

RESOLUTION NUMBER R- 281333

ADOPTED ON JAN 11 1993

WHEREAS, a Mitigation, Monitoring, and Reporting Program (the "Program") has been developed in connection with the development and approvals associated with the Scripps Miramar Ranch Neighborhood Park; and

WHEREAS, the Program is consistent with The City of San Diego's Mitigation Monitoring and Reporting Program dated January 1991; and

WHEREAS, the City's Park and Recreation Department shall be the entity responsible for ensuring the Program's objectives and reporting requirements are met; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that the information contained in DEP. File No. 89-0784, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects 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 in connection with the approval of SCRIPPS MIRAMAR RANCH NEIGHBORHOOD PARK.

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.

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.

BE IT FURTHER RESOLVED, that the Director of The City of San Diego's Park and Recreation Department, or designee, is hereby authorized to carry out the provisions of the Program, and work with such other City departments as necessary in implementing the Program's elements and work plan.

APPROVED: JOHN W. WITT, City Attorney

By Stuart H. Swett  
Stuart H. Swett  
Senior Chief Deputy City Attorney

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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 Analysis Section of the Development and Environmental Planning 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.

**CANDIDATE FINDINGS  
FOR THE SCRIPPS-MIRAMAR NEIGHBORHOOD PARK PROJECT**

These findings have been prepared pursuant to Section 21081 of the California Public Resources Code and to Section 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 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:

Impact. Development of the park would require lowering the existing knoll top and would result in a reduction in site elevation from the current 827 feet to a final elevation of 797 feet. Project grading would result in a net height reduction of 20 percent (30 feet) of overall knoll height as viewed from lake level. The grading is proposed to allow construction of an 2.15-acre open turf area, exercise stations, picnic areas, two children's play areas with seating, walkways, low-level security lighting, and a parking lot for 24 vehicles.

The total area of the site that would be disturbed by grading or placement of fill would be 5.1 acres. The remaining 7.9 acres of the site would be unaffected and would retain existing slopes, native vegetation, and the eucalyptus trees. No off-site grading would be required. The total volume of the cut required for project completion would be 49,140 cu. yds. (approximately 9635 cu. yds. per graded acre).

The majority of the fill obtained from cutting the knoll top would be used to fill a portion of the north-south trending drainage in the southeastern portion of the project. A parking area would be located adjacent to Mira Lago Terrace and would require modifying the existing artificial fill slope and would require a raise in grade of approximately 20 feet.

A new artificial fill slope would be constructed southwest of the proposed parking area. The ratio of this slope would closely parallel the existing natural moderate slope angle, which averages approximately 4:1.

Because the project would alter over 9000 cu. yds. per graded acre, would create fill slopes in excess of twenty feet in height, and would cut 30 feet off of the knolltop, impacts to landform alteration and visual quality are considered significant. The landform modification required for the proposed project is not in conformance with the goals and objectives of the San Diego General Plan or the Scripps Miramar Ranch Community Plan to retain existing landform and public views.

Finding. Several design features of the proposed project would partially mitigate impacts associated with landform alteration and visual quality. These include:

- Current slope ratios (averaging approximately 4:1) would be retained on the manufactured slope, and contour grading would blend this slope with the adjacent undisturbed slope terrain.
- Revegetation of this created slope with native species would further unify old and newly created slope areas.
- On-site mounding in the proposed turf area and landscaping of the flattened knoll top would soften the visual impact and help it to blend into the natural slope areas below.
- The project would retain an approximately 7.9 acre band of natural slopes and vegetation (including the mature eucalyptus trees) around the site's lower perimeter (on the sides fronting Miramar Reservoir).
- A revegetation plan would incorporate species associated with coastal sage scrub, including the sensitive San Diego sunflower. Successful revegetation of the newly created 2-acre slope area would result in a net increase of 1.75 acres of coastal sage scrub habitat on site.

These measures, while reducing landform alteration and visual quality impacts, would not lower the impacts below a level of significance. Complete mitigation would require adoption of the no project alternative or Project Alternative C (passive park design).

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, finds that there are specific economic, social, or other considerations which would make infeasible the mitigation measures or project alternatives identified in the final EIR.

Impact. The grading required to construct the proposed project would result in significant impacts to landform alteration, visual quality, and compatibility with the Community Plan which cannot be reduced to below a level of significance.

Finding. The Scripps Miramar Ranch Community Plan calls for the project area to be used for passive recreation, to include a play area, benches, and pathways. However, the Community Plan also calls for the retention of natural landforms and the avoidance of excessive grading. The City's Progress Guide and General Plan recommends a minimum standard of 10 useable acres for Neighborhood Parks. All of these goals cannot be met due to the topographic constraints of the site. The amount of grading proposed to construct the project is necessary for the following reasons:

- To provide enough "usable" space for the open play area and parking lot ("usable" is defined by the Park and Recreation Department as 1.5% to 2.0% grade, or essentially a flat pad). (The project would provide the maximum useable area for the site, but still falls short of the acreage recommended in the General Plan.)
- To meet the recreational needs desired by the Scripps Ranch Recreation Council and the local community.
- To provide parking off of the public street for public safety.
- To maximize access for handicapped persons.

