

(R-91-2155)

RESOLUTION NUMBER R-278052

ADOPTED ON JUNE 4, 1991

WHEREAS, on December 10, 1986, Robinhood Homes, Inc., submitted an application to the Planning Department for a planned residential development permit, community plan amendment and rezone; and

WHEREAS, the permit was set for a public hearing to be conducted by the Council of The City of San Diego; and

WHEREAS, the issue was heard by the Council on June 4, 1991; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Environmental Impact Report No. 86-1014; NOW, THEREFORE,

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. 86-1014, in connection with the Robinhood Ridge Precise Plan, Planned Residential Development Permit No. 86-1014, tentative map and rezone, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Administrative Code section 15000 et seq.), and that said report has been reviewed and considered by this Council.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and Administrative Code section

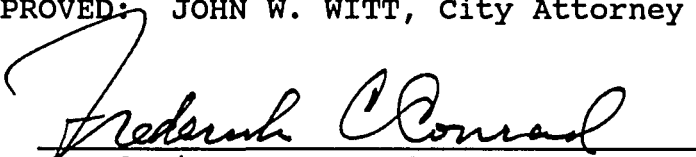
15091, the City Council hereby adopts the findings made with respect to the project, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Administrative Code section 15093, the City Council hereby adopts 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, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

APPROVED: JOHN W. WITT, City Attorney

By

  
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:lc  
08/10/91  
Or.Dept:Clerk  
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**CANDIDATE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS  
FOR THE ROBINHOOD RIDGE DEVELOPMENT (EQD NUMBER 86-1014)**

The following Findings and Statement of Overriding Considerations are made relative to the conclusions of the Final Environmental Impact Report (EIR) for the Robinhood Ridge Project ("the Project"). The Project permits the construction of 849 residential units on the 204-acre site. The Precise Plan area covers 310 acres. Other land uses are permitted. These Findings and Statement of Overriding Considerations have been prepared pursuant to Sections 15091 and 15093 of Title 14 of the California Administrative Code and Sections 21002 and 21081 of the California Public Resources Code.

A final EIR has been prepared for the Project. The EIR identifies all the significant environmental impacts which could be expected to occur as a result of implementation of the Project. These findings, which are prepared pursuant to CEQA, address all potentially significant environmental impacts of the Project.

**FINDINGS**

- A. The City Council, having reviewed and considered the information contained in the EIR for the Robinhood Ridge Project and the public record, finds that measures have been incorporated into the Project design which avoid or partially mitigate certain significant environmental effects associated with the Project. These are identified in the text of the EIR, and the EIR conclusions, and are discussed below.

It is further found and determined that mitigation measures and changes incorporated into the Project have mitigated to insignificance any adverse environmental impacts of the Project on traffic circulation, geology/soils/erosion, cultural resources, growth inducement, and air quality, as discussed in the EIR.

It is further found that the following changes in Project design, and commitments to environmental mitigation, partially mitigate adverse environmental impacts on land use, noise, land-form alteration/visual quality, biological resources and public facilities. Changes in the Project design include the redesign of the vernal pool preserve and the surrounding development configuration, and the redesignation of land uses within the Brown Field Flight Activity Zone (FAZ) to compatible uses prescribed in the comprehensive Land Use Plan for Brown Field. The commitments to environmental mitigation include the preservation of approximately 51 percent of the site as undisturbed natural open space; the contouring and undulating of major manufactured slopes, including landscape treatments, and development and submittal of a specific Vernal Pool

Preservation Program for the existing vernal pool; contribution to the City's Vernal Pool Preservation Program for the loss of 4.5 acres of vernal pool habitat; a transplantation program for the loss of two sensitive plant species (Variegated Dudleya and Coast Barrel Cactus); a revegetation/habitat restoration plan for the loss of 0.2 acre of riparian woodland at a ratio of 2:1; protection of the on-site population of Golden-Spined Cereus from potential impacts; and the initiation of a proceeding to establish a Mello-Roos Community Facilities District, to assist in the provision of necessary housing and ancillary support needed for students generated from the Project.

1. Landform Alteration/Visual Quality

Mitigation measures incorporated into the Project include the preservation of approximately 51 percent of the site as undisturbed natural open space, as well as the contouring and undulating of major manufactured slopes, including native landscape treatments. No proposed slopes within the Project are to exceed 70 feet in height.

