

RESOLUTION No. R-252775 (R-81-1126)

Adopted on SEP 30 1980

BE IT RESOLVED, by the Council of The City of San Diego as follows:

That pursuant to California Public Resources Code,
Section 21081, those findings made with respect to ENVIRONMENTAL
IMPACT REPORT NO. 79-07-24, are those findings marked
Exhibit "A" which are attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 

Frederick C. Conrad
Chief Deputy City Attorney

FCC:ps
12/15/80
5-80-036
Or.Dept. Clerk

01071

FINDINGS

Section 21081 of the California Public Resources Code requires that no project shall be approved when significant environmental effects have been identified unless one of the following findings can be made:

1. Mitigating measures have been incorporated into the project which reduce the effects to insignificance.
2. The mitigating measures are the responsibility of another public agency.
3. Specific economic, social or other considerations make the mitigating measures or project alternatives infeasible.

The following findings have been submitted by the project applicant as candidate findings to be made by the decision making body.

The Environmental Quality Division 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.

R-252775

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ENVIRONMENTAL IMPACT REPORT
FINDINGS FOR
PENASQUITOS PARK VIEW ESTATES UNIT 5
REZONE, HILLSIDE REVIEW PERMIT, AND TENTATIVE MAP

The following findings are recommended relative to the conclusions of the environmental impact report (EIR) for the proposed Penasquitos Park View Estates Unit 5 Rezone, Hillside Review (HR) Permit, and Tentative Map (EQD No. 79-07-24). These findings have been prepared pursuant to Sections 15088 and 15089 of the California Administrative Code and to Section 21081 of the California Public Resources Code.

FINDINGS

A. The Subdivision Review Board, having reviewed and considered the information contained in the EIR for the proposed tentative map (EQD No. 79-07-24), finds that changes or alterations are being required in, or have been incorporated into, the project which mitigate or avoid the significant environmental effects thereof, as identified in the EIR. Specifically:

1. Land Use

Impact. A major portion of the site is in the Hillside Overlay Zone and will require extensive grading to create streets and homesites.

Finding. Approximately 26 acres, or 55 percent of the 47 acres that would be eligible for HR upon approval of the rezone, will be retained as natural open space in open space easements. In addition, a 14.7-acre lot, of which two acres lie within the HR Overlay, would be dedicated to the city upon recordation of the tentative map. A daylight grading technique will be employed along hilltops fronting Penasquitos Canyon in order to avoid the visual effects of long fill banks. Where fill is required, variable slope ratios would be employed whereby graded slopes would be made to blend with the natural topography. Preservation of approximately 26 acres of the areas eligible for HR, along the implementation of daylight and variable slope grading techniques will reduce the impacts to the HR Overlay Zone to insignificance.

Impact. Development in the tributary canyon, which extends the length of the property, will represent a loss in terms of natural drainage, vegetation, and wildlife habitats. The loss of canyon bottom open space remains significant in that it limits the accessibility and use of an interconnecting open space system contiguous with Penasquitos Canyon.

Finding. The following measures would serve to reduce the impacts resulting from development on the natural resources and canyon bottom open space. Approximately 26 acres coinciding with hillsides eligible for HR along the central canyon on the property would be left as natural open space in open space easements. An additional 14.7 acres will be deeded to the city upon recordation of the tentative map. Although the bottom of the tributary canyon would be partially filled in preparation of homesites, this canyon was not designated as open space in the Penasquitos East Community Plan. The proposed development is in conformance with the low density (zero to six dwelling units/acre) residential land use indicated for the project site in the community plan.

2. Topography and Visual Aesthetics

Impact. The development of the property would result in substantial modification to the topography as the natural contours of the slopes would be graded to create artificial terraces and cut and fill slopes.

Finding. Several measures will be incorporated into the project to reduce the visual impacts of the landform alterations. Upon recordation of the tentative map, a 14.7-acre lot in the southwest sector of the project will be dedicated to the city which will partially compensate for the loss of open space. Twenty-six acres of the site coinciding primarily with hillsides also will remain unaltered in open space easements. In addition, a daylight grading technique will be employed on hill tops in the southernmost project area in order to minimize the use of large fill slopes on the ridge facing Penasquitos Canyon. Although not a requirement of the city grading ordinance, manufactured slopes in some areas will be rounded and have varying slope ratios in order to blend with the natural contours. According to the landscaping plan, which is being prepared for this project by Pekarek Group Landscape Architecture/Planning, slopes which would be visible from Penasquitos Canyon will be planted in tall species of trees near the residential structures to shield the view of developed areas. Intermediate native and nonnative shrubs will be seeded downslope from the taller vegetation. Native species, which will be planted adjacent to natural areas, will provide a transitional zone between the native and nonnative vegetated areas. These measures, which reinforce the recommendations of the community plan, will reduce further topographic modification resulting from erosional processes and partially reduce the visual effect of the proposed development.

