RESOLUTION 2014-141

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE GENERAL PLAN UPDATE AND ADOPTING THE UPDATED CIRCULATION AND LAND USE ELEMENTS

WHEREAS, state law requires that local agencies adopt General Plans containing specific mandatory elements; and

WHEREAS, the City's General Plan provides strategic planning for community sustainability and evaluates, defines, and sets goals for development preservation and rehabilitation of distinct neighborhoods and commercial areas; and

WHEREAS, the General Plan was initially adopted in 1988 and although it has been amended throughout the years, has never been comprehensively revised; and

WHEREAS, the State requires periodic updates to reflect changes in the community and current laws; and

WHEREAS, the General Plan Phase 1 Update includes the Housing, Circulation, and Land Use Elements (Project) and programmatic CEQA documents; and

WHEREAS, the Housing Element was adopted by the Solana Beach City Council on February 13, 2013; and

WHEREAS, the Circulation and Land Use Elements have been updated to ensure consistency with state laws, to stay current with technical information, to respond to changing conditions, such as climate change and the community's current values and priorities, and to address the goals and objectives of the City; and

WHEREAS, the City determined that the General Plan Update is a project requiring review pursuant to the California Environmental Quality Act (CEQA), Public Resources Code 21000 et seq., and that a Program Environmental Impact Report (EIR) would be prepared to evaluate the potential environmental effects of the project; and

WHEREAS, a Notice of Preparation was released for public and agency review and comment on August 28, 2013, for the General Plan Update draft EIR, with public comment solicitation period starting August 28, 2013 and ending September 26, 2013, and a public scoping meeting to receive comments on topics and issues which should be evaluated in the Draft EIR held by the City on September 12, 2013; and,

WHEREAS, the City distributed a Notice of Availability for the General Plan Update Draft EIR on August 19, 2014, which started a formal public review period ending on October 10, 2014 (45 days); and
WHEREAS, the Notice of Completion for the Draft EIR (SCH# 2013081087) was also submitted to the State Clearinghouse for state agency review with Public Record Period starting August 19, 2014 and ending on October 10, 2014; and

WHEREAS, the Final EIR includes the written comments on the Draft EIR received during the comment period, responses to those comments; the Mitigation Monitoring and Reporting Program, the Findings of Fact, and the Statement of Overriding Considerations; and

WHEREAS, the City Council considered the Final EIR and General Plan Update during a noticed public hearing on November 19, 2014.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the foregoing recitations are true and correct.

2. That the City Council hereby certifies that the EIR has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the EIR reflects the independent judgment of the City of Solana Beach as Lead Agency and that information contained in said EIR, 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.

3. That pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation and Monitoring Reporting Program in order to mitigate or avoid significant effects on the environment, a copy of which is attached as Exhibit A hereto and incorporated herein by reference.

4. That pursuant to CEQA Section 21081 and CEQA Guidelines Sections 15091 and 15093, the City Council hereby adopts Findings of Fact and a Statement of Overriding Considerations with respect to the Project, a copy of which is attached as Exhibit B hereto and incorporated herein by reference.

5. That the City Council directs the City Manager or his designee to file associated CEQA documents with the applicable agencies.
6. That the City Council hereby adopts the updates to the Circulation Element and Land Use Element of the General Plan.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 19th day of November 2014 by the following vote.

AYES: Councilmembers – Campbell, Heebner, Zito, Zahn, Nichols
NOES: Councilmembers – None
ABSENT: Councilmembers – None
ABSTAIN: Councilmembers – None

THOMAS M. CAMPBELL, Mayor

APPROVED AS TO FORM:

JOHANNA N. CANLAS, City Attorney

ATTEST:

ANGELA IVEY, City Clerk
10.0 Programmatic Mitigation Monitoring and Reporting Program

Section 21081.6 of the CEQA Guidelines requires that an MMRP be adopted upon certification of an EIR to ensure that the programmatic mitigation measures are implemented. The MMRP specifies what the programmatic mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The GPU is described in this PEIR. The PEIR, incorporated herein as referenced, focused on issues determined to be potentially significant by the City. The issues addressed in the PEIR include aesthetics, air quality, biological resources, cultural resources, greenhouse gas emissions, geology/soils, human health/public safety/hazardous materials, hydrology/water quality, land use, noise, public services, population and housing, transportation/circulation, and utilities/water supply.

Public Resources Code section 21081.6 requires monitoring of only those impacts identified as significant or potentially significant. After analysis, potentially significant impacts requiring programmatic mitigation were identified for aesthetics, air quality, cultural resources, human health/public safety/hazardous materials, and noise.

The environmental analysis resulted in the identification of a programmatic mitigation framework which would reduce potentially significant impacts, but not to below a level of significance for all environmental issue areas noted above. Specifically, programmatic mitigation measures for significant impacts related to aesthetics (scenic resources); air quality (criteria pollutants and sensitive receptors); cultural (historic, archaeological, and paleontological) resources, hazardous materials, and noise (construction vibration) were identified, but at the program level these impacts remain significant and unavoidable until adoption of Phase II of the GPU.

The MMRP for the GPU is under the jurisdiction of the City. The MMRP for the GPU addresses only the issue areas identified above as significant. The following is an overview of the MMRP to be completed for the GPU.
10.1 Aesthetics

10.1.1 Scenic Resources: Landmark Properties

10.1.1.1 Impact

Future development consistent with the GPU could lead to the physical demolition, destruction, relocation, or alteration of potential historical resources that are not currently designated pursuant to Section 17.60.160 of the Municipal Code. Therefore, as also concluded in Section 4.5, impacts to potential historic landmark properties would be significant.

10.1.1.2 Programmatic Mitigation

MM-CUL-1: Requires that the City conduct a city-wide historical resources survey to identify any unknown significant historical resources.

MM-CUL-2: Programmatic mitigation measure MM-CUL-2, as detailed in Section 4.5.7.1 of this PEIR, would be incorporated into the updated Open Space and Conservation Element as part of the Phase II of the GPU to reduce potential impacts to historical landmarks.

10.2 Air Quality

10.2.1 Criteria Pollutants

10.2.1.1 Impact

Under the GPU, operational emissions would exceed project-level thresholds. While exact development details are not available at this time, there is the potential for future individual development projects to result in significant operational impacts. Therefore, future operational impacts would be potentially significant.

10.2.1.2 Programmatic Mitigation Framework

MM-AIR-1: The addition of the following policy to the updated Open Space and Conservation Element within the GPU would ensure that impacts related to emissions within the City are reduced:

Policy OS-7.b: For future projects inconsistent with the General Plan, prior to the issuance of grading permits, an air quality analysis shall be prepared to demonstrate that the proposed project would not obstruct the implementation of the SDACPD
RAQS or exceed the applicable emissions thresholds. If project level emissions are
determined to exceed the applicable threshold, programmatic mitigation shall be
incorporated into the project.

10.2.2 Sensitive Receptors

10.2.2.1 Impact

In the GPU sites some residential areas are within 500 feet of I-5, which could expose
sensitive receptors to diesel particulate matter. Therefore, because the distance is less than
the minimum distance threshold, the impact would be potentially significant.