Additional mitigation is provided by the provision of over 50 percent of the site as undisturbed open space and the landscaping of all manufactured slopes.

Potentially significant visual impacts will be partially mitigated by a number of measures proposed in the Precise Plan. These features include design guidelines for the streetscape, landscape, and grading, as well as specific design treatment for the individual land use areas. The key objectives of the Precise Plan design approach are the preservation of open space, enhancement of positive views, and provision of a unifying design element. The utilization of grading techniques such as rounding, contouring, and meandering slope treatments will also reduce potentially significant visual impacts.

2. Biological Resources

Mitigation measures incorporated into the Project include the requirement that the applicant submit, as a condition of vesting tentative map approval, (1) a specific Vernal Pool Preservation Program for the existing vernal pool, (2) a transplantation program for the loss of two sensitive plant species (Variegated Dudleya and Coast Barrel Cactus), (3) a revegetation/habitat restoration plan for the loss of 0.2 acre of riparian woodland at a ratio of 2:1, (4) specific measures to protect the on-site population of Golden-Spined Cereus from potential impacts, (5) placement of approximately 51 percent of the Project site into permanent undisturbed natural open space and (6) a contribution of \$18,000 to the City's Vernal Pool

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Preservation Program for the loss of 4.5 acres of vernal pool habitat.

As a result of the conditions placed upon the Project, and the provision of over 50 percent of the Project in undisturbed open space, the majority of the impacts to biological resources will be mitigated.

Additional measures to mitigate the biological impacts to a level of insignificance are not feasible, because the vast majority of biological resources exist on the mesa top fringes and the upper slope areas, where existing topography easily accommodates development. Additional loss of lots in order to further mitigate biological impacts would reduce the housing opportunities in the region and render the Project economically infeasible. Please review Section C.2 below for further discussion of negative economic impacts associated with any further loss of units.

The only way to fully mitigate impacts on biological resources is to adopt the no-project alternative. As discussed in Section C.1 below, this alternative is economically infeasible for the applicant.

### 3. Land Use

Mitigation measures incorporated into the Project reduce all on-site land use impacts below a level of significance. These include revision of the Project to eliminate all uses that are incompatible with the Brown Field FAZ. This revision has eliminated foreseeable land use impacts, and no further mitigation is necessary at this time.

The potentially significant land use impacts associated with Palm Avenue are not directly related to this Project. The alignment of Palm Avenue is now at the City's preferred location. This location reduces the impacts that were associated with the previously proposed realignment.

Although the major impacts have been resolved with regard to the Project at this stage, future processing of development permits may identify additional impacts. Therefore, it cannot be said that impacts are as yet fully mitigated. Nevertheless, it is anticipated that any impacts which may later be identified can be mitigated.

The Precise Plan contains several design features that address the potential conflict between medium-density residential development and the commercial and industrial land uses. These include separation of the uses by the alignment of Robinhood Ridge Drive and open-space area; this creates an effective buffer of 150 feet. Additionally, there is a vertical separation of 20 feet.

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Other design features include the use of landscaping and building setbacks. The compatibility of these uses will be further assessed by the Planned Commercial Development and Otay Mesa Development District permit processes required by the Precise Plan.

These recommendations will mitigate any conflicts between the residential development and the commercial and industrial land uses proposed for the southeast portion of the Project.

#### 4. Public Facilities

Mitigation of short-term impacts to schools will be accomplished through the initiation of a proceeding to establish a Mello-Roos Community Facilities District, to assist in the provision of necessary housing and ancillary support needed for students generated from the Project.

Until additional new development in Otay Mesa is constructed, new school facilities will not be built. The facilities will require cooperation from all proposed projects on Otay Mesa in order to provide and establish a Mello-Roos Community Facilities District for students generated from the Project. Construction of school facilities by the applicant alone is not feasible, due to the cost of such facilities and the relatively low number of students generated from the Project. The establishment of the Mello-Roos District will fully mitigate long-term impacts.

The Project developer recently signed a binding agreement with the Chula Vista Elementary School District and the Sweetwater Union High School District; the agreement is titled "Certificate of School Impact Mitigation/Conditional Waiver of Objection to Development Project Land Use Approvals." These agreements guarantee that financing will be provided by the developer and that site selection will occur prior to recordation of the final map.

The developer will be required to pay fees, including connection fees and capacity fees, to the City of San Diego prior to obtaining building permits.

