(R-94-469)

RESOLUTION NUMBER R- 282810

ADOPTED ON OCT 12 1993

WHEREAS, Gatlin Development Company submitted an application to the Planning Department for the Palm Plaza Walmart project; 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 OCT 12 1993; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Environmental Impact Report EAS No. 92-0647, DEP No. 92-0736, SCH No. 92111021; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Environmental Impact Report EAS No. 92-0647, DEP No. 92-0736, SCH No. 92111021, 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 approval of the Palm Plaza Walmart project.

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.

APPROVED: JOHN W. WITT, City Attorney

By Janis Sammartino
Janis Sammartino
Senior Chief Deputy City Attorney

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CANDIDATE STATEMENT OF FINDINGS AND FACTS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE PALM PLAZA PROJECT

The California Environmental Quality Act ("CEQA"), Cal. Pub. Resources Code §§ 21000-21177, and the State CEQA Guidelines, Cal. Code of Regulations, Title 14, §§ 15000-15387, require that specific findings be made if a lead agency decides to approve a project which will have significant impacts on the environment. Section 21081 of the California Public Resources Code states:

> [N]o 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:
>
> (a) 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.
>
> (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.

The State CEQA Guidelines contain similar provisions. Cal. Code of Regulations, Title 14, § 15091.

The State CEQA Guidelines further require that, where the decision of the public agency allows the occurrence of significant effects which are identified in the final environmental impact report ("final EIR"), but are not at least substantially mitigated, the public agency shall state in writing the specific reasons why the benefits of the proposed project outweigh the unavoidable adverse environmental effects and why the unavoidable environmental effects are considered acceptable. The public agency must base its written statement on information in the final EIR and/or other information in the record. Cal. Code of Regulations, Title 14, § 15093.

The following Candidate Statement of Findings and Facts and Statement of Overriding Considerations have been submitted by the project applicant for consideration by the decisionmaking body. The Environmental Analysis Section of the City of San Diego Planning Department does not recommend that the discretionary body either adopt or reject these Candidate Statement of Findings and Facts and Statement of Overriding Considerations. They are attached to allow readers of this report an opportunity to review the project applicant's position on this matter.

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CANDIDATE STATEMENT OF FINDINGS
AND FACTS FOR THE
PALM PLAZA PROJECT

DEP No. 92-0647 September 9, 1993

1.0 Project Background

The Palm Plaza Project ("Project") consists of a total of 617,000 square feet of commercial and retail uses on 59.4 acres adjacent to I-805 in the western portion of the Otay Mesa Community Plan ("Community Plan") area in the City of San Diego ("City"). The Project will be anchored by a Wal-Mart discount store and a Sam's Club membership store. Additional retail stores would be located within the Project.

2.0 Section 21081(a) Findings - Effects Determined To Be Not Significant Or Mitigated To A Less Than Significant Level

The decisionmaker, having independently reviewed and considered the information contained in the Final EIR, the appendices, and the record, finds that, pursuant to the California Environmental Quality Act ("CEQA"), Cal. Pub. Res. Code §§ 21000-21177, and the State CEQA Guidelines, Cal. Code of Regulations, Title 14, §§ 15000-15387, changes or alterations have been required of, or incorporated into, the Project which mitigate or avoid, to the extent feasible, the significant environmental impacts identified in the Final EIR with respect to direct impacts to sensitive vegetation and wildlife; short-term and long-term impacts to air quality; impacts to acceptable noise levels; impacts caused by geological and soils conditions; impacts to water, sewer, storm drain, and solid waste systems; impacts to paleontological resources; impacts to hydrology/water quality; impacts to Brown Field; impacts to vistas and scenic views; and impacts to visual quality.

2.1 Biological Resources (Direct)

2.1.1 Impacts. Development of the Project would have significant direct impacts to sensitive vegetation and wildlife found on the property. Four sensitive vegetation types would be directly impacted by onsite development and offsite construction of the proposed "A" Street: Diegan coastal sage scrub (3.9 acres), maritime succulent scrub (1.5 acres), mule fat scrub (0.4 acres), and seasonal isolated wetlands (360 square feet). Several sensitive bird species would be impacted by the loss of the Diegan coastal sage scrub and maritime succulent scrub, including the federally-threatened coastal California Gnatcatcher. An estimated 5.3 acres of vegetation being utilized by coastal California gnatcatchers would be lost with development of the Project. Due to the size, poor quality, isolated nature, and existing degradation of the mule fat scrub and seasonal wetland, impacts to these two vegetation types are not considered directly significant. Subsequent to the circulation of the Draft EIR, the fairy shrimp was listed by the USF&WS as an endangered species. There is only a moderate potential that the fairy shrimp would be found to utilize the degraded wetland located on the site.

2.1.2 Finding. Full mitigation for direct biological impacts would be achieved by preservation of 7.8 acres of existing Diegan coastal sage scrub and 3.0 acres of existing maritime succulent scrub, which constitutes a 2:1 mitigation ratio for both habitats. An offsite mitigation area of high quality Diegan coastal sage scrub and maritime succulent scrub has been identified in the Final EIR for this purpose. A recorded open space easement or other document assuring acquisition of the

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mitigation acreage shall be provided to the City's Planning Director prior to issuance of a grading permit or recordation of a final map for the Project. Mitigation may occur at locations other than those identified in the Final EIR with the approval of the City's Planning Director.

Although the direct impacts to the seasonal isolated wetland, mule fat scrub, and raptor foraging areas are not considered significant, the Project applicant has agreed to contribute money to the City's Mitigation Bank Program in the amount of $10,000, to partially mitigate the Project's cumulative impacts to biological resources. In addition, to ensure no impact to the fairy shrimp, the Project applicant will engage in additional review or testing of the degraded wetland prior to the issuance of a grading permit or recordation of a final map, to the satisfaction of the USF&WS, to determine if the fairy shrimp is present. If the testing identifies the existence of the fairy shrimp, the applicant will consult with USF&WS in connection with a section 7 or 10(a) process to mitigate fully impacts to the fairy shrimp.

2.2 **Air Quality (Short-term, Direct)**

2.2.1 Impacts. Construction activities associated with the Project could create significant short-term air quality impacts by increasing the amount of Particulate Matter (PM-10) emitted into the San Diego Air Basin. The Project could generate approximately 660 pounds per day of PM-10 (with implementation of approved dust control measures); any project which contributes more than 250 pounds per day is considered a major source of PM-10 generation. In addition, construction equipment would produce the following combustion emissions daily: 39.7 pounds of Reactive Organic Compounds (ROG); 155.2 pounds of Carbon Monoxide (CO); 554.8 pounds of Nitrogen Oxides (NO_x); and 39.4 pounds of PM-10.

2.2.2 Finding. Prior to approval of a land development permit, the City Engineer shall review the Project's grading plans to ensure that appropriate dust control measures are proposed, The Project shall comply with and San Diego County Air Pollution Control District ("APCD") measures regarding control of nuisance from the generation of dust and fumes during construction. Dust control measures capable of attaining dust control efficiencies of 75 percent shall be implemented. Such measures shall include twice-daily watering of disturbance areas and chemical stabilization of off-road haul routes. Implementation of these measures shall be confirmed during periodic inspections by the City. Compliance with APCD measures regarding control of dust and fumes during construction would reduce these potential short-term air quality impacts to below a level of significance.

