

(R-93-536)

RESOLUTION NUMBER R- 280820

ADOPTED ON 001 01 1992

WHEREAS, the Kearny Mesa Community Plan was set for a public hearing to be conducted by the Council of The City of San Diego to consider the proposed Kearny Mesa Community Plan and associated items including a proposed Kearny Mesa Public Facilities Financing Plan, amendments to the Serra Mesa Community Plan, amendments to the Progress Guide and General Plan, Environmental Impact Report (EIR) No. 87-0626 and Supplemental EIR No. 91-0844; and

WHEREAS, the Kearny Mesa Community Plan and associated items were heard by the Council on October 6, 1992; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Environmental Impact Report (EIR) No. 87-0626 and Supplemental EIR No. 91-0844; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Environmental Impact Report No. 87-0626 and Supplemental EIR No. 91-0844, in connection with the Kearny Mesa Community Plan, 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 Code of Regulations section 15000 et seq.), that the EIR and Supplemental EIR reflect the independent judgment of The City of San Diego as Lead Agency and that the information contained in said report, together with any comments

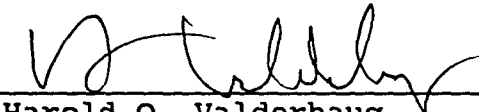
received during the public review process, has been reviewed and considered by this Council.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations 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 Code of Regulations 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.

APPROVED: JOHN W. WITT, City Attorney

By



Harold O. Valderhaug
Chief Deputy City Attorney

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Or.Dept:Plan.
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FINDINGS
(DEP NO. 91-0844)

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

- 1) Changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant environmental impacts 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 considerations 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 Analysis Section of the City of San Diego Planning Department does not recommend that the decisionmaking 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.

**FINDINGS
FOR THE KEARNY MESA COMMUNITY PLAN**

**DEP No. 91-0844
August, 1992**

The findings set forth below pertain to the proposed Kearny Mesa Community Plan (dated June 1992). The proposed Kearny Mesa Community Plan has been prepared by the City of San Diego Planning Department in cooperation with the Kearny Mesa Community Planning Group, public agencies and other interests.

The June 1992 draft community plan would supersede portions of the currently adopted Serra Mesa Community Plan (adopted on July 27, 1977) and a previous draft Kearny Mesa Community Plan (dated September 1991). The Kearny Mesa Community Plan was prepared in response to a number of changes that occurred in the Kearny Mesa employment center since the adoption of the 1977 Serra Mesa plan.

As indicated in Supplemental EIR 91-0844, significant unmitigated environmental impacts would result if the draft Kearny Mesa Community Plan were adopted and implemented. Therefore, these Findings, along with a Statement of Overriding Considerations, have been prepared for adoption concurrent with the adoption of the proposed community plan.

Having reviewed and considered the information contained in the Kearny Mesa Community Plan's Final Environmental Impact Report (EIR 89-1222), Supplemental EIR 91-0844, related documents and the public record, the Council of the City of San Diego has made the following findings pursuant to Section 15093 of the California Administrative Code:

- A. The City Council finds that no changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental impacts as identified in Supplemental EIR 91-0844.
- B. The City Council finds that there are no changes or alterations within the responsibility of another public agency which are necessary to avoid or substantially lessen significant environmental effects.
- C. The City Council finds that specific economic, social or other considerations make infeasible the project alternatives identified in Supplemental EIR 91-0844 to reduce the significant impacts on traffic and air quality.

1. IMPACT:

Traffic: The commercial development allowed by the June 1992 draft Kearny Mesa Community Plan could result in an impact on intersections and community streets. Any traffic that would result from additional commercial and office uses in both new and redeveloped areas would be considered a significant traffic impact.

Air Quality: Significant direct and cumulative air quality impacts would occur with the implementation of the June 1992 draft Kearny Mesa Community Plan. Proposed development would result in the growth of a major employment center and associated increases in traffic congestion in addition to several intersections operating at Level of Service (LOS) D or below.

