

(R-97-53)

RESOLUTION NUMBER R- 287714

ADOPTED ON JUL 30 1996

WHEREAS, the Del Mar Mesa Specific Plan was scheduled for a public hearing to be conducted by the Council of The City of San Diego (the "Council") to consider the proposed specific plan and associated items including a proposed Facilities Benefit Assessment District, amendments to the Progress Guide and General Plan, amendments to the North City Future Urbanizing Area Framework Plan, amendments to the North City Local Coastal Program, amendments to the A-1 Zone, the Planned Residential Development Ordinance and the Resource Protection Ordinance, and Environmental Impact Report (EIR) No. 95-0353; and

WHEREAS, the Del Mar Mesa Specific Plan and associated items were considered by the Council on JUL 30 1996, and

WHEREAS, the Council considered the issues discussed in Environmental Impact Report No. 95-0353; NOW, THEREFORE,

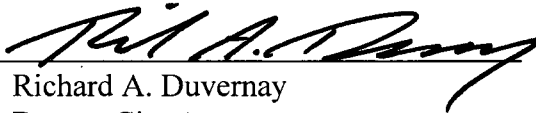
BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Environmental Impact Report No. 95-0353, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 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 Del Mare Mesa Specific Plan.

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



Richard A. Duvernay
Deputy City Attorney

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**FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE PROPOSED DEL MAR MESA SPECIFIC PLAN**

The California Environmental Quality Act (CEQA) requires that no public agency shall approve or carry out a project which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

(Sec. 21081 of the California Environmental Quality Act)

CEQA further requires that, where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR, but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record (Sec. 15093 of the CEQA Guidelines).

The following Findings and Statement of Overriding Considerations have been submitted by the project applicant as candidate findings to be made by the decision making body. The Land Development Review Division does not recommend that the discretionary body either adopt or reject these findings. They are attached to allow readers of this report an opportunity to review the applicant's position on this matter.

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**FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE DEL MAR MESA SPECIFIC PLAN**

The following Findings and Statement of Overriding Considerations are made relative to the conclusions of the Master Environmental Impact Report (MEIR) for the Del Mar Mesa Specific Plan (the "project")(DEP No. 95-0353/SCH No. 93071097). The MEIR is incorporated by reference herein.

The proposed specific plan for Del Mar Mesa (Subarea V of the North City Future Urbanizing Area) has been prepared by the City of San Diego Community and Economic Development Department in cooperation with private consultants, residents, concerned citizens, public agencies and other interests. The proposed specific plan guides land use and development on approximately 2,042 acres of land in the North City Future Urbanizing Area by providing land use designation, establishing development regulations, allocating density, providing for community facilities, establishing a circulation system and defining the boundaries of a significant open space system. The proposed specific plan provides for development of up to 685 dwelling units, a golf course and a 300 room hotel.

The MEIR for the project evaluates the following environmental issues in relation to the project: land use, transportation/traffic circulation, biological resources, hydrology/water quality, landform alteration/visual character, cultural resources, air quality, geology/soils, natural resources/agricultural, paleontology, noise, public facilities and services, water conservation, and safety. The MEIR also analyzes the cumulative and growth inducing impacts of the project, as well as alternatives to the project.

Having reviewed and considered the information contained in the Del Mar Mesa Specific Plan Final Master Environmental Impact Report (DEP 95-0353), related documents and the public record, the Council of the City of San Diego makes the following findings pursuant to Section 15091 of the California Administrative Code:

- A. No changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects as identified in Master Environmental Impact Report 95-0353.
- B. There are no changes or alterations within the responsibility and jurisdiction of another public agency which are necessary to avoid or mitigate significant environmental effects.
- C. Specific economic, legal, social, technological, or other considerations make infeasible the project alternatives identified in Master Environmental Impact Report 95-0353 to reduce the following significant impacts:

1. LAND USE:

Impact: Inconsistency with environmental goals of the General Plan due to loss of important farmland and development and fragmentation of agricultural lands.

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2. VISUAL CHARACTER:

Impact: Replacement of the existing very low intensity rural residential, equestrian and agricultural uses with up to 685 dwelling units, circulation element roads, a school and park site, and a proposed resort and golf course would result in a substantial change in the visual character of the area.

3. NATURAL RESOURCES/AGRICULTURE:

Impact: Loss of the ability to farm and extract important mineral resources.

4. BIOLOGICAL RESOURCES:

Impact: Loss of significant amounts of important habitat supporting sensitive species, including over 200 acres of coastal sage scrub habitat and five pairs of California gnatcatchers within the area designated for development.