10.2.2.2 Programmatic Mitigation

MM AIR-1: The addition of the following policies to the updated Open Space and
Conservation and Open Space-Element within the GPU would ensure that
impacts related to emissions within the City are reduced:

Policy OS-7.b: For future projects inconsistent with the General Plan, prior to the
issuance of grading permits, an air quality analysis shall be prepared to demonstrate
that the proposed project would not obstruct the implementation of the ACPD RAQS
or exceed the applicable emissions thresholds. If project level emissions are
determined to exceed the applicable threshold, programmatic mitigation shall be
incorporated into the project.

10.3 Cultural Resources

10.3.1 Historic Resources

10.3.1.1 Impact

There are areas of the City that have not been subject to historic surveys, and there may be
significant resources that have yet to be identified. Buildings or structures that are more than
45 years old, for example, may also be eligible for listing in the federal or state register.
Future development consistent with the proposed GPU could lead to the physical demolition,
destruction, relocation, or alteration of these potential historical resources that are not
currently designated pursuant to Section 17.60.160 of the Municipal Code.
10.3.1.2 Programmatic Mitigation

MM-CUL-1: The City shall conduct a city-wide historical resources survey to identify any unknown significant historical resources.

MM-CUL-2: The addition of the following policies to the updated Open Space and Conservation Element within the GPU would ensure that historical resources within the City are identified, avoided, and protected:

Policy OS-1.1: Known and discovered historic and archeological resources shall be protected from immitigable disturbance or destruction.

Policy OS-1.2: Encourage the adaptive reuse of historically significant buildings if the original use is no longer feasible.

Policy OS-1.3: Encourage the preservation of qualifying historical resources through official designation as a historic/cultural landmark in accordance with Municipal Code Section 17.60.160.

Policy OS-1.4: To the greatest extent feasible, historical and/or culturally significant landscapes shall be preserved, including those emblematic of Native American tribes and the development of the community over the long term.

10.3.2 Archeological Resources

10.3.2.1 Impact

It can be reasonably assumed that future development consistent with the GPU could have the potential to directly or indirectly impact prehistoric/historic archaeological resources through such activities.

10.3.2.2 Programmatic Mitigation

MM-CUL-3: In addition to the policies previously detailed, the following policies added to the updated Open Space and Conservation Element within the GPU would ensure that archaeological resources within the City are identified, avoided, and protected:

Policy OS-1.5: Monitoring for archaeological resources during grading and construction activities shall be required for development projects, as determined by the Community Development Department. Monitoring may be required when: 1) significant resources are known or suspected to be present on a project site, but cannot be recovered prior to grading due to obstructions; 2) the project archaeologist recommends monitoring the site
as a result of their own previous research of the surrounding area; or 3) to mitigate for potentially significant indirect impacts to an archaeological site.

Policy OS-1.6: Project applicants shall be required to work with Community Development Department staff early in the development review process in order to minimize impacts to archaeological and paleontological resources.

10.3.3 Paleontological Resources

10.3.3.1 Impact

Future redevelopment projects consistent with the GPU that would grade into undisturbed deposits of the Bay Point Formation and Torrey Sandstone would have the potential to impact subsurface paleontological resources.

10.3.3.2 Programmatic Mitigation

MM-CUL-4: In addition to the policies previously detailed, the following policies added to the updated Open Space and Conservation Element within the GPU would ensure that paleontological resources within the City are identified, avoided, and protected:

Policy OS-1.7: Monitoring for paleontological resources shall be required for development projects during grading in native soils if: 1) grading quantities exceed 1,000 cubic yards and 10 feet in depth in geologic formations with a known “high” sensitivity for paleontological resources or 2) grading quantities exceed 2,000 cubic yards and 10 feet in depth in geologic formations with a known “moderate” sensitivity for paleontological resources, as determined by the Community Development Department.

Policy OS-1.8: Project applicants shall be required to coordinate with the Community Development Department staff early in the development review process in order to minimize impacts to paleontological resources. If grading activities extend greater than 10 feet into native geological formations, coordination with the San Diego Natural History Museum shall be required.
10.4 Human Health, Public Safety, and Hazardous Materials

10.4.1 Hazardous Materials

10.4.1.1 Impact

Development in accordance with the GPU has the potential to place sensitive receptors (i.e., residential uses) on or adjacent to, both known and unknown hazardous materials sites. In addition, any property proposed for future development within ¼ mile of a known release site (open or closed) has the potential to result in human health and safety issues if the site is not properly remediated.

10.4.1.2 Programmatic Mitigation

MM-HAZ-1: The addition of the following policies to the Safety Element within Phase II of the GPU would ensure that hazardous materials impacts within the City are adequately addressed at the project level.

Policy SAF-1.1: At the time of application for grading permits and/or demolition, the applicant or owner shall submit to the Community Development Department, a hazardous materials and/or site contamination disclosure form.

Policy SAF-1.2: No construction, grading or ground-disturbing activity shall occur on a site with prior known contamination and/or which appears on any list compiled pursuant to Section 65962.5 of the Government Code without submittal of a “No Further Action” clearance letter issued by the County DEH.

10.5 Noise

10.5.1 Construction

10.5.1.1 Impact

Depending on the proximity of existing structures to each construction site, the structural soundness of the existing buildings, and the methods of construction used, vibration levels caused by pile driving or other foundation work may be high enough to be perceptible within 150 feet and may be high enough to damage existing structures within 50 feet. Impacts to local vibration sensitive receptors would be potentially significant.
10.5.1.2 Programmatic Mitigation

MM-NOS-1: The addition of the following policy to the Noise Element of the General Plan would ensure that noise impacts from construction within the City are identified, avoided, and reduced:

Policy 4.d: For projects where construction will include vibration-generating activities, such as pile driving, within 100 feet of existing structures, the City shall require site-specific vibration studies to be conducted to determine the area of impact and to identify appropriate programmatic mitigation measures. The studies shall, at a minimum, include the following:

a. Identification of the project's vibration compaction activities, pile driving, and other vibration-generating activities that have the potential to generate groundborne vibration, and the sensitivity of nearby structures to groundborne vibration. This task should be conducted by a qualified structural engineer.

b. A vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted; establish a vibration monitoring schedule; define structure-specific vibration limits; and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies shall be identified for actions to be taken when vibration levels approached the defined vibration limits.

c. Maintain a monitoring log of vibrations during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for a more or less intensive measurement schedule.

d. Vibration level limits for suspension of construction activities and implementation of contingencies to either lower vibration levels or secure the affected structures.

e. Post-construction survey on structures where either monitoring has indicated high vibration levels or complaints of damage have been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF SOLANA BEACH GENERAL PLAN UPDATE SCH No. 2013081087

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I. INTRODUCTION

A. Findings of Fact and Statement of Overriding Considerations

The California Environmental Quality Act (CEQA) (Public Resource Code Section 21000 et seq.) and the CEQA Guidelines (Guidelines) (14 Cal. Code Regs Section 15000 et seq.) promulgated thereunder require that the environmental impacts of a proposed project be examined before a project is approved. In addition, once significant impacts have been identified, CEQA and the CEQA Guidelines require that certain findings be made before project approval. It is the exclusive discretion of the decision-maker certifying the environmental impact report (EIR) to determine the adequacy of the proposed candidate findings. Specifically, regarding findings, Guidelines Section 15091 provides:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the 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.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

These requirements also exist in Section 21081 of the CEQA statute. The “changes or alterations” referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments.

