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RESOLUTION NUMBER R- 304665

DATE OF FINAL PASSAGE FEB 17 2009

ADDENDUM NO. 4925 TO ENVIRONMENTAL IMPACT  
REPORT NO. 86-1032 – PLAYA DEL SOL – PROJECT  
NO. 4925.

WHEREAS, Pardee Homes submitted an application to the City of San Diego for a vesting tentative map, an easement vacation, and a planned development permit for the Playa Del Sol 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, 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 issue was heard by the City Council on FEB 17 2009; and

WHEREAS, the City Council considered the issues discussed in Addendum No. 4925 together with Environmental Impact Report No. 86-1032 prior to making a decision on the project; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Addendum No. 4925 to Environmental Impact Report No. 86-1032, 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 vesting tentative map, an easement abandonment, and a planned development permit for the Playa Del Sol Project.

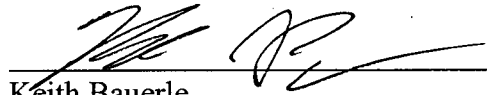
BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is attached as Exhibit "B," and is on file in the office of the City Clerk and incorporated herein by reference, with respect to the project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference.

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.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

  
Keith Bauerle  
Deputy City Attorney

KB:pev  
12/19/08  
01/20/09 Cor.Copy  
02/02/09 Cor.Copy2  
Or.Dept:DSD  
R-2009-641  
MMS #7045

## EXHIBIT A

### MITIGATION MONITORING AND REPORTING PROGRAM

#### VESTING TENTATIVE MAP (VTM), PLANNED DEVELOPMENT PERMIT (PDP), AND EASMENT VACATIONS

DEPT NO. 1300

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 Addendum (Project No.4925) shall be made conditions of the VESTING TENTATIVE MAP (VTM), PLANNED DEVELOPMENT PERMIT (PDP), AND EASMENT VACATIONS as may be further described below.

#### **Transportation/Traffic Circulation**

As required in the California Terraces Precise Plan FEIR, prior to the issuance of the first building permit, the following near-term and horizon-year improvements shall be made.

#### Near-term

- Signalize the two project driveways on Street A Planning Area 6 (PA 6).
- Signalize (when warranted) Del Sol Boulevard/Project North Driveway D (PA-6).
- Signalize Ocean View Hills Parkway at Street A.
- Signalize Ocean View Hills Parkway at Otay Mesa Road.
- Signalize Otay Mesa Road at Street A (after Otay Mesa Road is transferred back to the City).
- Construct Street A as a four-lane major street to the satisfaction of the City Engineer (PA-6).
- Construct a right-turn-in-and-out only intersection at Street A/Otay Mesa Boulevard, pending a Caltrans permit (PA-6).

In addition, the FEIR identified other projects' construction of off-site improvements including the construction of Ocean View Hills Parkway from Del Sol Boulevard to Otay Mesa Road (PA 13/14) and modification of the signalized Otay Mesa Road intersection at Caliente Avenue/Ocean View Hills Parkway (PA-13/14).

## Horizon Year

For the FEIR-identified significant impacts to SR-905, the FEIR mitigation stated the following:

- Other public transit facilities such as ramp signalization on I-805, high occupancy vehicle (HOV) lanes on I-805 or SR-905, and park-and-ride lots would be the responsibility of Caltrans to study and develop as determined necessary. The project shall pay a fair share contribution towards the SR-905 HOV lanes construction.

## Paleontological Resources

### **I. Prior to Permit Issuance**

#### **A. Entitlements 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.

## II. 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 Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon 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 Precon 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 Precon Meeting, the Applicant shall schedule a focused Precon 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.

**III. 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 (CSV). The CSVs 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.



#### IV. Night and/or Weekend Work

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

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM on the next business day.
    - b. Discoveries  

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
    - c. Potentially Significant Discoveries  

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
    - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-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.

## V. Post Construction

### A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines 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 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 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.

EXHIBIT B

**STATEMENT OF OVERRIDING CONSIDERATIONS  
CALIFORNIA TERRACES PRECISE PLAN - PLANNING AREA 6 (Playa del Sol)  
(Addendum to EIR No. 86-1032/SCH No. 85022015)**

**PROJECT NO. 4925**

An Environmental Impact Report (EIR), Final Environmental Impact Report for the California Terraces Precise Plan (March 1994) was prepared to evaluate the overall impacts of the Precise Plan. The Vesting Tentative Map for Planning Area 6 (Playa del Sol) is located within the area previously analyzed in the California Terraces Final EIR. The City of San Diego has prepared an Addendum to the EIR to address project-specific impacts associated with Planning Area 6 (Playa del Sol). The 1994 EIR identified significant unmitigated impacts for the areas of land use (direct), landform alteration/visual quality (direct), biological resources (direct), public services (temporary school facility impacts), and cumulative impacts (land use, landform alteration/visual quality, biological, air quality, and public facilities/schools if the developer and the affected school districts failed to enter into binding fair share mitigation agreement). Feasible mitigation measures were included; however, the proposed mitigation would not reduce the impacts to below a level of significance for the impact categories described above. The 2008 Addendum to the EIR concluded project-specific impacts not previously addressed in the 1994 EIR are mitigated to below a level of significance. However, development of the proposed Planning Area 6 (Playa del Sol) would result in the same significant unmitigated impacts that were identified in the 1994 EIR, except impacts to public facilities/schools have been mitigated to below a level of significance through binding fair share mitigation agreements with the affected school districts.

