

(R-92-1790)

RESOLUTION NUMBER R-279850

ADOPTED ON APRIL 27, 1992

WHEREAS, on July 14, 1988, Milton G. Upton submitted an application to the Planning Department for a Vesting Tentative Map, Planned Residential Development and Hillside Review Permit; 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 April 27, 1992; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Addendum DEP No. 91-0619 to Supplemental Environmental Impact Report ("EIR") DEP No. 88-0767 and the previous EIR DEP No. 84-0744; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that the information contained in Addendum DEP No. 91-0619, together with any comments received during the public review process, 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

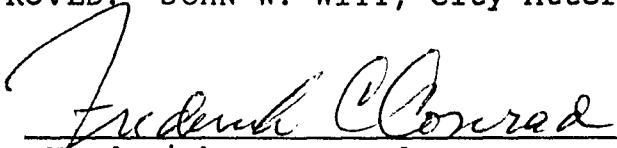
respect to the project, a copy of which is attached hereto and incorporated herein by reference.

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

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05/29/92
Or.Dept:Clerk
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FINDINGS AND STATEMENT
OF OVERRIDING CONSIDERATIONS FOR THE
RANCHO LA CRESTA
VESTING TENTATIVE MAP AND
PLANNED RESIDENTIAL DEVELOPMENT PERMIT

The following findings are adopted relative to the conclusions and recommendations of the final Supplemental EIR DEP No.88-0767 (SCH No.90010822) to the Scripps Miramar Ranch Plan Amendment EIR DEP No.84-0744 (SCH No.84121208) and as addended by Addendum DEP No.91-0619.

The City Council on April 27, 1992, certified the Addendum DEP No.91-0619 to the Supplemental EIR DEP No.88-0767 and adopted a statement of overriding considerations.

FINDINGS

A. The decision-making body, having reviewed and considered the information contained in the Addendum DEP No. 91-0619, Supplemental EIR DEP No.88-0767, the previous plan amendment EIR DEP No.84-0744, and related documents and record, finds that the following changes or alterations are being required in, or have been incorporated into, the Project in order to lessen the significant environmental effects identified in the Supplemental EIR as addended by the Addendum.
Specifically:

1. Landform/Visual Quality:

Impact: Implementation of the proposed project would result in the following in the following impacts to the existing landform:

Construction of the residential portion and the internal road system would require grading of approximately 90 acres of the 163-acre project site. Grading would involve 2,700,000 cubic yards of balanced cut-and-fill, including lowering of the ridge tops and filling in the eastern canyon. The western canyon would be left in natural open space.

Maximum slope ratio in the project site would be 2:1 or 3:1 (horizontal to vertical), with maximum slope heights of approximately 60 feet and length of 150 feet.

The visual character of the property would change from what is presently vegetated canyon and ridges to a residential development.

Public views from Poway Road would be of a residential development as opposed to natural vegetation, along the two ridges and the eastern canyon. The large western canyon would be kept as is, maintaining a portion of the existing views.

The topographic trend of the property is south-to-north canyons and ridges. The project would follow and maintain that natural trend.

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Significance of Impact. The grading associated with this project is significant and unmitigated. The Scripps Ranch Amendment EIR (DEP No.84-0744) was certified with overriding considerations regarding significant, unmitigable impacts to landform and visual quality. The conceptual grading plan for amendment estimated 5,500,000 cubic yards of cut-and-fill over 386 acres. The proposed project would require 2,700,000 cubic yards of grading over 90-acres to be altered of the 162.8-acre site or 30,000 cubic yards per graded acre. This amount of grading is significant.

The project site includes 120 acres in the Hillside Review Overlay Zone. Approximately 74 percent of the project area (109.5 acres) contains slopes greater than 25 percent. Almost 59 acres (53%) of this steeply sloped area would be graded. This amount of grading is significant.