3. Biology

Impact. All the native vegetation, with the exception of that property to be placed in open space easements and dedicated open space, will be removed from the site. Removal of the vegetation will, in turn, displace and disperse an abundant and diverse number of wildlife species currently using the property for food and shelter.

In addition, two areas containing vernal pool habitat will be adversely impacted, either directly or indirectly, as a result of this development. The 2.5-acre area located in the eastern portion of the site will be eliminated. The off-site 4.9-acre area, although not proposed as a graded area, will be subject to direct and indirect impacts during grading operations due to their proximity to development activities.

Finding. No mitigation for the loss of any vernal pools is presently available other than on-site preservation. The City of San Diego is currently consulting with federal agencies in an effort to finalize a Vernal Pool Preservation Plan. Two plans are presently being considered: The Vernal Pool Preservation Permit Program and the Vernal Pool Preservation Program-March 4, 1980. Under the permit program, the applicant would be required to obliterate any vernal pools on their property which lie within the Class II area prior to receiving a land development permit; therefore, the significance of vernal pools would no longer be relevant. The Vernal Pool Preservation Program-March 4, 1980, on the other hand, would require mitigation for the loss of vernal pools. Mitigation would include either a) preservation for the resources on site or b) off-site preservation through the mechanism of applicant donation of \$4,000 per vernal pool habitat acre (including drainage area) not to exceed \$500.00 per gross project area. The applicant would mitigate the loss of the two vernal pool areas through the donation of funds to the Vernal Pool Trust Fund. In an effort to partially mitigate the loss of vernal pools in the San Diego region, the applicant will donate approximately seven acres of vernal pool habitat on Lopez Ridge, which will become a portion of the Penasquitos Canyon Regional Park. Furthermore, Park View Estates Unit 14 will be redesigned to provide a 100-foot buffer zone between the Hd vernal pool complex and the planned development.

Measures proposed to mitigate the removal of native vegetation, wildlife habitat, and sensitive plant species from the project site include the preservation of approximately 4.2 acres of grassland, chaparral, and inland sage scrub in open space easements and in dedicated open space. These preserved

open space areas would partially mitigate the cumulative loss of these resources in the Penasquitos area.

4. Archaeology

Impact. Proposed development of the project will result in direct significant impacts to cultural resources found on the site. Both direct and indirect significant impacts will occur to the cultural sites located just north of the project.

Finding. The developer has agreed to mitigate the impacts to cultural sites SDM-W-1334 and loci A, B, C, and D and loci B, C, and D of SDM-W-1335 prior to recordation of the final map. SDM-W-1334 and loci B, C, and D of SDM-W-1335 will be mitigated according to the following measures:

- a. A surface map will be prepared which depicts accurate site contours, boundaries, and the location of relevant features. All features will be sketched and photographed.
- b. A systematic surface collection will be made of SDM-W-1334.
- c. The data obtained from the completion of tasks a and b would be analyzed and the results of this analysis presented in a report of findings.

SDM-W-1335A will be salvaged according to the following plan:

- a. A detailed surface map will be prepared which depicts accurate site contours, boundaries, and location of surface artifacts and any relevant features present. In conjunction, a systematic surface collection will be made.
- b. A systematic posthole test will be undertaken. This involves the placement of posthole test stations so that the information concerning the depth and extent of the subsurface deposit will be available to direct further investigations.
- c. A limited sample will be excavated to provide an estimate of the variation present within the resource. Based on the results of this investigation, impacts may be mitigated; however, it is probable that some additional work will be needed. The amount of this work will be based on the degree of variation detected during the initial study.

- d. The results of the field investigation will be presented in a report of findings detailing the work done, materials recovered, and results of analyses. This process will involve the cataloging and analysis of recovered materials, completion of final maps, compilation of necessary photographs, and presentation of final analyses.

