

SHAWNEE/CG 7600 MASTER PLAN

(Project No. 174988)

**CANDIDATE'S DRAFT CEQA FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS**

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FINAL ENVIRONMENTAL IMPACT REPORT

(State Clearinghouse No. 2010111074)

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TABLE OF CONTENTS

I. INTRODUCTION5

- A. Findings of Fact and Statement of Overriding Considerations5
- B. Record of Proceedings.....7
- C. Custodian and Location of Records8

II. PROJECT SUMMARY.....9

- A. Project Location9
- B. Project Description9
- C. Discretionary Actions.....10
- D. Statement of Objectives11

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION.....12

IV. GENERAL FINDINGS13

V. SUMMARY OF IMPACTS14

VI. FINDINGS REGARDING SIGNIFICANT IMPACTS16

- A. Findings Regarding Significant Impacts that can be Mitigated to Below a Level of Significance (CEQA §21081(A)(1)).....16
- B. Findings Regarding Mitigation Measures Which are the Responsibility of Another Agency (CEQA §21081(A)(2))27
- C. Findings Regarding Infeasible Mitigation Measures (CEQA §21081(A)(3)).....27
- D. Findings Regarding Alternatives29

VII. STATEMENT OF OVERRIDING CONSIDERATIONS.....32

- A. Economic Benefits.....33
- B. Biological Benefits34
- C. Recreational Benefits34
- D. Housing Benefits34
- E. Social/Safety Benefits35
- F. Sustainability Benefits35

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I. INTRODUCTION

A. Findings of Fact and Statement of Overriding Considerations

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

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

- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

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

Should significant and unavoidable impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations must be prepared. The statement provides the lead agency’s views on the ultimate balancing of the merits of approving a project despite its environmental damage. Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits 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 following Candidate Findings and Statement of Overriding Considerations have been submitted by the Applicant as Candidate Findings and Statement of Overriding Considerations to be made by the decision making body. The Development Services Department (DSD), Environmental Analysis Section (EAS) does not recommend that the discretionary body either adopt or reject these findings. They are attached to allow readers of this report an opportunity to review the applicant's position on this matter. It is the exclusive discretion of the decision-maker certifying the EIR to determine the adequacy of the proposed Candidate Findings and Statement of Overriding Considerations. It is the role of staff to independently evaluate the proposed Candidate Findings and Statement of Overriding Considerations, and to make a recommendation to the decision-maker regarding their legal adequacy.

Having received, reviewed and considered the Final Environmental Impact Report for the Shawnee/CG 7600 Master Plan Project, State Clearinghouse No. 2010111074 (FEIR), as well as all other information in the Record of Proceedings on this matter, the following Findings of Fact and Statement of Overriding Considerations (Findings) are hereby adopted by the City of San Diego (City) in its capacity as the CEQA Lead Agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

B. Record of Proceedings

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

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the proposed project;
- The FEIR for the proposed project;
- The Draft EIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All written and verbal public testimony presented during a noticed public hearing for the proposed project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The reports and technical memoranda included or referenced in Responses to Comments in the FEIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR and the FEIR;
- All errata sheets prepared for the FEIR and submitted to the San Diego City Council (City Council) prior to the City Council hearing.
- Matters of common knowledge to the City, including but not limited to federal, state and local laws and regulations;
- Any documents expressly cited in these Findings; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

C. Custodian and Location of Records

The documents and other materials which constitute the administrative record for the City's actions related to the project are located at the City of San Diego, Development Services Center, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. The City Development Services Center is the custodian of the administrative record for the project. Copies of these documents, which constitute the Record of Proceedings, are and at all relevant times have been and will be available upon request at the offices of the City Development Services Center. The Draft EIR also was placed on the City's website at <http://clerkdoc.sannet.gov/Website/publicnotice/pubnotceqa.html>. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

II. PROJECT SUMMARY

A. Project Location

The 22.88-acre project site is located within the Navajo Community Planning (NCP) area in the central portion of the City. The project site is located in a geographic area of San Diego called Mission Gorge, which is a long valley formed by the San Diego River that runs from the City of Santee to the Mission Valley portion of the City of San Diego. The main thoroughfare that spans the entire length of the valley is Mission Gorge Road, a segment of which forms the eastern boundary of the project site (FEIR Figure 2-2, *Project Location on Aerial Photo*).

Specifically, the project site is within the Grantville area of the NCP. Grantville is primarily an industrial/commercial area but also includes residential uses as well as open space and natural vegetation along the San Diego River and neighboring Mission Trails Regional Park (MTRP) located to the north and east of the project site. A total of 1.0 acre of the City's Multi-Habitat Planning Area (MHPA) land is present on the project site (FEIR Figure 4.6-3, *Project Impacts to Biological Resources*)

B. Project Description

The proposed project includes a master plan for the development of approximately 996 multi-dwelling units and 27 single dwelling units for a total of 1,023 units. In addition, 37,500 square feet would be targeted for accessory commercial uses on the ground floor (FEIR Figure 3-2, *Site Plan*). Site improvements would include approximately 2.57 acres devoted to a population based park area, 1.55 acres of open space including 0.875 acre of natural open space within the MHPA and 0.675 acre of wetland buffer. The proposed project would also establish a water treatment swale, planted with native vegetation, along the project site adjacent to the City's MHPA and the on-site pond/riparian area. The swale will be in addition to other standard BMPs to filter any run-off generated from the site. The proposed project includes exterior road improvements and internal roadways to provide access and circulation for resident vehicles and pedestrians, as well as public access to the San Diego River, and on-site water, sewer, and drainage facilities.

The proposed project is divided into four planning areas. Each area has specific design considerations with regard to planning, building and street design, and outdoor spaces, taking into account the natural and human-made characteristics of the site. These planning areas are identified as Riverside, Village Center, Mission Gorge Road, and River Park. The planning areas are detailed in Section 3.3.1.1 of the FEIR and shown on FEIR Figure 3-3, *Planning Areas*.

C. Discretionary Actions

The following discretionary actions are being considered by the City Council with advisory votes by the Planning Commission:

- General Plan Amendment (GPA)
- Navajo Community Plan Amendment (NCPA)
- Rezone
- Vesting Tentative Map (VTM) With Easement Vacations
- Planned Development Permit (PDP); and
- Site Development Permit (SDP).

