

332 (A)

RESOLUTION NUMBER R- 302635

DATE OF FINAL PASSAGE MAY 15 2007

WHEREAS, Coastal Development Company submitted an application to the City of San Diego for a site development permit, vesting tentative map, community plan amendment and rezone for the Centerpointe at Grantville project; and

WHEREAS, the matter 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 City Council on MAY 15 2007; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the City Council considered the issues discussed in Supplemental Environmental Impact Report No. 80450; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Supplemental Environmental Impact Report No. 80450, which includes a Statement of Overriding Conditions and a Mitigation Monitoring and Reporting Program, 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 a site development permit, vesting tentative map, community plan amendment and rezone for the Centerpointe at Grantville project.

BE IT FURTHER RESOLVED that the Council finds, except where otherwise stated in the Statement of Overriding Considerations, that project revisions together with the Mitigation Monitoring and Reporting Program, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference, avoid or substantially lessen potentially significant effects on the environment identified in the Initial Study and therefore that said Supplemental Environmental Impact Report, on file in the Office of the City Clerk and incorporated herein by reference is hereby approved.

BE IT FRUTHER RESOLVED, that the Council finds that the measures for avoiding or substantially lessening potentially significant environmental effects as found in the Mitigation Monitoring and Reporting Program are fully enforceable through permit conditions, agreements or other measures.

BE IT FURTHER RESOLVED, that the City Council has considered other mitigation measures and project alternatives in the Supplemental Environmental Impact Report and finds specific economic, legal, social technological, or other considerations make infeasible these other mitigation measures or project alternatives.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council 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.

BE IT FURTHER RESOLVED, that the City Council finds there are significant environmental effects which are identified in the Supplemental Environmental Impact Report which are not avoided or substantially lessened as noted in the Statement of Overriding Considerations, a copy of which is attached hereto, as Exhibit B, and incorporated herein by reference.

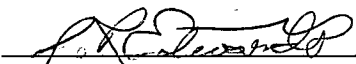
BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code Sections 21083 and CEQA Guidelines 15083, the City Council finds that it has balanced, as applicable, the economic, legal, social, technological, or other benefits of the proposed project against its unavoidable environmental risks in approving this project.

BE IT FURTHER RESOLVED, that the City Council finds that the specific economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable adverse environmental effects, and therefore, the adverse environmental effects are considered acceptable as supported by the Statement of Overriding Considerations and substantial evidence in the record.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego

regarding the above project and said NOD SHALL MENTION THE Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program..

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shirley R. Edwards
Chief Deputy City Attorney

SRE:pev
05/04/07
Or.Dept:DSD
R-2007-800
MMS #4435
ENVIRONMENTAL - EIR 11-01-04

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

SITE DEVELOPMENT PERMIT / VESTING TENTATIVE MAP / COMMUNITY PLAN
AMENDMENT / REZONE

Project No. 80450

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Supplemental Environmental Impact Report (Project No. 80450) shall be made conditions of the project as may be further described below.

General Measures Which Must Be Completed Prior To Any Authorization To Proceed

1. After project approval by the Decision-maker and prior to the issuance of any discretionary approval(s), the applicant shall deposit \$7,000.00 with the Development Project Manager in the Development Services Department to cover the City's costs associated with implementation of the MMRP.
2. The Environmental Review Manager (ERM) of the City's Land Development Review Division (LDR) shall verify that the following statements are shown on the grading, public improvement, and building permit plans as notes under the heading, *Environmental Requirements*: "The Centerpointe at Grantville project is subject to a Mitigation Monitoring and Reporting Program (MMRP) and shall conform to the mitigation conditions as contained in the Supplemental EIR (Project No. 80450) as well as the original Grantville Redevelopment Project EIR (SCH No. 2004071122). The owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer and the City's Mitigation Monitoring Coordination (MMC) Section."
3. At least one week in advance of the first pre-construction meeting, the applicant shall provide written notice of the following to the City: 1) the date, time and location of the pre-construction meeting; and 2) the date and time grading or other project mobilization will occur.

Transportation/Circulation

Mitigation Measure CG-T1: The applicant shall pay a share of the cost for the Alvarado Canyon Road Realignment project, which is project T-12 in the current Navajo Community Public Facilities Financing Plan. The fairshare amount would be based on the increased project-related ADT that would impact Fairmount Avenue in the vicinity of the Alvarado Canyon Road intersection, which is 1,320 ADT. This contribution would be collected by the City as a lump

sum when the new development is first issued a building permits that causes the development to exceed the 3,468 ADT generated by the existing uses on the project site. Based on the ADT estimate in the project Traffic Impact Analysis (LLG 2006) and the road improvement project's need for funding from "other unidentified sources" as identified by the City Planning Department, Facilities Financing Section, the project's contribution would be approximately \$1,240,800. This lump sum contribution would be in addition to payment of development impact fees.