2.3 **Noise**

2.3.1 Impacts. The additional traffic generated by proposed commercial uses on the subject property would increase traffic noise levels on "A" Street above those which would occur with residential development. Projected traffic volumes along "A" Street would exceed 65 dBA CNEL without development of commercial uses onsite. The increase in traffic volumes attributable to Project-related commercial trips would extend the 65 dBA CNEL contour an additional 65 feet along the segment of "A" Street through the property and an additional 45 feet along the segment of "A" Street to the south of the Project site. No noise-sensitive land uses currently exist within these "noise-affected" areas; however, planned residential developments are designated adjacent to "A" Street to the east and south of the subject property. As such, project-related traffic would contribute to potentially significant noise impacts in the "noise-affected" areas within these planned developments.

2.3.2 Finding. Project-specific noise mitigation is not required because no noise-sensitive land uses currently exist within the areas of the expanded 65 dBA CNEL contours along the proposed "A" Street.

2.4 Geology/Soils

2.4.1 Impacts. The Project could be exposed to potentially significant geologic impacts. Alluvium deposits, expansive soil, and the unconsolidated trash deposits from a previous landfill operation onsite could pose structural hazards to future buildings. In addition, the La Nacion Fault zone and clay and landslide deposits could adversely impact the stability of proposed manufactured slopes.

2.4.2 Finding. Prior to the issuance of a grading permit, a soils investigation shall be completed to the satisfaction of the City Engineer which identifies remedial measures necessary to mitigate soils susceptible to settlement and assure the stability of large manufactured slopes. The soils investigation shall specify necessary remedial measures such as benching of manufactured slopes; planting of slope-stabilizing landscaping; monitoring of settlement during construction; removal of existing fill soils, alluvium, and slope wash materials; proper compaction of replaced fill soils; and incorporating specifically-designed foundation systems. The Planning Department shall confirm that appropriate soil preparation and irrigation measures are proposed by the Project to facilitate landscape establishment. The City Engineer also shall assure that the approved remedial measures have been incorporated into the proposed grading plan. Prior to the issuance of a notice of completion and acceptance, the Field Engineering Division of the Engineering and Development Department shall conduct a final inspection of the site to confirm that remedial grading measures and soil preparation and irrigation techniques have been implemented pursuant to the approved plans. Finally, all building plans shall comply with the seismic design standards of the Uniform Building Code and be approved by the City Engineer. Implementation of these mitigation measures, which are made conditions of this Project, would reduce potentially significant impacts related to geology and soils to below a level of significance.

2.5 Public Utilities

2.5.1 Impacts. Although water would be available to serve the Project, improvements to the local water delivery system may be necessary to avoid potentially significant impacts to the regional water system. Adequate capacity exists to provide sewer service to the Project. Onsite sewer improvements in Palm Avenue, "A" Street, and the westerly side of the Project are required as conditions of Project approval. Offsite improvements, including a secondary trunk from Palm Avenue to the Otay Valley trunk sewer, were approved in connection with the Gateway Fair project. The Project shall be required to install such offsite improvements if they have not previously been constructed by preceding development. Onsite drainage improvements are required as conditions of approval of the Project that are adequate to collect onsite drainage and direct it to existing offsite stormdrain facilities. Existing offsite stormdrain facilities have adequate capacity to accommodate Project drainage. Solid waste disposal facilities currently have capacity to accommodate any solid waste generated by the construction and operation of the Project. The Project shall implement mandatory wastestream reduction programs and recycling goals of the City.

2.5.2 Finding. A water systems analysis shall be prepared prior to recordation of a final map to determine if any improvements are necessary to serve the Project. If required, the Project shall install or otherwise guarantee that the necessary water system improvements are accomplished. In addition, prior to recordation of a final map, the Project shall be required to provide

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a sewer study, satisfactory to the City Water Utilities Director, for the sizing of gravity sewer mains and to show that the existing and proposed sewer mains are adequately sized. Any required improvements outlined in the sewer study shall be installed or assured by the Project. All other necessary utilities are considered adequate for the Project. Implementation of these mitigation measures, which are made conditions of this Project, would reduce potentially significant impacts to public utilities to below a level of significance.

2.6 Paleontological Resources

2.6.1 Impacts. Grading operations for the proposed project could result in significant impacts to paleontological resources should the depth of grading expose the Otay Formation underlying the site. The Otay Formation may contain significant fossil deposits.

2.6.2 Finding. Monitoring of all onsite grading operations shall be carried out by a qualified paleontologist in accordance with a City-approved monitoring plan. The paleontologist shall have the authority to stop grading and undertake salvage, in the event that significant fossil deposits are uncovered during grading. A final report describing any paleontological material uncovered in the grading process shall be prepared and submitted to the City. Implementation of these mitigation measures, which are made conditions of this Project, would reduce potentially significant impacts to paleontological resources to below a level of significance.

2.7 Water Quality (Direct and Cumulative)

2.7.1 Impacts. Onsite grading and post-construction activities associated with the Project could result in an increase in the cumulative amount of sediment and urban pollutants entering the Otay and Tijuana Rivers. During construction, improperly-controlled surface runoff could result in onsite erosion and downstream sediment transport. Once completed, urban runoff from proposed development areas (e.g. streets, parking lots and landscaping) could carry quantities of harmful materials such as oil, fertilizers, pesticides, and other wastes. These pollutants could incrementally contribute to cumulative water quality impacts in downstream water bodies.

2.7.2 Finding. During site grading and Project construction, temporary detention basins shall be installed to control surface runoff and keep sediment from the graded pad areas from entering the offsite stormdrain system. Silt shall be removed from these structures after each major rainfall. Sandbagging shall be used as an interim erosion control measure along street and utility trenches until completion of final improvements. To mitigate the Project's incremental contribution to long-term, cumulative water quality impacts, the City's Best Management Practices for Stormwater Pollution Control shall be implemented, including installation of pollution control devices to intercept flows prior to their discharge into the offsite stormdrain system. Prior to issuance of a land development permit, the City Engineer shall review the grading plans to ensure that erosion control measures are provided. The Project shall comply with the National Pollutant Discharge Elimination System requirements by filing a Notice of Intent with the State Water Resources Control Board ("SWRCB") and implementing a Storm Water Pollution Plan satisfactory to the SWRCB. Prior to issuance of a certificate of occupancy and final inspection, the Inspection Services Division of the Building Inspection Department shall conduct a final inspection of the site to confirm that water pollution control devices have been installed pursuant to the approved building plans. Implementation of these mitigation measures, which are made conditions of this Project, would reduce potentially significant impacts to water quality to below a level of significance.

2.8. Visual Quality

2.8.1 Impacts. The Project site is not considered a significant visual resource because of the extensive grading and disturbance that has occurred on the site in the past. The visibility of the Project will be limited by site topography. The majority of land to the north, east, and south is undeveloped. The most notable public vantage points from which the Project will be visible are I-805 and portions of Palm Avenue and Palm Ridge Park. The Project would not, however, result in any significant obstruction of vistas or scenic views from surrounding public viewing areas. The grading associated with the Project is substantial and would result in manufactured slopes reaching a maximum height of 85 feet. In addition, the Project would convert the site from its current undeveloped state to a series of three major building complexes with a maximum height of 36 feet that would be visible from certain vantage points, including from a limited number of future residential units in the area.