Should significant and unavoidable impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations must be prepared. The statement provides the Lead Agency’s views on whether the benefits of a project outweigh its unavoidable adverse environmental effects. Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental 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, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse
environmental effects, the adverse environmental effects may be considered “acceptable.”

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the FEIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the FEIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed, and considered the Final Program Environmental Impact Report for the Solana Beach General Plan Update, State Clearinghouse No. 2013081087 (FEIR), as well as all other information in the Record of Proceedings on this matter, the following Findings of Fact (Findings) are made, and a Statement of Overriding Considerations (Statement) is adopted by the City of Solana Beach (City) in its capacity as the CEQA Lead Agency. These Findings and Statement set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

B. Record of Proceedings

For purposes of CEQA and these Findings and Statement, the Record of Proceedings for the proposed 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 proposed project;
- All responses to the NOP received by the City;
- The FEIR for the proposed project;
- The Draft EIR for the proposed project;
- 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 FEIR;
- All written and oral public testimony presented during a noticed public hearing for the proposed project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The reports and technical memoranda included or referenced in any responses to comments in the FEIR;

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• All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft EIR and the FEIR;
• 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 of Overriding Considerations; 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 that constitute the administrative record for the City’s actions related to the project are located at the City of Solana Beach, Community Development Department, 635 South Highway 101, Solana Beach, California 92075. The City Community Development Department 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 Community Development Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

II. PROJECT SUMMARY

A. Project Location

The City encompasses approximately 2,200 acres at the western edge of San Diego County (FEIR Figure 2-1). The Pacific Ocean lies to the west of the City, and the shoreline of Solana Beach is approximately 1.7 miles long. To the north, the San Elijo Lagoon is partially within the City, but is primarily located within the City of Encinitas. The City of Solana Beach is bounded by the City of Del Mar to the south, the Cardiff-by-the-Sea community within the City of Encinitas to the north, and the City of San Diego and unincorporated San Diego County to the east (FEIR Figure 2-2). The City of Solana Beach is located within lands covered by the United States Geological Survey 7.5-Minute Series, Del Mar, Encinitas and Rancho Santa Fe quadrangles.

B. Project Background

A general plan is a state-required legal document (Government Code Section 65300) that guides decisions of local elected officials (decision-makers) when making determinations about the allocation of resources and the future physical form and character of development in
cities and counties. It is the official statement of a jurisdiction regarding the extent and types of development needed to achieve a community’s vision for physical, economic, social, and environmental goals. State law requires that the general plan include an integrated and internally consistent set of goals, policies, standards, programs, and diagrams. State law and guidelines require that general plans should be maintained and amended or updated periodically as conditions and needs change.

The City was officially incorporated on July 1, 1986, and the City adopted its first General Plan in 1988. The City’s adopted General Plan includes all seven mandatory elements required by the state. Although there have been some amendments to the General Plan since then, the current process constitutes the first complete General Plan update since the City was incorporated and is intended to guide the City’s policies for the next 25 years. The update addresses new state and local regulations such as Assembly Bill (AB) 32/Senate Bill (SB) 375, and is consistent with the San Diego Association of Governments (SANDAG) Regional Comprehensive Plan and Regional Transportation Plan.

The City is proposing to update its adopted General Plan in two Phases. Phase I of the General Plan Update (GPU) includes updates to: the City’s Housing Element (adopted in 2013), the Land Use Element (last amended in 1997), and the Circulation Element (last amended in 1999). Phase I also includes the development of a Climate Action Plan (CAP), which will serve to implement the sustainability and greenhouse gas (GHG) emissions polices within the Land Use Element update. The CAP is being prepared with Phase I GPU and is reflected in this FEIR, but will be adopted through a subsequent CEQA document. (The Housing Element update was approved by the California State Department of Housing and Community Development [HCD] on December 20, 2012, and a Negative Declaration for the Housing Element was adopted by the City in February 13, 2013. Therefore, the Housing Element is not addressed in the FEIR.) Phase II of the GPU will include updates to the remaining elements of the City’s General Plan and will occur at a future time. Therefore, it is not considered in the analysis in the FEIR.

C. Project Description and Purpose

Project Description

The proposed project analyzed in the FEIR includes both the updates to the Land Use and Circulation elements occurring as part of Phase I of the GPU. Approval of the Land Use Element update would establish a plan for future development and redevelopment in the City of Solana Beach. The Land Use Element update identifies issues that affect land use planning and articulates goals and policies designed to ensure a well-balanced and compatible mix of land uses that are consistent with the City’s character and image. Approval of the Circulation Element update would establish a plan for increasing multimodal transportation opportunities intended to provide a balanced circulation system that facilitates walking, biking, and transit use. The Circulation Element update would support the travel demands of the land uses.
included in the Land Use Element, while maintaining a high quality of life for the residents of Solana Beach.

Project Purpose

The update of the Land Use Element is intended to establish a long-range plan for development that reflects the opportunities and constraints affecting land use in Solana Beach. It is meant to maintain a balanced land use pattern with a mix of uses that preserve the City’s residential and recreational image while enhancing economic vitality and protecting cultural and environmental features. It is also aimed at ensuring the ongoing availability and maintenance of adequate public facilities and services in support of existing and future development. Finally, the Land Use Element update seeks to improve sustainability of future development within the City through the inclusion of goals and polices, which address: reducing GHG emissions; climate change adaptation; water conservation; waste management and recycling; and general environmental protection.

The update of the Circulation Element is intended to better balance the needs of all roadway users by making enhancements to existing circulation facilities to establish a comprehensive multimodal system that facilitates more walking, biking, and transit use. Solana Beach is almost completely built out. Therefore, it has a well-established roadway system that primarily serves vehicular traffic. Although there are existing facilities for bicycle, pedestrian, and transit travel, the purpose of the Circulation Element update is to build upon the current roadway system and provide additional multimodal connections without excluding the automobile. This is also intended to preserve the community’s character, limit traffic congestion, and ensure an adequate supply of vehicular and bicycle parking to meet the needs of residents and visitors.

Project Need

The City was incorporated in 1986. The City adopted its first General Plan in 1988, although each of its elements has been amended at least once since then. State law does not mandate how often the General Plan must be updated, except for the Housing Element, which is required to be updated every eight years. However, it is strongly recommended by the State Office of the Attorney General that the General Plan be updated periodically (typically every 10 to 20 years) to reflect the community’s current values and priorities; update technical information (such as existing traffic counts, census data, etc.); respond to changing environmental, economic, and social issues; and to address changes to state law. Some of the new state mandates and regional plans that would be addressed by the GPU include:

- New Housing Element requirements (the state mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community, and new laws are periodically enacted to strengthen these provisions);
Climate change initiatives such as AB 32 and SB 375, which intend to achieve statewide 1990 GHG emission levels by 2020 and 80 percent below 1990 levels by 2050; and

SANDAG Regional Comprehensive Plan and 2050 Regional Transportation Plan/Sustainable Communities Strategy, which emphasize regional land use planning and transportation coordination to promote sustainability and offer more mobility options.