Air Quality

Mitigation Measure AQ1: A project-specific air quality analysis shall be prepared for future redevelopment projects to determine the emissions associated with construction activities and identify measures to reduce air emissions. In addition, future redevelopment projects shall implement appropriate federal, state, and local development standards and requirements that are designed to minimize short-term construction related air quality emissions. These measures typically include, but are not limited to the following:

- Apply water or dust control agents to active grading areas, unpaved surfaces, and dirt stockpiles as necessary. Protect all soil to be stockpiled over 30 days with a secure tarp or tackifiers to prevent windblown dust.
- Properly maintain diesel-powered on-site mobile equipment and use gasoline-powered on-site mobile equipment instead of diesel-powered mobile equipment, to the maximum extent possible.
- Wash-off trucks leaving construction sites.
- Replace ground cover on construction sites if it is determined that the site will be undisturbed for lengthy periods.
- Reduce speeds on unpaved roads to less than 15 miles per hour.
- Halt all grading and excavation operations when wind speeds exceed 25 miles per hour.
- Sweep or vacuum dirt and debris spilled onto paved surfaces at the project site and on the adjacent roadways and dispose of these materials at the end of each workday.
- Cover all trucks hauling dirt, sand, soil or other loose material to and from the site and/or maintain a two-foot minimum freeboard.
- Use zero emission volatile organic compound (VOC) paints.

Noise

Mitigation Measure CG-N1: Prior to issuance of building permits for Centerpointe at Grantville Buildings A, C, and F, or other future residential uses fronting on Fairmount Avenue or Twain Avenue, the applicant shall submit a copy of the approved noise study along with the construction plans. Any mitigation required to reduce the interior noise levels to 45 dBA CNEL

or below shall be shown on the submitted plans. For Buildings A and C, windows with at least a Sound Transmission Classification (STC) rating of 25 would be required to achieve a 20 dBA reduction. For Building F, windows with at least an STC rating of 25 would be required to achieve a 19 dBA reduction. The noise study shall specify the required STC rating based on noise measurements taken within six months of the building permit issuance for each building.

Cultural Resources

Mitigation Measure CG-CR1: Prior to Permit Issuance

A. Land Development Review (LDR) Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

Mitigation Measure CG-CR2: Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Preconstruction Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Preconstruction Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading/excavation related Preconstruction Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Preconstruction Meeting, the Applicant shall schedule a focused Preconstruction Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

Mitigation Measure CG-CR3: During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**

2. The monitor shall document field activity via the Consultant Site Visit Record (CSVVR). The CSVVRs shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI and Native American representative, if applicable, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in CG-CR4 below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

Mitigation Measure CG-CR4: Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
3. If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, **ONLY** the Medical Examiner can make this call.
2. The NAHC shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
3. NAHC shall identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
4. The PI shall coordinate with the MLD for additional consultation.
5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;

- b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.

D. If Human Remains are **NOT** Native American

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man.

Mitigation Measure CG-CR5: Night Work

A. If night work is included in the contract

1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the preconstruction meeting.
2. The following procedures shall be followed.

a. No Discoveries

In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVR and submit to MMC via fax by 9am the following morning, if possible.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in CG-CR3 - During Construction, and CG-CR4 - Discovery of Human Remains.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under CG-CR3 - During Construction shall be followed.

- d. The PI shall immediately contact MMC, or by 8AM the following morning to report and discuss the findings as indicated in CG-CRS-13, unless other specific arrangements have been made.

B. If night work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

Mitigation Measure CG-CR6: Post Construction

A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.

b. Recording Sites with State of California Department of Parks and Recreation

The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued

2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

Geology/Soils

Mitigation Measure CG-GS1: Prior to the issuance of a grading permit, the owner/permittee shall demonstrate that all recommendations included in the Ninyo & Moore Geotechnical Evaluation dated May 31, 2005, have been incorporated into the project design and are written into the contract specifications and construction documents.

Hazards and Hazardous Materials

Mitigation Measure CG-HM1: Prior to the issuance of any building permit, the applicant must provide to the Environmental Review Manager a "No Further Action" letter or other certification from the County Department of Environmental Health (DEH) verifying DEH approval that the site meets the criteria for commercial and residential uses.

Paleontological Resources

Mitigation Measure CG-PR1: Prior to Permit Issuance

A. Land Development Review (LDR) Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the

requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

Mitigation Measure CG-PR2: Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Preconstruction Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Preconstruction Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Preconstruction Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Preconstruction Meeting, the Applicant shall schedule a focused Preconstruction Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on

the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

Mitigation Measure CG-PR3: During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVRs shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

Mitigation Measure CG-PR4: Night Work

A. If night work is included in the contract

1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the preconstruction meeting.
2. The following procedures shall be followed.
 - a. No Discoveries

In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVr and submit to MMC via fax by 9 AM the following morning, if possible.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in PR3 - During Construction.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under CR3 - During Construction shall be followed.

- d. The PI shall immediately contact MMC, or by 8AM the following morning to report and discuss the findings as indicated in CR3-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
 - C. All other procedures described above shall apply, as appropriate.

Mitigation Measure CG-PR5: Post Construction

A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum

The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit the revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.

2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

C. Curation of fossil remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the Draft Monitoring Report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC that includes the Acceptance Verification from the curation institution.

Water Quality/Hydrology

Mitigation Measure HD1: A detailed hydrology study shall be prepared for each specific development that addresses the onsite and offsite hydrological and drainage characteristics of each proposed development project. For development projects located within or adjacent to the 100-year floodplain, additional consideration shall be given to the design of the project. An appropriate drainage control plan that controls runoff and drainage in a manner acceptable to City Engineering Standards for the specific project shall be implemented. The drainage control plan shall be implemented in accordance with the recommendations of the hydrology study and shall address on-site and off-site drainage requirements to ensure on-site runoff will not adversely affect off-site areas or alter the existing drainage pattern of the site or off-site areas. The drainage study shall incorporate the recommendations of the San Diego River Park Master Plan the San Diego River Watershed Management Plan relative to hydrology/drainage and flooding to the maximum extent practicable.