Finding. The following features have been incorporated into the project design which reduces the landform alteration/visual impacts:

a) The project proposes a total of approximately 107.3 acres of open space on the 162.8-acre site (66%). This would include the brush management lots, 44.6 acres of useable open space (excluding streets, driveway, parking areas, dedicated open space, and 30.9 acres of dedicated open space in the western canyon (Figure 4 of Supplemental EIR DEP No.88-0767). An extensive landscaping plan including a brush management plan is part of the project.

Grading techniques have been incorporated into the project which would reduce landform and visual impacts. Manufactured slopes will not be steeper than 2:1. The manufactured slopes, in coordination with the landscape plan would be rounded when adjacent to open space areas to allow blending of manufactured and natural slopes. Interior slopes would be undulated when feasible to provide blending.

b) Grading plans shall be reviewed by City staff to determine that blending of natural and manufactured slopes and other sensitive grading techniques called for in the landscape plan have been incorporated.

The applicant shall provide verification that a landscape architect has been retained for the purposes of implementing the mitigation measures specified in the brush management/landscape plan. A qualified biologist or landscape architect shall monitor the landscaped slopes once every two weeks for two months and then once every month for the subsequent six months, and then three times a year for the subsequent two years. This is a total of 32 months. The biologist or landscape architect shall report results to the Development and Environmental Planning Division of the City Planning Department. These results shall describe the status of the landscape effort (i.e. plant height, establishment, vegetative cover, density) and discuss steps, if necessary, to remedy any identified problem areas. Such measures may include replacement of failed vegetation, additional planting, fertilization, pest species

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removal, irrigation modification, and additional erosion control in order to conform to the brush management/landscape plan.

The applicant shall be required to bond for landscaping to insure the success of this mitigation.

These project design features, however, are not sufficient to reduce the significant landform/visual quality impacts to below a level of significance.

2. Brush Management of Mixed Chaparral:

Impact. "Approximately 38 acres of vegetation would be thinned as part of the brush management plan, including about 15 acres of chamisal and 23 acres of mixed chaparral. The large western canyon would remain in natural open space, leaving about 19 acres of chamisal vegetation and 12 acres of mixed chaparral undisturbed. The mixed chaparral vegetative association is considered a "sensitive" habitat, because it is declining with regional development" (see page 41 of Supplemental EIR DEP No.88-0767).

"Removal of vegetation in conjunction with a brush management program would not affect any designated sensitive species. The only sensitive species identified on the subject property is the San Diego barrel cactus in the northwestern portion of the property. This population would be subject to impacts from the proposed Scripps North Parkway/South Poway Parkway."

Significance of Impact. No rare and endangered, sensitive species would be directly affected by the project. The removal or thinning of the sensitive mixed chaparral is a significant and unmitigated impact.

Finding. No changes or alterations are incorporated into the project to mitigate the loss of the sensitive mixed chaparral habitat. The proposed natural open space will preserve 13 acres of the sensitive mixed chaparral; however the impact remains significant and unmitigated.

3. Noise:

Impact. The only source of significant noise impact would be the future traffic along the planned Scripps North Parkway/South Poway Parkway.

The planned parkway will traverse the northern portion of the project site. The near-term future traffic volume on the parkway is expected to be 16,000 average daily trips (ADT). The traffic volume is expected to increase to 31,000 ADT by ultimate build out of the community.

Significance of Impact. Future traffic noise levels due to vehicular travel on Scripps North Parkway/South Poway Parkway would create a significant noise impact. Units on the project site DEP

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within 150 to 300 feet of the centerline of the planned parkway would be subject to exterior noise levels exceeding 65dBA.

Finding. The developer of the project site will construct noise barriers sufficient in height and length such that all future residents along the planned parkway will not be subject to noise levels in exceedance of City standards. The location of the noise barriers are shown on Figure 7 of the Supplemental EIR DEP No.88-0767. Construction of sufficient noise barriers prior to occupancy will mitigate significant noise impacts to below a level of significance.

B. The decision-making body, having reviewed and considered the information contained in the Supplemental EIR DEP No.88-0767 as addended by Addendum DEP No.91-0619 and the related plan documents and record, finds that no changes and alterations which mitigate, avoid, or substantially lessen the significant environmental effects of the project, are within the responsibility and jurisdiction of another public agency.

