

CEQA Findings of Fact

(Public Resources Code § 21081 CEQA Guidelines §15091)

for the

Correia Middle School Sports Complex Project Final Environmental Impact Report

SCH Number: 2013051030

prepared for the



Facilities Planning and Construction
Physical Plant Operations Annex
4860 Ruffner Street
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1.0 INTRODUCTION

The Correia Middle School Sports Complex Project Final Environmental Impact Report (SCH No. 2010101041) (hereafter “Final EIR” or “FEIR”) has been prepared pursuant to the California Environmental Quality Act (CEQA) to address the potential environmental effects of the Correia Middle School Sports Complex Project and associated actions (hereafter “Proposed Project”). The information contained in the FEIR will be considered by the District in connection with its public decision on the requested approvals for the Proposed Project. The FEIR also analyzed the environmental effects of a range of project alternatives as well. The Final EIR and its technical appendices (provided on a CD attached to the back cover of the Final EIR) are incorporated herein by reference as though fully set forth.

The full scope of the Proposed Project and associated approvals are detailed in Section 1.4 of the FEIR. The Proposed Project would be developed within the existing Correia Middle School campus. The project is located within the Peninsula Community of the City of San Diego.

1.1 Purpose of CEQA Findings; Terminology

CEQA Findings play an important role in the consideration of projects for which an EIR is prepared. Under **Public Resources Code (PRC) §21081** and **Guidelines §15091** below, where a Final EIR identifies one or more significant environmental effects, a project may not be approved until the public agency makes written findings supported by substantial evidence in the administrative record regarding each of the significant effects. In turn, the three possible findings specified in **Guidelines §15091** are:

- (a)
 - (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.
 - (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 provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subsection (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.

In turn, **Guidelines §15092(b)** provides that no agency shall approve a project for which an EIR was prepared unless either:

- (1) The project as approved will not have a significant effect on the environment, or
- (2) The agency has:
 - (A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in the findings under Section 15091, and
 - (B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

Based on the foregoing, the Guidelines do not provide a bright distinction between the meaning of “avoid” or “substantially lessen.” The applicable Guidelines are based on PRC §21081, which uses the phrase “mitigate or avoid”, and hence it is generally considered that to “avoid” is to include changes or alterations that result in the significant effect being reduced to below a level of significance. In contrast, the phrase “substantially lessen” is used to describe changes or alterations that materially reduce the significant effect, but not below a level of significance, thus, while mitigated, the effect remains significant. These Findings will distinguish, for the purposes of clarity, between effects that have been “avoided” (thereby reduced below a level of significance) and those that have been “substantially lessened” (and thus remain significant).

In combination with the mitigation and monitoring program discussed in Section 1.7, the following Findings are binding obligations of the project to implement all required mitigation measures.

1.2 Purpose and Legal Authorities

The California Environmental Quality Act (hereafter “CEQA”) was adopted in 1970 and is codified in California Public Resources Code §§ 21000 et.seq. (hereafter “PRC §21000”). CEQA is an important environmental law applicable to most public agency decisions to carry out, authorize or approve projects that could have adverse effects on the environment. CEQA does not directly regulate project implementation or approvals through substantive standards or prohibitions, but rather CEQA generally requires only that agencies inform themselves about the potential environmental effects of a Proposed Project, carefully consider all pertinent environmental effects of a Proposed Project, carefully consider all pertinent environmental information before they act, provide the public an opportunity to review and comment on any environmental issues, and include conditions or other requirements to avoid or reduce potential significant adverse effects of the project or action when feasible.

The San Diego Unified School District (hereinafter referred to as “District”) has codified environmental protection procedures implementing CEQA and the state administrative guidelines issued pursuant to CEQA. The District’s consideration of Findings of Fact are key steps in the process of considering the decision to approve the Proposed Project while concurrently protecting and enhancing the environment. The applicable standards and scope of the District’s responsibilities are detailed in the following excerpts from the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §§ 15000 et. seq.; hereafter “Guidelines §15000”).

Guidelines §15040. Authority Provided by CEQA

- (a) CEQA is intended to be used in conjunction with discretionary powers granted to public agencies by other laws.
- (b) CEQA does not grant an agency new powers independent of the powers granted to the agency by other laws.
- (c) Where another law grants an agency discretionary powers, CEQA supplements those discretionary powers by authorizing the agency to use the discretionary powers to mitigate or avoid significant effects on the environment when it is feasible to do so with respect to projects subject to the powers of the agency. Prior to January 1, 1983, CEQA provided implied authority for an agency to use its discretionary powers to mitigate or avoid significant effects on the environment. Effective January 1, 1983, CEQA provides express authority to do so.
- (d) The exercise of the discretionary powers may take forms that had not been expected before the enactment of CEQA, but the exercise must be within the scope of the power.
- (e) The exercise of discretionary powers for environmental protection shall be consistent with express or implied limitations provided by other laws.