Mitigation Measure WQ1: Prior to commencement of construction activities for future redevelopment activities, documentation of compliance with the City of San Diego Municipal Code, General Construction Stormwater Permit (Order No. 99-08, NPDES CAS000002) and the General Municipal Stormwater Permit (Order No. 2001-01, NPDES CAS0108758) shall be obtained. Under the General Construction Stormwater Permit, the following components are required, a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and a Monitoring Program and Reporting Requirements. Required elements of SWPPP include:

- Site description addressing the elements and characteristics specific to the site;
- Description of Best Management Practices (BMPs) for erosion and sediment controls;
- BMPs for construction waste handling and disposal;
- Implementation of approved local plans;
- Proposed post-construction controls, including description of local post-construction erosion and sediment control requirements;
- Non-storm water management;
- Identify a sampling and analysis strategy and sampling schedule for discharges from construction activity which discharge into water bodies listed on the 303 (d) list of impaired water bodies; and,
- For all construction activity, identify a sampling and analysis strategy and sampling schedule for pollutants which are not visually detectable in stormwater discharges, which are known to occur on the construction site, and which could cause or contribute to an exceedance of water quality objectives in receiving waters.

Some of the BMPs that shall be used during construction for compliance with the City of San Diego Municipal Code, General Construction Stormwater Permit, and General Municipal Stormwater Permit include, but are not limited to:

- Silt fence, fiber rolls, or gravel bag berms
- Street Sweeping
- Storm drain inlet protection
- Stabilized construction entrance/exit
- Vehicle and equipment maintenance, cleaning, and fueling Hydroseed, soil binders, or straw mulch

Mitigation Measure WQ2: All future redevelopment projects shall obtain compliance approval with the City of San Diego Municipal Code, General Municipal Stormwater Permit (Order No. 2001-01, NPDES NO. CAS0108858), and the General Industrial Stormwater Permit (Order No. 97-03-DWQ, NPDES NO. CAS000001). Future redevelopment project design shall also take into consideration to the maximum extent practicable the recommendations contained in the San Diego River Park Master Plan and the San Diego River Watershed Management Plan. Components of future redevelopment project design that will help achieve compliance with these long-term water quality regulations include, but are not limited to:

- Infiltrations basins
- Retention/detention basins
- Biofilters
- Structural controls

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

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

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can and 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 environmental impact report.

(Sec. 21081 of the California Environmental Quality Act)

CEQA also requires that the findings made pursuant to Section 15091 be supported by substantial evidence in the record (Section 15091(b) of the State CEQA Guidelines). Under CEQA, substantial evidence means enough relevant information has been provided (and reasonable inferences from this information may be made) that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence must include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (Section 15384 of the State CEQA Guidelines).

CEQA further requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" (Section 15093(a) of the State CEQA Guidelines). When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record, and does not substitute for, and shall be in addition to, findings required pursuant to Section 15091 (Sections 15093(b) and (c) of the State CEQA Guidelines).

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The following Findings and Statement of Overriding Considerations have been submitted by the project applicant as candidate findings to be made by the decision making body. The Environmental Analysis Section 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.

R-302635

**Candidate Findings and
Statement of Overriding Considerations
Regarding the Final Supplemental Environmental Impact Report for
Centerpointe at Grantville Community Plan Amendment,
Rezone, and Site Development Permit**

INTRODUCTION

The City of San Diego (City) proposes to approve the Centerpointe at Grantville Community Plan Amendment, Rezone, and Site Development Permit and adopt a Supplement to an Environmental Impact Report (Supplemental EIR) for property located in the Grantville neighborhood of the Navajo Community Plan. The Centerpointe at Grantville project proposes a mixed-use development of 588 multi-family dwelling units and approximately 135,228 square feet of office, retail, and restaurant uses. The Supplemental EIR is a supplement to the Final Program Environmental Impact Report (PEIR) approved in April 2005 for the Grantville Redevelopment Project. Approval of the PEIR included adoption of Findings for each of the Redevelopment Project's significant impacts and adoption of a Statement of Overriding Considerations for Traffic/Circulation and Air Quality.

The California Environmental Quality Act of 1970 (CEQA) (Public Resources Code §21000 *et seq.*) and the State CEQA Guidelines (California Administrative Code §15000 *et seq.*, as amended) provide that:

[N]o public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) The public agency makes one or more of the following findings with respect to each significant effect:*
 - (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.*
 - (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and 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 environmental impact report.*
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. [Public Resources Code §21081]*

Section 1 California Environmental Quality Act Findings

FINDINGS

The City Council has reviewed the Supplemental EIR for the Centerpointe at Grantville project, including the Appendices, comments from public agencies and individuals, the responses to each comment that were prepared by the City Development Services Department.

The City Council conducted a public hearing during a regular meeting of the Council on [date 2007], which was duly noticed in accordance with City requirements for public hearings on land use matters; and received a report from the Development Services Department, including the recommendations of the City Planning Commission, and received public testimony on the project and the Supplemental EIR.

The Supplemental EIR identified significant effects that may occur as a result of the project. In accordance with Public Resources Code §21081 and the State CEQA Guidelines §15091, the City Council hereby adopts these findings regarding the significant effects of the proposed project.

- (1) *Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment as identified in the Supplemental EIR (LDR No. 42-5042/SCH No. 2004071122) as described below relative to Air Quality, Noise, Cultural Resources, Hazards and Hazardous Materials, Paleontological Resources, and Water Quality/Hydrology.*

A. AIR QUALITY

Significant Effect

Emissions of particulates and other air pollutants would occur during project construction activities.