C. The City Council, the decision-making body, having reviewed and considered the information contained in the Supplemental EIR DEP No. 88-0767 as addended by Addendum DEP No.91-0619 and the related plan documents and record, finds that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Supplemental EIR DEP No.88-0767. The decision-making body further finds that certain environmental effects of the project are unavoidable or have been reduced to an acceptable level. Specifically:

1. No Project Alternative. Cypress Canyon Road (street "AA") and the Cypress Canyon Road (Street"Q"), which are planned roads in the Circulation Element of the Community Plan, would not be built concurrently with this project. Street "A", which is also planned in the Circulation Element and is planned to connect Cypress Canyon Road and the planned Scripps North Parkway/South Poway Parkway, would also not be built concurrently with this project. The project is part of a facilities financing plan upon which a number of public improvements rely, including schools, a library, a fire station, a 10-acre community park, improvements to Pomerado Road for the Scripps Miramar Ranch Community Plan Amendment as adopted by the City Council on June 29, 1987, and the "Scripps Miramar Ranch Public Facilities Financing Plan and Facilities Benefit Assessment", dated February, 1989. The No Project alternative would create a gap in this financing plan.

2. Reduced Grading Alternative. The reduced grading alternatives identified in the Supplemental EIR DEP No.88-0767 would substantially reduce the number of dwelling units while retaining project related costs and contributions to community public improvements, including the concurrent construction of Circulation Element roads. With a reduction in the number of dwelling units, the per-unit contribution would increase proportionately. Such an

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alternative would reduce the financial base of the project or, conversely, force an increase in the per-unit price of the dwelling units, which could make the project non-competitive in the area housing market and therefore infeasible.

3. Alternative Sites Alternative. The project area carries several provisional zoning designations: R-3000, R-1-6, A-1-10 (open spaces), and Hillside Review Overlay Zone. The Community Plan has designated the project area for low and low-medium density residential uses. Most of the land within the Scripps Miramar Ranch and Miramar Ranch North Community Planning Areas carries similar zoning and plan designations. Therefore, potential alternative sites could be sought throughout these community plan areas. Topographic maps of these planning areas indicate that the topography of the project site is representative of the topography throughout the entire planning areas. Therefore, significant impacts to landform associated with project development consistent with the plan density would remain significant even if an alternative site were chosen within Scripps Miramar Ranch or Miramar Ranch North Community Planning Areas. The only relatively flat land in the project vicinity is Poway Valley, within the jurisdiction of the City of Poway. No parcels of comparable size to the project site (163 acres) remain undeveloped within Poway Valley.

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STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council, the decision-making body, in approving the Rancho La Cresta VTM/PRD/HR Permit that are the subject of Supplemental EIR DEP No.88-0767 as addended by Addendum DEP No.91-0619, makes the following statement of overriding considerations in support of findings that the benefits of the project outweigh its unmitigated, adverse environmental effects.

The project provides the following benefits to the public:

1. The project will assist in the financing of three Progress Guide and General Plan Circulation Element roads, and in particular:

a) will provide, at no cost to San Diego or Poway, the right-of-way and associated easements for the construction of the Scripps North Parkway (Alternative *A); and

b) will contribute \$550,000.00 to the City for the future conversion of Alternative 8A within the Scripps Ranch Community from its planned four (4) lanes with a center median to proposed six (6) lanes without a median.

2. The project will contribute \$800,000.00 to the City to fund other planned benefits and improvements for the Scripps Ranch Community.

3. The project is part of a financing plan upon which a number of public improvements rely, including schools, a library, a fire station, and improvements to roadways within the Scripps Miramar Ranch.

4. The project area is within the Planned Urbanizing Area of the City of San Diego Progress Guide and General Plan. This area is appropriately designed for development necessary to meet the needs of the anticipated growth within the City of San Diego.

5. The project will provide the economic benefits of real property taxes and employment resulting from the construction of the project.

6. The project will assist in the financing of a turnkey 10-acre neighborhood park. The neighborhood park is needed by all the residents of the existing Miramar Ranch Community.

