

## YMCA Friars Road CUP/SDP Appeal Issues and Responses

1. "This public property is designated in the Mission Valley Community Plan as Public Recreation And Open Space, and is not an office zone."

Staff Response:

The administrative office space supports the recreational facility and is only approximately 10 percent of the total use. The recreational use is the primary use on the site and is consistent with the community plan designation.

2. "Proposal would add 24,372 square feet of building area in the floodplain."

Staff Response:

All proposed buildings are to be constructed above and outside the 100-year floodplain. Buildings are allowed in a floodplain as long as they meet the requirements of section 143.0145 of the municipal code.

3. "Such filling of the floodplain as proposed here, violates Executive Order 11988."

Staff Response:

Executive Order 11980, which gives direction to federal agencies, not local communities, does not prohibit placing fill in the floodplain.

The only federal requirements for floodplain management, come with participation in the National Flood Insurance Program (NFIP), as administered by the Federal Emergency Management Agency (FEMA). The City of San Diego participates in the NFIP and as required by the program's regulations has adopted and enforces its own floodplain development ordinance (see Section 143.0145 of the Land Development Code).

The proposed YMCA project complies with the City's flood plain development regulations and with applicable federal regulations.

4. "Parking in the floodway as proposed, is inconsistent with OF-1-1 Zone (Open Space Zone)"

Staff Response:

The YMCA premises is zoned both RS-1-1 (Residential) and OF-1-1 (Open Space Floodplain). The existing parking lot is located within both zones. The CUP amendment proposes additional parking in the OF-1-1 Zone to support building and swimming pool additions to the YMCA.

Table 131-02B in the Land Development Code identifies that parking lots, as a "primary Use" are not permitted in the OF-1-1 Zone. A primary use is the main activity on the lot that draws in customers. An Ace Parking lot is an example of a primary use parking lot. The YMCA parking lot is not a primary use. The additional parking is a requirement of the YMCA development and may extend into the OF-1-1 Zone.

5. "The public can currently use the YMCA 3 tennis courts, roller rink, and other facilities for \$10/day. CEQA mandates an EIR for such cumulative impacts which include the past or planned loses of the Handerly Swim and Tennis Club, River Valley Golf and Tennis , Fashion Valley roller rinks; YMCA Youth skatepark southwest of stadium; and Stardust Golf Course."

Staff Response:

As stated in the Response to Comments in the Final Mitigated Negative Declaration, and on Page 2 of the Initial Study, the project site is designated, not zoned, for Public Recreation and Open Space in the Mission Valley Community Plan. The quoted General Plan passage regarding the retention of all park land for only recreational purposes is not specifically applicable to the proposal. This is because the subject property is not dedicated City park land, but rather City-owned land that is leased to the applicant. Although the existing and proposed facilities are not operated by the City, they are nonetheless recreational facilities which are open to the public on a fee basis. The office and parking components of the proposal are not independent of the existing and proposed recreational facilities, but rather necessary accessory uses. The facilities identified in the comment as lost were not publicly operated facilities and, therefore, their continued existence was dependent upon sufficient market demand in order to remain economically viable uses. If market demand is greater for another type of facility, then the private entity is able to modify their operations to respond to market demand.

Although the YMCA leases this site from the City of San Diego, their lease agreement does not require the retention of those facilities that are proposed to be removed. Since the on-site recreational facilities are not City-operated recreational facilities, the proposed changes in recreational programming are not considered by the City to constitute significant or cumulative recreational or public service impacts under CEQA.

6. "Project would add 2,500 cubic yards of fill and excavate another 10,000 cubic yards of fill. The proposed "mitigation" is being postponed."

Staff Response:

No fill is proposed to be placed within the boundaries of the 100-year floodway, and no structures are proposed to be constructed within the floodway. Although a portion of the new parking area is proposed to be constructed within the floodway, no increases in ground

elevation are proposed within the floodway. Staff is unclear to what “mitigation postponement” refers.

7. "Adjustments to the MHPA should be limited to essential projects."

Staff Response:

Approved documents governing implementation of the MSCP do not limit MHPA boundary adjustments to “essential projects”. Section 5.4.2 of the August 1998 Final MSCP Plan and Section 1.1.1 of the City MSCP Subarea Plan address adjustments to the boundaries of the MHPA. As discussed in Section 1.1.1 of the City MSCP Subarea Plan, adjustments can be made to the MHPA Boundaries in cases where the new MHPA boundary results in an area of equivalent or higher biological value. The determination of the biological value of a proposed boundary change is made in accordance with the MSCP Plan, with the concurrence of the wildlife agencies (USFWS and CDFG). The Final MSCP plan provides six criteria for determining the biological value of the adjustment related to effects on habitats, covered species, habitat linkages, preserve configuration, ecotones and species of concern. As discussed in the initial study for the Final MND, the proposed adjustment involves removal of 0.34 acres of disturbed area used for parking and addition to the MHPA of 0.45 acre of areas characterized by non-native grassland and southern willow scrub.

The MHPA boundary adjustment was completed in accordance with the requirements of the City MSCP Subarea Plan and the Final MSCP Plan and has been approved by the USFWS and the CDFG. A determination regarding the essential nature of a project is not required for a proposed boundary adjustment to be in compliance with City, State and Federal requirements.

8. "Need for 146 added parking spaces (60% increase ) is not explained."

Staff Response:

The parking requirements for the proposed project were based on the Land Development Code Section 142.0530, “Nonresidential Uses - Parking Ratios.” Specifically the parking ratios in Table 142-05F for the proposed uses, including health club, swimming pool, and office, were used.

9. Findings (a) and (b) for Conditional Use Permit are not supported by the evidence.

(a) The proposed development will not adversely affect the applicable land use plan and

Staff Response:

The YMCA project is consistent with the Mission Valley Community Plan designations of public recreation and open space. Both active and passive recreational uses are permitted in open space areas along the San Diego River, as long as buffer areas are provided between development and sensitive riparian habitat. The sensitive habitat is located along the rear property line. The project will provided a buffer between the new parking lot and the river in conformance with the mitigation measures in the environmental document.

(b) The proposed development will not be detrimental to the public health, safety and welfare;

Staff Response:

The YMCA buildings (existing and proposed) are located outside and above the 100-year floodplain. The OF-1-1 (Open Space-Floodplain) Zone, located along the rear of the property, permits active and passive recreational uses as long as permanent structures are not utilized. On the YMCA site, only parking lots and play areas are located within the 100-year floodplain, in conformance with the OF-1-1 Zone and Council Policy 600-14. Additionally, the minimal grading for the new 64-unit parking lot would not significantly alter the existing grade. Therefore, as currently designed, the development would not be detrimental to the public health, safety and welfare of persons working in or utilizing the facility.