2.8.2 Finding. Existing residences to the west, as well as users of the Palm Ridge Park, would be able to see a majority of the Project. Existing residences are located a minimum of 250 feet away and would be separated from the Project by I-805. This fact, combined with the proposed landscaping along the westerly property line, will reduce the impacts to the residences and the Palm Ridge Park to below a level of significance. The views of motorists on I-805 will not be significantly impacted because I-805 is between 35 to 75 feet lower than the Project site, which means motorists will not see a large portion of the site. This spatial relationship, combined with the proposed landscaping on the site, will reduce such impacts to below a level of significance. The proposed landscaping plan, topographic features in the area, and spatial distance will also reduce to a level of insignificance any impacts to future residences. A landscaping plan will be submitted to the City Planning Director for his review and approval that is in general conformance with the conceptual landscape plan contained in the Final EIR prior to issuance of a land development permit for the first building of the Project. Prior to issuance of a notice of completion and acceptance, the Field Engineering Division of the Engineering and Development Department shall conduct a final inspection of the site to confirm that landscaping has been implemented pursuant to the approved landscaping plan. Implementation of these mitigation measures, which are made conditions of this Project, would reduce potentially significant impacts to visual quality to below a level of significance.

3.0 Section 21081(b) Findings - Changes or Alterations That Are Within The Responsibility And Jurisdiction Of Another Public Agency

The decisionmaker, having independently reviewed and considered the information contained in the Final EIR, the appendices and the record, finds that there are no changes or alternations to the Project that are within the responsibility and jurisdiction of another public agency which would avoid or substantially lessen the significant effects of the Project.

4.0 Section 21081(c) Findings - Significant Environmental Effects Which Cannot Be Fully Avoided If The Project Is Implemented

The City Council finds and declares that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR to avoid or substantially lessen the significant environmental impacts relative to land use, landform alteration, biological resources (cumulative), traffic/circulation, and air quality (cumulative).

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4.1 Land Use

4.1.1 Impacts. The Project would not result in a significant land use impact as a result of converting residentially zoned property to retail commercial uses. The overall percentage of retail commercial land in the Community Plan area with respect to total land area is 2.25 percent. Such a percentage is consistent with the percentage of land designated for retail commercial uses in adjacent communities. Furthermore, the future growth area in the unincorporated eastern portion of the Community Plan, which represents 17.58 percent of the Community Plan area, offers an opportunity to create additional residential development to fill any future shortfall which might occur. The impact of the Project on pending and future commercial developments within the Community Plan and adjacent communities does not constitute an environmental impact that must be addressed under CEQA because such an impact will not result in any physical change to the environment. As discussed in the Market Analysis and Tax Revenue Study prepared for the Project by the London Group Realty Advisors, Inc. ("London Group Study"), retail establishments in close proximity to the Project ultimately will benefit from the increased patronage in the area. Proposed grading for the Project, however, would significantly conflict with the environmental goals of the Community Plan with respect to minimizing landform alteration. The specific landform impacts are addressed in the "Landform Alteration" findings below. The Project also would exceed the encroachments allowed by RPO into both steep slopes and biologically sensitive lands.

4.1.2 Finding. No feasible mitigation measures exist to lessen the Project's conflicts with the landform impacts or to reduce them below a level of significance. In terms of conformance with the landform policies of the Community Plan, revegetation of all manufactured slopes onsite would mitigate the potential visual effects, but not the significant landform impacts of the proposed grading. With respect to RPO consistency, on and offsite biological compensation is proposed to mitigate the loss of sensitive vegetation; however, RPO does not allow any encroachment into wetlands, no matter how small or degraded, and no mitigation is identified in RPO for encroachment into steep slopes. RPO does provide an alternative compliance procedure that allows a project to be approved if it complies with RPO to the maximum extent feasible and provides extraordinary benefits to the general public. As is evidenced in the discussion contained in section 4.0 below, there are no feasible measures that would further minimize the potential adverse effects on the environmentally sensitive lands while still providing the extraordinary benefits to the City of, based on the London Study, $1.6 million in increased revenues and 1,120 new jobs, as well as fulfilling a community need for a regional retail center and contributing to the City's mitigation banking program and open space system.

4.2 Landform Alteration

4.2.1 Impacts. Estimated grading quantities in excess of 2,000 cubic yards per acre and proposed manufactured slopes in excess of 10 feet in height would have a significant impact on the existing landform features found onsite. In order to create the necessary pad area, a maximum 44-foot high fill slope would be placed within an onsite ravine. In addition, proposed construction of "A" Street to meet City design standards would result in a maximum 85-foot high, 4,000-foot long cut slope extending offsite from the easternmost portion of the subject property.

4.2.2 Finding. No feasible mitigation measures are available to lessen or avoid the significant landform impacts discussed above. Curve radius standards for the proposed "A" Street preclude the ability to reduce substantially the height of proposed cut slopes in the eastern portion of the

site. The modified "A" Street alternative, the infeasibility of which is addressed in section 5.0 below, would reduce this landform impact, but not to below a level of significance. The impact would only be avoidable through implementation of the "No Project" or Offsite alternatives, the infeasibility of which are discussed in section 5.0 below.

4.3 Biological Resources (Cumulative)

4.3.1 Impacts. The Project would contribute to cumulatively significant impacts associated with the loss of an isolated, seasonal wetland (360 square feet), mule fat scrub (0.4 acres), and non-native grasslands/raptor foraging area (35.3 acres). Wetlands are a relatively uncommon habitat in the San Diego region and have been substantially diminished by past development. Similarly, raptor foraging areas are disappearing as development occurs.

4.3.2 Finding. Due to the low quality of the impacted wetlands, no mitigation of cumulative impacts to wetlands is required. No mitigation measures are proposed to reduce the potential cumulative impacts to raptor foraging area due to the economic infeasibility of having to acquire, when combined with other offsite mitigation requirements, land roughly equivalent to the total acreage of the Project site. Moreover, mitigation of such cumulative impacts to raptor habitat are beyond the scope of this Project and must be addressed on a City-wide or regional basis. The Project applicant has agreed to contribute money to the City's Mitigation Bank Program in the amount of $10,000, to partially mitigate the Project's cumulative impacts to biological resources. This impact could be avoided, however, by implementation of the "No Project" or Offsite alternatives, the infeasibility of which are discussed in section 5.0 below.

4.4 Traffic/Circulation

4.4.1 Impacts. Project implementation may result in significant traffic safety impacts to vehicular and non-vehicular modes of transportation. With respect to site access, a signal warrant analysis determined that, without signalization, the two proposed driveway intersections with "A" Street would experience significantly degraded LOS operations. Estimated trip generation from the Project also would result in significant direct impacts and, when combined with expected regional traffic volumes, would contribute to significant cumulative impacts at several intersections in the vicinity. Under the existing-plus-project (interim) scenario, the Palm Avenue intersections at the southbound and northbound I-805 ramp terminals would operate at LOS D during PM peak hours. Under the interim cumulative scenario, the southbound I-805 ramp terminal would operate at an unacceptable LOS D during AM peak hours; PM peak hour impact would not occur because the lane modifications on Palm Avenue are expected to have occurred by that time. Under the buildout scenario, significant cumulative impacts would occur at the following intersections: Palm Avenue/"A" Street (LOS D in the AM peak-hour and LOS E during the PM peak-hour), I-805/Palm Avenue ramp terminals (LOS D in the AM and PM peak hours), and Del Sol Boulevard/"A" Street (LOS D during the PM peak-hour). An analysis of impacts to Congestion Management Plan ("CMP") facilities and the Regionally Significant Arterial System has been prepared which demonstrates that the Project would not have a significant impact on the CMP's goal of maintaining LOS D or better on regionally important roadways.

