Findings of Fact
and
Statement of Overriding Considerations
Fenton Parkway Bridge Project

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1 Introduction

1.1 Purpose

This statement of Findings of Fact (Findings) addresses the environmental effects associated with the Fenton Parkway Bridge Project located in San Diego, California. These Findings are made pursuant to the California Environmental Quality Act (CEQA) under Sections 21081, 21081.5, and 21081.6 of the Public Resources Code and Sections 15091 and 15093 of the CEQA Guidelines, Title 14, Cal. Code Regs. 15000, et seq. The potentially significant impacts were identified in both the Draft Environmental Impact Report (EIR) and the Final EIR, as well as additional facts found in the complete record of proceedings.

Public Resources Code 21081 and Section 15091 of the CEQA Guidelines require that the lead agency prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. The California State University (CSU) Board of Trustees is the lead agency responsible for preparation of the EIR in compliance with CEQA and the CEQA Guidelines. Section 15091 of the CEQA Guidelines states, in part, that:

(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 provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with Public Resource Code 21081 and Section 15093 of the CEQA Guidelines, whenever significant impacts cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations (SOC), pursuant to the CEQA Guidelines.

Section 15093 of the CEQA Guidelines state that:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other

benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(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.

The Final EIR for the project identified potentially significant effects that could result from project implementation. However, the CSU Board of Trustees finds that the inclusion of certain mitigation measures as part of the project approval will reduce most, but not all, of those effects to less than significant levels. Those impacts that are not reduced to less than significant levels are identified and overridden due to specific project benefits in a Statement of Overriding Considerations.

In accordance with CEQA and the CEQA Guidelines, the Board of Trustees adopts these findings as part of its certification of the Final EIR for the project. Pursuant to Section 21082.1(c)(3) of the Public Resources Code, the Board of Trustees also finds that the Final EIR reflects the Board's independent judgment as the lead agency for the project. As required by CEQA, the Board of Trustees, in adopting these findings, also adopts a Mitigation Monitoring and Reporting Program for the project. The Board of Trustees finds that the Mitigation Monitoring and Reporting Program, which is incorporated by reference and made a part of these findings, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

1.2 Organization and Format of Findings

Section 1.0, Introduction, contains a summary description of the project and background facts relative to the environmental review process.

Section 2.0 discusses the CEQA findings of independent judgment. Section 2.1 identifies the environmental effects determined not to be significant during the Notice of Preparation (NOP) scoping process and therefore were not discussed in the EIR. Section 2.2 describes the project design features. Section 2.3 identifies the environmental effects of the project determined to have a less than significant impact. Section 2.4 identifies the potentially significant effects of the project that would be mitigated to a less than significant level with implementation of the identified mitigation measures. Section 2.5 of these Findings identifies the significant impacts of the project that cannot be mitigated to a less than significant level, even though all feasible mitigation measures have been identified and incorporated into the project.

Section 3.0 identifies the feasibility of the project Alternatives that were studied in the EIR.

Section 4.0 discusses findings with respect to mitigation of significant adverse impacts, and adoption of the Mitigation, Monitoring, and Reporting Program (MMRP).

Section 5.0 describes the certification of the Final EIR.

Section 6.0 contains the Statement of Overriding Considerations providing the Board of Trustees' views on the balance between the project's significant environmental effects and the merits and objectives of the project.

1.3 Summary of Project Description

The Project site is located at coordinates 32.777755, −117.126079 in San Diego, California 92108, in a stretch of the San Diego River basin that runs between the intersection of Camino Del Rio North/Mission City Parkway and the terminus of Fenton Parkway. The project site is located in the northeast portion of the Mission Valley Community within the City of San Diego. Regionally, the City of San Diego covers approximately 206,989 acres in southwestern San Diego County, located approximately 17 miles north of the United States/Mexico border. The Mission Valley community is located in the central portion of the San Diego metropolitan area. Specifically, the project site is situated southeast of Fenton Parkway, northwest of the intersection between Mission City Parkway and Camino Del Rio North, east of Interstate (I) 805, west of I-15, and north of I-8. It is approximately 4 miles from downtown San Diego and approximately 3 miles west of the existing SDSU main campus situated along I-8 within the College Area community of the City of San Diego.

Regional access to and from the project site is provided by four major freeways—I-15, I-8, I-805, and State Route 163—accessed via Fenton Parkway, Mission City Parkway, and Camino Del Rio North. Further, the existing Metropolitan Transit System Green Line and MTS Fenton Parkway Trolley Station are situated north of the project site.

The project site is surrounded by major freeways, roadways, existing urban development, and the San Diego River. Higher density multifamily residential land uses are located to the northwest and office/residential spaces are located south of the project site. The San Diego River, part of the City of San Diego's Multiple Species Conservation Program (MSCP), flows directly through the project site. Additional office uses and I-8 are located south of the project site. To the north of the project site is SDSU's Snapdragon Stadium. Further north beyond the stadium is San Diego Fire-Rescue Department Fire Station 45, undeveloped hillsides, and single-family residences situated atop the mesa, within the Serra Mesa planning area. The SDSU campus is located three trolley stops east of the Stadium Trolley Station situated east the project site.

The project site includes land that stretches across the San Diego River, largely consisting of the river and surrounding roadways. Surrounding land uses include the San Diego River, the SDSU-operated park south of River Park Road, residential land uses west of the existing southern terminus of Fenton Parkway, commercial and institutional uses east of the existing southern terminus of Fenton Parkway, the San Diego Trolley and associated Fenton Parkway Station, commercial land uses, and open space and/or undeveloped land south of the San Diego River. The City's Stadium Wetland Mitigation Site is a 57-acre advance permittee-responsible compensatory mitigation site that generates wetland mitigation credits for use in connection with infrastructure projects for the City. The Stadium Wetland Mitigation Site is located on the eastern and western boundaries of the project site and includes multiple "no-credit areas". The Stadium Wetland Mitigation Site was designed to omit multiple designated infrastructure easements as "no credit" areas for future projects identified in the Mission Valley Community Plan, one of which is the project site.

The project would involve construction of a vehicular and pedestrian bridge spanning the San Diego River from north to south. The Fenton Parkway Bridge has been contemplated in the City's long-range planning documents for the Mission Valley community for more than 30 years as a local facility that would serve the needs of the Mission Valley community and benefit the public by providing a much-needed high river crossing in eastern Mission Valley.

The City considers the project an Essential Public Project (EPP) pursuant to the City's Land Development Code. As part of the purchase and sale agreement between SDSU and the City for the SDSU Mission Valley site, which was executed in August 2020, and pursuant to a memorandum of understanding (MOU) between SDSU and the City and City Ordinance No. O-21564, SDSU has agreed to plan, design, and construct the bridge to City transportation department design standards on behalf of the City.

The design and construction of the approach roadways and bridge would comply with applicable City of San Diego, County of San Diego, and California Department of Transportation design standards, as well as American Association of State Highway and Transportation Officials guidelines.

The proposed design for the bridge is a conventional prestressed concrete girder structure. This bridge design can be accomplished by two different construction methods, pre-cast or cast-in-place. A pre-cast construction method uses bridge components that are manufactured off site and assembled on site. For a cast-in-place construction method, concrete is poured and cured in forms on site to create a structural element in its final position. Both construction methods were fully analyzed as part of the project and throughout the EIR. Prior to the commencement of pre-cast or cast-in-place construction activities, an erosion control rock-fortified work area would be installed over geotextile fabric to stabilize soils within the worksite, capture sediment that may be transported through the worksite and create an approximately 60-foot wide crossing that can be used to transport materials and equipment over the low flow channel. The perimeter of the erosion control rock-fortified work area, less the low flow channel, would be lined with "k-rail" (Caltrans Concrete Barrier (Type K) which would in effect create a containment structure around the entire erosion control rock-fortified work area. One quarter ton rip-rap boulders would be imported into the river channel, on top of geotextile fabric, to create an approximately 2.5-foot-deep foundation throughout the work area. Approximately 1- to 3-inch, or smaller, clean, crushed rock would be deposited on top and between to fill interstitial spaces between rip-rap boulders and to even out the work area and further secure underlying loose soils.

The permanent bridge would be approximately 450 feet long and 58 feet wide and would consist of up to four spans. The spans would be supported on concrete seat-type abutments in the river embankments at each end and two to three piers within the river channel, each consisting of two to three approximately 20-foot-tall, 6-foot-diameter circular concrete columns.

Each abutment would be supported on eight 4-foot-diameter, cast-in-drilled-hole concrete piles, and each of the columns would be supported on a single 8-foot-diameter cast-in-drilled-hole concrete pile. Piles are currently estimated to be drilled to depths of between 50 and 200 feet below existing grade. Each of the abutments would be protected with energy dissipating riprap that will be buried to allow for post-construction habitat restoration over the riprap. Allowing this habitat restoration will ensure that post-construction replanting fosters wildlife use following completion of the bridge.

1.4 Project Objectives

CEQA states that the statement of project objectives should be clearly written and define the underlying purpose of the project, in order to permit the development of a reasonable range of alternatives and aid the Lead Agency in making findings. The project objectives also aid decision makers in preparing findings and a statement of overriding considerations, if necessary. The statement of objectives should also include the underlying purpose of the proposed project.

The purpose of the project is to meet the needs of the communities north and south of the San Diego River by improving local and regional connectivity. These objectives are informed by and reflect the vision for a Fenton Parkway crossing described in the Mission Valley Community Plan Update (MVCPU) (adopted September 2019) with the exception that the project involves a three-lane road rather than a four-lane road as envisioned in the MVCPU.

The objectives of the project are as follows:

- Construct a multi-modal bridge over the San Diego River to improve north–south mobility in eastern Mission Valley by connecting the existing street network between I-805 and I-15.
- Provide accessible pedestrian and bicycle infrastructure that connects the communities south of the river to public open space and local and regional trail networks north of the river.
- Improve direct connectivity between residential neighborhoods and commercial office centers south of the river and residential, commercial, institutional, and public park lands and recreational amenities north of the river.
- Provide a high-water crossing in eastern Mission Valley so motorists and non-motorists have the ability to transit the valley in times of flooding.
- Improve emergency access between the communities north and south of the river in the eastern portion of the Mission Valley community, in support of San Diego Fire Department Station 45 and other emergency services.
- Support multimodal transit by providing infrastructure to facilitate increased rider access to the Metropolitan Transit System Trolley Green Line and the Fenton Parkway and Stadium Stations, for riders south of the river.
- Minimize temporary and permanent impacts to natural resources (shading, wildlife movement, native plant regrowth, etc.) consistent with the San Diego River Park Master Plan bridge design guidelines.
- Construct the bridge in a manner that minimizes temporary and permanent impacts to sensitive biological resources within the City's Stadium Wetland Mitigation Site.
- Minimize impacts to natural topography and sensitive biological resources.

1.5 Environmental Review Process

1.5.1 Initial Study and Notice of Preparation

In accordance with the requirements of CEQA and the CEQA Guidelines, to determine the number, scope and extent of environmental issues, the NOP of the Draft EIR was circulated for public review for a period of 30 days, beginning on April 12, 2024 and ending on May 28, 2024. The University held a public information/scoping meeting on May 1, 2024 to present an overview of the project and to solicit public input regarding the proposed scope and content of the Draft EIR.

1.5.2 Draft EIR

In accordance with the requirements of CEQA and the CEQA Guidelines, a Draft EIR was prepared to address the potential significant environmental effects associated with the Fenton Parkway Bridge project identified during the

NOP process. Based on the NOP and Initial Study scoping process, the EIR addressed the following potentially significant environmental issues:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gase Emissions (GHG)
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

The Draft EIR was made available to the public for review and comment for a 45-day period. The review and comment period began on April 12, 2024 and concluded on May 27, 2024. Because May 27, 2024, was a holiday, comments were accepted through the close of business on May 28, 2024.

The Draft EIR was accessible online using at https://bfa.sdsu.edu/campus/facilities/planning/eir. Copies of the Draft EIR were available for public review at the following location during normal business hours:

- Mission Valley Library, 2123 Fenton Parkway, San Diego, California, 92108

During the Draft EIR public review period, the University received approximately 11 comment letters. All comment letters received in response to the Draft EIR were reviewed and are included in the Final EIR, along with written responses to each of the comments.

1.5.3 Final EIR

Section 15088 of the CEQA Guidelines requires that the Lead Agency responsible for the preparation of an EIR evaluate comments on environmental issues and prepare a written response addressing each of the comments. The intent of the Final EIR is to provide a forum to address comments pertaining to the information and analysis contained within the Draft EIR, and to provide an opportunity for clarifications, corrections, or minor revisions to the Draft EIR as needed.

The Final EIR assembles in one document all the environmental information and analysis prepared for the project, including comments on the Draft EIR and responses by the University to those comments.

In accordance with CEQA Guidelines section 15132, the Final EIR for the project consists of: (i) the Draft EIR and subsequent revisions; (ii) comments received on the Draft EIR; (iii) a list of the persons, organizations, and public agencies commenting on the Draft EIR; (iv) written responses to significant environmental issues raised during the public review and comment period and related supporting materials; and, (v) other information contained in the EIR, including EIR appendices.

2 CEQA Findings of Independent Judgment

2.1 Environmental Effects Determined Not to Be Significant in the NOP Scoping Process and Not Discussed in the EIR

Section 15128 of the CEQA Guidelines requires an EIR to contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were, therefore, not discussed in detail in the EIR. The Executive Summary of the Final EIR addresses the potential environmental effects that have been found not to be significant as a result of the Initial Study analysis completed as part of the NOP process, the NOP public review process, and the responses to the NOP. Based on the NOP process, implementation of the Fenton Parkway Bridge Project was determined to result in either no impact, or a less than significant impact without the implementation of mitigation measures on the following resources, and were therefore, not discussed in detail in the EIR:

- Agricultural and Forestry Resources
- Mineral Resources
- Population and Housing
- Public Services

2.2 Less than Significant Impacts

The Board of Trustees finds that, based upon substantial evidence in the record, including information in the Final EIR, the following impacts have been determined be less than significant and no mitigation is required pursuant to Public Resources Code section 21081(a) and CEQA Guidelines section 15091(a):

2.2.1 Aesthetics

Less than Significant Impacts

The project's aesthetics impacts are analyzed in Section 3.1 of the Final EIR. The project would have limited visibility from I-8 and the proposed bridge would not result in any blockage of existing views or substantial interruption of available views to the river corridor. Due to intervening terrain and development to the east through Mission Valley, I-15 motorists would not be provided views to the proposed Fenton Parkway Bridge and the bridge would not be readily discernable in the brief, fleeting easterly views to the San Diego River corridor that are available to passing southbound and northbound motorists. As such, the project would not result in substantial effects to existing views from the interstate. Implementation of the project would not conflict with identified scenic quality policies of the City's General Plan, Mission Valley Community Plan, and San Diego River Park Master Plan. Construction activities would generally occur during daylight hours (i.e., 7:00 a.m. to 7:00 p.m. Monday through Saturday); however, limited

nighttime and Sunday work may be required. Occurrences of nighttime construction and use of night lighting are expected to be infrequent and of a brief duration and would be targeted on active areas of construction. Once constructed, selected lighting would generally be consistent with local (i.e., Community Plan and San Diego River Park Master Plan) policies. Bridge materials would operate in an urbanized setting and would not be of excessively reflective materials such that the introduction of these materials would create significant glare that would potentially affect daytime views. The project's impacts to scenic resources and scenic vistas would not be cumulatively considerable because of the minimal visibility of the San Diego River corridor to passing motorists, and because the majority of cumulative projects would not result in the removal of native and natural trees or damage other scenic resources. Other cumulative projects will have to comply with applicable zoning and other regulations governing scenic quality and regulations regarding light and glare, and therefore will not have cumulatively significant impacts with respect to such matters. As such, any direct and cumulative aesthetics impact potentially resulting from the project, including (1) effects to existing scenic views or scenic vistas; (2) damage to scenic resources within a state highway; (3) conflicts with applicable zoning and other regulations governing scenic quality; and (4) creating new sources of substantial light and glare that would adversely affect day and nighttime views in the area, as provided in the CEQA Appendix G thresholds, would not be considered a significant impact on the environment.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential impact related to the adverse effects on aesthetics is less than significant, and no mitigation measures are required.

Reference

EIR Section 3.1, Aesthetics

2.2.2 Agricultural and Forestry Resources

Less than Significant Impact

The project's agriculture and forestry resources impacts are analyzed in Section 4.2.1, Other Environmental Considerations, Agriculture and Forestry Resources. The project site and surrounding uses are not zoned for and do not involve agricultural uses. No forestry resources for purposes of timberland production or lands designated for forestry purposes are located within the project area. Development of the project site with a new bridge would occur within the boundaries of the project site, as identified in the project description. The project would have no impact on agricultural or forestry resources, including (i) the conversion of farmland to non-agricultural use, (ii) conflict with existing zoning for agricultural use or a Williamson Act contract, (iii) conflict with existing zoning for, or cause rezoning of, forest land, or timberland zoned Timberland Production, (iv) result in the loss of forest land or conversion of forest land to non-forest use, (v) involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use. .

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential impact related to the adverse effects on agricultural and forestry resources is less than significant, and no mitigation measures are required.

Reference

EIR Section 4.2.1, Other Environmental Considerations, Agricultural and Forestry Resources

2.2.2 Air Quality

Less than Significant Impact

The project's impacts on air quality are analyzed in Section 3.2 of the Final EIR. The determination that the project's impacts on air quality are less than significant is based on a thorough assessment of various factors. The project is contemplated in the Mission Valley Community Plan and therefore its land uses and vehicle trends are consistent with the San Diego Association of Government's ("SANDAG") growth and development assumptions. Projects that involve development that is consistent with growth and land uses anticipated by local plans are consistent SDAPCD air quality management plans. The project is also in compliance with relevant regional air quality management strategies, ensuring alignment with projected growth and adherence to air quality objectives established by SPACD and SANDAG. During construction, both pre-cast and cast-in-place methods would be projected to remain below SDAPCD's significance thresholds for any criteria pollutants for which the region is non-attainment under and applicable federal or state ambient air quality standards, including VOCs, NOx, PM10, and PM2.5. Effective management of dust and emissions would be ensured through adherence to SDAPCD Rule 55. In terms of operational impacts, the project would be anticipated to produce only minimal additional emissions and would not result in a significant increase in vehicle miles traveled, thereby avoiding long-term air quality impacts. The emissions associated with the project would remain within regional health thresholds for VOCs, NOx, CO, and particulate matter. Odors potentially generated from vehicles and equipment exhaust emissions during construction would be localized and disperse rapidly from the project site and generally occur at magnitudes that would not affect substantial numbers of people. Additionally, the project's contribution to cumulative regional pollution would be minimal, and it would not generate significant CO hotspots or adversely affect traffic conditions. As such, the project would not (i) conflict with or obstruct implementation of the applicable air quality plan, (ii) result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, (iii) expose sensitive receptors to substantial pollutant concentrations during the operational stage (but not during the construction stage, see Section 3.4.2 below) or (iv) result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Therefore, any air quality impact potentially resulting from the project would be less than significant, and no mitigation measures would be required.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential impact related to (i) conflicting with or obstructing implementation of the applicable air quality plan, (ii) resulting in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, (iii) exposing sensitive receptors to substantial pollutant concentrations during the operational stage (but not during the construction stage, see Section 3.4.2 below) or (iv) resulting in other emissions (such as those leading to odors) adversely affecting a substantial number of people., as discussed above, would be less than significant, and no mitigation measures are required.

Reference

EIR Section 3.2, Air Quality and Appendix B, Air Quality and Greenhouse Gas Emissions Technical Report (February 2024)

2.2.3 Biological Resources

Less than Significant Impacts

The project's impacts on biological resources are analyzed in Section 3.3 of the Final EIR. As the lead agency would be a state entity, it would not be subject to local policies or ordinances from entities such as the City or County of San Diego. Furthermore, the City lacks a specific tree protection policy or ordinance affecting the project site. The project is also consistent with City's environmentally sensitive lands ordinance, specifically the wetlands regulations set forth in the City's Land Development Code, section 143.0141(b) which allows deviations from development standards for Essential Public Projects (as defined in the Development Code). Because the project would qualify as an Essential Public Project under the Mission Valley Community Plan, it would be compliant with local regulations, as further described below.

Where it has permitting authority over projects, the City is obligated to protect and manage portions of the San Diego River for native habitat and species conservation in accordance with the MSCP Implementing Agreement (City of San Diego et al., 1997). Section 10.2 of the Implementing Agreement would normally require the City to preserve lands within the Multiple Habitat Planning Area (MHPA). This preservation would ensure that the river can function as an open space corridor for plant and wildlife species. Pursuant to a memorandum of understanding between SDSU and the City, SDSU has agreed that bridge design and construction will be performed in a manner consistent with the City's ESL Regulations and Biology Guidelines, which provide a compliance and implementation mechanism for the Subarea Plan and its Implementation Agreements. Table 3.37 of the Final EIR details the project's compliance with Conditions of Coverage, describing conditions that will be implemented for each Covered Species that will be impacted by the project (Cooper's hawk, Southwestern willow flycatcher, coastal California gnatcatcher, Least Bell's vireo, Orange-throated whiptail, southwestern pond turtle). Table 3.3-8 of the Final EIR details the project's consistency with MSCP land use considerations and various associated guidelines. Among other things, Table 3.3-8 describes that the bridge is a permitted land use because it is an Essential Public Project contemplated in the Mission Valley Community Plan and it will be designed and constructed in a manner that minimizes environmental impacts.

While impacts to wetlands cannot be avoided due to the nature of the project being a bridge that spans the San Diego River, deviations from the City's ESL regulations are available because the project is an Essential Public Project and there are no feasible alternatives that would avoid impacts to wetlands. See Table 3.3-9 for further information about the project's compliance with the City's wetland deviation requirements under its ESL Regulations. See response to comment, Thematic Response #1 – Purpose and Need of the Project, for a discussion of why project is considered an essential public purpose, which includes the following: the project will improve multimodal transportation throughout Mission Valley, reduce greenhouse gas emissions, reduce the debilitating impacts of significant and frequent flooding in eastern Mission Valley by providing a much-needed high river vehicular crossing, and improve public safety generally by reducing congestion and providing a new~~,~~ reliable and direct access route for emergency response personnel and more generally for the large and growing population living, working and recreating in eastern Mission Valley.

Direct impacts to the San Diego River, which lies within the MHPA, would be managed through necessary design measures to mitigate i 0.68 acres of permanent and 0.42 acres of temporary impacts.to the MHPA. The project would be consistent with the MSCP Implementing Agreement by preserving adjacent lands and maintaining the river's role as an open space corridor. The project would also incorporate flood control measures, effectively manage stormwater runoff, and comply with guidelines on toxic materials, lighting, and invasive species to minimize potential indirect impacts, such as light spill or noise.

In terms of cumulative impacts, the project's consistency with the MSCP, ESL Regulations and City guidelines, along with required mitigation measures, would ensure that impacts to sensitive biological resources arising from conflicts with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan remain less than significant. Compliance with state and federal wetland regulations would guarantee no net loss of wetland and riparian resources, effectively addressing cumulative impacts. Thus, the project's impacts on biological resources, arising from (i) conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or (ii) conflicts with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan would be less than significant, and no additional mitigation measures would be required.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts to biological resources with respect to (i) conflict with local policies and ordinances protecting biological resources, and (ii) conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, either within the MSCP area or in the surrounding region, as discussed above, would be less than significant, and mitigation measures are not required.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (October 2023).

2.2.4 Cultural Resources

Less than Significant Impacts

The project's impacts on cultural resources are analyzed in Section 3.4 of the Final EIR. The project is determined to have less-than-significant impacts on archaeological, historical, and human remains resources (except that direct impacts to archeological and human remains resources are less than significant with the implementation of mitigation as discussed in Section 3.3.4 below). During construction, the surrounding area, which is substantially developed, would be unlikely to experience indirect impacts to archaeological resources due to minimal risk from increased vehicle and pedestrian traffic resulting from project construction. No archaeological resources were identified through records searches or surveys, though the project area may intersect previously unidentified resources, which would be properly addressed if discovered. Once construction is complete, operation of the project would not affect any previously identified resources as they would have been mitigated during construction, and the project would not introduce new impacts to cultural resources. The project area contains no historical resources, and no activities would indirectly affect historical resources or lead to substantial adverse changes in their significance. Additionally, no human remains were identified in the area, and the project's operation would not impact any such remains, as the increased pedestrian and vehicular traffic would not affect previously recorded sites. City and County

guidelines and protocols for addressing project impacts to archeological, historical and human remains resources ensure cumulative impacts of the project, when considered with other potential projects, are less than significance. Thus, no direct, indirect or cumulative impacts to archaeological, historical, or human remains resources would occur, and no additional mitigation measures are required (except with respect to direct impacts to archeological and human remains resources as described in Section 3.3.4 below).

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential indirect and cumulative impacts related to archeological resources and human remains resources, as well as direct, indirect and cumulative impacts to historical resources, all as discussed above, would be less than significant, and no mitigation measures are required.

Reference

EIR Section 3.4, Cultural Resources and Appendix D, Cultural Resources Technical Report (October 2023)

2.2.5 Energy

Less than Significant Impacts

The project's impacts on energy are analyzed in Section 3.5 of the Final EIR. The project is expected to have minimal impacts on energy consumption. During construction, only temporary electric power for lighting and electronic equipment in trailers would be used, and this would contribute negligibly to the overall energy consumption. Similarly, the operational phase would involve minimal electricity use for bridge lighting, resulting in less than significant impacts.

Natural gas is not anticipated to be used during construction. Any minor natural gas consumption during this phase would be far less than the energy required for operation, having a negligible effect on overall energy use. Additionally, there would be no natural gas consumption during the operational phase, so no impact is expected.

Petroleum consumption would be primarily associated with construction activities. Diesel fuel would be used by heavy-duty equipment and haul trucks, while construction workers' vehicles would use gasoline. The project is estimated to consume between 109,556 and 138,536 gallons of petroleum, a small fraction of the 1.6 billion gallons consumed in San Diego County. Compliance with CARB's diesel emission regulations would prevent wasteful or inefficient use of fuel. There would be no petroleum consumption during operation, resulting in no impact.

The project would comply with state plans for renewable energy and energy efficiency. It would be subject to CARB's regulations on diesel engines, which include restrictions on idling and requirements for emission controls. The temporary energy demand during construction would not necessitate ongoing or permanent use of petroleum resources, ensuring compliance with energy efficiency standards and resulting in less than significant impacts.

Regarding cumulative energy impacts, the project's temporary energy use would be small compared to other potential projects. Future projects would undergo energy analyses and adhere to energy policies to mitigate wasteful

energy use. The project would also reduce vehicle miles traveled, contributing to long-term energy savings. Therefore, the cumulative impacts related to energy requirements and efficiency would be less than significant.

Based on the foregoing, the project (i) would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation and (ii) would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential impact related to energy, as summarized above, is less than significant, and no mitigation measures are required.

Reference

EIR Section 3.5, Energy

2.2.6 Geology and Soils

Less than Significant Impacts

The project's impacts on geology and soils are analyzed in Section 3.6 of the Final EIR. The project site is situated approximately 4 miles east of the Rose Canyon Fault Zone, with no active faults present on or near the site. Consequently, the potential for surface fault rupture at the site is deemed negligible. Furthermore, the construction and operation of the proposed bridge are not expected to induce fault rupture, resulting in no significant impacts.

Given the seismically active nature of the region, which includes proximity to major fault zones such as the Newport-Inglewood-Rose Canyon Fault Zone, the project site is susceptible to strong seismic ground shaking. The site is also located in sediments vulnerable to liquefaction, which could potentially impact the bridge. However, the bridge would be engineered in accordance with a project-specific geotechnical report and comply with relevant City and State design standards to address liquefaction and lateral spreading. The design measures and construction practices implemented would eliminate potential hazards in areas susceptible to liquefaction, and lateral spreading, and the project would be engineered to minimize seismic hazards effectively, ensuring that impacts remain less than significant.

Liquefaction and associated ground failure are recognized risks due to the site's sedimentary composition. However, adherence to geotechnical recommendations and engineering standards would substantially minimize these risks. The project would not exacerbate the potential for seismic ground failure, and as a result, the impact related to seismic hazards would be less than significant.

The southern and northern bridge abutments are situated on steep slopes, which could potentially lead to slope failure or landslides. To address these concerns, the project would incorporate ground improvements, including vibro-replacement stone columns and riprap, and adhere to stringent design and safety standards. Compliance with Cal/OSHA regulations would ensure proper construction practices and slope stability. These measures would effectively prevent slope instability, resulting in less than significant impacts.

Soil erosion and topsoil loss could occur during construction; however, compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction

and Land Disturbance Activities (Construction General Permit) and implementation of a comprehensive stormwater management plan and best management practices (BMPs) would ensure effective sediment and erosion control during construction. Measures such as erosion control and replanting of disturbed areas would ensure that both short-term and long-term impacts on soil erosion are minimized.

The project would be constructed partially on slopes and temporary slopes would be created during bridge abutment construction, but the bridge would be constructed in accordance with the recommendations of a project-specific geotechnical report and the requirements of City and Caltrans design standards, American Association of State Highway and Transportation Officials guidelines, and Cal/OSHA regulations to ensure impacts related to unstable soils or geologic units will not occur The project's site, underlain by sand-rich sediments, is not expected to encounter expansive soils. Standard soil testing and, if necessary, remedial measures would be employed to address any potential soil expansion issues, ensuring that impacts related to expansive soils are less than significant.

As the project does not involve wastewater disposal, there would be no impact related to soil's ability to support septic tanks. Cumulative impacts from other projects would be managed on an individual basis, with each project required to adhere to similar regulatory standards and procedures. Consequently, the overall impacts of the project on geologic resources and soils, both individually and cumulatively, are anticipated to be less than significant.

Therefore, (i) the project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, strong seismic ground shaking or landslides; (ii) the project would not result in substantial soil erosion or the loss of topsoil, (iii) the project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, (iv) the project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property, (v) the project would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water, and (v) the project would not have cumulatively significant impacts with respect to the foregoing or with respect to a unique paleontological resource or site or unit geologic feature.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to geology and soil as summarized above would be considered less than significant, and no mitigation measures are required.

