

Item # 204
Nov 17th 2014
(R-2015-196)

Sub item 'A'

RESOLUTION NUMBER R- 309312
DATE OF FINAL PASSAGE NOV 17 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 307088, ADOPTING FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING THE MITIGATION, MONITORING AND REPORTING PROGRAM FOR THE MARIAN CATHOLIC RESIDENTIAL PROJECT (PROJECT NO. 307088) [MMRP].

WHEREAS, on December 27, 2012, MCP Ventures LLC, submitted an application to the Development Services Department for a General Plan and Otay Mesa-Nestor Community Plan Amendment No. 1076726, Rezone No. 1076704, Planned Development Permit No. 1076705, and Vesting Tentative Map No. 1076706, for the Marian Catholic Residential Project (Project); and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on November 17, 2014; 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, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is 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 Environmental Impact Report No. 307088/SCH. No. 2013071058; NOW THEREFORE,

BE IT RESOLVED, by the City Council that it be, and it is hereby certified, that Environmental Impact Report No. 307088/SCH. No. 2013071058, in connection with the Project

has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, 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 the City Council in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the Project, which are attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that pursuant to State CEQA Guidelines Section 15093, the City Council hereby adopts the Statement of Overriding Considerations with respect to the Project, which is attached hereto as Exhibit B.

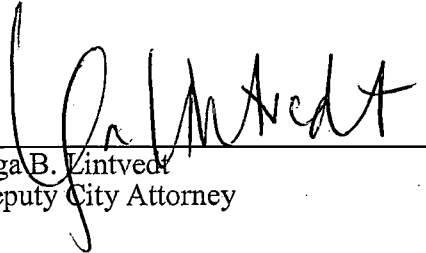
BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation, Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit C.

BE IT FURTHER RESOLVED, that Environmental Impact Report No. 307088/SCH. No. 2013071058 and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the City Clerk, 202 C Street San Diego, CA 92101.

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

APPROVED: JAN I. GOLDSMITH, City Attorney

By:


Inga B. Lintved
Deputy City Attorney

IBL: mcm
10/29/2014
Or. Dept: DSD
Doc. No.: 881265

ATTACHMENT(S): Exhibit A & B, Findings & Statement of Overriding Considerations
Exhibit C, Mitigation Monitoring and Reporting Program

EXHIBITS A AND B

DRAFT FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE ENVIRONMENTAL IMPACT REPORT FOR THE MARIAN CATHOLIC PROPERTY RESIDENTIAL PROJECT

Project No. 307088
SCH No. 2013071058
September 2014

SECTION 1: THE PROJECT

I. PROJECT DESCRIPTION

The Marian Catholic Property Residential Project (proposed project) is the construction of a 175-unit single family residential development, including landscaping, private parkways, and supporting infrastructure on an 18-acre site located on Assessor Parcel Numbers 627-301-16, 627-301-17, 627-301-18, and 627-301-19. The project is located within the Otay Mesa-Nestor community in the City of San Diego (City), approximately 10 miles southeast of downtown, and 2.8 miles north of the U.S.-Mexico International Border.

The proposed project would include the construction of two single-family detached unit types: Homes and Commons. The Homes are single-family detached residences that would be set on the largest lots, with lots ranging from approximately 1,900 square feet (sf) to 2,300 sf. The Commons housing type are single-family detached homes characterized by shared motor court driveways. The Commons lot size ranges from approximately 1,500 sf to 1,900 sf. The proposed project would include the construction of 84 Homes units and 91 Commons units on 11.2 acres (net residential acreage).

The project is proposed to be developed in three phases. A preliminary schedule for the project would include approximately 12 to 15 months for Phase 1. Phase 1 would include demolition and grading of the entire project site, street improvements, and construction of the Homes. Phase 1 would also include the initiation of the construction of the private neighborhood park, private linear park and pocket park on 18th Street, private recreation facilities, and the construction of a water detention basin. Phase 2 is projected to take approximately 12 to 18 months. Phase 2 would include the construction of the Commons dwelling units on the southern portion of the project site, private driveways and emergency vehicle entrance points off Coronado Avenue. Phase 3 is projected to take approximately 12 to 18 months. Phase 3 would include the construction of the Commons dwelling units on the northern portion of the project site, and private driveway completion and improvements. It should be noted that these time estimates are considered preliminary and subject to change due to market conditions, permitting and site conditions that may affect the ultimate schedule, however, project implementation will occur in the order as described.

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The proposed project would require a General Plan and Community Plan Amendment, Zone Change, Vesting Tentative Map, and a Planned Development Permit. The General Plan Amendment would revise Figure LU-2: General Plan Land Use and Street System to change the proposed site's designation from "Institutional & Public and Semi-Public Facilities" to "Residential." The Community Plan Amendment would redesignate the project site from "School" to "Low-Medium Density Residential" with a density range of 10-15 dwelling units per acre. The project would rezone the site from RS-1-7 to RM-1-2. The project also includes the approval of a Planned Development Permit due to proposed deviations from zoning regulations.

II. PROJECT OBJECTIVES

The objectives of the proposed project are described below:

- Establish a sufficient land use density and provide for the efficient use of land by redeveloping and revitalizing a vacated and underutilized school site and expanding higher density residential proximate to transit corridors consistent with the City's General Plan City of Villages policies;
- Establish a sufficient land use density to support the areas targeted for infill and higher densities consistent with General Plan Land Use Map Figure LU-1;
- Amend Otay-Nestor Community Plan to reflect General Plan infill development principles by expanding higher density residential proximate to transit corridors as identified on the City's General Plan Mobility Element Figure ME-1;
- Develop a project that is consistent with the City's Conservation Element overarching conservation strategy of directing compact growth in limited areas served by transit, thereby reducing the need to develop in outlying areas;
- Build a compact neighborhood with varying housing types within a single development;
- Construct housing within a half-mile of a designated High Frequency Bus Service route to maximize public transit opportunities;
- Provide a circulation system that is responsive to regional and local transportation needs;
- Provide opportunities for intensified land use that promote the efficient use of land by reducing building setbacks, bringing buildings close to sidewalks and streets;
- Enhance the walkability of the neighborhood by providing a functional and interconnected pedestrian network and incorporating pedestrian friendly street design;
- Construct a housing development that contributes to the creation and preservation of neighborhood character and vitality;
- Develop a project that provides a sense of community by including a mixture of housing options and scale consistent with the community's character;
- Integrate the residential development into the existing community street pattern by providing vehicular and pedestrian connections in line with existing streets; and
- Construct project-related public improvements consistent with community's desired community character.