4.4.2 Finding. Conformance to City standards for vehicular and non-vehicular street improvements and pedestrian circulation provisions contained on the proposed site plan would fully mitigate potentially significant traffic safety hazards to motor vehicles, bicyclists, and pedestrians. Potentially significant site access impacts would be reduced to below a level of significance by assuring

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the installation of traffic signals at the intersections of "A" Street/Driveway "D" and "A" Street/Driveway "E", and assuring lane configurations at these intersections as identified in Figure IV-14 of the Final EIR.

Interim traffic impacts of the Project on the northbound and southbound I-805/Palm Avenue ramp terminals would be reduced by signalization and the lane striping illustrated in Figure IV-14 of the Final EIR. These proposed intersection improvements would fully mitigate direct traffic impacts on the northbound ramp, but not the southbound ramp terminal. In addition, no mitigation measures are available to reduce the Project's contribution to cumulative traffic impacts at this ramp terminal in the interim or under buildout conditions. Furthermore, the Project's contribution to cumulative traffic impacts at the northbound ramp terminal would remain significant (LOS D) under buildout conditions even after ultimate improvements are made to the interchange. These ultimate improvements, which include widening of the Palm Avenue overpass, are not included as Project mitigation because the need for the improvements is not solely related to the Project. The City has requested that Caltrans perform a Project Study Report as expeditiously as possible. The Project will make interim improvements at the interchange, subject to Caltrans approval, and would be responsible for a fair share or the ultimate interchange improvement costs.

Buildout-plus-Project traffic impacts on the Palm Avenue and Del Sol Boulevard intersections with "A" Street would be reduced, but not to below a level of significance, with signalization and lane striping illustrated in Figure IV-14 of the Final EIR. With these proposed intersection improvements, peak-hour operations would remain at LOS D (AM) and improve from LOS E to LOS D (PM) at Palm Avenue/"A" Street; and remain at LOS D (PM) at Del Sol Boulevard/"A" Street.

These traffic impacts could be avoided, however, by implementation of the No Project or Existing Land Use Alternatives, the infeasibility of which are discussed in section 5.0 below.

4.5 Air Quality (Cumulative)

4.5.1 Impacts. Mobile emissions associated with Project implementation would result in elevated ROG, CO and NO_x levels that exceed APCD significance thresholds; however, this would not be considered a significant direct air quality impact because an identical emissions load would probably occur without the Project (assuming that the same number of shopping trips to the site would be made to another commercial center if the Project were not constructed). The Project may nevertheless result in localized congestion on roadway segments and at intersections, resulting in elevated CO levels. Thus, the Project would incrementally contribute to significant, cumulative air quality impacts in the San Diego Air Basin.

4.5.2 Finding. Implementation of a required Transportation Demand Management (TDM) Plan for the Project, which would contain enforcement provisions subject to the satisfaction of the TDM Administrator, would reduce, but not below a level of significance, its incremental contribution to cumulative air quality impacts. As the San Diego Air Basin currently does not attain all mandatory state and federal clean air standards, any emissions attributable to new projects would compound existing problems and, thus, have a cumulatively significant impact on air quality. Full mitigation for this impact would only be achieved by implementation of the "No Project" alternative, the infeasibility of which is discussed in section 5.0 below.

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5.0 Feasibility Of Project Alternatives

Because the Project would result in unavoidable significant environmental effects, as outlined above, the City Council must consider the feasibility of any environmentally superior alternative to the Project. The City must evaluate whether one or more of these alternatives could avoid or substantially lessen the unavoidable significant environmental effects. The City need only consider those environmental impacts that are significant and cannot be avoided or substantially lessened through mitigation. A number of alternatives are identified in the Final EIR which are intended to mitigate the significant unavoidable environmental impacts associated with the Project: No Project, Existing Land Use Designation, Modified "A" Street Alignment, and Offsite. A brief discussion of each alternative, their ability to reduce the significant unmitigated environmental impacts, and the basis for determining their infeasibility follows.

In addition to the alternatives discussed in the Final EIR, the Project applicant evaluated a number of other alternative sites that were rejected early in the process because of their inability to achieve Project objectives. Specifically, the Project applicant considered: the Simmons property, the Otay International Center ("OIC"), and the central commercial area in the Community Plan. The Simmons property, which is approximately 50 acres in size and located in San Ysidro , was rejected because it had poor access and did not have adequate visibility to draw patrons. The OIC site, which consists of 144 acres located north of the Otay Border Crossing, was rejected because the surrounding area lacks the population to support the type of retail center contemplated by the Project. The existing industrial space would provide some patrons, but the lack of existing residential development and assurance of future residential development made the site infeasible. Finally, the central commercial area in the Community Plan, known as the Town Center and located at the intersection of Otay Mesa Road and the proposed I-905, also was rejected because of an insufficient population base to support the Project in the near-term and uncertain future residential development due to airport related issues and moratoriums.

In rejecting certain alternatives, the objectives of the Project must be weighed against the ability of the various alternatives to meet these objectives. The project objectives identified in the Final EIR and considered in these Findings are:

Provide a regional shopping center to serve the Community Plan area and surrounding communities.

Provide convenient shopping opportunities by co-locating both a Wal-Mart discount department store and a Sam's Club membership wholesale store on the same site.

Provide additional commercial space onsite for lease to a variety of users.

The City Council, having reviewed and considered the information in the Final EIR and the public record for the Project, finds that there are specific economic, social, or other considerations which make infeasible the Project alternatives identified in the Final EIR.

5.1 No Project Alternative

5.1.1 Impacts. This alternative would maintain the property in its present vacant condition. The unavoidable environmental impacts would be avoided as no development would occur on the property.

5.1.2 Finding. While this alternative would eliminate the Project's unmitigated environmental impacts to below a level of significance, it would not fulfill the Project objective of developing a commercial center at the site. The No Project alternative also would deny reasonable use of the land and would be economically infeasible as the landowner would continue to pay taxes on the property without providing for offsetting revenues.

5.2 Existing Land Use Designation Alternative

5.2.1 Impacts. This alternative would involve development of the site with single-family residences at a density of 0-5 dwelling units per acre, as currently allowed under the Community Plan. It is assumed that the development footprint for this alternative would occupy the same area as the Project, and support up to 252 single-family dwelling units. This alternative would avoid the additional traffic and cumulative air quality impacts associated with the proposed project. In addition, it would likely reduce the land use, landform, and biological (cumulative) impacts by relocating a portion of the proposed alignment of "A" Street out of steep slopes, thereby allowing for preservation of sensitive wetland habitat areas. Short-term construction noise impacts on the coastal California gnatcatcher could also occur with this alternative absent a restriction on construction during the nesting season.

5.2.2 Finding. The applicant has rejected this alternative because it would not meet the basic objectives of the Project, which is to develop a regional shopping center and additional commercial space on the subject property.

5.3 Modified "A" Street Alignment Alternative

5.3.1 Impacts. Under this alternative, the proposed alignment of "A" Street would be relocated to the extreme western portion of the site to avoid steep slopes and associated native vegetation along the eastern property boundary. This alternative may reduce, but not to below a level of significance, the unmitigated land use, landform, and biological (short-term, direct and cumulative) impacts associated with the Project. The significant, unmitigated impacts to traffic and associated air quality (cumulative), however, would remain the same.

