and associated grave goods of Native American origin shall be turned over to the appropriate Native American group for repatriation.

Arrangements for long-term curation must be established between the applicant/property owner and the consultant prior to the initiation of the field reconnaissance, and must be included in the archaeological survey, testing, and/or data recovery report submitted to the City for review and approval. Curation must be accomplished in accordance with the California State Historic Resources Commission's Guidelines for the Curation of Archaeological Collection (dated May 7, 1993) and, if federal funding is involved, 36 Code of Federal Regulations 79 of the Federal Register. Additional information regarding curation is provided in Section II of the City Guidelines.

**Responsible Department:** Development Services Department and Planning Department

## Transportation and Circulation

**Impact:** Implementation of the CAP could create substantial alterations to present circulation movements including effects on existing public access points and/or resulting from anticipated changes in transportation modes.

**Mitigation Measure TR-1:** The Roundabouts Master Plan shall include a monitoring and adaptive management program to evaluate, and if necessary, to correct, pedestrian safety issues at operating roundabouts.

**Responsible Department:** Transportation and Storm Water Department and Sustainability Program Manager (Economic Development Department)

## Water Supply

**Impact:** Implementation of the CAP could result in the excessive use of water.

**Mitigation Measure WS-1: Water Supply Assessment.** In order to ensure that large-scale renewable energy projects do not use excessive amounts of water, a Water Supply Assessment (WSA) shall be submitted for review as part of the subsequent environmental review process. The WSA shall demonstrate that the proposed project would not demand an amount of water greater than the amount required by a 500 dwelling unit project.

**Responsible Department:** Development Services Department and Planning Department