Facts in Support of Finding (1)

Mitigation Measure AQ1 from the Redevelopment Project PEIR to reduce particulate and construction equipment exhaust emissions associated with construction activities, require application of water or other dust control agents to active grading areas and unpaved surfaces; conduct proper maintenance of diesel powered construction equipment and use gasoline powered equipment in place of diesel to the maximum extent possible; wash-off of trucks leaving construction sites; sweeping or vacuuming dirt and debris spilled on paved surfaces; covering all trucks hauling dirt or debris from the project site; and use of zero emission volatile compound paints.

B. NOISE**Significant Effect**

Noise from traffic on Fairmount Avenue and Twain Avenue would have the potential to cause interior noise levels in residential dwelling units to exceed 45 decibels.

Facts in Support of Finding (I)

Mitigation Measure CG-N1 requires that prior to issuance of building permits for Centerpointe at Grantville Buildings A, C, and F, or other future residential uses fronting on Fairmount Avenue or Twain Avenue, the applicant shall submit a copy of the approved noise study along with the construction plans; and shall provide details on the submitted construction plans of the design measures that would reduce interior noise levels in residential units to 45 dBA CNEL or below.

C. CULTURAL RESOURCES**Significant Effect**

The potential exists for undiscovered cultural resources to be located within the project site that could be impacted by site grading and other ground-disturbing construction activities.

Facts in Support of Finding (I)

Mitigation Measures CG-CR1 through CG-CR6 would be implemented to avoid significant impacts to cultural resources. Land development review plan check would include checking to ensure that any requirements for archaeological monitoring during construction have been noted on the project plans; and site inspections would be conducted during construction to ensure that the project is complying with the monitoring requirements. Post construction measures require preparation of a monitoring report and recordation, preservation, and curation of any discovered artifacts.

D. GEOLOGY/SOILS**Significant Effect**

The project site is underlain by several different soil types and geologic formations. In addition, groundwater may be encountered during excavation for underground parking.

Facts in Support of Finding (I)

Mitigation Measure CG-CS1 requires that the recommendations of a geotechnical evaluation that has been prepared for the Centerpointe at Grantville project shall be incorporated into the project design and construction specifications.

E. HAZARDS AND HAZARDOUS MATERIALS**Significant Effect**

Demolition and excavation activities have the potential to encounter hazardous materials or contaminated soils from past commercial and industrial uses on the project site and the adjacent properties.

Facts in Support of Finding (I)

Mitigation Measure CG-HM1 requires that prior to the issuance of any building permit, the applicant must provide to the Environmental Review Manager a "No Further Action" letter or other certification from the County Department of Environmental Health (DEH) verifying DEH approval that the site meets the criteria for commercial and residential uses.

F. PALEONTOLOGICAL RESOURCES**Finding**

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding (I)

Mitigation Measures CG-PR1 through CG-PR5 would be implemented to avoid significant impacts to paleontological resources. Land development review plan check would include checking to ensure that any requirements for paleontological monitoring during construction have been noted on the project plans; and site inspections would be conducted during construction to ensure that the project is complying with the monitoring requirements. Post construction measures require preparation of a monitoring report and recordation, preservation, and curation of any recovered fossils.

G. WATER QUALITY/HYDROLOGY**Significant Effect**

Project development could alter or impact existing drainage facilities in the project area. In addition, impacts to groundwater and surface water quality in the project area and within the San Diego River could occur from temporary construction activities and from permanent project improvements.

Facts in Support of Finding (I)

Mitigation Measures HD1, WQ1, and WQ2 from the Redevelopment Project PEIR require that the project conduct a detailed hydrology study and implement a drainage control plan to avoid flooding and hydrology impacts. Best Management Practices specified in the Redevelopment Project PEIR that are to be implemented during construction are in compliance with the NPDES General Construction Stormwater Permit, General Municipal Stormwater Permit, and General

Industrial Stormwater Permit. A Stormwater Pollution Prevention Plan is required to be prepared and to be implemented during project construction.

- (2) *Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.*

A. TRANSPORTATION/CIRCULATION

Significant Effect

The following locations within State rights-of-way for Interstates 8 and 15 would be significantly impacted by proposed project traffic in both the near term and long term:

Intersections

- Camino del Rio North/Fairmount Avenue/Alvarado Canyon Road/I-8 Westbound Off-Ramp
- Fairmount Avenue/I-8 Eastbound Off-Ramp
- Friars Road/I-15 Southbound Ramps

Roadway Segments

- Fairmount Avenue from Camino Del Rio North to I-8 Eastbound Off-Ramp

Facts in Support of Finding (2)

Improvement to these facilities would require alteration or reconstruction of facilities that are maintained by Caltrans. Improvements would include alteration of freeway bridge supports and roadway widening. It is beyond the capability of the applicant to effect improvements that would avoid significant project impacts.