All of the project alternatives are infeasible because, like the proposed project, they cannot meet both the Community Plan's goals for recreational amenities and avoid excessive grading.

#### A. NO PROJECT

This alternative would consist of no development on the project site. Thus, the site would remain in its present state and, as a result, project-related impacts would not occur. The existing landform would remain in its present condition, and no neighborhood park would be constructed.



As no grading would be involved, this alternative would be environmentally preferable in terms of retaining the existing landform and visual character of the area. Retention of the existing landform and viewshed would conform with the goals and objectives of the San Diego General Plan and the Scripps Miramar Ranch Community Plan.

However, this alternative is not considered feasible because it would not provide the open play lawn, benches, pathways, and low-level lighting recommended for the site by the Community Plan. It would not provide the picnic areas and tot lots recommended by the Parks, Recreation, and Open Space Element of the Community Plan. Thus, it would not be compatible with the Community Plan.

#### B. PROJECT ALTERNATIVE A

This alternative would be a reduced project, providing a smaller play area, smaller turf area (0.37 acres), fewer picnic areas, a reduced trail system, a gated entry, and a 12-car parking lot.

The knoll top would be lowered 12.5 feet, requiring a cut of 14,590 cu. yds. of material over 3.7 acres (3943 cu. yds. per graded acre), and 24,250 cu. yds. of fill (of which 9,660 cu. yds. would be imported). Fill slopes in excess of 10 feet would be required. Therefore, landform alteration and visual impacts would still be significant.

This alternative would be in conformance with the Community Plan's recommendations for amenities such as play areas, picnic areas, and low level lighting. However, this alternative is considered to be infeasible for two reasons. First, the 9,660 cu yds of imported fill material would add approximately \$76,314 to the cost of the project (see Attachment A). Second, the 0.37 acres of useable play area provided under this alternative would be an 83% reduction in the area provided in the proposed project, and it would provide only 3.7% of the acreage called for in the General Plan.

#### C. PROJECT ALTERNATIVE B

This alternative would provide a turf area similar to the one included in Alternative A (0.36 acres), with a smaller play area, fewer picnic areas, and reduced walkways. The gated entry would be included, as would low-level security lights, and a 12-car parking lot. Like Alternative A, it would provide the amenities called for in the Community Plan.

While this alternative would require less grading than either the proposed project or Alternative A, 13,190 cu. yds. of material would be cut over 2.5 acres, resulting in 5276 cu. yds. per graded acre. Approximately 17.5 feet of the knoll top would be removed,

and fill slopes in excess of 10 feet would also be required. Additionally, this project would result in an excess of 6,030 cu. yds. of cut material, requiring off-site disposal. Landform alteration and visual quality impacts would still be significant with this alternative. This alternative is considered infeasible because the cost of exporting the surplus cut material would add approximately \$47,637 to the cost of constructing the park. The 0.36 acres of useable play area would only provide 3.6% of the acreage called for in the General Plan for a Neighborhood Park, and would represent an 83% reduction of useable area from that proposed by the project.

#### D. PROJECT ALTERNATIVE C

This alternative is a further reduced project, providing a passive park setting. No turf or play areas would be provided, but picnic areas would be included. Paved walkways, accessible by wheelchair, would be retained, but no security lighting, gated entry, or parking areas would be included. Like the no project alternative, this alternative would not provide the open play lawn, benches, and low-level lighting recommended for the site by the Community Plan. It would not provide the tot lots recommended by the Parks, Recreation, and Open Space Element of the Community Plan.

This alternative would require grading to facilitate wheelchair access, resulting in a 14-foot reduction in the knoll top. Cut material would total 7,130 cu. yds. over 1.7 acres; as only 770 cu. yds. of fill would be required, the surplus 6,360 cu. yds. would need to be exported. The cut areas would be revegetated with native species; shrubs and ornamental groundcover would be limited to the park's entryway.

This alternative would be more consistent with the General Plan and Community Plan's goals to retain the existing landform. By eliminating the parking area, no fill slopes over 10 feet in height would be required. Thus, while the project would require 4,194 cu. yds. of material per graded acre, landform alteration and visual impacts would not be significant.

Thus, like the no project alternative, this alternative would be environmentally preferable in terms of retaining the existing landform and visual character of the area. However, it is considered infeasible because it is inconsistent with recommendations made for the site in the Scripps Miramar Ranch Community Plan and the General Plan's recommendations for Neighborhood Parks. Additionally, exporting the surplus cut material would add approximately \$50,244 to the cost of constructing the park.