SECTION 2: ENVIRONMENTAL REVIEW PROCESS

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The lead agency approving the project and conducting environmental review under the California Environmental Quality Act (California Public Resources Code Sections 21000, et seq., and the Guidelines promulgated thereunder in California Code of Regulations, Title 14, Sections 15000 et seq. ((CEQA Guidelines), hereinafter collectively, CEQA) shall be the City. The City as lead agency shall be primarily responsible for carrying out the project. In compliance with Section 15082 of the CEQA Guidelines, the City published a Notice of Preparation (NOP) on July 17, 2013, which began a 30-day period for comments on the appropriate scope of the project Environmental Impact Report (EIR). The City received comment letters from the Department of Transportation, State of California Native American Heritage Commission, and the City of San Diego Police Department. A copy of the NOP, the NOP distribution list, and public comment letters received on the NOP are provided in Appendix A of the Final EIR.

The Draft EIR for the proposed project was then prepared and circulated for review and comment by the public, agencies, and organizations for a public review period that began on June 6, 2014, and concluded on July 22, 2014. A Notice of Completion of the Draft EIR was sent to the State Clearinghouse, and the Draft EIR was circulated to state agencies for review through the State Clearinghouse, Office of Planning and Research (SCH No. 2013071058). A Notice of Availability of the Draft EIR was filed with the County Clerk. After the close of the public review period, the City provided responses in writing to all comments received on the Draft EIR.

The Final EIR for the project was distributed on September 23, 2014. The Final EIR has been prepared in accordance with CEQA and the State CEQA Guidelines. The City, acting as the Lead Agency, has reviewed and edited as necessary the submitted drafts and certified that the Final EIR reflects its own independent judgment and analysis under Guideline Section 15090(a)(3) and CEQA Section 21082.1(a)-(c).

The EIR addresses the environmental effects associated with implementation of the project. The EIR is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the project. The EIR addressed the potential significant adverse environmental impacts associated with the project, and identifies feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these impacts. The EIR is incorporated by reference into this CEQA Findings documents.

The EIR is the primary reference document for the formulation and implementation of a mitigation monitoring program for the project. Environmental impacts cannot always be mitigated to a level that is considered less than significant. In accordance with CEQA, if a lead agency approves a project that has significant unavoidable impacts that cannot be mitigated to a level below significance, the agency must state in writing the specific reasons and overriding considerations for approving the project based on the final CEQA documents and any other information in the public record for the project. (CEQA Guidelines §15093). This is called a "statement of overriding considerations." (CEQA Guidelines §15093).

The documents and other materials which constitute the administrative record for the City's actions related to the project are located at the City of San Diego, Development Services Center, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. The City Development Services Center is the custodian of the administrative record for the project. Copies of these documents, which constitute the Record of Proceedings, are and at all relevant times have been and will be

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available upon request at the offices of the City Development Services Center. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

SECTION 3: FINDINGS

I. INTRODUCTION

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

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (FEIR).
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such 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 project alternatives identified in the FEIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives where feasible to avoid or mitigate significant environmental impacts that would otherwise occur with the implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the proposed project lies with another agency (Guidelines Section 15091(a)(b)). For those significant impacts that cannot be mitigated to a less than significant level, the lead agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the proposed project outweigh the significant effects on the environment (CEQA Section 21081(b) and Guidelines Section 15093). If such findings can be made, the Guidelines state in Section 15093 "the adverse environmental effects may be considered acceptable." CEQA also requires that findings made pursuant to Section 15091 be supported by substantial evidence in the record (State CEQA Guidelines, Section 15091(b)). Under CEQA, substantial evidence means enough relevant information has been provided (reasonable inferences from this information may be made) to support a conclusion, even though other conclusions might also be reached. Substantial evidence includes facts, reasonable assumptions predicated on facts, and expert opinion supported by facts (State CEQA Guidelines, Section 15384).

The findings reported in the following pages incorporate the facts and discussions in the EIR for the project as fully set forth therein. Although Section 15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely "potentially significant," these findings will nevertheless fully account for all such effects identified in the EIR. For each of the significant impacts associated with the project, the following sections are provided:

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Description of Significant Effects: A specific description of the environmental effects identified in the EIR, including a conclusion regarding the significance of the impact.

Mitigation Measures: Identified feasible mitigation measures or actions that are required as part of the project and, if mitigation is infeasible, the reasons supporting the finding that the rejected mitigation is infeasible.

Finding: One or more of the three specific findings set forth in CEQA Guidelines Section 15091.

Rationale: A summary of the reasons for the finding(s).

Reference: A notation on the specific section in the EIR which includes the evidence and discussion of the identified impact.

For environmental impacts that are identified in the EIR to be less than significant and do not require mitigation, a statement explaining why the impacts are less than significant is provided.

II. ENVIRONMENTAL IMPACTS THAT ARE LESS THAN SIGNIFICANT AND DO NOT REQUIRE MITIGATION

The City Council of the City of San Diego hereby finds that the following potentially significant environmental impacts will be less than significant. These findings are based on the discussion of impacts in Chapter 5 of the EIR.

A. Land Use

1. **Land Use Designation Conflict:** An amendment to the General Plan and Otay Mesa-Nestor Community Plan is required in order to implement the proposed project. As proposed, the project would be re-designated from its existing Community Plan land use designation of School, to Low-Medium Density Residential with a density range of 10-15 dwelling units per acre.

The proposed new land use is considered more intense and would have not been foreseen within the City's General Plan. Therefore, the project would conflict with or obstruct implementation of an applicable air quality plan. The proposed project would result in a secondary impact relative to air quality. This is a significant and unavoidable impact, and is discussed in detail in Section IV. A. below.

To implement the proposed project, a Planned Development Permit is required due to the project's deviations from the proposed base zone (RM-1-2). The requested deviations include the following: lot dimensions, setbacks, private outdoor space, and habitable ground level façade. With approval of the Master Planned Development Permit, a more desirable project—including the ability to achieve a compact, walkable community—would be developed than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

With approval of the General Plan and Community Plan amendment, zone change, and planned development permit, the project would not

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result in a significant impact due to an inconsistency or conflict with an adopted land use designation.