5.3.2 Finding. This alternative has been rejected by the applicant because it would significantly impact the ability to locate the proposed Sam's Club at the southern end of the subject property. The presence of the La Nacion fault severely restricts the land area which would be available east of the realigned "A" Street. The restricted land area would preclude the co-location of a Wal-Mart and Sam's Club on the site, which is one of the primary objectives of the Project.

5.4 Offsite Alternative Locations

5.4.1 Impacts. Located immediately north of the subject property, across Palm Avenue, the Gateway Fair property was selected as a potential offsite alternative. Although this site

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meets the locational criteria, it falls short of the acreage needed to accommodate the Project. As a result, a partial offsite alternative was also considered which would place a portion of the proposed development on the subject property and a portion on the Gateway Fair site.

The full offsite alternative would utilize the 31-acre Gateway Fair property, which has been previously approved for commercial development. The northern half of this site has been mass-graded; however, no development has taken place as of yet. Even assuming that the site could support the Wal-Mart store and approximately 90,000 square feet of additional retail commercial uses, it would not be large enough to accommodate the proposed Sam's Club. This alternative would avoid the unmitigated land use, landform, biological (cumulative), traffic (direct) and cumulative air quality impacts associated with the Project. The significant, unmitigated impact to traffic (cumulative), however, would remain the same.

The partial offsite alternative would utilize the 31-acre Gateway Fair property as well as the disturbed portions of the Project site. Under this alternative, the Wal-Mart store and approximately 25% of the proposed commercial retail uses (80,000 square feet) would be constructed on the Gateway Fair property. The Sam's Club store and the remaining 217,300 square feet of commercial retail development would be constructed on the proposed Palm Plaza site. This would allow greater flexibility in the location of the proposed "A" Street alignment because less developable area is required onsite. This alternative would substantially reduce, but not to below a level of significance, the unmitigated land use and landform impacts associated with the project. It would also lessen, but not avoid, the significant, unmitigated biological (short-term direct and cumulative) impacts. The significant, unmitigated impacts to traffic and associated air quality (cumulative), however, would remain the same.

5.4.2 Finding. The full offsite alternative would be the "environmentally preferred" alternative because it would utilize a site which has been mass graded and previously approved for commercial development. The applicant has rejected this alternative, however, because it cannot support both a Wal-Mart and the Sam's Club store. The co-location of both a Wal-Mart and Sam's Club store on the same site is a fundamental objective of the Project. In addition, the applicant has rejected the partial offsite alternative because it would not enable maximum use of the Project site and would require acquisition of the Gateway Fair property, which is substantially higher in price than the Project site. This would be an economically infeasible undertaking for the applicant in light of the economics associated with development of a regional retail facility.

STATEMENT OF OVERRIDING CONSIDERATIONS FOR PALM PLAZA PROJECT

DEP 92-0647 **September 9, 1993**

The San Diego City Council ("City Council"), pursuant to the State CEQA Guidelines, after balancing the benefits of the Palm Plaza Project ("Project") against the significant land use, landform alteration, biological resources (cumulative), traffic/circulation (cumulative), and air quality (cumulative) impacts, which remain significant after all feasible mitigation measures and alterations have been incorporated into the Project, and after all Project alternatives that would lessen or avoid such significant impacts have been rejected as infeasible, determines that the impacts are acceptable due to the following, each of which individually would be sufficient to outweigh the adverse environmental impacts of the Project:

1.0 Increased Revenues To The City Of San Diego

The Project would provide substantial public revenues to the City of San Diego ("City") in the form of sales tax revenues. The Market Analysis and Tax Revenue Study prepared for the Project by the London Group Realty Advisors, Inc. ("London Group Study") concludes that the Project is expected to achieve a stabilized annual revenue in excess of $233 million dollars based on the average sales per square foot of the proposed tenants of the Project. Based on a proportionate redistribution of the Project revenue from retail facilities located outside of the City, it can be determined that the Project would generate an additional $27 million in taxable revenues for the City. According to the Board of Equalization, the City receives one percent of sales revenue. Consequently, it is estimated that the Project would generate approximately $1.6 million of additional sales tax revenue for the City per year.

Generating additional sources of revenue is a high priority of the City in light of the budget deficits which have faced the City in recent years and which are expected to be a problem in the coming years as well. Thus, the $1.6 million of sales tax revenue expected to be generated by the Project would represent a significant economic benefit to the City.

2.0 Increased Employment Opportunities

The Project would generate an estimated 1,122 new permanent jobs. Thus, the Project would enhance the economic base of the region. These new jobs are desperately needed in the region to compensate for job opportunities which have recently been lost due to the general downturn in the economy and, in particular, a significant decline in the local defense industry which has traditionally been an important employer in the San Diego region.

3.0 Regional Retail Facility

The Project would fulfill an existing demand within the community for a regional retail facility. The fact that significant sales currently are being diverted from the community to retail facilities located outside of the City is the best evidence of such an unfulfilled demand. Moreover, as the London Group

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Study specifically concluded, the Project would "add significantly to the quality of retailing" in the community, which would inure to the benefit of the residents of the community.

4.0 **Additional Biological Mitigation**

In addition to preserving 10.8 acres of open space, the Project would contribute $10,000 to the City's Mitigation Bank Program.

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MITIGATION MONITORING
AND
REPORTING PROGRAM

for

PALM PLAZA
San Diego, California

DEP No. 92-0647

September 9, 1993

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MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program was prepared for the City of San Diego Palm Plaza project (DEP No. 92-0647) to comply with the mitigation monitoring statute (Public Resources Code Section 21081.6) which requires public agencies to adopt such programs to ensure effective implementation of the mitigation measures. This program shall be a requirement of the General Plan/Community Plan Amendment, Planned Commercial Development Permit, Rezone, Resource Protection Ordinance Permit, Conditional Use Permit, Tentative Map, and Land Development Permit from the City of San Diego.

Project Description

The proposed Palm Plaza is a retail commercial center covering approximately 59.4 acres of an 87.7-acre site in Otay Mesa. Development would consist of approximately 617,000 square feet of commercial uses to be anchored by a Wal-Mart and Sam's Club discount department store. The site is located southeast of the terminus of Palm Avenue at Interstate 805 in the Otay Mesa Community Plan area.

Discretionary actions covered by this environmental document include a General Plan/Community Plan Amendment, Planned Commercial Development Permit, Rezone, Resource Protection Ordinance Permit, Conditional Use Permit, and Tentative Map. No other discretionary actions are necessary to implement the project. Ministerial action necessary to implement the project would include a NPDES permit from the Water Quality Control Board, a Section 7 or 10A permit from the U.S. Fish & Wildlife Service, and a Land Development permit and Final Map from the City of San Diego.

Project Impacts, Mitigation Measures and Monitoring Program

The following text includes a summary of the potentially significant project impacts, a list of mitigation measures identified in the environmental impact report, and the monitoring efforts necessary to ensure that the mitigation measures are properly implemented. Mitigation measures, monitoring and reporting requirements shall be further detailed prior to construction and, as required, following project implementation. All mitigation measures shall be implemented through conditions of approval for the proposed Planned Commercial Development Permit and Tentative Map.