In order to compensate for the relocation of a park site, two mini-park sites are proposed in the central and southeastern portions of the plan area.

#### 5. Noise

The realignment of Palm Avenue has effectively mitigated all significant noise impacts identified by the EIR. The realignment removed all residential units from frontage on Palm Avenue.

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No specific mitigation measures are required for other portions of the site.

- B. The City Council, having reviewed and considered the information contained in the Final EIR for the Robinhood Ridge Project and the public record, finds that there are no changes or alterations to the project which would substantially lessen the environmental impacts of the project that are the responsibility and jurisdiction of another public agency.

None identified.

- C. The City Council, having reviewed and considered the information contained in the EIR for the Robinhood Ridge Project and the public record, finds that specified economic, social, or other considerations make infeasible Project alternatives identified in the final EIR. Specifically:

1. No-Project Alternative

The implementation of this alternative would result in the retention of the property in its present condition, eliminating all Project-related impacts. Under the no-project alternative, the proposed Precise Plan would not be adopted. Implementation of this alternative, however, would not preclude future development on the site, since the Project area is included within the City's Planned Urbanizing Area. Continued use of off-road vehicles (ORVs) on the property would accelerate continued erosion, destruction of sensitive plant and animal habitats. This use would not preserve over 50 percent of the Project in undisturbed natural open space, and could cause noise impacts to adjacent property, should they be developed in the future.

Certain of the adopted goals and objectives of the Otay Mesa Community Plan would not be met with the no-project alternative. These include the promotion of a balanced community in terms of housing types, economic appeal and opportunity, and provision for public improvements.

Adoption of the no-project alternative would result in the loss of approximately \$8,000,000 of currently expended funds. These funds include purchase cost, interest, consultants fees, and City processing fees.

Adoption of the no-project alternative would be equivalent to denial of the Project by the City. It could be considered a "public taking", and is not economically feasible.

## 2. Reduced-Grading Alternative

This alternative would reduce cut-and-fill slope areas throughout the Precise Plan area. It would reduce encroachment into canyons and open space areas and eliminate several manufactured slopes adjacent to designated open space. This reduced encroachment is not feasible, due to the topographic constraints of the natural landform and the loss of significant numbers of proposed units through a redesign. A net loss of 20.1 acres of buildable area and a total reduction of approximately 121 dwelling units would result with this alternative. Such a loss of lots would render the Project economically infeasible.

The following data illustrates the economic loss related to the reduced-grading alternative. Below is the Project's proposal:

Developable site area	204 ac
Proposed units	849 du
Cost per unit for site development	\$42,000
<b>Total</b>	<b>\$35,658,000</b>

Incorporation of the reduced-grading alternative would result in the following costs.

Developable site area	184 ac
Proposed units	728 du
Cost per unit for site development	\$46,700
<b>Total</b>	<b>\$34,000,000</b>

The reduced-grading alternative results in an economic loss of approximately \$1,700,000 to the developer. This alternative would also reduce the amount of revenue generated to the City.

In order to recoup the economic loss caused by the reduced-grading alternative, the developer would have to sell each home for a minimum of \$165,000. This selling price is not affordable to individuals seeking to reside in Otay Mesa.

Mitigation measures, such as the reduction of on-site grading, would create the need to export up to 2,000,000 cubic yards of dirt. This option would create excessive transportation costs which would render the Project economically infeasible.

$$2,000,000 \text{ CY} \times \$7.50 = \$15,000,000$$

Based on the City's "unit bonding price", these costs could reach up to \$7.50 per cubic yard, for a total cost of

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\$15,000,000. In addition, the off-site disposal of dirt could shift environmental impacts elsewhere.

The San Diego region is experiencing a large demand for affordable housing. Robinhood Homes, the developer of the Project, has a proven track record of providing affordable housing to the South Bay area. The following examples illustrate this point:

<u>Name of Project</u>	<u>Year(s) Built</u>	<u>Capacity</u>	<u>Starting Price</u>
Sunset Village	1986	144 apts	\$ 495
The Heights by Robinhood	1985	144 SF	90,000
The Village	1985	144 apts	495
Homes by Robinhood II	1984-85	187 SF	79,900
Village by Robinhood	1984-86	222 MF	55,900
Homes by Robinhood	1982-83	198 SF	69,900
Park Robinhood	1979-80	142 SF	79,900
Point Robinhood	1976-78	291 SF	62,900
Parkview	1976	102 SF	59,900

Land prices within the region dictate that most, if not all, affordable homes will be constructed in the South Bay area of the City. Any further redesign, alteration, or reduction in number of dwelling units will cause the prices of these homes to rise significantly.