The NCPA is required to allow for the type of land uses, intensities, and building heights proposed that differ from the existing NCP. Land use designations for the project site would be changed from Industrial and Open Space Parks and Preserves to Mixed-Use. In addition, a new density range (High Density 44–72 dwelling units (DU)/acre) would be added. As the NCP is a component of the City's General Plan, a GPA is required as well.

To accommodate the proposed project, the project site would require rezoning from Agriculture (AR-1-1 and AR-1-2) and Light Industrial (IL-2-1) to Residential-Multiple Unit (RM), Residential Townhouse (RT), Open Space Park (OP), and Open Space Conservation (OC).

A VTM is proposed to allow recording a subdivision map for the proposed project. The VTM details the specific site grading and required infrastructure improvements and has been prepared in accordance with the Subdivision Map Act and in conformance with the development density proposed in the NCPA. (FEIR Figure 3-1, *Vesting Tentative Map*).

A PDP is required for the proposed project to allow the orderly development of the project site including the standards, procedures, and guidelines necessary for project implementation. The PDP makes provisions for deviations from the base zones for lot coverage, setbacks, and height.

Due to the presence of Environmentally Sensitive Lands (ESL) including MHPA land, sensitive biological resources and the 100-year floodplain and 100-year floodway the proposed project requires a SDP to address the handling of these resources. Also, the SDP addresses the proposed density in the RM zones [per Table 126-05A of Municipal Code Section 126.0502(b)(4)].

D. Statement of Objectives

As described in Section 3.1 of the FEIR, the following ten objectives are identified for the proposed project:

The primary objectives of the proposed project are:

- Create an attractive community that draws a wide range of people with the desire to live in closer proximity to their work, home, and recreation.
- Provide efficient use of land through higher density living and improve the area through the removal of unattractive and underutilized land.
- Beautify Mission Gorge Road by providing improvements to the pedestrian realm such as sidewalks, street trees, street lighting, and furniture.
- Provide development that is designed to face the San Diego River to capitalize on the natural beauty as well as provide visual and physical access to the river.
- Provide public amenities for the future residents and surrounding existing residents by implementing the San Diego River Park Master Plan (“SDRP Master Plan”).
- Craft strong pedestrian linkages through the site in a safe environment in order to encourage use and accessibility.
- Fashion a visually pleasing development by consistent application of architectural and landscape guidelines.
- Develop a strong community identity that enhances the value and quality of the project site and the surrounding area.
- Implement the General Plan City of Villages strategy and regional smart growth principles by providing high-density housing in an already urbanized location near existing public transportation, employment, and other public infrastructure and services.

The City has considered the statement of objectives sought by the proposed project as found in Section 1.2 of the FEIR. The City hereby adopts these objectives as part of the proposed project.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

On November 17, 2010, in accordance with Guidelines Section 15082, the City distributed a Notice of Preparation (NOP) of an EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties. Various agencies and other interested parties responded to the NOP. The City's NOP, associated responses, and comments are included in the FEIR as Appendix A.

The Draft EIR for the proposed project was then prepared and circulated for review and comment by the public, agencies and organizations for a public review period that began on February 24, 2012 and concluded on April 9, 2012. A Notice of Completion of the Draft EIR was sent to the State Clearinghouse and the Draft EIR was circulated to State agencies for review through the State Clearinghouse, Office of Planning and Research (SCH No. 2010111074). A Notice of Availability of the Draft EIR for review was mailed to organizations and parties expressing interest in the project. The Notice of Availability was also filed with the City Clerk and published in the San Diego Daily Transcript.

As noted above, the public comment period on the Draft EIR concluded on April 9, 2012. The City received numerous comments on the proposed project. The City completed responses to those comments in July 2012. Those responses have been incorporated into the FEIR. The FEIR is intended as a "project EIR" under CEQA and the Guidelines. As described in Section 15161 of the Guidelines, a project EIR is typically prepared for a specific construction-level project.

On July 26, 2012, the City of San Diego Planning Commission ("Planning Commission") held a public hearing on the project. The Planning Commission recommended approval of the project and certification of the FEIR, adoption of the Mitigation, Monitoring and Reporting Program (MMRP), and approval of these Findings and the accompanying Statement of Overriding Considerations. The City Council held a public hearing to consider the project and voted to certify the FEIR, approve these Findings of Fact and the accompanying Statement of Overriding Considerations, adopt the MMRP, and approve the project.

IV. GENERAL FINDINGS

The City hereby finds as follows:

- The City is the “Lead Agency” for the proposed project evaluated in the FEIR.
- The Draft EIR and FEIR were prepared in compliance with CEQA and the Guidelines.
- The City has independently reviewed and analyzed the Draft EIR and FEIR, and these documents reflect the independent judgment of the City Council and the City.
- The City’s review of the Draft EIR and the FEIR is based upon CEQA, the CEQA Guidelines, and the City’s Significance Determination Thresholds.
- An MMRP has been prepared for the proposed project, which the City has adopted or made a condition of approval of the proposed project. That MMRP is incorporated herein by reference and is considered part of the Record of Proceedings for the proposed project;
- The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures. The City will serve as the MMRP Coordinator;
- In determining whether the proposed project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2;
- The impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the FEIR;
- The City reviewed the comments received on the Draft EIR and FEIR and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR or FEIR. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings concerning the environmental impacts identified and analyzed in the FEIR;
- The responses to the comments on the Draft EIR, which are contained in the FEIR, clarify and amplify the analysis in the Draft EIR;
- The City has made no decisions that constitute an irretrievable commitment of resources toward the proposed project prior to certification of the FEIR, nor has the City previously committed to a definite course of action with respect to the proposed project;

- Copies of all the documents incorporated by reference in the FEIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials; and
- Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the proposed project and finds as stated in these Findings.

