

FINDINGS OF FACT
FOR
BLACK MOUNTAIN ROAD COMMUNITY PLAN AMENDMENT
PROJECT NO. 357262
SCH No. 2017051058
October 2019

I. INTRODUCTION

A. Findings of Fact and Statement of Overriding Considerations

The following Candidate Findings are made for the Black Mountain Road Community Plan Amendment (project). The environmental effects of the project are addressed in the Final Environmental Impact Report (EIR) dated March 19, 2019, which is incorporated by reference herein.

The California Environmental Quality Act (CEQA) [Section 21081(a)] and the State CEQA Guidelines [Section 15091(a)] require that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof, unless such public agency makes one or more of the following findings:

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

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

CEQA further requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable” (Section

15093(a) of the State CEQA Guidelines). When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the Final EIR and/or other information in the record.

The Findings and Statement of Overriding Considerations have been submitted by the City of San Diego Development Services Department as Candidate Findings to be made by the decision-making body. The Environmental Analysis Section of the Development Services Department (DSD) does not recommend that the discretionary body either adopt or reject these findings. They are attached to allow readers of this report an opportunity to review the applicant's position on this matter and to review potential reasons for approving the project despite the significant and unavoidable effects identified in the Final EIR. It is the exclusive discretion of the decision-maker certifying the EIR to determine the adequacy of the proposed Candidate. It is the role of staff to independently evaluate the proposed the Candidate Findings, and to make a recommendation to the decision-maker regarding their legal adequacy.

B. Record of Proceedings

For purposes of CEQA and these Findings and Statement, the Record of Proceedings for the project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the project;
- All responses to the NOP received by the City;
- The Final EIR;
- The Draft EIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to the written comments included in the Final EIR;
- All written and oral public testimony presented during a noticed public hearing for the project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in any responses to comments in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft EIR and the Final EIR;
- Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings and Statement; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

C. Custodian and Location of Records

The documents and other materials which constitute the record of proceedings for the City's actions on the project are located at the City's Development Services Department (DSD, 1222 First Avenue, 5th Floor, San Diego, California 92101. The City's DSD is the custodian of the project's administrative

record. Copies of the document that constitute the record of the City's website at proceedings are and at all relevant times have been available upon request at the offices of the City's DSD. The Draft EIR was also placed on the City Clerk's website at <https://www.sandiego.gov/city-clerk/officialdocs/public-notice>; whereas the Final EIR was placed on the DSD's website at <https://www.sandiego.gov/ceqa/final>. This information is provided in compliance with the Public Resources Code 21081.6(a)(2) and the CEQA Guidelines 15091(e).

II. PROJECT SUMMARY

A. Project Objectives

The primary purposes, goals, and objectives of the project are:

- Amend General Plan Figure LU-2 and the Rancho Peñasquitos Community Plan (RPCP) Transportation Element to be consistent with the current transportation network within the community.
- Amend General Plan Figure LU-2 and the RPCP Transportation Element to be consistent with the goals of the City's General Plan Mobility Element and Climate Action Plan that encourage use of transit and other forms of alternative transportation as opposed to vehicular travel.
- Implement the Rancho Peñasquitos Community Planning Group's desire to preserve the existing character of the community.

B. Project Description

A request for a GENERAL PLAN AMENDMENT to Figure LU-2, Land Use and Street System Map in the Land Use and Community Planning Element of the General Plan to change the street system classification of a segment of Black Mountain Road from Prime Arterial to Major Arterial; a COMMUNITY PLAN AMENDMENT to the Rancho Peñasquitos Community Plan Circulation Element to reclassify the same segment from a 6-lane Primary Arterial to a 4-lane Major; and a COMMUNITY PLAN AMENDMENT to the Black Mountain Ranch Subarea Plan amending the Transportation Phasing Plan to remove the requirement to widen Black Mountain Road to a 6-lane Primary Arterial and add the project design feature and three traffic mitigation measures, identified below. The approximate 1.3-mile segment of Black Mountain Road to be reclassified would occur between Twin Trails Drive on the north to the southern community boundary adjacent to the Los Peñasquitos Canyon Preserve. The project also includes a design feature to restripe the segment of Black Mountain Road between the SR-56 westbound ramps and SR-56 eastbound ramps to increase the northbound to westbound left-turn pocket storage and improve the flow of northbound traffic. To accommodate this restriping on the overpass, the roadway north of the overpass bridge would need to be widened for northbound traffic. The widening would extend approximately 0.15 mile from the SR-56 westbound off-ramp to the first commercial driveway to the north of the overpass. In addition, the following three mitigation roadway improvement measures are included as part of the project and analyzed in full detail through the Environmental Impact Report: MM-TRA-1 would require the installation of a traffic signal at the intersection of Sundance Avenue and Twin Trails Drive; MM-TRA-2 would require construction of a continuous auxiliary lane on eastbound SR-56 between Camino Del Sur and Black Mountain Road; and MM-TRA-3 would construct an additional on-ramp lane at the Rancho Peñasquitos Boulevard/SR-56 westbound on-ramp. Implementation of the project would subsequently require amending the Rancho Peñasquitos, Black Mountain Ranch,

