

(R-93-1333)

RESOLUTION NUMBER R- 281712
ADOPTED ON MAR 30 1993

WHEREAS, on December 10, 1992, and January 28, 1993, the Planning Commission of The City of San Diego held public hearings for the purpose of considering rescission of the 1978 Penasquitos East Community Plan and approval of the 1993 Rancho Penasquitos Community Plan update and Environmental Impact Report No. 89-1222; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Environmental Impact Report No. 89-1222 prepared for the 1993 Rancho Penasquitos Community Plan; NOW, THEREFORE,

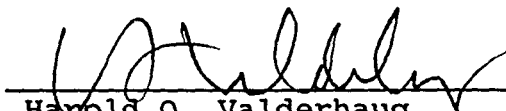
BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Environmental Impact Report No. 89-1222, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the 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 Rancho Penasquitos Community Plan update.

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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02/23/93
Or.Dept:Plan.
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FINDINGS
(DEP NO. 89-1222)

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:

- A) 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.
- B) 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.
- C) 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.

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**FINDINGS
FOR THE RANCHO PENASQUITOS COMMUNITY PLAN**

**DEP No. 89-1222
November, 1992**

The findings set forth below pertain to the proposed Rancho Penasquitos Community Plan update (dated November 1992). The proposed Rancho Penasquitos Community Plan has been prepared by the City of San Diego Planning Department in cooperation with the Rancho Penasquitos Community Planning Board, public agencies and other interests.

The November 1992 draft community plan supersedes the currently adopted Penasquitos East Community Plan (adopted on October 17, 1978) and a previous draft Rancho Penasquitos Community Plan update (dated July 1991). The Rancho Penasquitos Community Plan update was prepared in response to a number of changes that occurred in the community since the adoption of the 1978 plan.

As indicated in EIR 89-1222, significant unmitigated environmental impacts would result if the July 1991 draft Rancho Penasquitos Community Plan were adopted and implemented. In response to the environmental impacts addressed in the EIR, the November 1992 draft Rancho Penasquitos Community Plan has been prepared with Findings and a Statement of Overriding Considerations.

Having reviewed and considered the information contained in the Rancho Penasquitos Community Plan's Final Environmental Impact Report (EIR 89-1222) and the related documents and 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 changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental impacts as identified in Final EIR 89-1222.

1. MITIGATION MEASURES INCORPORATED INTO PROJECT

a) BIOLOGY:

Impact: Development according to the July 1991 draft Rancho Penasquitos Community Plan would result in the direct loss of coastal sage scrub, fragmentation of habitat, the direct loss of vernal pools, and the potential disturbance of major wildlife movement corridors.

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Finding: A draft Rancho Penasquitos Community Plan, dated November 1992, has been prepared to designate approximately 200 additional acres of open space in the Black Mountain neighborhood which will help to avoid the loss of biological resources, including coastal sage scrub, habitat areas, and wildlife movement corridors. In addition, the proposed community plan land use map has been revised in the Black Mountain neighborhood to reduce residential densities. This reconfiguration and reduction of developable property also helps to avoid the loss of biological resources in the community.

Previously proposed roads in the July 1991 draft Rancho Penasquitos Community Plan have been eliminated or reclassified in the November 1992 draft community plan. In the Black Mountain neighborhood, one wildlife corridor would be preserved by reclassifying a portion of Paseo Valdear from a collector street to an emergency access roadway. The design of this road segment will not include shoulders; the right-of-way will be much narrower; and the roadway will more closely follow existing topography. Moreover, the road reclassification will better address the EIR issue of providing an interconnected open space system (i.e. through Black Mountain Regional Park and into the Future Urbanizing Area).

Previously proposed "J" Street, also in the Black Mountain neighborhood, has been eliminated altogether. This provides for more open space, open space connections, and wildlife movement opportunities.

Camino Ruiz, in the Penasquitos Creek neighborhood, has been reclassified from a 4-lane collector to a 4-lane modified collector. This reclassification could lessen impacts on biology because the road can be designed to more closely follow the existing topography, and require less grading.