SB 743, which requires the development of a transportation metric other than vehicular Level of Service (LOS), which is typically based upon vehicle delays at intersections during peak travel periods.

Relationship to Specific Plans

A specific plan is a tool for implementing the General Plan. Specific plans combine policy statements with development regulations (California Government Code Section 65450, et seq.), and they are often used to address the development requirements for a single urban infill project or address other specific locations within the City. As a result, the emphasis is on specific standards and development criteria. In addition, a specific plan identifies programs and regulations necessary to finance infrastructure and public works projects. Specific plans must be consistent with all facets of the General Plan, including the policy statements. In turn, zoning, subdivisions, and public works projects must be consistent with the specific plan (California Government Code Section 65455).

Solana Beach has three existing specific plans: the North Rios Specific Plan, the Tangaroa Estates Specific Plan, and the Highway 101 Corridor Specific Plan. The GPU would maintain consistency with these specific plans and is not proposing any land use changes to these specific plan areas.

Relationship to the Coastal Land Use Plan

In 1976, the California Legislature enacted the California Coastal Act (Coastal Act), which created a mandate for coastal cities and counties to manage the conservation and development of coastal zone areas through a comprehensive planning and regulatory program called the Local Coastal Program (LCP). The LCP is intended to ensure that the local government's land use plans, zoning ordinances, zoning maps, and implementation actions meet the requirements of and implement the provisions and polices of the Coastal Act at the local level.

Solana Beach is located entirely within the state's coastal zone. The City's LCP will consist of a Land Use Plan (LUP) and Local Implementation Plan (LIP), which together will meet the Coastal Act requirements. The California Coastal Commission (CCC) approved the City's first Coastal LUP on March 7, 2012. The LUP was then adopted by the City in February of 2013, and amended on June 11, 2014, to modify some of the key provisions relating to bluff top
development and shoreline protection. (At the time of print, the City is in the process of preparing the LIP.) The LUP represents a collaborative planning effort initiated by the City and developed over the course of many years with the participation of various interests, including environmental groups and property owners. The LUP would be amended at a later time to rectify any conflicts between the LUP and the GPU. In the event that conflicts are identified, the City would defer to its General Plan relative to policy direction.

D. Discretionary Actions

The GPU is subject to the following discretionary actions:

- Certification of the FEIR
- Adoption of the GPU (Land Use and Circulation elements)

E. Statement of Objectives

Pursuant to CEQA Guidelines Section 15124(b) and as described in Section 3.1.3 of the FEIR, the intent of the GPU is to facilitate and encourage improvements that will help realize the community’s vision for Solana Beach. The four primary objectives of the GPU are to:

- Establish a long-range plan for land use development, while retaining the City’s small town coastal community character.
- Provide environmental protection by incorporating sustainable design features and GHG reduction measures into both future development and City operations.
- Establish a plan for increasing multimodal transportation opportunities within the City in order to accomplish a more balanced circulation system.
- Facilitate public health by providing opportunities for residents to engage in more physical activity, increasing awareness of public health issues, improving air and water quality, and increasing access to healthy foods through the development of community gardens and other edible landscapes.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

On August 28, 2013, in accordance with Guidelines Section 15082, the City distributed a NOP for a Draft EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties. Various agencies and other interested parties responded to the NOP. The
City’s NOP, associated responses, and comments made during the scoping meeting held on September 12, 2013, are included in Appendix A of the FEIR.

The Draft EIR for the GPU was then prepared and circulated for review and comment by the public, agencies, and organizations for a public review period that began on August 19, 2014, and concluded on October 10, 2014. A Notice of Completion (NOC) 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 (OPR) (SCH No. 2013081087). A Notice of Availability (NOA) of the Draft EIR for review was mailed to organizations and parties expressing interest in the project. The NOA was also filed with the City Clerk and published in the San Diego Union Tribune.

As noted, the public comment period on the Draft EIR concluded on October 10, 2014. The City received four comment letters on the GPU. The City completed responses to those comments in October 2014. Those responses have been incorporated into the FEIR.

### IV. GENERAL FINDINGS

The City hereby finds as follows:

- The City is the Lead Agency for the proposed project evaluated in the FEIR;

- The Draft EIR was prepared in compliance with CEQA and the Guidelines;

- The City has independently reviewed and analyzed the Draft EIR and the FEIR, and these documents reflect the independent judgment of the City Council and the City;

- An MMRP has been prepared for the proposed project, which the City has adopted. That MMRP is incorporated herein by reference and is considered part of the Record of Proceedings for the proposed project;

- The MMRP designates responsibility and anticipated timing for the implementation of mitigation. The City will serve as the MMRP Coordinator;

- In determining whether the proposed project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2;

- The impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the FEIR;

- The City reviewed the comments received on the Draft EIR and FEIR and the responses thereto, and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR or FEIR;

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• The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings concerning the environmental impacts identified and analyzed in the FEIR;

• The City has made no decisions that constitute an irrevocable commitment of resources toward the proposed project prior to certification of the FEIR, nor has the City previously committed to a definite course of action with respect to the proposed project;

• Copies of all the documents incorporated by reference in the FEIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials; and

• Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the proposed project and finds as stated in these Findings.

V. SUMMARY OF IMPACTS

As described in Section 3.0 of the FEIR, the GPU is an update to the Land Use and Circulation elements of the currently adopted General Plan. Controls on development and use of public and private property including zoning, design controls, and implementation of transportation improvements are included as part of the plan implementation program.

The FEIR concludes that the proposed project will have no significant impacts and require no mitigation measures with respect to the following issues:

• Agriculture and Forestry Resources (Direct and Cumulative)
• Biological Resources (Direct and Cumulative)
• Geology/Soils (Direct and Cumulative)
• Greenhouse Gas Emissions (Direct and Cumulative)
• Hydrology/Water Quality (Direct and Cumulative)
• Land Use/Planning (Direct and Cumulative)
• Mineral Resources (Direct and Cumulative)
• Population/Housing (Direct and Cumulative)
• Public Services (Direct and Cumulative)
• Transportation/Traffic (Direct and Cumulative)
• Utilities/Service Systems (Direct and Cumulative)

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

• None
Potentially significant impacts of the proposed project are within the responsibility and jurisdiction of another public agency and cannot be reduced to below a level of significance for the following issue:

- None

No feasible mitigation measures are available in the near term to reduce impacts to below a level of significance for the following issues:

- Aesthetics
- Air Quality
- Cultural Resources (including Paleontological Resources)
- Human Health/Public Safety/Hazardous Materials
- Noise

Impacts associated with each of these issues would be mitigated to a level less than significant with adoption of the recommended policies (mitigation measures) in conjunction with Phase II of the GPU. Because the timing and funding for Phase II of the GPU are uncertain, these measures are considered "infeasible" at this time pursuant to CEQA Statute Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3).

VI. FINDINGS REGARDING SIGNIFICANT IMPACTS

In making each of the findings below, the City has considered all of the project's components discussed in the FEIR. The mitigation measures included in the MMRP would be incorporated by the City into Phase II of the GPU.