- (3) *Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly skilled workers, make infeasible the mitigation measures or alternatives identified in the Supplemental EIR that would reduce this impact to less than significant.*

A. TRANSPORTATION/CIRCULATION

Significant Effects Identified in the Final Environmental Impact Report CEQA Findings for the Grantville Redevelopment Project Program EIR

Street Segments

The CEQA Findings for the Grantville Redevelopment Project PEIR (City of San Diego Redevelopment Agency April 2005), concluded that the following street segments would be significantly impacted as a result of proposed redevelopment activities:

- Friars Road from I-15 North Bound Ramps to Rancho Mission Road (LOS F)
- Friars Road from Rancho Mission Road to Santo Road (LOS F)

- Fairmount Avenue from I-8 East Bound Off Ramp to Camino Del Rio North (LOS F)
- Mission Gorge Road from Mission Gorge Place to Twain Avenue (LOS F)
- Mission Gorge Road from Twain Avenue to Vandever Avenue (LOS F)
- Mission Gorge Road from Friars Road to Zion Avenue (LOS E)

(CEQA Findings page 27)

Mitigation Measure T1 of the Redevelopment Project Final EIR was adopted and requires improvements to the Fairmount Avenue and Mission Gorge Road street segments identified above that were determined to be feasible by their inclusion in the Five-Year Implementation Plan adopted for the Redevelopment Project Area.

The CEQA Findings of the Grantville Redevelopment Project PEIR also determined that improvements to Navajo Road east of College Avenue to connect to Waring Road would alleviate congestion on portions of Fairmount Avenue and Mission Gorge Road and that improvements to Santo Road, Princess View Drive, and Jackson Drive from Mission Gorge Road to connect with the Tierrasanta Community, would alleviate congestion on Friars Road and Mission Gorge Road. However, previous efforts to initiate these improvements have been rejected by the community and decision makers.

(CEQA Findings page 30)

The CEQA Findings for the Grantville Redevelopment Project PEIR also concluded that widening Fairmount Avenue to a 6-lane facility from the I-8 East Bound Off Ramp to Camino del Rio North per the Navajo Community Plan would not avoid continued operation of this segment at LOS F conditions by the Redevelopment Project Horizon Year 2030.

(CEQA Findings Table 4.2-7)

Intersections

The CEQA Findings for the Grantville Redevelopment Project PEIR, concluded that the following intersections would be significantly impacted as a result of proposed redevelopment activities:

- Friars & I-15 South Bound Ramps (PM peak hour)
- Friars & I-15 Mission Gorge Road (PM peak hour)
- Twain & Mission Gorge Road (AM and PM peak hours)
- Fairmount Avenue & I-15 Mission Gorge Road (AM and PM peak hours)
- Camino Del Rio & I-8 West Bound Off Ramp & Fairmount Avenue (AM and PM peak hours)
- I-8 East Bound On and Off Ramps & Fairmount Avenue (AM peak hour)

(CEQA Findings page 31)

The CEQA Findings for the Grantville Redevelopment Project PEIR concluded that buildout of Mission Gorge Road to its ultimate community plan classification would help to mitigate the

impact to the significantly impacted intersections and that this improvement is considered feasible and is required under the Redevelopment Project PEIR Mitigation Measure T1.

(CEQA Findings page 33)

The CEQA Findings for the Grantville Redevelopment Project PEIR also concluded that the Five-Year Implementation Plan identifies the initiation and completion of Mission Gorge Road traffic improvements, including the Fairmount Avenue/Mission Gorge Road/I-8 Interchange per the Redevelopment Project PEIR Mitigation Measure T2; and that because the overall goal of the Five-Year Implementation Plan “is to improve traffic flow, improvements to significantly impacted intersections would also be required as part of implementation of Mitigation Measures T1 and T2.”

(CEQA Findings page 33)

Ramp Meters

The CEQA Findings for the Grantville Redevelopment Project PEIR concluded that the following ramp meter locations would be significantly impacted as a result of proposed redevelopment activities:

- Friars Road to I-15 North (AM peak hour)
- Friars Road to I-15 South (loop) (PM peak hour)
- Friars Road (HOV) to I-15 North (PM peak hour)

(CEQA Findings page 31)

The CEQA Findings for the Grantville Redevelopment Project PEIR concluded that while the Redevelopment Agency considers the adjustment of ramp meters at these impacted locations to be feasible, Caltrans is the public agency responsible for adjusting ramp meters.

(CEQA Findings page 35)

Significant Effects Identified in the Final Supplemental Environmental Impact Report for the Centerpointe at Grantville Redevelopment Project

The Centerpointe at Grantville Supplemental EIR concluded that the project would have significant impacts at 4 intersection, 8 street segments, and 1 Congestion Management Program arterial segment in either the near term, horizon year 2030, or both. Mitigation Measure CG-T1 of the Supplemental EIR would reduce project impacts but not to below a level of significance. No additional mitigation measures are feasible to be implemented by the proposed project to reduce transportation/circulation impacts to below a level of significance.

Facts in Support of Finding (3)**Facility Operations Without the Centerpointe at Grantville Project**

Tables IV-B-2 and IV-B-3 of the Supplemental EIR show that 4 project area intersections and 9 street segments would operate at LOS E or worse in the near term without the project; Tables IV-B-4 and IV-B-5 show that 4 project area intersections and 12 street segments would operate at LOS E or worse in year 2030 without the project; and Table IV-B-6 shows that 1 Congestion Management Program arterial segment would operate at LOS E in the AM peak hour and LOS F in the PM peak hour in year 2030 without the project.

Facility Operations With the Centerpointe at Grantville Project

Tables IV-B-2 and IV-B-3 of the Supplemental EIR show that the project would cause a near term significant impact by increasing the delay at 3 of the 4 project area intersections identified above; and would cause a significant impact by increasing traffic on 7 of the 9 street segments identified above. Tables IV-B-4 and IV-B-5 show that the project would cause a near term significant impact by year 2030 by increasing the delay at the same 3 of the 4 project area intersections identified above; and would cause a significant impact by increasing traffic on 6 of the 7 street segments significantly impacted in the near term and 1 additional street segment, San Diego Mission Road from Fairmount Avenue to Rancho Mission Road.

