

(R-89-1725)

RESOLUTION NUMBER R-273141

ADOPTED ON APR 3 1989

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified, that the information contained in ENVIRONMENTAL IMPACT REPORT EQD NO. 88-0122 in connection with the lease approval for a concession on the Ocean Beach Pier, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto, and that said report has been reviewed and considered by this Council.

BE IT FURTHER RESOLVED, that pursuant to California Administrative Code, Sections 15091 and 15093, the City Council hereby adopts the findings made with respect to the feasibility of the mitigating measures and project alternatives and the statement of overriding considerations, a copy of which is attached hereto and incorporated herein by reference, with respect to the project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, a copy of which is attached hereto and incorporated herein by reference.

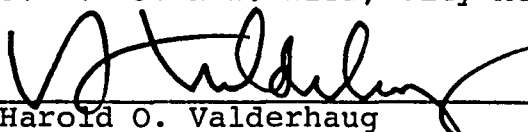
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APPROVED: JOHN W. WITT, City Attorney

By

  
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Harold O. Valderhaug  
Deputy City Attorney

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CANDIDATE FINDINGS  
FOR THE OCEAN BEACH PIER CONCESSION

July 1, 1988

The following findings are made relative to the conclusions of the final Environmental Impact Report (EQD No. 88-0122) for the Ocean Beach Pier Concession. These findings have been prepared pursuant to Sections 15091 and 15093 of Title 14 of the California Administrative Code and Section 21081 of the California Public Resources Code.

- A. The Decisionmaker, having reviewed and considered the information contained in the Final EIR for the proposed Ocean Beach Pier Concession, finds that changes or alterations have been incorporated into the project which lessen the significant environmental effect identified in the EIR. Specifically:

PARKING

Impact: Development of the proposed two-story concession on the pier would have a significant parking impact. The beach area currently experiences parking congestion particularly during peak recreation periods. The need for any new parking spaces generated by the project would contribute to this parking shortage. Regulations for the beach impact area would require a maximum of 24 new parking spaces for the proposed project.

Findings: The proposed project is located on a pier, which makes provision of onsite parking spaces impossible. The only means of avoiding the significant parking impact is through adoption of the No Project Alternative. Provision of offsite parking spaces is not feasible due to the lack of available lots in the vicinity of the project. Adverse impacts have been lessened, although not to below a level of significance, by provision of bicycle racks. This measure would only slightly reduce the demand for parking.

- B. The San Diego City Council, having reviewed and considered the information contained in the Final EIR and the public record, finds that there are no changes or alterations within the project that are within the responsibility and jurisdiction of another public agency.
- C. The City Council, having reviewed and considered the information contained in the Final EIR and the public record, finds that there are specific economic, social, or other considerations which make infeasible the project alternatives identified in the EIR. Specifically:

The Final EIR presents two alternatives to reduce parking impacts. The No Project Alternative would eliminate parking impacts to below a level of significance.

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FINDINGS  
(EQD No. 88-0122)

The California Environmental Quality Act (CEQA) requires that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof unless such public agency makes one or more of the following findings:

- 1) Changes or alteration have been required in, or incorporated into, such project which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency or can and should be adopted by such other agency.
- 3) Specific economic, social, or other consideration make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

(Sec. 21081 of the California Environmental Quality Act)

CEQA further requires that, where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR, but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or information in the record (Sec. 15093 of the CEQA Guidelines).

The following Findings and Statement of Overriding Considerations have been submitted by the project applicant as candidate findings to be made by the decisionmaking 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.

The No Project alternative would eliminate the financial viability of the project to both the City and the applicant. The City would continue to receive low revenues from the current leaseholder. The existing structure is in poor shape and in need of dramatic, visible improvements. The applicant would have no economic return with the No Project alternative, since the applicant is not the current leaseholder.

The Remodeling alternative, which involves retaining the existing square footage, is infeasible because it would reduce the financial viability of the project to a marginal level.

- For the applicant, revenues would be greatly reduced by the Remodeling alternative, since only about half the number of customers could be served. While the construction costs would be less than the proposed project, remodeling would cost at least \$250,000. Operating expenses would be about the same as for the proposed project and projected income would be lower (about \$150,000 to \$250,000 annual gross revenue). After normal business expenses, servicing a loan, and paying eight percent rent to the City, the restaurant would lose \$10,000 to \$18,000 per year. Therefore, the Remodeling Alternative is considered economically infeasible.

## STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council, having reviewed and considered the information contained in the Final EIR and the record, makes the following Statement of Overriding Considerations:

### PARKING

Impact. The EIR states that the proposed project would result in significant impacts to parking by creating a parking demand without provision of additional parking spaces. The EIR states that mitigation to below a level of significance would require adoption of the No Project or Remodeling alternative. These alternatives are found to be infeasible due to economic constraints.

Finding. The benefits that would accrue to the City of San Diego from implementation of the proposed project outweigh the unmitigated adverse effects on parking. These environmental effects are considered to be acceptable in light of these benefits. Specifically, the proposed project would:

- o enhance the experience of users of the pier
- o substantially upgrade a facility which is currently unsightly and underutilized
- o contribute to the revitalization efforts in the commercial district of Ocean Beach
- o generate greater lease and sales tax revenue to the City
- o provide employment opportunities
- o provide bicycle lockers at the base of the pier
- o provide a recreational opportunity in the Coastal Zone

Mitigation Monitoring and Reporting Program

In order to partially mitigate the significant parking impacts of the project, the applicant has agreed to install bicycle racks to accommodate 16 bicycles near the pier entrance. The City would monitor this mitigation measure through inclusion in the lease agreement and inspection by staff of the Property Department at least once a year and periodic inspections by the Park and Recreation Department.

R-273141



# 145,0

APR 3 1989

Passed and adopted by the Council of The City of San Diego on.....  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

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

By *Blonde L. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-273141 Adopted APR 3 1989

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