Guidelines §15041. Authority to Mitigate

Within the limitations described in Section 15040,

- (a) A lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the “nexus” and “rough proportionality” standards established by case law (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825; *Dolan v. City of Tigard*, (1994) 512 U.S. 374; *Ehrlich v. City of Culver City*, (1996) 12 Cal. 4th 854.).
- (b) When a public agency acts as a responsible agency for a project, the agency shall have more limited authority than a lead agency. The responsible agency may require changes in a project to lessen or avoid only the effects, either direct or indirect, of that part of the project that the agency will be called on to carry out or approve.
- (c) With respect to a project which includes housing development, a lead or responsible agency shall not reduce the proposed number of housing units as a mitigation measure or alternative to lessen a particular significant effect on the environment if that agency determines that there is another feasible, specific mitigation measure or alternative that will provide a comparable lessening of the significant effect.

Guidelines §15042. Authority to Disapprove Projects

A public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that will occur if the project were approved as proposed. A lead agency has broader authority to disapprove a project than does a responsible agency. A responsible agency may refuse to approve a project in order to avoid direct or indirect environmental effects of that part of the project that the responsible agency would be called on to carry out or approve. For example, an air quality management district acting as a responsible agency will not have authority to disapprove a project for water pollution effects that were unrelated to the air quality aspects of the project regulated by the district.

Guidelines §15043. Authority to Approve Projects Despite Significant Effects

A public agency may approve a project even though the project will cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that:

- (a) There is no feasible way to lessen or avoid the significant effect (see Section 15091); and
- (b) Specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project. (See Section 15093)

Guidelines §15090. Certification of the Final EIR

- (a) Prior to approving a project the lead agency shall certify that:
 - (1) The Final EIR has been completed in compliance with CEQA;
 - (2) The Final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and
 - (3) The Final EIR reflects the lead agency's independent judgment and analysis.
- (b) When an EIR is certified by a non-elected decision-making body within a local lead agency, that certification may be appealed to the local lead agency's elected decision-making body, if one exists. For example, certification of an EIR for a tentative subdivision map by a city's planning commission may be appealed to the city council. Each local lead agency shall provide for such appeals.

Guidelines §15091. Findings

The purpose of this resolution is to adopt the findings required by this CEQA Guideline section and the underlying California Public Resource Code § 20181.

- (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.
 - (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 provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subsection (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

subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

- (d) When making the findings required in subsection (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.

Guidelines § 15364. Feasible

Feasible means capable of being accomplished in a successful manner within a reasonable period of time taking into consideration economic, environmental, legal, social and technological factors. Feasibility must also be considered in the context of alternatives, which obtain most of the basic objectives of the Project, but will avoid and substantially lessen any significant effects of the Project. See Guideline §15126.6(a).

Guidelines §15092. Approval

- (a) After considering the Final EIR and in conjunction with making findings under Section 15091, the lead agency may decide whether or how to approve or carry out the project.
- (b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either:
 - (1) The project as approved will not have a significant effect on the environment, or
 - (2) The agency has:
 - (A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and
 - (B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.
- (c) With respect to a project, which includes housing development, the public agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible mitigation measure available that will provide a comparable level of mitigation.

1.3 Environmental Impact Report Process

Based on preliminary review of the Proposed Project, the District concluded that the Proposed Project could have a significant impact on the environment and that preparation of an environmental impact report was necessary. The District issued its Notice of Preparation (“NOP”) in accordance with CEQA, on May 10, 2013. The NOP was mailed to the state clearinghouse, county, city, and state and federal agencies, other public agencies, and various interested private organizations and individuals. A scoping meeting was held on May 29, 2013. A copy of the NOP and the written comments received in response to the NOP are included in Appendix A to the Final EIR.

After consideration of the scoping meeting comments and other comments in response to the NOP process, the District identified that the Draft EIR should analyze the potential for environmental impacts associated with the following ten (10) substantive potential impact areas in the **Environmental Analysis** section:

- Hazards/Hazardous Materials (including Airport Hazards)
- Biological Resources
- Geology and Soils
- Paleontological Resources
- Aesthetics/Lighting
- Air Quality
- Greenhouse Gas Emissions
- Hydrology/Water Quality
- Noise
- Transportation/Traffic/Parking

Additionally, the Draft EIR includes other CEQA-mandated substantive sections including **Executive Summary, Project Description Location and Environmental Setting, Significant Environmental Effects of the Proposed Project, Effects Found Not to Be Significant, Alternatives, References, and List of EIR Preparers and Persons and Organizations Contacted.**

1.4 Description of Proposed Project

The District proposes the Correia Middle School Sports Complex Project within the Peninsula Community of the City of San Diego. The following describes the proposed improvements for the sports complex:

1. Multi-use Fields

- The artificial turf portion of the sports complex will be provided with markings for two parallel playfields with their long dimensions in the northwest/southeast orientation and a superimposed playfield with its long dimension oriented in the southwest/northeast direction. The parallel fields will be marked for lacrosse (330' long x 180' wide), soccer (300' long a 180' wide) and field hockey (300' long x 180' wide) and the perpendicular field will be marked for football (360' long x 160' wide). Most fields meet the size requirements of the National Federation of State School Association's standards for competitive play areas;
- The equipment for the multi-use fields will include: removable football goal posts; removable soccer goals; removable lacrosse goals; removable field hockey goals; and, associated corner markers for each sport, as appropriate; and, One set of portable five (5) row aluminum bleachers (300 seats) will be placed along the northeastern end of the multi-use field.