2. **General Plan/Community Plan Consistency:** The project includes a General Plan and Community Plan amendment, zone change, and planned development permit. The project was found to be consistent with the City's adopted General Plan and Otay Mesa-Nestor Community Plan, as analyzed in Section 5.1, Land Use of the EIR. The analysis has demonstrated that the project would not result in a significant impact due to an inconsistency or conflict with the General Plan or Otay Mesa-Nestor Community Plan.
3. **Division of an Established Community:** The proposed project does not include any extensions of roadways or other development features through currently developed areas that could physically divide an established community. The physical arrangement of existing land uses would remain intact and, although a noise barrier would be built it would be constructed along an existing thoroughfare, landscaped to minimize visibility and would not extend into roadways. Therefore, this is considered a less than significant impact.
4. **Incompatibility with Airport Land Use Compatibility Plan:** The Airport Land Use Commission (ALUC) determined that the proposed project is consistent with the Brown Field Airport Land Use Compatibility Plan (ALUCP) on February 25, 2014. Therefore, the proposed project will not constitute a hazard to public safety with respect to consistency with the adopted Brown Field Municipal Airport ALUCP.

The proposed project would not conflict with the Air Installations Compatible Use Zones (AICUZ) Study for Naval Outlying Field (NOLF) Imperial Beach (Ream Field). The project site is not located within the helicopter traffic pattern or within an accident potential zone as shown in the AICUZ Study. Furthermore, based on a review of the draft AICUZ Study, the project site is not located within areas exposed to noise levels greater than CNEL 60 dB.

B. Traffic/Circulation

1. **Projected Traffic (Freeway Segments only):** All study area freeway mainline segments are calculated to continue to operate at acceptable LOS during AM and PM peak hours during all scenarios except Freeway Segment I-5 – North of Palm Avenue (Southbound, LOS E during PM peak hour) in Year 2035 with or without Project; however, the change in volume to capacity ratio resulting from the increase in project trips does not exceed the allowable threshold and therefore the project would not result in any significant impact to any freeway segment.
2. **Parking:** Pursuant to Section 142.0520 of the City of San Diego Municipal Code, a minimum of 532 parking spaces are required to be provided to serve the project. The proposed project would provide 534 parking spaces, which exceeds the minimum required amount by two

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parking spaces. The project will provide 350 parking spaces in garages (2-car garage for each of the 175 dwelling units), 130 additional onsite spaces, 18 spaces on the Thermal Avenue project frontage and 32 spaces along the 18th Street project frontage per the Municipal Code. Therefore, the project would not be expected to result in any increase in demand for off-site parking, and would not affect existing parking. Based on these considerations, no significant parking impact would occur.

3. **Existing or Planned Transportation Systems:** The proposed project would not result in substantial alterations to present circulation movements that would have effects on existing public access to parks or other open space areas, such as the South Bay Community Park located south of the project site. The project would not result in a substantial impact upon existing or planned transportation systems or public access.
4. **Traffic Hazards:** All proposed project traffic improvements would be designed consistent with the City's roadway standards and would not create a hazard for vehicles, bicycles, or pedestrians entering or exiting the project site. The project does not propose any other project elements that could potentially create a hazard to the public. No significant impact would occur.
5. **Alternative Transportation Modes:** The proposed project would make no changes to the existing sidewalks, bike lanes, or access to transit and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Impacts would be less than significant.

C. Air Quality

1. **Violation of Air Quality Standards:** The proposed project would generate PM₁₀ and PM_{2.5} emissions exceeding San Diego Air Pollution Control District's (SDAPCD) air quality standards during the construction phase of the project. However, the proposed project would be required to comply with the City's Best Management Practices (BMPs) which are enforceable under San Diego Municipal Code (SDMC) Section 142.0710. With implementation of the City's Management Practices BMPs, PM₁₀ and PM_{2.5} emissions would be reduced to below SDAPCD significance thresholds. This is considered a less than significant impact.

Operational emissions would not exceed SDPACD's significance thresholds. The proposed project would not result in a long-term air quality impact and a less than significant impact would occur.

D. Greenhouse Gas Emissions

1. **GHG Emissions:** Cumulatively, the project would emit approximately 2,961.65 metric tons of CO₂e each year. Per the California Air Pollution Control Officers Association's 900 metric ton per year threshold, the proposed project would require a full analysis to demonstrate compliance

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with the City's reduction requirements of 28.3 percent. As shown in Table 5.4-7 of the EIR, combining all regulatory measures such as Pavley and other reduction strategies, in addition to the condition of approval that requires that the homes meet Energy Star guidelines, the project would be expected to reduce CO₂e by 873.61 metric tons compared to Business as Usual. The proposed project would implement the following CO₂e reduction measures:

- Pavley Standards (20% reduction)
- Alternative Transportation (>4.6% reduction)
- Indirect Electricity Use – Year 2020 Renewable Energy Generation by Utility (29% reduction)
- EPA Energy Star Compliance (or equivalent) for Electricity Usage (LEED) (25% reduction)
- EPA Energy Star Compliance (or equivalent) for Natural Gas Usage (LEED) (25% reduction)
- Implement Recycling Program to Reduce Solid Waste Emissions under AB 341 (20% reduction) (75% diversion rate assured by a condition of the permit)
- Water Usage – Year 2020 Renewable Energy Generation by Utility (29% reduction).

A reduction of CO₂e by 873.61 metric tons would reduce the project's business as usual emissions by 29.50 percent which would meet and exceed the goals of AB32 as well as the City of San Diego. This is considered a less than significant impact.

2. ***Conflict with Applicable Plan:*** The project would be consistent with the GHG reduction goals of AB 32 incorporating measures that reduce emissions by approximately 29.50 percent (which exceeds the AB 32 goal of approximately 28.3 percent); therefore, the project would not conflict with an applicable plan, policy, or regulations adopted for the purpose of reducing the emissions of greenhouse gases. The City's General Plan (2008) Conservation Element includes various policies that address conservation with the goal of reducing GHG emissions. The proposed project would implement design features aimed at reducing GHG emissions, which are consistent with the City's goals. Design features include the following:

- All building plans shall specify at least Tier 1 compliance with Title 24 (2013).
- The design shall utilize recycled products whenever possible.
- The design shall incorporate drought tolerant plants and utilize shade trees at each residential unit.

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Therefore, the proposed project would not conflict with an applicable plan, policy, or regulations adopted for the purpose of reducing the emissions of greenhouse gases. It should be noted that the 29.50 percent reduction does not include the measures listed above. This is considered a less than significant impact.