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MITIGATION MONITORING AND REPORTING PROGRAM
FOR THE RANCHO LA CRESTA VTM/PRD/HR PERMIT
(DEP EIR NO.88-0767/ADDENDUM NO.91-0619)

The California Environmental Quality Act (CEQA) requires that a Mitigation Monitoring and Reporting Program (MMRP) be adopted upon certification of an Environmental Impact Report (EIR) in order to ensure that the mitigation measures are carried out. The MMRP should specify the entity responsible for monitoring the program, what the mitigation is, and when in the process it should be accomplished.

The City of San Diego will be responsible for ensuring that the mitigation is completed for the Rancho La Cresta project. The mitigation measures will reduce significant impacts to landform alteration and visual quality and to biological resources due to the required brush management program; however, these significant impacts will not be reduced to a level of insignificance. The following mitigation measures were first proposed in the draft EIR distributed for public review and were included unchanged in the final EIR. The following is a brief description of the mitigation monitoring and reporting program completed for this project. The timing of the implementation of the proposed mitigation measures has been added in the following MMRP.

A. Landform Alteration/Visual Quality

Mitigation: (SEIR Page 19) - The project proposes a total of 107.3 acres of open space on the 162.8 acre property. This would include brush management lots, 44.6 acres of usable open space (excluding streets, driveways parking areas, dedicated open space, and land with overall slope exceeding 10 percent), and 30.9 acres of dedicated open space in the western canyon (SEIR Figure 4). An extensive landscape plan, to include a comprehensive brush management plan, is part of this project.

Grading techniques have been incorporated into the project which would lessen landform and visual impacts. Manufactured slopes would have a maximum slope gradient of 2:1. The slopes, in coordination with the landscape plan would be rounded when adjacent to open space areas to allow blending of manufactured and natural slopes. Interior slopes would be undulated when feasible to provide blending.

Mitigation Monitoring Program: (SEIR Page 20) - Grading plans shall be reviewed by City staff to determine that blending of natural and manufactured slopes and other grading techniques have been incorporated.

The applicant/developer shall provide verification prior to approval of grading plans that a landscape has been retained for the purpose of implementing the mitigation measures specified in the brush management/landscape plan. After brush management program has been conducted and the landscape plan has been initially implemented, a qualified biologist or landscape architect

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shall monitor the landscaped slopes

- a) once every two week for two months and then
- b) once a month for the remainder of the first six months and then
- c) three times a year for two years.

This landscape monitoring effort by the qualified landscape architect/biologist will be conducted for a total of thirty-two (30) months.

The biologist or landscape architect shall report results in writing to the Development and Environmental Planning Division on four occasions after the monitoring effort begins - at the end of the first two months; at the end of six months; at the end of eighteen months, and at the end of the thirty month monitoring period. These results shall describe the status of the landscape effort (i.e., plant height, establishment, vegetative cover, density) and discuss steps, if necessary to remedy any identified problem areas. Such measures may include replacement of failed vegetation, additional planting, fertilization, pest species removal, irrigation modification, and additional erosion control.

The applicant/developer shall be required to bond for the landscaping in equal amount to the initial approved, extensive landscaping effort to ensure the success of this mitigation.

B. Noise

Mitigation (SEIR Page 27) - Mitigation measures for traffic noise from the planned Scripps North Parkway/South Poway Parkway include noise barriers and mechanical ventilation systems in the units which would be subject to unacceptable interior noise levels (SEIR Figure 7). Significant exterior noise levels could be reduced to below a level of significance (i.e. 65 d-BA CNEL) through construction of four noise barriers, as shown on Figure 7. These barriers would consist of earthen berm, solid masonry wall, or a combination of the two. They would be located on top of the manufactured slopes between the roadway and the residential structures.