Although impacts to biological resources, landform alteration and visual quality would be reduced incrementally by adoption of this alternative, significant impacts would still occur.

### 3. Reduced Grading for Palm Avenue

This alternative would reduce the height of cut-and-fill slopes along Palm Avenue to a maximum of 70 feet. Overall slope height reductions would occur along approximately 50 percent of Palm Avenue, from Robinhood Ridge to Interstate 805. However, it would not eliminate the necessity of filling in the heads of small canyons along the roadway. Significant impacts to biological resources would still remain. The significance would be reduced incrementally by the reduction of impacted areas. The reduction of cut-and-fill slopes to less than 70 feet would result in a reduced impact to landform and visual quality. However, the alternative grading scheme for Palm Avenue would impact areas of 25-percent slopes.

Given the topographic constraints that are present along Palm Avenue, this alternative could not be implemented, due to specific roadway standards required by the City of San Diego when future connections are made to other proposed development adjacent to the roadway. Since the property is

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off-site and not under the applicant's control, this alternative cannot be feasibly adopted.

The alignment of Palm Avenue has been shifted so that it is in substantial compliance with the adopted Community Plan. This alignment has been approved by both the Planning Department and the Engineering and Development Department. As such, this alternative is no longer applicable to the Project.

The first two Project alternatives (no project and reduced grading) present untenable economic impacts ranging from \$2,000,000 to \$15,000,000, which make these proposals economically infeasible, based upon the risks and long-term nature of the Project.

The third alternative (reduced grading from Palm Avenue off site) may no longer be applicable. In any event, this alternative is not favored by the applicant, since the property is off site, and control over its use or development cannot be assured.

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**STATEMENT OF OVERRIDING CONSIDERATIONS**

The decisionmaker, pursuant to the State CEQA Guidelines, after balancing the benefits of the Project against the unavoidable environmental effects identified in the EIR and the findings which remain, notwithstanding the mitigation measures and alternatives incorporated into the Project, determines that such remaining environmental effects are acceptable, due to the following:

- A. The Project is consistent with the Otay Mesa Community Plan, in that it will promote a balanced community in terms of housing types and economic appeal. The Project will develop proper design relationships to minimize conflicts between commercial, industrial, and surrounding residential areas and other uses. It will provide for the orderly development of Otay Mesa, in that it is within Phase One of the community plan. The approval of the Project would meet the goals and objectives of the environmental and design element of the community plan, in that it clusters development and preserves large areas of open space, retains natural features such as vernal pools and natural canyons, and conforms, to the extent feasible, to the natural landform of the Otay Mesa area. All policies, goals, and objectives of the community plan relating to public facilities are promoted through the design and implementation of the proposed Project, including provisions for a school site and facilities, parks, and public improvements.
- B. The Project will ultimately provide over 800 residential units, including housing of various age groups, family sizes, and racial and ethnic compositions, which would not be constructed if the Project were not approved and completed as proposed. It will, thus, provide a much-needed and valuable component of the City's housing market, and comply with the balanced goals of the adopted Otay Mesa Community Plan.
- C. The Project will ultimately provide a number of public improvements (in conjunction with contributions from neighboring developments), including:
  - 1. Construction of Palm Avenue to prime arterial standards between Interstate 805 and Robinhood Ridge Drive, a distance of approximately 1.5 miles.
  - 2. Provision of a second access connection to Heritage Road and Otay Valley Road.
  - 3. Contribution to the cost of construction of a traffic signal system at the intersection of Palm Avenue and Robinhood Ridge Drive.
  - 4. Provision of required water and sewer infrastructure needs, including a reclaimed water distribution system.
  - 5. Development of public parks and payment of park fees.

