

(R-92-1146)

RESOLUTION NUMBER R-279258

ADOPTED ON JANUARY 7, 1992

WHEREAS, on December 9, 1987, S.P.E. Corporation, a California corporation, submitted an application to the Planning Department for the River Trails Project including Planned Infill Residential Development and Resource Protection Ordinance Permit No. 87-1098 and Tentative Map No. 87-1098; 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 January 7, 1992; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Environmental Impact Report No. 87-1098; 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 NO. 87-1098, in connection with the River Trails Project, 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

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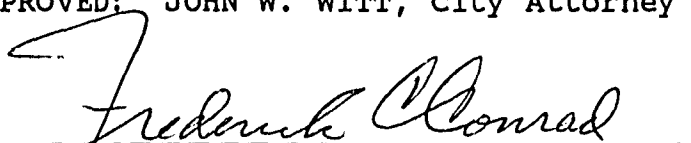
15091, the City Council hereby adopts the findings made with respect to the project, a copy of which is attached hereto and incorporated herein by reference.

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

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02/04/92
Or.Dept:Clerk
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FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

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 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 other 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 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.

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FINDINGS
FOR THE RIVER TRAIL TENTATIVE MAP
AND PLANNED INFILL RESIDENTIAL DEVELOPMENT
PLANNING DEPT

These findings have been prepared pursuant to Section 21081 of the California Public Resources Code and to Sections 15090 and 15091 of the California Administrative Code.

FINDINGS

A. The Decision-making Body, having reviewed and considered the information contained in the final EIR, the related documents, and record, finds that the final EIR is in compliance with the California Environmental Quality Act, and further finds that the following changes or alterations are being required in, or have been incorporated into the project, which mitigate or avoid significant environmental effects thereof, as indicated in the final EIR. Specifically:

1. GEOLOGY/SOILS

Impact. While no grading is proposed within the Floodway and the existing drainage pattern would be maintained, the majority (6.65 acres) of the project site would be graded. Existing fill and alluvial soils would be removed and recompacted prior to construction. A total of 55,000 cubic yards of fill would be placed on site to raise the project above the 100-year flood line. Fill slope ratios would be a maximum of 2:1. Soil erosion and downstream sedimentation could potentially occur as a result of grading.

Finding. Potentially significant erosion impacts would be mitigated to below a level of significance by implementation of the following erosion control measures:

1. Placement of a temporary berm along the southern boundary of the area to be graded while earthwork is being done.
2. Use of sandbagging, if needed, to complement the temporary berm.
3. Placement of temporary catchment or siltation basins.
4. Construction of permanent drainage systems concurrent with grading.
5. Prompt landscaping of cut/fill slopes and the buffer area.

2. NOISE

Impact. The proposed unit closest to Hollister Street would be subjected to adverse traffic noise levels anticipated from future traffic on Hollister Street. Exterior noise levels from aircraft operations at Ream Field are below the City's maximum compatible level for residential development (65 dBA CNEL), but single-event noise levels are sometimes higher.

Finding. Prior to issuance of building permits, the City of San Diego's Environmental Quality Division and Noise Abatement Officer shall review structural plans to ensure incorporation of the following noise-reducing materials:

- ° Mechanical ventilation for each unit, allowing for closed window conditions and improving the acoustical performance of the building envelopes by over 5 dBA.
- ° Two layers of acoustical blankets or two layers of R-19 insulation in the ceilings of the units.

These measures would mitigate interior noise impacts to below a level of significance. The single-event noise impacts are intermittent, and are not considered significant. However, prospective residents would be advised of the potential for these nuisance-level impacts by a notification posted in the sales office.

3. SCHOOLS

Impact. The proposed project is expected to generate approximately 30 elementary school students and 13 secondary school students. The addition of these students to Nestor Elementary, Southwest High, or Mar Vista High Schools would represent a significant impact because these facilities are presently operating over capacity.