and Pacific Highlands Ranch Public Facilities Financing Plans (PFFPs) to remove the requirement to widen the project roadway to a 6-lane Primary Arterial and to add the project design feature and three traffic mitigation measures. At such time the Public Facilities Financing Plans are updated for the Rancho Peñasquitos, Black Mountain Ranch, and Pacific Highlands Ranch communities, any changes to reflect the project and mitigation measures adopted by the action, would be incorporated. The Pacific Highlands Ranch requirement to widen the project roadway to a 6-lane Primary Arterial is outlined in Table 4B-14, which is included in the Pacific Highlands Ranch Subarea Plan Master Environmental Impact Report. Upon certification of this Environmental Impact Report and approval of the General Plan Amendment, Community Plan Amendments, and the Black Mountain Ranch Transportation Phasing Plan amendment, MM-TRA-1 through MM-TRA-3 would supersede and replace widening the Black Mountain Road to a 6-lane Primary Arterial previously identified in the Pacific Highlands Ranch Subarea Plan Master Environmental Impact Report. This Environmental Impact Report, which analyzes the removal of the existing Black Mountain Road 6-lane Primary Arterial designation for the project roadway from the Rancho Peñasquitos Community Plan, the addition of the project design feature, along with the future implementation of three mitigation measures, could be relied upon for this future update to the Public Facilities Financing Plans.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The lead agency approving the project and conducting environmental review under the California Environmental Quality Act (CEQA; 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 of San Diego (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 May 17, 2017, which began a 30-day period for comments on the appropriate scope of the EIR. Consistent with Public Resources Code Section 21083.9, the City held a public agency scoping meeting on May 31, 2017 at the Hotel Karlan, located at 14455 Peñasquitos Drive, San Diego, California 92129. The purpose of this meeting was to seek input and concerns from the public regarding the environmental issues that may potentially result from the project. Comments were submitted by the California Department of Transportation (Caltrans) and Park Village Landscape Maintenance District. A copy of the NOP and public comment letters received on the NOP are provided in Appendix A-1 of the Final EIR.

The City published a Draft EIR on April 12, 2019 in compliance with CEQA. The City prepared a Draft EIR for the project that was circulated for review and comment by the public, agencies, and organizations. The 45-day public review period began on April 12, 2019 and ended on May 28, 2019. Pursuant to CEQA Guidelines Section 15085, upon publication of the Draft EIR, the City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that the Draft EIR had been completed and was available for review and comment by the public. The City also posted a Notice of Availability of the Draft EIR at this time pursuant to CEQA Guidelines Section 15087. During the public review period, the City received comments on the environmental document. Comments on the Draft EIR were received from Caltrans, San Diego Regional Water Quality Control Board, Viejas Band of Kumeyaay Indians, and the San Diego County Archeological

Society. After the close of public review period, the City provided responses in writing to all comments received on the Draft EIR.

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 §15090(a)(3) and CEQA Statute §21082.1(a)-(c).

The Final EIR addresses the environmental effects associated with implementation of the project. The Final 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 Final 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 Final EIR is incorporated by reference into this CEQA Findings document.

The Final 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). The Final EIR for the project was published on October 21, 2019, and posted on the DSD's website at <https://www.sandiego.gov/ceqa/final>.

IV. CUSTODIAN AND LOCATION OF RECORDS

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 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).