A. Findings Regarding Impacts That Will be Mitigated to Below a Level of Significance (CEQA §21081(a)(1) and CEQA Guidelines §15091(a)(1)

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

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment as identified in the FEIR (SCH No. 2013081087) as described below:
Program-level changes or alterations that have been required in or incorporated into the GPU would not mitigate or avoid the effects on the environment, as identified in the FEIR, to a level less than significant. It is recognized that compliance with applicable policies and regulations provide a regulatory framework for developing project-level measures for future discretionary projects, and mitigation to mitigate or avoid the significant effects on the environment at the program-level of analysis was identified; however, programmatic mitigation identified in the FEIR would not be implemented until Phase II of the GPU is adopted. As discussed in the FEIR, impacts would remain significant and unmitigated in the near term and are discussed in greater detail under Finding C below.

B. Findings Regarding Mitigation Measures Which are the Responsibility of Another Agency (CEQA §21081(a)(2)) and CEQA Guidelines §15091(a)(2))

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings, finds pursuant to CEQA Section 21081(a)(2) and CEQA Guidelines Section 15091(a)(2) that there are changes or alterations which could reduce significant impacts that are within the responsibility and jurisdiction of another public agency.

No changes or alterations that could reduce significant impacts that are within the responsibility and jurisdiction of another public agency have been identified.

C. Findings Regarding Infeasible Mitigation Measures (CEQA §21081(a)(3) and CEQA Guidelines §15091(a)(3))

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings and pursuant to Public Resource Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), makes the following findings regarding aesthetics, air quality, cultural resources, human health/public safety/hazardous materials, and noise.

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 FEIR (Project No. 146803/SCH No. 2008061058) as described below.

Although mitigation measures are identified in the FEIR that could reduce significant impacts from implementation of the GPU, implementation of mitigation measures cannot be assured. The Phase II GPU would not occur until an unknown time in the future when funding becomes available; thus, impacts would remain significant and unmitigated until completion of Phase II of the GPU. This finding is appropriate, because there are no feasible mitigation measures.
available that would reduce the identified impacts to below a level of significance. "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."

Aesthetics

Significant Effect

Landmark Properties

Future development consistent with the GPU could lead to the physical demolition, destruction, relocation, or alteration of potential historical resources that are not currently designated pursuant to Section 17.60.160 of the Municipal Code. Therefore, impacts to potential historic landmark properties would be significant.

Facts in Support of Finding

Future development consistent with the GPU and associated implementing programs would reduce or avoid most significant visual impacts, including impacts to landmark properties, through compliance with the California Coastal Act, the General Plan Open Space and Conservation Element, and the Municipal Code. Although future specific projects are unknown at this time, compliance with federal, state, and local regulations, as well as the adopted and proposed GPU policies directed at minimizing visual resource impacts, would reduce, but cannot eliminate, significant aesthetics impacts. Programmatic mitigation is identified in the FEIR that could reduce significant impacts to landmark properties from implementation of the GPU. However, as stated above, the implementation of mitigation as part of Phase II of the GPU cannot be assured. Therefore, no effective mitigation is available in the near term that would avoid or further reduce this impact to a less than significant level. The Phase II GPU would not occur until an unknown time in the future when funding becomes available; thus, impacts would remain significant and unmitigated until completion of Phase II of the GPU.

Rationale and Conclusion

Phase I of the GPU is composed of updates to the Land Use and Circulation elements. The Open Space and Conservation Element of the adopted General Plan contains policies that intend to protect the City's visual resources, including landmark properties. However, the adopted policy framework is not adequate to fully mitigate impacts to landmark properties that may occur during implementation of the GPU; impacts would remain significant and unmitigated until completion of Phase II of the GPU.
Air Quality

Significant Effect

Criteria Pollutants

Operational emissions under the GPU would exceed project-level thresholds, which would potentially have a significant air quality impact. While it is not anticipated that potential individual development projects would result in significant operational impacts because exact development details are not available at this time, future operational impacts would be significant.

Sensitive Receptors

For sensitive receptors placed within 500 feet of Interstate 5 (I-5), impacts associated with diesel particulate matter exposure would be significant.

Facts in Support of Finding

Criteria Pollutants

In total, operational emissions under the GPU would exceed San Diego County Air Pollution Control District (SDAPCD) thresholds (FEIR Table 4.3-7), which would potentially have a significant air quality impact. As shown in Table 4.3-8 of the FEIR, it is not anticipated that potential development would result in significant operational emissions. However, because the exact details of future development projects are not known at this time, the calculated increase in future operational emissions would be potentially significant. Although programmatic mitigation is identified in the FEIR that could reduce significant impacts associated with future operational emissions due to implementation of the GPU, the implementation of mitigation cannot be assured. Therefore, no effective mitigation is available in the near term that would avoid or further reduce this impact to a less than significant level. The Phase II GPU would not occur until an unknown time in the future when funding becomes available; thus, impacts would remain significant and unmitigated until completion of Phase II of the GPU.

Sensitive Receptors

California Air Resources Board guidelines indicate that siting new sensitive land uses within 500 feet of a freeway or urban roads with 100,000 or more vehicles/day should be avoided when possible. The GPU sites residential uses within 500 feet of I-5. Additionally, there are vacant multi-family and single-family parcels located within 500 feet of I-5. For sensitive receptors placed within 500 feet of I-5, impacts associated with diesel particulate matter exposure would be significant. Although programmatic mitigation is identified in the FEIR that could reduce significant impacts to sensitive receptors due to implementation of the GPU, the implementation of mitigation cannot be assured. Therefore, no effective mitigation is available.
in the near term that would avoid or further reduce this impact to a less than significant level. The Phase II GPU would not occur until an unknown time in the future when funding becomes available; thus, impacts would remain significant and unmitigated until completion of Phase II of the GPU.

Rationale and Conclusion

Phase I of the GPU is composed of updates to the Land Use and Circulation elements. The adopted policy framework is not adequate to fully mitigate impacts to air quality that may occur during implementation of the GPU; impacts would remain significant and unmitigated until completion of Phase II of the GPU.

Cultural/Historical Resources

Significant Effect

Historic Resources

Future development consistent with the GPU could lead to the physical demolition, destruction, relocation, or alteration of these potential historical resources that are not currently designated pursuant to Section 17.60.160 of the Municipal Code. Therefore, impacts would be significant.

Archaeological Resources

The GPU does not specifically propose alteration of an archaeological resource or ground-disturbing activities such as grading or excavation. However, it can be reasonably assumed that future development consistent with the GPU could have the potential to directly or indirectly impact prehistoric/historic archaeological resources through such activities. Therefore, impacts would be significant.

Paleontological Resources

Future redevelopment projects consistent with the GPU that would grade into undisturbed deposits of the Bay Point Formation and Torrey Sandstone would have the potential to impact subsurface paleontological resources. Impacts would be significant.

Facts in Support of Finding

Historic Resources

There are areas of the City that have not been subject to historic surveys, and there may be significant resources that have yet to be identified. Buildings or structures that are more than 45 years old, for example, may also be eligible for listing in the federal or state register. Future development consistent with the GPU could lead to the physical demolition, destruction,
relocation, or alteration of these potential historical resources that are not currently designated. Because future specific projects are unknown at this time, compliance with federal, state, and local regulations, as well as the adopted General Plan policies directed at minimizing cultural resource impacts, would reduce, but cannot eliminate, significant impacts. Although programmatic mitigation is identified in the FEIR that could reduce significant impacts to historic resources due to implementation of the GPU, the implementation of mitigation cannot be assured. Therefore, no effective mitigation is available in the near term that would avoid or further reduce this impact to a less than significant level. The Phase II GPU would not occur until an unknown time in the future when funding becomes available; thus, impacts would remain significant and unmitigated until completion of Phase II of the GPU.