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6. The developer will contribute to a Facilities Benefit Assessment and pay all required Development Impact Fees.
  7. Contribution to the cost of improvements to the I-805 and Palm Avenue bridge.
  8. The developer will pay required school fees and participate in a school facilities plan which will provide for the present and future needs of all affected school districts and the community.
- D. The Project will also provide the following:
1. A biological mitigation and maintenance program for preservation of the vernal pool.
  2. A biological mitigation program for transplantation of Coast Barrel Cactus and Variegated Dudleya.
  3. A riparian replacement program consisting of 0.4 acre for 0.2 acre of lost habitat.
  4. A contribution of \$18,000 for the loss of 4.5 acres of vernal pool habitat to the City of San Diego Vernal Pool Preservation Program.
  5. Protection for the on-site population of Golden-Spined Cereus during grading and construction.
- E. The Project will provide for over 50 percent of the site to be open space.
- F. The Project will stimulate the regional economy by providing construction-related employment and employment related to the industrial, commercial, and residential elements of the Project.
- G. The Project will increase the economic base of the City of San Diego and increase property and sales taxes for the City of San Diego.
- H. The Project will extend the existing industrial development in the immediate project area.
- I. The Project's final map cannot be recorded and building permits cannot be issued until appropriate school sites for the western Otay Mesa area are approved.

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Mitigation Monitoring and Reporting Program

A. Biological Resources

1. Prior to recordation of a final map and prior to the issuance of grading permit, the subdivider shall prepare a biological mitigation and maintenance program for preservation of the vernal pool (Lot "G") satisfactory to the Principal Planner of the Environmental Analysis Section. Grading and landscape plans shall be revised if necessary to conform to such program.
2. Prior to recordation of a final map and prior to the issuance of grading permit, the subdivider shall prepare a biological mitigation program for transplantation of Coast Barrel Cactus and Variegated Dudleya, satisfactory to the Principal Planner of the Environmental Analysis Section.
3. Prior to recordation of a final map and prior to the issuance of grading permit, the subdivider shall prepare a riparian replacement program consisting of 0.4 acres for 0.2 acres lost, satisfactory to the Principal Planner of the Environmental Analysis Section.

Site inspection by EAS staff or a qualified biologist shall be conducted to confirm the implementation of these measures prior to issuance of building permits.

4. Prior to recordation of a final map and prior to the issuance of grading permit, the subdivider shall obtain necessary permits from the California Department of Fish and Game and the U.S. Army Corps of Engineers. Evidence of such permits shall be provided to and approved by the Principal Planner of the Environmental Analysis Section.
5. Prior to recordation of a final map, \$18,000 for the loss of 4.5 acres of vernal pool habitat shall be contributed to the City of San Diego Vernal Pool Preservation Program. Evidence of such permit shall be provided to the Principal Planner of the Environmental Analysis Section.
6. During grading and construction, chain link fencing shall be required for the protection of the plant population of Golden-Spined Cereus on-site. A site inspection by EAS or a qualified biologist shall be performed to verify that these measures have been implemented, prior to the issuance of a grading permit.

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7. Prior to recordation of a final map a revision to the tentative map as shown in Exhibit "A" for mitigation of the vernal pool shall be prepared by the applicant and reviewed and approved by the Principal Planner of the Environmental Analysis Section.
8. Lot "G" and the surrounding the open-space area shall be placed in an easement for purposes of permanent preservation. Maintenance of the lot shall be the responsibility of the subdivider until such time that a conservation agency assumes responsibility.
9. Prior to recordation of a final map or issuance of grading permit, evidence shall be provided satisfactory to the Principal Planner of the Environmental Analysis Section regarding mitigation for the loss of the Otay tarplant (*Hemizonia conjugens*).

B. Landform/Visual Quality

The Principal Planner of EAS shall review and approve grading/landscaping plans to insure that the grading techniques identified in Figures 18 and 20 of the EIR are implemented.

A field inspection shall be performed to ensure conformance with the approved plans prior to issuance of building permits.

C. Erosion Control

Grading Plans shall be reviewed and approved by the Principal Planner of EAS to confirm the provisions for the following measures:

All manufactured slopes shall be hydroseeded following completion of grading. The grading plan shall incorporate erosion control procedures to be used during project development. Temporary erosion control measures shall include, but not limited to, berms, interceptor ditches, sandbagging, hay bales, filtered inlets, debris basins, energy dissipating structures, or silt traps.

A field inspection may be required to ensure conformance with these measures.