Capability of the Project Applicant to Mitigate Transportation/Circulation Impacts

Mitigation to avoid the project's significant near term impacts on the facilities identified in Tables IV-B-2 and IV-B-3, would include widening the following street segments:

- Approximately 1,700 feet of Mission Gorge Road from Twain Avenue to Fairmount Avenue – the project would increase the near term volume from 27,350 ADT to 28,530 ADT between Twain Avenue and Mission Gorge Place and from 30,680 ADT to 31,860 ADT from Mission Gorge Place to Fairmount Avenue (+1,180 ADT in both segments)
- Approximately 2,500 feet of Fairmount Avenue from Twain Avenue to the I-8 Eastbound Ramps – the project would increase the near term volume from 7,280 ADT to 7,460 ADT between Twain Avenue and Mission Gorge Road (+180 ADT); from 40,660 ADT to 41,980 ADT from Mission Gorge Road to Camino Del Rio North (+1,320 ADT); and from 50,540 ADT to 51,670 ADT from Camino Del Rio North to the I-8 Eastbound Ramps (+1,320 ADT)
- Approximately 1,100 feet of Vandever Avenue from Fairmount Avenue to Mission Gorge Road – the project would increase the near term volume from 7,800 ADT to 8,960 ADT (+1,160 ADT)
- Approximately 1,100 feet of Twain Avenue from Fairmount Avenue to Mission Gorge Road – the project would increase the near term volume from 8,100 ADT to 9,390 ADT (+1,290 ADT)

Mitigation to avoid the project's significant year 2030 impacts on the facilities identified in Tables IV-B-4 and IV-B-5, would include widening the following street segments (most of which are included in the street widenings listed above for near term impacts):

- Approximately 1,700 feet of Mission Gorge Road from Twain Avenue to Fairmount Avenue – the project would increase the year 2030 volume from 36,000 ADT to 37,180 ADT between Twain Avenue and Mission Gorge Place and from 38,200 ADT to 39,380 ADT from Mission Gorge Place to Fairmount Avenue (+1,180 ADT in both segments)
- Approximately 1,700 feet of Fairmount Avenue from Twain Avenue to Camino Del Rio North – the project would increase the year 2030 volume from 11,000 ADT to 11,180 ADT between Twain Avenue and Mission Gorge Road (+180 ADT); and from 42,000 ADT to 43,320 ADT from Mission Gorge Road to Camino Del Rio North (+1,320 ADT)
- Approximately 1,100 feet of Vandever Avenue from Fairmount Avenue to Mission Gorge Road – the project would increase the year 2030 volume from 9,000 ADT to 10,160 ADT (+1,160 ADT)
- Approximately 1,100 feet of Twain Avenue from Fairmount Avenue to Mission Gorge Road – the project would increase the year 2030 volume from 8,800 ADT to 10,090 ADT (+1,290 ADT)
- Approximately 2,600 feet of San Diego Mission Road from Rancho Mission Road to Fairmount Avenue – the project would increase the year 2030 volume from 8,700 ADT to 9,020 ADT (+320 ADT)

To accomplish the road widening listed above, right-of-way would need to be acquired from numerous off-site properties. For example, approximately 20 separate assessor parcels are located along Mission Gorge Road between Twain Avenue and Fairmount Avenue. Widening in this area would result in the loss of existing parking spaces on many of these properties and several building would also be affected. Even with this widening of Mission Gorge Road, the completion of the Alvarado Canyon Road Realignment Project and widening within the I-8 right-of-way would be required to fully accommodate existing and future traffic in this area.

It would clearly not be equitable, given the project's relatively small contribution to existing and future traffic volumes on Mission Gorge Road; nor would it be economically feasible for the Centerpointe at Grantville project to accomplish this widening, which has been identified as a Redevelopment Project improvement to be accomplished in accordance with the Grantville Redevelopment Project PEIR Mitigation Measure T1 and T2. Furthermore, even with the additional financial resources of the Redevelopment Project and implementation of Mitigation Measure T1 and T2 for Mission Gorge Road and Fairmount Avenue, the Redevelopment Project PEIR concludes that Traffic/Circulation impacts to these facilities would be significant and unavoidable.

No Project/No Mixed-Use Community Plan Amendment Alternative

The No Project/No Mixed-Use Community Plan Amendment Alternative assumes that the Navajo Community Plan would not be amended to add the Mixed-Use designation and, thus, the Centerpointe at Grantville project would not be implemented. However, the No Project Alternative would also assume that the land may be developed per the existing Industrial and Commercial land use designations of the Navajo Community Plan and the existing IL-3-1 and CC-4-2 zoning.

The Centerpointe at Grantville Supplemental EIR concludes that traffic may increase under the No Project Alternative with redevelopment of more intense commercial and industrial uses as permitted by the existing land use designations and zones. This could theoretically increase traffic generation from 3,468 ADT under the existing land uses to 7,700 ADT through ministerial review procedures and to 15,400 ADT through discretionary review procedures. This would be greater than the increase to 6,658 ADT estimated for the proposed Centerpointe at Grantville project and, therefore, would likely have an equal or greater transportation/circulation impact in comparison to the proposed project. This increased traffic impact as a result of land use intensification is consistent with the conclusions of the Centerpointe at Grantville Supplemental EIR (page X-2).

