

(R-90-294)

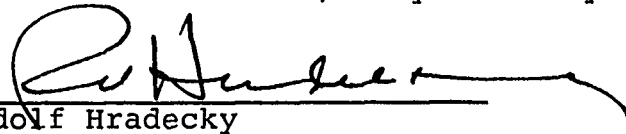
RESOLUTION NUMBER R- 274347

ADOPTED ON SEP 11 1989

BE IT RESOLVED, by the Council of The City of San Diego, that pursuant to California Public Resources Code, Section 21081, the City Council's findings made with respect to the feasibility of the mitigating measures and project alternatives and the statements of overriding considerations contained in the ENVIRONMENTAL IMPACT REPORT for the Open Space Brush Management Program, on file in the office of the City Clerk as ENVIRONMENTAL IMPACT REPORT EQD NO. 88-0646, are those findings and statements as approved and attached hereto as Exhibit A.

APPROVED: JOHN W. WITT, City Attorney

By


Rudolf Hradecky
Deputy City Attorney

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FINDINGS
(EQD No. 88-0646)

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 alterations 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 significance 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 base 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.

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CANDIDATE FINDINGS
FOR THE
OPEN SPACE BRUSH MANAGEMENT PROGRAM

The following findings are made relative to the conclusions of the final Environmental Impact Report (EQD No. 88-0646) for the Open Space Brush Management Program. These findings have been prepared pursuant to Section 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 Open Space Brush Management Program, finds that changes or alterations have been incorporated into the project which lessen the significant environmental effect identified in the EIR. Specifically:

BIOLOGY

Impact: A significant impact to biological resources would result from implementation of the proposed brush management program. Clearing of brush would result in the temporary loss of coastal sage scrub and chaparral plant communities, potential long-term modification of these plant communities, and loss of sensitive plant and animal species.

Findings: Brush clearance provides a greater degree of fire safety than lack of clearance. The only means of avoiding significant impacts to biological resources is through adoption of the No Project alternative. Reduction of impacts could be achieved through adoption of the Mosaic Pattern or Brush Management Zones alternatives, but not to below a level of significant. Adverse impacts of the project have been lessened, although not to below a level of significance, by the following measures.

The Park and Recreation Department's brush clearing crew will be trained to recognize native species and attempt to retain them. Trees will be trimmed, not cut down. Some large shrubs will be pruned into tree form. Invasive non-native species shall in all cases be removed. In Crest Canyon, at least 50 percent vegetative cover will be retained, and sensitive species will be identified prior to brush clearance. In several test sites, 20 to 60 percent cover will be retained and evaluated for fuel reduction effectiveness and environmental impacts.

The Park and Recreation Department agrees to monitor and report on the mitigation measures incorporated into the project for biological resources. As part of this program, Park and Recreation will notify the Environmental Quality Division (EQD) of the overall progress of the brush clearing operation City-wide on a biannual basis. The report will include a schedule of areas recently cut and areas to be cut, and an analysis of the feasibility of the pilot mosaic pattern test program.

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VISUAL QUALITY

Impact: The project would have a significant impact on visual quality because de-vegetated swaths would be created on scenic hillsides.

Findings: The only means of avoiding all potentially significant impacts to visual resources is through adoption of the No Project alternative. Considerable reduction of impacts could be achieved through adoption of the Mosaic Pattern or Brush Management Zones alternative. These alternatives would still have significant visual impacts in some locations. Impacts of the proposed project have been lessened, although not to below a level of significance, by retention of trees and large shrubs and spreading of cut material on-site. In Crest Canyon, impacts would be reduced by retention of 50 percent of vegetative cover. In several test sites, 20 to 60 percent vegetative cover will be retained. The biannual report made by Park and Recreation to EQD will discuss visual impacts in the test sites.

EROSION

Impact: The project would have a significant impact on soil erosion on steep hillsides. Erosion could occur in the short term due to loss of vegetative cover, and in some cases, in the long term due to invasion of shallow-rooted species.

Findings: The only means of avoiding all potentially significant impacts to slope stability is through adoption of the No Project alternative. Adoption of the Mosaic Pattern or Brush Management Zones alternatives would reduce impacts considerably, but not to below a level of significance. Impacts of the project have been lessened, although not to below a level of significance, by spreading cut vegetative material on cleared slopes. The biannual report will discuss erosion impacts in the test site.

- 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 three alternatives to reduce biological, visual, and erosion impacts. The No Project alternative would reduce these impacts to below a level of significance. However, a significant fire safety impact would result from this alternative. This alternative is also contrary to California Resource Code 4291, which requires a minimum 30-foot clearance of all flammable vegetation around structures. It would also conflict with the local Uniform Fire Code requiring clearance of an additional 70 feet to within eighteen inches

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of the ground. This alternative is not considered viable in that fire hazards to the public could expose the City to a tremendous loss potential.

The Mosaic Pattern alternative, which involves leaving clusters of vegetation, is infeasible because funds are not available to implement the greater level of expertise in brush management required for this alternative. This alternative would require that a trained individual be present in the field to determine how much vegetation can safely be retained and what the configuration of the clusters should be. This alternative would be somewhat more time-consuming, and therefore more costly. The result of a cost increase would be that fewer acres of brush could be cleared in any given fiscal year. It is estimated that removal costs per acre would increase from \$5,800 to at least \$6,500 plus the added cost of providing the trained individual mentioned above. This increase in cost would result in, at a minimum, reducing brush clearance completion by over 6,400 feet in length or approximately 130 residential lots in fiscal year 1988-89. This alternative would also be expected to provide a shorter term of fire safety. Therefore, an incremental fire safety impact would result unless additional funding was appropriated to implement the more costly alternatives.

The Brush Management Zones alternative is similarly infeasible because of cost measures associated with the greater level of training required for the individuals doing the cutting and for an individual to conduct a site-by-site analysis to determine how much vegetation can safely be retained and in what configuration. This alternative would be considerably more costly, which would result in less clearance in any given fiscal year. If this alternative were implemented, the cost per acre for achieving adequate fire safety requirements will increase an estimated 25 to 30%, up to \$7,540 per acre. To accomplish this alternative with current funding would result in a corresponding percent of areas not cleared for fire safety. This is the most expensive of the alternatives and would require more frequent maintenance. Therefore, an incremental fire safety impact would result unless additional funding was appropriated to implement the more costly alternatives.

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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:

Impacts. The EIR states that the proposed project would result in significant impacts to biology, visual quality, and erosion. The EIR states that mitigation to below a level of significance would require adoption of the No Project alternative. This alternative is found to be infeasible due to legal and public safety 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 biology, visual quality, and erosion. Specifically, the proposed project would provide a reasonable level of fire safety to structures adjacent to City-owned open space. The project would also meet state and local brush management codes.

The Fiscal Year 1989 program would provide valuable information on the effectiveness of the Mosaic Pattern alternative in reducing fire hazards, as this strategy will be implemented in a number of test sites. The Park and Recreation Department agrees to monitor the status of these test areas and report on their effectiveness in reducing impacts and the feasibility of implementing the program to a greater extent in future years.

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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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<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 *Raymond L. Portocarrero*, Deputy.

Office of the City Clerk, San Diego, California

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