Reference

EIR Section 3.6 Geology and Soils and Appendix E, Paleontological Resources Technical Report (October 2023)

2.2.7 Greenhouse Gases

Less than Significant Impacts

The project's impacts on greenhouse gasses are analyzed in Section 3.7 of the Final EIR. The project would be consistent with relevant regulations and plans aimed at reducing greenhouse gas (GHG) emissions. Analysis using CalEEMod 2022 indicates that for the Pre-Cast construction method, GHG emissions are projected to total approximately 1,189 metric tons of CO2 equivalent (MT CO2e) over the construction period, which amortizes to about 40 MT CO2e annually over 30 years. For the Cast-in-Place method, the total estimated emissions would be approximately 1,468.77 MT CO2e, equating to approximately 49 MT CO2e per year when amortized. These emissions are associated with the temporary construction phase and are not anticipated to constitute a long-term source of GHG emissions, thus resulting in a less than significant impact.

Upon completion of construction, the operational phase of the project, which would include a two-lane roadway extension and a bridge over the San Diego River, would be expected to lead to a decrease in vehicle miles traveled (VMT) within a 3-mile and 5-mile radius due to improved transportation efficiency. This reduction in VMT would contribute to a decrease in GHG emissions from vehicles. Furthermore, the project's incorporation of protected bike lanes and sidewalks would be expected to promote multimodal transit usage, thereby further reducing reliance on vehicles and GHG emissions. With ongoing improvements in vehicle fuel efficiency and the growing prevalence of zero-emission vehicles, long-term GHG emissions associated with the project would be minimized. Despite the lack of a specific numeric threshold for GHG emissions under CEQA, adherence to applicable regulations and plans confirms that the project's GHG emissions impacts would be less than significant.

In terms of policy alignment, the project is consistent with the CSU Sustainability Policy, the 2017 SDSU Climate Action Plan, the City of San Diego's Climate Action Plan, SANDAG's Regional Transportation Plan/Sustainable Communities Strategy, and CARB's Scoping Plan. The project does not conflict with these policies or regulations, thereby maintaining a less than significant impact.

Given the global nature of GHG emissions and their role in climate change, the project's contribution to cumulative GHG impacts is assessed as less than significant. The project would adhere to emission reduction strategies and does not substantially exacerbate global climate change, ensuring that cumulative impacts remain minimal.

Based on the foregoing, the project would not (i) generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, or (ii) conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential project impacts related to greenhouse gases as summarized above would be considered less than significant, and no mitigation measures are required.

Reference

EIR Section 3.7 Greenhouse Gas Emissions and Appendix B, Air Quality and Greenhouse Gas Emissions Technical Report (February 2024).

2.2.8 Hazards and Hazardous Materials

Less than Significant Impacts

The project's impacts on hazards and hazardous materials are analyzed in Section 3.8 of the Final EIR. The project would have less than significant impacts concerning hazardous materials and emergency response. During construction, hazardous materials such as asphalt and fuels will be transported and used; however, adherence to federal OSHA and Cal/OSHA regulations, including proper training and safety measures, would ensure that the public and the environment are protected from exposure to (i) hazardous materials that may be transported, stored, or used on site, and (ii) hazards through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. Consequently, routine handling and accidental releases of hazardous materials would not be expected to pose significant impacts.

Operationally, the vehicles carrying potentially hazardous material may travel across the bridge, but the bridge would include features to manage potential spills, such as curbs and concrete barriers, and stormwater treatment infrastructure to prevent environmental contamination. This design, along with adherence to safety regulations, would ensure that potential impacts related to the (i) routine transport, use, storage, or disposal of hazardous materials and (ii) upset or accidental conditions involving the release of hazardous materials would remain minimal. Temporary construction-related road adjustments would not interfere significantly with emergency response plans, as the roads affected are not major evacuation routes. As such, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The same is true during the operational phase of the project as the new bridge would improve emergency access by providing an additional crossing over the San Diego River.

Based on the foregoing, the project would not (i) create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, (ii) create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, (iii) impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, or (iv) have a cumulative effect on hazards or hazardous materials.

Regarding cumulative impacts, adherence to regulatory requirements would minimize localized hazardous materials risks, and other cumulative projects would be subject to similar regulations. Therefore, the project would not be expected to contribute significantly to cumulative impacts. Overall, the project's impacts on hazardous materials and emergency response are determined to be less than significant.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts to hazards and hazardous materials discussed above, would be considered less than significant, and no mitigation measures are required.

Reference

EIR Section 3.8 Hazards and Hazardous Materials

2.2.9 Hydrology and Water Quality

Less than Significant Impacts

The project was evaluated for its potential impacts on water quality and groundwater resources. During construction, adherence to the Construction General Permit (CGP) would ensure that any non-stormwater discharges, such as dewatering, do not violate water quality standards. Compliance with CGP requirements would minimize impacts to surface water and groundwater, and impacts would be less than significant. During construction, the root network of plants and trees would remain in ground to stabilize exposed river sediment and soil and aid in post-construction restoration activity, resulting in greater erosion control and stability in exposed river channel areas. In addition, during the initial stage of construction, an erosion control rock-fortified area would be placed within the low flow channel. The perimeter of the erosion control rock-fortified work area, less the low flow channel, would be lined with k-rail (Figure 2-3). Geotextile fabric would be laid on top of the exposed ground and affixed with metal stakes at the edges of the k-rail to secure underlying soils and prevent undercutting and sediment loss in high flow events. One quarter ton rip-rap boulders would be imported into the river channel and laid as an approximately 2.5-foot–deep foundation throughout the work area. Approximately 1- to 3-inch, or smaller, crushed rock would be deposited on top and between to fill interstitial spaces between rip-rap boulders and to even out the work area and further secure underlying loose soil. Water would continue to flow relatively free of sediment through the ersoion control rock-fortified area during lesser storm events and overtop during larger storm events in a manner that essentially maintains pre-project sediment delivery conditions. The erosion control rock-fortified work area would also serve to capture sediment that may be transported through the project site from upper reaches of the watershed.

Operational impacts would include potential incidental spills from vehicles, such as oil and grease, which could affect the San Diego River. However, the proposed bridge design would include features such as stormwater biofiltration basins and detention systems to capture and filter contaminants, thereby reducing adverse water quality impacts to a less than significant level.

The project's increase in impervious surfaces would be unlikely to significantly deplete groundwater supplies or interfere with recharge. Stormwater runoff would be managed through proposed detention and biofiltration systems, ensuring minimal impact on groundwater recharge and preventing substantial alterations to existing drainage patterns.

Additionally, the bridge construction, including installation of the erosion control rock-fortified work area, and operation would not substantially alter flood flows or drainage patterns. Hydraulic analyses indicate that the project would not significantly affect base flood elevations or contribute to flooding, with the bridge designed to accommodate 100-year flood flows.

The project site is not located in a tsunami or seiche zone, and the absence of hazardous material handling during operations would ensure no risk of pollutant release due to inundation. Compliance with water quality control plans, including the preparation of a Stormwater Pollution Prevention Plan (SWPPP), would further ensure that the project does not obstruct water quality standards or groundwater management plans.

Cumulatively, the project's impacts, when considered alongside other developments, would be minimized by required compliance with water quality regulations and stormwater management practices. Adherence to these standards would ensure that the project and cumulative developments would not result in significant hydrological or water quality impacts.

Based on the foregoing, the project would not (i) violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality, (ii) substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin, (iii) substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would (A) result in substantial erosion or siltation on or off site, (B) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site, (C) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or (D) impede or redirect flood flows, (iv) in flood hazard, tsunami, or seiche zone, risk release of pollutants due to project inundation, (v) conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, or (vi) have a cumulative effect on hydrology or water quality resources.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to hydrology and water quality, as discussed above, would be considered less than significant, and no mitigation measures are required.

Reference

EIR Section 3.9 Hydrology and Water Quality; Appendix F1, Hydraulic Report (July 2024); Appendix F2, Preliminary Drainage Report (October 2023); and Appendix F3, Storm Water Quality Management Plan (SWQMP) (October 2023)

2.2.10 Land Use and Planning

Less than Significant Impacts

The project's impacts on land use and planning are analyzed in Section 3.10 of the Final EIR. The project was evaluated to determine its compatibility with existing land use plans and regulations. Although San Diego State University (SDSU), being a state agency, is not subject to local land use regulations, the project was reviewed for informational purposes against several planning documents. The City and SDSU are parties to a MOU pursuant to which SDSU agreed to design and construct the project in a manner that is consistent with the City of San Diego's Environmentally Sensitive Lands (ESL) Regulations. ESL regulations apply to land containing steep hillsides, sensitive biological resources, coastal beaches, sensitive costal bluffs, or Special Flood Hazard Areas (SFHA). The project does not have steep hillsides, coastal beaches or sensitive coastal bluffs. The project is within flood Zone AE, which is considered a SFHA, but will be designed in a manner that is consistent with the ESL regulations for SFHA. The project would also affect wetlands, which are a sensitive biological resource, but the project would not conflict with the ESL regulations because the project qualifies as an "Essential Public Project," which allows deviations from wetland impact regulations when no feasible alternatives are available, which is the case with respect to the project. Section 3.3 of the Final EIR and the response to comment, "Thematic Response #1 – Purpose and Need of the Project" provides more information as to why project is considered an essential public project, which includes the following: the project is a linear infrastructure project identified in the Mission Valley Community Plan as a roadway connection, the project will improve multimodal transportation throughout Mission Valley, reduce greenhouse gas emissions, reduce the debilitating impacts of significant and frequent flooding in eastern Mission Valley by providing a much needed high river vehicular crossing, and improve public safety generally by reducing

congestion and providing a new, reliable and direct access route for emergency response personnel and more generally for the large and growing population living, working and recreating in eastern Mission Valley.

Furthermore, the project aligns with the SDSU Climate Action Plan by enhancing bicycle and pedestrian infrastructure, which supports the university's goals of reducing vehicle trips and promoting alternative transportation modes. While the City of San Diego Climate Action Plan is not binding on the CSU, the project's consistency with the City's CAP was assessed for informational purposes and was found to meet the plan's key strategies, indicating no significant conflicts.

The San Diego River Park Master Plan's recommendations for bridge design and bicycle/pedestrian facilities are incorporated into the project, ensuring that it enhances connectivity and safety in accordance with the plan. Additionally, the project's impact on the San Diego River, which is within the Multiple Habitat Planning Area (MHPA) of the Multiple Species Conservation Program (MSCP), is consistent with the Subarea Plan guidelines and would not impede the MSCP's objectives.

The project is also consistent with the Mission Valley Community Plan Update, which envisions a multimodal bridge crossing to enhance north-south mobility and improve access within the community. Lastly, when considering cumulative land use impacts, the project is expected to adhere to adopted plans and regulations, and would not contribute significantly to cumulative land use inconsistencies.

Based on the foregoing, the project would not (i) physically divide an established community (as identified in Appendix A, Initial Study as not needing additional analysis in the EIR), (ii) cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, or (iii) have a cumulative effect on land use resources.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to land use and planning are considered less than significant, and no mitigation measures are required.

Reference

EIR Section 3.10, Land Use

2.2.11 Mineral Resources

Less than Significant Impacts

The project's mineral resources impacts are analyzed in Section 4.2.2, Other Environmental Considerations, Mineral Resources. The project site and facility is underlain by Portland cement concrete-grade aggregate, which is considered a locally important mineral resource. According to the DOC, Mineral Lands Classification Mapping, the project site is within a Mineral Resource Zone (MRZ-2) mapped area, which is defined as "areas where geologic information indicates[s] that significant measured or indicated Portland Cement Concrete-grade aggregate is present" (DOC 2022). However, the project would not involve extraction of known mineral resources, including Portland Cement Concrete-grade aggregate. The construction of the bridge would also not preclude any future extraction should the City deem such activity appropriate as the landowner and regulatory authority involved in this area of the San Diego River. The project would not (i) result in the loss of availability of a known mineral resource

that would be of value to the region and the residents of the state, or (ii) result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Therefore, the project's impacts on mineral resources would be considered less than significant, and no mitigation is required.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential impact related to mineral resources is less than significant, and no mitigation measures are required.

Reference

EIR Section 4.2.2, Other Environmental Considerations, Mineral Resources.

2.2.12 Noise

Less than Significant Impacts

The project's impacts on noise are analyzed in Section 3.11 of the Final EIR. Long-term off-site traffic noise analysis indicated that the project would increase vehicle trips on local roadways such as Fenton Parkway, Mission City Parkway, and Camino Del Rio North. However, this increase would result in a noise level rise of less than 3 decibels, which is considered barely perceptible to the human ear according to acoustical principles. Therefore, the project would not have a permeant increase in ambient noise levels in the vicinity of the project in excess of applicable standards and the project's impact on noise-sensitive land uses would be less than significant.

Regarding groundborne vibration and noise, the analysis in Section 3.11 of the Final EIR showed that construction activities, including the use of heavy equipment, would produce vibrations below the significance threshold of 0.20 inches per second peak particle velocity (ips PPV) at the nearest residential properties, located approximately 90 feet away. Construction activities could cause short term vibration in adjacent native habitat, but no significant adverse indirect impacts to special status wildlife species would result because the duration of vibration would be limited to the immediate vicinity of construction and persist for a short duration of time. Additionally, operational vibrations from vehicle traffic on the bridge would be minimal, not exceeding 0.02 ips PPV. Thus, both construction and operational vibration impacts are deemed less than significant.

In relation to airport noise, the project site lies outside the 60 dB CNEL contours of San Diego International Airport and Montgomery-Gibbs Executive Airport, ensuring that construction workers and users of the bridge would not be exposed to excessive noise levels originating from airport operations.

The cumulative noise impact analysis considers that noise levels generally decrease with distance. The potential cumulative noise impacts are expected to be limited due to the localized nature of the project's impacts and the proximity to other developments. The Mission Valley Campus Master Plan Project has been identified with significant and unavoidable noise impacts, while the Stadium Wetlands Mitigation Project, which involves noise-sensitive restoration activities, does not contribute substantial noise. Given these considerations and compliance with noise regulations, the cumulative noise impacts of the project are anticipated to be less than significant.

Based on the foregoing, (i) operations (but not construction) of the project would not (i) result in generation of a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards

established in the local general plan or noise ordinance, or applicable standards of other agencies, (ii) result in generation of excessive groundborne vibration or groundborne noise levels, or (iii) be located in the vicinity or a private airstrip or airport land use plan such that the project would expose people residing or working in the project area to excessive noise levels.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential impact related to operational noise, temporary and operational groundborne vibration and noise levels, airport related noise and cumulative impacts, as discussed above, would be less than significant, and no mitigation measures are required.

Reference

EIR Section 3.11, Noise; Appendix H, Noise Technical Report (February 2024); and EIR Section 3.3, Biological Resources

2.2.11 Population and Housing

Less than Significant Impacts

The project's population and housing impacts are analyzed in Section 4.2.3, Other Environmental Considerations, Population and housing. The project would not facilitate any additional housing or other development types that would directly facilitate new population growth in the area. Project construction activities would employ available workers who live either in the area or the greater San Diego region and would commute to the project site during the site preparation and construction phase. Commuting out-of-area workers would not be anticipated to permanently relocate to the project area or surrounding communities. The proposed bridge and associated multimodal transportation improvements would facilitate a connection between uses on the north and south sides of the San Diego River. The project would facilitate movement of people and goods within the confines of an established community and would not extend the roadway to encourage travel to a previously undeveloped area. Therefore, the project would not induce substantial unplanned population growth in an area, either directly or indirectly.

There is no existing housing or other habitable structure on the project site and so the project would not displace substantial numbers of people or housing, necessitating the construction of replacement housing elsewhere. Therefore, potential impacts regarding population and housing would be less than significant, and no mitigation is required.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential impact related to population and housing is less than significant, and no mitigation measures are required.

Reference

EIR Section 4.2.3, Other Environmental Considerations, Population and Housing

2.2.12 Public Services

Less than Significant Impacts

The project's public services resources impacts are analyzed in Section 4.2.4, Other Environmental Considerations, Public Services. The project site is situated within the established service areas of the City of San Diego Fire-Rescue Department (FRD) and the San Diego Police Department Eastern Division. Engine 45, based at Fire Station 45, and the Eastern Division Police Station are well-positioned to provide emergency services to the area. The project design incorporates necessary safety measures and complies with all relevant building, fire, and safety codes, ensuring that the provision of emergency services remains unaffected. Consequently, there would be no substantial adverse impacts on emergency service provision.

In terms of educational facilities, the project site is adjacent to SDSU Mission Valley and Audeo Charter School, but no schools are located within 0.25 miles of the site. As the project does not include habitable structures or generate significant population growth, it would not be expected to impact school service ratios or performance objectives adversely. On the contrary, the project would enhance connectivity and access to public-school facilities, thus supporting existing educational services.

The proposed bridge would improve access to the San Diego River and surrounding open spaces, aligning with the Mission Valley Community Plan's vision for increased park access and recreational opportunities. The project would support the development of the River Park and would enhance access to parks and pathways, without directly affecting park service ratios or objectives.

Nearby public services, such as the Mission Valley Branch Library, would not be negatively impacted by the project. Temporary construction impacts would be managed through traffic control measures to maintain access to public facilities. The project's overall impacts on public services are deemed less than significant, given its alignment with existing plans and the lack of direct adverse effects on service provision.

Based on the foregoing, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks or other public facilities.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential impact related to public services is less than significant, and no mitigation measures are required.

References

Section 4.2.4, Other Environmental Considerations, Public Services

2.2.15 Recreation

Less than Significant Impact

The project's impacts on recreational resources are analyzed in Section 3.12 of the Final EIR. The project has been assessed for potential impacts on existing park and recreational facilities. The construction of the bridge may temporarily limit access to nearby recreational facilities, such as the river park adjacent to the project site, which might be used for staging equipment. However, these impacts would be temporary, and the affected recreational areas would be fully restored for public use upon completion of the construction.

The project would not include any residential development or permanent additions to the site's recreational facilities, nor would it generate a demand for additional recreational resources. Consequently, there would be no long-term increase in the use of existing parks or a need for new recreational facilities. As such, the impact on existing recreational facilities would be deemed less than significant because the temporary restrictions do not result in permanent physical damage to the facilities.

In terms of cumulative impacts, the Mission Valley Community Plan area is already short of the projected parkland needed to meet the city's standards, as identified in the plan's Environmental Impact Report. Although the bridge construction would temporarily affect access to recreational resources, it would not permanently remove these resources or require new facilities to accommodate an increase in population. Moreover, the bridge would ultimately improve access to existing parks and recreational areas. Given these considerations, the project's contribution to cumulative impacts on recreational resources would be minimal, and the overall impacts would be considered less than significant.

Based on the foregoing, the project would not (i) increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, or (ii) include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential impact related to recreation is less than significant, and no mitigation measures are required.

References

EIR Section 3.12, Recreation

2.2.15 Transportation

Less than Significant Impact

The project's impacts on transportation are analyzed in Section 3.13 of the Final EIR. The project is designed to enhance transportation connectivity and support regional mobility, aligning with the Mission Valley Community Plan (MVCP) and other transportation policies. The project, which includes the construction of a bridge with dedicated bicycle and pedestrian paths, aims to improve north-south mobility and access to key destinations, such as the SDSU Mission Valley site and the Fenton Parkway trolley station. The Level of Service (LOS) analysis indicates that

the project's impact on the circulation system, including traffic operations at intersections, would be acceptable both in 2027 and 2050. The bridge's design, featuring separated bike lanes and sidewalks, would bolster safety and connectivity for cyclists and pedestrians, while not leading to an increased demand for additional recreational facilities or substantial physical deterioration of existing ones.

The project was evaluated under CEQA Guidelines Section 15064.3(b) to assess potential vehicle miles traveled (VMT) impacts. The analysis, using SANDAG models for 2027 and 2050, showed that the bridge would reduce overall VMT by providing a more direct route, thus decreasing vehicle travel rather than increasing it. As such, the project would not conflict with VMT-related guidelines, and the impact would be deemed less than significant.

Design considerations, including the provision of a 10-foot center lane for emergency and special event use, and compliance with safety guidelines, ensure that the bridge would not create new hazards or incompatible uses. Furthermore, the project's temporary construction impacts would be managed to maintain emergency access. Cumulatively, the bridge would be expected to reduce regional VMT and improve local traffic conditions without causing significant impacts to the transportation network or conflicting with existing plans and policies. Thus, all impacts, including those related to circulation systems, emergency access, and cumulative transportation effects, are determined to be less than significant.

Based on the foregoing, the project would not (i) conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. (ii) conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). (iii) substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), or (iv) result in inadequate emergency access.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to circulation systems, plans, ordinances, conflicting with CEQA Guidelines, design hazards, emergency access, and cumulative transportation impacts, as discussed above, would be less than significant, and no mitigation measures are required.

Reference

EIR Section 3.13, Transportation and Appendix H, Fenton Bridge Transportation Study (November 2023)

2.2.17 Utilities and Service Systems

Less than Significant Impacts

The project’s impacts on utilities and service systems are analyzed in Section 3.15 of the Final EIR. The proposed would not necessitate new infrastructure for wastewater, natural gas, or telecommunications. The project would connect to existing electric power infrastructure for intersection signals and would modify existing stormwater drainage systems by relocating and extending storm drains to accommodate the new bridge while preserving structural integrity. Although the bridge design would include features to accommodate potential future wet utility installations, no new connections are contemplated at this stage.

Water supply needs for the project would be minimal, limited to construction and maintenance activities, which would utilize water trucked to the site. Given that the project is situated within the City's established service area and would not increase demand for new water connections, the City's existing water supply infrastructure would be sufficient. The City's Urban Water Management Plan confirms no anticipated shortages, supporting the conclusion that water supply impacts would be less than significant.

Similarly, the project would not generate wastewater or require new connections to the sanitary sewer system, as it would not involve any new land uses that typically increase wastewater demand. Consequently, impacts related to wastewater treatment are deemed less than significant.

The project would produce solid waste, primarily from grading and demolition activities. This waste would be managed according to the City's waste management ordinances, with a focus on recycling and proper disposal at local landfills. Landfills currently have adequate capacity to handle the project's waste, and any closure of specific landfills before project completion would be addressed by redirecting waste to facilities with sufficient capacity. Thus, the impact related to solid waste would be less than significant.

Cumulatively, the project's impacts on utilities and service systems are anticipated to be minimal. It complies with state and local regulations concerning energy, water conservation, stormwater management, and waste management, without significantly affecting existing infrastructure or requiring substantial expansions. The overall contribution to cumulative impacts would be less than significant.

Based on the foregoing, (i) the project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects, (ii) there are sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years, (iii) the project would not result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments, (iv) the project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals, and (v) the project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential impact related to utilities and service systems would be less than significant, and no mitigation measures are required.

Reference

EIR Section 3.15, Utilities and Service Systems

2.2.18 Wildfire

Less than Significant Impacts

The project's impacts on wildfire are analyzed in Section 3.16 of the Final EIR. The project was assessed for its potential impacts on emergency response, wildfire risk, and cumulative wildfire effects. The County of San Diego's

Operational Area Emergency Operations Plan details comprehensive response protocols for various disaster scenarios, identifying major evacuation routes such as I-15, which is approximately 1.6 miles northeast of the project site. The City of San Diego Office of Homeland Security would oversee emergency preparedness programs and coordinate with various jurisdictions to support risk management and public information dissemination. The proposed bridge would be anticipated to enhance emergency response and evacuation efficiency by improving north-south connectivity and providing an additional traffic lane for emergency use. During construction, traffic controls would be implemented to avoid disrupting evacuation routes, and the contractor would be required to coordinate with emergency services to ensure continuous access.

Regarding wildfire risks, the project site would be located within a Very High Fire Hazard Severity Zone (VHFHSZ). However, the site's characteristics and project design would mitigate potential risks during the operational phase. The presence of a wide freeway (I-8) would act as a buffer against potential wildfires, and the nearby fire station would ensure prompt emergency response. The project would adhere to fire safety standards, including brush clearance and elevation of the bridge, which would minimize the likelihood of exacerbating wildfire risks. Additionally, erosion control measures, such as detention basins and storm drain extensions, would be incorporated to manage post-fire runoff and slope stability.

Cumulatively, while the project may contribute to increased wildfire risks in the Mission Valley area, compliance with stringent fire codes and building regulations would significantly mitigate these risks. All developments in the region would be subject to rigorous fire prevention measures and codes designed to manage fuel loads and ensure adequate emergency access. Consequently, the combined effect of these measures would ensure that the project's impact on wildfire risks and emergency response remains less than significant.

Based on the foregoing, (i) the project would not substantially impair an adopted emergency response plan or emergency evacuation plan, (ii) due to slope, prevailing winds, or other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire during the operational phase, (iii) require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in ongoing impacts to the environment during the operational phase, or (iv) expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

Findings

The Board of Trustees finds that, based upon substantial evidence in the record, the potential impact related to wildfire, as discussed above, would be less than significant, and no mitigation measures are required.

Reference

EIR Section 3.16, Wildfire

2.3 Potentially Significant Impacts that Can Be Mitigated Below a Level of Significance

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the CEQA Guidelines, the Board of Trustees finds that, for each of the following significant effects identified in the Final EIR, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the identified

significant effects on the environment to less than significant levels. These findings are explained below and are supported by substantial evidence in the record of proceedings.

2.3.1 Air Quality

Threshold 3: Would the project expose sensitive receptors to substantial pollutant concentrations?

Impact AQ-3 The project would have a potentially significant impact related to the exposure of sensitive receptors to substantial pollutant concentrations.

As described in Section 3.2, Air Quality, of the Final EIR (Subsection 3.2.4, Impact Analysis), diesel particulate matter emissions from heavy equipment operating during the construction phase could expose sensitive receptors residing in the multifamily residences immediately adjacent to the northwest boundary of the project site to toxic air contaminants resulting in a cancer risk of 29.15 in a million for the pre-cast construction method and 29.21 in a million for the cast-in-place construction method. This would exceed the cancer risk threshold of 10 in 1 million.

Mitigation Measure

MM-AQ-1 Tier 4 Final Construction Equipment. Prior to the commencement of any construction activities, the applicant or its designee shall provide evidence to the San Diego State University (University) that for off-road equipment with engines rated at 25 horsepower or greater, no construction equipment shall be used that is less than Tier 4 Final. An exemption from these requirements may be granted by the University if the applicant documents that equipment with the required tier is not reasonably available and equivalent reductions in PM_{10} exhaust emissions are achieved from other construction equipment. Before an exemption may be considered by the University, the applicant shall be required to demonstrate that three construction fleet owners/operators in the San Diego Region were contacted and that those owners/operators confirmed Tier 4 equipment could not be located within the San Diego region. The University shall review the exemption request and provide a determination within 10 business days from receipt of the request.

Findings

The Board of Trustees finds that the above mitigation measure is feasible, will reduce the potential air quality-related impact of the project to less-than-significant levels, and is adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

Mitigation Measure (MM) AQ-1 would require that all diesel-fueled off-road construction equipment greater than 25 horsepower be zero-emissions or equipped with CARB Tier 4 Final compliant engines (as set forth in Section 2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 of the Code of Federal Regulations). An exemption from these requirements may be granted, at the University's discretion, if the contractor documents that the required tier is not reasonably available and corresponding reductions in diesel particulate matter are achieved from other construction equipment to remain below the applicable SDAPCD cancer risk threshold.

Mitigated project construction emissions would result in a cancer risk of 7.28 in a million at the maximally exposed individual resident) for the pre-cast construction method and 8.32 in a million for the cast-in-place construction method, which are both less than the significance threshold of 10 in 1 million. The project construction health impacts would be less than significant with mitigation.

Reference

EIR Section 3.2, Air Quality and Appendix B, Air Quality and Greenhouse Gas Emissions Technical Report (February 2024)

2.3.2 Biological Resources

Threshold 1: **Substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.**

Impact BIO-1 The project would have a potential significant impact to suitable habitat for least Bell's vireo.

As described in Section 3.3, Biological Resources, of the Final EIR Subsection 3.3.4 Impact Analysis, the project has the potential to significantly impact the least Bell's vireo, a federally and state-listed endangered species. Direct impacts would include both permanent and temporary loss of habitat: 0.80 acres permanent and 0.38 acres temporary of southern cottonwood-willow riparian forest and 0.03 acres permanent and 0.02 acres temporary of unvegetated channel would be permanently affected. Although habitat under the bridge would be revegetated, it may not fully replace the current habitat's ecological functions. The project also has the potential to impact western spadefoot which has a moderate potential to appear on the project site due to the existence of ephemeral pools observed within the river channel that could support breeding by this species, Spadefoot is unlikely to aestivate within the river channel, which is densely vegetated with riparian vegetation and prone to flooding. If spadefoot is present, aestivation would be limited to the upland habitats at the edge of and adjacent to the river channel. Given that Least Bell's vireo has been observed in and around the project site, and the potential exists for western spadefoot to occur on the project site, and that the project would adversely affect their suitable habitat, this could lead to significant impacts without implementation of MM-BIO-1 and MM-BIO-2.

Mitigation Measure

MM-BIO-1 Listed Species Take Avoidance. Based on observations of least Bell's vireo (*Vireo bellii pusillus*), riparian habitat on site is considered occupied. Southwestern willow flycatcher (*Empidonax traillii extimus*) and coastal California gnatcatcher (*Polioptila californica californica*) are not currently occupying the proposed impact areas; however, there is suitable habitat within the project site for these species. Habitat impacts will be mitigated as specified in MM-BIO-2 or as determined through the consultation process with U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW). Take authorization shall be obtained through the federal Section 7 Consultation or Section 10 and state 2080.1 consistency determination or 2081 incidental take permit requirements. California State University/San Diego State University or its designee shall comply with any and all conditions, including pre-construction surveys, that USFWS and/or CDFW may require for take of these species pursuant to the federal Endangered Species Act and/or California Endangered Species Act.