V. SUMMARY OF IMPACTS

The FEIR concludes that the proposed project will have **no significant impacts** and require no mitigation measures with respect to the following issues:

- Land Use
 - Plan Consistency
 - Land Development Regulations
 - Community Division
 - Montgomery Field Airport Land Use Compatibility Plan (ALUCP) Compatibility
- Traffic Circulation and Parking
 - Roadway Capacity- Direct Impacts
 - Freeway – Direct Impacts
 - Hazards
 - Policy
- Air Quality
- Hydrology
- Water Quality
- Biological Resources
 - Sensitive Habitat
 - Wetlands
 - Wildlife Corridors
 - Edge Effects
 - Policy and Ordinances
 - Invasive Species
- Historical Resources
 - Religious/Sacred Uses
 - Human Remains

- Noise
 - ALUCP Compatibility
- Utilities
- Visual Effects and Neighborhood Character
- Population and Housing
- Geology and Soils
- Public Services
- Public Health and Safety
 - Hazardous Materials Site
- Greenhouse Gases (GHG)

The FEIR concludes that implementation of the proposed project could result in **potentially significant impacts that would be mitigated to below a level of significance** with respect to the following issues:

- Land Use
 - MHPA Adjacency
- Biological Resources
 - Sensitive Species
 - MHPA Edge Effects
- Historical Resources
 - Prehistoric/Archaeological Resources
- Noise
 - Ambient Increase
 - Noise Exposure
- Public Health and Safety
 - Hazardous Materials
- Paleontological Resources

The following impacts **would remain significant despite the adoption of all feasible mitigation measures:**

- Traffic
 - Roadway Capacity- Cumulative (Year 2030)
 - Freeway Ramp - Cumulative (Year 2030)

VI. FINDINGS REGARDING SIGNIFICANT IMPACTS

In making each of the findings below, the City has considered the project design features and plans, programs, and policies listed in the FEIR. The project design features described in the FEIR are part of the project that the City has considered, and are explicitly made conditions of project approval. The plans, programs, and policies discussed in the FEIR are existing regulatory plans and programs the project is subject to, and, likewise, are explicitly made conditions of project approval.

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

The City, having reviewed and considered the information contained in the FEIR, and the Record of Proceedings pursuant to Public Resource Code §21081(a)(1) and State CEQA Guidelines §15091(a)(1), adopts the following findings regarding the significant effects of the proposed project, as follows:

- (1) Changes or alterations have been required in, or incorporated into, the project which would mitigate avoid or substantially lessen the significant environmental effects as identified in the FEIR as described below:

LAND USE (MHPA Adjacency)

Potentially Significant Effect

Potentially significant indirect impacts to the City's MHPA, including disturbance of sensitive wildlife species, could result from the proposed project's construction and operational activities. This is due to the project site's location adjacent to MHPA land. Impacts could include run-off from new impervious surfaces, chemical by-products generated from recreational and agricultural activities, increase in night lighting, habitat disturbing noise, and introduction of invasive plants. These activities have the potential to indirectly impact biological resources contained within the adjacent MHPA, including sensitive wildlife species.

Facts in Support of Finding (1)

The potentially significant indirect impact to the adjacent MHPA would be mitigated to below a level of significance with implementation of the mitigation measures identified in Section 4.1.5.3 of the FEIR. Implementation of these mitigation measures would require, prior to issuance of any grading permits or the first pre-construction meeting, the project owner to provide evidence to the Assistant Deputy Director (ADD) of the Entitlements Division (ED) of the City that a qualified biologist has been retained to implement the MHPA Land Use Adjacency mitigation program set forth in the FEIR. This program includes the selection and designation of a qualified biologist whose name and qualifications are identified in a letter to the Mitigation Monitoring Coordination (MMC) section. After the qualified biologist's attendance at the first pre-construction meeting, he/she is to oversee that the City's MHPA Land Use Adjacency Guidelines are implemented. This includes requiring the construction foreman to discuss habitat related issues with the crew and subcontractors, supervising the placement of orange construction fencing along appropriate limits of disturbance within and surrounding sensitive habitat, assure that invasive non-native plants are not introduced into areas adjacent to the MHPA, and assure the appropriate placement and shielding of lighting. The qualified biologist is required to restrict all construction activities to within pre-designated development areas, as shown on the approved Exhibit A. Additionally, construction activities are required to implement erosion control techniques to avoid the disturbance of natural drainage patterns and direct drainage away from the adjacent MHPA. It is also a requirement under this mitigation measure that no trash, oil, parking or other construction activities occur outside the established limits of grading and that all construction debris be removed from the site.

To avoid disturbance to least Bell's vireo, the mitigation measures require, prior to approval of any grading permit, the ADD ED to verify that construction plans include the following specific language, "NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 15 AND SEPTEMBER 15, THE BREEDING SEASON OF THE LEAST BELL'S VIREO, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE ADD ED." The qualified biologist is required to perform a biological survey, pursuant to US Fish and Wildlife protocol, of the wetland areas that could be subjected to construction noise levels exceeding 60 dB(A) to determine the presence of least Bell's vireo. If least Bell's vireo is determined to be present, then the specific conditions detailed in Section 4.1.5.3 and Table 10-1 of the FEIR are required to be applied. If least Bell's vireo is not detected during the protocol survey, the qualified biologist is required to submit substantial evidence to the ADD ED, and applicable resource agencies, indicating whether or not protective measures remain required during the breeding season.

To avoid disturbance to coastal California gnatcatchers, the mitigation measures require, prior to approval of any grading permit, the ADD ED to verify that construction plans include the following specific language, "NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, THE BREEDING SEASON OF THE CALIFORNIA COASTAL GNATCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE ADD ED." The qualified biologist is required to perform a biological survey, pursuant to US Fish and Wildlife protocol, of those areas that could be subjected to construction noise levels exceeding 60 dB(A) to determine the presence of the coastal California gnatcatcher during their breeding season. If the coastal California gnatcatcher is present, then the specific conditions detailed in Section 4.1.5.3 and Table 10-1 of the FEIR are required to be applied. If the species is not detected during the protocol survey, the qualified biologist is required to submit substantial evidence to the ADD ED, and applicable resource agencies, indicating whether or not protective measures remain required during the breeding season.

To avoid disturbance to nesting raptors, the mitigation measures require, prior to approval of any grading permit, the ADD ED to verify that construction plans include the following specific language, "NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN FEBRUARY 1 AND SEPTEMBER 15, THE RAPTOR BREEDING SEASON, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE ADD ED." If grading is proposed during the raptor breeding season, the qualified biologist is required to perform a pre-grading survey to determine whether any active raptor nests are located within 300 feet of the development area. A report of the qualified biologist's findings is required to be submitted to the MMC prior to construction. If active nests are present, additional mitigation measures consistent with the City's Biological Guidelines are required to be included in the report.