2. Softball Field (replace the existing baseball field)

- The natural turf portion of the sports complex will include a softball field with: 60' base paths; a 250' outfield fence line; and 25' wide foul areas. The softball field will be positioned so that the turf area beyond the

skinned infield can be used to accommodate field sport play, including football (360' x 160') or an oversized soccer field (360' x 200');

- The softball field will be provided with: an illuminated scoreboard; roofed dugouts and fence-enclosed bullpens; and new aluminum bleachers (not to exceed the seating capacity of the existing baseball field currently occupying the site [approximately 200 seats).

3. Hard Court Area

- Six to eight tennis/basketball courts with fence enclosure; and,
- One basketball court.

4. Field Lighting

- Based on preliminary design, ten light poles are proposed to provide field lighting at multiple locations within the field. Figure 1-3 depicts the proposed location of each of the poles. Pole heights will range from 70 to 80 feet in height (2 @ 70' and 8 @ 80'). Each pole will support an array of 5-12 1,500W light fixtures (total of 92 fixtures). In addition, each fixture will be fitted with an external visor to reduce glare and a reflective insert to focus light onto the playing field.

5. Additional Features

- Long jump pit and runway, including a rubberized runway and a sand landing pit;
- Approximately 6,200 square foot two-story classroom/team room building and related parking lot improvements (this building will replace two existing portable classroom buildings and one portable restroom located in the same area);
- Approximately 1,000 square foot concession/restroom/equipment storage building located for convenient access to and from the play fields and spectator areas;
- A handicap accessible concrete walkway extending from the sports complex entrance to the softball field, the multi-use play areas and the hard court area as well as the two new buildings; and,
- A new 480-volt electrical service to provide the power required for the field lighting and the new structures.

Athletic Facilities Operations

Currently, athletic events at Correia Middle School are possible only during daylight hours. These existing events include school physical education programs and softball games. With development of the Proposed Project, the new permanent field lighting will allow for sporting events, such as team practices and community league sports team events to be held at night after school hours. In addition, the Proposed Project will be available for weekend rentals by non-school related sports leagues as allowed under the District's Administrative Procedures No. 9205 and 9229 (i.e., soccer, youth sports, etc.), as well as special District events such as school graduation events.

As such the Proposed Project is anticipated to accommodate expanded uses of the facility. These uses can include school related practices and competitions (games); special events such as graduation and pep rallies; community uses (like club sports) and events (such as ASB events); and other various uses. The expanded use of the Proposed Project is expected to occur due to increased demand (resulting from an expanding athletic program and because the new field may be preferred over other older fields) and because the lights will accommodate usage after sunset.

Approving and scheduling uses of the Proposed Project is under the ultimate authority of the Board of Education. However, the Principal will have responsibility for coordinating and scheduling day-to-day usage. The schedule for using the Proposed Project will have the potential to change every year as athletic programs expand and change, and as different community needs and events are identified. Therefore, it is difficult to forecast what the likely usage of the Proposed Project will be. In accordance with District Administrative Procedure No. 9205, school facilities are to be made available after 5:00 pm on school days and after 8:00 am on non-school days when the proposed outside use does not interfere with the District's educational program or maintenance of the facilities. Upon approval of the principal, school facilities may be made available before 5:00 pm on school days, even when school is in session, or before 8:00 am on non-school days, for groups and activities eligible for free use of facilities. Upon approval of the Rentals Office, Real Estate Department, facilities may be made available before 5:00 pm on school days after school is out for groups and activities not eligible for free use. The Proposed Project would be available for use any day of the week up until an 11:00 pm mandatory cutoff time for the lights. The typical uses associated with the Proposed Project are provided in Table 1-1. As shown in Table 1-1, various games, practices, and events are anticipated that will require the use of the field lights. Table 1-1 provides the typical ending time for those activities. The school will minimize the operation of the lights when they are not in use. The majority of these uses currently do not occur at the school but they are considered likely to occur with the implementation of the Proposed Project.