To avoid take of least Bell's vireo and/or southwestern willow flycatcher, seasonal avoidance or pre-construction surveys will be conducted as follows unless USFWS and CDFW authorize a deviation from those protocols:

1. Vegetation clearing and grading in or within 500 feet (152.40 meters) of occupied least Bell's vireo and southwestern willow flycatcher habitat shall occur from September 16 (or sooner if a USFWS- and CDFW-approved project biologist demonstrates to the satisfaction of the USFWS and U.S. Army Corps of Engineers [Agencies] that all nesting is complete) to March 14 to avoid the least Bell's vireo and southwestern willow flycatcher breeding season. For other project-related construction that cannot be restricted to outside of the vireo and flycatcher breeding season, construction noise reduction and monitoring will be provided as detailed below.
2. To minimize potential adverse impacts to least Bell's vireo and southwestern willow flycatcher from construction-related noise, construction-related activities within 500 feet of occupied habitat will be timed to occur outside of the breeding season if possible. For construction-related activities within 500 feet of occupied habitat that must occur during the breeding season, all feasible on-site noise reduction techniques shall be implemented to limit construction-related noise within the occupied habitat areas to levels that do not exceed 60 A-weighted decibels (dBA) equivalent continuous sound level (L_{eq}) (1 hour) or pre-construction ambient noise levels, whichever is greater. Where nests are found, all feasible on-site noise reduction techniques shall be implemented to limit construction noise to levels that do not exceed 60 dBA hourly L_{eq} or the ambient noise level, whichever is higher, at the nest location. If there are signs of disturbance, as determined by a USFWS- and CDFW-approved biologist, further noise reduction techniques shall be implemented if feasible. Noise reduction techniques may include but are not limited to constructing a sound barrier, utilization of quieter equipment, adherence to equipment maintenance schedules, installation of temporary sound barriers, or shifting construction work away from occupied areas and/or further from the nest.
3. To the extent feasible, construction noise levels at least Bell's vireo and southwestern willow flycatcher nests will be kept below 60 dBA hourly L_{eq}, or pre-construction ambient noise levels, whichever is higher, from 5:00 a.m. to 11:00 a.m. during the peak nesting period (March 15–September 15 for the least Bell's vireo and May 1–August 30 for southwestern willow flycatcher). For the balance of the day/season, feasible noise reduction techniques will be implemented to reduce the noise levels at the nest to below 60 dBA averages, or pre-construction ambient noise levels (whichever is higher), over a 1-hour period dBA (i.e., 1-hour L_{eq}/dBA).
4. During the vireo breeding season (March 15–September 15), the USFWS- and CDFW-approved project biologist will be on site during all construction-related activities within 500 feet (152.40 meters) of least Bell's vireo and southwestern willow flycatcher habitat to ensure compliance with all mitigation measures. The project biologist shall be familiar with the habitats, plants, and wildlife along the San Diego River to ensure that issues relating to biological resources are appropriately and lawfully managed. The project biologist shall perform the following duties:
    a. Perform a minimum of three surveys, on separate days, to determine the presence of least Bell's vireo nest building activities, egg incubation activities, or brood rearing activities within 500 feet (152.40 meters) of construction-related activities proposed during the least Bell's vireo breeding season. The surveys will begin a maximum of 7 days prior to

project construction and one survey will be conducted the day immediately prior to the initiation of work. Additional surveys will be done once per week during project construction in the breeding season. These additional surveys may be suspended as approved by the Agencies. The Applicant will notify the Agencies at least 7 days prior to the initiation of surveys and within 24 hours of locating any vireo or southwestern willow flycatcher.

b. If an active least Bell's vireo or southwestern willow flycatcher nest is found within 500 feet (152.40 meters) of construction-related activities, the project biologist shall flag and map the nest location and 500-foot avoidance buffer on the construction plans and provide the information to the construction supervisor and any personnel working near the nest buffer. To the extent feasible, no construction activities shall occur within the 500-foot avoidance buffer. Should it be necessary for construction activities to occur within the 500-foot avoidance buffer, a qualified biological monitor shall monitor the nest(s) for any signs of disturbance and construction shall continue in accordance with federal and state take permit requirements. Any signs of disturbance to the bird shall be documented, and noise reduction techniques triggered if applicable. All feasible on-site noise reduction techniques shall be implemented to limit construction noise to levels that do not exceed 60 dBA hourly L_{eq} or the ambient noise level, whichever is higher, at the nest location. If there are signs of disturbance, noise reduction techniques shall be implemented and may include constructing a sound barrier or shifting construction work further from the nest.

c. Be on site during all construction-related activities in least Bell's vireo and southwestern willow flycatcher habitat to be impacted or within 500 feet (152.40 meters) of least Bell's vireo and southwestern willow flycatcher habitat to be avoided.

d. Halt work, if necessary, and confer with the Agencies to ensure the proper implementation of species and habitat protection measures. The project biologist will report any violation to the Agencies within 24 hours of its occurrence.

e. Submit weekly letter reports (including photographs of impact areas) via regular or electronic mail (email) to the Agencies during clearing of vireo/flycatcher habitat and/or project construction within 500 feet (152.40 meters) of avoided habitat. The weekly reports will document that authorized impacts were not exceeded, document any project-related activities within 500 feet (152.40 meters) of active least Bell's vireo or southwestern willow flycatcher nests, and document general compliance with all conditions. The reports will also outline the duration of vireo/flycatcher monitoring, the location of construction activities, the type of construction that occurred, and equipment used. These reports will specify numbers, locations, and sex of vireos/flycatchers (if present); observed vireo/flycatcher behavior (especially in relation to construction activities); and remedial measures employed to avoid, minimize, and mitigate impacts to vireos and/or southwestern willow flycatchers. Raw field notes should be available upon request by the Agencies.

- Submit a final report to USFWS and, as necessary, CDFW, within 60 days of project completion that includes as-built construction drawings with an overlay of habitat that was impacted and avoided, photographs of habitat areas that were to be avoided, and other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with all conditions of this biological opinion was achieved.

To avoid and/or minimize impacts to western spadefoot, which is proposed for listing as federally threatened, presence/absence surveys and, if needed, pre-construction surveys and relocation, shall be conducted as follows:

5. Prior to the start of construction, focused surveys for western spadefoot shall be conducted by a qualified biologist(s) (biologists familiar with amphibian eye-shine and all life stages of the local amphibian cohort) to determine if western spadefoot is present on site. Surveys will generally include spotlight surveys at night during or immediately following the first 4 major rain events of the wet season, defined as 0.20 inches or greater during a 24-hour period. Survey methodology shall be submitted to USGS for review.
6. If surveys are negative, western spadefoot shall be considered absent from the site and no further action shall be necessary. If surveys are positive, prior to the start of construction, a qualified biologist(s) shall conduct pre-construction surveys for western spadefoot and relocate spadefoot individuals of all life stages to suitable habitat outside of the project work area. Surveys and relocation shall be conducted in accordance with a Western Spadefoot Relocation Plan, to be reviewed by USGS, and which shall include, at a minimum, the following elements:
    a. During the wet season prior to construction, exclusion fencing shall be installed by, or under the supervision of, a qualified biologist at the edge of upland areas at the edges of and adjacent to the project site, outside of the dense riparian vegetation in the river channel bottom (i.e., suitable aestivation habitat). During at least the first four large rain events of the season, defined as 0.20 inches or greater during a 24-hour period, a qualified biologist(s) shall conduct spotlight surveys at night during or immediately following the rain event. Adult spadefoot shall be collected and shall either be held by a Wildlife Agency-approved biologist to be released back into the site after construction activities, or relocated to an area within the San Diego River channel that provides suitable breeding and aestivation habitat.
    b. To the extent feasible, construction shall begin when the project site does not contain ponded water that may support breeding by western spadefoot. If construction is scheduled to begin during a time when portions of the site could support western spadefoot breeding, a qualified biologist(s) shall conduct pre-construction surveys of pool habitat and relocate any larvae and tadpoles present on site to suitable pool habitat within the San Diego River channel. To the extent feasible, pre-construction surveys shall include a minimum of 3 passes separated by 2 weeks, with the final pass occurring no more than 7 days prior to the start of construction. More frequent surveys may be conduct if necessary to conduct 3 surveys prior to construction.
    c. The Western Spadefoot Relocation Plan shall include the timing and methods for surveying, capturing, and releasing spadefoot.
    d. The location of receiving sites within the San Diego River and the location of exclusion fence to be placed on City lands shall be subject to City of San Diego approval.
    e. During construction, the biological monitor(s) present on site in accordance with MM-BIO-9, shall relocate any western spadefoot individuals found within the project work area in accordance with the Western Spadefoot Relocation Plan The biological monitor(s) shall maintain a complete record of any western spadefoot encountered during the project and coordinate with USGS regarding additional data to be collected. Information shall include, at a minimum, location, date, and time of observation; details of the

observed behavior; relocation site; estimated number of toads seen or heard; and photographs (when feasible).

Measures to protect coastal California gnatcatcher are outlined in MM-BIO-3.

Documentation: Federal and state take authorization shall be issued by USFWS and CDFW prior to clearing of habitat within the San Diego River. Western Spadefoot Relocation Plan, if western spadefoot is determined to be present on the project site.

Timing: Federal and state take authorization for listed species shall be obtained prior to the start of construction, which cannot occur before the City Notice to Proceed. Avoidance and minimization measures shall be implemented prior to and throughout the construction phase of the project, as described in conditions 4(a) through 4(d) above. Surveys to establish presence/absence and the development of a Western Spadefoot Relocation Plan, if necessary, shall occur prior to the start of construction. If western spadefoot is present on the project site, pre-construction surveys and relocation of spadefoot shall be conducted, in accordance with the Western Spadefoot Relocation Plan and condition 5 above, during the wet season prior to the start of construction.

Monitoring: The USFWS- and CDFW-approved project biologist will be on site during the activities specified in condition 4 above. Monitoring for spadefoot during construction will be conducted in accordance with condition 6e above.

Reporting: Submit weekly letter reports to the Agencies as described in condition 4(e) above. Submit a final report to the Agencies within 60 days of project completion as described in condition 4(f) above.

MM-BIO-2 Habitat Mitigation. Temporary and permanent impacts to southern cottonwood–willow riparian forest will be mitigated at a minimum 3:1 mitigation ratio, and those to non-vegetated channel will be mitigated at a minimum 2:1 mitigation ratio, as determined during the permitting process (see MM-BIO-18). Additionally, temporary and permanent impacts to Baccharis-dominated Diegan coastal sage scrub and restored Diegan coastal sage scrub shall be mitigated at a minimum 1.5:1 mitigation ratio. Conservation of habitat shall be by land acquisition, off-site creation and/or enhancement, and/or purchase of appropriate credits at an approved mitigation bank in the City of San Diego. For southern cottonwood–willow riparian forest and non-vegetated channel, habitat mitigation shall be separate from and in addition to 1:1 restoration of temporarily impacted areas that shall be restored to their original condition, as described in MM-BIO-17. For restored Diegan coastal sage scrub, 1:1 restoration of temporarily impacted areas required by MM-BIO-17 shall count toward the overall habitat mitigation requirement; therefore, temporarily impacted Diegan coastal sage scrub shall require an additional 0.5:1 habitat mitigation beyond the restoration conducted as a part of MM-BIO-17. If required, any invasive plant removal shall be completed using hand equipment, and removal will be completed outside of the nesting bird season. If invasive removal cannot be completed outside of the nesting bird season, pre-work surveys shall be conducted per the nesting bird survey noted in MM-BIO-6. If off-site creation and/or enhancement is done, the California State University/San Diego State University or its designee shall prepare a conceptual mitigation plan outlining the enhancement/restoration of these communities and implement the plan, including monitoring and maintenance for a period of at least 5 years. The conceptual mitigation plan shall be reviewed and approved by City of San Diego. If applicable, the

mitigation land would be managed by an approved land manager through a non-wasting endowment.

The mitigation habitat shall be appropriate habitat for special-status amphibians, reptiles, mammals, invertebrates, and birds with potential to occur on site.

Documentation: The mitigation plan and/or proof of purchase of credits from a mitigation bank shall be provided to the City of San Diego, Wildlife Agencies (U.S. Fish and Wildlife Service and California Department of Fish and Wildlife), Regional Water Quality Control Board, and U.S. Army Corps of Engineers.

Timing: Prior to the start of construction, which cannot occur before the City Notice to Proceed.

Findings

The Board of Trustees finds that the above mitigation measures are feasible, will reduce the project's above-referenced (BIO-1) potentially significant impact to suitable habitat for least Bell's vireo and western spadefoot to less-than-significant levels, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

The direct impacts to suitable habitat for least Bell's vireo and western spadefoot and would be reduced to less than significant through implementation of MM-BIO-1, which requires habitat mitigation and take avoidance and MM-BIO-2, which requires habitat mitigation. MM-BIO-1 ensures that take avoidance measures will be overseen by a qualified biologist and in coordination with USFWS and CDFW, as appropriate. These measures include the performance of preconstruction surveys to determine the presence of least Bell's vireo and western spadefoot, requiring vegetation clearing and grading within 500 feet of an occupied least Bell's vireo nest to occur outside of the breeding season, that feasible noise reduction measures be implemented for other construction activities that cannot be restricted to outside the breeding seasons to provide for noise levels not exceeding 60dBA hourly, to empower the project biologist to temporarily halt work in the proximity of protected species, as needed to protect active nests, and to provide for regular reporting of avoided habitat. MM-BIO-2 specifies minimum mitigation ratios that will be required for project impacts to southern cottonwood willow riparian forest, non-vegetated channel and coastal sage scrub, and requires that conservation of habitat be achieved by land acquisition, off-site creation, enhancement and/or purchase of appropriate credits at an approved mitigation bank in San Diego County. MM-BIO-1 also provides for the protection of western spadefoot, if determined to be present during pre-construction surveys, including requirements to begin construction when the site does not contain ponded water that may support breeding by western spadefoot to the extent feasible, and to relocate western spadefoot to a location approved by the City in accordance with a western spadefoot relocation plan if determined to be present at the construction site, Implementation of these mitigation measures ensures that there continues to be adequate habitat for species impacted by the project in the County. Accordingly, the potentially significant biological impacts related to the aforementioned candidate, sensitive, or special-status species would be mitigated through the use of seasonally-appropriate surveying, monitoring of potentially impacted species, and techniques to avoid and minimize impacts on candidate, sensitive, or special-status species during project construction, and habitat restoration and compensatory mitigation for impacted habitat, all as identified in Mitigation Measures BIO-MM-1 and BIO-MM-2.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (September 2024).

Impact BIO-2 The project would have a potential significant impact to suitable habitat for southwestern willow flycatcher.

As described in Section 3.3, Biological Resources, of the Final EIR Subsection 3.3.4 Impact Analysis, the project has the potential to significantly impact the southwestern willow flycatcher, a federally listed endangered species and a covered species under the City's Subarea Plan. Southwestern willow flycatcher were not observed during focused protocol surveys in 217, 2019 or 2022 and breeding individuals have not been recorded at the project site since 2009. It is unlikely that southwestern willow flycatcher occurs within the project site, but there is suitable habitat in the San Diego River for this species and thus it has the potential to occur in the future. The project would result in both permanent and temporary impacts to habitat that has the potential to support this special-status species in the future: 0.80 acres permanent and 0.38 acres temporary of southern cottonwood-willow riparian forest and 0.03 acres permanent and 0.02 acres temporary of unvegetated channel would be permanently affected. Given that the project would adversely affect suitable habitat that could support southwestern willow flycatcher if it were to occur on the site in the future, the project could lead to significant impacts without implementation of MM-BIO-1 and MM-BIO-2.

Mitigation Measure

See MM-BIO-1 and MM-BIO-2 above.

Findings

The Board of Trustees finds that the above mitigation measures are feasible, will reduce the project's potentially significant impact to suitable habitat for southwestern willow flycatcher to less-than-significant levels, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

The direct impacts to suitable habitat for southwestern willow flycatcher would be reduced to less than significant through implementation of MM-BIO-1, which requires habitat mitigation and take avoidance; MM-BIO-2, which requires habitat mitigations. MM-BIO-1 ensures that take avoidance measures will be overseen by a qualified biologist and in coordination with USFWS and CDFS, as appropriate. These measures include the performance of preconstruction surveys to determine the presence of southwestern willow fly catcher, requiring vegetation clearing and grading within 500 feet of an occupied southwestern willow flycatcher nest to occur outside of the breeding season, that feasible noise reduction measures be implemented for other construction activities that cannot be restricted to outside the breeding seasons to provide for noise levels not exceeding 60dBA hourly, to empower the project biologist to temporarily halt work in proximity of protected species, as needed to protect active nests, and to provide for regular reporting of avoided habitat. MM-BIO-2 specifies minimum mitigation ratios that will be required for project impacts to southern cottonwood willow riparian forest, non-vegetated channel and coastal sage scrub, and requires conservation of habitat be achieved by land acquisition, off-site creation, enhancement and/or purchase of appropriate credits at an approved mitigation bank in San Diego County. Implementation of this

mitigation measure ensures that there continues to be adequate habitat for species impacted by the project in the County. Accordingly, the potentially significant biological impacts related to habitat for the aforementioned candidate, sensitive, or special-status species would be mitigated through the use of seasonally-appropriate surveying and monitoring of potentially impacted species, techniques to avoid and minimize impacts on candidate, sensitive, or special-status species during project construction, and habitat restoration and compensatory mitigation for impacted habitat, all as identified as identified in Mitigation Measures BIO-MM-1 and BIO-MM-2.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (September 2024).

Impact BIO-3 The project would have a potential significant impact to suitable habitat for Coastal California Gnatcatcher.

As described in Section 3.3, Biological Resources, of the Final EIR Subsection 3.3.4 Impact Analysis, the project has the potential to significantly impact the coastal California gnatcatcher, a federally listed endangered species, a CDFW special status species, and a covered species under the City's Subarea Plan. No coastal California gnatcatcher were observed on the project site during pre-construction surveys, but a pair of coastal California gnatcatcher with fledglings was observed between approximately 250 and 350 feet northeast of the proposed staging area during the 2023 surveys. There is suitable coastal sage scrub within the southern portion of the site near this observation that could be used by this species in the future. The 1.99-acre patch of coastal sage scrub in the southern portion of the site where the proposed staging area is located is near the observed pair and fledglings and could be used by this species in the future. The Baccharis-dominated Diegan coastal sage scrub and Diegan coastal sage scrub north of the river is marginal and patchy and not expected to support this species. Given that the project would temporarily impact 1.99 acres of suitable habitat that could support coastal California gnatcatcher during construction, the project could lead to significant impacts without implementation of MM-BIO-1, MM-BIO-2 and MM-BIO-3.

Mitigation Measure

See MM-BIO-1 and MM-BIO-2 above.

MM-BIO-3 Coastal California Gnatcatcher Survey**.** Suitable habitat for coastal California gnatcatcher shall not be cleared between February 15 and August 31 (or sooner if a biologist demonstrates to the satisfaction of the U.S. Fish and Wildlife Service that all nesting is complete). Prior to the initiation of vegetation clearing activities outside of the nesting season, a biologist will perform a minimum of three focused surveys, on separate days, to determine the presence of gnatcatchers in the project impact footprint and suitable habitat within 500 feet of the impact area where access is granted. Surveys will begin a maximum of 7 days prior to performing vegetation clearing and one survey will be conducted the day immediately prior to the initiation of vegetation clearing. If any gnatcatchers are found within the project impact footprint, the biologist will direct construction personnel to begin vegetation clearing in an area away from the gnatcatchers. It will be the responsibility of the biologist to ensure that gnatcatchers are not in the vegetation to be cleared by flushing individual birds away from vegetation clearing. The biologist will also record the number and location of gnatcatchers disturbed by vegetation clearing.

Documentation: The biologist shall submit a 15-day notification letter to the U.S. Fish and Wildlife Service prior to conducting the surveys.

Timing: Surveys shall begin a maximum of 7 days prior to performing vegetation clearing and one survey will be conducted the day immediately prior to the initiation of clearing; vegetation clearing cannot occur before the City Notice to Proceed.

Reporting: The biologist shall submit a report to the City of San Diego documenting the methods and results of the survey prior to vegetation clearing activities, as well as to the U.S. Fish and Wildlife Service within 45 days of completing the surveys.

Findings

The Board of Trustees finds that the above mitigation measure is feasible, will reduce the project's potentially significant impact to suitable habitat for Coastal California Gnatcatcher to less-than-significant levels, and is adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

The direct impacts to suitable habitat for coastal California gnatcatcher would be reduced to less than significant through implementation of MM-BIO-1, which requires habitat mitigation and take avoidance; MM-BIO-2, which requires habitat mitigation; and MM-BIO-3, which requires focused coastal California gnatcatcher surveys and avoidance of occupied nesting areas. MM-BIO-1 ensures that take avoidance measures will be overseen by a qualified biologist and in coordination with USFWS and CDFW, as appropriate. These measures include the performance of preconstruction surveys to determine the presence of coastal California gnatcatcher, requiring vegetation clearing and grading within 500 feet of an occupied gnatcatcher nest to occur outside of the breeding season, that feasible noise reduction measures be implemented for other construction activities that cannot be restricted to outside the breeding seasons to provide for noise levels not exceeding 60dBA hourly, to empower the project biologist to temporarily halt work in proximity of gnatcatchers, as needed to protect active nests, and to provide for regular reporting of avoided habitat. MM-BIO-2 specifies minimum mitigation ratios that will be required for project impacts to southern cottonwood willow riparian forest, non-vegetated channel and coastal sage scrub, and requires conservation of habitat be by land acquisition, off-site creation, enhancement and/or purchase of appropriate credits at an approved mitigation bank in San Diego County. Implementation of this mitigation measure ensures that there continues to be adequate habitat for species impacted by the project in the County. With MM-BIO-3, the project biologist will ensure that vegetation clearing away from any gnatcatchers found within the project impact footprint and will also ensure that gnatcatchers are not in any vegetation to be cleared by flushing individual birds away from vegetation clearing. Accordingly, the potentially significant biological impacts related to habitat for the aforementioned candidate, sensitive, or special-status species would be mitigated through the use of seasonally-appropriate surveying, monitoring of potentially impacted species, and techniques to avoid and minimize impacts on candidate, sensitive, or special-status species during project construction, and habitat restoration and compensatory mitigation for impacted habitat, all as identified as identified in Mitigation Measures BIO-MM-1 through BIO-MM-3.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (October 2023).

Impact BIO-4 The project would have a potential significant impact to suitable habitat for other special-status birds.

As described in Section 3.3, Biological Resources, of the Final EIR Subsection 3.3.4 Impact Analysis, the project has the potential to significantly impact other special-status birds were detected within the project site during the focused riparian bird surveys, including Cooper's hawk, yellow-breasted chat, and yellow warbler. Riparian forest habitat in the San Diego River provides suitable habitat for these species, and the project would result in both permanent and temporary impacts to southern cottonwood–willow riparian forest (0.80 acres permanent, 0.38 acres temporary) and unvegetated channel (0.03 acres permanent, 0.02 acres temporary) within the San Diego River, which could support these special-status species. Impacts to this habitat could lead to significant impacts without implementation of MM-BIO-2.

Mitigation Measure

See MM-BIO-2 above.

Findings

The Board of Trustees finds that the above mitigation measure is feasible, will reduce the project's potentially significant impact to suitable habitat for special-status birds. including suitable habitat for Cooper's hawk, yellow-breasted chat, and yellow warbler, to less-than-significant levels, and is adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

The direct impacts to suitable habitat for special-status birds, including Cooper's hawk, yellow-breasted chat, and yellow warbler would be reduced to less than significant through implementation of MM-BIO-2, which requires habitat mitigation at a 3:1 mitigation ratio for impacts to southern cottonwood–willow riparian forest and a 1.5:1 mitigation ratio for impacts to Baccharis-dominated Diegan coastal sage scrub and restored Diegan coastal sage scrub and further requires conservation of habitat be by land acquisition, off-site creation, enhancement and/or purchase of appropriate credits at an approved mitigation bank in San Diego County. Implementation of this mitigation measure ensures that there continues to be adequate habitat for species impacted by the project in the County.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (October 2023).

Impact BIO-5 The project would have a potential significant impact to suitable habitat for special-status amphibians and reptiles.

The Southern California legless lizard, southwestern pond turtle, and two-striped gartersnake, have moderate potential to occur in the riparian vegetation of aquatic habitats within the San Diego River. Western spadefoot has a moderate potential to occur on site. Ephemeral pools observed within the river channel could support breeding by this species. Western spadefoot typically occurs in open areas with sandy or gravelly soils and aestivates in upland habitats near potential breeding sites. As such, spadefoot is unlikely to aestivate within the river channel,

which is densely vegetated with riparian vegetation and prone to flooding. If spadefoot is present, aestivation would be limited to the upland habitats at the edge of and adjacent to the river channel. Orange-throated whiptail has a moderate potential to occur in the coastal sage scrub habitat south of the river. These species are not federally or state listed as threatened or endangered but are CDFW-designated WLs or SSCs and/or covered species under the City's Subarea Plan.[1]

The project would result in both permanent (0.78 acres) and temporary impacts (0.38 acres) to southern cottonwood–willow riparian forest and unvegetated channel (0.03 acres permanent, 0.02 acres temporary) within the San Diego River, which could have the potential to support these special-status reptiles and amphibians. The project would also result in both permanent impacts (0.07 acres) and temporary impacts (2.03 acres) to coastal sage scrub communities south of the San Diego River, which could have the potential to support orange-throated whiptail. Impacts to potentially occupied habitat could lead to significant impacts without implementation of MM-BIO-2.

Mitigation Measure

See MM-BIO-2 above.

Findings

The Board of Trustees finds that the above mitigation measure is feasible, will reduce the projects potentially significant impact to suitable habitat for special-status amphibians and reptiles to less-than-significant levels, and is adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

The direct impacts to suitable habitat for Southern California legless lizard, orange-throated whiptail, southwestern pond turtle, two-striped gartersnake, and western spadefoot would be reduced to less than significant through implementation of MM–BIO-2, which requires habitat mitigation at a 3:1 mitigation ratio for impacts to southern cottonwood–willow riparian forest and 1.5:1 mitigation ratio for impacts to Baccharis-dominated Diegan coastal sage scrub and restored Diegan coastal sage scrub and further requires conservation of habitat be by land acquisition, off-site creation, enhancement and/or purchase of appropriate credits at an approved mitigation bank in San Diego County. Implementation of this mitigation measure ensures that there continues to be adequate habitat for species impacted by the project in the County.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (October 2023).

Impact BIO-6 The project would have a potential significant impact to suitable habitat for bat roosts.

The Mexican long-tongued bat, western yellow bat, and western red bat have potential to forage over the project site and could roost within the riparian forests of the San Diego River. These species are not federally or state listed as threatened or endangered but are CDFW SSCs. The project would result in both permanent and temporary impacts to southern cottonwood willow riparian forest (0.80 acres permanent, 0.38 acres temporary) and

unvegetated channel (0.03 acres permanent, 0.02 temporary) within the San Diego River, which support these species, Maternity roosts are protected under California Fish and Game Code and can be considered a nursery site; riparian trees in the San Diego River could provide suitable roosting habitat for these species. Impacts to maternity roosts could lead to significant impacts without implementation of MM-BIO-4.

Mitigation Measure

MM-BIO-4 Bat Surveys and Roost Avoidance or Exclusion**.** Prior to the removal of riparian trees that could support roosting bats, a bat biologist shall survey the areas that could provide suitable roosting habitat for bats to confirm they contain no potential maternity roosts. If a potential maternity roost is present, the following measures shall be implemented to reduce the potential impact to special-status bat species to a less-than-significant level:

1. Maternity Roosting Season Avoidance. All proposed project activities that have the potential to disturb suitable bat roosting habitat, including bat roost exclusion, should occur outside the general bat maternity roosting season of March through August to reduce any potentially significant impact to maternity roosting bats. If the maternity roosting season cannot be avoided, then roost exclusion can occur outside the maternity roosting season (September through February) to exclude bats from work areas prior to the start of project activities during the maternity roosting season.
2. Roost Exclusion. Roost exclusion must only occur during the time when bats are most active (early spring or fall) to increase the potential to exclude all bats from roosts and minimize the potential for a significant impact to occur by avoiding the maternity roosting season. The primary exit points for roosting bats will be identified, and all secondary ingress/egress locations will be covered with a tarp or wood planks to prevent bats from leaving from other locations. The primary exit point will remain uncovered to allow exclusion devices to be installed. Exclusion devices will consist of a screen (poly netting, window screen, or fiberglass screening) with mesh 1/6 of an inch or smaller, installed at the top of the roost location and sealed along the sides and passing 2 feet below the bottom of the primary exit point. The exclusion devices will be installed at night to increase the potential that bats have already left the roost and are less likely to return. Exclusion devices will be left in place for a 1-week period to ensure that any remaining bats in the roost are excluded. A passive acoustic monitoring detector will also be deployed during the exclusion period in order to verify excluded species and monitor if bat activity has decreased during the exclusion period. Periodic monitoring during the exclusion period should also be conducted to observe if any bats are still emerging from additional areas on the project site, and an active monitoring survey conducted on the final night of exclusion to ensure that no bats are emerging and determine that exclusion has been successful. Any continued presence of roosting bats will require an adjustment to the exclusion devices and schedule. The exclusion devices may remain in place until the start of tree removal activities. If any bats are found roosting in any proposed tree removal areas prior to clearing, additional exclusion will be required and will follow the same methodology described in this mitigation measure.

Documentation/Reporting: The biologist shall submit a report to the City of San Diego documenting the methods and results of the surveys prior to vegetation clearing activities.

Timing: Surveys shall be completed no more than one week prior to vegetation clearing, which cannot occur before the City Notice to Proceed.

Findings

The Board of Trustees finds that the above mitigation measure is feasible, will reduce the project's potentially significant impact to suitable habitat for bat roosts, including to maternity roosts of Mexican long-tongued bat, western yellow bat, and western red bat, to less-than-significant levels, and is adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

There are potential significant impacts to maternity bat roosts, if present, that could occur from the removal of suitable riparian trees on site. These impacts would be reduced to less than significant through implementation of MM-BIO-4, which requires bat surveys, maternity roost season avoidance, and roost exclusion to ensure there are no direct impacts to a maternity roost.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (September 2024).

Impact BIO-7 The project would have a potential significant impact to suitable habitat for Crotch's bumble bee.

There is suitable habitat for Crotch's bumble bee where floral resources are present, primarily in the coastal sage scrub habitat types. The project will result in permanent impacts (0.07 acres) and temporary impacts (2.03 acres) to coastal sage scrub communities. Impacts to potentially occupied habitat could lead to significant impacts without implementation of MM-BIO-5.

Mitigation Measure

MM-BIO-5 Pre-Construction Survey for Crotch's Bumble Bee and Take Avoidance. If ground-disturbing activities occur outside of the overwintering season, a pre-construction survey for Crotch's bumble bee (*Bombus crotchii*) shall occur within the construction area between February and October prior to the start of construction activities. Surveys shall be conducted by a qualified biologist familiar with the species' behavior and life history. Crotch's bumble bee is a habitat generalist, ground-nesting bee. Surveys and other relevant recommendations shall be in accordance with the most recent CDFW-recommended protocols available at the time of the surveys. The survey shall focus on detecting Crotch's bumble bee nests, as well as foraging individuals, within the construction area. If active nests of Crotch's bumble bee are present, an appropriate no-disturbance buffer zone of at least 50 feet should be established around the nest to reduce the risk of disturbance or accidental take. Construction activities shall not occur within the no-disturbance buffers until the colony is no longer active (i.e., no bees are seen flying in or out of the nest for three consecutive days indicating the colony has completed its nesting season and the next season's queens have dispersed from the colony). If a nest is detected or if foraging individuals are observed, the Project biologist shall consult with CDFW to confirm that any proposed site-specific avoidance measures are sufficient to avoid take.