The following mitigation measures are required to assure that the proposed wetland buffers provide adequate protection to the existing wetlands of the San Diego River and on-site freshwater pond: barrier plantings are installed along the outer edge of the wetland buffer; fencing is installed at the outer edge of the buffer along with signage indicating the sensitive nature of the habitat; revegetation within the wetland buffer is limited to native plants as shown in Table 4.1-2 of the FEIR; and long-term maintenance of the proposed water treatment swale is provided by the Homeowners Association (HOA). Additional details of this mitigation measure are outlined in Table 10-1 of the FEIR.

Rationale and Conclusion

The mitigation measures identified in Section 4.1.5.3 of the FEIR assures that a qualified biologist is accountable to the ADD ED to assure that the City's MHPA Land Use Adjacency Guidelines are implemented. The mitigation measures provide verification

through direct contact with the ADD ED and other accountable agencies that indirect impacts associated with the project are avoided. The requirements for protocol and pre-construction surveys assure that sensitive nesting bird species are detected, identified and protected from construction noise. Implementation of these mitigation measures would reduce potentially significant indirect impacts associated with the project adjacency to the City's MHPA to a less than significant level. Implementation of these mitigation measures would be assured through incorporation into the project's MMRP.

BIOLOGICAL RESOURCES (Sensitive Species and MHPA Edge Effects)

Potentially Significant Effect

The proposed project could result in significant indirect impacts to sensitive wildlife species residing in the adjacent MHPA lands specifically associated with construction noise during site grading. Additionally, long-term operational impacts associated with drainage, toxins/water quality, lighting, noise, barriers, invasive plants, and brush management could result in significant indirect impacts, also known as edge effects, to the adjacent MHPA lands.

Facts in Support of Finding (1)

The proposed project's potentially significant short-term (construction) and long-term operational impacts to sensitive species and MHPA edge effects would be mitigated to below a level of significance with implementation of the mitigation measures identified in Section 4.1.5.3 of the FEIR. These mitigation measures are discussed under Land Use (MHPA Adjacency), above.

Rationale and Conclusion

Coastal California Gnatcatchers, least Bell's vireo and raptor species have the potential to occur within the MHPA lands adjacent to the project site. As discussed above, project grading could disturb these species as a result of construction activities. Additionally, once the project is developed, edge effects may degrade the habitat value of the MHPA or disrupt wildlife within the preserve area. The individual actions making up the mitigation measures identified in Section 4.1.5.3 of the FEIR assure protection of the adjacent MHPA both during construction activities, and throughout the long-term operation of the project. Implementation of these mitigation measures would reduce potentially significant impacts to the sensitive species and adjacent MHPA to less than significant. Implementation of the mitigation measures would be assured through incorporation into the project's MMRP.

HISTORICAL (ARCHAEOLOGICAL) RESOURCES

Potentially Significant Effect

The site investigation and site record searches for the proposed project site indicate that there are no visible or previously recorded prehistoric/archeological resources present on the site. Any surface prehistoric/archeological resources on the project site already have been disturbed by the extensive grading that has occurred on the site. In an effort to be conservative, the FEIR acknowledges that grading for the proposed project could result in significant impacts to currently unknown and buried prehistoric/archaeological resources on-site.

Facts in Support of Finding (1)

The proposed project's potentially significant prehistoric/archaeological impacts would be mitigated to below a level of significance with implementation of the mitigation measure identified in Section 4.7.3.3 of the FEIR. Implementation of this mitigation measure would require that, prior to any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, or prior to the first preconstruction meeting, whichever is applicable, the ADD ED must verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the appropriate CDs. Also prior to permit issuance, the applicant is required to submit a letter of verification to the MMC identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). The MMC will respond to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project. Prior to the start of work, the applicant is required to obtain approval from MMC for any personnel changes associated with the monitoring program.

Prior to start of construction, this mitigation measure requires the PI to provide verification to the MMC that an updated site specific records search (¼ mile radius) has been completed. Verification includes, but is not limited to, a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed, and identification of any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. Prior to beginning any work that requires monitoring, this mitigation measure requires the applicant to arrange a preconstruction meeting including the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. Additionally, the qualified Archaeologist and Native American Monitor shall attend any grading/excavation related preconstruction meetings to make comments and/or suggestions concerning the Archaeological Monitoring program. If the PI is unable to attend, the applicant is

required to schedule a focused preconstruction meeting with MMC, the PI, RE, CM or BI, if appropriate prior to the start of any work that requires monitoring.

Implementation of this mitigation measure requires the PI, prior to the start of any work, to submit an Archaeological Monitoring Exhibit (AME) identifying the areas to be monitored, including the delineation of grading/excavation limits, and a construction schedule to MMC through the RE indicating when and where monitoring will occur. The PI may request a modification to the monitoring program based on relevant information which indicates that site conditions, such as depth of excavation and/or site graded to bedrock, etc., may reduce or increase the potential for resources to be present.

Implementation of this mitigation measure requires the Archaeological Monitor (AM) to be present full-time during grading/excavation/trenching activities that could result in impacts to archaeological resources as identified on the AME. Additionally, the Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. Thereafter, the CM is responsible for notifying the RE, PI, and MMC of changes to any construction activities. Included in this mitigation measure is the requirement that the AM document field activity via the Consultant Site Visit Record (CSV), which is to be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly and in the case of ANY discoveries. The RE shall forward copies to the MMC. The mitigation measure provides that the PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance, post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

Implementation of this mitigation measure requires a discovery notification process whereby the AM is required to direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate, and PI (unless the AM is the PI). Additionally, the PI is required to immediately notify the MMC by phone of the discovery, and submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

This mitigation measure provides a protocol for the determination of significance of resources found. Specifically, the PI and Native American monitor are required to evaluate the significance of the resource, notify the MMC by phone to discuss significance determination and submit a letter to the MMC indicating whether additional mitigation is required. If the resource is considered significant, the PI is required to submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from the MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. If the resource is not significant, the PI is required to submit a letter to MMC indicating that artifacts will be

collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

If human remains are discovered, implementation of this mitigation measure requires that work stop in that area and the procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) are followed. These are also detailed in the FEIR.

Implementation of this mitigation measure requires that, if night and/or weekend work is included in the contract, all information be discussed at preconstruction meetings. In the event that no discoveries were encountered during night and/or weekend work, the PI is required to record the information on the CSV and submit to MMC via fax by 8 AM of the next business day. All discoveries are required to be processed and documented using the existing procedures detailed in the Discovery Notification Process identified in the mitigation measure.