2. FINDING:

Supplemental EIR 91-0844 addresses two alternatives which reduce significant unmitigated impacts associated with the proposed Kearny Mesa Community Plan dated June 1992. In addition, EIR 87-0626 addresses an alternative (the No Project Alternative) which is relevant to the June 1992 draft Kearny Mesa Community Plan. The environmental benefits of each of these alternatives and the reasons for their rejection are described below.

a. No Project Alternative:

This alternative to the June 1992 draft Kearny Mesa Community Plan would prohibit additional development in the community, thereby avoiding traffic and air quality impacts.

This alternative is infeasible for the following reasons:

1) A building moratorium would be required to maintain the status quo.

2) The alternative would create economic hardship on landowners with vacant property interested in developing their property.

3) The Kearny Mesa community is a major urban activity and employment center due to its centrality and freeway access. This alternative would conflict with the City's long-term goal of retaining and enhancing the Kearny Mesa employment center.

4) The Progress Guide and General Plan encourages employment growth in the manufacturing sector, and the no project alternative would be inconsistent with that goal.

5) Potential tax revenue to the City, such as sales and property tax revenue, could be reduced.

6) This alternative would be less conducive to bus or light rail transit travel. Necessary transit improvements would not be financed through development fees if the no project alternative were implemented.

7) Redevelopment which could help to implement the urban design goals of the community plan would not occur.

b. More Regulatory Control Alternative:

This alternative to the June 1992 draft Kearny Mesa Community Plan provides for more regulatory control by retaining the September 1991 draft Kearny Mesa Community Plan as originally proposed. This alternative would reduce impacts but not to below a level of significance.

This alternative is infeasible for the following reasons:

1) Implementation of this alternative could create a disincentive to develop or redevelop property in Kearny Mesa because more land use restrictions would be imposed on private property. Additional permit processing fees would be required, and these additional expenses could dissuade certain property owners from fully developing their land. In addition, this alternative would be difficult to administer due to the wide range of uses allowed in the zones which would implement the September 1991 draft Kearny Mesa Community Plan recommendations.

c. Reduced Development Intensity Alternative:

This alternative to the June 1992 draft Kearny Mesa Community Plan would mitigate air quality and traffic impacts to a level below significance by reducing development intensities as discussed in the original EIR (87-0626).

This alternative is infeasible for the following reasons:

1) It would reduce the community's role as a major employment center because intensive land use proposals would not be allowed.

- 2) It would provide property owners with a reduced incentive to reinvest or redevelop, thereby slowing the attainment of urban design goals.
- 3) Disincentives for commercial reinvestment could cause the blight of existing commercial strip development.
- 4) Potential tax revenue to the City, such as sales and property tax revenue, could be reduced.
- 5) This alternative would be less conducive to bus or light rail transit travel than the proposed community plan.

**STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE (JUNE 1992) KEARNY MESA COMMUNITY PLAN**

**DEP No. 91-0844
August, 1992**

The City Council, pursuant to the CEQA Guidelines, after balancing the benefits of the proposed Kearny Mesa Community Plan against unavoidable significant direct and/or cumulative impacts of the project on traffic circulation and air quality, determines that the impacts are acceptable due to the following overriding considerations:

1. Land uses recommendations of the proposed Kearny Mesa Community Plan include retail, office, and industrial uses which are essential to serve the consumer and employment needs of the City of San Diego and the region.
2. Land use recommendations of the proposed Kearny Mesa Community Plan and Implementation Program are more restrictive than those allowed by the currently adopted Serra Mesa Community Plan. The impacts associated with the proposed Kearny Mesa Community Plan are therefore less severe than those associated with the currently adopted Serra Mesa Community Plan.
3. The proposed Kearny Mesa Community Plan incorporates improvements in the circulation system intended to reduce traffic congestion in the community. Proposed circulation system improvements include street widenings and restriping, as well as proposals for improved bus service and shuttle systems which serve the community.

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Passed and adopted by the Council of The City of San Diego on OCT 06 1992
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"/>
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 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:

(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 Blonda R. Barnes, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-280820 Adopted OCT 06 1992

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