D. Paleontological Resources

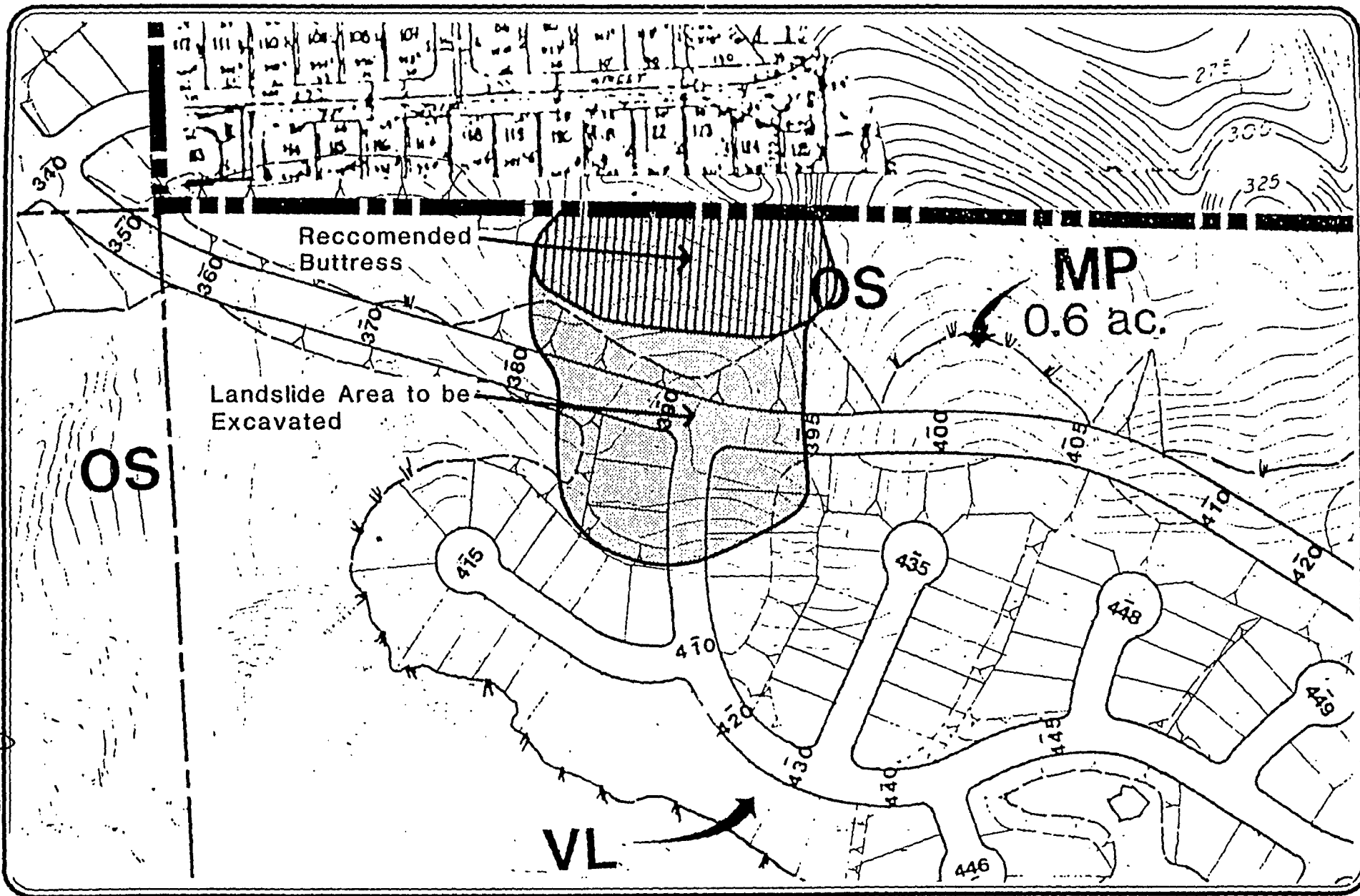
The Principal Planner of the EAS shall review and approve grading plans to insure the following measures:

1. The grading schedule and plans shall be provided to a qualified paleontologist in advance of actual development. A letter from the contracted paleontologist to EAS is required.
2. A qualified paleontologist shall be at any pre-grade meetings to discuss grading plans with the contractors.

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3. During grading, a qualified paleontologist shall be on-site during the original cutting of previously undisturbed sediments of potential fossil bearing formations.
4. The paleontologist shall be allowed to temporarily direct or divert grading to allow recovery of any fossil remains.
5. Any remains collected from the project shall be deposited in a scientific institution with paleontological collections.