Mitigation Monitoring Program (SEIR Page 31) - Prior to the issuance of a Building Permit, the project's construction plans shall be reviewed by the City's Development and Environmental Planning Division and the Noise Abatement Administrator to determine that these measures have been incorporated. A site inspection conducted by a structural engineer shall be required to verify compliance with the mitigation measures (the construction of noise barriers and/or installation of mechanical ventilation) shall be required prior to issuance of occupancy permits. The applicant/developer shall construct the noise barrier prior to issuance of occupancy permits.

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C. Paleontology

Mitigation (SEIR Page 32) - Development of the site would potentially create significant impacts to paleontological resources. Therefore, a monitoring program would be implemented by Paleo Services, as a qualified paleontological consulting firm, which would avoid adverse impacts or lessen them to below a level of significance. This program would be made a condition of the VTM and would include the following:

- o Have a paleontologist present at the pregrade meeting to discuss the mitigation procedures with the grading and excavation contractors.
- o Have a paleontologist monitor on site at all times during the original cutting of undisturbed sedimentary rocks of the Stadium Conglomerate and the Mission Valley Formations to monitor grading activities and collect any fossils which are unearthed.
- o In the event that richly fossiliferous shell or bone layers are encountered, a screen washing program would be conducted. This would insure the recovery of important microfossil remains.
- o Following the salvage of macro- and microfossils from the project site, a limited preparation program would be conducted to clean and repair fossil remains.
- o The prepared collection would then be offered to the San Diego Natural History Museum for permanent storage.
- o A brief letter report would be prepared to summarize the salvage program.

Mitigation Monitoring Program (SEIR Page 34) - The applicant/developer shall provide verification that a qualified paleontological consultant has been retained to conduct the monitoring program detailed above prior to approval of the grading plan. The paleontological consultant shall report in writing to the City's Development and Environmental Planning Division. This report shall contain the results of the monitoring effort and resource salvage operation if significant fossils are encountered.

D. Brush Management

(The mitigation and monitoring program described in Section A. Landform Alteration/Visual Quality are also applicable to reducing brush management impacts.)

Potentially significant soil erosion impacts due to vegetation removal for brush management would be reduced to below a level of significance by the proposed erosion control techniques included in the brush management plan (SEIR Appendix D).

Mitigation (SEIR Page 42) - Grading and erosion control techniques

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have been included as conditions of approval for the Tentative Map and are detailed in (SEIR) Section IV E, Geology/Soil Erosion. The brush management plan (SEIR Appendix D) includes provisions for use of plant material which would stabilize slopes and minimize erosion.

Mitigation Monitoring Program (SEIR Page 43) - The applicant/developer shall provide verification that a landscape architect has been retained prior to the approval of grading plans for the purpose of implementing the mitigation ,measures specified in the brush management/landscape plan approved by the Development and Environmental Planning Division. A qualified biologist or landscape architect shall monitor the landscaped slopes once every two weeks for the first two months and then once a month for the remainder of the first six months and then three times a year for two years. The biologist or landscape architect shall report results in writing to the Development and Environmental Planning Division at least three times (specified in Section A. Landform Alteration/Visual Quality).

The applicant/developer shall be required to bond for the landscaping prior to grading in the amount equal to the initial landscaping effort to ensure the success of this mitigation.

E. Geology/Soil Erosion

Mitigation (SEIR Page 45) - Grading and erosion control techniques have been included as conditions of approval for the Tentative Map. These include:

- o Phase grading to avoid ground clearance during the rainy season or far in advance of construction;
- o Limit grading only to what is necessary to avoid spillovers into adjacent natural areas;
- o Water and cap final earth structures; and
- o Expedite revegetation of graded slopes using the techniques outlined in the brush management/landscape plan (see SEIR Section IV D, Brush Management).

Mitigation Monitoring Program (SEIR Page 45) - The applicant/developer shall provide verification that a landscape architect has been retained prior to approval of grading plans for the purpose of implementing the erosion control measures specified in the brush management/landscape plan approved by the Development and Environmental Planning Division.

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Passed and adopted by the Council of The City of San Diego on APR 27 1992
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" 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"/>
George Stevens	<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"/>
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 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:

(Seal)

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Branda L. Bornee, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R 279850 Adopted APR 27 1992