To provide a conservative assessment of potential impacts resulting from the use of the Proposed Project, the FEIR considers the potential effects of usage of the complex on any day of the week. It was also assumed that the lights could be used any day up to 11:00 pm

Third Party Use of the Sports Complex

The District may allow third parties to utilize the Proposed Project. The District in July 2014 revised Administrative Procedure 9229 regarding use of District athletic fields and lighted stadiums in accordance with the Civic Center Act. Under the Civic Center Act, organizations, clubs, and associations formed for recreational, educational, political, economic, artistic or moral purposes are permitted by state law and District policy to use school buildings and grounds. "Civic Center use" must be subordinate to and not interfere with the instructional program or other public school purposes. Such use may be on either a free or a rental-charge basis. Upon receipt of a facilities use request from an outside group, the District shall consider whether the proposed use is appropriate for the requested facility; considering the potential impact on the school and the community, the availability of sufficient parking, security, custodial services, restrooms and other services needed to accommodate the use. The District may direct an outside group to that facility most appropriate for the proposed use, taking into account the above factors.

The Board of Education, in accordance with Administrative Procedure 9229, may adopt site-specific field use policies which take into consideration the specific needs and constraints of the campus; including the specific needs and practices of the school, the adequacy and condition of the facility, the physical location of the site, the needs of the community, the impact of the Proposed Project on the surrounding community, and the extent to which negative impacts to the surrounding community can be mitigated by the employment of reasonable restrictions. A site-specific field use policy has not been developed for Proposed Project at Correia Middle School.

Sports Complex Weekly Usage Estimate

To provide a conservative assessment of potential impacts resulting from the use of the Proposed Project, the FEIR considers the potential effects of usage of the Proposed Project for school or third parties on any day of the week. It was also assumed that the lights could be used any day up to 11:00 pm.

**Table 1-1
Typical Sports Complex Usage**

Use/Activity	Season	Number per Season*	Attendance	Typical Days	Typical Latest Time	Lights Likely to be Used
School District Uses						
Softball Practice – Var, JV, Fresh	Any	Weekly***	Low	Mon-Sat	8:00 pm	Y
Softball Games– Var, JV, Fresh		150	Med	Mon-Sat	8:00 pm	Y
Correia Sports Teams		Weekly***	Low	Mon-Sat	8:00 pm	Y
Graduation**	June	1	High	Any	6:00 pm	N
Other School Events	Any	>5	Med	Any	10:00 pm	Y
Community Uses						
Youth Pop Warner Practice	Aug-Nov	70	Low	Mon-Sun	10:00 pm	Y
Youth Pop Warner Game	Aug-Nov	5	Low-Med	Sat	10:00 pm	Y
Youth Club Sports	Year round	Weekly***	Low-Med	Any	10:00 pm	Y
Adult Club Sports	Year round	Weekly***	Low-Med	Any	10:00 pm	Y
Civic Center Use	Year round	Occasional****	Low-Med	Any	10:00 pm	Y

*All numbers and indications are approximate.
 **Graduation is an existing event at the school, there will be no change in this event.
 ***Weekly = one or more days per week repeated on a weekly basis
 ****Occasional = an event that may occur a few times in a year, some of these events may only occur once.
 Attendance: Low=<50; Med=50-300; High=300-1500+ attendees
 Source: SDUSD and BRG Consulting, Inc., 2014.

As shown on Table 1-1, even with a robust athletic program and some accommodation of other general uses, it is unlikely that intensive events, such as a highly attended event, will occur on a frequent basis.

1.5 Project Objectives

The following objectives of the Proposed Project describe the underlying purpose of the Proposed Project and provide a basis of identification of a reasonable range of alternatives evaluated in this EIR:

- To construct an upgraded sports complex to improve the school’s athletic program for its students and other students in the District that utilize the fields;
- To provide the District with the opportunity to rent the fields out to third-party athletic groups outside of regular school hours per the requirements of District Administrative Procedure No: 9205 and 9229;
- To provide an opportunity to reasonably maximize the land resources on the site to meet the existing Correia Middle School, other District schools, and community demands for recreational facilities;
- To provide an opportunity for the school to provide additional athletic programs to their students during and after school; and,
- To limit the academic time disturbances for students by providing additional evening hours for practice and events.

1.6 Environmental Setting

The 7.3-acre site of the Proposed Project is located on the campus of Correia Middle School at 4302 Valeta Street, San Diego, CA 92107. The entire campus is approximately 19 acres and is owned by the District. The campus is bound by Valeta Street to the northeast, Famosa Boulevard to the southwest, and Cleator Community Park, a City of San Diego public park, to the west. Land uses within a quarter mile of the Proposed Project site include single- and multi-family residential, active park (Cleator Community Park), and passive park (Famosa Slough open space).

1.7 Mitigation Monitoring Program

Pursuant to PRC §21081.6, the District has also adopted a detailed mitigation and monitoring program prepared by the EIR consultant under the direction of the District. The program is designed to assure that all mitigation measures as hereafter required are in fact implemented on a timely basis as the Project progresses through its development, construction, and operational phases.