If active nests cannot be avoided, or take of foraging individuals is anticipated, an Incidental Take Permit may be needed and mitigation for direct impacts to Crotch's bumble bee will be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the project, or as otherwise determined through the Incidental Take Permit process. If foraging individuals are detected and an Incidental Take Permit will not be pursued, compensatory mitigation for loss of foraging habitat will be provided at a 1:1 replacement ratio. Mitigation will be accomplished either through off-site conservation or through a California Department of Fish and Wildlife (CDFW) approved mitigation bank. If mitigation is not purchased through a mitigation bank and lands are conserved separately, a cost estimate will be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The funding source will be in the form of a maintenance fund to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount will be established following the completion of a project-specific Property Analysis Record to calculate the costs of in-perpetuity land management. The Property Analysis Record will take into account all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development.

Documentation/Reporting: The biologist shall submit a report to the City of San Diego and Wildlife Agencies (U.S. Fish and Wildlife Service and CDFW) documenting the methods and results of the surveys prior to vegetation clearing activities.

Timing: Surveys shall be completed between February and October prior to the start of construction activities, which cannot occur before the City Notice to Proceed.

Findings

The Board of Trustees finds that the above mitigation measure is feasible, will reduce the project's potentially significant impact to suitable habitat for Crotch's bumble bee to less-than-significant levels, and is adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

There are potential significant impacts to habitat that could support Crotch's bumble bee from removal of habitat on site. These impacts would be reduced to less than significant through implementation of MM-BIO-5, which requires pre-construction surveys to be conducted in accordance with CDFW-recommended protocols, by a qualified biologist familiar with the species behavior and life history. The mitigation measure also provides for avoidance of active nests for Crotch's bumble bee by prohibiting construction activities within an appropriate no-disturbance buffer of at least 50-feet until the colony is no longer active. If active nests cannot be avoided or take of foraging individuals is anticipated, then an Incidental Take Permit may be needed and mitigation for direct impacts to Crotch's bumble bee through compensatory mitigation at a minimum 1:1 habitat replacement of equal or better functions and values. Mitigation must be provided through conservation of CDFW approved off-site habitat protected under a conservation easement or approved mitigation bank, ensuring the permanent protection of habitat for this species.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (September 2024).

Impact BIO-8 The project would have a potential significant impact on migratory birds.

Construction activities are anticipated to occur during a period lasting up to 60 weeks, and some activities would occur during the bird nesting season (typically February 1 through September 15). There are numerous birds that could nest within or adjacent to the project site. Therefore, impacts to migratory birds or destruction of active migratory bird nests and/or eggs could lead to significant impacts without implementation of MM-BIO-6 because the species and their nests are protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code.

Mitigation Measure

MM-BIO-6 Nesting Bird Survey**.** Construction-related ground-disturbing activities (e.g., vegetation clearing, grading, and other intensive activities) that occur during the typical breeding season (February 1 through September 15) shall require a one-time biological survey for nesting bird species to be conducted within the proposed impact area and a 500-foot buffer within 72 hours prior to construction. This survey is necessary to ensure avoidance of impacts to nesting raptors (e.g., Cooper's hawk [*Accipiter cooperii*]) and/or birds protected by the federal Migratory Bird Treaty Act and California Fish and Game Code, Sections 3503 and 3513. If any active nests are detected, the area shall be flagged and mapped on the construction plans and the information provided to the construction supervisor and any personnel working near the nest buffer. If occupied nests are found, then limits of construction (e.g., 250 feet for passerines to 500 feet for raptors) to avoid occupied nests shall be established by the project biologist in the field with brightly colored flagging tape, conspicuous fencing, or other appropriate barriers and signage; and construction personnel shall be instructed on the sensitivity of nest areas. To the extent feasible, no construction activities shall occur within the limits of construction around an active nest. Should it be necessary for construction activities to occur within an avoidance buffer, a biological monitor shall be present during those periods when construction activities occur near active nest areas to avoid inadvertent impacts to these nests. Any signs of disturbance shall be documented and noise reduction techniques triggered if applicable, which may include utilization of quieter equipment, adherence to equipment maintenance schedules, shifting construction phase timelines so that they occur outside of the breeding season, installation of temporary sound barriers, or shifting construction work further from the nest. The project biologist may adjust the 250-foot or 500-foot setback depending on the species and the location of the nest (e.g., if the nest is well protected in an area buffered by dense vegetation). However, if needed, additional qualified monitor(s) shall be provided in order to monitor active nest(s) or other project activities in order to ensure all of the project biologist's duties are completed. Once the nest is no longer occupied for the season, construction may proceed in the setback areas.

If construction activities, particularly vegetation clearing, grading, and other intensive activities, stop for more than 3 days, an additional nesting bird survey shall be conducted within the proposed impact area and a 500-foot buffer.

Documentation/Reporting: The biologist shall submit a report to the City of San Diego documenting the methods and results of the surveys prior to vegetation clearing activities.

Timing: Surveys shall be completed during the breeding season (typically February 1 through September 15), within 72 hours prior to the start of construction activities, which cannot occur before the City Notice to Proceed.

Findings

The Board of Trustees finds that the above mitigation measures are feasible, will reduce the project's potentially significant impact on migratory birds. Including birds protected by the federal MBTA and California Fish and Game Code, to less-than-significant levels, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

The potential significant direct impacts to nesting birds protected under the MBTA would be reduced to less than significant through implementation of MM-BIO-6, which requires nesting bird surveys when construction activities occur during the bird nesting season and avoidance buffers if active nests are found. Active nests will be mapped on construction plans and communicated to the construction supervisor and any personnel working near the nest buffer. The project biologist will use brightly colored flags to mark an appropriate avoidance buffer and the limits of construction around an active nest. If it is necessary for construction activities to occur within an avoidance buffer, a biological monitor will be present during those periods when construction activities occur near active nest areas to avoid inadvertent impacts to these nests. Noise reduction measures will also be implemented as appropriate for activities occurring near active nests. Implementation of these measures will ensure project impacts to nesting birds protected under the MBTA and California Fish and Game Code are reduced to a level of less than significant.

References

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (September 2024).

Impact BIO-9 The project would result in potential significant direct impacts to special-status plants.

Two special-status plants were observed within the project site: San Diego County viguiera and San Diego marshelder. Grading, vegetation removal, and habitat conversion could directly impact special-status plants if they occur within the construction footprint. San Diego County viguiera occurrences are located along the southern edge of the potential staging area, within a temporary impact area. Three San Diego marsh-elder occurrences are mapped within the development footprint. Impacts to San Diego County viguiera and to San Diego marsh-elder could lead to significant impacts without implementation of MM-BIO-7.

Mitigation Measure

MM-BIO-7 Special-Status Plants. A qualified biologist will be present prior to and during construction to ensure avoidance of impacts on special-status plant species that were found on the project site during protocol plant surveys (San Diego marsh-elder [*Iva hayesiana*] and San Diego County viguiera [*Viguiera laciniata*]) by implementing one or more of the following, as appropriate, per the biologist's recommendation:

1. Flag the population or natural community areas to be protected
2. Allow adequate buffers
1. Time construction or other activities during dormant and/or non-critical life cycle periods

For unavoidable impacts to special-status plant species, compensatory mitigation shall be required based on recommendations of the qualified biologist. If deemed necessary based on the type and extent of special-status plant populations affected, compensatory mitigation shall entail one of the following:

1. The protection, through land acquisition or a conservation easement, of a population of equal or greater size and health. Individual plants lost shall be mitigated at a minimum 1:1 ratio, considering acreage as well as function and value.
2. If it is not feasible to acquire and preserve a known population of a special-status plant to be impacted, suitable unoccupied habitat capable of supporting the species will be acquired and used to create a new population. For population creation, the following considerations will also be met:
    i. Prior to unavoidable and permanent disturbance to a population of a special-status plant species, propagules shall be collected from the population to be disturbed. This may include seed collection or cuttings, and these propagules will be used to establish a new population on suitable, unoccupied habitat as described above. Transplantation may be attempted but will not be used as the primary means of plant salvage and new population creation.
    ii. Creation of new populations will require identifying suitable locations and researching and determining appropriate and viable propagation or planting techniques for the species. It will also require field and literature research to determine the appropriate seed sampling techniques and harvest numbers for acquisition of seed from existing populations.
    iii. Compensatory and preserved populations will be self-producing. Populations will be considered self-producing when:
        a. Plants reestablish annually for a minimum of 5 years with no human intervention such as supplemental seeding; and
        b. Reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.
        - If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures will be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above, and other details, as appropriate, to target the preservation of long-term viable populations.

Documentation/Reporting: The biologist shall submit a report to the City of San Diego documenting the methods and results of the surveys prior to vegetation clearing activities.

Timing: Surveys shall be completed prior to the start of construction activities, which cannot occur before the City Notice to Proceed.

Findings

The Board of Trustees finds that the above mitigation measures are feasible, will reduce the project's potentially significant direct impacts to special-status plants, San Diego County viguiera and San Diego marsh-elder, to less-than-significant levels, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

Potentially significant direct impacts to two special-status plants, San Diego County viguiera and San Diego marsh-elder, would be reduced to less than significant through implementation of MM-BIO-7, which requires avoidance, biological monitoring and, if required, compensatory mitigation. A qualified biologist will be present prior to and during construction to ensure avoidance of impacts on special-status plants found during protocol plant surveys by flagging the areas to be protected, with adequate buffers and timing construction and other activities during dormant and/or non-critical life cycle periods. If impacts cannot be avoided during construction, compensatory mitigation may be required through either (i) the protection, through land acquisition or a conservation easement of an equivalent population at a minimum 1:1 ratio, or (ii) suitable unoccupied habitat capable of supporting the species will be acquired and used to create an equivalent new population that is self-populating, as evidenced by reestablishment annually for a minimum of 5 years without human intervention, reestablished and preserved habitats having an occupied area and flower density comparable to existing habitat in the project vicinity, and a detailed mitigation plan setting out information about responsible parties, long term management requirements, success criteria and other details to target the preservation of long-term viable populations, if offsite mitigation will include dedication of conservation easements, purchase of mitigation credits or other off-site mitigation measures. These measures will ensure that the project will avoid impacting San Diego County viguiera and San Diego marsh-elder, or if impacts cannot be avoided, that a comparable new habitat containing the applicable special-status plants is established. Thus, implementation of MM_BIO-7 will avoid the project's potentially significant impacts to special-status plants, San Diego County viguiera and San Diego marsh-elder.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (September 2024).

Impact BIO-10 The project would result in potential significant short-term indirect impacts to special-status plants.

Short-term indirect impacts associated with project implementation could affect special-status plants if they occur adjacent to the project site. Short-term or temporary indirect impacts to special-status plants adjacent to the project site could primarily result from construction activities and include impacts related to or resulting from the generation of fugitive dust and the introduction of chemical pollutants (including herbicides).

Excessive dust can decrease the vigor and productivity of vegetation. To avoid such impacts, construction would be subject to SDAPCD Rule 55 – Fugitive Dust Control, which would limit fugitive dust (PM_{10} and $PM_{2.5}$) that may be generated during grading and construction activities. Standard construction practices that would be employed to reduce fugitive dust emissions include watering of the active sites two times per day, depending on weather conditions.

As discussed further in Section 3.9 (Hydrology and Water Quality) of the EIR, construction activities will not result in hydrologic and water-quality-related impacts adjacent to and downstream of the limits of grading. Vegetation clearing within the river channel would consist of surficial removal of vegetation with the root network of plants and trees left in the ground to stabilize remaining, exposed soil, resulting in greater erosion control and stability in areas where vegetation is removed from within the river channel. Water quality would further be protected through the installation of an erosion control rock-fortified work area during the initial stages of construction, consisting of quarter ton rip-rap boulders and 1- to 3-inch crushed rock placed over geotextile fabric on either side of the low-flow channel at a depth of approximately 2.5 feet. The perimeter of the erosion control rock-fortified work area, less the low flow channel, would be lined with k-rail and an approximately 60-foot-wide crossing would be installed over the low-flow channel. Hydraulic analysis demonstrates this erosion control rock-fortified work area would not significantly impact sediment transport or erosion during smaller or larger overtopping flows. Thus, construction activities would not affect downstream aquatic, wetland, and riparian vegetation communities, including the adjacent Stadium Wetland Mitigation Site.

Erosion and chemical pollution (releases of fuel, oil, lubricants, paints, release agents, and other construction materials) may affect special-status plants. The use of chemical pollutants can decrease the number of plant pollinators, increase the existence of non-native plants, and cause damage to and destruction of native plants. The potential for construction-related impacts to special-status plants due to chemical pollutants would be minimized through compliance with a stormwater pollution prevention plan outlining best management practices to reduce discharges of pollutants in stormwater from construction sites to the maximum extent practicable and effectively prohibit non-stormwater discharges from the construction site. (See Section 3.9, Hydrology and Water Quality, for a description of typical BMPs that would be implemented during grading and construction of the proposed project.)

Short-term indirect impacts to special-status plants due to fugitive dust associated with project implementation would be less than significant as a result of compliance with SDAPCD Rule 55 – Fugitive Dust Control regulations. Short-term indirect impacts to special-status plant species due to changes in hydrology resulting from construction, including sedimentation and erosion, and the introduction of chemical pollutants associated with project implementation could lead to significant impacts without implementation of MM-BIO-8, MM-BIO-9, MM-BIO-10 and MM-BIO-12.

Mitigation Measure

MM-BIO-8 Temporary Installation of Fencing. To prevent inadvertent disturbance to areas outside the limits of disturbance for each phase, the contractor shall install temporary fencing, or utilize existing fencing, along the limits of disturbance. The fencing shall be installed to ensure it does not prevent wildlife from moving through the San Diego River channel.

Documentation: The biologist shall submit a report to the City of San Diego documenting the installation of the fencing.

Timing: Prior to vegetation clearing activities, which cannot occur before the City Notice to Proceed.

Monitoring: The temporary fencing shall be examined during monitoring by the project biologist.

Reporting: The temporary fencing shall be described in a monitoring report prepared after the construction activities are completed.

MM-BIO-9 Construction Monitoring and Reporting. To prevent inadvertent disturbance to areas outside the limits of disturbance for each phase, all disturbance of native habitat shall be monitored by a qualified biologist. The biological monitor(s) shall be contracted to perform biological monitoring during all vegetation clearing activities and shall (1) have a Bachelor's degree in biology or a closely related field; (2) be knowledgeable and experienced in the biology and natural history of local plant and wildlife resources, particularly rare and endangered species; (3) be able to identify biological resources that are or have the potential to be present on the project site; and (4) have previous biological monitoring experience on construction projects.

The project biologist(s) also shall perform the following duties:

1. Attend the pre-construction meeting with the contractor and other key construction personnel prior to vegetation clearing to reduce conflict between the timing and location of construction activities with other mitigation requirements (e.g., seasonal surveys for nesting birds).
2. During vegetation clearing activities, the project biologist shall conduct meetings with the contractor and other key construction personnel each morning prior to construction activities in order to go over the proposed activities for the day, and for the monitor(s) to describe the importance of restricting work to designated areas and of minimizing harm to or harassment of wildlife prior to vegetation clearing activities.
3. Review the construction area in the field with the contractor in accordance with the final grading plan prior to vegetation clearing.
4. Supervise and monitor all vegetation clearing activities to ensure against direct and indirect impacts to biological resources that are intended to be protected and preserved and to document that protective fencing is intact.
5. Flush wildlife species (i.e., reptiles, mammals, avian, or other mobile species) from occupied habitat areas immediately prior to brush-clearing activities. This does not include disturbance of nesting birds (see MM-BIO-6) or "flushing" of federally or state-listed species (i.e., least Bell's vireo and southwestern willow flycatcher [see MM-BIO-1]). Flushing and any handling of wildlife necessary to move wildlife out of harm's way shall be conducted in accordance with current regulations, including California Fish and Game Code, which may require the biological monitor(s) to hold a Scientific Collecting Permit should flushing/handling not be approved through an alternative mechanism such as a Lake and Streambed Alteration Agreement.
6. Monitoring shall occur daily when construction activities are occurring that have the potential to affect sensitive resources within or adjacent to the project work area, as determined by the project biologist(s), to ensure that the project adheres to and implements the appropriate measures to protect sensitive resources. At a minimum, the project biologist(s) shall:
    a. Monitor the construction site to verify that the project is implementing the following stormwater pollution prevention plan best management practices: dust control, silt fencing, removal of construction debris, a clean work area, covered trash receptacles that are animal-proof and weather-proof, prohibition of pets on the construction site, and a

speed limit of 15 miles per hour during daylight and 10 miles per hour during hours of darkness.

b. Monitor the construction site after grading is completed and during the construction phase to see that artificial security light fixtures are directed away from open space and are shielded, and to document that no unauthorized impacts have occurred.

7. Keep monitoring notes for the duration of the proposed project for submittal in a final report to substantiate the biological supervision of the vegetation clearing and grading activities and the protection of the biological resources.
8. Prepare and submit to the City regular (no less than monthly) letter reports during Project construction. Prepare and submit to the City a final monitoring report after the construction activities are completed that includes the following: description of the biological monitoring activities, including a monitoring log; photos of the site before, during, and after the grading and clearing activities; and a list of special-status species observed.

Timing: Monitoring responsibilities shall occur prior to construction (attendance of pre-construction meeting), during vegetation clearing, and during construction after vegetation clearing has been completed (as required in part 6 of this mitigation measure).

Reporting: Monthly monitoring reports will be submitted to the City of San Diego. A final monitoring report will be prepared and submitted to the City of San Diego after the construction activities are completed.

MM-BIO-10 Air Quality Standards. The following guidelines shall be adhered to:

3. No person shall engage in construction activity subject to San Diego Air Pollution Control District Rule 55 – Fugitive Dust Control in a manner that discharges visible dust emissions into the atmosphere beyond the property line (or work area) for a period or periods aggregating more than 3 minutes in any 60-minute period.
4. Visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out shall:

   a. Be minimized by the use of any of the following, or equally effective track-out/carry-out and erosion control measures that apply to the project or operation: track-out grates or gravel beds at each egress point, wheel-washing at each egress during muddy conditions, soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding, and for outbound transport trucks, using secured tarps or cargo covering, watering, or treating of transported material.

   - Be removed at the conclusion of each workday when active operations cease, or every 24 hours for continuous operations. If a street sweeper is used to remove any track-out/carry-out, only coarse particulate matter (PM_{10}) efficient street sweepers certified to meet the most current South Coast Air Quality Management District Rule 1186 requirements shall be used. The use of blowers for removal of track-out/carry-out is prohibited under any circumstances.

Timing: These guidelines shall be adhered to during the construction activities.

Reporting: A monitoring report shall be prepared and submitted to the City of San Diego after the construction activities are completed and will include documentation of adherence to these guidelines.

MM-BIO-11 Construction Documents. The Multiple Species Conservation Program (MSCP) staff at the City of San Diego shall verify that SDSU has accurately represented the project's design in or on the construction documents and is in conformance with the City's Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines (LUAGs). SDSU shall provide an implementing plan and include references on the construction documents of the following:

5. **Drainage.** Document the type of drain design proposed (must not include Caltrans Type D-1 deck drains, which are inconsistent with the City's Drainage Design Manual).
6. **Toxics/Project Staging Areas/Equipment Storage.** Projects that use chemicals or generate by-products such as pesticides, herbicides, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Provide a note on the Construction Documents that states: "All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."
7. **Lighting.** Lighting shall be designed to minimize light pollution within native habitat areas, while enhancing safety, security, and functionality. All artificial outdoor light fixtures within 100 feet of the MHPA shall be installed so they are shielded and directed away from sensitive areas, resulting in very little light spillage over the bridge into the San Diego River. Any safety lighting required should be directed away from sensitive areas to ensure compliance with the MSCP's LUAGs and to be in accordance with Land Development Code Section 142.0740 (Outdoor Lighting Regulations). The specific types of light poles, arms, and luminaires can be adjusted to suit aesthetics. In order to minimize potential effects from light spillover and light pollution within native habitat areas, the following lighting standards shall be adopted where and when it is safe to do so:
    a. Outdoor lighting shall not exceed nominal 3,000 Kelvin Color Correlated Temperature.
    b. Adaptive controls shall be incorporated to exterior lighting to reduce the duration and intensity of lighting.
    c. Use fully shielded fixtures to direct light downward and prevent spillover into the MHPA and other nearby habitat areas.
    d. Limit the lumen levels to the necessary minimum for safe operation of the bridge.
    e. Lighting plans shall incorporate regular monitoring of lighting intensity
8. **Barriers.** The construction documents shall show any new fencing (temporary or permanent) added along the boundaries of the MHPA to reduce public access, as well as any barriers required to provide adequate noise reduction where needed.
9. **Invasives.** No invasive non-native plant species shall be introduced into areas within or adjacent to the MHPA.

Documentation: Reference to the requirements described above shall be included on the construction documents. SDSU shall take aerial photographs of the bridge construction area approximately one year before the start of construction, within one month of the start of construction, after construction has been completed and after the 5-year restoration program has been completed. These aerial photographs will be included in the final on-site restoration report. To ensure an adequate qualitative comparison, an upstream portion of the San Diego River will also be taken at the above intervals. These aerial photographs shall be submitted to the City.

Timing: Reference to the requirements described above shall be included on construction documents prior to the start of construction, which cannot occur before the City Notice to Proceed. Aerial photographs shall be taken at timing intervals noted above.

MM-BIO-12 Invasive Plant Species Control. To reduce potential effects of invasive species to the adjacent Stadium Wetland Mitigation Site, the project site shall remain free of non-native vegetation during the construction period. After construction, the project site shall be maintained in accordance with the non-native plant species cover requirements identified in MM-BIO-17 and the on-site conceptual restoration plan (see MM-BIO-17), which are consistent with the Stadium Wetland Mitigation Site. The applicant shall also perform the following on the project site and within a 25-foot buffer extending from the project site into the Stadium Wetland Mitigation Site:

1. Weed control treatments shall occur prior to seed set and/or weed species reaching 6 inches in height, and will include the application of legally permitted herbicide, as well as manual and mechanical methods of removal. The application of herbicides shall comply with state and federal laws and regulations under the prescription of a Pest Control Advisor and shall be implemented by a Licensed Qualified Applicator. Herbicides shall not be applied during or within 72 hours of a forecasted measurable rain event or during high wind conditions that could cause spray drift onto native vegetation. Where manual or mechanical methods are used, plant debris shall be disposed of at a certified disposal site. The timing of the weed control treatment shall be determined for each plant species with the goal of controlling populations before they start producing seeds.
2. All straw materials used during project construction and operation shall be weed-free rice straw or other weed-free product, and all gravel and fill material shall be weed free. If straw wattles are used, they shall not be encased in plastic mesh.
3. Prior to entry to the project area for the first time, equipment must be free of soil and debris on tires, wheel wells, vehicle undercarriages, and other surfaces (a high-pressure washer and/or compressed air may be used to ensure that soil and debris are completely removed). Compliance with the provision is achieved by on-site inspection and verification or by demonstrating that the vehicle or equipment has been cleaned at a commercial vehicle or appropriate truck washing facility. In addition, the interior of equipment (cabs, etc.) shall be free of mud, soil, gravel, and other debris (interiors may be vacuumed or washed). If a vehicle or piece of equipment leaves the site or is used at another site, this process will be repeated each time the vehicle or equipment returns to the site.
4. All vegetative material removed from the project site shall be transported in a covered vehicle and will be disposed of at a certified disposal site; plant material shall not be stockpiled on the project site.

Timing: These guidelines shall be adhered to during the construction activities.

Reporting: A monitoring report shall be prepared and submitted to the City of San Diego after the construction activities are completed and will include documentation of adherence to these guidelines.

Findings

The Board of Trustees finds that the above mitigation measures are feasible, will reduce the project's potentially significant short-term indirect impacts to special-status plants to less-than-significant levels, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

The potential significant short-term indirect impacts to special-status plants would be reduced to less than significant through implementation of MM-BIO-8, MM-BIO-9, and MM-BIO-10, which require temporary installation of construction fencing to delineate the limits of grading (using fencing that does not prevent wildlife movement), biological monitoring during all vegetation clearing activities to prevent inadvertent disturbance to areas outside the limits of disturbance, regular coordination and communication between the biological monitor and contractor and other key construction personnel regarding construction limitations to be employed to protect special status plants, a monitoring report, and implementation of air quality standards to minimize and control visible dust emissions dust using a variety of proven measures . Additionally, MM-BIO-11 requires construction documents to include information regarding equipment storage and language for activities that could result in leakage, sedimentation, or intrusion into the MHPA that might be harmful to special status plants. Lighting is also required to be directed away from sensitive areas and use specified lighting standards where and when it is safe to do so to minimize potential effects from light spillover and light pollution within native habitat areas. A stormwater pollution prevention plan outlining best management practices to reduce discharges of pollutants in stormwater from construction sites to the maximum extent practicable and effectively prohibit non-stormwater discharges from the construction site will be developed and implemented. MM-BIO-12 requires weed control through treatments, restrictions on straw materials that can be used, washing of equipment entering the project area, and proper disposal of vegetation removed from the site to reduce potential invasive species entering the adjacent Stadium Wetland Mitigation Site. These measures will ensure that the project will avoid potential significant short-term indirect impacts to special-status plants. Thus, implementation of MM-BIO-8, MM-BIO-9, MM-BIO-10 and MM-BIO-12 will avoid the project's potentially significant short term indirect impacts to special-status plants.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (September 2024).

Impact BIO-11 The project would result in potential significant long-term indirect impacts to special-status plants.

Long-term (operation-related) or permanent indirect impacts could result from the proximity of the proposed development to special-status plants adjacent to the project site after construction. Permanent indirect impacts

associated with project implementation that could affect special-status plants include habitat fragmentation, chemical pollutants, altered hydrology, and non-native invasive species. Erosion and chemical pollution may affect special-status plants. Final landscaping for the project has not been finalized; however, only plants that do not need fertilizers would be used in the landscape palette. Drainage for the bridge will be designed to minimize water flowing in traffic lanes and drainpipes would carry water longitudinally below the bridge deck through the bridge abutments into the storm drain system, where the stormwater would be treated in accordance with water quality regulations, ensuring that chemical pollutants from the bridge do not adversely impact special-status species. After completion of the project, the river's low flow channel would remain in place, ensuring no impacts associated with altered hydrology, as further discussed in Section 3.9 (Hydrology and Water Quality) of the EIR).

Invasive species could have adverse effects on non-native species in natural open areas, including, but not limited to, exotic plant competition for light, water, and nutrients and the formation of thatches that block sunlight from reaching smaller native plants. The project site already contains invasive species, and other invasive plant species may establish adjacent to the project site and alter habitats and displace native species over time, leading to extirpation of native plant species and unique vegetation communities. The introduction of non-native, invasive animal species could negatively affect native species that may be pollinators of or seed dispersal agents for plants within vegetation communities and special-status plant populations. The effects of non-native plant and animal species could impact special-status plants both on the project site and in downstream areas, including the Stadium Wetland Mitigation Site and could lead to significant impacts without implementation of MM-BIO-13 and MM-BIO-14.

Mitigation Measure

MM-BIO-13 Signage and Barriers. To prevent long-term inadvertent disturbance to sensitive vegetation and species adjacent to the bridge site, signage and, if needed, visual barriers (e.g., berm, fence, rocks, plantings, etc.) shall be installed where appropriate to deter access from the bridge into the San Diego River. The signage shall state that these areas are native habitat areas, and that no trespassing is allowed. Signage shall also include prohibitions on littering.

Documentation: The locations of these signs shall be shown on the Conceptual On-site Restoration Plan, Wetlands Habitat Mitigation and Monitoring Plan, construction documents, or similar document, which shall be reviewed by the City of San Diego.

Timing: Prior to the start of construction, which cannot occur before the City Notice to Proceed.

MM-BIO-14 Invasive Species Prohibition. Final landscape and revegetation plans shall be reviewed by the project biologist and a qualified botanist to confirm there are no invasive plant species as included on the most recent version of the California Invasive Plant Council California Invasive Plant Inventory for the project region.

Documentation: Final landscape and/or revegetation plans, which shall be reviewed by the City of San Diego.

Timing: Prior to the start of construction, which cannot occur before the City Notice to Proceed.

Findings

The Board of Trustees finds that the above mitigation measures are feasible, will reduce the project's potentially significant long-term indirect impacts to special-status plants to less-than-significant levels, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

The potential significant long-term indirect impacts to special-status plants and sensitive natural communities would be reduced to less than significant through implementation of MM-BIO-13, which requires signage/barriers between the construction area and the San Diego River to deter access from the bridge into the San Diego River, and MM-BIO-14, which imposes restrictions on landscape planting and revegetation within and adjacent to the MHPA to ensure no invasive plant species are installed within the project site in connection with revegetation and restoration activities. Additionally, MM-BIO-11 requires construction documents to show how the project design is consistent with the MHPA's Land Use Adjacency Guidelines, including drainage, toxics, lighting, barriers, and invasives within the MHPA.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (September 2024).

Impact BIO-13 The project would result in potential significant long-term indirect impacts to special-status wildlife species.

Potential long-term or permanent indirect impacts associated with project implementation to special-status wildlife species that have been observed or have high or moderate potential to occur (see Appendix C) include non-native, invasive plant and animal species; noise; lighting; increased human activity; and vehicle traffic; and altered hydrology.

Invasive plant species could have adverse effects on non-native species in natural open areas, including, but not limited to, exotic plant competition for light, water, and nutrients and the formation of thatches that block sunlight from reaching smaller native plants. Exotic plant species may alter habitats and displace native species over time, leading to extirpation of native plant species and subsequently suitable habitat for special-status wildlife species. In addition, trash can attract invasive predators, such as ravens and coyotes, that could impact the wildlife species in the project site. Least bell's vireo, which have been documented in the San Diego River, are susceptible to nest parasitism from brown-headed cowbirds (*Molothrus ater*). Microhabitat cover is an important habitat feature that influences incidence of brown-headed cowbird parasitism of vireo nests, with more cover near a nest reducing the chances that a cowbird will observe vireo nesting activity and subsequently parasitize a nest (Sharp and Kus 2010). Removal of riparian habitat reduces the amount of available habitat utilized by vireos or may reduce the amount of dense riparian cover available for hiding nests, which increases the risks of nest parasitism. Therefore, bridge construction activities that reduce riparian habitat or cover may increase vireo susceptibility to nest parasitism.