Reduced Project Alternative

The Reduced Project Alternative is specifically designed to reduce the ADT to what is currently generated by the existing uses on the site. It would still involve a community plan amendment and rezone but would limit residential density and reduce the maximum permitted multi-family dwellings from 588 to 276 units (a reduction to 1,656 ADT), retain the proposed 109,800 square feet of office uses (a reduction to 1,812 ADT), and eliminate the retail and restaurant uses (Supplemental EIR page X-5). This reduction in the intensity of planned development, in comparison to the proposed project, would result in no estimated increase in traffic from the project site. Thus, the Reduced Project Alternative would have less of an impact on traffic/circulation than would the proposed project.

While it cannot be conclusively determined that it would be economically infeasible for the project applicant or another developer to profitably develop the Reduced Project Alternative, the City Council hereby determines that the increased residential density and commercial intensity of the proposed project would better accomplish the project site's *Mixed-Use Center* and *Transit Corridor* designations and the overall vision, goals, and objectives of the Strategic Framework Element, than would the Reduced Project Alternative. Therefore, for reasons of economic and social benefit, a Statement of Overriding Considerations has been adopted for approval of the proposed Centerpointe at Grantville project.

Section 2 Statement of Overriding Considerations

INTRODUCTION

CEQA requires a public agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. The City Council proposes to approve the project despite certain significant unavoidable adverse Transportation/Circulation impacts identified in the Supplemental EIR. With the implementation of the mitigation measures discussed in the Supplemental EIR, significant effects can be mitigated to less than significant except as described below.

A. **TRAFFIC/CIRCULATION**

Unavoidable Significant Environmental Impact

A thorough analysis of environmental impacts caused by the proposed project has been performed and mitigation to reduce project impacts has been required where feasible, but would not reduce Transportation/Circulation impacts to less than significant. The Reduced Project Alternative analyzed in the Supplemental EIR for the project would avoid significant impacts to Transportation/Circulation.

Findings

The City Council hereby finds that widening the roadways identified in the Supplemental EIR to mitigate the project's traffic impacts is not feasible for the following economic, legal, and social reasons.

- Inadequate existing right-of-way, substantial portions of which are under the control of Caltrans, is unavailable for the widenings without the necessity to purchase or condemn portions of off-site properties, which could adversely impact existing businesses on these properties through loss of parking or partial removal of buildings.
- Because of the severity of the existing street system deficiencies, which will be further impacted by anticipated traffic growth with or without the project, it would not be reasonable or equitable to require the project applicant to undertake these improvements.
- The City has recently amended its General Plan by adoption of the Strategic Framework Element, which seeks to redirect future population growth to infill locations within existing urban areas, such as Grantville, and the proposed project is consistent with this objective.
- The project applicant has agreed to set aside at least 10 percent of the total dwelling units on-site for households with an income at or below 65 percent Area Median Income (AMI) for rental units, or at or below 100 percent AMI for for-sale units.

Having reduced the significant environmental impacts of the proposed project by adopting mitigation measures, and balanced the benefits of the proposed project against the project's potential unavoidable adverse impacts, the City Council hereby determines that the specific overriding economic and social benefits of the proposed project outweigh the potential

unavoidable adverse effects on the environment; and, therefore, in spite of a Reduced Project Alternative that would avoid significant impacts to Transportation/Circulation, the unavoidable significant Transportation/Circulation impacts of the proposed Centerpointe at Grantville project are acceptable based on the following overriding considerations. The data to support these conclusions may be found in the Redevelopment Project Final PEIR, its CEQA Findings, and in the Centerpointe at Grantville Supplemental EIR.

Overriding Considerations

While the Reduced Project Alternative would have less of an impact on Transportation/Circulation than would the proposed project, implementation of the City's Strategic Framework Element adopted in October 2002, would not occur without the proposed community plan amendment to change the existing Industrial and Commercial CPIOZ designations of the Navajo Community Plan to a new Mixed-Use designation. The proposed Mixed-Use designation is consistent with the project site's *Urban Village Center* and *Transit Corridor* designations of the Strategic Framework Element. The Final EIR for the Strategic Framework Element cites specific economic, social, and environmental conditions that led to the adoption of the Element. Among these conditions was the poor quality of new multi-family infill development that was occurring in the City's older urbanized communities and the housing market's focus on developing new planned communities of predominately detached single-family housing at very low densities around the periphery of the City. These housing market trends had resulted in insufficient market-driven economic investment to develop high-quality multi-family housing in the urban core; as well as the loss of important regional open space and sensitive natural habitat resources from development in outlying areas of the City.

In response to these events, the City adopted its Multiple Species Conservation Program (MSCP) Plan to better protect sensitive natural habitat. However, this also reduced planned housing units in the Carmel Valley, East Elliot, Rancho Peñasquitos, and Otay Mesa community plans. In addition, SANDAG's Regional Comprehensive Plan (RCP) was adopted in 2004 to direct the region's population growth into existing urban areas; and the Metropolitan Transit Development Board (now MTS) adopted its "Transit First" Vision for expanded and improved transit service as a viable travel option, particularly for the urbanized core as it redevelops per the City of Villages strategy.