E. Visual Effects and Neighborhood Character

1. ***Vista and Scenic View:*** The project site is not located within the vicinity of a state scenic highway (Caltrans 2012). The proposed project would not substantially block the view corridor along Thermal Avenue. The proposed residential structures would not exceed the permitted structure height of 30 feet in the RM-1-2 zone and Coastal Height Limit Overlay Zone. Furthermore, the proposed project would provide a minimum front setback of nine feet (measured from the property line) for the homes along Thermal Avenue to maintain the view corridor to the south towards the Tijuana River Open Space Preserve. No significant impact has been identified.
2. ***Negative Visual Appearance:*** The proposed project would improve the area by converting the vacant school currently on the project site to a residential community. The project's two home types would be constructed with varying building heights and roof lines to create a diverse building scale. The proposed project would also provide landscaping along Thermal Avenue, Coronado Avenue, and 18th Street. Based on these considerations, the proposed project would not result in a negative aesthetic. This is considered a less than significant impact.
3. ***Neighborhood Character:*** As the project site is surrounded by residential uses, the proposed project would not severely contrast with the overall residential character of the area. Building materials and exterior colors would not be substantially different from the building materials used on adjacent developments. The proposed project would not be incompatible with surrounding development or substantially alter the existing or planned character of the area. Therefore, this is considered a less than significant impact. Also, the Community Plan does not list any distinctive or landmark trees, or stand of mature trees, on the project site. No impact would occur associated with the loss, isolation, or degradation of a community identification symbol or landmark that is identified in the community plan.
4. ***Landform Alteration:*** The proposed project would not result in a significant impact due to landform alteration as the site is generally flat and does not contain slopes 25 percent or greater. The maximum height of fill and cut slopes would not exceed 2.5 feet (2:1 of flatter slope ratio). Furthermore, the proposed project does not include mass terracing of natural slopes with cut or fill slopes in order to construct flat-pad structures. Therefore, the project would not result in a substantial change in the existing landform, thus a less than significant impact would occur.

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5. **Light/Glare:** The proposed project would be required to comply with the City's Land Development Code Section 142.0740 Outdoor Lighting Regulations for all proposed outdoor lighting fixtures. Also, the proposed residential structures would be constructed with typical windows and materials that have a light reflectivity of less than 30 percent. Therefore, the proposed project would result in a less than significant impact related to light and glare.

III. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION

The City, having reviewed and considered the information contained in the EIR, finds pursuant to Public Resources Code Section 210819(a)(1) that the following potentially significant impacts will be less than significant after implementation of the specified mitigation measures. These findings are based on the discussion of impacts in Chapter 5 of the EIR.

A. Transportation/Circulation

1. **Description of Significant Effects:** As described in Section 5.2.2.1 of the EIR, the following intersections would operate at an unacceptable level of service (LOS) and project impact would exceed City of San Diego thresholds prior to mitigation:

Existing plus Project

- Intersection #7: Coronado Avenue/I-5 NB Ramps/Outer Road – LOS E during AM and PM peak hours
- Intersection #9: Palm Avenue (SR 75)/Saturn Boulevard – LOS F during PM peak hour

Near Term (Existing plus Cumulative Projects) plus Project

- Intersection #7: Coronado Avenue/I-5 NB Ramps/Outer Road – LOS E during the AM and PM peak hours
- Intersection #9: Palm Avenue (SR 75)/Saturn Boulevard – LOS F during the PM peak hour

Year 2035 plus Project

- Intersection #7: Coronado Avenue/I-5 NB Ramps/Outer Road – LOS F during AM and PM peak hours
- Intersection #9: Palm Avenue (SR 75)/Saturn Boulevard – LOS F during AM and PM peak hours.

Mitigation Measures: Intersection #7: Coronado Avenue/I-5 NB Ramps/Outer Road would be improved through Mitigation Measure TR-1. Intersection #9: Palm Avenue (SR 75)/Saturn Boulevard would be improved through Mitigation Measure TR-2.

Finding: The City finds that with implementation of Mitigation Measures TR-1 and TR-2, impacts to Intersections #7 and #9 would be reduced to less than significant levels. **Rationale:** As shown in Table 5.2-16 in the

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EIR, the average delay at Intersections #7 and #9 would decrease with implementation of Mitigation Measures TR-1 and TR-2. These mitigation measures would improve operations at Intersections #7 and #9 to better than pre-project conditions. Therefore, implementation of Mitigation Measures TR-1 and TR-2 would reduce the impact to a less than significant level.

Reference: EIR, page 5.2-31 through 5.2-33.

2. **Description of Significant Effects:** As described in Section 5.2.2.1 of the EIR, the following street segments would operate at an unacceptable LOS and project impact would exceed the City of San Diego's allowable threshold for roadway segments prior to mitigation:

Existing plus Project

- Segment #2: Coronado Avenue between 18th Street and Saturn Boulevard – LOS E
- Segment #3: Coronado Avenue between Saturn Boulevard and Green Bay Street – LOS F

Near Term (Existing plus Cumulative Projects) plus Project

- Segment #2: Coronado Avenue between 18th Street and Saturn Boulevard – LOS E
- Segment #3: Coronado Avenue between Saturn Boulevard and Green Bay Street – LOS F

Year 2035 plus Project

- Segment #2: Coronado Avenue between 18th Street and Saturn Boulevard – LOS E
- Segment #3: Coronado Avenue between Saturn Boulevard and Green Bay Street – LOS F

Mitigation Measures: Segment #2: Coronado Avenue between 18th Street and Saturn Boulevard would be improved through implementation of Mitigation Measure TR-3. Segment #3: Coronado Avenue between Saturn Boulevard and Green Bay Street would be improved through Mitigation Measure TR-4. Mitigation TR-5 would mitigate the cumulative impact at Segment #3 (Coronado Avenue between Saturn Boulevard and Green Bay Street).

Finding: The City finds that with implementation of Mitigation Measures TR-3 through TR-5, impacts to Segment #2: Coronado Avenue between 18th Street and Saturn Boulevard and Segment #3: Coronado Avenue between Saturn Boulevard and Green Bay Street would be reduced to less than significant levels. *Rationale:* As shown in Table 5.2-17, with implementation of Mitigation Measures TR-3 and TR-4, LOS at Segment #2 (Coronado Avenue between 18th Street and Saturn Boulevard) and Segment #3 (Coronado Avenue between Saturn Boulevard and Green

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Bay Street) would improve to better than pre-project conditions, respectively. Therefore, implementation of Mitigation Measures TR-3 and TR-4 would reduce the direct impact to a less than significant level.

Mitigation Measure TR-5 requires the payment of a 15.37% fair share toward the future construction of a raised median within the existing curb-to-curb width along Coronado Avenue (between Saturn Boulevard and Green Bay Street). This measure would mitigate the cumulative impact to Segment #3 (Coronado Avenue between Saturn Boulevard and Green Bay Street).