V. SUMMARY OF IMPACTS

The Final EIR Sections 4.1, 4.3, 4.4, 4.5, 4.7, and 4.8 demonstrate, and the City hereby finds, based on the Final EIR and the Record of Proceedings, that the project would have **less than significant impacts** and require no mitigation with respect to the following issues:

- Land Use
- Air Quality
- Greenhouse Gases
- Noise
- Cultural Resources
- Tribal Cultural Resources

Potentially significant impacts of the project will be **mitigated to below a level of significance** with respect to the following issues:

- Transportation/Circulation
- Biological Resources

No feasible mitigation measures are available to reduce impacts to below a level of significance for the following issue:

- Transportation/Circulation

VI. FINDINGS REGARDING SIGNIFICANT IMPACTS

In making each of the findings below, the City has considered the Plans, Programs, and Policies discussed in the Final EIR. The Plans, Programs, and Policies discussed in the Final EIR are existing regulatory plans and programs the project is subject to, and, likewise, are explicitly made conditions of the project's approval.

A. Findings Regarding Potentially Significant Environmental Impacts Found To Be Less Than Significant After Mitigation

The City, having independently reviewed and considered the information contained in the Final EIR and the Record of Proceedings, finds pursuant to CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), adopts the following findings regarding the significant effects of the project, as follows:

Changes or alterations have been required in, or incorporated into, the project that mitigate, or avoid, or substantially lessen the significant effects on the environment as identified in the Final EIR. The basis for this conclusion follows.

The City, having independently reviewed and considered the information contained in the Final EIR and the Record of Proceedings pursuant to Public Resource Code §21081(a)(1) and State CEQA Guidelines §15091(a)(1), adopts the following findings regarding the significant effects of the project, as follows:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment as identified in the Final EIR. (Project No. 357262/SCH No. 2017051058) as described below:

Transportation/Circulation

1. *Description of Potentially Significant Impacts:* As described in Section 4.2, the project would result in impacts to one intersection: Sundance Avenue and Twin Trails Drive (AM peak hour) (Impact TRA-3): Average delay increases from 38.8 to 46.4 seconds (an increase greater than 2.0 seconds) and continues to operate at LOS E.

Facts in Support of Finding: As described in the Final EIR, Mitigation Measure MM-TRA-1 would be required to improve operations at the impacted intersection to acceptable levels.

Implementation of mitigation measure MM-TRA-1 would reduce average delay to 7.8 seconds, and improve intersection operations to LOS A. With the implementation of this mitigation measure, impacts to the intersection of Sundance Avenue and Twin Trails Drive would be reduced to a level less than significant.

Reference: Final EIR Section 4.2.

Biological Resources

1. *Description of Potentially Significant Impacts:* As described in Section 4.6, project Mitigation Measure TRA-2 would result in the following impacts to vegetation communities (Impact BIO-1):

- Coastal Sage Scrub: 0.20 acre of permanent impact/1.06 acres of construction zone impact.
- Freshwater Marsh: 0.01 acre of permanent impact/0.04 acre of construction zone impact.
- Southern Willow Scrub: 0.11 acre of construction zone impact.

Facts in Support of Finding: As described in the Final EIR, Mitigation Measures MM-BIO-1a and MM-BIO-1b would be required to mitigate potential impacts associated with vegetation communities. MM-BIO-1a would require preparation of a site-specific biological technical report consistent with the City's Biology Guidelines to ensure that potentially significant impacts to unique, rare, endangered, sensitive, or fully protected species of plants or animals, if present within the area of potential effect, are identified and mitigated to a level less than significant. MM-BIO-1b would require impacts to sensitive upland Tier I, II, IIIA, or IIIB habitats shall occur in accordance with the mitigation ratios specified within the City's Biology Guidelines. Impacts to wetland species (Freshwater Marsh and Southern Willow Scrub) would be mitigated per MM-BIO-2a and MM-BIO-2b (see below).

The City finds that with implementation of mitigation measures MM-BIO-1a and MM-BIO-2b, the potential for adverse project impacts associated with vegetation communities would be reduced to a level less than significant.

Reference: Final EIR Section 4.6.