LAND USE

Significant Impacts

1) Implementation of the proposed project would have significant land use impacts related to conflicts with the environmental goals of the Otay Mesa Community Plan. The grading necessary to construct "A" Street would result in significant alteration

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of the steep slopes along the eastern portion of the property by creating a cut slope which would extend for a distance of approximately 4,000 feet and reach a maximum height of 85 feet. This grading would conflict with the community plan goal of minimizing landform alteration. Design considerations preclude fully achieving the contour grading goals of the community plan.

2) The proposed project would have significant land use impacts related to conflicts with the City's Resource Protection Ordinance. Under RPO, the project exceeds the allowed encroachment into both sensitive slopes and biologically sensitive lands.

Mitigation

1) No project mitigation measures are available to reduce the land use impact related to the environmental goals of the community plan to below a level of significance. Only implementation of the No Project or Offsite alternative would avoid a significant impact on the environmental goals.

2) Biology mitigation measures provided under the Biological Resources section of this document would partially mitigate the project's impact relative to RPO. No measures are available to fully mitigate RPO impacts associated with encroachment into sensitive slopes nor are measures proposed for wetland impacts. Full mitigation of impacts to other biologically sensitive resources, Diegan coastal sage scrub, maritime succulent scrub and California gnatcatcher (as identified in Table IV-2 of the EIR) would be achieved by the biology mitigation measure to preserve Diegan coastal sage scrub habitat.

Monitoring & Reporting

1) Not applicable.

2) See Biology.

LANDFORM ALTERATIONS/VISUAL QUALITY

Significant Impacts

1) Visual impacts associated with slope grading would be significant. The 4,000 linear feet of manufactured slope with a maximum height of 85 feet along the east side of "A" Street would result in a significant impact.

2) The alteration of the eastern slopes and the creation of a manufactured bank reaching a maximum height of 85 feet and a horizontal length of approximately 4,000 feet would have a significant landform impact.

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Mitigation

1) The visual impact of the proposed grading of the site would be mitigated by the revegetation of manufactured slopes with naturalized plant material which reflect the character of the adjacent native vegetation.

2) The proposed landscaping would not fully mitigate the landform impact. Full mitigation of the landform impact would only be possible with the adoption of the No Project, Offsite or Modified Roadway alternatives as discussed in Section IX of the EIR.

Monitoring & Reporting

1) Prior to issuance of a land development permit, final landscape plans shall be reviewed and approved by the Planning Department to confirm that naturalized plant material will be used. Prior to issuance of a Notice of Completion and Acceptance, the Field Engineering Division of the Engineering and Development Department shall conduct a final inspection of the site to confirm that landscaping has been implemented pursuant to the approved plans.

2) Not applicable.

TRAFFIC

Significant Impacts

1) Under existing plus project conditions, the intersection analysis revealed that the intersections of Palm Avenue at the southbound and northbound I-805 ramp terminals would be significantly impacted, since they would be operating at LOS D during PM peak hours.

2) Signal warrant analysis determined that, without signalization, the project would have potentially significant impacts at two driveways under existing plus project conditions.

3) There would be a significant cumulative impact under the interim conditions with project scenario, which would consist of project traffic and traffic associated with 1513 dwelling units and 5.5 acres of commercial development in the area to the east of Palm Avenue. The southbound I-805 ramp terminal under this scenario would operate at an unacceptable LOS D during the afternoon peak hour.

4) Under the build-out with project conditions, there would be significant cumulative traffic impacts on the Palm Avenue/"A" Street intersection, the I-805/Palm Avenue ramp terminals, and the intersection of Del Sol Boulevard and "A" Street. The Palm Avenue "A" Street intersection would operate at an unacceptable LOS D in the AM

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peak hour and LOS E during the PM peak hour. With ultimate lane assumptions at the I-805/Palm Avenue interchange, the ramp terminals would operate at LOS D in the AM and PM peak hours. The intersection of Del Sol Boulevard and "A" Street would operate at an unacceptable LOS D during the PM peak hour.

Mitigation

1) Existing plus project impacts on the northbound I-805/Palm Avenue ramp terminals would be reduced below a level of significance with implementation of the measure provided below. However, with this measure, the impact to the southbound I-805/Palm Avenue ramp terminals under the existing plus project scenarios would remain unmitigated, operating at LOS D during the PM peak hour.

   Install, or otherwise, assure the lane configurations shown on Figure IV-14 of the EIR (Exhibit A) for the interchange of Palm Avenue/I-805 and traffic signals at the southbound and northbound ramp terminals.

2) Implementation of the following mitigation measure would reduce potentially significant site access impacts to below a level of significance:

   Install, or otherwise, assure lane configurations shown on Figure IV-14 of the EIR and traffic signals at the intersections of "A" Street/Driveway "D" and "A" Street/Driveway "E".

3) No project mitigation measures are available to reduce the cumulative impact on the southbound I-805/Palm Avenue ramp terminals under the interim conditions with project scenario to below a level of significance.

4) Build-out with project impacts on the southbound and northbound ramp terminals would remain unmitigated (LOS D) even after ultimate improvements are made to the interchange. These ultimate improvements, which include widening of the Palm Avenue overpass, are not included as project mitigation. No measures have been identified which would fully mitigate the project's cumulative impact on the I-805/Palm Avenue interchange to below a level of significance. It is possible that the CALTRANS Project Study Report/Project Report process leading to implementation will identify such a measure.

   Build-out with project impacts on the Palm Avenue/"A" Street intersection would be reduced but remain significant with implementation of the mitigation measure provided below. As shown in Figure IV-14 of the EIR, this measure would reconfigure the lanes previously assumed by the Community Plan. Level of service during the AM peak hour would remain at LOS D and improve from LOS E to LOS D during the PM peak hour. No project mitigation is available to avoid the LOS D

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(AM) and D (PM) at the intersection after implementation of the following measure:

Install, or otherwise, assure lane configurations shown in Figure IV-14 of the EIR and traffic signal at the Palm Avenue/"A" Street intersection.

Implementation of the following mitigation measure would ensure that under buildout with project conditions, the intersection of Del Sol Boulevard/"A" Street would operate at LOS B during the morning peak hour. However, during the PM peak, the LOS D operating condition would remain.

Install, or otherwise, assure lane configurations shown on Figure IV-14 of the EIR and traffic signal at the intersection of Del Sol Boulevard and "A" Street.

Monitoring & Reporting

1) Prior to recordation of the final map, the required lane configurations and traffic signals for the interchange of Palm Avenue/I-805 shall be installed, or otherwise assured, by the project applicant to the satisfaction of the City Engineer and CALTRANS.

2) Prior to recordation of the final map, the project applicant shall install, or otherwise assure, the required lane configurations and traffic signals at the intersections of "A" Street/Driveway "D" and "A" Street/Driveway "E" to the satisfaction of the City Engineer.

3) Not applicable.

4) Prior to recordation of the final map, the project applicant shall install, or otherwise assure, required lane configurations and traffic signal for the Palm Avenue/"A" Street intersection to the satisfaction of the City Engineer.

Prior to recordation of final map, the project applicant shall install, or otherwise assure, the required lane configurations and traffic signal at the intersection of Del Sol Boulevard and "A" Street to the satisfaction of the City Engineer.

BIOLOGICAL RESOURCES

Significant Impacts

1) Development of the project would have significant direct and cumulative impacts to sensitive vegetation and wildlife found on the property. Two sensitive vegetation types would be directly impacted by onsite development and offsite construction of "A" Street: Diegan coastal sage scrub (3.9 acres) and maritime succulent scrub (1.5

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acres). Several sensitive bird species would be impacted by the loss of these two vegetation types but the most notable is the federally-listed coastal California gnatcatcher. Six gnatcatchers were observed during biological surveys. An estimated 5.3 acres of vegetation being utilized by this bird would be lost with development of the site.