Upon completion of construction, the PI is required to submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the City's Historical Resources Guidelines, describing the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics), including the ADRC, to MMC for review and approval within 90 days following the completion of monitoring. This mitigation measure requires the PI to record any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report. The MMC shall return the Draft Monitoring Report to the PI for revision or for preparation of the Final Report. The PI shall submit the revised Draft Monitoring Report to the MMC for approval. The MMC shall provide written verification to the PI of the approved report and shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

With respect to artifacts found, implementation of this mitigation measure requires the PI to be responsible for ensuring that all cultural remains collected are cleaned and catalogued, all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate. The cost for curation is the responsibility of the property owner.

The PI is responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution, completed in consultation with the MMC and a Native American representative, as applicable. The PI is also required to include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

Implementation of this mitigation measure lastly requires the PI to submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate and one copy to the MMC (even if negative) within 90 days after notification from the MMC that the draft report has been approved. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from the MMC which includes the Acceptance Verification from the curation institution. Additional details of this mitigation measure are outlined in Table 10-1 of the FEIR.

Rationale and Conclusion

These individual actions making up the mitigation measures identified in Section 4.7.3.3 of the FEIR assure the recording and recovery of important prehistoric/archaeological information which may otherwise be lost during construction of the proposed project. The requirement for an archaeological monitor present for all grading activities, along with specified processes, assures that grading will be halted or diverted should any discovery be made. A determination of significance cannot be made at this time for buried prehistoric or archeological resources because the discovery of any such prehistoric or archeological resources has not occurred and will not occur, if at all, until such time as the project grading occurs. As discussed above, the site investigation and site record searches for the project site indicate that there are no visible or previously recorded prehistoric or archeological resources present on the site. In the event that a discovery of prehistoric or archeological resources occurs during grading for the proposed project, the determination of significance will be made consistent with City and State standards and the mitigation measures outlined in the FEIR will be implemented. Because the discovery of any buried prehistoric or archeological resources will not occur until the grading for project construction is underway, it is not feasible to pursue preservation in place as a mitigation measure in the event of the discovery of any such significant resources.

In the event that human remains are unearthed during grading activities, the Medical Examiner and/or the NAHC would be contacted as required to ensure that the proper steps are taken.

These mitigation measures would reduce potentially significant impacts to archeological resources to a less than significant level. Implementation of this mitigation measure would be assured through incorporation into the project's MMRP

NOISE (Ambient Increase)

Potentially Significant Effect

Noise generated from the proposed project's commercial uses such as parking lots and HVAC units could expose future residents to noise levels that exceed the limits in the

City noise ordinance. Since specific models and locations of HVAC units are not known at this time, noise impacts would be potentially significant.

Facts in Support of Finding (1)

The proposed project's potentially significant impacts associated with an increase in ambient noise would be mitigated to below a level of significance with implementation of the mitigation measure identified in Section 4.8.4.3b of the FEIR. Implementation of this mitigation measure would require, prior to the issuance of building permits for commercial uses that included noise producing elements such as parking lots or HVAC units, the completion of an acoustical analysis. An Acoustical Analysis is required to demonstrate that all noise producing activities are in compliance with the City's Noise Ordinance. Additional details of this mitigation measure are outlined in Table 10-1 of the FEIR.

Rationale and Conclusion

The mitigation measure identified in Section 4.8.4.3(b) of the FEIR assures noise producing activities will be placed in locations that will allow them to conform to noise regulations. The requirement for an Acoustical Analysis prior to construction assures that the noise producing activities are examined under the City's most recent performance standards. Through this mitigation measure potentially significant impacts from an increase in ambient noise would be reduced to less than significant. Implementation of this mitigation measure would be assured through incorporation into the project's MMRP.

NOISE (Exposure)

Potentially Significant Effect

Due to an anticipated increase in traffic, exterior noise levels are projected to exceed 60 CNEL across most of the project site. This noise level would result in residential interior noise levels potentially exceeding 45 CNEL which would be a significant impact.

Facts in Support of Finding (1)

The proposed project's potentially significant impacts associated with exposure to increased traffic noise would be mitigated to below a level of significance with implementation of the mitigation measure identified in Section 4.8.4.3.a of the FEIR. Implementation of this mitigation measure would require, prior to the issuance of building permits, the completion of an Acoustical Analysis for 1) residential use located where exterior noise is projected to exceed 60 or 2) any commercial use located where exterior noise is projected to exceed 65 CNEL. The Acoustical Analysis must demonstrate to the satisfaction of the ADD ED that interior noise levels due to exterior sources would be 45 CNEL or less in any habitable room of the residential units and 50 CNEL or less in the

commercial uses. For residential units located where exterior noise is projected to exceed 45 CNEL and commercial uses located where exterior noise is projected to exceed 65 CNEL, architectural and structural considerations such as improved window and door acoustical performance, are required. For multi-dwelling units, where it is necessary for the windows to remain closed to ensure that interior noise levels do not exceed 45 CNEL, a ventilation or air conditioning is required to provide a habitable interior environment with the windows closed. Additional details of this mitigation measure are outlined in Table 10-1 of the FEIR.

Rationale and Conclusion

The mitigation measure identified in Section 4.8.4.3(a) of the FEIR assures that interior noise, regardless of exterior noise, is at acceptable levels. The requirement for an Acoustical Analysis prior to construction assures that steps are taken to confirm that interior noise levels are acceptable, or that steps are taken to reduce excessive noise levels. Through this mitigation measure potentially significant impacts associated with noise exposure would be reduced to less than significant. Implementation of this mitigation measure would be assured through incorporation into the project's MMRP

PUBLIC HEALTH AND SAFETY (HAZARDOUS MATERIALS)

Potentially Significant Effect

The project site contains areas of recognized environmental conditions (RECs) in the form of contaminated soils, the release of which could be potentially significant.

Facts in Support of Finding (1)

The proposed project's potentially significant impacts associated with exposure to RECs would be mitigated to below a level of significance with implementation of the mitigation measure identified in Section 4.14.3.3(a) of the FEIR. Implementation of this mitigation measure requires construction monitoring during grading. An environmental consultant is required to observe the area for contaminated soils. If such soils are encountered, grading will be discontinued while the Department of Environmental Health (DEH) or the San Diego Regional Water Quality Control Board (SDRWQCB) is notified on the contamination. If necessary, contaminated soils are required to be disposed of in accordance with applicable state and federal regulations. Additional details of this mitigation measure are outlined in Table 10-1 of the FEIR.