1.8 Record of Proceedings

For all purposes of CEQA compliance, including these Findings of Fact, the administrative record of all District proceedings and decisions regarding the environmental analysis of the Proposed Project shall include but are not limited to the following:

- The Draft and Final EIR for the Proposed Project, together with all appendices and technical reports referred to therein, whether separately bound or not, or on a CD;
- All reports, letters, applications, memoranda, maps or other planning and engineering documents prepared by the District, environmental consultant, or others presented to or before the Board of Education as determined by the District;
- All letters, reports or other documents submitted to the District by members of the public or public agencies in connection with the District 's environmental analysis on the Proposed Project;
- All minutes of any public workshops, meetings or hearings, including the scoping meeting, and any recorded or verbatim transcripts/videotapes thereof;
- Any letters, reports or other documents or other evidence submitted into the record at any public workshops, meetings or hearings; and,
- Matters of common general knowledge to the District, which they may consider, including applicable state or local laws, and ordinances and policies.

Documents or other materials which constitute the record of proceedings upon which these Findings are made are located at:

San Diego Unified School District
Facilities Planning and Construction
Physical Plant Operations Annex
4860 Ruffner Street
San Diego, CA 92111-1522

2.0 FINDINGS OF SIGNIFICANT IMPACTS, REQUIRED MITIGATION MEASURES, AND SUPPORTING FACTS

The District, having reviewed and considered the information contained in the EIR, finds pursuant to Public Resources Code §21081(a)(1) and Guidelines §15091(a)(1) that changes or alterations have been required in, or incorporated into, the Project which will mitigate, avoid, or substantially lessen to below a level of significance the following potential significant environmental effects identified in the EIR.

2.1 Project-Level Impacts Determined to be Significant and Unmitigable

Based on the analysis in the Final EIR, implementation of the Proposed Project would not result in any significant and unmitigable impacts. Therefore, a Statement of Overriding Considerations is not required.

2.2 Project-Level Impacts Determined to be Significant and Mitigable

2.2.1 Hazards/Hazardous Materials

1. **Impact.** The Proposed Project has the potential to result in a significant hazards/hazardous materials impact associated with burned waste that has been identified within portions of the fill soil on which the Proposed Project upgrades are proposed. Therefore, there is a potential for the burned waste to be encountered during grading and excavation of the Proposed Project. In addition, the potential burned wastes will require the transport of this hazardous waste. These are considered potentially significant impacts.

2. **Finding.** The implementation of Mitigation Measure HZ-1 will reduce the potential hazards/hazardous materials impact to a level less than significant.

3. **Mitigation Measure.**

HZ-1 If burned waste is encountered during construction of the Proposed Project, that material shall be removed and disposed of at a landfill in accordance with state and local laws and regulations. At least two feet of clean fill/hardscape/landscape must be in place in areas within the burned waste footprint prior to completion of the construction of the Proposed Project, regardless of whether or not burned waste is encountered during construction.

In addition, all grading and construction of the Proposed Project shall comply with the Department of Toxic Substances Control (DTSC) Final Approved Operations and Maintenance (O&M) Plan for the school site prepared by Ninyo and Moore (as discussed in detail in Appendices B1 and B2 of this EIR),

which includes long-term monitoring and reporting, and an Operations and Maintenance Agreement with the DTSC that legally requires the District to implement the remedial action slope stabilization project and implement the O&M Plan, and requires consultation with appointed O&M Plan personnel. The O&M Plan identifies specific measures for mitigating hazards and hazardous materials on the Proposed Project site that shall be implemented prior to and during construction of the Proposed Project. The District shall meet all the conditions and requirements of the DTSC and the City of San Diego Solid Waste Local Enforcement Agency (LEA).

4. Factual Support and Rationale. The implementation of Mitigation Measure HZ-1 will reduce the potential for exposure to hazardous materials to a level less than significant because this mitigation will require the handling and disposal of the materials in accordance with state and local laws and regulations. Additionally, all grading and construction of the Proposed Project shall comply with the DTSC Final Approved O&M Plan for the school site. The District shall meet all the conditions and requirements of the DTSC and the City of San Diego Solid Waste LEA. Lastly, a two-foot clean fill/hardscape/landscape shall be placed within the burned waste footprint prior to completion of the construction of the Proposed Project to avoid any potential burned waste impacts. Therefore, a less than significant hazards/hazardous materials impact would result with the implementation of the Proposed Project.

2.2.2 Biological Resources

1. Impact. No direct impacts to biological resources are anticipated as a result of project implementation. However, indirect impacts associated with storm water runoff contaminated with burned waste from the existing fill on the Proposed Project site could pose a significant impact to the Famosa Slough and Slough Channel and its biological resources.

2. Finding. With implementation of LID/Site Design, Source Control and Treatment Control BMPs as part of the SWRCB's General Construction Permit; proper handling and disposal of burned waste fill material by the contractor in accordance with the soil management plan referenced in the *Geology and Soils Evaluation*; and the implementation of Mitigation Measure HZ-1 (as described above in Section 2.1.1), the Proposed Project's short-term and long-term impacts to downstream biological resources will be less than significant. There are no other potentially significant impacts to biological resources associated with development of the Proposed Project.