2. *Description of Potentially Significant Impacts:* As described in Section 4.6, project Mitigation Measure TRA-2 would result in the following impacts to wetlands (Impact BIO-2):

- Freshwater Marsh: 0.01 acre of permanent impact/ 0.04 acre of construction zone impact.
- Southern Willow Scrub: 0.11 acre of construction zone impact.

Facts in Support of Finding: As described in the Final EIR, Mitigation Measures MM-BIO-2a and MM-BIO-2b would be required to mitigate potential impacts associated with wetlands. MM-BIO-2a would require impacts to sensitive wetlands shall occur in accordance with the mitigation ratios specified within the City's Biology Guidelines. MM-BIO-2b would require

that the applicant provide evidence of the following, if applicable, to the Assistant Deputy Director/Environmental Designee prior to any construction activity:

- Compliance with ACOE Section 404 nationwide permit;
- Compliance with the RWQCB Section 401 Water Quality Certification;
- Compliance with the CDFW Section 1601/1603 Streambed Alteration Agreement; and
- Compliance with City ESL wetland deviation process.

The City finds that with implementation of mitigation measures MM-BIO-2a and MM-BIO-2b, the potential for adverse project impacts associated with wetlands would be reduced to a level less than significant.

Reference: Final EIR Section 4.6.

B. FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

The City, having independently reviewed and considered the information contained in the Final EIR and the Record of Proceedings pursuant to Public Resource Code §21081(a)(1) and State CEQA Guidelines §15091(a)(1), adopts the following findings regarding the significant effects of the project, as follows:

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 Final EIR. (Project No. 357262/SCH No. 2017051058) as described below:

Transportation/Circulation

1. *Description of Potentially Significant Impacts:* As described in Section 4.2, the project would result in impacts to two roadway segments:

- Black Mountain Road south of Twin Trails Drive (Impact TRA-1): V/C ratio increases from 0.63 to 0.94, and segment operations would decrease from LOS C to LOS E.
- Black Mountain Road north of Park Village Road – Adolphia Street (Impact TRA-2): V/C ratio increases from 0.73 to 0.89, and segment operations would decrease from LOS C to LOS E.

Facts in Support of Finding: As described in the Final EIR, mitigation was not identified to improve roadway segment operations on Black Mountain Road south of Twin Trails Drive and north of Park Village Road – Adolphia Street. Mitigation for these roadway segments would require widening of Black Mountain Road that would be inconsistent with the project's objectives to maintain consistency with the community's current transportation network, maintain consistency with the City goals to encourage use of transit and other forms of alternative transportation as opposed to vehicular travel, and to preserve the existing character of the community. Therefore, impacts on two roadway segments of Black Mountain Road would remain significant and unavoidable.

Reference: Final EIR Section 4.2.

VII. FINDINGS REGARDING MITIGATION MEASURES THAT ARE WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER AGENCY

The City, having independently reviewed and considered the information contained in the Final EIR and the Record of Proceedings pursuant to Public Resource Code §21081(a)(1) and State CEQA Guidelines §15091(a)(1), adopts the following findings regarding the significant effects of the project, as follows:

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. (Project No. 357262/SCH No. 2017051058) as described below:

Transportation/Circulation

1. *Description of Potentially Significant Impacts:* As described in Section 4.2, the project would result in impacts to one freeway segment: Eastbound SR-56 between Camino Del Sur and Black Mountain Road (PM peak hour) (Impact TRA-4): V/C ratio increases from 1.098 to 1.104 and continues to operate at LOS F.

Facts in Support of Finding: As described in the Final EIR, mitigation measure MM-TRA-2 would be required to mitigate impacts on eastbound SR-56 between Camino Del Sur and Black Mountain Road. However, SR-56 is under the jurisdiction of Caltrans, and the City does not have control over the timing and implementation of the recommended mitigation, making the timely completion of such mitigation uncertain. Therefore, impacts to eastbound SR-56 between Camino del Sur and Black Mountain Road (PM peak hour) would remain significant and unavoidable.

Reference: Final EIR Section 4.2.

2. *Description of Potentially Significant Impacts:* As described in Section 4.2, the project would result in impacts to one metered freeway on-ramp: Rancho Peñasquitos Boulevard/SR-56 westbound on-ramp (AM peak hour) (TRA-5): average delay increases from approximately 21 minutes to approximately 24 minutes.