Reference: EIR, page 5.2-31 through 5.2-34.

IV. FINDINGS REGARDING IMPACTS THAT ARE FOUND TO BE SIGNIFICANT AND UNAVOIDABLE

The City hereby finds that the following environmental impacts are significant and unavoidable and that there is no feasible mitigation. "Feasible" is defined in Section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The City may reject a mitigation measure if it finds that it would be infeasible to implement the measure because of specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers. These findings are based on the discussion of impacts in Chapter 5 of the EIR.

A. Air Quality

Description of Significant Impact – Obstruction of an Applicable Air Quality Plan: The proposed project would require a General Plan and Community Plan Amendment to re-designate the land use from school to residential. The proposed use is considered more intense and would have not been foreseen within the City's General Plan. Therefore, the project would not be consistent with the Regional Air Quality Strategy (RAQS) or the expected growth projections for the area.

Mitigation Measures: No mitigation measure is proposed. The inconsistency with the RAQS would remain until the land use information is updated for the project site.

Finding: The City finds that no mitigation is available to reduce air quality plan conflicts due to the nature of the proposed land use; therefore, impacts would remain significant and unavoidable until the RAQS are updated with the updated General Plan and land use assumptions. *Rationale:* If a project proposes development that is greater than that anticipated in the local plan and SANDAG's growth projections, the project may result in a conflict with the RAQS. The project site has a General Plan land use category of Institutional and Public and Semi-Public Facilities and a Community Plan land use designation of School. The proposed project would develop the vacated school site with residential dwelling units. This change in land use from school to residential is not consistent with the existing land use designation. As such, an amendment to the General Plan and Otay Mesa-Nestor Community Plan is required in order to implement the proposed project. As proposed, the project site would be re-designated from School to Low-Medium Density Residential (10-15 dwelling units per acre). The proposed use is considered more intense and would not have been foreseen within the City's General

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Plan. Therefore, the project would not be consistent with the RAQS or the expected growth projections for the area until such time as the land use information is updated for this project site.

Reference: EIR, page 5.3-6 through 5.3-7.

V. FINDINGS REGARDING IMPACTS THAT ARE FOUND TO BE SIGNIFICANT AND UNMITIGABLE

A. Transportation/Circulation

Description of Significant Impact: As described in Section 5.2.2.1 of the EIR, Segment #4: Coronado Avenue between Green Bay Street and the I-5 SB Ramps would operate at unacceptable LOS and project impact would exceed the City of San Diego's allowable threshold for roadway segments under the following scenarios: Existing plus Project, Near Term plus Project, and Year 2035 with Project.

Mitigation Measures: The construction of a raised median along Coronado Avenue between Green Bay Street and the I-5 SB Ramps, would improve LOS at Segment #4 (Coronado Avenue between Green Bay Street and the I-5 SB Ramps) to better than pre-project conditions. However, the construction of a raised median would restrict access along this portion of the roadway where no suitable alternative access points exist.

Finding: The City finds that specific social considerations make any potential mitigation infeasible. *Rationale:* Land uses within the area are only provided access via Coronado Avenue. With the construction of a raised median, left turns in and out of these properties would be restricted and drivers would need to complete out of direction U-turns at the I-5 Southbound Ramps at Saturn Boulevard (no U-turns are allowed at Green Bay Street) (see also pages 59-60 of the Traffic Impact Analysis). Furthermore, construction of a raised median would not meet the following project objectives:

- Provide a circulation system that is responsive to regional and local transportation needs, and
- Construct project-related public improvements consistent with community's desired community character.

Additionally, this alternative is not consistent with General Plan (City of Villages) policies related to urban design and mobility:

- **Policy UD-B.5(a):** Design or retrofit street systems to achieve high levels of connectivity within the neighborhood street network that link individual subdivisions/projects to each other and the community.
- **General Plan Mobility Goal C. Street and Freeway System:** A street and freeway system that balances the needs of multiple users of the public right-of-way.
- **Policy ME-C.6:** Design roadways and road improvements to maintain and enhance neighborhood character.

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Based on these considerations, the street segment capacity-related impact at Segment #4 (Coronado Avenue between Green Bay Street and the I-5 SB Ramps) would be significant and unmitigated.

Reference: EIR, page 5.2-31 through 5.2-35.

VI. FINDINGS REGARDING PROJECT ALTERNATIVES

A. Project Objectives

An important consideration in the analysis of alternatives to the project is the degree to which such alternatives will achieve the objectives of the project. To facilitate this comparison, the objectives of the project contained in Section 3.2 of the EIR are restated here:

- Establish a sufficient land use density and provide for the efficient use of land by redeveloping and revitalizing a vacated and underutilized school site and expanding higher density residential proximate to transit corridors consistent with the City's General Plan City of Villages policies;
- Establish a sufficient land use density to support the areas targeted for infill and higher densities consistent with General Plan Land Use Map Figure LU-1;
- Amend Otay-Nestor Community Plan to reflect General Plan infill development principles by expanding higher density residential proximate to transit corridors as identified on the City's General Plan Mobility Element Figure ME-1;
- Develop a project that is consistent with the City's Conservation Element overarching conservation strategy of directing compact growth in limited areas served by transit, thereby reducing the need to develop in outlying areas;
- Build a compact neighborhood with varying housing types within a single development;
- Construct housing within a half-mile of a designated High Frequency Bus Service route to maximize public transit opportunities;
- Provide a circulation system that is responsive to regional and local transportation needs;
- Provide opportunities for intensified land use that promote the efficient use of land by reducing building setbacks, bringing buildings close to sidewalks and streets;
- Enhance the walkability of the neighborhood by providing a functional and interconnected pedestrian network and incorporating pedestrian friendly street design;
- Construct a housing development that contributes to the creation and preservation of neighborhood character and vitality;
- Develop a project that provides a sense of community by including a mixture of housing options and scale consistent with the community's character;

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- Integrate the residential development into the existing community street pattern by providing vehicular and pedestrian connections in line with existing streets; and
- Construct project-related public improvements consistent with community's desired community character.

B. Project Alternatives

In addition to the proposed project, the EIR evaluated the following three alternatives:

- No Project/No Development Alternative
- No Project/Adopted Community Plan Alternative
- 68-Unit Residential/No Significant Traffic Impact Alternative

1. No Project/No Development Alternative (EIR, Section 9.3)

Alternative Description: The No Project/No Development Alternative assumes that the Marian Catholic Site Residential project, as proposed, would not be implemented and the project site would not be developed. This alternative would not redevelop and revitalize the vacated and underutilized project site. The project site would continue to be occupied by the vacated Marian Catholic High School, with buildings that would deteriorate and be susceptible to vandalism and could significantly impair the character of the neighborhood. The No Project/No Development Alternative would not provide new housing to the Otay Mesa-Nestor community.