Following is a summary of some of the goals and objectives of the Strategic Framework Element Final EIR that are relevant to the proposed Centerpointe at Grantville project:

- Direct growth into village centers and transit corridors of mixed uses rather than an outward sprawl of development
- Enhance the City's ability to support improved public transit and MTDB's Transit First concept
- Meet the need for attached rental housing of more than two bedrooms to accommodate lower income families, as well as a need for entry level for-sale multi-family housing for first-time homebuyers
- Accommodate future life style possibilities of a maturing population that may want to remain in the same community but in a more convenient, lower maintenance, and possibly smaller attached home in mixed-use village centers served by an improved public transit system

The City Council finds that the proposed project would provide up to 588 dwelling units and set aside 10 percent of these for households with an income at or below 65 percent AMI for rental units, or at or below 100 percent AMI for for-sale units, and the Reduced Project Alternative would provide only 276 dwelling units and it would not be assured that there would be an on-site affordable housing set aside; and, therefore, the proposed project better accomplishes the goals and objectives listed above than would the Reduced Project Alternative as described in the project's Supplemental EIR.

SANDAG has also completed its first report on the progress that the region has made on achieving the goals and objectives of the RCP. That report, *The Regional Comprehensive Plan: Establishing a Baseline for Monitoring Performance* (October 2006), states that progress has been made in the past two years in implementing the RCP, including the following findings:

- Nearly one-third of new housing units built in 2005 were in Smart Growth Opportunity Areas
- Growth in transit ridership has outpaced population growth

It also identifies areas needing improvement, including the following:

- The region continues to experience a serious housing affordability problem
- Congestion on most roads and freeways has increased over the last ten years as have total hours of delay per traveler

The report further notes that the San Diego region is projected to grow by more than one million people over the next 30 years and needs to provide enough homes to meet projected job growth. This can only be accomplished if local land use plans are revised to accommodate future housing needs; and that this would be best accomplished by increasing "housing capacities in key locations of our more urbanized areas." Failure to "create additional housing and mixed-use capacity in appropriate locations" would result in "a continued housing crisis and worsening traffic."

The City Council has determined that the Centerpointe at Grantville project site offers an opportunity for traffic congestion benefits due to its location within 2,000 feet of the Grantville Trolley Station, which provides convenient access to key employment areas in Mission Valley and Downtown San Diego, as well as to south and east county cities and to San Diego State University. Two San Diego Transit bus routes (Nos. 13 and 14) also operate on Mission Gorge Road adjacent to the project site to serve the trolley station and other destinations to the north, east, west, and south. New housing in proximity to the trolley station would have the benefit of increased ridership on the recently-opened Green Line trolley and reduced use of private vehicles for employment and other transportation needs. New housing near the trolley station also provides a regional air quality benefit from increased use of public transportation and more efficient consumption of fossil fuels.

A reduction from 588 dwelling units to 276 under the Reduced Project Alternative would mean that 312 proposed dwelling units would not be built at the project site. Currently, no applications have been filed for similar residential development in the Grantville area to make up for this reduced housing opportunity.

In addition to its proximity to the Grantville Trolley Station, the proposed project would provide increased housing availability in an area of high employment opportunities at several Kaiser-Permanente medical facilities that are located immediately adjacent to the project site, at the hospital located within approximately one-quarter of a mile, and at Home Depot and numerous small businesses in the Grantville area.

The project applicant has also completed the "Affordable Housing Requirements Checklist and Affordable/In-Fill Housing & Sustainable Buildings Expedite Program" agreeing to set aside at least 10 percent of the total dwelling units on-site for households with an income at or below 65 percent AMI for rental units, or at or below 100 percent AMI for for-sale units.

The Reduced Project Alternative may also eliminate the basis for the project's financial contribution of \$1,240,800 to the much-needed Alvarado Canyon Road Realignment Project that will improve traffic operations on Mission Gorge Road, Fairmount Avenue, and the I-8 on- and off-ramps. The proposed project contribution was calculated based on its volume of traffic impacting Fairmount Avenue adjacent to the Alvarado Canyon Road intersection. Since the Reduced Project Alternative would not increase ADT from the project site and would, in fact, have a minor benefit during the AM and PM peak commute hours, there may not be justification for this contribution. The proposed project's contribution to the Alvarado Canyon Road project would be in addition to payment of Development Impact Fees (DIF), which are currently being revised by the City's Facilities Planning Section and are expected to be adopted in early 2007. The preliminary estimate of the DIF is over \$2,200 per dwelling unit, which would mean that the Reduced Project Alternative would result in a reduction of approximately \$700,000 in DIF fees for transportation, fire, park, and library improvements needed in the Navajo community.

The proposed project is also the first major development project to be proposed within the Grantville Redevelopment Project Area and would be a significant source of increased property tax revenue for the Redevelopment Agency and other local agencies. The project applicant has estimated that the constructed value of the project would be approximately \$300,000,000. This compares to the current assessed value of approximately \$26,000,000 for the existing development. In terms of property tax revenue, the total 2006 property tax revenue for the existing development was approximately \$290,000, whereas the proposed project would generate approximately \$3,000,000 in the first year of project buildout. Over the next ten year period, the existing development would have contributed a total of approximately \$3,500,000 based on a 2 percent increase in assessed value per year, whereas the proposed project, over a ten year period from buildout, would contribute a total of approximately \$33,850,000. Of this amount, 55 percent would go to the Redevelopment Agency for general improvement projects, 20 percent for affordable housing, and 25 percent would be passed through to school districts, the County, and other local agencies. Over the projected 30-year life of the Redevelopment Agency, a total of over \$120,000,000 would be collected in property tax revenue from the proposed project.

Based on these considerations, the City Council has determined that the project should be implemented in spite of the significant unavoidable adverse Transportation/Circulation impacts identified in the Supplemental EIR and notwithstanding the Reduced Project Alternative that would avoid significant impacts to Transportation/Circulation.