Light fixtures and car lighting could result in light spill into the San Diego River. Operation of the bridge could also impact wildlife in a number of ways, ranging from people throwing trash over the bridge (including cigarette butts leading to fire), to accidents releasing chemicals, or any number of other hypothetical situations. Bridge structures

and shading could also increase encampments, but this is unlikely as existing chain link fencing with stay in place to restrict access and abutments will be designed to limit abutment clearance and slopes intersecting with abutments would be angled to limit accessibility and the potential for encampments to be established.

Operational noise from the bridge, including noise from car traffic could adversely impact wildlife, as described above with respect to short-term noise impacts on wildlife if the project causes noise levels to exceed 60 DBA hourly L_{eq} or causes an increase in noise levels that exceeds 3 dBA hourly $L_{eq,}$ which is the increase that would be perceptible to wildlife. As described in the Final EIR, noise modeling shows the height of the bridge (20 feet) from the ground and the walls of the bridge (7.5 feet) sufficiently buffer habitat and result in modeled noise levels at approximately 2 meters from the ground (with 2035 levels) that are almost always less than 60 dBA L_{eq} within the San Diego River. Least Bell's vireo typically nest 0.6–0.9 meters (2–3 feet), but sometimes 0.3–3.0 meters (1–10 ft), off the ground (USFWS 1998; Kus et al. 2022; Zeiner et al. 1998-1990). Where noise levels were higher, the existing ambient conditions are generally higher than 60 dBA L_{eq} at current noise levels; birds in these areas have likely adapted to the higher noise levels through increasing their own vocalization levels (Caltrans 2016). There are areas near the fringes of the San Diego River where it meets Mission City Parkway and Camino Del Rio North or near the Mission Valley River Park, trolley tracks, Fenton Parkway and River Park Road where noise levels would result in a 3 dBA Leq (or more change) between the current average noise levels and modeled noise levels in 2035. Birds such as least Bells vireo have not been recorded along these fringes and are not likely to nest in these areas. As such, long term indirect impacts resulting from increased noise are expected to be less than significant.

Development of the bridge could create shaded, disturbed areas that might increase encampments and access in the river corridor. There is existing chain-link fencing along the southern portion of the river to keep people from accessing the river, and this fencing would remain after the bridge is built. In addition, abutments would be designed to limit abutment clearance, and slopes intersecting with bridge abutments would be angled to limit accessibility and the potential for encampments to be established.

As described in the Final EIR, vehicles on the bridge could result in occasional avian mortality due to collisions with vehicles. Birds such as doves (Columbidae), barn owls (*Tyto alba*), and waterfowl may fly in the elevation range of the bridge (i.e., 25-30 feet) and collide with vehicles. Based on the results of a study conducted by Dudek (2018), vehicle-bird collisions on the bridge resulting in avian mortality would be expected to occur only occasionally. The height of the bridge walls (7.5 feet) should reduce the chance for vehicle collisions even further by directing the flight paths of individuals that do attempt to cross above the bridge to pass over the top of most vehicles. Rock pigeons and doves are likely to sit on bridge structural components. However, smaller passerine birds such as least Bell's vireo, yellow warbler, and yellow-breasted chat are expected to avoid the road surface and traffic areas of the bridge as they typically fly shorter distances (outside of migration) and within the tree canopy and understory to avoid predation and are less likely to fly over the bridge and collide with vehicles. Least Bell's vireo, for example, capture insects through foliage gleaning or hover-gleaning mid-air and have been documented to typically forage below 4 meters (13 feet) (Salata 1983) and between 3 and 6 meters (9.8 feet and 22.8 feet) (Miner 1989). As such, the project is not expected to result in significant long term indirect impacts resulting from increased vehicle-wildlife collisions either.

The river's low flow channel would remain in place, with water flowing relatively unobstructed through the floodplain during higher flood events. The placement of piers and abutments within the San Diego River could alter local aquatic habitat by constraining the channel at times during high flows or redirecting flows around the piers, leading to scouring and creation of artificial pools or other habitat features adjacent to the piers. As described in the Hydraulic Report for the San Diego State University Mission Valley Campus Fenton Parkway Bridge (Chang Consultants 2023), the bridge would cause a minor decrease in base flood elevations in the immediate two cross-sections just upstream, then a slight increase from cross sections 43153 to 44513 (Chang Consultants 2023). The

decrease occurs because vegetative cover would be reduced by the bridge shadow. The nearly negligible base flood elevation increases would be contained with the southerly San Diego River channel bank and would not cause adverse off-site impacts. In addition, the bridge would have over 6 feet of freeboard over the base flood elevation, so it could adequately convey the 100-year flow. Less intense storm events, such as 10-year flows, would have even less impacts compared to the 100-year flow. Therefore, no long-term impacts to wildlife within the river are anticipated as a result of altered hydrology.

For stormwater runoff on the bridge, because the roadway would not have shoulders, 8-inch minimum drains or another type of deck drain design that is consistent with the City's Drainage Design Manual would be installed on the bridge to minimize water flowing in traffic lanes. Drainpipes would carry water longitudinally below the bridge deck through the bridge abutments into the storm drain system, where the stormwater would be treated in accordance with water quality regulations.

Long-term indirect impacts to special-status wildlife species due to non-native, invasive plant and animal species; lighting; and increased human activity associated with project could lead to significant impacts without implementation of MM-BIO-11, MM-BIO-12 and MM-BIO-14.

Mitigation Measure

See MM-BIO-11, MM-BIO-12, and MM-BIO-14 above.

MM-BIO-16 Brown-Headed Cowbird Control. A brown-headed cowbird reduction program shall be initiated within the project area. The control program may be achieved by selecting one of the following methods which will be determined by SDSU or its designee:

3. Fair share funding into the San Diego River Endowment Fund (managed by the San Diego Foundation) or other program whose primary purpose is to provide funds to support work of U.S. Fish and Wildlife Service, California Department of Fish and Game, or other governmental or not-for-profit environmental organization for exotic species control, brown-headed cowbird trapping, least Bell's vireo monitoring and other activities to benefit the least Bell's vireo. The exact financial contribution amount will be negotiated with the USFWS during the Incidental Take Permit processing but should cover the cost of cowbird control for the area 0.3 miles downstream and 0.3 miles upstream of the bridge for five years after the bridge has been constructed. Should this option be selected, payment of the negotiated fee shall occur prior to the commencement of construction.
4. Establishment of a trapping program within and immediately adjacent to the bridge construction work area. Pre-construction trapping shall begin prior to the first phase of construction to document baseline conditions. The post-construction trapping program will commence the spring after the bridge is constructed and will continue for a period of 5 years, or until such time as an alternative control method is developed, which shall then replace the trapping program through the 5-year period. If brown-headed cowbird populations have increased from baseline conditions during the 5-year trapping program, trapping (or an alternative equally effective control method) shall continue for trapping program continue for up to an additional 10 years, with the right to terminate if brown-headed cowbird populations decrease to the baseline levels or achieves another equivalent metric. If the brown-headed cowbird population decreases during the 5-year trapping program, the program will be deemed successful and trapping beyond the 5-year timeframe will no longer be necessary. The trapping program shall be based on the most currently

used trapping methods. Three traps shall be set: one in the bridge construction work area, one approximately 1/3 mile upstream of the bridge work area and one 1/3 mile downstream of the bridge work area. If there are current programs in place within that distance within the 5-year trapping program, then the project-related trapping will end. If the other trapping program ends within the 5-year period, SDSU or its designee will ensure that a trapping program is conducted for the duration of the 5-year period. Trapping shall be performed between April 1 and August 1 unless 21 days without brown-headed cowbirds occurs, then trapping may end for that year. The location of traps placed on City of San Diego property shall be reviewed and approved by City of San Diego prior to placement.

5. Yearly reporting of the trapping results shall be provided to the City and will minimally include the rationale for trap placement, number of target species, non-target species, mortalities of each, sex and age of each as able to be determined, comparison to prior trapping, and suggestions for the following year.

Documentation/Reporting: Trapping conducted under method 2, described above, shall include yearly reporting of the trapping results shall be provided to the City for the duration of the trapping/control program.

Timing: Trapping conducted under method 2, described above, shall begin the spring after the bridge has been constructed and continue for a period of 5 years (or up to an additional 10 years as described above). Trapping shall be performed between April 1 and August 1 unless 21 days without brown-headed cowbirds occurs, then trapping may end for that year.

Alternative brown-headed cowbird control program. Given that the science is evolving on the effectiveness of brown-headed cowbird control programs, should another method of control be developed and proved equally or more effective than one of the above methods, this option could be selected. This option would need to include the same performance criteria of ensuring that the brown-headed cowbird populations would be the same or lower than the baseline (season before the bridge construction begins).

Findings

The Board of Trustees finds that the above mitigation measures are feasible, will reduce the project's potentially significant long-term indirect impacts to special-status wildlife species to less-than-significant levels, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

The potential significant long-term indirect impacts to special-status wildlife species would be reduced to less than significant through implementation of MM-BIO-12, MM-BIO-14, and MM-BIO-16, MM-BIO-12 provides for weed control treatments, and MM-BIO-14 which imposes restrictions on landscape planting and revegetation within and adjacent to the MHPA to ensure no invasive plant species are installed within the project site in connection with revegetation and restoration activities and also provide for growth of a dense riparian cover available for hiding nests that might be parasitized by brown headed cowbirds, requires signage/barriers restricting human access to areas under the bridge, and restrictions on landscape planting to ensure no invasive species are planted in the

river corridor. The bridge will also be designed to discourage human encampments to minimize impacts associated with human activity within the river environment. MM-BIO-16 requires brown-headed cowbird trapping to reduce populations of brown-headed cowbirds which otherwise could parasitize least Bells vireo nests. Additionally, -MM-BIO11 requires construction documents to show how the project design is consistent with the MHPA's Land Use Adjacency Guidelines, including drainage, toxics, lighting, barriers, and invasives within the MHPA. With implementation of these mitigation measures, the project's indirect, long term biological impacts due to on-native, invasive plant and animal species; lighting; and increased human activity associated with project would be less than significant.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (September 2024).

Overall Finding for Threshold 1

The Board of Trustees finds that the Mitigation Measures MM-BIO-1 through MM-BIO-16, inclusive, are feasible, will reduce the project's potentially significant impacts, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (with the exception of indirect impacts to special-status species and/or species protected under the MBTA and/or California Fish and Game Code, which are addressed in Section 2.5.1 herein), to less-than-significant levels, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR

Rationale for Threshold 1 Finding (excluding short-term indirect impacts to special status wildlife species)[1]

As further discussed above, the project's impacts, either directly or through habitat modifications, on candidate, sensitive or special status species will be reduced to less than significant through the implementation of mitigation measures MM-BIO-1 through MM-BIO-16 requiring habitat mitigation and take avoidance. Take avoidance is carried out through pre-construction surveys, the establishment of avoidance buffers, and monitoring carried out by qualified biologists. Grading and vegetation clearing will be prohibited within an appropriate avoidance buffer for nests occupied by special status avian species during their applicable breeding seasons. Noise reduction measures will be implemented during other construction activities, under the supervision of project biologist and an acoustician, to minimize significant construction noise impacts experienced by sensitive wildlife species to the extent feasible. Habitat mitigation will be addressed through restoration and establishment of replacement habitat at ratios that have been established as being suitable to provide adequate mitigation for impacts, with implementation being carried out under the supervision of appropriate regulatory agencies and biological

[1] Note that noise generated during project construction could expose candidate, sensitive or special status species to noise levels greater than the City threshold of 60 dBA. While mitigation measures will be implemented to mitigate this impact in part, the impact will continue to be significant and unavoidable because there are no feasible mitigation measures to ensure construction noise in proximity to candidate, sensitive or special status species is below 60 dBA at all times. Please refer to the discussion and finding in Section 2.5.1 for further discussion of this issue.

professionals, pursuant to approved restoration and management plans, and with adequate real property protections to ensure the continued viability and preservation of the applicable habitat. Short-term, indirect impacts to candidate, sensitive or special status species will also be mitigated through the establishment of construction fencing to delineate the limits of grading and other work areas, biological monitoring during vegetation clearing to prevent inadvertent disturbance to areas outside the work limits, coordination and communication between the project biologist and the construction manager and construction staff, compliance with applicable stormwater and air quality regulations and best practices to protect against the discharge of chemical pollutants, fugitive dust, invasive species and other intrusions into the MHPA. Lighting will also be directed away from sensitive areas and comply with specified lighting standards to minimize light spillover and light pollution within native habitat areas. Long-term indirect impacts to candidate, sensitive or special status species will be mitigated through the installation of signage and barriers that will deter access from the bridge into the sensitive river environment, prohibitions on invasive species within the project site, compliance with the City's MHPA's Land Use Adjacency Guidelines, including drainage, toxics, lighting, barriers, and invasives within the MHPA, weed control and prohibitions on invasive species, the implementation of a brown-headed cowbird control program to reduce the potential for them to parasitize least Beels vireo nests, and the other measures described above. By conducting the project in compliance with these mitigation measures, the project will not result in substantial adverse impacts, either directly or indirectly through habitat modifications, on any species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, except with respect to short-term indirect impacts arising from construction noise as described in Section 2.5.1 below.

Reference.

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (September 2024).

Threshold 2: Substantial adverse effect on any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the SDBG of the Land Development Manual or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Impact BIO-14 The project would result in potential significant temporary direct impacts to sensitive natural communities.

As detailed in Table 3.3-3 of the Final EIR, the project would cause temporary direct impacts to Diegan coastal sage scrub (Tier II), non-vegetated channel (City Wetland), and southern cottonwood–willow riparian forest (City Wetland). Construction activities will result in 2.03 acres of temporary direct impacts to Diegan coastal sage scrub, 0.01 acres occur within the MHPA and 2.02 acres occur outside the MHPA. Construction would also result in temporary impacts to 0.02 acres of unvegetated channel and 0.38 acres of southern cottonwood–willow riparian forest. These impacts would be significant without implementation of MM-BIO-17.

Mitigation Measure

MM-BIO-17 Restore Temporary Impacts**.** Temporary impacts to Diegan coastal sage scrub, unvegetated channel, and southern cottonwood–willow riparian forest (federally and state-regulated wetlands) shall be restored to their original condition. California State University/San Diego State University or its designee shall prepare a conceptual restoration plan outlining the restoration of these communities and implement the restoration plan, including monitoring and maintenance, for a

period of at least 5 years with a goal to restore temporarily impacted areas to above 90% total native cover and to limit target non-native species identified in Table 9 of the Stadium Wetland Mitigation Project (San Diego River) Mitigation Plan to no more than 1% of all vegetative cover within the southern cottonwood–willow riparian forest restoration areas and 3% of all vegetative cover within the Diegan coastal sage scrub restoration areas. The conceptual restoration plan shall be reviewed and approved by City of San Diego and shall be consistent with the long-term maintenance requirements for the City of San Diego Stadium Wetland Mitigation Site.

Documentation: The Conceptual Restoration Plan prepared for the temporary impacts to wetlands and uplands (as applicable) within the Project Site.

Timing: Conceptual plans shall be submitted to the City of San Diego prior to the start of construction, which cannot occur before the City Notice to Proceed.

Monitoring: Monitoring of restoration shall occur over a period at least 5 years.

Reporting: Reporting shall occur upon commencement of the mitigation installation, at the completion of mitigation installation, at the completion of the 120-day plant establishment period, and annually throughout the 5-year monitoring effort.

Findings

The Board of Trustees finds that the above mitigation measure is feasible, will reduce the project's potentially significant temporary direct impacts to sensitive natural communities to less-than-significant levels, and is adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

The project's temporary direct impacts to Diegan coastal sage scrub, unvegetated channel, and southern cottonwood–willow riparian forest would be reduced to less than significant through implementation of MM-BIO-17, which requires restoration of these impacts to pre-project condition and MM-BIO-2, which requires habitat mitigation.

Of the 2.03 acres of temporary direct impacts to Diegan coastal sage scrub, 0.01 acres occur within the MHPA and 2.02 acres occurs outside the MHPA. Implementation of MM-BIO-17 would result in the restoration of all temporarily impacted areas to their original condition (1:1 mitigation) and implementation of MM-BIO-2 would result in an additional 1.5:1 off-site mitigation of temporarily impacted Diegan coastal sage scrub. These mitigation ratios are consistent with the City's Biology Guidelines, which require mitigation for impacts to Tier II upland habitats, such as Diegan coastal sage scrub, to be at a 1.5:1 ratio when both impact and mitigation occur outside the MHPA and a 1:1 ratio when both impact and mitigation are inside the MHPA. Mitigation for temporary impacts to unvegetated channel and southern cottonwood–willow riparian forest, which would include 1:1 restoration under MM-BIO-17, as well as 2:1 off-site mitigation for unvegetated channel and 3:1 off-site mitigation for southern cottonwood-willow riparian forest under MM-BIO-2, would also be in accordance with the City's Biology Guidelines, as outlined in Table 2a.

All habitat restoration will be carried out pursuant to a conceptual restoration plan approved by the City and consistent with the long-term maintenance requirements for the City's Stadium Wetland Mitigation Site. The conceptual restoration plan will outline how restoration will be carried out and implemented, including monitoring and maintenance for a period of at least 5 years to restore temporarily impacted areas to above 90% total native cover and limit target non-native species identified in the Stadium Wetland Mitigation Project Mitigation Plan to no more than 1% of all vegetative cover within the southern cottonwood–willow riparian forest restoration areas and 3% of all vegetative cover within the Diegan coastal sage scrub restoration areas.

With implementation of these mitigation measures, the project's temporary direct impacts to Diegan coastal sage scrub, unvegetated channel, and southern cottonwood–willow riparian forest would be less than significant.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (September 2024).

Impact BIO-14 The project would result in potential significant permanent direct impacts to sensitive natural communities.

As detained in Table 3.3-4 of the Final EIR, project implementation would result in permanent impacts to Baccharis-dominated Diegan coastal sage scrub (Tier II) (0.03 acres), 0.03 acres of Diegan coastal sage scrub (Tier II), and 1.14 acres of urban/developed land (Tier IV). Permanent impacts to Baccharis-dominated Diegan coastal sage scrub and restored Diegan coastal sage scrub all occur outside of the MHPA, Project implementation would permanently impact 0.80 acres of southern cottonwood–willow riparian forest (City Wetland). Impacts to Baccharis-dominated Diegan coastal sage scrub and restored Diegan coastal sage scrub and southern cottonwood-willow riparian forest could lead to significant impacts without implementation of MM-BIO-2.

Mitigation Measure

See MM-BIO-2 above.

Findings

The Board of Trustees finds that the above mitigation measure is feasible, will reduce the project's potentially significant permanent direct impacts to sensitive natural communities to less-than-significant levels, and is adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

Permanent direct impacts to sensitive vegetation communities and land covers would be reduced to less than significant through implementation of MM-BIO-2, which requires habitat mitigation. Permanent impacts to Baccharis-dominated Diegan coastal sage scrub and Diegan coastal sage scrub, all of which would occur outside of the MHPA, would be mitigated off-site at a 1.5:1 ratio, in accordance with the City's Biology Guidelines, Table 3. Mitigation for permanent impacts to unvegetated channel and southern cottonwood–willow riparian forest, which would include 3:1 and 2:1 off-site mitigation, respectively, under MM-BIO-2, would also be in accordance with the City's Biology Guidelines, as outlined in Table 2a. Conservation of habitat shall be by land acquisition, off-site

creation and/or enhancement, and/or purchase of appropriate credits at an approved mitigation bank in San Diego County in accordance with a conceptual mitigation plan, approved by the City, which outlines the enhancement/restoration activities to be undertaken, including monitoring and maintenance for at least 5 years. With implementation of MM-BIO-2, the project's permanent direct impacts to sensitive vegetation communities and land covers would be reduced to a level of less than significant.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (October 2023).

Impact BIO-15 The project would result in potential significant temporary direct impacts to jurisdictional waters.

As detailed in Table 3.3.5 of the Final EIR, the project would cause temporary direct impacts to 0.40 acres of jurisdictional features, including 0.02 acres of non-wetland waters/City Wetlands, 0.32 acres of federally regulated wetland/City wetland, and 0.06 acres of state riparian area/City wetland. These impacts would be significant without implementation of MM-BIO-17 and MM-BIO-18.

Mitigation Measure

See MM-BIO-17 above.

MM-BIO-18 Wetland Mitigation. The overall ratio of wetland/riparian habitat mitigation shall be, at a minimum, 3:1. Impacts shall be mitigated at a minimum 1:1 impact-to-creation ratio by either the creation, or purchase of credits for the creation, of jurisdictional habitat of similar functions and values. An additional 2:1 mitigation-to-impact ratio, which shall be met through a combination of off-site creation, enhancement, restoration, and/or purchase of credits at an approved mitigation bank, shall be required to meet the overall 3:1 mitigation-to-impact ratio for impacts to wetlands/riparian habitat.

Impacts to the unvegetated stream channels in the San Diego River shall be mitigated at a minimum overall ratio of 2:1, with a minimum 1:1 impact-to-creation ratio by either the creation, or purchase of credits for the creation, of jurisdictional habitat of similar functions and values. Additional mitigation to achieve the overall 2:1 mitigation-to-impact ratio for impacts to unvegetated channels will occur through a combination of off-site creation, enhancement, restoration, and/or purchase of credits at an approved mitigation bank.

If mitigation is proposed outside of an approved mitigation bank, a Conceptual Wetlands Mitigation and Monitoring Plan shall be prepared and implemented. The Conceptual Wetlands Mitigation and Monitoring Plan shall, at a minimum, prescribe site preparation, planting, irrigation, and a 5-year maintenance and monitoring program with qualitative and quantitative evaluation of the revegetation effort and specific criteria to determine successful revegetation. The California State University/San Diego State University shall be responsible for the maintenance and monitoring program.

Prior to impacts occurring to U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) jurisdictional aquatic resources, California State University/San Diego State University or its designee shall obtain the following permits: USACE 404 permit, RWQCB 401 Water Quality Certification, and CDFW 1600 Streambed Alteration Agreement. For those wetland and riparian habitat areas covered under any

federal or state wetland permit, wetland mitigation required as part of any federal (404) or state (1601/1603) wetland permit shall supersede the above stated ratios only if those ratios are higher. Should those negotiated ratios be lower than the above, mitigation ratios in this mitigation measure shall be the minimum ratio necessary to satisfy the requirements of this CEQA document.

Documentation: The mitigation plan and/or proof of purchase of credits from a mitigation bank shall be provided to the City of San Diego, Wildlife Agencies (U.S. Fish and Wildlife Service and California Department of Fish and Wildlife), Regional Water Quality Control Board, and U.S. Army Corps of Engineers.

Timing: Prior to the start of construction, which cannot occur before the City Notice to Proceed.

Findings

The Board of Trustees finds that the above mitigation measures are feasible, will reduce the project's potentially significant temporary direct impacts to jurisdictional waters to less-than-significant levels, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

The proposed temporary impacts to federally and state-regulated wetlands/riparian areas, including within the Stadium Wetland Mitigation Site, would be reduced to less than significant through implementation of MM-BIO-17, which requires restoration of these impacts to pre-project conditions (see discussion above for BIO-14), and MM-BIO-18, which requires waters and wetland mitigation. MM-BIO-18 requires wetland/riparian habitat mitigation at a minimum 3:1,ratio, with impacts mitigated at a minimum 1:1 impact-to-creation ratio by either the creation, or purchase of credit for the creation, of jurisdictional habitat of similar functions and values. An additional 2:1 mitigation-to-impact ratio will be met through a combination of off-site creation, enhancement, restoration, and/or purchase of credits at an approved mitigation bank. Impacts to the unvegetated stream channels in the San Diego River shall be mitigated at a minimum ratio of 2:1, with a minimum 1:1 impact-to-creation ratio by either the creation, or purchase of credits for the creation of jurisdictional habitat of similar functions and values. Additional mitigation to achieve the overall 2:1 mitigation-to-impact ratio for impacts to unvegetated channels will occur through a combination of off-site creation, enhancement, restoration, and/or purchase of credits at an approved mitigation bank. Details for any mitigation proposed outside of an approved mitigation bank will be subject to a conceptual wetlands mitigation and monitoring plan that details how wetlands will be created and relevant other criteria to ensure successful creation, enhancement or restoration of wetlands. For impacts occurring to U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) jurisdictional aquatic resources, California State University/San Diego State University or its designee shall obtain the following permits: USACE 404 permit, RWQCB 401 Water Quality Certification, and CDFW 1600 Streambed Alteration Agreement. With implementation of MM-BIO-17 and MM-BIO-18, the project's temporary direct impacts to federally and state-regulated wetlands/riparian areas and non-wetland waters would be reduced to a level of less than significant.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (October 2023).

Impact BIO-16 The project would result in potential significant short-term indirect impacts to jurisdictional waters.

As described in Section 3.3.4 of the Final EIR, potential short term indirect impacts to jurisdictional waters and wetlands adjacent to or downstream from the project site would primarily result from construction activities, and would include impacts related to or resulting from the introduction of chemical pollutants (including herbicides). Construction could result in hydrologic and water-quality-related impacts within the San Diego River, similar to those described above with respect to Impact BIO-10 (short-term impacts to special-status plants). Please refer to the discussion above for finding BIO-10 for additional information. Construction could also result in erosion and chemical pollutants (releases of fuel, oil, lubricants, paints, release agents, and other construction materials) may affect jurisdictional waters. The use of chemical pollutants can decrease the number of plant pollinators, increase the existence of non-native plants, and cause damage to and destruction of native plants.

Mitigation Measure

See MM-BIO-8, MM-BIO-9, MM-BIO-10, MM-BIO-11, and MM-BIO-12 above.

Findings

The Board of Trustees finds that the above mitigation measures are feasible, will reduce the project's potentially significant short-term indirect impacts to jurisdictional waters to less-than-significant levels, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

The potential significant short-term indirect impacts to jurisdictional waters and wetlands would be reduced to less than significant through implementation of MM-BIO-8, MM-BIO-9, and MM-BIO-10, which require temporary installation of construction fencing to delineate the limits of grading (using fencing that does not prevent wildlife movement), biological monitoring during all vegetation clearing activities to prevent inadvertent disturbance to areas outside the limits of grading, regular coordination and communication between the biological monitor and contractor and other key construction personnel regarding construction limitations, a monitoring report, and implementation of air quality standards to minimize and control visible dust emissions dust using a variety of proven measures. Additionally, MM-BIO-11 requires construction documents to include information regarding equipment storage and language for activities that could result in leakage, sedimentation, or intrusion into the MHPA. A stormwater pollution prevention plan outlining best management practices to reduce discharges of pollutants in stormwater from construction sites to the maximum extent practicable and effectively prohibit non-stormwater discharges from the construction site will be developed and implemented. MM-BIO-12 requires weed control through treatments, restrictions on straw materials that can be used, washing of equipment entering the project area, and proper disposal of vegetation removed from the site to reduce potential invasive species entering the adjacent Stadium Wetland Mitigation Site. These measures will ensure that the project will avoid potentially

significant short-term indirect impacts to jurisdictional waters and wetlands. Thus, implementation of MM-BIO-8, MM-BIO-9, MM-BIO-10 and MM-BIO-12 will avoid the project's potentially significant short term indirect impacts to jurisdictional waters and wetlands.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (September 2024). EIR Section 3.9, Hydrology and Water Quality and Appendix F-1 through F-4, Hydrology Reports (September 2024).

Impact BIO-17 The project would result in potential significant long-term indirect impacts to jurisdictional waters.

As described in Section 3.3.4 of the Final EIR, long-term (operation-related) or permanent indirect impacts could result from the bridge spanning the jurisdictional waters and wetlands of the San Diego River after construction, including impacts related to operation and maintenance. Operation and maintenance activities would occur within the project site. Permanent indirect impacts associated with project implementation that could affect jurisdictional waters and wetlands include habitat fragmentation, chemical pollutants, altered hydrology, non-native invasive species, and increased human activity, especially vehicle traffic. The effects of chemical pollutants on jurisdictional waters and wetlands are the same as those described for temporary impacts and permanent in-direct impacts to special-status plants in Impact BIO-10 and BIO-11. The introduction of non-native, invasive animal species could negatively affect native species that may be pollinators of or seed dispersal agents for plants within jurisdictional waters and wetlands. Further, the effects of increased human activity and vehicle traffic would be similar to those described for Impact BIO-11. Please refer to that discussion for further information.

With respect to altered hydrology, the project would result in less than significant impacts even without mitigation as the river's low flow channel would remain in place, with water flowing unobstructed through the flood plain during higher flood events. Stormwater runoff from the bridge would be managed through deck drains that minimize water flowing in traffic lanes. Drainpipes would carry water longitudinally below the bridge deck through the bridge abutments into the storm drain system, where the stormwater would be treated in accordance with water quality regulations.

Long-term indirect impacts to jurisdictional waters and wetlands associated with the project could lead to significant impacts without implementation of MM-BIO 11, MM-BIO-13 and MM-BIO-14.

Mitigation Measure

See MM-BIO-11, MM-BIO-13, and MM-BIO-14 above.

Findings

The Board of Trustees finds that the above mitigation measures are feasible, will reduce the project's potentially significant long-term indirect impacts to jurisdictional waters to less-than-significant levels, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

The potential significant long-term indirect impacts to jurisdictional waters and wetlands would be reduced to less than significant through implementation of MM-BIO-13, which requires signage/barriers restricting access to the San Diego River and deters access from the bridge to the San Diego River, and MM-BIO-14, which imposes restrictions on landscape and revegetation planting adjacent to the MHPA to ensure no invasive plant species are installed within the project site in connection with revegetation and restoration activities. Additionally, MM-BIO-11 requires construction documents to show how the project design is consistent with the MHPA's Land Use Adjacency Guidelines, including drainage, toxics, lighting, barriers, and invasives within the MHPA.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (September 2024).