## STATEMENT OF OVERRIDING CONSIDERATIONS

The Decision making Body, having reviewed and considered the information contained in the final EIR and the related documents and record, makes the following Statement of Overriding Considerations.

1. *There is a deficit of population-based park land in the Scripps Miramar Ranch Community Planning Area.*

Today's population of about 16,400 warrants approximately 34 usable acres of population-based park land. However, the community only has about 22 usable acres, including the improvements proposed by this project. The facilities included in neighborhood parks are not the kind of facilities found in private recreation areas in the community.

2. *The proposed land use is consistent with the Community Plan designation for the site.*

The project area is designated as a passive neighborhood park in the Scripps Miramar Ranch Community Plan. The Plan acknowledges that the site is topographically constrained and that "improvements to the site should be limited to an open play lawn for unstructured recreational activities, benches, pathways, a water fountain, and, if the community desires, low-level safety lighting" (City of San Diego, Scripps Miramar Community Plan, page 30b).

As discussed above, the population-based park standards in Recreation Element of the General Plan require that this site provide 10 usable acres, but due to the site's topographic constraints, the proposed plan will only be able to provide a usable area of about three acres. Nonetheless, the proposed benches, pathways, and low-level lighting are consistent with the Community Plan's recommendations for site development. The proposed turf area complies with the Community Plan's "open play lawn" recommendation for the site. The picnic areas and children's play areas are consistent with the other objectives of the Parks, Recreation and Open Space Element of the General Plan.

3. *The project has been designed with input from the Scripps Ranch Recreation Council.*

The project has been revised to incorporate features which the Council approved (picnic tables, benches, tot lots, gated access) and to delete features it found undesirable (restroom facilities, usage by organized sports). The project, as proposed, has been

approved by the Scripps Miramar Ranch Community Planning Group, the Scripps Ranch Recreation Council (4/25/89), the Northern Area Committee (7/6/89), the Facilities Committee (7/12/89), and the Park and Recreation Board (1/16/92).

4. *The proposed landform modification and project features would improve security on the site and would be consistent with safety recommendations of the Scripps Miramar Ranch Community Plan.*

At the present time, the side of the knoll facing the lake is not visible from the street or residential units. Comments received during public review of the draft EIR indicate that nearby residents frequently must call the Police Department to disperse party-goers who leave behind evidence of drinking, smoking, and illegal drug use on the property.

The flatter terrain would increase visibility; the gated entry and low-level lights would increase security. The Community Plan recommends supporting "park designs which allow total visibility of facilities from police patrol vehicles" (page 28 of the Community Plan).

Attachment A

The cost associated with importing or exporting fill material varies from project to project, depending on factors such as the distance material must be hauled, availability of material, and availability of disposal space. As a general rule, however, the City of San Diego's Engineering and Development Department uses an average rate of \$7.90 per cu yd of import or export fill material for bonding purposes.

The proposed project is expected to utilize almost all of the cut material on-site, possibly requiring export of a small amount of material (fewer than 1000 cu yds). All of the alternatives (except the No Project alternative) would require import or export of material, resulting in the following added costs:

Alternative A

Import 9,660 cu yds x \$7.90 = \$76,314.00

Alternative B

Export 6,030 cu yds x \$7.90 = \$47,637.00

Alternative C

Export 6,360 cu yds x \$7.90 = \$50,244.00

R-281333

**MITIGATION, MONITORING, AND REPORTING PROGRAM**  
**SCRIPPS MIRAMAR PARK PROJECT**  
**DEP NO. 89-0784**  
**SCH No. 91041026**

The following Mitigation, Monitoring, and Reporting Program has been prepared in conjunction with the Environmental Impact Report written for the Scripps Miramar Ranch Neighborhood Park Project. It has been written to comply with recently adopted state legislation (AB 3180; California Public Resources Code Section 21081) and in conformance with the City of San Diego's Mitigation Monitoring and Reporting Program implementation guidelines (January, 1991).

**A. LANDFORM ALTERATION/VISUAL QUALITY/GRADING**

Several design features of the proposed project would partially mitigate impacts associated with landform alteration. These include:

- Current slope ratios (averaging approximately 4:1) would be retained on the manufactured slope, and contour grading would blend this slope with the adjacent undisturbed slope terrain.
- Revegetation of this created slope with native species would further unify old and newly created slope areas.
- On-site mounding in the proposed turf area and landscaping of the flattened knoll top would soften the visual impact and help it to blend into the natural slope areas below.
- The project would retain an approximately 7.9 acre band of natural slopes and vegetation (including the mature eucalyptus trees) around the site's lower perimeter (on the sides fronting Lake Miramar).