A report describing the results of the above monitoring program shall be submitted to the Principal Planner of the Environmental Analysis Section, prior to the issuance of any building permits for the proposed project.

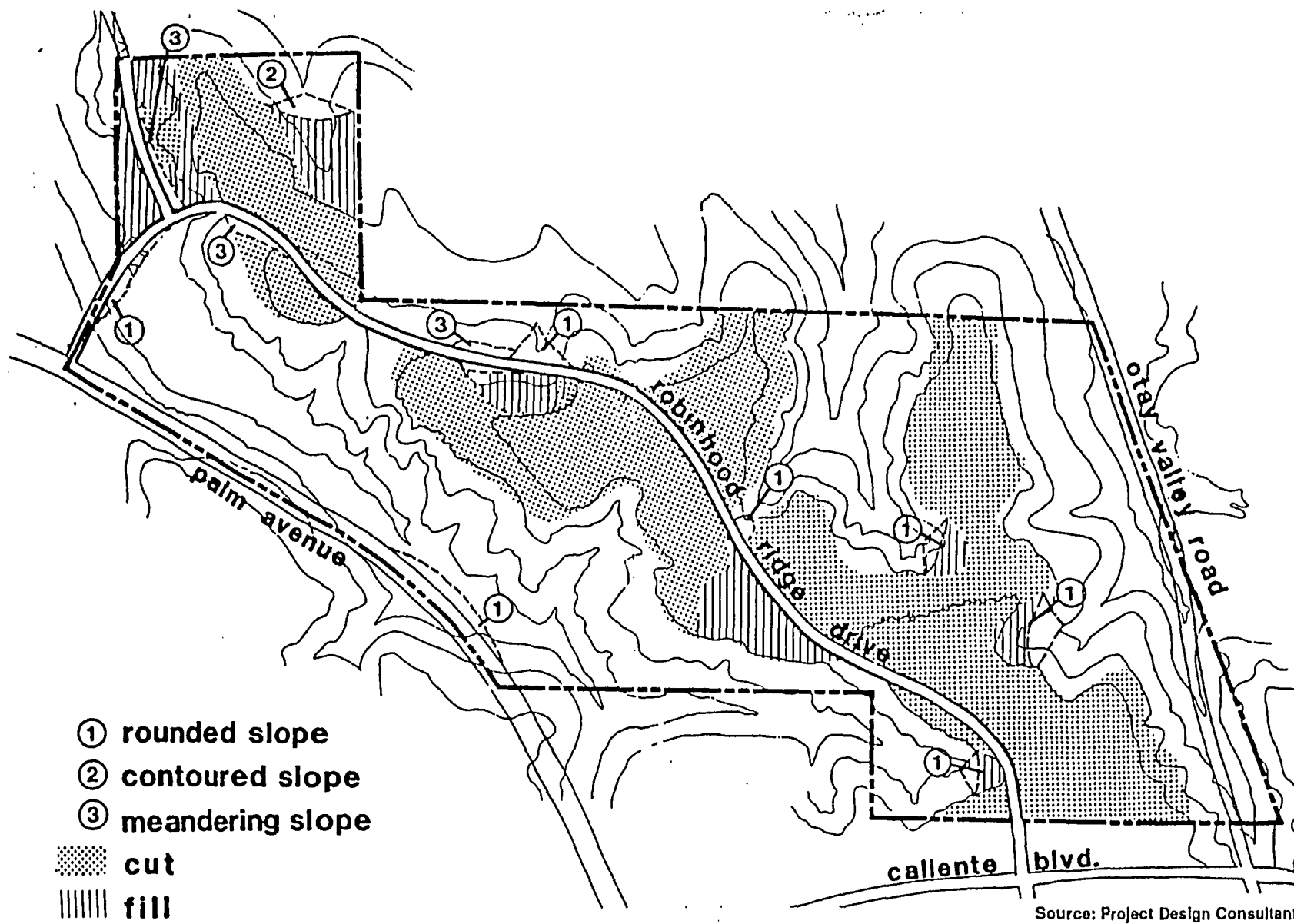


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Figure 20. Grading Required to Mitigate Central Landslide Area.







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Source: Project Design Consultants

Figure 18. Proposed Grading Techniques.



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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"/>
John Hartley	<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"/>
Tom Behr	<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 *Maureen L. Attecoro*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-278052 Adopted JUN 04 1991