Facts in Support of Finding: As described in the Final EIR, Mitigation Measure MM-TRA-2 would be required to mitigate impacts on the Rancho Peñasquitos Boulevard/SR-56 westbound on-ramp to a level less than significant. However, the Rancho Peñasquitos Boulevard/SR-56 westbound on-ramp is under the jurisdiction of Caltrans, and the City does not have control over the timing and implementation of the recommended mitigation, making the timely completion of such mitigation uncertain. Therefore, impacts to the Rancho Peñasquitos Boulevard/SR-56 westbound on-ramp would remain significant and unavoidable.

Reference: Final EIR Section 4.2.

VIII. FINDINGS REGARDING ALTERNATIVES

In accordance with Section 15126.6(a) of the CEQA Guidelines, an EIR must contain a discussion of "a range of reasonable alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives."

Section 15126.6(f) further states that "the range of alternatives in an EIR is governed by the 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." Thus, the following discussion focuses on project alternatives that are capable of eliminating significant environmental impacts or substantially reducing them as compared to the proposed project, even if the alternative would impede the attainment of some project objectives or would be more costly. In accordance with Section 15126.6(f)(1) of the CEQA Guidelines, among the factors that may be taken into account when addressing the feasibility of alternatives are: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; and (6) jurisdictional boundaries; and (7) whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site.

As required in CEQA Guidelines Section 15126.6(a), in developing the alternatives to be addressed in this section, consideration was given to an alternative's ability to meet most of the basic objectives of the project. Because the project will cause potentially significant environmental effects unless mitigated, the City must consider the feasibility of any environmentally superior alternatives to the project, evaluating whether these alternatives could avoid or substantially lessen the potentially significant environmental effects while achieving most of the objectives of the project.

As required in CEQA Guidelines Section 15126.6(a), in developing the alternatives to be addressed in this section, consideration was given regarding an alternative's ability to meet most of the basic objectives of the project. Because the project would result in potentially significant environmental effects unless mitigated, the City must consider the feasibility of any environmentally superior alternatives to the project evaluating whether these alternatives could avoid or substantially lessen the potentially significant environmental effects while achieving most of the objectives of the project. The project objectives are presented above, Section II.A.

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), makes the following findings with respect to the alternatives identified in the Final EIR.

Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR (Project No. 442880/SCH No. 2016031026) as described below.

"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 CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that "other" considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

Alternatives Under Consideration

As required by CEQA, the Final EIR evaluated a reasonable range of potentially feasible project alternatives. The project purpose limits the number of feasible alternatives that could be considered for the project. Given the fact that the project is a reclassification of the roadway, the only feasible alternative to the project would be to expand the project roadway to a 6-lane Primary Arterial consistent with the RPCP. Therefore, the EIR only analyzed the No Project Adopted Plan (6-lane Primary Arterial) Alternative in comparison to the potential environmental impacts associated with the project.

No Project Adopted Plan (6-lane Primary Arterial) Alternative (Section 9.1)

Alternative Description/Impacts: The No Project Adopted Plan (6-lane Primary Arterial) Alternative would not process a GPA to Figure LU-2, Land Use and Street System Map, in the Land Use and Community Planning Element of the General Plan to reclassify the project roadway from a Prime Arterial to a Major Arterial, or a CPA for the RPCP to reclassify the project roadway from a 6-lane Primary Arterial to a 4-lane Major. Similarly, this alternative would not require the traffic mitigation measures recommended in the TIS and would not require amendments to the Rancho Peñasquitos, Black Mountain Ranch, and Pacific Highlands Ranch PFFPs. Under this alternative, the project segment of Black Mountain Road would retain its current classification and would eventually be widened to a 6-lane Primary Arterial consistent with the current classification in the General Plan and the RPCP.

Implementation of the No Project Adopted Plan (6-lane Primary Arterial) Alternative would have fewer impacts related to transportation/circulation than the project. However, impacts related to land use would be greater than the project and would be significant and unavoidable due to a large number of property acquisitions that would disrupt community character. Although unlikely, operational impacts associated with noise may be significant and unavoidable if noise walls were determined to be infeasible due to slope conditions, proximity of some homes to widened roadway, and ultimate design of the 6-lane Primary Arterial. Impacts related to air quality, greenhouse gases, biological resources, cultural resources, and tribal cultural resources would be greater compared to the project.