5. Geology and Soils

Impact. The primary geologic hazard found on the property is the unstable nature of landslide deposits adjacent to the eastern boundary of the site. These slide areas are not directly located on the property but development of the hill tops in this location may be affected by poorly supported slopes below.

Finding. An engineering geologist will be consulted further during preparation of the grading plan to determine specific measures necessary to mitigate the potential hazards due to landslides.

6. Hydrology and Water Quality

Impact. The operations necessary to prepare for construction would expose soils to erosive forces resulting in an increase in sediment. After construction there would be an increase in peak runoff at the southern end of the tributary canyon due to the impervious nature of the pavement surfaces and structures.

Finding. Temporary basins will be provided during grading operations to collect sediment from each lot until construction occurs. Lots will be graded to drain away from slopes and toward street drainage systems or drainage structures. Down drains and roadbeds would be sandbagged where necessary to reduce erosion and sediment transport from these sources. Drainage collected from this and other Penasquitos Park View Estates projects would be carried via a drainage pipe system down Penasquitos Canyon to a low gradient location and discharged through energy dissipaters. This procedure would reduce the velocity of runoff water with the associated erosive effects below a level of significance in the downstream Penasquitos Canyon area. After construction, the erosion control landscaping will serve to reduce erosion on developed parts of the property to an insignificant level.

7. Air Quality

Impact. Development of this project will contribute to further deterioration of air quality in the San Diego Basin.

252775

Finding. The incremental increase in adverse air quality conditions in the San Diego Air Basin cannot be avoided upon project implementation. Penasquitos Park View Estates Unit 5 is, however, consistent with the land uses outlined in the Penasquitos East Community Plan, which has incorporated the elements necessary to create a self-contained community. The self-contained community concept is designed to locate residential, commercial, industrial, and recreational facilities in a localized area which, in turn, results in shorter driving distances, reduced vehicle emissions, and greater accessibility to facilities by walking, bicycle, or bus.

B. The Subdivision Review Board, having reviewed and considered the information contained in the EIR, finds that the following changes or alterations which mitigate or avoid the significant environmental effects of the project are within the responsibility and jurisdiction of another public agency. Specifically:

1. Biological Resources

Impact. The vernal pool habitat located on and adjacent to the subject property will be adversely impacted as a result of the proposed development.

Finding. The sensitivity and the value of the vernal pool habitat and associated species are defined by public and private agencies, including the U.S. Fish and Wildlife Service, the California Department of Fish and Game, and the California Native Plant Society. In addition, the U.S. Army Corps of Engineers has assumed review authority over the alterations of vernal pools under Section 404 of the Federal Water Pollution Control Act in the event that a proposed development which has vernal pools is approved by any jurisdiction before a preservation/mitigation program can be implemented. When such a program is decided upon, the Corps may also, at that time, assume review authority as one of the responsible agencies, although this probably would only occur in the cases involving high priority vernal pools.

2. Air Quality

Impact. The project would contribute to the cumulatively significant impact of all Penasquitos Park View Estates developments on air quality in the San Diego Basin.

Finding. Further reduction of emissions, other than those that would be achieved with the self-contained community concept, is a regional problem which cannot be effectively addressed on a project-by-project basis. Implementation of mitigation measures for air quality impacts is primarily the responsibility of the Air Pollution Control District (APCD) and the Comprehensive Planning Organization (CPO). Both agencies have adopted basinwide standards and are mandated to improve air quality.

C. The Subdivision Review Board, having reviewed and considered the information contained in the EIR, finds that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. Specifically:

1. Land Use

Impact. A major portion of the site is in the HR Overlay Zone and will require extensive grading to create streets and homesites. Development in the tributary canyon, which extends the length of the property, will represent a loss in terms of natural drainage, vegetation, and wildlife habitats. The loss of canyon bottom open space remains significant in that it limits the accessibility and use of an interconnecting open space system contiguous with Penasquitos Canyon.

Finding. Reduction of the effects to insignificance is not possible except through the no project alternative. This alternative is infeasible due to the specific overriding economic and social conditions relative to anticipated growth demands placed on the City of San Diego over the 20-year period from 1975 to 1995. It is anticipated that a net increase of 138,500 dwelling units will be required in order to avoid adverse effects in both housing costs and housing availability. Of these units, it is estimated that in-filling of urbanized areas will account for a net increase of 24,650 dwelling units, with the balance falling into areas planned for future growth, such as the Penasquitos East community (The Impacts of Alternative Growth Management Policies on the Housing Market of San Diego, California, Hammer, Siler, George Associates, July 1978). Of the net increase anticipated in the future growth areas prior to 1995, it is estimated that 12,600 homes will have to be built in Penasquitos East. Penasquitos Park View Estates is one of the increments of this necessary and planned growth. Delay of this project would affect housing costs and housing availability.