3. Mitigation Measure.

Mitigation Measure HZ-1, identified above in Section 2.1.1.

4. Factual Support and Rationale. The Proposed Project will occur entirely on the existing school site. As an existing school use on a developed site, there are no biological resources present. However, burned waste is contained within the existing fill material on-site and could potentially affect the Famosa Slough and Slough Channel which lies directly adjacent to the school and is a receiving run-off water of the Proposed Project site. However, with implementation of LID/Site Design, Source Control and Treatment Control BMPs as part of the SWRCB's General Construction Permit; proper handling and disposal of burned waste fill material by the contractor in accordance with the soil management plan referenced in the *Geology and Soils Evaluation*; and with implementation of Mitigation Measure HZ-1 the Proposed Project's short-term and long-term impacts to downstream biological resources will be

less than significant. The above measures would reduce any potential impact to biological resources as a result of burned waste material, because the measures would ensure storm water runoff is not contaminated and ensure any burned waste encountered would be removed and disposed of in a safe and contained manner. Therefore, a less than significant biological resources impact would result with the implementation of the Proposed Project.

2.2.3 Geology and Soils

1. **Impact.** The Proposed Project has the potential to result in significant geology and soils impacts associated with geologic hazards relative to the Proposed Project site, including ground surface rupture, liquefaction and seismically induced settlement, unstable soils, expansive soils, and corrosive soils.

2. **Finding.** Compliance with the requirements of the federal, state, and local building codes, and the implementation of Mitigation Measure GS-1 will reduce the impacts related to geology and soils to a level less than significant.

3. **Mitigation Measure.**

GS-1 All future grading and construction of the Proposed Project site shall comply with the geotechnical recommendations contained in the geotechnical report prepared for the Proposed Project (Appendix C of this EIR), as well any State of California's regulations regarding school design. The report identifies specific measures for mitigating geotechnical conditions on the Proposed Project site that shall be implemented during the design and construction of the Proposed Project. In addition, as recommended in the geotechnical report, a comprehensive geotechnical investigation, including surface investigation and subsurface investigation and laboratory testing for expansive soils, shall be conducted prior to final design and construction of the Proposed Project. The geotechnical investigation may identify additional specific measures that shall be implemented during design and construction of the Proposed Project.

4. **Factual Support and Rationale.** The Proposed Project will be constructed in accordance with the California Building Code (CBC) and Division of State Architect (DSA). Implementation of Mitigation Measure GS-1 will reduce the potential for exposure of geologic and soils impacts to a level less than significant. Mitigation Measure GS-1 will require the preparation of a comprehensive geotechnical investigation, including surface investigation and subsurface investigation, and laboratory testing for expansive soils, that shall be conducted prior to final design and construction of the Proposed Project. The geotechnical investigation may identify additional specific measures that shall be implemented during design and construction of the Proposed Project. Any potential geological hazards would be identified and properly mitigated. Therefore, a less than significant geology and soils impact would result with the implementation of the Proposed Project.

2.2.4 Paleontological Resources

1. **Impact.** Construction of the Proposed Project has the potential to result in excavation of potential fossil-bearing geologic formations, specifically the Bay Point Formation. As such, potential impacts to paleontological resources potentially located within this formation are considered significant.

2. **Finding.** The implementation of Mitigation Measure PR-1 will reduce the potential impacts to paleontological resources to a level less than significant.

3. **Mitigation Measure.**

PR-1 Prior to site grading, a qualified paleontologist (A qualified paleontologist is defined as an individual with a minimum MS or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques, who is knowledgeable in the geology and paleontology procedures and techniques, and who has worked as a paleontological mitigation project supervisor in the County for at least 1 year) shall be retained by the District to prepare a Paleontological Assessment Report that includes record searches and reviews of the existing literature for the project area in order to determine the likelihood of fossils being impacted. If the report identifies impacts on highly sensitive paleontological deposits that cannot be avoided, the following additional measures shall be implemented to recover remains before they are lost or destroyed:

- The qualified paleontologist shall be present at the pre-construction meeting to consult with the grading and excavation contractors.
- If highly sensitive fossil-bearing deposits are likely to be impacted and the proposed construction methodology will allow for the recovery of fossils, then the following measures will be incorporated into the project Mitigation and Monitoring Reporting Program (MMRP).
 - If mitigation is necessary, then a Qualified Paleontologist shall attend pre-construction meetings to consult with the grading and excavation contractors concerning excavation schedules, paleontological field techniques, and safety issues.
 - A paleontological monitor shall be on-site on a full-time basis during the original cutting of previously undisturbed deposits of high sensitivity formations to inspect exposures for contained fossils. The paleontological monitor shall work under the direction of a qualified paleontologist. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials.
 - If discovered, the Qualified Paleontologist (or Paleontological Monitor) shall recover fossils. In most cases, this fossil salvage can be completed in a short period of time. However, some fossil specimens, such as complete large mammal skeleton, may require an extended salvage period. In these instances the Qualified Paleontologist (or Paleontological Monitor) shall be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. Because of the potential for the recovery of small fossil remains, such as

isolated mammal teeth, it may be necessary in certain instances, to set up a screen-washing operation on the site.