Significant direct impacts would occur to the maritime succulent scrub and sensitive species associated with this habitat: the cactus wren, snake cholla, San Diego bur-sage, coast barrel cactus, and cliff spurge.

2) The impact on foraging habitat for prey species in the southern non-native grassland is cumulatively significant. The loss of this habitat could potentially affect local populations of raptors and sensitive species which potentially occur in this habitat.

3) The loss of the mule fat scrub (0.6 acres) and seasonal isolated wetland (360 square feet) would be cumulatively but not directly significant. However, the loss of the seasonal isolated wetland would be directly significant if inhabited by the Riverside fairy shrimp.

Mitigation

1) The applicant shall demonstrate that 7.8 acres of high quality Diegan coastal sage scrub and 3.0 acres of high quality maritime succulent scrub have been preserved within the area shown on Figure IV-17. Offsite compensation may also occur at other approved locations. A recorded easement document or other document assuring acquisition of the mitigation acreage shall be provided which defines the conditions and limitations for the use of the mitigation area.

2) No mitigation measures to reduce the cumulative biological impact on the raptor foraging habitat to below a level of significance are considered feasible as onsite preservation would essentially preclude the proposed development. The impact would be avoided by the no project or offsite alternative.

3) No mitigation measures are proposed to reduce the cumulative biological impact on mule fat scrub and seasonal isolated wetland to below a level of significance. The impact would be avoided by the no project or offsite alternative. However, the project applicant is proposing to contribute $10,000 to the City of San Diego's Mitigation Bank Program to help compensate for the cumulative biological impacts. This contribution, however, does not fully mitigate for these impacts.

Soil hydration tests shall be completed to determine whether the endangered Riverside fairy shrimp inhabits the seasonal wetland located on the property. If the species does occur, evidence shall be provided before commencement of grading that

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a Section 7 or 10(a) agreement has been reached with the U.S. Fish and Wildlife Service.

Mitigation & Reporting

1) Prior to issuance of a grading permit or recordation of the final map, the applicant shall demonstrate to the satisfaction of the City Planning Director that 7.8 acres of high quality Diegan coastal sage scrub and 3.0 acres of high quality maritime succulent scrub have been preserved within the area shown on Figure IV-17. A recorded easement document or other document assuring acquisition of the mitigation acreage shall be provided to the Planning Director which defines the conditions and limitations for the use of the mitigation area. Compensation may occur at other locations with the approval of the City Planning Director.

2) Not applicable.

3) Prior to issuance of a grading permit or recordation of a final map, soil hydration tests shall be completed to determine whether the endangered Riverside fairy shrimp inhabits the seasonal wetland located on the property. A letter report from a qualified biologist detailing the methodology used and the results shall be approved by the Planning Director. If the species does occur, evidence shall be provided before commencement of grading that a Section 7 or 10(a) agreement has been reached with the U.S. Fish and Wildlife Service.

AIR QUALITY

Significant Impacts

1) Construction activities associated with the proposed project could create significant short-term air quality impacts by increasing the amount of particulate matter emitted into the San Diego air basin. The project could generate approximately 660 pounds per day of Particulate Matter (PM-10); any project which contributes more than 250 pounds per day is considered a major source of PM-10.

2) In conjunction with all other planned regional growth, the incremental contribution from mobile-source emissions to the non-attainment status of the San Diego Air Basin would be cumulatively significant. The unacceptable level of service expected on Palm Avenue and at the intersections of Palm Avenue/southbound ramp of I-805 and Palm Avenue/"A" Street would compound regional air quality problems.

Mitigation

Mitigation

Potential air quality impacts would be decreased to below a level of significance with implementation of the following mitigations measures:

1) The developer shall comply with all San Diego County APCD measures regarding control of nuisance from the generation of dust and fumes during construction. Dust control measures capable of attaining dust control efficiencies of 75 percent shall be implemented. Measures shall include: (1) twice-daily watering of disturbance areas, and (2) chemical stabilization of off-road haul routes.

2) A Transportation Demand Management Plan shall be prepared which includes the measures recommended for regional shopping centers which include but are not limited to:

    - Incorporation of transit access considerations into project design;
    - Development of employee rideshare incentives; and
    - Coordination of rideshare information among all site tenants via ride-matching services provided by the property manager.

Monitoring & Reporting

1) Prior to approval of a land development permit, the plans shall be reviewed by the City Engineer to assure that appropriate dust control measures are proposed. Implementation of these measures shall be confirmed during periodic inspections by the Field Engineering Division during the grading operation.

2) The project applicant shall prepare a Transportation Demand Management Plan for approval prior to building permit issuance. The Transportation Demand Management Plan shall contain enforcement provisions subject to the satisfaction of the TDM Administrator.

NOISE

Significant Impacts

1) The additional traffic related to the commercial use on "A" Street would increase traffic noise above that which would occur with residential development. Although traffic volumes would exceed 65 dB(A) without the commercial use, the increase in project traffic would extend the 65 dB(A) contour an additional 65 feet along the "A" Street through the property and 45 feet further from the road to the south. This would affect future residential developments expected to occur to the east and south.

Mitigation

1) No project-specific mitigation would be required for noise generation because no development exists in the affected areas. Future development will require discretionary actions and would involve environmental review. At that time, future development would be required to construct noise barriers sufficient to reduce noise levels to acceptable standards.

Monitoring & Reporting

1) Not applicable.

GEOLOGY/SOILS

Significant Impacts

1) Unstable geologic and soil conditions occur onsite and represent a potentially significant constraint to development. These conditions are associated with the highly weathered bedrock and terrace deposits; poor structural support associated with fills, alluvium/slopewash, topsoil, colluvium, trash dump material, and highly expansive soils encountered onsite; and the potential for the La Nacion Fault Zone, bentonite clay beds, and landslide deposits to create unstable conditions on proposed 2:1 cut slopes.

2) After grading, exposed soils which may contain bentonite could have a significant impact on efficient irrigation and healthy plant growth.

Mitigation

1) Full mitigation of impacts associated with unstable soil and geologic conditions would require preparation of a detailed evaluation of the seismic conditions, undocumented fills, expansive soils, terrace deposits, alluvium/slope wash, colluvium, betonite clay deposits, trash dump materials, landslide deposits, and bedrock formations. The study would provide remedial grading measures to mitigate any unstable soil, bedrock, or seismic conditions.

   All project building plans shall be in compliance with seismic design standards of the Uniform Building Code.

2) The impact associated with efficient landscape irrigation would be fully mitigated with implementation of the following measures:

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Those areas found to contain bentonite or compacted soils shall be tilled and proper soil preparation measures (specified by a landscape architect) shall be utilized prior to the planting of any project vegetation.

Organic material such as peat moss or nitrolized soil amendments shall be mixed with existing soil for use as a backfill planting mixture.

Monitoring & Reporting

1) Prior to issuance of a land development permit, a soils investigation shall be prepared by the project applicant to the satisfaction of the City Engineer. The City Engineer shall assure that the approved remedial measures have been incorporated into the project's grading plan. Prior to issuance of a Notice of Completion and Acceptance, the Field Engineering Division of the Engineering and Development Department shall conduct a final inspection of the site to confirm that remedial grading measures have been implemented pursuant to the approved plans.
Prior to building permit issuance, all project building plans shall be approved to the satisfaction of the City Engineer for compliance to the Uniform Building Code.