Rationale and Conclusion

The mitigation measure identified in Section 4.14.3.3.a of the FEIR assures that should contaminated soils be discovered during grading, proper steps are taken to contact appropriate parties and dispose of the soils in accordance with relevant regulations. Through this mitigation measure potentially significant impacts associated the RECs in

the soils would be reduced to less than significant. Implementation of this mitigation measure would be assured through incorporation into the project's MMRP.

PALEONTOLOGICAL RESOURCES

Potentially Significant Effect

Because of the moderate and high sensitivity potential areas for paleontological resources, project grading could potentially destroy fossil remains, resulting in a significant impact to paleontological resources.

Facts in Support of Finding (1)

The proposed project's potentially significant impacts to paleontological resources would be mitigated to below a level of significance with implementation of the mitigation measure identified in Section 4.15.3.3 of the FEIR. Implementation of this mitigation measure would require, prior to the issuance of any construction permit the ADD ED to verify that the requirements for paleontological monitoring have been noted on the appropriate CDs. Thereafter, letters of qualifications of all persons involved in the paleontological monitoring program must be submitted to the MMC. This mitigation measure requires that, prior to the start of construction, the following occurs: an updated site-specific records search, identification of expectations and probabilities of discovery, and a preconstruction meeting intended to include a discussion of the Paleontological Monitoring program. The PI is required to prepare a Paleontological Monitoring Exhibit (PME) based on the preceding information and provide a construction schedule to the MMC indicating when and where monitoring will occur.

The monitor is required to be present full time during grading/excavation/trenching activities as identified on the PME. In the event of a discovery, trenching activities in the area of discovery is required to stop and the monitor to immediately notify all appropriate parties as detailed in the FEIR including the MMC. The resource is required to be studied so a determination of significance can be made. If the resource is significant, the PI is required to submit a Paleontological Recovery Program and obtain written approval from the MMC. The PI shall submit a letter to the MMC indicating that the resource will be collected, curated, and documented in the Final Monitoring Report before ground disturbing activities in the area of discovery will be allowed to resume.

Upon completion of construction, a Draft Monitoring Report (even if negative), is required to be prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to the MMC. Additional details are included in the FEIR; however, it should be noted that the PI is responsible for recording any significant or potentially significant fossil resources encountered and for ensuring that all fossil

remains collected are cleaned and cataloged. Additional details of this mitigation measure are outlined in Table 10-1 of the FEIR.

Rationale and Conclusion

These individual actions making up the mitigation measure identified in Section 4.15.3.3 of the FEIR assure the recording and recovery of important paleontological information which may otherwise be lost during construction of the proposed project. The requirement for a monitor to be present for all construction activities, along with the specified processes, assures that grading will be halted or diverted should any discovery be made. Implementation of the mitigation measure assures that significance testing occurs right away and that important discoveries are reported and/or collected. A determination of significance of buried paleontological resources cannot be made at this time because the discovery of any such paleontological resources has not occurred and will not occur, if at all, until such time as the project grading occurs. In the event that a discovery of paleontological resources occurs during grading for the proposed project, the determination of significance will be made consistent with City and State standards. Because the discovery of any paleontological resources will not occur until the grading for project construction is underway, it is not feasible to pursue preservation in place as a mitigation measure in the event of the discovery of any such significant resources. Through this mitigation measure potentially significant impacts to paleontological resources would be reduced to less than significant. Implementation of this mitigation measure would be assured through incorporation into the project's MMRP.

B. Findings Regarding Mitigation Measures Which are the Responsibility of Another Agency (CEQA §21081(A)(2)) and CEQA Guidelines §15091(a)(2))

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

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

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings, and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), makes the following findings regarding Traffic (Roadway Capacity- Cumulative Condition and Freeway Ramps):

- (3) *Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR (Project No. 146803/SCH No. 2008061058) as described below.***

While mitigation measures are proposed, these impacts have the potential to remain significant and unmitigated should the mitigation measures fail to be implemented. Therefore, they are appropriately categorized under this finding.

Traffic (Roadway and Freeway Ramps - YEAR 2030)

Potentially Significant Effect

Based on the SANDAG Series 11 regional traffic forecast model, anticipated traffic increases in the Year 2030, without the addition of the proposed project's traffic, will result in eight local roadway segments, five intersections, two I-15 freeway mainlines, and one ramp meter to operate at unacceptable levels of service. The proposed project's traffic will have a significant impact at six of the eight local roadway segments, four of the five intersections, and the freeway ramp meter in the year 2030. These local roadway segments, intersections, and ramp meter are specifically identified in Table 5-2 (pages 5-8) and Section 4.2.3 and 4.2.4 of the FEIR.

Facts in Support of Finding (3)

The proposed project's significant cumulative impacts to six local roadway segments, four intersections and a freeway ramp meter could be mitigated to below a level of significance with implementation of the mitigation measure identified in Table 5-2 and Section 4.2.3.3 of the FEIR. Implementation of this mitigation measure would require the construction of the Santo Road and Tierrasanta Boulevard connections shown in the Tierrasanta Community Plan. The owner/permittee shall contribute a fair share of 1.98 percent of the estimated cost of the Tierrasanta Boulevard connection and 2.36 percent of the Santo Road connection at the time of issuance of the first construction permit. However, if the connections are never constructed, the proposed project's cumulative traffic impacts would remain significant and unmitigated.

Rationale and Conclusion

The construction of the Santo Road and Tierrasanta Boulevard connections would relieve future traffic congestion within the vicinity of the project site. These connections would reduce traffic on Mission Gorge Road and Friars Road by allowing an alternate route for traffic flow.

Although the connection of Santo Road and Tierrasanta Boulevard are shown on the City's Circulation Element of the Tierrasanta Community Plan, they remained unbuilt and there are presently no plans or funding for their construction. Both connections may have environmental consequences, particularly Tierrasanta Boulevard which would require crossing of the San Diego River. In addition, there is substantial community opposition to these connections.

In the event that these connections are not constructed, proposed project's cumulative traffic impacts would remain significant and mitigated. The proposed project is being required to pay its fair share towards the construction of the Santo Road and Tierrasanta Boulevard connections, but there is no guarantee that adequate additional funding will become available to the City. As discussed below, none of the project alternatives that could lessen the proposed project's contribution to cumulative traffic impacts are feasible. The benefits of the proposed project, notwithstanding these remaining significant cumulative traffic impacts, would be outweighed by its economic, biological, recreational, social/safety, and sustainability benefits of the entire project. The Statement of Overriding Considerations, Section VII below, provides detail regarding the City's determination that, after balancing the project's benefits against the significant potentially unmitigated cumulative traffic (Roadway Capacity and Freeway Ramps - Year 2030) impacts, it can be asserted that the benefits of project approval outweigh the remaining impacts.