Finding. Prior to issuance of building permits, the applicant shall submit developer fees to the City of San Diego pursuant to Government Code Section 65995. Payment of these fees would mitigate direct school impacts below a level of significance. In addition, prior to issuance of building permits, the applicant shall provide proof of funding for purchase of a modular classroom and inclusion in a Mello-Roos CFD in order to mitigate cumulative impacts to schools below a level of significance.

B. The Decision-making Body, having reviewed and considered the information contained in the final EIR, the related documents, and record, finds that none of the changes or alterations required in,

or incorporated into the project, are within the responsibility or jurisdiction of another public agency.

C. The Decision-making Body, having reviewed and considered the information contained in the final EIR, the related documents, and record, having found that all significant impacts identified in the final EIR can be substantially lessened by mitigation measures, further finds that there are specific economic, social, or other considerations which would make infeasible the No Project alternative identified in the final EIR.

Prior discussions between the applicant and the City of San Diego resulted in a redesigned, reduced-density project as the proposed action. Thus, the only alternative identified in the final EIR was the CEQA-mandated No Project alternative.

The No Project alternative is infeasible for the following economic and social reasons:

- ° The parcel is zoned for residential development and is designated for low density (5-10 du/ac.) residential development by the Otay Mesa-Nestor Community Plan, consistent with the proposed project.
- ° An Irrevocable Offer of Dedication to the California Coastal Conservancy (Permit No. F8785) exists on the site, that dedicates the property "for the purpose of developing low cost housing and a buffer area for adjacent agricultural areas."
- ° The General Plan and Community Plan, as well as state law and legislative policy, express a need and desire for affordable housing. The No Project alternative would be inconsistent with these state and local policies and goals because no affordable housing would be provided on land designated for such use.
- ° The size and location of the parcel indicates that it is suitable for the proposed development project.

MITIGATION MONITORING AND REPORTING PROGRAM

RIVER TRAIL SUBDIVISION DEP NO. 87-1098

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 for implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. All mitigation measures contained in EIR No. 87-1098 shall be made a condition of PIRD/RPOZ permit No. 87-1098 and/or the Tentative Map No. 87-1098.

Erosion

The following measures are conditions of the tentative map and shall be incorporated in the grading plan:

1. Placement of a temporary berm along the southern boundary of the area to be graded while earthwork is being done on the balance of the site. This berm would be removed upon completion of grading.
2. Use of sandbagging to complement the berm(s) if needed.
3. Placement of temporary catchment or siltation basins.
4. Construction of permanent drainage systems concurrent with site grading.
5. Rapid landscaping of cut/fill slopes and the buffer zone.

The Environmental Analysis Section of the Planning Department shall review site preparation (grading) plans for consistency with the above measures prior to issuance of a grading permit. After completion of grading and prior to issuance of building permits, a site inspection conducted by City staff shall be required to ensure compliance with the mitigation program.

Noise

The following measures are conditions of the PIRD permit and shall be incorporated in the building plans:

1. Provide each residential unit with mechanical ventilation, allowing for closed window conditions and improving the acoustical performance of the building envelopes by over 5 dBA.
2. Insulate ceilings with two layers of R-19 insulation or

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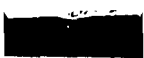
two layers of acoustical blankets.

The Environmental Analysis Section of the Planning Department and the Noise Abatement Administrator shall review construction plans for consistency with the above measures prior to issuance of a building permit. A site inspection by a structural engineer to verify compliance with the mitigation measures shall be required prior to the final inspection and certificate of occupancy.

Schools

As a condition of the tentative map and prior to issuance of building permits the applicant shall submit developer fees to the City of San Diego pursuant to Government Code Section 65995. These fees would mitigate direct impacts to the South Bay Union School District and the Sweetwater Union High School District. In addition, prior to issuance of building permits, the applicant shall provide proof of funding for purchase of a modular classroom and inclusion in a Mello-Roos CFD in order to mitigate cumulative impacts to schools.

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Passed and adopted by the Council of The City of San Diego on JAN 07 1992
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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 type="checkbox"/>	<input checked="" 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 Mary Cepeda Deputy.

Office of the City Clerk, San Diego, California

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