- Fossil remains collected during the monitoring and salvage portion of the mitigation program shall be cleaned, repaired, sorted, and cataloged.
- Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall either be deposited (as a donation) in a scientific institution with permanent paleontological collections such as the San Diego Natural History Museum. Donation of the fossils shall be accomplished by financial support for initial specimen storage.
- A final summary report shall be completed and retained on file at the District that outlines the results of the mitigation program. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils.

4. Factual Support and Rationale. Although the Proposed Project is located within the existing previously graded and disturbed portion of the school campus, a potentially substantial loss of regional paleontological resources could occur from grading and excavation in excess of 10 feet beneath the site, which could penetrate the Bay Point Formation. Such grading and excavation could destroy previously undiscovered paleontological resources. However, Mitigation Measure PR-1 requires paleontological monitoring to be conducted during construction of the Proposed Project. Paleontological monitoring will result in the ability to recover any potential paleontological resources without impact to them. Therefore, a less than significant paleontological resources impact would result with the implementation of the Proposed Project.

2.3 Cumulative Impacts Determined to be Significant and Unmitigable

Based on a consultation with the City of San Diego, two cumulative projects were identified within the vicinity of the Proposed Project, which include the Point Loma High School Athletic Facilities Upgrades located at 2335 Chatsworth Boulevard and 7-11 Convenience Store planned on the northwest corner of Rosecrans Street at Hugo Street. Point Loma High School is located approximately 1.0 mile south of the Correia Middle School campus. Due to the distance and varying topography between the two sites and the Correia Middle School site, it is not anticipated that the Proposed Project, when combined with the Point Loma High School Athletic Facilities Upgrades Project, will result in any cumulative impacts. Any past projects are considered baseline and were included in the analysis under the existing conditions, baseline data. As identified in the EIR, all impacts associated with the Proposed Project will be reduced to a level less than significant with the implementation of Mitigation Measures. Therefore, the Proposed Project would not result in any cumulatively significant and unmitigable impacts.

2.4 Cumulative Impacts Determined to be Significant and Mitigable

Based on a consultation with the City of San Diego, two cumulative projects were identified within the vicinity of the Proposed Project, which include the Point Loma High School Athletic Facilities Upgrades located at 2335 Chatsworth Boulevard and 7-11 Convenience Store planned on the northwest corner of Rosecrans Street at Hugo Street. Point

Loma High School is located approximately 1.0 mile south of the Correia Middle School campus. Due to the distance and varying topography between the two sites and the Correia Middle School site, it is not anticipated that the Proposed Project, when combined with the Point Loma High School Athletic Facilities Upgrades Project, will result in any cumulative impacts. Any past projects are considered baseline and were included in the analysis under the existing conditions, baseline data.

In addition, with the implementation of Mitigation Measure HZ-1, LID/Site Design, Source Control and Treatment Control BMPs required by the General Construction Permit impacts to related the hazards/hazardous materials and biological resources will be reduced to a level less than significant. Implementation of Mitigation Measure GS-1 and compliance with CBC and DSA requirements will reduce potential geological and soils impacts to a less than significant level. Implementation of Mitigation Measure PR-1 will reduce potential paleontological impacts to a less than significant level. Therefore, with the implementation of these Mitigation Measures, cumulative impacts associated with hazards/hazardous materials, biological resources, geology and soils, and paleontological resources, would be reduce to a level less than significant.

3.0 EFFECTS FOUND NOT TO BE SIGNIFICANT

The District finds, based on the substantial evidence appearing in Chapters 3.0 of the EIR that the following impacts will not be significant: aesthetics/lighting, air quality, greenhouse gas emissions, hydrology/water quality, noise, transportation/traffic/parking, agricultural and forest resources, cultural resources, land use planning, mineral resources, population and housing, public services, recreation, utilities and service systems.

4.0 FINDINGS REGARDING PROJECT ALTERNATIVES

Pursuant to CEQA Guidelines §15126.6(a), EIRs must “describe a range of reasonable alternatives to the project, or to the location of the project, which will feasibly attain most of the basic objectives of the project but will avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.”

The FEIR considers a reasonable range of alternatives. The alternatives to the Project are evaluated in Chapter 4.0 of the FEIR in terms of their ability to meet the basic objectives of the Project, and eliminate or further reduce its significant environmental effects. Based on these parameters, the following alternatives are considered: (1) No Project/Existing Sports Complex Alternative, (2) Alternative 1 – Proposed Project with Limited Usage Alternative, and (3) Alternative 2 – Reduced Intensity Alternative. Two additional alternatives were considered but rejected. These are the Proposed Project with Built-up Site Alternative and the Alternative Site Location alternative. These are discussed in more detail below.