Compared to the project, the No Project/No Development Alternative would avoid impacts associated with transportation, air quality, and greenhouse gas emissions.

Finding: The City finds that although this alternative will avoid impacts associated with transportation, air quality, and greenhouse gas emissions, specific economic, legal, social, technological, or other considerations, including those identified in the accompanying Statement of Overriding Considerations, make the No Project/No Development Alternative infeasible, and rejects the No Project/No Development Alternative on such grounds.

Rationale: This alternative would not meet any of the project objectives:

- Establish a sufficient land use density and provide for the efficient use of land by redeveloping and revitalizing a vacated and underutilized school site and expanding higher density residential proximate to transit corridors consistent with the City's General Plan City of Villages policies;
- Establish a sufficient land use density to support the areas targeted for infill and higher densities consistent with General Plan Land Use Map Figure LU-1;
- Amend Otay-Nestor Community Plan to reflect General Plan infill development principles by expanding higher density residential proximate to transit corridors as identified on the City's General Plan Mobility Element Figure ME-1;
- Develop a project that is consistent with the City's Conservation Element overarching conservation strategy of directing compact growth in limited areas served by transit, thereby reducing the need to develop in outlying areas;

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- Build a compact neighborhood with varying housing types within a single development;
- Construct housing within a half-mile of a designated High Frequency Bus Service route to maximize public transit opportunities;
- Provide a circulation system that is responsive to regional and local transportation needs;
- Provide opportunities for intensified land use that promote the efficient use of land by reducing building setbacks, bringing buildings close to sidewalks and streets;
- Enhance the walkability of the neighborhood by providing a functional and interconnected pedestrian network and incorporating pedestrian friendly street design;
- Construct a housing development that contributes to the creation and preservation of neighborhood character and vitality;
- Develop a project that provides a sense of community by including a mixture of housing options and scale consistent with the community's character;
- Integrate the residential development into the existing community street pattern by providing vehicular and pedestrian connections in line with existing streets; and
- Construct project-related public improvements consistent with community's desired community character.

Additionally, this alternative would fail to meet the following General Plan Land Use and Community Planning Element policies related to the City of Villages growth strategy:

- **Policy LU-A.7(b).** Achieve transit-supportive density and design, where such density can be adequately served by public facilities and services.
- **General Plan Land Use Categories Goal (a)(1).** Include a variety of residential densities, including mixed use, to increase the amount of housing types and sizes and provide affordable housing opportunities.
- **Policy LU-C.3.** Maintain or increase the City's supply of land designated for various residential densities as community plans are prepared, updated, or amended.
- **Policy LU-H.3.** Provide a variety of housing types and sizes with varying levels of affordability in residential and village developments.

2. No Project/Adopted Community Plan Alternative (EIR, Section 9.4)

Alternative Description: The No Project/Adopted Community Plan Alternative assumes that the Marian Catholic Site Residential project, as proposed, would not be implemented. Rather, this alternative would implement a project in compliance with the existing Community Plan land use designation of School. As such, this alternative would retain the project site as an operating school, which would likely involve reconstruction of the existing school campus in order to provide a modern school that meets current

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building and safety codes. It is assumed that the school would serve approximately 600 enrolled students (similar to previous Marian Catholic High School enrollment).

Compared to the proposed project, the No Project/Adopted Community Plan Alternative would reduce the transportation impact due to a reduced number of project trips. It would also avoid the significant and unavoidable air quality impact. However, it would have similar land use, greenhouse gas emissions, and visual effects and neighborhood character impacts as the proposed project.

Finding: The City finds that although this alternative would reduce the transportation impact and avoid the significant and unavoidable air quality impact, specific economic, legal, social, technological, or other considerations, including those identified in the accompanying Statement of Overriding Considerations, make the No Project/Adopted Community Plan Alternative infeasible, and rejects the No Project/Adopted Community Plan Alternative on such grounds.

Rationale: The operators of the Marian Catholic High School have no plans to continue at the project site, and there is no evidence suggesting that another school would be interested in operating a school at the project site. Nonetheless, if the existing school were to be modernized to meet current codes, the site would remain as an operating school and thus would not provide efficient use of land through higher density development proximate to transit corridors consistent with the City's General Plan City of Villages policies. This alternative would not meet the following project objectives:

- Establish a sufficient land use density and provide for the efficient use of land by redeveloping and revitalizing a vacated and underutilized school site and expanding higher density residential proximate to transit corridors consistent with the City's General Plan City of Villages policies;
- Establish a sufficient land use density to support the areas targeted for infill and higher densities consistent with General Plan Land Use Map Figure LU-1;
- Amend Otay-Nestor Community Plan to reflect General Plan infill development principles by expanding higher density residential proximate to transit corridors as identified on the City's General Plan Mobility Element Figure ME-1;
- Develop a project that is consistent with the City's Conservation Element overarching conservation strategy of directing compact growth in limited areas served by transit, thereby reducing the need to develop in outlying areas;
- Build a compact neighborhood with varying housing types within a single development;
- Construct housing within a half-mile of a designated High Frequency Bus Service route to maximize public transit opportunities;
- Provide a circulation system that is responsive to regional and local transportation needs;
- Provide opportunities for intensified land use that promote the efficient use of land reducing building setbacks, bringing buildings close to sidewalks and streets;

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- Enhance the walkability of the neighborhood by providing a functional and interconnected pedestrian network and incorporating pedestrian friendly street design;
- Construct a housing development that contributes to the creation and preservation of neighborhood character and vitality;
- Develop a project that provides a sense of community by including a mixture of housing options and scale consistent with the community's character;
- Integrate the residential development into the existing community street pattern by providing vehicular and pedestrian connections in line with existing streets.

Additionally, this alternative would fail to meet the following General Plan Land Use and Community Planning Element policies related to the City of Villages growth strategy:

- **Policy LU-A.7(b).** Achieve transit-supportive density and design, where such density can be adequately served by public facilities and services.
- **General Plan Land Use Categories Goal (a)(1).** Include a variety of residential densities, including mixed use, to increase the amount of housing types and sizes and provide affordable housing opportunities.
- **Policy LU-C.3.** Maintain or increase the City's supply of land designated for various residential densities as community plans are prepared, updated, or amended.
- **Policy LU-H.3.** Provide a variety of housing types and sizes with varying levels of affordability in residential and village developments.