Facts in Support of Finding: While the alternative may avoid project impacts, the alternative would not meet any of the project objectives listed above in Section II. Accordingly, the City rejects this Alternative as infeasible on the basis that it fails to meet the project objectives. The City finds that although the No Project Adopted Plan (6-lane Primary Arterial) Alternative would have fewer impacts related to transportation/circulation, specific economic, legal, social, technological, or other considerations, including that this alternative would not meet any of the project objectives make the No Project Adopted Plan (6-lane Primary Arterial) Alternative infeasible, and rejects the No Project Adopted Plan (6-lane Primary Arterial) Alternative on such grounds.

Thus, the City finds that the No Project Adopted Plan (6-lane Primary Arterial) Alternative is not environmentally superior to the project. The City further finds that specific economic, legal, social, technological, or other considerations, make the No Project Adopted Plan (6-lane Primary Arterial) Alternative infeasible. Thus, the City rejects the No Project Adopted Plan (6-lane Primary Arterial) Alternative on such grounds.

STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code 21081(b) of CEQA and CEQA Guidelines §15093 and 15043, CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project.

If the specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code §21081. 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 Environmental Impact Report (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.

Pursuant to the Public Resources Code §21081(b) and CEQA Guidelines § 15093, the City Council, having considered all of the foregoing, finds that the following specific overriding economic, legal, social, technological, or other benefits associated with the project outweigh unavoidable adverse direct impacts related to transportation/circulation.

The City Council finds that it has adopted all feasible mitigation measures to reduce the proposed environmental impacts to an insignificant level; considered the entire administrative record, including the EIR; and weighed the proposed benefits against its environmental impacts. This determination is based on the following specific benefits, each of which is determined to be, by itself and independent of the other project benefits, a basis for overriding and outweighing all unavoidable adverse environmental impacts identified in the Final EIR.

COMMUNITY BENEFITS

- The project would not widen the project roadway to a 6-lane Primary Arterial and would thereby be consistent with the Rancho Peñasquitos Community Planning Group's desire to preserve the existing character of the community. The project would avoid partial property acquisitions from approximately 100 parcels, and would thereby avoid disruptions to the existing character of the surrounding community associated with these partial property acquisitions that would be required to widen the project roadway to a 6-lane Primary Arterial.

PUBLIC BENEFITS

- The project would not widen the project roadway to a 6-lane Primary Arterial, and would thereby preserve the existing Class II bike lanes in each direction with no on-street parking. Although widening the project roadway to a 6-lane Primary Arterial could include new Class II bike lanes in each direction with no on-street parking, inclusion of such facilities would require additional right-of-way that could intensify disruptions to the existing community character through larger partial property acquisitions. Therefore, the project would preserve the existing Class II bike lanes in each direction without the intensifying disruptions to the existing community.

ECONOMIC BENEFITS

- The project would avoid the public economic expenditure of at least approximately \$7.5 million that would be required to expand the project roadway to a 6-lane Primary Arterial. The estimated construction cost to widen this segment of Black Mountain Road is \$9.4 million. Per the Black Mountain Ranch Subarea Plan Transportation Phasing Plan, Black Mountain Ranch, LLC is obligated to widen the project roadway to a 6-lane Primary Arterial. While Black Mountain Ranch, Pacific Highlands Ranch, and Rancho Peñasquitos would have a combined responsibility for approximately 20 percent of the cost, totaling approximately \$1.9 million, funding for the remaining \$7.5 million has not been identified. Furthermore, the construction cost estimate of approximately \$9.4 million is over a decade old and does not include the cost of property acquisitions. Consequently, the costs associated with expanding the project roadway may be much higher. Therefore, the project would avoid the public economic expenditure of at least approximately \$7.5 million that would be required to expand the project roadway to a 6-lane Primary Arterial.

The City Council finds in accordance with Public Resources Code §21081(b) and 21081.5, and CEQA Guidelines §§15093 and 15043, that any, or any combination of, the Statement of Overriding Consideration benefits noted above would be sufficient to reach the conclusion that overriding findings justify the significant, unmitigable impacts that were found.