Archaeological Resources

The City is almost entirely developed, thus the likelihood of encountering subsurface archaeological resources is greatest on sites that have been minimally excavated in the past (e.g., undeveloped parcels, vacant lots, and lots containing surface parking; undeveloped areas around historic buildings; under buildings with post, pier, slab, or shallow wall foundations without basements; etc.). Future development consistent with the GPU could have the potential to directly or indirectly impact prehistoric/historic archaeological resources through grading or excavation. Because future specific projects are unknown at this time, compliance with federal, state, and local regulations, as well as the adopted General Plan policies directed at minimizing cultural resource impacts, would reduce, but cannot eliminate, significant impacts. Although programmatic mitigation is identified in the FEIR that could reduce significant impacts to archaeological resources due to implementation of the GPU, the implementation of mitigation cannot be assured. Therefore, no effective mitigation is available in the near term that would avoid or further reduce this impact to a less than significant level. The Phase II GPU would not occur until an unknown time in the future when funding becomes available; thus, impacts would remain significant and unmitigated until completion of Phase II of the GPU.

Paleontological Resources

While the GPU itself does not specifically propose ground-disturbing activities, future redevelopment projects consistent with the GPU that would grade into undisturbed deposits of the Bay Point Formation and Torrey Sandstone would have the potential to impact subsurface paleontological resources. Because future specific projects are unknown at this time, compliance with federal, state, and local regulations, as well as the adopted General Plan policies directed at minimizing cultural resource impacts, would reduce, but cannot eliminate, significant impacts. Although programmatic mitigation is identified in the FEIR that could reduce significant impacts to paleontological resources due to implementation of the GPU, the implementation of mitigation cannot be assured. Therefore, no effective mitigation is available in the near term that would avoid or further reduce this impact to a less than significant level. The Phase II GPU would not occur until an unknown time in the future when funding becomes
available; thus, impacts would remain significant and unmitigated until completion of Phase II of the GPU.

Rationale and Conclusion

Phase I of the GPU is composed of updates to the Land Use and Circulation elements. The Open Space and Conservation Element of the adopted General Plan contains policies that intend to protect the City’s cultural resources, including paleontological resources. However, the adopted policy framework is not adequate to fully mitigate impacts to cultural resources that may occur during implementation of the GPU; impacts would remain significant and unmitigated until completion of Phase II of the GPU.

Human Health/Public Safety/Hazardous Materials

Significant Effect

Development in accordance with the GPU has the potential to place sensitive receptors (i.e., residential uses) on or adjacent to both known and unknown hazardous materials sites. In addition, any property proposed for future development within ¼ mile of a known release site (open or closed) has the potential to result in human health and safety issues if the site is not properly remediated. Impacts would be significant.

Facts in Support of Finding

Twenty-four hazardous materials sites were found during a search of hazardous material databases for the GPU. Additional, unknown hazardous materials sites also may exist within the City. Future development consistent with the GPU would reduce or avoid most significant impacts associated with hazardous materials through compliance with the adopted General Plan Safety Element, the Municipal Code, and existing federal and state regulations. However, because future specific projects are unknown at this time, compliance with federal, state, and local regulations would reduce, but cannot eliminate, significant hazardous materials impacts. Although programmatic mitigation is identified in the FEIR that could reduce significant impacts associated with hazardous materials impacts due to implementation of the GPU, the implementation of mitigation cannot be assured. Therefore, no effective mitigation is available in the near term that would avoid or further reduce this impact to a less than significant level. The Phase II GPU would not occur until an unknown time in the future when funding becomes available; thus, impacts would remain significant and unmitigated until completion of Phase II of the GPU.

Rationale and Conclusion

Phase I of the GPU is composed of updates to the Land Use and Circulation elements. The Safety Element of the adopted General Plan contains policies that intend to provide for the
health, safety and welfare of the City's residents. However, the adopted Safety Element policy framework is not adequate to fully mitigate impacts associated with hazardous materials that may occur during implementation of the GPU; impacts to would remain significant and unmitigated until completion of Phase II of the GPU.

**Noise**

**Significant Effect**

**Vibration**

Because of soil conditions in the City and because redevelopment would likely consistent of multi-story buildings and subterranean parking, pile driving activities may be required. Impacts to local vibration-sensitive receptors would be significant.

**Facts in Support of Finding**

As discussed in Section 4.9.5.4 of the FEIR, depending on the proximity of existing structures to each construction site, the structural soundness of the existing buildings, and the methods of construction used, vibration levels caused by pile driving or other foundation work with a substantial impact component, such as blasting, rock or caisson drilling, and site excavation or compaction, may be high enough to be perceptible within 150 feet and may be high enough to damage existing structures within 50 feet. Impacts to local vibration-sensitive receptors would be significant. Although programmatic mitigation is identified in the FEIR that could reduce significant impacts associated with vibration due to implementation of the GPU, the implementation of mitigation cannot be assured. Therefore, no effective mitigation is available in the near term that would avoid or further reduce this impact to a less than significant level. The Phase II GPU would not occur until an unknown time in the future when funding becomes available; thus, impacts would remain significant and unmitigated until completion of Phase II of the GPU.

**Rationale and Conclusion**

Phase I of the GPU is composed of updates to the Land Use and Circulation elements. The Noise Element of the adopted General Plan contains policies that address potential noise sources within the City, but does not address sources of vibration. Therefore, the adopted policy framework is not adequate to mitigate impacts associated with vibration that may occur during implementation of the GPU; impacts would remain significant and unmitigated until completion of Phase II of the GPU.
D. Findings Regarding Alternatives (CEQA § 21081(a)(3) and CEQA Guidelines §15091(a)(3))

Because the proposed project will cause one or more unavoidable significant environmental effects, the City must make findings with respect to the alternatives to the proposed project considered in the FEIR, evaluating whether these alternatives could feasibly avoid or substantially lessen the proposed project’s unavoidable significant environmental effects while achieving most of its objectives (listed in Section II.E above and Section 3.2 of the FEIR).

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings, and pursuant to Public Resource Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), makes the following Findings with respect to the alternatives identified in the FEIR (Project No. 146803/SCH No. 2008031058):

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 FEIR (Project No. 146803/SCH No. 2008061058) 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.

Background

The FEIR for the GPU conducted an initial review of five alternatives, three of which were then eliminated from further study. The reasons for the elimination of these three alternatives from detailed evaluation are discussed in the FEIR and are incorporated herein. Two alternatives received a detailed analysis in the FEIR:

- No Project (Adopted General Plan) Alternative
- Stevens Avenue Alternative

These two project alternatives are summarized below, along with the Findings relevant to each alternative.
No Project (Adopted General Plan Plan) Alternative

The No Project (Adopted General Plan) Alternative addresses the situation that would occur if the project did not go forward and the project area continued to develop as allowed by the General Plan Land Use and Circulation elements adopted in 1997 and 1999, respectively. This alternative thereby allows decision-makers to compare the impacts of approving the project with the impacts of not approving the project (CEQA Guidelines Section 15126.6(e)(3)(B)).