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

The City of San Diego pursuant to Section 15093 of the State CEQA Guidelines, after balancing the benefits of the proposed Planning Area 6 project and associated actions against the unavoidable significant impacts, as defined in the Addendum to the Final EIR, hereby determines that all feasible mitigation measures have been imposed to reduce the Planning Area 6 impacts and the unmitigated impacts are acceptable for the following reasons:

1. Planning Area 6 (Playa del Sol) and California Terraces are part of a comprehensive open space system for Otay Mesa which protects important environmental resources. The Otay Mesa Community Plan designates natural open space within the precise plan area, of which significant portions were isolated. Through the approval process of the precise plan and vesting tentative map, the applicant worked with the City and wildlife agencies to create an open space system which preserves priority resource areas such as Dennery Canyon and provides important links to the Otay River valley. Without these projects, in order to achieve the same legal protections of these environmental resources, the land would have to have been acquired with public funds consuming limited budgetary resources. California Terraces, because of its central location, is vital to the success of the open space system and provides approximately 123 acres of open space, or almost two and a half times the amount designated by the community plan. One of the objectives of the community plan is to preserve unique natural environments in accordance with relevant EIR mitigation measures. The open space system protects sensitive plant communities, including 119 acres of coastal sage scrub and maritime succulent scrub. Additionally, the project has provided for the revegetation of slopes, transitioning to natural open space, with coastal sage scrub.
  
2. Planning Area 6 (Playa del Sol) and California Terraces provides significant communitywide public facilities. One of the goals of the community plan is "To assure standard public facilities and services commensurate with development of the planning area." The project has been and continues to be responsible for providing or contributing a significant portion of the public facilities and infrastructure required to serve the residential community in Otay Mesa. The project has accomplished the following:
  - a. Participate in the construction and/or funding of important parts of the backbone circulation system, including Palm Avenue (Ocean View Hills Parkway) which represents the second and only other access from Otay Mesa to I-805 for the near future. This four- and six-lane major street serves as the principal connection for northwest Otay Mesa between I-805 and SR-905.
  - b. Participate in providing a solution to the unsafe conditions along Otay Mesa Road by contributing to the construction and/or funding of additional traffic lanes, traffic signals, and medians between SR-905 and Heritage Road.
  - c. Participate in the construction and/or funding of bus stops or shelters required to develop necessary bus routes in the community.
  - d. Participate in the construction and/or funding of internal bikeway and pedestrian path systems linked to the overall community-wide system.
  - e. Participate in the construction and/or funding of the first phases of a new domestic water system which will ultimately serve the higher-elevation areas of the entire residential community, as well as the City-owned Brown Field.

- f. Contribute to the Otay Mesa Financing Plan which will fund freeway rights-of-way and interchanges, major roads and traffic signals, parks, fire and police stations, and library facilities.
  - g. Designate sites for elementary schools and middle schools.
  - h. Designate sites for one 15-acre community park and one 5-acre neighborhood park.
  - i. Participate in funding the construction of needed school facilities.
  - j. Provide a fair share contribution towards the SR-905 HOV lanes construction.
3. Planning Area 6 (Playa del Sol) and California Terraces are an essential component of achieving the necessary jobs-housing balance. One of the guiding principles of the Otay Mesa Community Plan is the concept of a "balanced community." If housing is not available within projects such as Planning Area 6 (Playa del Sol), workers will be forced to commute longer distances on Interstates 5 and 805 and State Route 905. The result of this jobs/housing imbalance will be longer-than-average commutes for Otay Mesa workers, worsening air quality, and the need for significant public expenditures to upgrade or improve regional transportation facilities.
  4. Planning Area 6 (Playa del Sol) and California Terraces provide a broad range of housing opportunities. The housing plan for California Terraces was based on the assumption that a full range of densities and housing products will create a full range of prices for future residents. Otay Mesa is the last remaining large undeveloped area which can potentially fulfill the housing needs for such a broad economic segment of the community. California Terraces, in conformance with the community plan, is committed to implementing a balanced community in terms of housing types and economic appeal, by providing housing opportunities for various family sizes. By constructing 3 and 4 bedroom units (in addition to 1 and 2 bedroom units), Planning Area 6 (Playa del Sol) provides a significant source of multi-family units at a size that can accommodate some of the above-average family sizes common in Otay Mesa who currently cannot afford single-family homes.
  5. Planning Area 6 (Playa del Sol) and California Terraces will create jobs. National economic conditions are acutely felt in the communities near Otay Mesa. Both unemployment and underemployment are overrepresented in these areas. California Terraces has generated and Planning Area 6 (Playa del Sol) will continue to generate construction-related jobs. Roughly one-half of the employment is construction; the balance results from consumer demand for new furniture, services, landscaping, and other new household purchases.
  6. Planning Area 6 (Playa del Sol) and California Terraces promotes an efficient use of land, in contrast to some suburban communities within Rancho Penasquitos and Mira Mesa, which have been designed at two to three dwelling units per gross acre. The increased density allows for development of a more compact community which preserves open space, and promotes the use of mass transit.

For these reasons, each of which standing alone is sufficient to support the finding, the City Council finds there are planning, social, economic, and other considerations resulting from this project that serve to override and outweigh the project's unavoidable significant environmental effects, and thus, the adverse environmental effects are considered acceptable.