Prior to City approval of the Authorization to Construct and Special Park Fee, final grading plans for the project shall be reviewed and approved by the Planning Department's Landscape Section and Environmental Analysis Section to ensure that the aforementioned measures have been incorporated. Grading would be inspected by either Planning Department staff or Engineering and Development field inspectors to assure conformance with the approved plans and permit. The revegetation plan, would be implemented and monitored as detailed below.

Design features associated with the project to reduce the adverse impacts associated with landform alteration would reduce visual impacts. As discussed above, these include maintenance of the existing slope grade (averaging approximately 4:1) on the newly created slope, contour grading to blend old and new slope areas, and revegetating of the manufactured slope area with native/naturalizing vegetation.

A revegetation plan would incorporate species associated with coastal sage scrub, including the sensitive coast barrel cactus and San Diego sunflower. Successful revegetation of the newly created 2-acre slope area would result in a net increase of 1.75 acres of coastal sage scrub habitat on site. This plan would conform to applicable guidelines set forth in Section 7 of the City of San Diego's *Landscape Technical Manual* and consist of the following:

**A. PLAN ELEMENTS**

1. Areas of sensitive habitat (including the barrel cactus in the south-central portion of the site and those portions of the revegetated coastal sage scrub outside the proposed grading along Mira Lago Terrace) shall be noted clearly on project grading plans. These areas would also be staked in the field by the project biologist.
2. All exotic species would be removed at the time of year and manner specified by the project biologist.
3. Brushed or grubbed plant material would be stockpiled on-site for reapplication over the construction areas.
4. If it is determined, upon review of final grading plans, that the coast barrel cactus on-site would be impacted by project grading, these would be removed to containers and stored for transplanting upon completion of grading.
5. After re-application, the top one-foot of the fill would not be compacted to allow for better root growth.
6. Seeds would be applied during the normal rainy season by hydroseeding or suitable hand-seeding methods. Container plantings would be limited to coast barrel cactus, transplanted from the site, if necessary. The hydroseed mix would consist of the following native species and a diluted fertilizer and a humectant.

<u>SPECIES</u>	<u>APPLICATION RATE</u> <u>(LBS. PER ACRE)</u>
<i>Artemisia californica</i>	5.0
<i>Encelia californica</i>	4.0
<i>Eriogonum fasciculatum</i>	4.0
<i>Mimulus puniceus</i>	1.0
<i>Lotus scoparius</i>	2.0
<i>Viguiera laciniata</i>	3.0
<i>Salvia apiana</i>	0.5
<i>Isocoma veneta</i>	0.5
<i>Plantago indica</i>	20.0
<i>Eschscholzia californica</i>	2.0
<i>Lupinus longifolius</i>	1.0

**B. TECHNICAL ASSISTANCE**

The Parks and Recreation Department shall provide verification to the Development and Environmental Planning Division (DEP) of the City of San Diego that a qualified biologist shall be retained to oversee all biological mitigation. The biologist would be required to implement the revegetation plan and to assist the project's landscape architect in preparing working landscape drawings. The biologist would also be responsible for monitoring and maintenance as detailed below.

**C. MONITORING AND REPORTING PROGRAM**

The revegetation plan shall initially be submitted to the Building Inspection Department and subsequently forwarded to DEP for review and approval by the DEP analyst and the landscape planner. As a condition of the Authorization to Construct, the revegetation plan shall be implemented upon project grading and concurrent with park landscaping.

1. The revegetation area would be inspected monthly for the first six months, then once at 12, 18, and 25 months. It will be determined during this monitoring period whether supplemental irrigation will be required. A goal of 30 percent plant cover shall be achieved the first year and 40 percent the next year.
2. All non-native weedy species would be removed under direction of the biologist during the two-year monitoring period, utilizing manual weed control methods.
3. Reports of results would be prepared and submitted to the Principal Planner of the Environmental Analysis Section, City



Projects. Reports will be submitted six months after revegetation and again at one and two years.

The mitigation, monitoring, and reporting program shall continue until these goals are attained.

#201B

JAN 11 1993

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 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"/>
District 8 Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

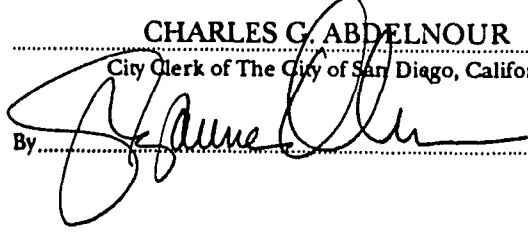
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SUSAN GOLDING

.....  
Mayor of The City of San Diego, California.

CHARLES C. ABDELNOUR

.....  
City Clerk of The City of San Diego, California.

By  , Deputy.

Office of the City Clerk, San Diego, California

Resolution **R-281333** Adopted **JAN 11 1993**  
 Number ..... Adopted .....

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