5. HYDROLOGY/WATER QUALITY:

Impact: Potential flood control and urban runoff impacts related to development within the designated floodway and increased erosion, sedimentation and pollutants down stream in sensitive wetlands.

6. CULTURAL RESOURCES:

Impact: Loss of potentially significant prehistoric and historic sites as a result of development.

7. GEOLOGY/SOILS:

Impact: Development within potentially slide-prone formations and expansive soils and exposure of highly erodible soils from future grading.

8. PALEONTOLOGICAL RESOURCES:

Impact: Loss of significant fossil remains throughout the subarea as a result of future grading.

9. PUBLIC FACILITIES:

Impact: Increased student population in districts where overcrowding already exists, potential inability for the City Fire Department to provide a first response within six minutes and the potential inability to provide water and sewer service to the subarea without substantial upgrade of existing systems.

10. SAFETY

Impact: Potential for mosquito breeding in ponded water and desilting basins within and adjacent to the subarea and the potential for contaminated soils resulting from past agricultural practices in areas designated for residential development.

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Finding: Master Environmental Impact Report 95-0353 addresses project alternatives which reduce significant impacts associated with the proposed Del Mar Mesa Specific Plan. The environmental benefits of each of these alternatives and the reasons for their rejection are described below:

A. NO PROJECT

The No Project Alternative would result in a continuation of existing zoning and Framework Plan land use designation for Subarea V without the adoption of a specific plan. The areas zoned A-1-10 could develop at a density of one dwelling unit per four acres under the PRD ordinance whether designated for development or open space in the Framework Plan. Similarly, the areas zones A-1-1 could develop at a density of one dwelling unit per acre whether designated for development or open space. Development only of privately-owned land would be anticipated since the publicly-owned land was acquired as mitigation or open space land. Therefore, a maximum of approximately 532 dwelling units would be anticipated under this alternative. Development would occur on a project-by-project basis with clustering within each project site but without the supplemental development regulations proposed with the specific plan.

Lower densities associated with this alternative would reduce the impact on public facilities and services, decrease the traffic generation, and may preserve the character of the area to a greater extent than would the specific plan. The potential for agricultural preservation under this alternative is greater in the short-term, as is preservation of lands containing significant mineral resources. Cumulative impacts are anticipated to be less severe than under the proposal, since the scale of development would be somewhat smaller, and would contribute less incrementally to regional impacts. The significant impacts to biological and other sensitive cultural and natural resources associated with the proposed Subarea V Specific Plan would not be avoided or substantially lessened with the No Project Alternative in the long-term. The circulation element roads would be provided through the standard subdivision process for larger projects or eventually through the City's Capital Improvement Program with funding through Development Impact Fees.

This alternative is infeasible for the following reasons:

1. This alternative would not achieve the open space preservation goals of the specific plan. The specific plan proposes to cluster the majority of the development potential allowed within Subarea V to the western portion of the planning area and to establish an open space preserve including the critical open space areas identified in the Multiple Species Conservation Program (MSCP) plan. No such clustering or substantial open space preservation would result from the NO PROJECT alternative.
2. This alternative does not include the preparation of a financing plan for public facilities, likely resulting in public facility shortages within the planning area, and therefore, facilities impacts to adjacent communities. This would conflict with established City policy that public facilities be provided with development in accordance with the need for facilities generated by development.
3. The proposed park and school would likely not be provided with this alternative, as no mechanism for designation of these public facilities would occur without the specific plan.

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4. This alternative conflicts with the affordable housing goals of the *Progress Guide and General Plan*, which recommends that housing be provided for all income groups. Housing costs in the Future Urbanizing Area would be too high for employees in nearby job sites.
5. This alternative provides little or no support for public transit, conflicting with the General Plan transit goals and the Land Guidance study being prepared by the City.

B. ALTERNATIVE OPEN SPACE ACQUISITION PROGRAM

This alternative to the Draft Del Mar Mesa Specific Plan involves identification of a mechanism for certain and timely acquisition of critical open space areas. The open space acquisition program described in the proposed specific plan includes a variety of options for acquisition of the privately-owned, designated open space lands. These options include development impact fees (D.I.F.), purchase options, public and private mitigation funds, revenue bonds, and other mechanisms developed as a part of the MSCP Plan. Other than acquisition through the D.I.F., these mechanisms are described in general terms. Specific funding sources are not known with certainty at this time and the D.I.F. assumes a 20-year build out process. Because this acquisition program is not assured and purchase of the critical open space areas is not guaranteed to occur in the short-term and possibly not before economic pressure results in development of the open space, alternative acquisition strategies that are more aggressive, provide better assurances of acquisition, or would result in acquisition over a shorter time period are addressed in the MEIR. These alternative strategies include using general funds, bonds or increased D.I.F. funding for open space acquisition.