Overall Finding for Threshold 2

The Board of Trustees finds that the Mitigation Measures MM-BIO-2, MM-BIO-8 through MM-BIO-14, inclusive, MM-BIO-17 and MM-BIO-18, are feasible, will reduce the project's potentially significant impacts, on any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the SDBG of the Land Development Manual or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, to less-than-significant levels, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR

Rationale for Threshold 2

As further discussed above, the project's impacts on any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the SDBG of the Land Development Manual or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service will be reduced to less than significant through the implementation of the above-described mitigation measures. These mitigation measures require restoration of impacts to the above-described wetland habitats at mitigation rations set forth in the City's Biology Guidelines and other established guidance. The habitat restoration will be carried out in a manner consistent with the long-term maintenance requirements for the City's Stadium Wetland Mitigation Project, which is adjacent to the project site. Implementation of habitat mitigation will also be carried out under the supervision of appropriate regulatory agencies and biological professionals, pursuant to approved restoration and management plans, and with adequate real property protections to ensure the continued viability and preservation of the applicable habitat. Short term indirect impacts to jurisdictional waters will also be mitigated through the establishment of construction fencing to delineate the limits of grading and other work areas, biological monitoring during vegetation clearing to prevent inadvertent disturbance to areas outside the work limits, coordination and communication between the project biologist and the construction manager and construction staff, compliance with applicable stormwater and air quality regulations and best practices to protect against the discharge of chemical pollutants, fugitive dust, invasive species and other intrusions into the MHPA. Lighting will also be directed away from sensitive areas and comply with specified lighting standards to minimize light spillover and light pollution within native habitat areas. Long-term indirect impacts to jurisdictional waters will be mitigated through the installation of signage and barriers that will deter access from the bridge into the sensitive river environment, prohibitions on invasive species within the project site, compliance with the City's MHPA's Land Use Adjacency Guidelines, including drainage, toxics, lighting, barriers, and invasives within the MHPA, weed control

and prohibitions on invasive species. By conducting the project in compliance with these mitigation measures, the project will not result in substantial adverse impacts on any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the SDBG of the Land Development Manual or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Reference.

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (September 2024).

Threshold 3: Substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Impact BIO-14 The project would result in potential significant permanent direct impacts to sensitive natural communities.

See discussion of Impact BIO-14 above under Threshold 2, which is incorporated herein by this reference.

Impact BIO-15 The project would result in potential significant temporary direct impacts to jurisdictional waters.

See discussion of Impact BIO-15 above under Threshold 2, which is incorporated herein by this reference.

Impact BIO-16 The project would result in potential significant short-term indirect impacts to jurisdictional waters.

See discussion of Impact BIO-16 above under Threshold 2, which is incorporated herein by this reference.

Impact BIO-17 The project would result in potential significant long-term indirect impacts to jurisdictional waters.

See discussion of Impact BIO-17 above under Threshold 2, which is incorporated herein by this reference.

Overall Finding for Threshold 3

The Board of Trustees finds that the Mitigation Measures MM-BIO-2, MM-BIO-8 through MM-BIO-14, inclusive, MM-BIO-17 and MM-BIO-18, are feasible, will reduce the project's potentially significant impacts, on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal etc.) through direct removal, filling, hydrological interruption, or other means, to less-than-significant levels, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR

Rationale for Threshold 3

As further discussed above, the project's impacts on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal etc.) through direct removal, filling, hydrological interruption, or other means, will be reduced to less than significant through the implementation of the above-described mitigation measures. These

mitigation measures require restoration of impacts to the above-described wetland habitats at mitigation rations set forth in the City's Biology Guidelines and other established guidance. The habitat restoration will be carried out in a manner consistent with the long-term maintenance requirements for the City's Stadium Wetland Mitigation Project, which is adjacent to the project site. Implementation of habitat mitigation will also be carried out under the supervision of appropriate regulatory agencies and biological professionals, pursuant to approved restoration and management plans, and with adequate real property protections to ensure the continued viability and preservation of the applicable habitat. Short term indirect impacts to jurisdictional waters will also be mitigated through the establishment of construction fencing to delineate the limits of grading and other work areas, biological monitoring during vegetation clearing to prevent inadvertent disturbance to areas outside the work limits, coordination and communication between the project biologist and the construction manager and construction staff, compliance with applicable stormwater and air quality regulations and best practices to protect against the discharge of chemical pollutants, fugitive dust, invasive species and other intrusions into the MHPA. Lighting will also be directed away from sensitive areas and comply with specified lighting standards to minimize light spillover and light pollution within native habitat areas. Long-term indirect impacts to jurisdictional waters will be mitigated through the installation of signage and barriers that will deter access from the bridge into the sensitive river environment, prohibitions on invasive species within the project site, compliance with the City's MHPA's Land Use Adjacency Guidelines, including drainage, toxics, lighting, barriers, and invasives within the MHPA, weed control and prohibitions on invasive species. By conducting the project in compliance with these mitigation measures, the project will not result in substantial adverse impacts on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal etc.) through direct removal, filling, hydrological interruption, or other means,

Reference.

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (October 2023).

Threshold 4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP, or impede the use of native wildlife nursery sites.

Impact BIO-18 The project would result in potential significant short-term indirect impacts to wildlife movement.

The project would cross the San Diego River, which functions as a regionally important wildlife corridor and live-in habitat for species. It is expected that wildlife movement within the San Diego River corridor would be impacted during construction due to vegetation removal, the presence of ongoing construction activity, fencing, noise, lighting, and the presence of equipment and bridge falsework. Many of the potentially affected species would be able to move through the area at night or crepuscular periods, when work has ceased and when a majority of the anticipated mammalian species (e.g., coyote, bobcat, mesocarnivores) are expected to be active, however, these species could be affected on the occasion that nighttime construction occurs near natural habitat areas. Species that would normally move through the riparian forests would have limited ways to move up or downstream through the San Diego River during construction activities.

The rock-fortified work area installed during construction would be designed to be approximately 2.5 feet deep, because of the contours of the river channel bottom, in many places the work area would be shorter, with some locations at approximately the same height as the surrounding ground, eliminating any restriction to wildlife movement. Even at locations where the work area was closer to the 2.5-foot height, most terrestrial wildlife species moving through the area would be expected to traverse up and over the rock-fortified work area. In addition, areas

under the low-flow channel crossing would remain open, providing wildlife movement opportunities between the constructed work areas, under the low-flow channel crossing. The rock-fortified work area is therefore not expected to substantially alter wildlife movement through the river channel during construction. Few species would be expected to attempt movements during large rain events, no special-status ground-based species are expected to be affected, and avian species could fly above the riparian canopy during construction without risk of vehicular conflicts.

If nighttime construction work occurs, lighting could impact wildlife movement in and use of the immediate vicinity.

Construction-related noise would occur from equipment used during various construction activities. Noise impacts can have a variety of indirect impacts on wildlife species, including increased stress, weakened immune systems, altered foraging behavior, displacement due to startle, degraded communication with conspecifics (e.g., masking), damaged hearing from extremely loud noises, and increased vulnerability to predators (Lovich and Ennen 2011; Brattstrom and Bondello 1983, as cited in Lovich and Ennen 2011). Construction "without barrier" noise levels for the nearest noise-sensitive receptor range from 68 dBA L_{eq} to 81 dBA L_{eq} (Dudek 2023). Several options would be reviewed and implemented as feasible to reduce noise from construction activities (See MM-BIO-6 and MM-BIO-15). The predicted construction-related concurrent phase "with barrier" noise levels for the nearest noise-sensitive receptor range from 60 dBA L_{eq} to 71 dBA L_{eq} over the duration of 60 weeks (Dudek 2023). If coastal California gnatcatcher are located in the coastal sage scrub located outside the project work site, which is unlikely due to the degraded quality of habitat, then construction-related noise impacts could affect upland bird species within this area.

Short term indirect impacts to wildlife movement associated with the project could lead to significant impacts without implementation of MM-BIO 1, MM-BIO-6, MM-BIO-8, MM-BIO-9, MM-BIO-11, MM-BIO-12 and MM-BIO-17.

Mitigation Measure

See MM-BIO 1, MM-BIO-6, MM-BIO-8, MM-BIO-9, MM-BIO-11, MM-BIO-12 and MM-BIO-17 above.

Findings

The Board of Trustees finds that the above mitigation measures are feasible, will reduce the project's potentially significant short-term indirect impacts to wildlife movement to less-than-significant levels, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

The potential significant short-term indirect impacts to the native habitat, including the San Diego River, would be reduced to less than significant through implementation of MM-BIO-8 and MM-BIO-9, which require temporary installation of construction fencing to delineate the limits of grading but still allow wildlife to move through the river channel, biological monitoring, and a monitoring report. Additionally, MM-BIO-11 requires construction documents to include language for activities that could result in leakage or intrusion into the MHPA.

The potential significant short-term indirect impacts to wildlife movement would be reduced to less than significant through implementation of MM-BIO-1 and MM-BIO-6, which would minimize construction-related noise that may

affect wildlife species utilizing the surrounding areas, MM-BIO-8, MM-BIO-9, and MM-BIO-11, which require temporary installation of construction fencing to delineate the limits of grading (using fencing that does not prevent wildlife movement), biological monitoring during all vegetation clearing activities to prevent inadvertent disturbance to areas outside the limits of disturbance, regular coordination and communication between the biological monitor and contractor and other key construction personnel regarding construction limitations, a monitoring report, and implementation of air quality standards to minimize and control visible dust emissions dust using a variety of proven measures . MM-BIO-17 and MM-BIO-12, which will result in the restoration of temporarily impacted areas to pre-project conditions and provide invasive plant species controls during construction. Additionally, MM-BIO-11 requires construction documents to include information regarding equipment storage and language for activities that could result in leakage, sedimentation, or intrusion into the MHPA. Lighting is also required to be directed away from sensitive areas and use specified lighting standards where and when it is safe to do so to minimize potential effects from light spillover and light pollution within native habitat areas. These measures will ensure that the project will avoid potential significant short-term indirect impacts to special-status plants. Thus, implementation of MM-BIO-1, MM-BIO-6, MM-BIO-8, MM-BIO-9, MM-BIO-11, MM-BIO-12 and MM-BIU-17 will avoid the project's potentially significant short term indirect impacts to wildlife movement.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (September 2024).

Impact BIO-19 The project would result in potential significant long-term indirect impacts to wildlife movement.

The proposed Fenton Parkway Bridge would cross the San Diego River, which functions as a regionally important wildlife corridor and live-in habitat for species. It is expected that the project could result in long term indirect impacts to wildlife movement with respect to noise, lighting and increased human activity. The long term indirect noise impacts would be the same as those described above for long-term indirect impacts to special-status wildlife species. Please refer to the discussion for Impact BIO-13 above.

The bridge's placement over the San Diego River could increase noise, vehicle lights, and disturbance on the bridge above this important wildlife corridor. Wildlife species that use the San Diego River could be impacted once construction is complete in a variety of ways, ranging from people throwing trash over the bridge (including cigarette butts leading to fire), to accidents releasing chemicals, or any number of other hypothetical situations. Development of the bridge could create shaded, disturbed areas that might increase encampments and access in the river corridor. There is existing chain-link fencing along the southern portion of the river to keep people from accessing the river, and this fencing would remain after the bridge is built. In addition, abutments would be designed to limit abutment clearance, and slopes intersecting with bridge abutments would be angled to limit accessibility and the potential for encampments to be established. Because there is no other option for wildlife in the vicinity, the level of disturbance and disruption would likely be tolerated by wildlife species that use the corridor, and use of the San Diego River is not expected to decrease over time due to the project.

All lighting for the bridge would be consistent with design guidelines applicable to development in the River Corridor Subdistrict (and with guidelines specific to the lighting of structures in the San Diego River Park Master Plan). Lighting would be shielded, directed downward, and selected to meet the requirements of the City's Multiple Species Conservation Program Land Use Adjacency Guidelines. Additional light spill into the San Diego River and associated habitat would likely occur due to car headlights from vehicle traffic on the new bridge. Although it would be minimized by the presence of 7.5-high bridge walls, there would likely be some lighting overspill from vehicles at night. This could have a negative effect on species occurring within the affected areas. Based on the bridge

design and elevations, it is anticipated that any vehicular light spill would affect the adjacent tree canopy (and species occurring within the canopy) and not the lower movement areas. Light spill is expected to not pose much deterrence to ground-based wildlife moving along the river at night.

Vehicles on the bridge could result in avian mortality due to collisions with vehicles. Birds such as doves, barn owls, and waterfowl may fly in the elevation range of the bridge (i.e., 25–30 feet) and collide with vehicles. However, based on the results of a study conducted by Dudek (2018), collisions on the bridge resulting in avian mortality would be expected to occur only occasionally. The height of the bridge walls (7.5 feet) should reduce the chance for vehicle collisions even further by directing the flight paths of individuals that do attempt to cross above the bridge to pass over the top of most vehicles. In addition, smaller passerine birds such as least Bell's vireo, yellow warbler, and yellow-breasted chat typically fly within smaller distances in the tree canopy and understory and are less likely to fly over the bridge and collide with vehicles. For example, least Bell's vireo capture insects through foliage gleaning or hover-gleaning mid-air; they have been documented foraging below 4 meters (13 feet) (Salata 1983) and between 3 and 6 meters (9.8 feet and 22.8 feet) (Miner 1989).

Long term indirect impacts to wildlife movement associated with the project could lead to significant impacts to wildlife movement without implementation of MM-BIO-11, MM-BIO-13 and MM-BIO-14.

Mitigation Measure

See MM-BIO-11, MM-BIO-12 MM-BIO-13, and MM-BIO-14 above.

Findings

The Board of Trustees finds that the above mitigation measures are feasible, will reduce the potential long term indirect biological resources-related impacts to wildlife movement of the project to less-than-significant levels, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

The potential significant long-term indirect impacts to wildlife movement would be reduced to less than significant through implementation of MM-BIO-11, MM-BIO-12, MM-BIO-13 and MM-BIO-14, which require signage/barriers where appropriate to deter access from the bridge into the San Diego River, a lighting plan, invasive plant species controls, and restrictions on landscape and revegetation planting, and revegetation within and adjacent to the MHPA to ensure no invasive plant species are installed within the project site in connection with revegetation and restoration activities. Additionally, MM-BIO-11 requires construction documents to show how the project design is consistent with the MHPA's Land Use Adjacency Guidelines, including drainage, toxics, lighting, barriers, and invasives within the MHPA.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (September 2024).

Overall Finding for Threshold 4

The Board of Trustees finds that the Mitigation Measures MM-BIO-1, MM-BIO-6, MM-BIO-8, MM-BIO-9, MM-BIO-11, MM-BIO-12 MM-BIO-13, MM-BIO-14 and MM-BIO-17 are feasible, will reduce the project's potentially significant impacts the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP, or impede the use of native wildlife nursery sites, to less-than-significant levels, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR

Rationale for Threshold 4

As further discussed above, the project's impacts on the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP, or impede the use of native wildlife nursery sites, will be reduced to less than significant through the implementation of the above-described mitigation measures. These mitigation measures require the establishment of construction fencing to delineate the limits of disturbance and other work areas, the minimization of construction noise, biological monitoring during vegetation clearing to prevent inadvertent disturbance to areas outside the work limits, coordination and communication between the project biologist and the construction manager and construction staff, compliance with applicable stormwater and air quality regulations and best practices to protect against the discharge of chemical pollutants, fugitive dust, invasive species and other intrusions into the MHPA. Lighting will also be directed away from sensitive areas and comply with specified lighting standards to minimize light spillover and light pollution within native habitat areas. Long-term indirect impacts to the movement of wildlife will be mitigated through the installation of signage and barriers that will deter access from the bridge into the sensitive river environment, prohibitions on invasive species within the project site, compliance with the City's MHPA's Land Use Adjacency Guidelines, including drainage, toxics, lighting, barriers, and invasives within the MHPA, weed control and prohibitions on invasive species, and the restoration of temporarily impacted habitat to pre-project conditions. By conducting the project in compliance with these mitigation measures, the project will not result in substantial adverse impacts on the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP, or impede the use of native wildlife nursery sites.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (September 2024).

2.3.3 Cultural Resources

Threshold 1: Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5

Impact CUL-1 The project has the potential to result in significant impacts to unknown archeological resources.

As described in Section 3.4, Cultural Resources, of the Final EIR Subsection 3.4.4 Impact Analysis, the potential significant impact during construction arises from the risk of encountering archeological resources such as cultural deposits due to the proximity of the project to the San Diego River, the Kumeyaay trail system that extended along

the San Diego River corridor, and the prehistoric village of Nipawai/Nipaguay. Although no archeological resources have been identified through surveys and records for the current project area, adjacent projects with similar soil conditions have uncovered prehistoric archeological materials and tribal cultural resources due to historical San Diego River flood events. This would increase the likelihood of finding remains during ground disturbance, necessitating archaeological and Native American monitoring. Conversely, once operational, the project would not be expected to significantly impact human remains due to the area's extensive development and the nature of the project's operations, which would not involve further ground disturbance.

Mitigation Measure

MM-CUL-1 In order to mitigate impacts to cultural resources to a level that is less than significant, procedures for proper treatment of unanticipated archaeological finds must comply with the California Environmental Quality Act (CEQA) Guidelines. Adherence to the following requirements during initial earth-disturbing activities will assure the proper treatment of unanticipated archaeological or Native American cultural material:

1. An archaeological monitor and a qualified Kumeyaay Native American monitor shall be present full-time during all initial ground-disturbing activities of previously undisturbed soils. If proposed project excavation later present evidence suggesting a decrease in cultural sensitivity such as geologic formation predating human occupation of the Americas, the monitoring schedule can be reduced pending archaeological, Native American, and San Diego State University (SDSU) consultation. Prior to the start of construction, the monitors will be provided a copy of the Geotechnical Boring Report prepared by Group Delta in May 2024 to have as a reference throughout monitoring activity.
2. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor, Kumeyaay Native American monitor, construction or other personnel shall have the authority to divert or temporarily halt ground disturbance operations within 50 feet of the find. The archaeological monitor shall promptly evaluate and document isolates and clearly non-significant deposits in the field. More significant deposits shall be evaluated under the direction of the lead archaeologist on the proposed project, in consultation with the Native American monitor and SDSU staff. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the qualified archaeologist and approved by SDSU, then carried out expeditiously using professional archaeological methods. The Research Design and Data Recovery Program shall include (1) reasonable efforts to preserve (avoidance) “unique” cultural resources or Sacred Sites pursuant to CEQA Section 21083.2(g) as the preferred option; (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for unavoidable cultural resources. Construction activities will be allowed to resume in the affected area only after proper evaluation, as described above.

Findings

The Board of Trustees finds that the above mitigation measure is feasible, will reduce the potential cultural resource-related impacts of the project with respect to causing a substantial adverse change in the significance of an archaeological resource to less-than-significant levels, and is adopted by the Board of Trustees. Accordingly, the

Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

With implementation of MM-CUL-1, the proposed project would have a less than significant impact on archaeological resources. Cultural monitoring under MM-CUL-1 will ensure that any previously unidentified potentially significant cultural resources that may be encountered during construction will be evaluated and properly mitigated, reducing the potential environmental impacts to a less than significant level. By ensuring proper treatment of unanticipated archaeological finds, implementation of the mitigation measures identified above would mitigate any potential direct impacts caused by construction of the proposed project to archeological resources to less than significant. Further, operation of the proposed project would not result in significant indirect impacts to unique archeological resources. All impacts would be reduced to less than significant after mitigation.

Reference

EIR Section 3.4, Cultural Resources and Appendix D, Cultural Resources Technical Report (October 2023)

Threshold 1: Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Impact CUL-1 The project has the potential to disturb unknown human remains.

As described in Section 3.4, Cultural Resources, of the Final EIR Subsection 3.4.4 Impact Analysis, the potential significant impact during construction arises from the risk of encountering human remains due to the proximity of the project to the San Diego River, the Kumeyaay trail system that extended along the San Diego River corridor, and the prehistoric village of *Nipawai/Nipagua*. Although no human remains have been identified through surveys and records for the current project area, adjacent projects with similar soil conditions have uncovered remains due to historical San Diego River flood events. This would increase the likelihood of finding remains during ground disturbance, necessitating archaeological and Native American monitoring. Conversely, once operational, the project would not be expected to significantly impact human remains due to the area's extensive development and the nature of the project's operations, which ould not involve further ground disturbance.

Mitigation Measure

MM-CUL-2 In order to mitigate impacts to human remains to a level that is less than significant, procedures for proper treatment of unanticipated finds must comply with the California Environmental Quality Act (CEQA) Section 15064.5(e). In the event of discovery of unanticipated human remains, personnel shall comply with California Public Resources Code Section 5097.98, CEQA Section 15064.5, and Health and Safety Code Section 7050.5 during ground-disturbing activities:

a. If any human remains are discovered, the construction personnel or the appropriate representative shall contact the County Coroner and San Diego State University. Upon identification of human remains, no further disturbance shall occur in the immediate area of the find until the County Coroner has made the necessary findings as to origin. If the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the property owner or their

representative to make recommendations regarding the proper treatment and disposition of the remains. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until the opportunity to complete consultation with the Most Likely Descendant regarding their recommendations as required by California Public Resources Code Section 5097.98 has occurred. California Public Resources Code Section 5097.98, CEQA Section 15064.5, and California Health and Safety Code Section 7050.5 shall be followed.

Findings

The Board of Trustees finds that the above mitigation measure is feasible, will reduce the potential cultural resource-related impacts of the project to the disturbance of human remains to less-than-significant levels, and is adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

Implementation of MM-CUL-2 will ensure that any unanticipated finds will be properly treated in compliance with Public Resources Code Section 5097.98, CEQA Section 15064.5, and Health and Safety Code Section 7050.5. By ensuring proper treatment of unanticipated archaeological finds or human remains, implementation of the mitigation measures identified above would mitigate any potential direct impacts caused by construction or operation of the proposed project to cultural resources to less than significant. Further, construction and operation of the proposed project would not result in significant indirect impacts to unique cultural resources. All impacts would be reduced to less than significant after mitigation.

Reference

EIR Section 3.4, Cultural Resources and Appendix D, Cultural Resources Technical Report (October 2023)

2.3.4 Geology and Soils

Threshold 6: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Impact GEO-1 The proposed project has the potential to indirectly destroy a unique paleontological resource or site or unique geologic feature.

As discussed in Section 3.6, Geology and Soils, of the Final EIR Subsection 3.6.4 Impact Analysis, the project site has a moderate to low potential for paleontological resources, with nearby fossil localities found in similar geological units. Although no paleontological resources were identified on-site through initial surveys and records, the presence of old alluvial floodplain deposits, which have moderate paleontological sensitivity, raises the potential for paleontological resources to exist within the project site. During construction activities such as grading, large-diameter drilling, and trenching, there would be a risk of encountering and potentially destroying significant paleontological resources if they were to be present. Without mitigation, these construction methods could result in significant impacts to any undiscovered paleontological resources, making it a potentially significant issue.

Mitigation Measure

MM-GEO1: Paleontological Resources Impact Mitigation Program and Paleontological Monitoring. Prior to commencement of any grading activity on site, the applicant shall retain a qualified paleontologist per the 2010 Society of Vertebrate Paleontology (SVP) guidelines. The qualified paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the project that shall be consistent with the 2010 SVP guidelines. The PRIMP shall outline requirements for preconstruction meeting attendance and worker environmental awareness training; where paleontological monitoring is required within the project site based on construction plans and/or geotechnical reports; procedures for paleontological monitoring and discoveries treatment per SVP (2010) guidelines; and paleontological methods (including sediment sampling for microinvertebrate and microvertebrate fossils), reporting, and collections management. The PRIMP shall also include a statement that any fossil lab or curation costs (if necessary due to fossil recovery) are the responsibility of the project proponent. A qualified paleontological monitor shall be on site during initial rough grading and other significant ground-disturbing activities (including augering) in areas underlain by the old alluvial flood plain deposits and below a depth of 5 feet below the ground surface in areas underlain by Holocene flood plain deposits to determine if they are old enough to preserve scientifically significant paleontological resources. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot-radius buffer. Once documentation and collection of the find is completed, the monitor shall allow grading to recommence in the area of the find. Any fossils encountered and recovered shall be prepared to the point of identification, catalogued, and donated to a public, nonprofit institution with a research interest in the materials. Accompanying notes, maps, and photographs shall also be filed at the repository. This mitigation measure shall be added to the final construction plans for grading and large drilling components of the project.

Findings

The Board of Trustees finds that the above mitigation measure is feasible, will reduce potential impacts to a unique paleontological resource or site or unique geologic feature of the proposed project to less-than-significant levels, and is adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

Impacts related to geology and soils, with the exception of paleontological resources, would be less than significant or would have no impact, and no mitigation is required. Impacts related to the potential to encounter paleontological resources would be reduced to less than significant with implementation of MM-GEO-1. MMGEO1 would reduce potential impacts by requiring worker awareness training, paleontological monitoring, and methods for documenting, recovery and donation of the find.

Reference

EIR Section 3.6 Geology and Soils and Appendix E, Paleontological Resources Technical Report (October 2023)

2.3.5 Hazards and Hazardous Materials

Threshold 7: Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

Impact HAZ-1 The project has the potential to expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

As discussed in Section 4.8, Hazards and Hazardous Materials, of the Final EIR Subsection 4.8.4 Impact Analysis, the project site is located entirely within a Very High Fire Hazard Severity Zone (VHFHSZ), indicating a high risk of wildland fire hazards which could expose people or structures to a significant risk of loss, injury or death involving wildland fires. The project's construction methods, whether pre-cast or cast-in-place, would present potentially significant fire hazards due to the VHFHSZ designation. However, with the implementation of mitigation measure MM-WF-1, which is designed to address and reduce these fire risks, the potential for significant impacts would be managed and potentially reduced to acceptable levels.

Mitigation Measure

MM-WF-1 Pre-Construction Requirements. The following pre-construction requirements shall be implemented. These features shall be coordinated with the San Diego Fire-Rescue Department (SDFD) or their designee prior to commencing project construction.

- Existing flammable vegetation shall be cleared from staging areas, the project site, and bridge column locations prior to commencement of construction.
- Dead fuel, ladder fuel (fuel which can spread fire from the ground to trees), and downed fuel shall be removed, and trees/shrubs shall be properly limbed, pruned, and spaced.
- A response map update, including roads and fire hydrant locations, in a format compatible with current SDFD mapping, shall be provided to the SDFD.

Construction Requirements. The following construction requirements shall be implemented. These features shall be coordinated with the SDFD or their designee.

- Throughout the duration of construction, the construction contractor shall ensure that adequate access is provided for emergency vehicles during all construction phases.
- Throughout the duration of construction, the construction contractor shall ensure that adequate water supply for firefighting is available during all phases of construction.
- The construction contractor shall ensure the implementation of all construction-phase vegetation clearance prior to commencing construction activities.

Construction Fire Prevention Plan. Prior to commencement of construction activities, the California State University/San Diego State University or its designee shall develop a Construction Fire Prevention Plan that addresses training of construction personnel and provides details of fire-suppression procedures and equipment to be used during construction. Information contained in

the plan shall be included as part of project-related environmental awareness training. At minimum, the plan shall include the following:

- Procedures for minimizing potential ignition, including, but not limited to, vegetation clearing, parking requirements/restrictions, idling restrictions, smoking restrictions, proper use of gas-powered equipment, use of spark arrestors, and hot work restrictions
- Work restrictions during Red Flag Warnings and High to Extreme Fire Danger days
- Fire coordinator role and responsibility
- Worker training for fire prevention, initial attack firefighting, and fire reporting
- Emergency communication, response, and reporting procedures
- Coordination with local fire agencies to facilitate agency access through the project site
- Emergency contact information
- Demonstrate compliance with applicable plans and policies established by state agencies

Findings

The Board of Trustees finds that the above mitigation measure is feasible, will reduce potential impacts associated with the exposure of people or structures to significant risk of loss, injury, or death involving wildfires as a result of the proposed project to less-than-significant levels, and is adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

Impacts relating to hazards and hazardous materials that could expose people or structures to a significant risk of loss, injury or death involving wildland fires would be less than significant with mitigation after implementation of MM-WF-1. The mitigation measure would minimize the potential for the ignition and spread of construction related fires by requiring that, prior to beginning project construction, adequate water will be available to service construction activities and firefighting; a construction-phase fire prevention plan will be developed; wildfire awareness, reporting, and suppression training will be provided to construction personnel; work restrictions will be implemented on red flag warning and high to extreme fire danger days, and all combustible vegetation will be removed from staging areas and within the City's Stadium Wetland Mitigation Site (no credit area) within the project work site. Vegetation management will also reduce the risk of wildfire spreading from within the active construction areas to off-site fuel beds. With MM-WF-1 in place, the project's potential to expose people or structures to a significant risk of loss, injury or death involving wildland fires would be less than significant.

Reference

EIR Section 3.8 Hazards and Hazardous Materials

2.3.6 Noise

Threshold 1: **Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.**

Impact NOI-1 Noise generated during project construction, pre-cast or cast-in-place construction method, would have the potential to result in temporary significant impacts nearby sensitive receptors.

As discussed in Section 3.11, Noise, of the Final EIR Subsection 3.11.4 Impact Analysis, the project would result in a significant impact on noise levels due to the temporary construction activities, which would exceed the standards established in the local general plan or noise ordinance, which is 60 dBA hourly L_{eq}. With implementation of MM-NOI-1, which includes temporary noise barriers, proactive public relations, and community engagement, the project's temporary construction-related noise impacts at nearby residential receptors would be reduced to a level of less than significant.

Mitigation Measures

MM-NOI-1 Noise Barrier for Multi-Family Receptors. The applicant and/or project contractor shall implement the following measures before the start of construction activities:

- All construction equipment must be in good working order and have functional sound mufflers to attenuate exhaust noise, which shall be properly maintained and used whenever such equipment is in operation.
- To the extent practical given site constraints, the project contractor shall orient/operate stationary construction equipment (i.e. construction equipment that is not mobile in nature and propelled by a built-in motor, such as generators, light stands, and pumps) so that emitted noise is directed away from sensitive receptors nearest the project site.
- The construction contractor shall locate on-site equipment staging areas to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during the construction period.
- All noise-producing construction activities, including warming up or servicing equipment and any preparation for construction, shall not exceed the nighttime noise level thresholds as stated in the City's ordinance between the hours of 7:00 p.m. and 7:00 a.m.
- An eight (8) foot tall temporary plywood noise barrier shall be erected along the northern project site property line where the project boundary is adjacent to the noise sensitive receptor (multi-family development to the north of the project site). The temporary barrier shall not restrict access to City of San Diego Public Utilities Department assets or facilities.
    - The materials used for temporary barrier shall be sufficient to last through the duration of construction of the project, and shall be maintained in good repair.
    - The acoustical material or composite material assembly used shall be weather and abuse-resistant.
    - The eight-foot-tall temporary solid noise barrier shall be constructed of 3/4-inch Medium Density Overlay (MDO) plywood sheeting, or other material of equivalent

utility and appearance having a surface weight of 2 pounds per square foot or greater.