The November 1992 draft Rancho Penasquitos Community Plan contains environmental policies which have been revised and enhanced with new recommendations, including a recommendation that the disturbance of vernal pools, their associated native landforms, and contributing watersheds be prohibited. These revised policies could help to mitigate or avoid impacts on vernal pool habitat when discretionary development proposals are submitted to the City.

b) LANDFORM ALTERATION/VISUAL QUALITY:

Impact: Development according to the July 1991 community plan would result in significant visual and landform alteration where the natural topography would be replaced with manufactured slopes, streets, and urban structures. Millions of yards of earth would be moved to create cut and fill slopes.

Finding: The intensity of residential development that would occur in the November 1992 draft Rancho Penasquitos Community Plan would be lower than in the previously proposed draft plan. A 200-acre area on the eastern slopes of Black Mountain has been redesignated to permit a maximum density of approximately 150 dwelling units. Thus, there would be substantially less grading for the development of manufactured slopes, streets, and urban structures. In addition, the November 1992 community plan has been revised to minimize development on steep slopes in the Black Mountain neighborhood to retain prominent ridges and knolls (development will occur outside of the Hillside Review Overlay Zone).

As development proposals are processed by the Planning Department, the mitigation of impacts could occur through the refinement of grading plans during subsequent Planned Development Permit and/or Tentative Map review.

Impact: The proposed alignment of Camino Ruiz to the north of Los Penasquitos Canyon is a significant landform alteration/visual impact.

Finding: Travel forecasts have demonstrated a decline in the Level of Service (LOS) at the intersection of Park Village Road and Black Mountain Road if the proposed Camino Ruiz was eliminated. In addition, out-of-direction traffic would increase if the road were eliminated, resulting in adverse air quality impacts. Landform and visual impacts of the proposed Camino Ruiz north of Los Penasquitos Canyon have been minimized as much as possible by reclassifying the road from a 4-lane collector to a 4-lane modified collector in the November 1992 draft Rancho Penasquitos Community Plan. This reclassification will reduce impacts because the proposed road will more closely follow existing topography and require less grading than the previously proposed road.

c) AIR QUALITY:

Impact: Adoption of the July 1991 community plan would result in significant project-specific and incremental impacts on air quality in the San Diego Air Basin.

Finding: The number of dwelling units allowed in the November 1992 draft Rancho Penasquitos Community Plan has been reduced by 150 units. This will result in reduced traffic and lower impacts on air quality in the San Diego Air Basin.

2. ALTERNATIVES INCORPORATED INTO PROJECT

BLACK MOUNTAIN NEIGHBORHOOD ALTERNATIVES

a) Compacted development.

This alternative involves maintaining the permitted number of units but clustering development near existing development rather than spreading over the upper slopes of Black Mountain. This alternative would also reduce impacts to biological resources, visual quality, and landform alteration.

This alternative is feasible, and has been incorporated into the November 1992 draft community plan.

The acreage devoted to residentially designated land use has been scaled back in the Black Mountain neighborhood to encourage new development to be clustered near existing development. In addition, roads have been reclassified or eliminated to reduce impacts to biological resources, visual quality, and landform alteration.

b) Open Space Policies.

This alternative provides that language be included in the community plan which would encourage use of the lower-value habitat "islands" and thus, retain the higher habitat values of the "connected" open spaces. Enhancing people/pet access to the "islands" created by development would relieve the pressure to accommodate these uses in high quality habitat that would be preserved for wildlife. Adoption of this alternative would further mitigate impacts to biological resources.

This alternative is feasible, and has been incorporated into the November 1992 draft community plan.

Open space policies have been added to the November 1992 draft Rancho Penasquitos Community Plan in direct response to the recommendations of the above described alternative.

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 Final EIR 89-1222 to reduce the significant impacts on biology, landform alteration/visual quality, traffic, air quality, and land use.

1. BIOLOGY:

Impact: Development according to the July 1991 draft Rancho Penasquitos Community Plan would result in the direct loss of coastal sage scrub, fragmentation of habitat, the direct loss of vernal pools, and the potential disturbance of major wildlife movement corridors.

2. LANDFORM ALTERATION/VISUAL QUALITY:

Impact: As recommended in the July 1991 draft Rancho Penasquitos Community Plan, the Camino Ruiz right-of-way would be retained. A major significant visual impact would occur with the potential construction of Camino Ruiz, north of Los Penasquitos Canyon.