These various alternative mechanisms for acquisition are infeasible for the following reasons:

1. Using General Funds for open space acquisition would substantially reduce available funding for citywide services dependent on this funding source.
2. Using Bonds for open space acquisition would require a revenue stream sufficient to amortize bonds which cannot be assured through the specific plan process.
3. Increasing D.I.F. funding for open space acquisition would substantially increase per unit development costs and, further, the City Attorney has indicated that it may be difficult to develop defensible findings which establish the requisite nexus between project impacts and open space acquisition.

C. INCREASED OPEN SPACE AREA

The objective of this alternative is to increase land designated for open space and reduce fragmentation of open space by development and roads. Open space areas within the western portion of the subarea would be increased by approximately 100 acres to reduce loss of sensitive habitats and provide larger areas for wildlife movement. An additional 100 acres shown for development in the eastern and southern portions of the plan would also be designated open space to reduce indirect and edge effect impacts to the large open space area to the east and south. To reduce grading and biological impacts within the subarea and off-site, Camino Santa Fe would not be connected to the north.

This alternative would require the retention of the A-1-1 or A-1-10 zoning for those parcels designated entirely for open space which allows residential development at one unit per acre or one unit per 10 acres. However, the one unit per four acres in the A-1-10 zone would be precluded, as in the proposed plan. Development even at this low density within the open space areas would require extension of services and roads to each parcel as it develops.

Mechanisms to acquire the increased open space would be the same as with the proposed specific plan, including City or other public funding, off-site mitigation, and development impact fees.

This alternative is infeasible for the following reasons:

1. Acquisition of the additional open space would increase the cost of specific plan implementation. The additional 200 acres of open space would increase acquisition costs by approximately 6.2 million dollars. This additional expense would be partially offset by the cost savings associated with the deletion of the Camino Santa Fe connection to SR-56.
2. This alternative would further concentrate the reallocated development potential of the planning area, resulting in a density of development twenty percent higher than that proposed in the specific plan, additionally impacting the existing visual character of the area.

**STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE DEL MAR MESA SPECIFIC PLAN**

The City Council, pursuant to the CEQA Guidelines, after balancing the benefits of the proposed Del Mar Mesa Specific Plan against unavoidable significant direct and/or cumulative impacts of the project on land use, biological resources, hydrology/water quality, landform alteration/visual character, cultural resources, geology/soils, natural resources/agricultural, paleontology, public facilities and services, and safety impacts hereby determines that the impacts are acceptable for the following reasons:

1. The project would place approximately 1,480 acres in open space for the benefit of residents, the public, and wildlife. The proposed designation of open space, and substantial reduction of development potential within this open space area, would provide a more effective regional open space system than would continued development in accordance with existing regulations. This open space preserve would provide an uninterrupted connection between the Los Peñasquitos and Deer Canyons and the rest of the preserve system proposed in the Draft Multiple Species Conservation Program. It is part of the Los Peñasquitos Lagoon/Canyon/Del Mar Mesa core area. This core resource area encompasses one of the few intact natural open space areas in coastal San Diego County that is still linked to larger expanses of habitat to the east, hence, its tremendous significance. Subarea V contains core habitat area on the Del Mar Mesa north of the Los Peñasquitos Canyon Preserve in addition to linkages containing disturbed lands and habitat leading toward Carmel Valley and Carmel Creek.

The open space area would also include areas established for preservation of vernal pools by both the City of San Diego and Caltrans. An open space linkage would also be provided for the western border of the site that would provide connection between Los Peñasquitos Canyon and Carmel Valley. Equestrian and hiking trails to facilitate public access to and enjoyment of the open space would also be provided.

2. The project would provide, or contribute to, the construction of regional serving facilities and capital improvements.
3. The project would provide a net fiscal benefit to the City in that revenues from taxes will exceed the cost of City services to the project.
4. The project would generate a substantial number of construction jobs over the period of development for the depressed San Diego construction industry.
5. The project would provide for comprehensive planning and phasing of future development.

**DEP No. 95-0353
June 1996**

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