- Barrier panels shall be attached to support frames to withstand, via ground anchoring methods such as rigid attachment or weighted loading (e.g., sandbags), anticipated onsite wind loads plus a 30 percent gust factor.
- The temporary acoustical barrier material shall be installed in vertical and horizontal segments with the vertical segments extending the full enclosure height.
- The acoustical material shall have a Sound Transmission Class (STC) of STC-20 or greater, based on certified sound transmission loss (TL) data taken according to American Society of Testing and Materials (ASTM) Test Method E90 and exhibited by the material supplier.
  When including sound-absorptive media as an assembly feature, the Noise Reduction Coefficient (NRC) rating shall be 0.6 or greater, based on certified sound absorption coefficient data taken according to ASTM Test Method C423 and exhibited by the material supplier.
- A temporary flexible acoustical barrier may also be used in lieu of or in combination with a temporary solid noise barrier. The flexible acoustical barrier (a.k.a., "blanket", "curtain", or "partial enclosure") shall consist of durable, flexible single or composite material featuring a noise barrier layer optionally bonded to sound-absorptive material on the side intended to face the noise-producing equipment or activity of concern. This type of flexible acoustical barrier can be hung from a support structure.
- Prefabricated acoustic barriers are available from various vendors. An equivalent barrier design can be submitted instead of the plywood barrier described above provided that the noise reduction performance of the equivalent design is substantiated as being equivalent or superior.

Findings

The Board of Trustees finds that the above mitigation measures are feasible, will reduce potential construction related noise impacts that may result in a temporary increase in ambient noise levels experienced by residents of multifamily housing in the vicinity of the project to exceed the applicable noise standard of 75 dBA L_{eq} over a 12-hour period related to the proposed project to less-than-significant levels, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

With the application of MM-NOI-1 during project construction, the noise level can be reduced to below the construction noise threshold. MM-NOI-1 would include implementation of temporary noise barriers. An 8-foot-tall temporary noise barrier was modeled, and noise levels at the nearest receiver were predicted to be below the 75 dBA threshold. As a result of the erection of these temporary noise barriers and as shown in greater detail in Appendix H, concurrent phase noise levels were also predicted to be below the 75 dBA threshold.

Therefore, with proper application of MM-NOI-1, specifically 8-foot-tall temporary barriers located as close to the construction equipment as possible when construction noise from multiple concurrent project construction phases (during pre-cast or cast-in-place construction methods) are expected to exceed the City's limit of 75 dBA 12-hour L_{eq} (March 2025 or the actual month on which the concurrent phases would occur, if different) temporary construction-related noise impacts at nearby residential receptors would be considered less than significant.

Reference

EIR Section 3.11, Noise; Appendix H, Noise Technical Report (February 2024); and EIR Section 3.3, Biological Resources.

2.3.7 Tribal Cultural Resources

Threshold 1: **Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources (CRHR), or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).**

Impact TCR-1: Should construction or other personnel encounter any CRHR-eligible cultural resources within the project site under the pre-cast or cast-in-place method, would result in potentially significant impacts

As discussed in Section 3.14, Tribal Cultural Resources, of the Final EIR Subsection 3.14.4 Impact Analysis, the project would result in potentially significant impacts due to the potential presence of California Register of Historical Resources (CRHR)-eligible cultural resources. While no CRHR-listed or eligible resources have been identified through records searches or surveys, the project area's proximity to the San Diego River and historic Kumeyaay trail system, as well as the prehistoric village of Nipawai/Nipaguay, suggests a higher likelihood of buried cultural deposits. Despite substantial disturbance in the area, construction activities could still impact previously unidentified CRHR-eligible resources. Therefore, without mitigation, such as archaeological and Native American monitoring during initial ground-disturbing activities, the potential for significant impacts would remain.

Mitigation Measure

See MM-CUL-1 above.

Findings

The Board of Trustees finds that the above mitigation measure is feasible, will reduce potential tribal cultural resource impacts related to the proposed project to less-than-significant levels, and is adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

Construction of the proposed project could result in potentially significant impacts to previously unidentified CRHR-eligible tribal cultural resources (Impact TCR-1). Should construction or other personnel encounter any CRHR-eligible tribal cultural resources within the proposed project area, the proposed project would result in potentially significant impacts. Therefore, mitigation measure MM-CUL-1, is proposed in order to mitigate impacts to cultural resources. MM-CUL-1 outlines procedures for proper treatment of unanticipated archaeological finds that comply with the CEQA Guidelines. Adherence to these requirements during initial earth-disturbing activities would ensure the proper treatment of unanticipated archaeological or Native American cultural material. With implementation of MM-CUL-1, impacts to CRHR-eligible cultural resources during construction of the proposed project would be reduced to a level of less than significant. Therefore, construction impacts are determined to be less than significant with mitigation incorporated.

Reference

EIR Section 3.14, Tribal Cultural Resources

Threshold 2: **Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of the Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Impact TCR-2: Should construction or other personnel encounter any archaeological or tribal cultural resources material within the project site under the pre-cast or cast-in-place method, would result in potentially significant impacts.

As discussed in Section 3.14, Tribal Cultural Resources, of the Final EIR Subsection 3.14.4 Impact Analysis, the project would result in potentially significant impacts due to the presence of Native American resources near the project area. The NAHC search indicated that Native American resources have been reported within 1 mile of the area, and outreach revealed that the Viejas Band of Kumeyaay Indians considers the project site culturally significant. Although specific locations of tribal cultural resources were not provided, the request for a Kumeyaay Cultural Monitor during ground-disturbing activities highlights the potential for encountering significant resources. The project's construction methods, whether pre-cast or cast-in-place, could directly impact previously unidentified tribal cultural resources. Therefore, without proper mitigation measures, including archaeological and Native American monitoring during initial ground-disturbing activities, the potential for significant impacts would remain.

Mitigation Measures

See MM-CUL-1 above.

Findings

The Board of Trustees finds that the above mitigation measures are feasible, will reduce potential tribal cultural resource impacts related to the proposed project to less-than-significant levels, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the

proposed project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

Construction of the proposed project could result in potentially significant impacts to previously unidentified TCRs (Impact TCR-2). Should construction or other personnel encounter any historical, archaeological, or TCR material within the proposed project area, the proposed project would result in potentially significant impacts. Therefore, mitigation measures MM-CUL-1, are proposed in order to mitigate impacts to TCRs. MM-CUL-1 outlines procedures for proper treatment of unanticipated archaeological finds that comply with the CEQA Guidelines. Adherence to these requirements during initial earth-disturbing activities would assure the proper treatment of unanticipated archaeological or Native American cultural material. With implementation of MM-CUL-1, impacts to TCRs during construction of the proposed project would be reduced to a level of less than significant. In addition, in the event human remains are encountered, implementation of mitigation MM-CUL-2 as detailed in Section 2.4.3 above, would be implemented. Therefore, construction impacts are determined to be less than significant with mitigation incorporated.

Reference

EIR Section 3.14, Tribal Cultural Resources

2.3.9 Wildfire

Threshold 2 **Due to slope, prevailing winds, and other factors, the project could potentially exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.**

Impact WILD-1 Project occupants during construction would consist of construction workers who would be on site temporarily. Because the project would introduce new ignition sources within a VHFHSZ, construction of the project would result in a potentially significant impact related to exacerbating wildfire risk.

As discussed in Section 3.16, Wildfire, of the Final EIR Subsection 3.16.4 Impact Analysis, the project would result in a potentially significant impact due to its location within a Very High Fire Hazard Severity Zone (VHFHSZ). Although the project would involve constructing a bridge and road improvements without permanent occupants, construction activities would introduce new ignition sources, such as heat or sparks from machinery and flammable materials. This risk would be heightened by the proximity to natural vegetation and seasonal wind conditions that increase wildfire potential. While the operational phase of the project would not exacerbate wildfire risks or introduce permanent ignition sources, the construction phase would significantly increase the risk of wildfire. Therefore, without effective mitigation measures, the construction phase would have a potentially significant impact on wildfire risk.

Mitigation Measures

MM-WF-1 Pre-Construction Requirements. The following pre-construction requirements shall be implemented. These features shall be coordinated with the San Diego Fire-Rescue Department (SDFD) or their designee prior to commencing project construction.

- Existing flammable vegetation shall be cleared from staging areas, the project site, and bridge column locations prior to commencement of construction.
- Dead fuel, ladder fuel (fuel which can spread fire from the ground to trees), and downed fuel shall be removed, and trees/shrubs shall be properly limbed, pruned, and spaced.
- A response map update, including roads and fire hydrant locations, in a format compatible with current SDFD mapping, shall be provided to the SDFD.

Construction Requirements. The following construction requirements shall be implemented. These features shall be coordinated with the SDFD or their designee.

- Throughout the duration of construction, the construction contractor shall ensure that adequate access is provided for emergency vehicles during all construction phases.
- Throughout the duration of construction, the construction contractor shall ensure that adequate water supply for firefighting is available during all phases of construction.
- The construction contractor shall ensure the implementation of all construction-phase vegetation clearance prior to commencing construction activities.

Construction Fire Prevention Plan. Prior to commencement of construction activities, the California State University/San Diego State University or its designee shall develop a Construction Fire Prevention Plan that addresses training of construction personnel and provides details of fire-suppression procedures and equipment to be used during construction. Information contained in the plan shall be included as part of project-related environmental awareness training. At minimum, the plan shall include the following:

- Procedures for minimizing potential ignition, including, but not limited to, vegetation clearing, parking requirements/restrictions, idling restrictions, smoking restrictions, proper use of gas-powered equipment, use of spark arrestors, and hot work restrictions
- Work restrictions during Red Flag Warnings and High to Extreme Fire Danger days
- Fire coordinator role and responsibility
- Worker training for fire prevention, initial attack firefighting, and fire reporting
- Emergency communication, response, and reporting procedures
- Coordination with local fire agencies to facilitate agency access through the project site
- Emergency contact information
- Demonstrate compliance with applicable plans and policies established by state agencies

Findings

The Board of Trustees finds that the above mitigation measure is feasible, will reduce potential wildfire impacts related to the proposed project due to exacerbating wildfire risks to less-than-significant levels, and is adopted by

the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

Anticipated impacts to wildfire risk during project construction would be potentially significant because project construction activities have the potential to generate heat or sparks that could result in wildfire ignition within a VHFHSZ. The potential risk of wildfire ignition and spread associated with construction of the proposed project can be managed and pre-planned so that the potential for vegetation ignition along the San Diego River interface is reduced. With the pre-construction requirements outlined in Mitigation Measure (MM) WF-1, prior to beginning project construction, adequate water shall be available to service construction activities and firefighting; a construction-phase fire prevention plan shall be developed; wildfire awareness, reporting, and suppression training shall be provided to construction personnel; work restrictions will be imposed during red flag warning and high to extreme fire danger days, and all combustible vegetation shall be removed from staging areas and within the City's Stadium Wetland Mitigation Site (no credit area). Implementation of MM-WF-1 would result in lower probability of ignition and higher probability of fire control and extinguishment in its incipient stages.

Vegetation management would also reduce the risk of wildfire spreading from within the active construction areas to off-site fuel beds. Provided site improvements and vegetation management requirements are appropriately implemented and approved by SDFD, construction activities are not anticipated to exacerbate wildfire risk such that project workers would be exposed to the uncontrolled spread of a wildfire or pollutant concentrations from a wildfire. Therefore, with implementation of MM-WF-1, construction impacts would be less than significant with mitigation.

Reference

EIR Section 3.16, Wildfire

Threshold 3 **Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.**

Impact WILD-2 Construction activities would introduce new ignition sources, such as heat or sparks from machinery and the use of flammable materials and impacts would be potentially significant.

As discussed in Section 3.16, Wildfire, of the Final EIR Subsection 3.16.4 Impact Analysis, the project would result in a potentially significant impact due to its location within a Very High Fire Hazard Severity Zone (VHFHSZ). Although the project involves constructing a bridge and road improvements that would not include permanent occupants, construction activities would introduce new ignition sources, such as heat or sparks from machinery and the use of flammable materials. This risk would be further exacerbated by the proximity to natural vegetation and seasonal wind conditions that heighten wildfire potential. While the operational phase of the project would not increase wildfire risks or add permanent ignition sources, the construction phase would significantly elevate the risk of wildfire. Therefore, before implementation of MM-WF-1, the construction phase would result in a potentially significant impact on wildfire risk.

Mitigation Measures

See MM-WF-1 above.

Findings

The Board of Trustees finds that the above mitigation measures are feasible, will reduce potential wildfire impacts related to the proposed project concerning the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment to less-than-significant levels, and are adopted by the Board of Trustees. Accordingly, the Board of Trustees finds that, pursuant to Public Resources Code section 21081(a)(1), and CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

The installation and maintenance of associated infrastructure would have the potential to exacerbate wildfire risk, as construction activities would introduce new potential ignitions sources in a VHFHSZ. The project would adhere to state and local regulations regarding fire safety, and MM-WF-1 would be implemented to further reduce fire risk. MM-WF-1 addresses pre-construction and construction requirements for fire safety. As discussed above, MM-WF-1 requires that prior to beginning project construction, adequate water shall be available to service construction activities and firefighting; a construction-phase fire prevention plan shall be developed; wildfire awareness, reporting, and suppression training shall be provided to construction personnel; work restrictions will be imposed during red flag warning and high to extreme fire danger days, and all combustible vegetation shall be removed from staging areas and within the City's Stadium Wetland Mitigation Site (no credit area). Implementation of MM-WF-1 would reduce wildfire hazards during project construction to less than significant. With compliance with the CFC and implementation of MM-WF-1, impacts would be less than significant with mitigation.

Reference

EIR Section 3.16, Wildfire

2.4 Potentially Significant Impacts That Cannot Be Mitigated Below a Level of Significance

This section identifies the significant unavoidable impacts that require a statement of overriding considerations to be issued by the Board of Trustees, pursuant to Section 15093 of the CEQA Guidelines, if the proposed project is approved. Based on the analysis contained in the Final EIR, the following impacts have been determined to be significant and unavoidable:

2.4.1 Biological Resources

Threshold 1: **Substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.**

Impact BIO-12 The project would result in potential significant short-term indirect impacts to special-status wildlife species.

The potential significant short-term indirect impacts to special-status wildlife species associated with inadvertent disturbance to vegetation outside the footprint, dust, and non-native animals, among others, would be reduced to less than significant through implementation of MM BIO-1, MM-BIO-6, MM-BIO-8, MM-BIO-9, and MM-BIO-10, which require temporary installation of construction fencing to delineate the limits of grading, biological monitoring, a monitoring report, and implementation of air quality standards. Additionally, MM-BIO-11 requires construction documents to include language for activities that could result in leakage or intrusion into the MHPA.

Construction-related noise would result from equipment used during construction. Noise impacts can have a variety of indirect impacts on wildlife species, including increased stress, weakened immune systems, altered foraging behavior, displacement due to startle, degraded communication with conspecifics (e.g., masking), damaged hearing from extremely loud noises, and increased vulnerability to predators (Lovich and Ennen 2011; Brattstrom and Bondello 1983, as cited in Lovich and Ennen 2011). The predicted construction-related concurrent phase "without barrier" noise levels for the nearest noise-sensitive receptor range from 68 A-weighted decibels (dBA) equivalent continuous sound level (L_{eq}) to 81 dBA L_{eq} over the duration of up to 60 weeks (Dudek 2023). The predicted construction-related concurrent phase "with barrier" noise levels for the nearest noise sensitive receptor range from 60 dBA L_{eq} to 71 dBA L_{eq} over the duration of 60 weeks (Dudek 2023). The noise model ranges are based primarily on construction equipment, such as (but not limited to) excavators, cranes, and loaders. These noise levels are higher than the 60 dBA hourly L_{eq} threshold used for analyzing project impacts to special-status species, such as least Bell's vireo and coastal California gnatcatcher.

Mitigation Measure

See MM-BIO-1, MM-BIO-6, MM-BIO-8, MM-BIO-9, MM-BIO-10 and MM-BIO-11 above.

MM-BIO-15 Short-Term Noise. Pre-construction biological and noise surveys shall be conducted for any work between February 1 and September 15. Between 3 and 7 days prior to start of construction activities, a qualified biologist with experience in identifying least Bell's vireo (*Vireo bellii pusillus*),

southwestern willow flycatcher (*Empidonax traillii extimus*), and coastal California gnatcatcher (*Polioptila californica californica*) shall conduct a pre-construction survey for the least Bell's vireo, coastal California gnatcatcher, and, if needed, southwestern willow flycatcher to document presence/absence and the extent of habitat being occupied by the species. The pre-construction survey area for these species shall encompass all suitable habitats within the impact area, as well as suitable habitat within a 500-foot buffer of the construction activities. If active nests for any of these species are detected, the project biologist shall flag and map the nest location and a 500-foot avoidance buffer on the construction plans and provide the information to the construction supervisor and any personnel working near the nest buffer. To the extent feasible, no construction activities shall occur within the 500-foot avoidance buffer. Should it be necessary for construction activities to occur within the 500-foot avoidance buffer, a qualified biologist shall conduct sound monitoring near the observed nesting position(s) to sample the pre-construction outdoor ambient noise level and document any signs of disturbance prior to construction activities. Nest locations, their horizontal distances to planned construction activities, and the measured outdoor ambient noise levels shall be provided to a qualified acoustician, who shall recommend where implementation of practical noise reduction technique(s) would yield predicted construction noise exposure at the nest location not greater than the allowable threshold of 60 A-weighted decibels equivalent continuous sound level or ambient noise level, whichever is higher. To the extent feasible, on-site noise reduction techniques shall be implemented prior to construction activity within 500 feet of an active nest to minimize construction noise levels and meet this sound level threshold at the nest location(s). During construction activity, a qualified biologist shall monitor the observed nest locations and document any signs of disturbance, which would trigger further implementation of noise reduction techniques or alternatives that may include utilization of quieter equipment, adherence to equipment maintenance schedules, shifting construction phase timelines so that they occur outside of the breeding season, installation of temporary sound barriers, or shifting construction work further from the nest.

Timing: Surveys shall be completed during the breeding season (February 1 through September 15), within 72 hours prior to the start of construction activities, which cannot occur before the City Notice to Proceed.

Reporting: The biologist shall submit a report to the City of San Diego documenting the methods and results of the surveys prior to construction activities to be conducted between February 1 and September 15. Additionally, a monitoring report will be prepared and submitted to the City of San Diego after the construction activities are completed.

Findings

The Board of Trustees finds that implementation of the identified mitigation measures will reduce biological resources impacts attributable to the proposed project. Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project which will mitigate, in part, this significant biological resources impact attributable to the proposed project, as identified in the Final EIR. However, this impact is considered significant and unavoidable, even with implementation of the mitigation and no additional feasible mitigation measures exist to avoid or mitigate to a less than significant level potentially significant temporary construction related noise impacts.to species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Pursuant to Public Resources

Code Section 21081(b), see Statement of Overriding Considerations, for the specific overriding economic, legal, social, technological, and other benefits of the proposed project that outweigh the significant and unavoidable impacts.

Rationale

Noise generated during project construction, pre-cast or cast-in-place construction method, could expose candidate, sensitive, or special status species, and/or species protected under the MBTA and/or the California Fish and Game Code, including least Bell's vireo, southwestern willow flycatcher, coastal California gnatcatcher, within 500 feet of impact areas to temporary construction noise levels greater than the threshold of 60 dBA for over the construction period. MM-BIO-1 requires all vegetation clearing and grading to occur between Sept 16 and March 14, outside of the typical breeding season for passerine species that may occur in the project vicinity. To the extent feasible, other construction activities will also be timed to occur during this period; however, some construction activities will occur during the breeding season for least Bell's vireo, southwestern willow flycatcher, coastal California gnatcatcher, and other bird species considered special-status and/or protected under the MBTA and/or California Fish and Game Code. MM-BIO-6 requires a general pre-construction nesting bird survey within 500 feet of impact areas prior to work between February 1 and September 15. MM-BIO-15 requires presence/absence surveys for least Bell's vireo, southwestern willow flycatcher, and coastal California gnatcatcher in suitable habitat within 500 feet of the impact areas prior to work between February 1 and September 15. If active nests are found, the nest location and an appropriate avoidance buffer shall be flagged and mapped on the construction plans. To the extent feasible, construction activities shall be avoided within avoidance buffers. The project biologist(s) will work with construction personnel to find ways for construction activities to adapt and adhere to the avoidance buffers; however, strictly prohibiting construction activities within the avoidance buffer could result in frequent and lengthy delays to the project, which could substantially prolong the overall duration of the project, resulting in greater temporal impacts to wildlife species present in, or that may use habitat adjacent to, the project work area. If construction activities must occur within an avoidance buffer, a qualified biological monitor shall monitor the nest(s) for any signs of disturbance from construction-related noise. For least Bell's vireo, southwestern willow flycatcher, and coastal California gnatcatcher, MM-BIO-15 requires noise monitoring to be conducted when work occurs within 500 feet of an active nest and for on-site noise reduction techniques to be implemented to minimize construction noise levels so they do not exceed 60 A-weighted decibels hourly equivalent noise level or the ambient noise level, whichever is higher at the nest location. If the project biologist determines there are signs of disturbance, a qualified acoustician will recommend implementation of practical noise reduction techniques which may include constructing a sound barrier, utilizing quieter equipment, adhering to equipment maintenance schedules, installing temporary sound barriers, and/or shifting construction work farther from the nest. Noise levels associated with an excavator working in the river channel, with and without temporary noise barriers of different heights, were modeled to estimate the distance a nest would need to be from the barrier to ensure noise levels of 60 dBA hourly Leq or less at the nest. The results of the modeling demonstrate that, with an 8-foot–tall temporary barrier placed 5 feet from the noise-producing equipment, a nest would need to be at least 77 feet from the barrier to ensure noise levels of 60 dBA hourly Leq or less at the nest. This distance is reduced to 62 feet for temporary barriers of 12 or 16 feet in height; however, the installation of tall (greater than 8 feet), solid barriers would require anchoring and would result in substantial additional impacts to aquatic resources and habitat and possibly impede wildlife movement. Thus, in some instances, a sound barrier might reduce construction noise observed by special status wildlife species, but would be infeasible to implement, for example if an effective sound barrier would need to be erected within the San Diego River itself where it would be subject to displacement by moving water, and also potentially create a barrier impeding the movement of wildlife since an effective sound barrier could not provide gaps to facilitate wildlife movement. Similar issues arise with a sound barrier on dry land where the installation of

an effective sound barrier might require the removal of sensitive habitat, particularly if a tall barrier is required to effectively reduce noise. Such a sound barrier could also impede the movement of wildlife as it would not be able to provide gaps to facilitate the movement of wildlife and also would likely be tall and therefore difficult for wildlife to climb over. It bears noting that, pursuant to MM-BIO-1 and MM-BIO-3, no grading or vegetation clearing will occur within 500-feet of active nests occupied by least Bell's vireo, southwestern willow flycatcher or coastal California gnatcatcher during their applicable breeding season, which will ensure these sensitive species are not exposed to these potentially significant grading-related sources of noise. While all feasible actions will be taken to minimize potential noise impacts, even with implementation of MM-BIO-1, MM-BIO-6, MM-BIO-8, MM-BIO-9, MM-BIO-10 and MM-BIO-11 and MM-BIO15, significant and unavoidable short-term indirect impacts to special-status wildlife species associated with construction-related noise may occur.

Reference

EIR Section 3.3, Biological Resources and Appendix C, Biological Resources Technical Report (October 2023).

2.4.1 Noise

Threshold 1: **Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.**

Impact NOI-1 Noise generated during project construction, pre-cast or cast-in-place construction method, would be directly adjacent to MSCP Multi-Habitat Planning Areas (MHPA) and would thus expose sensitive avian species to temporary construction noise levels greater than the City threshold of 60 dBA for over the construction period.

The use of construction equipment and machinery, such as graders, backhoes, and cement mixers, would generate high noise levels that could adversely affect candidate, sensitive, or special status species. See the discussion above for Impact Bio-12 for further discussion of the impacts of construction noise on candidate, sensitive, or special status species. The project will implement MM-BIO-15 which is designed to protect nesting birds, but even with that mitigation measure significant and unavoidable impacts would remain due to the high noise levels that could disturb nesting activities. While mitigation measures would help manage noise impacts, they would not fully eliminate the potential for significant and unavoidable impacts during the project's construction phases.

Mitigation Measure

See MM-BIO-15 above.

Findings

The Board of Trustees finds that implementation of the identified mitigation measures will reduce noise impacts attributable to the proposed project. Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project which will mitigate, in part, this significant noise impact attributable to the proposed project, as identified in the Final EIR. However, this impact is considered significant and unavoidable, even with implementation of the mitigation and no additional feasible mitigation measures exist to avoid or mitigate to a less than significant level potentially significant temporary construction related noise impacts.to sensitive avian species. Pursuant to Public Resources

Code Section 21081(b), see Statement of Overriding Considerations, for the specific overriding economic, legal, social, technological, and other benefits of the proposed project that outweigh the significant and unavoidable impacts.

Rationale

Noise generated during project construction, pre-cast or cast-in-place construction method, could expose candidate, sensitive, or special status species, and/or species protected under the MBTA and/or the California Fish and Game Code, including least Bell's vireo, southwestern willow flycatcher, coastal California gnatcatcher, within 500 feet of impact areas to temporary construction noise levels greater than the City threshold of 60 dBA for over the construction period. MM-BIO-1 requires all vegetation clearing and grading to occur between Sept 16 and March 14, outside of the typical breeding season for passerine species that may occur in the project vicinity. To the extent feasible, other construction activities will also be timed to occur during this period; however, some construction activities will occur during the breeding season for least Bell's vireo, southwestern willow flycatcher, coastal California gnatcatcher, and other bird species considered special-status and/or protected under the MBTA and/or California Fish and Game Code. MM-BIO-6 requires a general pre-construction nesting bird survey within 500 feet of impact areas prior to work between February 1 and September 15. MM-BIO-15 requires presence/absence surveys for least Bell's vireo, southwestern willow flycatcher, and coastal California gnatcatcher in suitable habitat within 500 feet of the impact areas prior to work between February 1 and September 15. If active nests are found, the nest location and an appropriate avoidance buffer shall be flagged and mapped on the construction plans. To the extent feasible, construction activities shall be avoided within avoidance buffers. The project biologist(s) will work with construction personnel to find ways for construction activities to adapt and adhere to the avoidance buffers; however, strictly prohibiting construction activities within the avoidance buffer could result in frequent and lengthy delays to the project, which could substantially prolong the overall duration of the project, resulting in greater temporal impacts to wildlife species present in, or that may use habitat adjacent to, the project work area. If construction activities must occur within an avoidance buffer, a qualified biological monitor shall monitor the nest(s) for any signs of disturbance from construction-related noise. For least Bell's vireo, southwestern willow flycatcher, and coastal California gnatcatcher, MM-BIO-15 requires noise monitoring to be conducted when work occurs within 500 feet of an active nest and for all on-site noise reduction techniques to be implemented to minimize construction noise levels so they do not exceed 60 A-weighted decibels hourly equivalent noise level or the ambient noise level, whichever is higher at the nest location. If the project biologist determines there are signs of disturbance, a qualified acoustician will recommend implementation of practical noise reduction techniques which may include constructing a sound barrier, utilizing quieter equipment, adhering to equipment maintenance schedules, installing temporary sound barriers, and/or shifting construction work farther from the nest. Noise levels associated with an excavator working in the river channel, with and without temporary noise barriers of different heights, were modeled to estimate the distance a nest would need to be from the barrier to ensure noise levels of 60 dBA hourly Leq or less at the nest. The results of the modeling demonstrate that, with an 8-foot–tall temporary barrier placed 5 feet from the noise-producing equipment, a nest would need to be at least 77 feet from the barrier to ensure noise levels of 60 dBA hourly Leq or less at the nest. This distance is reduced to 62 feet for temporary barriers of 12 or 16 feet in height; however, the installation of tall (greater than 8 feet), solid barriers would require anchoring and would result in substantial additional impacts to aquatic resources and habitat and possibly impede wildlife movement. Thus, in some instances, a sound barrier might reduce construction noise observed by special status wildlife species, but would be infeasible to implement, for example if an effective sound barrier would need to be erected within the San Diego River itself where it would be difficult to install in a stable manner, subject to displacement by moving water, and also potentially create a barrier impeding the movement of wildlife since an effective sound barrier could not provide gaps to facilitate wildlife movement. Similar issues arise with a sound

barrier on dry land where the installation of an effective sound barrier might require the removal of sensitive habitat, particularly if a tall barrier is required to effectively reduce noise. Such a sound barrier could also impede the movement of wildlife as it would not be able to provide gaps to facilitate the movement of wildlife and also would likely be tall and therefore difficult for wildlife to climb over. It bears noting that, pursuant to MM-BIO-1 and MM-BIO-3, no grading or vegetation clearing will occur within 500-feet of active nests occupied by least Bell's vireo, southwestern willow flycatcher or coastal California gnatcatcher during their applicable breeding season, which will ensure these sensitive species are not exposed to these potentially significant grading-related sources of noise. While all feasible actions will be taken to minimize potential noise impacts, even with implementation of MM-BIO-1, MM-BIO-6, MM-BIO-8, MM-BIO-9, MM-BIO-10 and MM-BIO-11 and MM-BIO15, significant and unavoidable short-term indirect impacts to special-status wildlife species associated with construction-related noise may occur.

Reference

EIR Section 3.11, Noise; Appendix H, Noise Technical Report (February 2024); and EIR Section 3.3, Biological Resources

3.0 Findings Regarding Alternatives

Section 15126.6(a) of the CEQA Guidelines requires the discussion of "a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the proposed project but would avoid or substantially lessen any of the significant effects of the proposed project and evaluate the comparative merits of the alternatives." Chapter 5 of the Final EIR identified and considered the following reasonable range of feasible alternatives to the proposed project which would be capable, to varying degrees, of reducing identified impacts:

- Alternative 1: "No Project" Alternative
- Alternative 2: "Pedestrian/Bicycle Only Bridge" Alternative
- Alternative 3: "Tied-Arch Bridge" Alternative
- Alternative 4: "Suspension Bridge" Alternative

These alternatives are evaluated for their ability to avoid or substantially lessen the impacts of the proposed project identified in the Final EIR, as well as consideration of their ability to meet the basic objectives of the proposed project as described in the Final EIR, and repeated below.

- Construct a multi-modal bridge over the San Diego River to improve north–south mobility in eastern Mission Valley by connecting the existing street network between I-805 and I-15.
- Provide accessible pedestrian and bicycle infrastructure that connects the communities south of the river to public open space and local and regional trail networks north of the river.
- Improve direct connectivity between residential neighborhoods and commercial office centers south of the river and residential, commercial, institutional, and public park lands and recreational amenities north of the river.
- Provide a high-water crossing in eastern Mission Valley so motorists and non-motorists have the ability to transit the valley in times of flooding.