3. TRAFFIC:

Impact: While there would be no significant traffic impacts in Rancho Penasquitos, development according to the July 1991 draft Rancho Penasquitos Community Plan would result in significant impacts on traffic circulation in Mira Mesa. This is due to increased vehicular trips if the proposal to delete the Camino Ruiz alignment across Los Penasquitos Canyon is adopted. In addition, there would be a significant impact on the regional circulation system due to the elimination of the Camino Ruiz extension.

4. AIR QUALITY:

Impact: Significant incremental impacts would result due to the July 1991 draft Penasquitos Community Plan recommendation to retain the Camino Ruiz right-of-way but not construct the road. Air quality impacts would result from congestion in Mira Mesa if Camino Ruiz does not provide an additional north-south arterial to serve the region.

5. LAND USE:

Impact: Adoption of the July 1991 Rancho Penasquitos Community Plan would result in potentially significant impacts on land use if development proposals are adopted which are consistent with the community plan but are not consistent with the resource protection regulations.

Finding: Environmental Impact Report 89-1222 addresses nine project alternatives which reduce significant unmitigated impacts associated with the proposed Rancho Penasquitos Community Plan. The environmental benefits of each of these alternatives and the reason for their rejection are described below:

a) NO PROJECT ALTERNATIVE:

This alternative would result in the retention of the goals and recommendations of the adopted community plan.

This alternative is infeasible for the following reasons:

Under this alternative, biology, landform alteration/visual quality, traffic, air quality, and land use impacts could worsen, if development were to occur. In particular, more biological impacts would occur in the Black Mountain neighborhood because more land is designated for residential use in the adopted community plan, and more dwelling units are allowed. In addition, there would be more landform alteration/visual quality impacts in the Black Mountain neighborhood. Traffic and air quality impacts would be greater because more dwelling units would be built, generating more traffic. In terms of land use impacts associated with the requirements of the Resource Protection Ordinance, the impacts would be the same as those in the November 1992 Rancho Penasquitos Community Plan. The real "no project" *status quo*, would not

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result in any impacts; however community plan goals would not be met.

In addition, public facility needs in the community would not be met under this alternative. While it is true that the 1987 interim community plan update amendment (R-268424) has addressed many public facility deficiencies in the community, the November 1992 community plan provides for additional public improvements.

The No Project Alternative is considered infeasible because of the various social and environmental benefits, outlined above, that would be realized with the adoption of the community plan update.

b) PUBLIC FACILITIES ALTERNATIVES:

- 1) Retention of the planned extension of Camino Ruiz across Los Penasquitos Canyon to Rancho Penasquitos.

This alternative would mitigate significant traffic and air quality impacts in Mira Mesa, but may result in significant impacts on biological resources and visual quality with bridge construction.

This alternative is infeasible for the following reasons:

This alternative is infeasible because the City Council has eliminated the canyon crossing with the adoption of the Mira Mesa Community Plan.

- 2) Retention of the Camino Ruiz right-of-way.

This alternative would achieve essentially the same goals as the prior alternative, but would delay the visual and biological impacts. In addition, it would delay the decision to construct the road until it was determined that resolution of traffic and air quality impacts outweigh potential visual and biological impacts.

This alternative is infeasible for the following reasons:

This alternative is infeasible because the City Council has eliminated the canyon crossing with the adoption of the Mira Mesa Community Plan.

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3) Elimination of Camino Ruiz in the Penasquitos Creek Neighborhood.

This alternative would only be feasible if it is determined that Camino Ruiz will not be constructed as a through arterial. This alternative would eliminate a section of Camino Ruiz that may not be critical to circulation in the community. Adoption of the alternative would provide an opportunity to avoid loss of a critical wildlife corridor and sensitive coastal sage scrub habitat, as well as alleviating a potentially significant visual impact.

This alternative is infeasible for the following reasons:

Additional studies by the City's Engineering and Development Department have demonstrated the need to construct Camino Ruiz as a through arterial in the Penasquitos Creek Neighborhood to better move traffic. If Camino Ruiz were deleted from the community plan, the Level of Service (LOS) at the intersection of Black Mountain Road and Park Village Road would fall from a morning peak-hour LOS of C to D and an evening peak-hour LOS of D to E. In addition, it is anticipated that significant air quality deterioration would result because of increased out of direction travel to proposed Ted Williams Parkway (SR 56) and local commercial areas, and engine idling at intersections.

4) Elimination of the extension of Paseo Valdear in the Black Mountain Neighborhood.