2) Prior to issuance of a land development permit, the Planning Department shall confirm that appropriate soil preparation and irrigation measures are proposed to facilitate landscape establishment. Prior to issuance of a Notice of Completion and Acceptance, the Field Engineering Division of the Engineering and Development Department shall conduct a final inspection of the site to confirm that soil preparation and irrigation techniques have been implemented pursuant to the approved landscape plans.

UTILITIES

Significant Impacts

1) The project would have a potentially significant impact on water availability to the site if improvements shown to be needed by the water system update are not implemented.

2) Project implementation would not have a significant impact on sewer service in the area. Adequate capacity exists to provide sewer service to the proposed project; however, potentially significant impacts would be associated with the construction of offsite sewer improvements. The offsite facilities would be required to connect to existing sewer main lines.

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Mitigation

1) The developer shall update the "Water System Analysis of Two Transmission Alternatives for the South San Diego/Otay Mesa Service Areas" prepared by Boyle Engineering, dated September, 1990. Environmental studies of the offsite facilities needed to serve the project shall be conducted, as appropriate, and the developer shall install, or otherwise assure, all water facilities required to serve the project.

2) The developer shall provide a sewer study for the sizing of gravity sewer mains and to show that the existing and proposed mains will provide adequate capacity and have cleansing velocities. Environmental studies of the offsite facilities needed to serve the project shall be conducted, as appropriate, and the developer shall install, or otherwise assure, all sewer facilities required to serve the project.

Monitoring & Reporting

1) Prior to recordation of a final map, the developer shall update the water study to the satisfaction of the Water Utilities Director. As appropriate, environmental studies of the offsite facilities needed to serve the project shall be conducted by the project applicant and approved by the Planning Director prior to recordation of final map. The developer shall install, or otherwise assure, all onsite and offsite water facilities required to serve the project to the satisfaction of the Water Utilities Director prior to recordation of final map. Prior to issuance of building permits, written verification shall be obtained from the Water Utilities Department to ensure that adequate water service will be supplied to the project.

2) Prior to recordation of a final map, a sewer study shall be prepared to satisfaction of the Water Utilities Director. As appropriate, environmental studies of the offsite sewer facilities needed to serve the project shall be conducted by the project applicant and approved by the Planning Director prior to recordation of a final map. The developer shall install, or otherwise assure, all onsite and offsite sewer facilities required to serve the project to the satisfaction of the Water Utilities Director prior to recordation of a final map. Prior to issuance of building permits, written verification shall be obtained from the Water Utilities Department to ensure that adequate sewer service will be supplied to the project.

PALEONTOLOGY

Significant Impacts

1) Grading for project development could result in potentially significant impacts to paleontological resources, specifically in the Otay formation.

Mitigation

1) Paleontological impacts would be fully mitigated with the preparation and implementation of a paleontological resource recovery program.

Monitoring & Reporting

1) Prior to issuance of a land development permit, the applicant shall provide written verification that a qualified paleontologist and/or paleontological monitor have been retained to implement this monitoring program. Verification shall be in the form of a letter from the project applicant to the Principal Planner of the Environmental Analysis Section (EAS) of the City of San Diego Planning Department. A qualified paleontologist is defined as an individual with a Ph.D. or M.S. degree in paleontology or geology, who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist. All persons involved in the paleontological monitoring shall be approved by EAS prior to any pre-construction meetings.

The qualified paleontologist shall attend any pre-construction meetings to consult with the excavation contractor. The project applicant shall notify EAS staff of any pre-construction meeting dates, and of the start and end of construction. The requirement for paleontological monitoring shall be noted on all grading plans. The paleontologist's duties shall include monitoring, salvaging, preparation of materials for deposit at a scientific institution that houses paleontological collections, and preparation of a report summarizing the results of the monitoring efforts. The duties are defined as follows:

a. Monitoring

The paleontologist or paleontological monitor shall be onsite during the original cutting of previously undisturbed areas of the formations to inspect for well-preserved fossils. The paleontologist shall work with the contractor to determine the monitoring locations and the amount of time necessary to ensure adequate monitoring of the project.

b. Salvaging

In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains in a timely manner. Recovery is anticipated to take from one hour to a maximum of two (2) days.

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At the time of discovery, the paleontologist shall contact EAS. EAS must concur with the salvaging methods before construction is allowed to resume.

c. Preparation

Fossil remains shall be cleaned, sorted, catalogued, and then deposited in a scientific institution that houses paleontological collections (such as the San Diego Natural History Museum).

d. Monitoring Report

A monitoring report, with appropriate graphics, summarizing the results, analysis and conclusions of the above program shall be prepared and submitted to EAS and the San Diego History Museum within three (3) months following termination of the paleontological monitoring program. Building permits shall not be approved prior to receipt of this report.

HYDROLOGY/WATER QUALITY

Significant Impacts

1) Development of the project would result in an increase in the urban runoff problems within the Otay and Tijuana River basins. During construction, uncontrolled surface runoff would create erosion and sedimentation problems. Once developed, runoff from future streets and parking areas would collect harmful materials such as oil, rubber, metals and trash. While insignificant in and of themselves, these impacts would have a cumulatively significant impact on water quality.

Mitigation

Implementation of the following mitigation measures, project impacts associated with water quality would be reduced to below a level of significance:

1) Water pollution control devices shall be installed by the project applicant to intercept flow before discharge into the drainage system to the extent determined feasible by the City Engineer.

Appropriate measures shall be utilized during construction to control runoff from construction sites. Temporary desilting basins shall be incorporated to keep sediment from the graded pads from entering the storm drain system. The collected silt shall be removed from these inlet structures after each major rainfall. Sandbagging along street and utility trenches shall be used for temporary erosion control prior to completion of final improvements. The City's Best Management Practices for Stormwater Pollution Control shall be identified and implemented.

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Monitoring & Reporting

1) Prior to issuance of a land development permit, the City Engineer shall review the grading plan to ensure that erosion control measures are provided. The project applicant shall provide evidence to the City Engineer indicating compliance with the National Pollutant Discharge Elimination System requirements by filing a Notice of Intent with the State of California Water Resources Control Board (SWRCB), and by implementing a Storm Water Pollution Prevention Plan satisfactory to the SWRCB.

   Prior to issuance of a Certificate of Occupancy and Final Inspection, the Inspection Services Division of the Building Inspection Department shall conduct a final inspection of the site to confirm that water pollution control devices have been installed pursuant to the approved building plans.

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Passed and adopted by the Council of The City of San Diego on OCT 12 1993 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	☑	☐	☐	☐
Ron Roberts	☑	☐	☐	☐
John Hartley	☑	☐	☐	☐
George Stevens	☐	☑	☐	☐
Tom Behr	☑	☐	☐	☐
Valerie Stallings	☑	☐	☐	☐
Judy McCarty	☑	☐	☐	☐
Juan Vargas	☑	☐	☐	☐
Mayor Susan Golding	☑	☐	☐	☐

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 Mary Cepeda, Deputy.

93 OCT 28 PM 12:00

Office of the City Clerk, San Diego, California

Resolution Number R- 282810 Adopted OCT 12 1993

CC-1276 (Rev. 2-93)