- Improve emergency access between the communities north and south of the river in the eastern portion of the Mission Valley community, in support of San Diego Fire Department Station 45 and other emergency services.
- Support multimodal transit by providing infrastructure to facilitate increased rider access to the MTS Trolley Green Line and the Fenton Parkway and Stadium Stations, for riders south of the river.
- Minimize temporary and permanent impacts to natural resources (shading, wildlife movement, native plant regrowth, etc.) consistent with the San Diego River Park Master Plan bridge design guidelines.
- Construct the bridge in a manner that minimizes temporary and permanent impacts to sensitive biological resources within the City's Stadium Wetland Mitigation Site.
- Minimize impacts to natural topography and sensitive biological resources.

3.1 No Project Alternative

3.1.1 Description

The No Project (No Build) Alternative considers the effects of foregoing the proposed project entirely and leaving the project site in its current condition. Under the No Project (No Build) Alternative, the proposed project would not be approved and a new north–south connection over the San Diego River would not be constructed. The No Project (No Build) Alternative allows decision makers to compare the impacts of the proposed project to retaining the existing condition of the project site. The No Project (No Build) Alternative describes the environmental conditions that existed at the time that the environmental analysis commenced when the Notice of Preparation was released on May 22, 2023 (14 CCR 15126.6[e][2]). Therefore, only the scenario of foregoing the proposed project entirely is considered for the No Project (No Build) Alternative.

3.1.2 Impact Summary

The No Project (No Build) Alternative would involve no changes on the project site, because the project site would remain in its current condition, effectively eliminating those project impacts discussed in the EIR. There would be no change to aesthetics related to a bridge overpass. There would be no air quality or GHG emissions associated with project construction, and the No Project (No Build) Alternative would not temporarily increase noise in the project area. There would be no land disturbance so there would be no impacts to biological resources, cultural resources, tribal cultural resources, or geology and soils (i.e., paleontological resources), and no mitigation would be required. Under the No Project (No Build) Alternative, no bridge would be constructed and there would be no change in the existing conditions.

3.1.3 Findings

The Board of Trustees rejects the No Project (No Build) Alternative, as undesirable as it fails to satisfy the proposed project's underlying purpose and to meet most project objectives, and because specific economic, legal, social, technological or other considerations make the alternative infeasible.

3.1.4 Rationale

The No Project (No Build) Alternative would not achieve any of the project objectives. Specifically, the No Project (No Build) Alternative would not include construction of a bridge expanding north–south vehicular, pedestrian, or

bicycle mobility in eastern Mission Valley. This essential north–south connection that has been included as a necessary infrastructure project in several planning documents, including the Mission Valley Community Plan —and that is considered an Essential Public Project by the City—would not be constructed. No high-water crossing would be constructed and emergency access and evacuation would not be improved. While the No Project (No Build) Alternative would not have any direct or indirect impacts to biological, tribal cultural, or cultural resources as identified with the proposed project, the objectives of the project would not be met.

The No Project (No Build) Alternative would not develop the project site, leaving it in its current condition with no new north–south connection across the San Diego River. Though this is feasible, it would not achieve any of the project objectives. Further, the No Project (No Build) Alternative would not implement the City's current planning efforts within the Mission Valley Community Planning Area. The No Project (NO Build) Alternative would also fail to support active transportation (walking, bicycling, and transit), which is an important component of the City's CAP, which aims to achieve net zero GHG emissions by year 2025. Under the No Project (No Build) Alternative, a safer and higher quality/lower stress environment for pedestrians and cyclists to help achieve the City's CAP targets would be forsaken. The No Project (No Build) Alternative would also not allow the realization of an additional routing option for transit connectivity and improved bus and shuttle access to the SDSU Mission Valley campus that could reduce traffic congestion on other transit routes.

3.1.5 Reference

For a complete discussion of impacts associated with the No Project (No Build) Alternative, see Section 5.4.1 of the Final EIR. In addition, a summary comparative matrix is provided at the end of Chapter 5 of the Final EIR.

3.2 Pedestrian/Bicycle Only Bridge Alternative

3.2.1 Description

The Pedestrian/Bicycle Only Bridge Alternative would consist of a narrower bridge with no vehicle access. This alternative would still require either two or three piers to be installed in the river bottom, but the piers would only have one column compared to two. The Pedestrian/Bicycle Only Bridge Alternative would have a similar length (450 feet) to the proposed project, but the bridge width would be reduced to 26 feet compared to a width of 58 feet. This alternative would not provide any vehicle access, including emergency vehicles, and could not be utilized as an evacuation route during an emergency, except by pedestrians and bicycles. Construction of the Pedestrian/Bicycle Only Bridge Alternative would require a reduced construction duration compared to the cast-in-place construction method, which was used as a worst-case scenario under the proposed project (54 weeks compared to 60 weeks). A similar amount of lighting would be required along the bridge under this alternative.

3.2.2 Impact Summary

With the Pedestrian/Bicycle Only Bridge Alternative, there would be a similar change to aesthetics compared to the proposed project, although the bridge would be smaller and less substantial from a visual perspective. Reduced short-term impacts to air quality and GHG emissions would occur under this alternative because the bridge would be smaller and have a reduced construction schedule. However, this alternative would not provide a vehicular connection and therefore would not achieve the VMT reduction that would be realized with the proposed project, resulting in no benefit to air quality and GHG compared to the proposed project in the long term.

This alternative would result in a smaller overall footprint, as less area within the river bottom would need to be cleared. There would be reduced land disturbance with the installation of this alternative compared to the project so potential impacts to biological resources, cultural and tribal cultural resources, and geology and soils (i.e., paleontological resources) would be slightly reduced. However, impacts would still be significant, and mitigation identified to reduce these impacts would still be required under the Pedestrian/Bicycle Only Bridge Alternative.

3.2.3 Findings

The Board of Trustees rejects the Pedestrian/Bicycle Only Bridge Alternative, as undesirable as it fails to satisfy the proposed project's underlying purpose and to fully meet several project objectives, including fundamental project objectives, and because specific economic, legal, social, technological or other considerations make the alternative infeasible.

3.2.4 Rationale

The Pedestrian/Bicycle Only Bridge Alternative would achieve some but not all of the project objectives. Importantly, this alternative would not fulfil the underlying purpose of the project which is to provide a vehicular crossing over the San Diego River in eastern Mission Valley, as contemplated in the Mission Valley Community Plan. This part of Mission Valley is congested, particularly during flooding events that occur frequently with moderate or severe rain, and those conditions will exacerbate as planned growth occurs in this part of Mission Valley. A fundamental project objective is to construct a multi-modal bridge over the San Diego River to improve north–south mobility in eastern Mission Valley by connecting the existing street network between I-805 and I-15. The Pedestrian/Bicycle Only Bridge Alternative achieves this objective to a much lesser extent than the project because it includes construction of a bridge expanding only pedestrian and bicycle mobility in eastern Mission Valley. Improving vehicular mobility in the valley is also a project objective, which would not be achieved with this alternative.

The Pedestrian/Bicycle Only Bridge Alternative would not improve emergency evacuation routes during flood events to the same extent as the project either as it would only allow access for pedestrians and bicycles, and no emergency vehicles could utilize this access to cross the river. Therefore, it would not enable nearby fire stations to serve a greater area when multiple stations are responding to incidents and/or covering adjacent districts. The Pedestrian/Bicycle Only Bridge Alternative would not improve emergency access for other emergency services (e.g., police) to the same extent as the project either. Thus, under the Pedestrian/Bicycle Only Bridge Alternative, the community would not benefit from improvements to emergency response times and additional emergency evacuation/ingress options, as no vehicles would be allowed across the bridge.

The Pedestrian/Bicycle Only Bridge Alternative would also fail to achieve the reduction in VMT and associated GHG emissions that the project would realize through the provision of a more efficient vehicular routing option through Mission Valley. Reducing VMT and GHG emissions are important goals of the state. Additionally, the lack of benefit to air quality and GHG under this alternative does not implement the City's CAP to the same extent as the project, which aims to reduce GHG emissions.

The Pedestrian/Bicycle Only Bridge Alternative also conflicts with applicable land use plans, specifically the Mission Valley Community Plan that has long called for a vehicular crossing at the project site. The Pedestrian/Bicycle Only Bridge Alternative would also fail to provide a new vehicular access to the SDSU Mission Valley campus, which could help reduce potential congestion of the vehicular network.

3.2.5 Reference

For a complete discussion of impacts associated with the No Project (No Build) Alternative, see Section 5.4.2 of the Final EIR. In addition, a summary comparative matrix is provided at the end of Chapter 5 of the Final EIR.

3.3 Tied-Arch Bridge Alternative

3.3.1 Description

The Tied-Arch Bridge Alternative would not involve the installation of any piers within the river bottom. Instead, the bridge would span the river using a pair of large, tall arches from which the deck would be suspended by cables. The top of the arches would reach approximately 80 feet in height above the bridge deck and be approximately 100 feet off the riverbed. The entire structure would be supported by large abutment foundations installed at the north and south banks of the river. This alternative would avoid direct cultural and tribal cultural resource impacts within the river, but would necessitate broader impact footprints within the existing street infrastructure along the southern edge of the river and the proposed street infrastructure along the northern edge of the river. This alternative would also require direct permanent impacts to biological resources within the same footprint as the proposed project and would require encroachment into the City's Stadium Wetland Mitigation Site. The construction method for installing a tied-arch bridge would require larger cranes within the river corridor, and a greater area of vegetation would need to be cleared to accommodate the tall temporary arch supports. The Tied-Arch Bridge Alternative would have increased impacts to biological resources compared to the proposed project.

3.3.2 Impact Summary

Compared to the proposed project, the visual impact from a tied-arch bridge would be more substantial based on the large, tall arches and cables used to suspend the bridge. The construction schedule would be approximately twice the length of the proposed cast-in-place construction method (120 weeks compared to 60 weeks), and as a result, impacts to air quality and GHG emissions from project construction would be increased under this alternative. There would be no piers within the river bottom, which could reduce potential impacts to cultural and tribal cultural resources, as well as geology and soils (i.e., paleontological resources). However, the depth and quantity of grading required to install the large abutment foundations would still have the potential to impact unknown subsurface resources, and mitigation would still be required.

The Tied-Arch Bridge Alternative would provide the essential north–south connection, which has been included as a necessary infrastructure project in several planning documents, including the Mission Valley Community Plan. The Tied-Arch Bridge Alternative would improve emergency evacuation routes during flood events, and it would enable nearby fire stations to serve a greater area when multiple stations are responding to incidents and/or covering adjacent districts. Similar to the proposed project, under the Tied-Arch Bridge Alternative the community would benefit from improvements to emergency response times, increased access, and additional emergency evacuation/ingress options.

Furthermore, supporting active transportation (walking, bicycling, and transit) is an important component of the City's CAP, which aims to achieve net zero greenhouse gas emissions by year 2025. Similar to the proposed project, the Tied-Arch Bridge Alternative would provide a safer and higher quality/lower stress environment for pedestrians and cyclists to help achieve the City's CAP targets. The Tied-Arch Bridge Alternative would also provide an additional

routing option for transit connectivity and improve bus and shuttle access to the SDSU Mission Valley campus, which could reduce traffic congestion on other transit routes.

3.3.3 Findings

The Board of Trustees rejects the Tied-Arch Bridge Alternative, as undesirable as it would have more significant impacts on the environment, and because specific economic, legal, social, technological or other considerations make the alternative infeasible.

3.3.4 Rationale

The Tied-Arch Bridge Alternative would achieve all of the project objectives with the exception of constructing a bridge that minimizes temporary and permanent impacts to sensitive biological resources within the City's Stadium Wetland Mitigation Site. This alternative would require additional clearing in the river bottom to accommodate larger pieces of equipment and would encroach into the City's Stadium Wetland Mitigation Site. While no piers would be installed within the river bottom, the Tied-Arch Bridge Alternative would not minimize impacts to sensitive biological resources.

This alternative supports the objectives of the project because it includes construction of a bridge expanding north–south vehicular, pedestrian, and bicycle mobility in eastern Mission Valley. It would also provide a high-water crossing and would improve emergency access and evacuation. However, the Tied-Arch Bridge Alternative would have no reduced direct and/or indirect impacts on any environmental resources when compared to the proposed project. In fact, this alternative would have greater impacts to aesthetics, air quality and GHG emissions (during construction), biological resources, energy, and noise (during construction).

The Tied-Arch Bridge Alternative would necessitate broader impact footprints within the existing street infrastructure along the southern edge of the river and the proposed street infrastructure along the northern edge of the river. The additional infrastructure required on either side of the river to support a tied-arch bridge would result in greater environmental impacts when compared to the proposed project. While this alternative is technically feasible, it is not the most efficient, desirable, or economical or least impactful alternative.

3.3.5 Reference

For a complete discussion of impacts associated with the Tied-Arch Bridge Alternative, see Section 5.4.3 of the Final EIR. In addition, a summary comparative matrix is provided at the end of Chapter 5 of the Final EIR.

3.4 Suspension Bridge Alternative

3.4.1 Description

A suspension bridge carries vertical loads through curved cables in tension. These loads are transferred to the towers, which carry them by vertical compression to the ground and to the anchorages (back-stays), which must resist the inward and sometimes vertical pull of the cables. The Suspension Bridge Alternative would not involve the installation of any piers within the river bottom. Instead, the bridge would span the river using a pair of large towers (approximately 120 feet in height), which would be supported by large, deep foundations installed at the

north and south banks of the river. Two additional foundations would need to be installed for the anchorages (back-stays) approximately 150 feet north of the north tower and 150 feet south of the south tower. This alternative would avoid direct cultural and tribal cultural resource impacts within the river, but would necessitate broader impact footprints within the existing street infrastructure on the south edge of the river and the proposed street infrastructure on the north edge of the river. This alternative would also require direct permanent impacts to biological resources within the same footprint as the proposed project and would require additional encroachment into the City's Stadium Wetland Mitigation Site. The construction method for installing a suspension bridge would require a greater area of vegetation to be cleared to construct the tall bridge towers. The Suspension Bridge Alternative would have increased impacts to biological resources compared to the proposed project.

3.4.2 Summary of Impacts

Compared to the proposed project, the visual impact from a suspension bridge would be more substantial due to the 120-foot towers and use of cables to suspend the bridge. The construction schedule would be approximately twice the length of the cast-in-place construction method, which was used as a worst-case scenario for the proposed project (120 weeks compared to 60 weeks), and as a result, impacts to air and GHG emissions with project construction would be increased under this alternative. There would be no piers within the river bottom, which could reduce potential impacts to cultural and tribal cultural resources and geology and soils (i.e., paleontological resources). However, the depth and quantity of grading required to install the large foundations would still have the potential to impact unknown subsurface resources, and mitigation would still be required.

The Suspension Bridge Alternative would provide the essential north–south connection, which has been included as a necessary infrastructure project in several planning documents, including the Mission Valley Community Plan. The Suspension Bridge Alternative would improve emergency evacuation routes during flood events, and it would enable nearby fire stations to serve a greater area when multiple stations are responding to incidents and/or covering adjacent districts. Similar to the proposed project, under the Suspension Bridge Alternative the community would benefit from improvements to emergency response times, increased access, and additional emergency evacuation/ingress options.

Furthermore, supporting active transportation (walking, bicycling, and transit) is an important component of the CAP, which aims to achieve net zero greenhouse gas emissions by year 2025. Similar to the proposed project, the Suspension Bridge Alternative would provide a safer and higher quality/lower stress environment for pedestrians and cyclists to help achieve the City's CAP targets. The Suspension Bridge Alternative would also provide an additional routing option for transit connectivity and improve bus and shuttle access to SDSU Mission Valley, which could reduce traffic congestion on other transit routes.

3.4.3 Findings

The Board of Trustees rejects the Suspension Bridge Alternative, as undesirable as it would have more significant impacts on the environment and because specific economic, legal, social, technological or other considerations make the alternative infeasible.

3.4.4 Rationale

The Suspension Bridge Alternative would achieve all of the project objectives with the exception of constructing a bridge that minimizes temporary and permanent impacts to sensitive biological resources within the City's Stadium

Wetland Mitigation Site. This alternative would require additional clearing in the river bottom and would encroach into the City's Stadium Wetland Mitigation Site. While no piers would be installed within the river bottom, the Suspension Bridge Alternative would not minimize impacts to sensitive biological resources.

This alternative supports the project objectives because it includes construction of a bridge expanding north–south vehicular, pedestrian, and bicycle mobility in eastern Mission Valley. It would also provide a high-water crossing and would improve emergency access and evacuation. However, the Suspension Bridge Alternative would have no reduced direct and/or indirect impacts on any environmental resources when compared to the proposed project. In fact, this alternative would have greater impacts to aesthetics, air quality and GHG emissions (during construction), biological resources, energy, noise (during construction), and transportation infrastructure.

The Suspension Bridge Alternative would necessitate broader impact footprints within the existing street infrastructure along the southern edge of the river and the proposed street infrastructure along the northern edge of the river. The additional infrastructure required on either side of the river to support a suspension bridge would result in greater environmental impacts when compared to the proposed project. The cable anchorage systems (back-stays) would span across the Camino Del Rio intersection to the south, creating vertical clearance issues for traffic. While this alternative is technically feasible, it is not the most efficient, desirable, economical, or least impactful alternative.

3.4.5 Reference

For a complete discussion of impacts associated with the No Project (No Build) Alternative, see Section 5.4.4 of the Final EIR. In addition, a summary comparative matrix is provided at the end of Chapter 5 of the Final EIR.

4.0 General CEQA Findings

4.1 Mitigation Monitoring and Reporting Program

Based on the entire record before the Board of Trustees and having considered the unavoidable significant impacts of the proposed project, the Board of Trustees hereby determines that all feasible mitigation within the responsibility and jurisdiction of the University has been adopted to reduce or avoid the potentially significant impacts identified in the Final EIR, and that no additional feasible mitigation is available to further reduce significant impacts. The feasible mitigation measures are discussed in Sections 2.4 and 2.5, above, and are set forth in the Mitigation Monitoring, and Reporting Program.

Section 21081.6 of the Public Resources Code requires the Board of Trustees to adopt a monitoring or compliance program regarding the changes in the proposed project and mitigation measures imposed to lessen or avoid significant effects on the environment. The Mitigation Monitoring Program for the CSU project is hereby adopted by the Board of Trustees because it fulfills the CEQA mitigation monitoring requirements:

The Mitigation Monitoring Program is designed to ensure compliance with the changes in the proposed project and mitigation measures imposed on the proposed project during project implementation; and

Measures to mitigate or avoid significant effects on the environment are fully enforceable through conditions of approval, permit conditions, agreements or other measures.

4.2 CEQA Guidelines Sections 15091 And 15092 Findings

Based on the foregoing findings and the information contained in the administrative record, the Board of Trustees has made one or more of the following findings with respect to each of the significant effects of the project:

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

2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and 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 alternatives identified in the Final EIR.

Based on the foregoing findings and the information contained in the administrative record, and as conditioned by the foregoing:

1. All significant effects on the environment due to the project have been eliminated or substantially lessened where feasible.

2. Any remaining significant effects that have been found to be unavoidable are acceptable due to the overriding considerations set forth herein.

4.3 Board of Trustees Independent Judgment

The Final EIR for the Fenton Parkway Bridge Project reflects the Board of Trustees' independent judgment. The Board of Trustees has exercised independent judgment in accordance with Public Resources Code 21082.1(c)(3) in retaining its own environmental consultant in the preparation of the EIR, as well as reviewing, analyzing and revising material prepared by the consultant.

Having received, reviewed, and considered the information in the Final EIR, as well as any and all other information in the record, the Board of Trustees of the California State University hereby makes findings pursuant to and in accordance with Sections 21081, 21081.5, and 21081.6 of the Public Resources Code.

4.4 Nature of Findings

Any finding made by the Board of Trustees shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by the Board of Trustees, whether or not any particular sentence or clause includes a statement to that effect. The Board of Trustees intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross-reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by the Board of Trustees with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.

4.5 Reliance on Record

- The Final EIR (September 2024) for the project, including appendices;
- The Draft EIR (April 2024) for the project, including appendices;
- The Initial Study/Notice of Preparation (IS/NOP) (May 2023) for the project;
- Any appendices, studies or documents cited, referenced, or relied on in the IS/NOP, Draft EIR, Final EIR, or any document prepared for the project's EIR and either made available to the public during a public review period or included in the Board of Trustees' non-privileged, retained files on the project;
- Reports and technical reports, studies, and memoranda included or referenced in the IS/NOP, Draft EIR, Final EIR, or responses to comments on the project;
- All public notices issued in conjunction with the project, including notices issued to comply with CEQA, the CEQA Guidelines, or any other law governing the processing and approval of the project;
- Scoping Meeting(s) notices and comments received at Scoping Meeting(s);
- The Notice of Availability and Notice of Completion of the Draft EIR;
- Comments received on the NOP;
- All reports, studies, memoranda, maps, or other planning or environmental documents relating to the project or its compliance with CEQA and prepared by the Board of Trustees, consultants to the Board of Trustees, or responsible or trustee agencies with respect to the project that were either made available to

the public during a public review period or included in the Board of Trustees' non-privileged, retained files on the project;

- All written comments and attachments on the project received from agencies, organizations, or members of the public during the Draft EIR comment period or prior to the close of the public hearing before the Board of Trustees;
- All responses to comments received from agencies, organizations, or members of the public in connection with the project or its compliance with CEQA;
- Any supplemental documents submitted to the Board of Trustees prior to public hearings on the project;
- Staff reports prepared for the Board of Trustees for any information sessions, public meetings, and public hearings relating to the project, and any exhibits or attachments thereto;
- Minutes and/or transcripts of all public information sessions, public meetings, and public hearings relating to the project (including all presentation material used or relied upon at such sessions, meetings, and hearings);
- Any documentary or other evidence submitted to the Board of Trustees at such information sessions, public meetings, and public hearings;
- Any proposed decisions or findings submitted to the Board of Trustees and either made available to the public during a public review period or included in the Board of Trustees' non-privileged, retained files on the project;
- All findings and resolutions adopted by the Board of Trustees in connection with the project, and all documents cited or referred to therein;
- The Mitigation Monitoring and Reporting Program (MMRP) for the project;
- Any documents expressly cited in these findings and any documents incorporated by reference;
- Any other written materials relevant to the Board of Trustees' compliance with CEQA or its decision on the merits of the project, including any documents or portions thereof, that were released for public review, relied upon in the environmental documents prepared for the project, or included in the Board of Trustees non-privileged retained files for the EIR or project; and
- The Notice of Determination.

The Board of Trustees intends that only those documents relating to the project and its compliance with CEQA and prepared, owned, used, or retained by the Board of Trustees and listed above shall comprise the administrative record for the project. Only that evidence was presented to, considered by, and ultimately before the Board of Trustees prior to reviewing and reaching its decision on the EIR and the proposed project.

4.6 Custodian of Records

The custodian of the documents or other material that constitute the record of proceedings upon which the Board of Trustees' decision is based is identified as follows:

Paul Jackson, Program Manager;
Facilities Planning, Design, and Construction; SDSU,
5500 Campanile Drive,
San Diego, California 92182-1624

4.7 Recirculation Not Required

CEQA Guidelines Section 15088.5 provides the criteria that a lead agency is to consider when deciding whether it is required to recirculate an EIR. Recirculation is required when "significant new information" is added to the EIR after public notice of the availability of the Draft EIR is given, but before certification. (CEQA Guidelines, §15088.5(a).) "Significant new information," as defined in CEQA Guidelines Section 15088.5(a), means information added to an EIR that changes the EIR so as to deprive the public of a meaningful opportunity to comment on a "substantial adverse environmental effect" or a "feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

An example of significant new information provided by the CEQA Guidelines is a disclosure showing that a "new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;" that a "substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance;" or that a "feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it." (CEQA Guidelines, §15088.5(a)(1)-(3).)

Recirculation is not required where "the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR." (CEQA Guidelines, §15088.5(b).) Recirculation also is not required simply because new information is added to the EIR — indeed, new information is oftentimes added given CEQA's public/agency comment and response process and CEQA's post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies. In short, recirculation is "intended to be an exception rather than the general rule." *(Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1132.)

In this legal context, the Board of Trustees finds that recirculation of the Draft EIR prior to certification is not required. In addition to providing responses to comments, the Final EIR includes revisions to expand upon information presented in the Draft EIR; explain or enhance the evidentiary basis for the Draft EIR's findings; update information; and to make clarifications, amplifications, updates, or helpful revisions to the Draft EIR. The Final EIR's revisions, clarifications and/or updates do not result in any new significant impacts or increase the severity of a previously identified significant impact.

In sum, the Final EIR demonstrates that the project will not result in any new significant impacts or increase the severity of a significant impact, as compared to the analysis presented in the Draft EIR. The changes reflected in the Final EIR also do not indicate that meaningful public review of the Draft EIR was precluded in the first instance. Accordingly, recirculation of the EIR is not required as revisions to the EIR are not significant as defined in Section 15088.5 of the CEQA Guidelines.

5.0 Certification of the Final Environmental Impact Report CEQA Guidelines § 15090

The Board of Trustees certifies that the Final EIR, dated September 2024, has been completed in compliance with CEQA and the CEQA Guidelines, that the EIR was presented to the Board of Trustees, and that the Board reviewed and considered the information contained therein before approving the project, and that the EIR reflects the independent judgment and analysis of the Board. (CEQA Guidelines § 15090.)

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6.0 Statement of Overriding Considerations

Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093(a) and (b), the Board of Trustees is required 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 of the project, including region-wide or statewide environmental benefits, outweigh the unavoidable adverse environmental effects, those effects may be considered "acceptable" (CEQA Guidelines, §15093 (a)). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines, §15093(b)).

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to, new jobs, stronger tax base, and implementation of an agency's economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, 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. In accordance with the requirements of CEQA and the CEQA Guidelines, the Board of Trustees finds that the mitigation measures identified in the Final EIR and the Mitigation Monitoring and Reporting Program, when implemented, will avoid or substantially lessen many of the significant effects identified in the Final EIR for the Fenton Parkway Bridge Project. However, certain significant impacts of the project are unavoidable even after incorporation of all feasible mitigation measures. These significant unavoidable impacts are to biological resources and noise. The Final EIR provides detailed information regarding these impacts (see also, Findings, Section 2.5 Potentially Significant Impacts that Cannot Be Mitigated Below A Level of Significance).

The Board of Trustees finds that all feasible mitigation measures identified in the Final EIR within the purview of the California State University will be implemented with the Fenton Parkway Bridge Project. Based on substantial evidence in the whole of the administrative record for the Project, the Board of Trustees hereby determines that the remaining significant unavoidable effects are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits. Each Project benefit described below constitutes a separate overriding consideration warranting adoption of the Fenton Parkway Bridge Project, independent of the other benefits, and outweighs each and every potentially significant unavoidable impact.

a. The Project implements the vision of the Mission Valley Community Plan to have a vehicular crossing at the project site. The Mission Valley Community Plan identifies the bridge as an essential public facility needed to support existing and planned growth in the Mission Valley Community Plan area, which is projected to increase by 248% between 2012 and 2050 (Mission Valley Community Plan Update EIR Table 3.4-1, Buildout Summary [City of San Diego 2019a]).

b. The Project will provide a much-needed high water crossing for emergency response, pedestrians, cyclists, and vehicles and reduce the debilitating impacts of significant and frequent flooding in eastern Mission Valley.

c. The Project will provide a new reliable and direct access route for emergency response personnel and more generally for the large and growing population living, working and recreating in eastern Mission Valley. Currently, there are limited north-south connections over the San Diego River in Mission Valley due to existing constraints that include steep slopes, the San Diego River, five freeways, and the San Diego Trolley tracks. As a result, the planned street network consists of fewer and wider streets and intersections to accommodate the movement of people and goods, which in turn results in less distributed/more concentrated traffic flows. Many of these congested streets become unpassable during moderate or severe rain events, leaving I-15 as the only river crossing in eastern Mission Valley during flooding events. The Project would provide an additional connection to improve circulation in Mission Valley generally, and also provide a much needed high river crossing that is passable even during rain events.

d. The Project would provide additional access and routes for deployment of emergency responses during a wildfire event and aid with the efficient and orderly evacuation of people in eastern Mission Valley in the event of an emergency.

e. The Project will ultimately decrease the vehicle miles traveled (VMT) within a 3-mile and 5-mile radius of the project by 7,887 VMT and 10,399 VMT, respectively, in the base year (2027). Under Year 2050 conditions, a similar net reduction in area VMT is expected. In this regard, the project supports statewide GHG and VMT reduction goals, including as set forth in Executive Order S-3-05, AB 32 (The California Global Warming Solutions Act of 2006, California Health and Safety Code sections 38500-38599), Executive Order B-30-15, SB 32 and AB 197 and the California Air Resources Board's Climate Change Scoping Plan..

f. The Project will provide a safer and higher quality/lower stress environment for pedestrians and cyclists to help achieve the City's Climate Action Plan targets, including providing access for mid-City residents to the Green Line Fenton Parkway Trolley Station and San Diego State University (SDSU) Mission Valley via the State Route 15 bikeway that was completed in August 2017.

g. The Project will reduce out-of-direction travel through improved local connectivity, which is a crucial step towards mitigating the detrimental effects of GHG emissions and meeting Climate Action Plan goals.

h. The Project would also serve as an additional access option to protect City-owned land, including environmentally sensitive habitats, in the Very High Fire Hazard Severity Zone for which the City is financially responsible. Additional access would provide the option to improve emergency response to areas surrounded by canyons that have had previous large or historic wildfire events. New access, response routes, and earlier deployment of resources may prevent loss of life and property and protect environmentally sensitive lands and habitats.

i. The Project would allow CSU to honor its contractual obligation to the City to pursue and construct a vehicular bridge crossing over the San Diego River at the project site, subject to the additional terms set forth in the (i) Purchase and Sale Agreement dated August 6, 2020 between CSU And the City and (ii) the Memorandum of Understanding Regarding Design, Environmental Review, Permitting and Potential Construction of the Fenton Parkway Bridge dated December 6, 2022 between CSU and the City..

Considering all the factors, the Board of Trustees finds that there are specific economic, legal, social, technological, and other considerations associated with the project that serve to override and outweigh the project's significant unavoidable effects and, thus, the adverse effects are considered acceptable. Therefore, the Board of Trustees hereby adopts this Statement of Overriding Considerations.