This alternative would eliminate a section of Paseo Valdear which may not be critical to community circulation, but was planned to provide access to a designated residential area. The adoption of this alternative would result in major alleviation of significant visual impacts due to probable grading on the upper slopes of Black Mountain and the visual impact of a road across highly visible and steep terrain.

This alternative is feasible, and has been incorporated into the November 1992 draft community plan.

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Paseo Valdear has been redesigned to satisfy only emergency vehicle requirements on a portion between two areas designated for residential use in the Black Mountain Neighborhood. Environmental impacts have been substantially reduced because of these changes.

c) NO INDUSTRIAL ELEMENT ALTERNATIVE:

This alternative proposes eliminating the Industrial Element from the community plan, and locating the parking/storage facilities in the industrially-zoned area of the neighboring Sabre Springs community.

This alternative is infeasible for the following reasons:

Industrial land in Sabre Springs costs more than the industrially designated land in Rancho Penasquitos because the parcels are planned and improved to accommodate high quality industrial park development. In addition, many of the parcels have already been developed with speculative industrial and business park buildings, increasing the cost of the remaining industrial land. By contrast, the land identified in the Industrial Element of the November 1992 draft Rancho Penasquitos Community Plan is undeveloped and unimproved. The site is zoned R1-6000 and has little development potential because of an existing open space easement. The land will be made available at no cost by the owner to develop these facilities. These factors make the Rancho Penasquitos parcel much less costly to develop.

Due to the low economic return associated with recreational vehicle (RV) storage facilities, it is economically infeasible to develop an RV storage facility in the higher cost industrial parks of Sabre Springs.

d) BLACK MOUNTAIN NEIGHBORHOOD ALTERNATIVES:

1) Very low density (A-1-10 Zone).

This alternative involves reducing densities over the entire remaining portion of the area by retaining the existing zoning. Existing zoning according to this alternative would be one dwelling unit per ten acres with guidelines for landform-sensitive development. This alternative would reduce impacts to biological resources, visual quality, and landform alteration.

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This alternative is infeasible for the following reasons:

Under this alternative fewer facilities impact fees would be collected, translating into less available money to finance new public improvements. In addition, this alternative would still necessitate costly roads to provide access to the very low density development.

**STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE (NOVEMBER 1992) RANCHO PENASQUITOS COMMUNITY PLAN**

**DEP No. 89-1222
November, 1992**

The City Council, pursuant to the CEQA Guidelines, after balancing the benefits of the proposed Rancho Penasquitos Community Plan against unavoidable significant impacts of the project on biology, landform alteration/visual quality, traffic, air quality, and land use, determines that the impacts are acceptable for the following overriding considerations:

1. The development that would occur as a result of implementing the Rancho Penasquitos Community Plan, as proposed, would be less intensive than that which would occur under the existing plan. Additional acreage has been designated for open space, and land use designations have been reconfigured to provide for more connections between open space areas.
2. The plan update provides new policies to more effectively manage sensitive biological resources in the community.
3. Roads recommended for construction in the Penasquitos East Community Plan have been deleted or reclassified to preserve open space areas in the community plan update. For example, the deletion of the Camino Ruiz crossing will preserve the aesthetic and environmental integrity of a significant, publicly-owned, regional open space park, and will avoid the substantial impacts that would result from the construction of the roadway.
4. The land use proposals within the community plan update ensure the development of a balanced community. During the initial phases of the community planning effort, local residents expressed a desire for additional public facilities, commercial areas, and larger homes. These desires have been addressed during the community plan update process and are reflected as policy in the proposed Rancho Penasquitos Community Plan.
5. Existing conditions data has been updated to reflect the latest information regarding plan build-out and progress in completing public facilities.

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MAR 30 1993

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

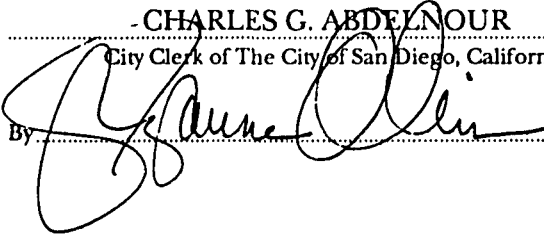
Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John 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"/>
Juan Vargas	<input checked="" 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:

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

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By:  Deputy.

Office of the City Clerk, San Diego, California

Resolution **R281712** MAR 30 1993
Number..... Adopted