D. Findings Regarding Alternatives

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings, and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), finds that specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the FEIR as described below.

Because the proposed project could cause one or more unavoidable significant environmental effects the City must consider the feasibility of alternatives to the proposed project, evaluating whether these alternatives could avoid or substantially lessen the proposed project's unavoidable significant environmental effects while achieving most of its objectives (listed in Section II.E above or Section 3.1 of the FEIR).

Based upon the administrative record for the project, the City makes the following findings concerning the alternatives to the proposed project:

The FEIR examined four alternatives: No Project (No Development) Alternative; Reduced Project Alternative; Alternative Consistent with Community Plan Land Use Designation; and Alternative Consistent with Community Plan Street Network.

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

NO PROJECT (NO DEVELOPMENT) ALTERNATIVE

The No Project (No Development/Existing Conditions) Alternative addresses the situation that would occur if the proposed project did not go forward and the project site remained in its existing condition. This alternative thereby allows decision makers to

compare the impacts of approving the project with the impacts of not approving the project (CEQA Guidelines Section 15126.6(e)(3)(B)).

Potentially Significant Effects

Under this alternative, the project site would remain partially developed, occupied by a variety of industrial-type businesses (FEIR Figure 2-2, *Project Location on Aerial Photograph*). Continued use of the project site in its existing condition would result in no significant impacts. However, this alternative would not provide the same level of land use benefits as the proposed project.

Facts in Support of Finding (3)

While adoption of the No Project (No Development) Alternative would avoid the proposed project's significant impacts, none of the project objectives would be attained. Specifically, it would not accomplish the smart-growth principles through the provision of high-density residential units in an already urbanized location near employment and other public infrastructure and services. As such, the objectives of providing diverse and affordable housing for workers within a reasonable distance to the industries of Mission Gorge and Mission Valley would not be met. For these reasons, the No Project (No Development) Alternative would be considered infeasible.

REDUCED PROJECT ALTERNATIVE

The Reduced Project Alternative would include approximately 193 multi-dwelling units and 15,000 square feet of commercial uses. This alternative contains approximately 830 fewer dwelling units and 22,500 less commercial square feet than the proposed project. While the lower yield in residential units and commercial space could result in a different design for the proposed project, the development footprint of the Reduced Project Alternative could be the same as the proposed project.

Potentially Significant Effects

Implementation of the Reduced Project Alternative would result in a reduction in impacts due its reduced size. This alternative would avoid the potentially unmitigated transportation impacts associated with the proposed project. However, it would still result in potentially significant impacts to land use, biological resources, historical resources, noise, public health and safety, and paleontological resources. Mitigation measures similar to the proposed project would be required to reduce these potentially significant impacts.

Facts in Support of Finding (3)

The Reduced Project Alternative would meet all of the project's objectives, though to a lesser degree than the proposed project. For example, one of the project's objectives is

to make more efficient use of land through higher density residential development. Developing only 193 multi-dwelling units on the project site would not maximize the use of the land, which is one of an increasingly limited number of sites in urban settings that can accommodate higher density residential development as a result of the proximity to public transportation, employment, and other public infrastructure and services. Similarly, the Reduced Project Alternative would not fully realize the City of Villages strategy, which encourages high density residential development in urbanized locations. Finally, reducing the number of residential units on the site will make it more difficult to provide a broad range of housing for different income categories. Therefore, this alternative is considered infeasible.

ALTERNATIVE CONSISTENT WITH THE COMMUNITY PLAN

As discussed in Section 4.1 and shown in Figure 4.1-3, *Navajo Community Plan Land Use Designations*, of the FEIR, the project site is designated Industrial, except for the northwest corner which is Open Space Parks and Preserve. The Alternative Consistent with the Community Plan proposes the development of the project site consistent with these existing designations. Under the Alternative a maximum of 1,994,176 square feet of manufacturing, warehousing, and retail sales uses would be allowed.

Potentially Significant Effects

The Alternative Consistent with the Community Plan would result in greater impacts when compared to the proposed project. This alternative would not result in a change in land use nor the need for a rezone or Plan Amendment. However, this alternative would result in greater traffic generation resulting in significant impacts to air quality, not associated with the proposed project. Likewise, significant and potentially unmitigated cumulative traffic impacts, greater than the proposed project, would occur.

Facts in Support of Finding (3)

The Alternative Consistent with the Community Plan Land Use Designation would fail to meet all of the project's objectives. Specifically, it would not accomplish the smart-growth principles through the provision of high-density residential units in an already urbanized location near existing employment and other public infrastructure and services. As such, the objectives of providing diverse and affordable housing for workers in the industries of Mission Gorge and Mission Valley would not be met. For these reasons, and because this alternative would result in greater cumulative traffic impacts than the proposed project, it is considered infeasible.

ALTERNATIVE CONSISTENT WITH COMMUNITY PLAN STREET NETWORK

Development under the Alternative Consistent with the Community Plan Street Network would result in on-site land uses that are the same as the proposed project. In addition,

this alternative includes construction of a street network that is consistent with the Tierrasanta Community Plan. Specifically, a connection of Santo Road from its current terminus to Friars Road and a connection of Tierrasanta Boulevard across the San Diego River to connect with Mission Gorge Road would be constructed.

Potentially Significant Effects

By constructing the Tierrasanta Boulevard and Santo Road connections and restriping at the intersection of Mission Gorge Road and Margerum Avenue, the Alternative Consistent with the Community Plan Street Network would avoid the significant and potentially unmitigated cumulative traffic impacts associated with the proposed project in the year 2030. Like the proposed project, potentially significant impacts would occur to land use, biological resources, historical resources, noise, public health and safety, and paleontological resources, although the impacts to biological resources would be more significant than those of the proposed project because of the need to extend Tierrasanta Boulevard over the San Diego River. Mitigation measures similar to the proposed project would be required to reduce these potentially significant impacts.