Potentially Significant Effects

In contrast to the GPU, the No Project Alternative would not designate multi-modal roadways within the City; change from a vehicular LOS to a trip-based traffic impact standard; establish sustainability policies and programs, which would be implemented through the subsequent adoption of a CAP; nor adopt visitor-serving commercial zones, consistent with the Coastal LUP. Similarly under both the No Project Alternative and the GPU, build-out of the City would continue to occur under adopted zoning. Adoption of the No Project/Adopted General Plan Alternative during Phase I of the City’s GPU would not preclude adoption of updates to other elements of the General Plan (e.g., Safety and Open Space and Conservation) during Phase II of the GPU.

Implementation of the No Project Alternative would not avoid any of the significant impacts of the GPU (aesthetics [landmark properties], air quality [criteria pollutants, sensitive receptors], cultural resources [historic resources, archaeological resources, paleontological resources], hazards [hazardous materials], and noise [vibration]).

The No Project Alternative would result in similar build-out conditions to the GPU, as no changes in land use are proposed under the GPU. Impacts associated with land use, biological resources, hydrology, geology, services, utilities, and population/housing would be similar to the GPU under this alternative. Similar to the GPU, programmatic mitigation in the form of new policies would be available during Phase II of the GPU to reduce potential impacts associated with aesthetics, air quality, cultural resources, hazardous materials, and noise below a level of significance.

The No Project Alternative fully meets only one of the four project objectives – to retain the City’s small town coastal character. The No Project Alternative would not incorporate sustainable design features and GHG reduction measures, as no changes to policy would occur. Under the No Project Alternative, the City would retain the adopted circulation network, and therefore, increased opportunities for multimodal facilities would not occur as under the GPU. Finally, as no changes to land use policy would occur, opportunities for improving public health would not be as substantial as under the GPU.
Finding and Supporting Facts

While adoption of the No Project Alternative would allow future development to proceed in accordance with the adopted General Plan, adoption of this alternative would not achieve important project objectives to:

- Provide environmental protection by incorporating sustainable design features and GHG reduction measures into both future development and City operations.

- Establish a plan for increasing multimodal transportation opportunities within the City in order to accomplish a more balanced circulation system.

- Facilitate public health by providing opportunities for residents to engage in more physical activity, increasing awareness of public health issues, improving air and water quality, and increasing access to healthy foods through the development of community gardens and other edible landscapes.

This alternative fails to meet multiple project objectives, and failure to meet even a single objective would be sufficient reason for rejection of the alternative. Therefore, this alternative was rejected in favor of the proposed project.

Stevens Avenue Alternative

Similar to the proposed GPU, the Stevens Avenue Alternative would also update the Land Use and Circulation elements of the General Plan. The Stevens Avenue Alternative would implement one project objective, i.e., establishing a long-range plan for land use development while retaining the City's small-town coastal community character.

Potentially Significant Effects

The Stevens Avenue Alternative would not result in additional impacts beyond those previously disclosed for the GPU. Implementation of the Stevens Avenue Alternative also would not avoid any of the significant impacts of the GPU (aesthetics [landmark properties], air quality, [criteria pollutants, sensitive receptors], cultural resources [historic resources, archaeological resources, paleontological resources], hazards [hazardous materials], noise [vibration]). However, it would result in improved vehicular LOS (LOS C) on one segment of Stevens Avenue, which would be degraded to an LOS E under the GPU through implementation of multimodal facilities. The City, with adoption of the Circulation Element update, will no longer use an LOS-based impact standard.

The Stevens Avenue Alternative and the GPU would result in similar horizon year build-out patterns, as no changes to land use would occur under either this alternative or the GPU. Potential impacts associated with land use would, therefore, be similar to the GPU, because the amount of total growth (residential and non-residential) and associated site disturbance
under 20-year build-out conditions for this alternative would be similar to the build-out under the GPU.

On the other hand, the Stevens Avenue Alternative would not include multimodal facilities on Stevens Avenue as proposed under the GPU and therefore, would not result in the same improvements to community connectivity that would occur under the GPU. Although the Stevens Avenue Alternative would not result in significant impacts associated with Plan consistency, the GPU would better implement the Regional Comprehensive Plan and Regional Transportation Plan goals of reducing dependence on the automobile and promoting use of various transportation alternatives. Overall, the Stevens Avenue Alternative would result in less than significant impacts associated with land use and planning and is similar to the GPU.

Finding and Supporting Facts

Although the Stevens Avenue Alternative would meet one of the proposed GPU objectives, it would not meet all four objectives. Specifically, it would not provide environmental protection by incorporating sustainable design features and greenhouse gas (GHG) reduction measures (i.e., multimodal facilities) into both future development and City operations to the same extent as the proposed project.

This alternative would not avoid the significant impacts of the proposed GPU, and would not attain important objectives as discussed above. With failure to meet even a single objective is sufficient reason for rejection of the alternative, this alternative was rejected in favor of the proposed project.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

Consistent with California Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, the City declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the proposed GPU’s environmental impacts. The City also declares that any mitigation measures recommended in the FEIR, but not incorporated into the proposed GPU, either are infeasible and cannot be implemented by the proposed GPU or provide only insignificant benefits.

The City also finds that the proposed GPU alternatives discussed in the FEIR should not be adopted because none of them succeed in reducing environmental impacts while adequately meeting the proposed GPU’s objectives. The City also finds that the economic, legal, social, and technological benefits of the proposed GPU that the City has found to override the alternatives’ environmental benefits would be negated by the proposed GPU’s alternatives.
The City Council declares that it has adopted all feasible mitigation measures to reduce the proposed GPU's environmental impacts to an insignificant level; considered the entire administrative record, including the FEIR; and weighed the proposed GPU's benefits against its environmental impacts. After doing so, the City Council has determined that the proposed GPU's benefits outweigh its environmental impacts, and deem them acceptable.

The City Council identified the following public benefits in making this determination. Each of these public benefits serves as an independent basis for overriding all unavoidable adverse environmental impacts identified in these Findings and the FEIR. The City Council considers these impacts to be acceptable, consistent with CEQA Guidelines section 15093.

1. The GPU is consistent with regional smart growth initiatives.

SANDAG has developed a Regional Comprehensive Plan (RCP) to serve as the long-term planning framework for the San Diego region. The RCP balances regional population, housing, and employment growth with habitat preservation, agriculture, open space, and infrastructure needs. It directs SANDAG to use regional transportation funding as an incentive for local agencies and service providers to make land use decisions and infrastructure investments that direct growth towards areas where compact, mixed-use, and pedestrian-oriented development exists now, is currently planned, or has the potential to occur in the future. The intent is to encourage sustainable development that improves connections between land uses and multimodal transportation options. The RCP is closely tied to the Regional Transportation Plan (RTP) and the Sustainable Communities Strategy (SCS), which demonstrates how regional GHG emission reduction targets will be achieved through sustainable development patterns (smart growth), infrastructure investments, and transportation measures that offer more travel options.