3. 68-Unit Residential/No Significant Traffic Impact Alternative (EIR, Section 9.5)

Alternative Description: The purpose of this alternative would be to avoid the significant, unmitigated traffic impact associated with the proposed project by reducing the vehicular trips generated by the project, which would require reducing the total residential dwelling unit count to 68 total units for the project.

Finding: The City finds that although the 68-Unit Residential/No Significant Traffic Impact Alternative would avoid the significant and unmitigated traffic impact, specific economic, legal, social, technological, or other considerations make the 68-Unit Residential/No Significant Traffic Impact Alternative infeasible, and rejects 68-Unit Residential/No Significant Traffic Impact Alternative on such grounds.

Rationale: This alternative would not meet most of the basic objectives of the proposed project and is inconsistent with the overall goals and policies of the City of Villages strategy, which emphasizes maximizing development densities and intensities within in-fill areas that are located in proximity to transit corridors. Specifically, the 68-Unit Residential / No Significant Traffic Impact Alternative would fail to meet the following General Plan Land Use and Community Planning Element policies related to the City of Villages growth strategy:

- **Policy LU-A.7(b).** Achieve transit-supportive density and design, where such density can be adequately served by public facilities and services.

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- **General Plan Land Use Categories Goal (a)(1).** Include a variety of residential densities, including mixed use, to increase the amount of housing types and sizes and provide affordable housing opportunities.
- **Policy LU-C.3.** Maintain or increase the City's supply of land designated for various residential densities as community plans are prepared, updated, or amended.
- **Policy LU-H.3.** Provide a variety of housing types and sizes with varying levels of affordability in residential and village developments.

This alternative would also be inconsistent with Mobility Element policies that support higher-density infill development near the City's existing and planned transit corridors. Coronado Avenue borders the southern boundary of the project site. The General Plan's Mobility Element Figure ME-1 identifies Coronado Avenue as an existing "Higher Frequency Bus Service Route" based on the 2007 SANDAG Regional Transportation Plan. This alternative would not meet the following Mobility Element policy:

- **Policy ME-B.9. (b)** Plan for transit-supportive villages, transit corridors, and other higher-intensity uses in areas that are served by existing or planned higher-quality transit services, in accordance with Land Use and Community Planning Element, Sections A and C.

VII. FINDINGS REGARDING OTHER CEQA CONSIDERATIONS

A. Significant Irreversible Environmental Changes that will be Caused by the Project (EIR Section 8.2)

Section 15126.2(c) of the CEQA Guidelines requires an EIR to address any significant irreversible environmental changes that may occur as a result of project implementation. Development of the proposed project would result in the consumption of nonrenewable energy resources, which would have a significant irreversible effect on such resources. The proposed project would result in the development of the site for residential uses. The proposed project represents a continued commitment of land to urban uses, which intensifies land use on the 18-acre project site.

Several irreversible commitments of limited resources would result from implementation of the proposed project. The resources include but are not limited to the following: lumber and other forest products; sand, gravel, and concrete; asphalt; petrochemical construction materials; steel, copper, lead and other metals; and water consumption.

B. Growth Inducing Impacts of the Project (EIR Section 8.3)

The City finds that the proposed project would not result in growth-inducing impacts. The proposed project is located within an urbanized area and would be considered an infill site. The proposed project would infill the vacated site with 175 single family residences requiring utilities. The project site and surrounding area are currently developed with residential and commercial uses with adequate utility service. Therefore, extension of public utility infrastructure such as water, sewer, electric, or roads into previously unserved areas would not occur with implementation of the proposed project. Although

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the project includes the construction of onsite drainage and water systems within the site, these improvements are private and would serve only the project and would not extend off-site.

The project would provide temporary construction jobs. However, the short-term nature of the construction jobs is not anticipated to lead to significant long-term population growth in the region. Furthermore, the creation of short-term jobs is not at a level that would attract individuals living outside the region to relocate to the Otay Mesa-Nestor community planning area or nearby areas. In conclusion, approval of the proposed project would not result in significant growth-inducing impacts.

VIII. FINDINGS REGARDING RESPONSES TO COMMENTS AND REVISIONS IN THE FINAL EIR

The Final EIR includes the comments received on the Draft EIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by CEQA Guidelines § 15088(c).

Finding/Rationale: Responses to comments made on the Draft EIR and revisions to the Final EIR merely clarify and amplify the analysis presented in the document and do not trigger the need to recirculate per CEQA Guidelines § 15088.5(b).

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

Public Resources Code § 21081(b) prohibits approval of a project with significant, unmitigable adverse impacts resulting from infeasible mitigation measures or alternatives unless the agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. CEQA Guidelines § 15093 adds that the decision-making agency must "balance, as applicable, economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project." 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 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. The statement of overriding considerations shall be supported by substantial evidence in the record (Section 15093[b] of the State CEQA Guidelines). This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091 (Section 15093[c] of the State CEQA Guidelines).

The City Council, (i) having independently reviewed the information in the Final EIR and the record of proceedings; (ii) having made a reasonable and good faith effort to eliminate or substantially lessen the significant impacts resulting from the project to the extent feasible by adopting the mitigation measures identified in the EIR; and (iii) having balanced the benefits of the Marian Catholic Property Residential Project against the significant environmental impacts, chooses to approve the Marian Catholic Property Residential Project, despite its significant environmental impacts, because in its view, specific economic, legal, social, and other benefits of the proposed project render the significant environmental impacts acceptable.

The following statement identifies why, in the City Council's judgment, the benefits of the Marian Catholic Property Residential Project as approved outweigh the unavoidable and unmitigable

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significant impacts. Each of these public benefits serves as an independent basis for overriding all significant, unavoidable and unmitigable impacts. Substantial evidence supports the various benefits. Such evidence can be found either in the preceding sections, which are incorporated by reference into this section, the Final EIR, or in documents that comprise the Record of Proceedings in this matter.