Facts in Support of Finding (3)

Although the Alternative Consistent with the Community Plan Street Network would be considered the environmentally superior alternative since it would eliminate all potentially unmitigated cumulative traffic impacts in the year 2030, it would require the proposed project to fully fund the extensions of Tierrasanta Boulevard and Santo Road even though its traffic contributions to those streets in the year 2030 are 1.98 and 2.36 percent, respectively. Requiring the proposed project to construct the extensions of Tierrasanta Boulevard and Santo Road to address its small contribution to cumulative traffic conditions in the year 2030 would not meet the constitutionally mandated proportionality test and would result in the proposed project funding more than its fair share of such improvements. Therefore, this alternative is considered to be infeasible.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081(b) and Guidelines Section 15093, the City has balanced the benefits of the proposed project against unavoidable adverse impacts to traffic. The City also has examined alternatives to the proposed project, none of which is environmentally preferable, meets the basic project objectives, or is feasible.

The City, after balancing the specific economic, legal, social, technological, and other benefits of the proposed project, has determined that the unavoidable adverse environmental impacts, which consist of cumulative traffic impacts in the year 2030, identified above are considered “acceptable” due to the following specific considerations which outweigh the unavoidable adverse environmental impacts of the proposed project. Each of the separate benefits of the proposed project, as stated herein, is determined to

be, unto itself and independent of the other project benefits, a basis for overriding all unavoidable adverse environmental impacts identified in these Findings.

Pursuant to CEQA Guidelines Section 15093, 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, including considerations for the provision of employment opportunities for highly trained workers outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code section 21081. CEQA further requires that when the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final 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 decision-making body, having considered all of the foregoing, finds that the following specific overriding economic, legal, social, technological, or other benefits associated with the proposed PROJECT outweigh unavoidable adverse direct impacts related to: Land Use (MHPA Adjacency and Wildlife Species), Biological Resources, Historical Resources, Noise, and Paleontological Resources and the unavoidable adverse cumulative impacts related to: Transportation/Circulation and Parking (Cumulative). Each of the separate benefits of the proposed project, as stated herein, is determined to be, unto itself and independent of the other project benefits, a basis for overriding all unavoidable adverse environmental impacts identified in these Findings. The decision-making body also has examined alternatives to the PROJECT, none of which is both environmentally preferable to the PROJECT, and meets the basic project objectives.

Therefore, the decision-making body expressly finds that the following benefits would be considered “acceptable” due to the following considerations which outweigh the unavoidable adverse environmental impacts of the PROJECT:

A. Regional Economic Prosperity:

- The project will include revitalization of an underutilized property to ensure future economic vibrancy. The resulting project will function as an integrated community with a single aesthetic concept reflecting the latest advances in smart growth concepts.
- The project will help implement the policies of the Economic Prosperity Element of the City’s General Plan by reinvesting in an existing community and by providing

workforce housing accessible to employment areas and a high-quality, convenient lifestyle necessary to attract skilled employees.

- By building on a previously developed site, the project adds needed housing while preserving other lands for employment uses or open space.
- The proposed project will create a substantial number of jobs, providing all levels of construction employment opportunities.
- The proposed project will provide the opportunity for existing and new commercial business and employment within its 37,000-square-foot commercial development area.

B. Biological Benefits:

- The project site contains degraded conditions adjacent to a high value biological resource – the San Diego River. The project will revegetate and enhance the habitat adjacent to the San Diego River, which has the potential to support a variety of wildlife, including sensitive bird species.

C. Recreational Benefits:

- The proposed project will construct a 14-foot-wide multi-use pathway to accommodate recreational activities along the San Diego River Park River Corridor. The project would provide public access to the San Diego River Park at this location, which public access currently does not exist.
- The proposed project will provide open space and population-based parks that would not otherwise be available in this portion of the City.

D. Housing Benefits:

- The City's General Plan Housing Element states that the City currently has a very limited supply of land designated and zoned for multi-family housing. The project benefits the City because it implements goals of the current Housing Element, which calls for increased housing supply through development of multi-family housing.
- The project will provide increased housing density in an already urbanized area with transit and employment opportunities, thus integrating and coordinating transit and land uses. This benefits the City because it assists in the implementation of the General Plan City of Villages strategy and regional smart growth principles. The SANDAG Regional Comprehensive Plan states that smart growth focused in compact, existing job centers near transit is necessary to preserve open space, maintain a balance between housing availability and jobs, and protect the environment in the San Diego region. The proposed project would provide new

housing opportunities within an existing community with access to transit and promote walkability through the project design features including frontage sidewalks and bicycle paths, and multi-use pathways through the project site. The nearest MTS bus stop is at Kaiser Hospital approximately 0.7 mile from the project site. The project site is located within walking distance of a church, a bank, and an outdoor recreation facility.

E. Social Benefits:

- The proposed project will construct a pedestrian sidewalk and bicycle lane along Mission Gorge Road providing safe non-vehicular access to existing streets, plazas and paths.
- The project will include design and construction of a public park on-site. The project will provide public access to a park along the San Diego River. This will benefit the City by providing for passive and active recreational opportunities within the Navajo community where there is an existing deficit of parks and connectivity to open space.
- The project will implement the City of Villages strategy contained in the adopted General Plan by redirecting future population growth to an infill location within an existing urban area, thereby reducing environmental effects typically associated with suburban development or urban sprawl, thus benefiting the City as a whole.

F. Sustainability Benefits:

- The project is an example of sustainable planning and site selection. The project will be located on a previously developed site near services, public transit and existing density. As indicated above, there is an MTS bus stop is at Kaiser Hospital approximately 0.7 mile from the project site.
- The proposed project will include several sustainable building features consistent with the voluntary Sustainable Development goals contained in the General Plan's Conservation Element. Additionally, the project recommends use of green features and sustainable design measures as outlined in the Leadership in energy and Environmental design (LEED) Guidelines. These are detailed in Section 3.3.7.2 of the FEIR and intend to create an energy efficient development which would not otherwise occur.
- The project will assist in implementing recommendations of the SDRP Master Plan, especially the goal of restoring the San Diego River's health. The existing drainage system will be upgraded to more stringent current standards, including a water quality drainage swale. Along with proposed landscaping and irrigation improvements, these measures will significantly raise the level of protection against pollutants entering the San Diego River. Most importantly, the project provides

needed housing with no increase in impervious area or run-off from the site. The project will further support the goals of the SDRP Master Plan by reorienting the neighborhood towards the river, providing a park adjacent to the San Diego River and contributing in-lieu fees toward future parks in the Navajo community.

DRAFT