A key goal of the RCP is to focus growth in smart growth opportunity areas (SGOAs). SANDAG incentivizes sustainable development by awarding funding on a competitive basis to local jurisdictions for projects located in SGOAs on the Smart Growth Concept Map (SGCM). These areas are intended to accommodate compact, mixed-use, and walkable areas that are connected to the regional transportation system. The City has one area identified on the SGCM: SB-1, an Existing/Planned Town Center.

The Land Use Element is intended to complement and maintain consistency with regional plans and initiatives. There are very few remaining vacant parcels in Solana Beach, so the majority of future development would likely involve the redevelopment or reuse of currently developed parcels and infill development on the few remaining vacant parcels. The majority of redevelopment, infill, and new growth is expected to occur within the “downtown” or “town center” area of the City, generally located along Highway 101 and North and South Cedros. These areas are intended to accommodate compact, mixed-use, and walkable areas that are connected to the regional transportation system. SB-1, as designated by SANDAG's SGCM, is designated by the GPU for a variety of mixed-use development projects and includes the Solana Beach Train Station that operates Coaster/Amtrak rail service, the Coastal Rail Trail, and other planned improvements.
Also, under the GPU, residential development would be permitted within the commercial land use designations and more mixed-use projects are expected as these areas evolve over time. This increased mix of land uses, particularly near the transit station, is expected to promote public transit use, walking, and biking. To complement this development, additional streetscape enhancements have been recently completed along the Highway 101 corridor. A key factor in implementation of the GPU will be regional coordination to effectively guide transportation funding and investment to these areas.

Finally, the proposed goals and policies in the Land Use element are in alignment with the goals of both the SGCM and the RCP and support increased residential and employment concentrations in areas with existing and future transit connections; preserve important open spaces; and support alternative modes of transportation such as walking and bicycling, as exemplified by Policy LU-1.6.

2. The GPU incorporates sustainable design features and greenhouse gas reduction measures, consistent with State legislation, into both future development and City operations.

One key piece of state legislation considered in the development of the GPU was the Global Warming Solutions Act (AB 32), which was signed by Governor Schwarzenegger in 2006. AB 32 requires the California Air Resources Board (CARB) to adopt rules and regulations that would reduce statewide GHG emissions to 1990 levels by 2020. Also in September of 2008, Governor Schwarzenegger signed into law the Sustainable Communities and Climate Protection Act (SB 375). The purpose of SB 375 is to align regional transportation planning efforts, regional GHG reduction targets, and land use and housing plans to reduce GHG emissions by promoting higher density, mixed-use developments around mass transit hubs. The bill requires metropolitan planning organizations in the state to formulate a “sustainable communities strategy” as part of their regional transportation plans, specifically identifying how each region will achieve targeted reductions in GHG emissions from automobiles and light trucks. SB 375 is implemented through SANDAG’s RCP and RTP/SCS.

The GPU Land Use Element seeks to improve the sustainability of future development within the City through the inclusion of goals and polices that address reducing GHG emissions, climate change adaptation, water conservation, waste management and recycling, and general environmental protection. Through the GPU, the City seeks to further the use of green building techniques, reduce GHG emissions, improve water quality, promote alternative modes of transportation, reduce energy and water consumption, and increase energy efficiency and the availability of renewable energy resources.

One key implementation measure called for by the GPU is the development of a CAP. A CAP addresses climate change at the local level by focusing on the major sources of GHG emissions in the City and establishing a detailed long-term strategy to achieve GHG emissions reduction targets. It also provides a framework for compliance with federal, state, and local regulations and identifies reasonable and effective GHG reduction measures. The CAP will be a stand-alone document containing analysis results as well as policies and
programs to minimize GHG emissions in Solana Beach. The CAP will serve to implement the sustainability and GHG emissions policies within the Land Use Element update. The CAP is being prepared as part of Phase I of the GPU, but will be adopted through a subsequent CEQA document.

3. The GPU promotes public health, environmental protection and smart growth through the provision of a more-balanced multimodal transportation system and the elimination of vehicular LOS as a transportation impact metric for future development.

In accordance with the Complete Streets Act and the 2050 RTP, the GPU aims to shift the focus of circulation planning within the City from predominantly vehicular traffic flow to a balanced multimodal transportation system that meets the needs of all users of streets, roads, and highways to allow for safe and convenient travel in a manner that is suitable to the local context of the community. "Users of streets, roads, and highways" means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors. The Circulation Element update also provides new street typologies based on complete street principles. Generally, the Circulation Element of the GPU is supportive of and consistent with the regional plans for multimodal connectivity laid out in the 2050 RTP/SCS.

The GPU Circulation Element is intended to better balance the needs of all roadway users by making enhancements to existing circulation facilities to establish a comprehensive multimodal system that facilitates more walking, biking, and transit use. Solana Beach is almost completely built out. Therefore, it has a well-established roadway system that primarily serves vehicular traffic. Although there are existing facilities for bicycle, pedestrian, and transit travel, implementation of the Circulation Element update would build upon the current roadway system and provide additional multimodal connections without excluding the automobile. This is also intended to preserve the community's character, limit traffic congestion, and ensure an adequate supply of vehicular and bicycle parking to meet the needs of residents and visitors.

In September 2013, the California state legislature adopted SB 743, which requires the development of a transportation metric other than LOS, which is typically based upon vehicle delays at intersections during peak travel periods. The State Office of Planning and Research will amend the state's CEQA Guidelines to provide an alternative to LOS for evaluating transportation impacts.

In accordance with this initiative, the GPU includes Circulation Element Policy C-5.1, "Develop and maintain a transportation impact fee (TIF) program that collects fees from development projects based on the number of additional trips (across all modes of transportation) the development is projected to generate. The fees collected from the TIF program will be used to fund the construction of CIP projects as well as to administer and maintain the TIF program. In support of the TIF program a comprehensive nexus study will be required to determine the cost required to adequately build-out the City's transportation system, develop a fee structure that fairly collects the funds required to build-out the City's transportation system from
development projects and demonstrate that participation in the TIF program will mitigate a development projects transportation related impacts." This policy will be implemented by future projects in that impacts to all types of transportation facilities by future development within the City will be determined based on trip generation, as opposed to vehicular LOS. This approach would facilitate the implementation of the City's proposed complete streets and multimodal circulation network, de-emphasize the automobile, and consequently reduce vehicle miles traveled and GHG emissions.

The GPU Circulation Element also establishes a performance monitoring system in order for the City to track trends over time to better understand how the circulation system is performing. Factors associated with usage, safety, and connectivity are proposed for each mode for travel. These factors provide a broader understanding of circulation system performance than LOS.

**VIII. 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 of which individually would be sufficient to outweigh the adverse environmental effects of the project. Therefore, the City has adopted these Findings and Statement of Overriding Considerations.
CERTIFICATION

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO)  SS.  
CITY OF SOLANA BEACH)

I, ANGELA IVEY, City Clerk of the City of Solana Beach, California, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution 2014-141 certifying the Environmental Impact Report for the General Plan Update and adopting the updated Circulation and Land Use Elements as duly passed and adopted at a Special Solana Beach City Council meeting held on the 19th day of November 2014 and the original is on file in the City Clerk's Office.

[Signature]

ANGELA IVEY, CITY CLERK

Date of this Certification: 12-10-14