X. FINDINGS FOR STATEMENT OF OVERRIDING CONSIDERATIONS

1. Implementation of the proposed project will create a high quality residential development that increases density in close proximity to transit corridors, to maximize public transit opportunities.
2. Implementation of the proposed project will construct a housing development that enhances and contributes to the Otay Mesa-Nestor community's character and vitality.
3. Implementation of the project will maximize the development potential of the project site in context with the area through quality design and development controls that ensure a unified and cohesive development.
4. Implementation of the project will support local and regional sustainability goals through urban infill.
5. Implementation of the project will facilitate non-vehicular travel by providing pedestrian pathways/linkages in a compact, walkable community.
6. Implementation of the project will provide a variety of housing options consistent with and complementary to the surrounding community character.
7. Implementation of the project will provide increased housing adjacent to an already urbanized area with bus routes and employment opportunities, thus implementing the efficient integration and coordination of transportation and land uses, consistent with SB 375 the Sustainable Communities and Climate Protection Act of 2008.
8. Implementation of the project will assist in the implementation of San Diego's General Plan City of Villages strategy and regional smart growth principles. According to the SANDAG 2010-2020 Regional Housing Needs Assessment (RHNA), it is currently forecast that the region will build 125,000 housing units but will need 161,980 housing units. Thus, the provision of 175 homes would benefit the region.

XI. CONCLUSION

For the foregoing reasons, the City finds that the project's adverse, unavoidable environmental impacts are outweighed by the above-referenced benefits, any one which individually would be sufficient to outweigh the adverse environmental effects of the proposed project. Therefore, the City has adopted these Findings and Statement of Overriding Considerations.

EXHIBIT C**MITIGATION MONITORING AND REPORTING PROGRAM**

General Plan and Otay Mesa-Nestor Community Plan Amendment No. 1076726, Planned Development Permit No. 1076705, Rezone No. 1076704 and Vesting Tentative Map No. 1076706

PROJECT NO. 307088

This Mitigation Monitoring and Reporting Program is designed to insure compliance with public 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 Development Services Department, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Environmental Impact Report No. 307088/SCH No. 2013071058 shall be made conditions of General Plan and Otay Mesa-Nestor Community Plan Amendment No. 1076726, Planned Development Permit No. 1076704, Rezone No. 1076704 and Vesting Tentative Map No. 1076706 as may be further described below

15.1 GENERAL REQUIREMENTS:

As Lead Agency for the proposed project under CEQA, the City of San Diego will administer the Mitigation, Monitoring, and Reporting Program (MMRP) for the following environmental issue area as identified in the Marian Catholic Property Residential Project EIR: Transportation. The mitigation measures identified below include all applicable measures from the Marian Catholic Property Residential Project EIR (Project No. 307088; SCH No. 2013071058). This MMRP shall be made a requirement of project approval.

Section 21081.6 to the State of California Public Resources Code (PRC) requires a Lead or Responsible Agency that approves or carries out a project where an EIR has identified significant environmental effects to adopt a "reporting or monitoring program for adopted or required changes to mitigate or avoid significant environmental effects." The City of San Diego is the Lead Agency for the Marian Catholic Property Residential Project EIR, and therefore must ensure the enforceability of the MMRP. An EIR has been prepared for the project that addresses potential environmental impacts and, where appropriate, recommends measures to mitigate these impacts. As such, an MMRP is required to ensure that adopted mitigation measures are implemented. Therefore the following general measures are included in this MMRP:

1. Prior to commencement of work (including related activities such as equipment access or equipment/material staging), a preconstruction meeting shall be conducted and include City of San Diego's Mitigation Monitoring Coordination (MMC) section, Resident Engineer, Building Inspector, Applicant and other parties or interest.
2. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit and Building Plans/Permits, the Assistant Deputy Director (ADD) Environmental Designee of the City's Land Development Review (LDR) division shall verify

that the following statement is shown on the grading and/or construction plans as a note under the heading Environmental Mitigation Requirements: "The Marian Catholic Property Residential Project is subject to a Mitigation, Monitoring, and Reporting Program and shall conform to the mitigation conditions as contained in Environmental Impact Report No. 307088.

3. Evidence of compliance with other permitting authorities is required, if applicable. Evidence shall include either copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.

15.2 TRANSPORTATION:

Direct Impacts

The owner/permittee shall perform the following intersection and roadway segment improvements to mitigate the project's direct impacts to the community road network to below a level of significance. It should be noted that the traffic impact analysis and EIR did not consider phases, and all off-site mitigation for traffic will be provided with the first phase of the project.

Intersections. The following mitigation measures are required to restore LOS and offset significant direct impacts to intersections:

- TR-1** Intersection #7: Coronado Avenue/I-5 NB Ramps/Outer Road: Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the widening of the NB approach by approximately six feet, restriping of the NB approach to provide one shared left-turn/thru lane and one exclusive right-turn lane, and modification of the traffic signal accordingly, satisfactory to the City Engineer. The improvements shall be completed and accepted by the City Engineer prior to the issuance of the first certificate of occupancy.
- TR-2** Intersection #9: Palm Avenue (SR 75)/Saturn Boulevard: Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the restriping of the WB approach, reconstruction of the raised median to provide a second left-turn lane, and modification to the traffic signal accordingly, satisfactory to the City Engineer. This improvement is feasible to construct within the existing curb-to-curb width of 114 feet. The improvements shall be completed and accepted by the City Engineer prior to the issuance of the first certificate of occupancy.

Roadway Segments. The owner/permittee shall perform the following mitigation measures to reduce the project's significant direct traffic impacts to below a level of significance:

- TR-3** Segment #2: Coronado Avenue between 18th Street and Saturn Boulevard: Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the construction of a raised median within the existing curb-to-curb width of 68 feet along this portion of Coronado Avenue, satisfactory to the City Engineer. The improvement shall be completed and accepted by the City Engineer prior to the issuance of the first certificate of occupancy.
- TR-4** Segment #3: Coronado Avenue between Saturn Boulevard and Green Bay Street: Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the

restriping of this portion of Coronado Avenue to provide a two-way left-turn lane within the existing 64-foot curb-to-curb width, satisfactory to the City Engineer.

Cumulative Impacts

Mitigation Measures TR-1 through TR-3, identified above in the Direct Impacts section, will also mitigate cumulative project impacts to below a level of significance at Intersection #7: Coronado Avenue/I-5 NB Ramps/Outer Road, Intersection #9: Palm Avenue (SR 75)/Saturn Boulevard, and Segment #2: Coronado Avenue between 18th Street and Saturn Boulevard, respectively.

The owner/permittee shall perform the following mitigation measure to fully mitigate the project's cumulatively significant impact to Segment #3: Coronado Avenue between Saturn Boulevard and Green Bay Street:

TR-5 Segment #3: Coronado Avenue between Saturn Boulevard and Green Bay Street: Prior to the issuance of the first building permit, the Owner/Permittee shall pay a 15.37% fair share toward the future construction of a raised median within the existing curb-to-curb width along this portion of Coronado Avenue, satisfactory to the City Engineer.

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.

Passed by the Council of The City of San Diego on NOV 17 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 17 2014

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 309312