An altered design which would either cluster units through a Planned Residential Development or provide a reduced density of individual lots may potentially reduce the amount of cut and fill grading and minimize disturbance in the HR Overlay Zone. Preservation of a significant amount of hillside and/or canyon bottom open space would require that a portion of the proposed dwelling units be multi-family to achieve the same gross density. A multi-family/single-family type development of the same density, however, would not achieve the proposed project goal of providing all single-family residential lots and would conflict with the recently adopted community plan,

which does not indicate multi-family housing for the property. The lower density design would increase the per-lot cost and therefore the cost of dwelling units, resulting in a different type of residential project which may not be affordable to middle income San Diego families.

Providing single-family residential units in a manner such that they are affordable by the middle-income consumer requires that site preparation, provisions for streets and utilities, and unit construction be accomplished in the most economical way possible. Implementation of a single-family residential subdivision at the density proposed, under the topographic conditions prevalent on the project site and at a cost affordable to the average homebuyer precludes that a substantial amount of landform alteration be accomplished in order to prepare the property for streets and homesites. Alternative lot and unit designs are possible, which would more nearly preserve the natural landform; for example, homes could be supported on pilings and cantilevered against hillsides in order to minimize grading. This approach would involve custom fitting each individual dwelling unit to topographic characteristics on each lot. The result of this procedure, although aesthetically pleasing, would add to design and construction costs and would result in the price of the homes exceeding that affordable by the average homebuyer. In light of the shortage in the City and County of San Diego of homes affordable to the middle and lower income groups, the custom lot alternative is considered infeasible.

2. Biology

Impact. Development of the project as proposed will result in the elimination of the on-site vernal pool habitat and in the disturbance of the pooling area located to the west of the project site. In addition, all vegetation will be removed from the site, with the exception of that property to be placed in open space easements and dedicated open space. Removal of the vegetation will, in turn, displace and disperse an abundant and diverse number of wildlife species.

Finding. Reduction in the scope of the project in order to preserve the vernal pools and their associated drainage areas on the site is infeasible for a number of reasons. The first involves the value of the resource itself. Although these pools are currently considered regionally significant due to the presence of a rare and endangered plant species, San Diego Mesa Mint (Pogogyne abramsii), they are not regarded as high quality pools. Additionally, the pools represent considerably less than one percent of the vernal pools and vernal pool habitat in the Kearny Mesa region. This, coupled with the

limited San Diego Mesa Mint population associated with the pools, further limits the quality of this resource.

These pools are geographically isolated from other pool complexes, appearing as a remnant of the larger mesa complexes, to the northwest. The extent to which these pools have been disturbed and the extent to which their surrounding associated habitat, including mima mounds, has been damaged limit their intrinsic value as a preservable resource. Protection and management of such small, isolated, and disturbed areas as these would result in more problems than similar actions implemented on a larger, more biologically valuable area. In light of the anticipated growth demands that will be placed on the City of San Diego between 1975 and 1995, the no project or reduced scope alternatives are also infeasible due to overriding economic and social considerations, as cited in Section C. 1. of these findings.

The removal of vegetation and displacement of wildlife from the property would be partially mitigated by the preservation of 42 acres of grassland, chaparral, and inland sage scrub communities in open space easements and in open space dedicated to the city. Full mitigation, which would require the no project or reduced scope alternative, is not feasible for those reasons listed above.

3. Topography and Visual Aesthetics

Impact. The development of the property would result in substantial modification to the topography as the natural contours of the slopes would be graded to create artificial terraces and cut and fill slopes.

Finding. Reduction of the impacts due to landform modification to a level of insignificance is not possible except through the no project alternative or through a redesign of the project to include a reduction in scope. These alternatives are infeasible due to the overriding economic and social considerations cited in Section C. 1. of these findings.

ryw
5/2/80

Passed and adopted by the Council of The City of San Diego on SEP 30 1980,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <u>R-252775</u>	Adopted <u>SEP 30 1980</u>