4.1 Alternatives Considered But Rejected

4.1.1 Proposed Project with Built-up Site Alternative

The Built-up Site Alternative considered the benefits and impacts of adding fill soils over the entire site in order to reduce the potential for incursion into the underlying burned waste soils when making excavations for underground utilities and deep foundations for fence posts and light poles. However, due to the fact that the underlying burned waste deposits are primarily located at the site boundaries, the cost of importing the additional fill soils and the complications of making the modifications that would be required around the perimeter of the site in order to provide viable transitions to the surrounding ground elevations (i.e. ramps, stairs, retaining walls, lifting of fences, lifting of valves and yard boxes to existing utilities, lifting of drainage inlets, etc.), made this alternative impractical; and therefore, it was rejected.

4.1.2 Alternative Site Location

In accordance with State CEQA Guidelines Section 15126.6(f)(2), an alternative project site location should be considered if development of another site is feasible and if development of another site will avoid or substantially lessen significant impacts of the Proposed Project. When considering an alternative site location, the Proposed Project objectives may be used to determine the necessary size of the site, its location, and availability of infrastructure. CEQA Guidelines Section 15126.6(f)(2)(A) states that a key question in looking at an off-site alternative is "...whether any of the significant effects of the Proposed Project will be avoided or substantially lessened by putting the Proposed Project in another location."

An alternative providing the components of the Proposed Project on an alternative site location was considered but rejected because all impacts at the proposed site are mitigated to below a level of significance as described in Chapter 2.0 of this EIR; and therefore, an alternative site will not avoid any significant effects associated with the proposed site.

4.2 Analysis of Alternatives Considered

The range of reasonable alternatives considered by the decision makers are:

- No Project/Existing Sports Complex Alternative
- Alternative 1 – Proposed Project with Limited Usage Alternative
- Alternative 2 – Reduced Intensity Alternative

4.2.1 No Project/Existing Sports Complex Alternative

Description of Alternative: The No Project/Existing Sports Complex Alternative assumes that the sports complex improvements will not be implemented. The District would not implement the upgrades associated with the Proposed Project and all of the athletic facilities would remain as they are under existing conditions. Furthermore, the No Project/Existing Sports Complex Alternative would continue to allow the District to rent out the sports complex to public and private sports teams/clubs on evenings and weekends.

Finding: The No Project/Existing Sports Complex Alternative is not feasible. The No Project/Existing Sports Complex Alternative will not meet the project objectives.

Factual Support and Rationale: The No Project/Existing Sports Complex Alternative will avoid the significant impacts to Hazards/Hazardous Materials, Biological Resources, Geology and Soils, and Paleontological Resources associated with the Proposed Project. However, the No Project/ Existing Sports Complex Alternative will not meet any of the objectives of the project as identified in Chapter 1.0 of this EIR. Also, the significant impacts of the Proposed Project are fully mitigated. Therefore, the No Project/Existing Sports Complex Alternative is not recommended for selection and implementation.

4.2.2 Alternative 1 – Proposed Project with Limited Usage Alternative

Description of Alternative: Alternative 1 includes construction of the Proposed Project as described in Chapter 1.0 of this EIR, but provides limitations on the operational allowances of the facility in an effort to reduce any potential for minor nuisance impacts to the surrounding community. Alternative 1 would include implementation of the Proposed Project but eliminate the ability to rent the facility to public and private sports teams/clubs in the evening or at night.

Finding: The Alternative 1 – Proposed Project with Limited Usage Alternative is not feasible. Although it will reduce impacts, it does not meet the project objectives.

Factual Support and Rationale: Alternative 1 will include implementation of the Proposed Project but eliminate the ability to rent the facility to public and private sports teams/clubs in the evening or at night. By eliminating the evening/night rental component of the Proposed Project operations, the facility's operational frequency will decline; and therefore, operational nuisance impacts to the surrounding community, which were determined to be less than significant impacts in this EIR, such as aesthetics/lighting, air quality, greenhouse gas emissions, noise, transportation/traffic/parking impacts, will be reduced. However, similar to the Proposed Project, Alternative 1 would result in the significant impacts related to Hazards/Hazardous Materials, Biological Resources, Geology and Soils, and Paleontological Resources, which would require the implementation of Mitigation Measures to reduce impacts to a level less than significant.

Alternative 1 will pose less than significant impacts upon the surrounding community. However, by limiting usage of the sports complex, Alternative 1 will conflict with one of the Proposed Project objectives as identified in Chapter 1.0 of this EIR, specifically the objective to "provide the District with the opportunity to rent the fields out to third-party athletic groups outside of regular school hours per the requirements of the District's Administrative Procedures No: 9205 and 9229."

4.2.3 Alternative 2 – Reduced Intensity Alternative

Description of Alternative: The Alternative 2 – Reduced Intensity Alternative includes construction of a portion of the Proposed Project, only the softball field area, as described in Chapter 1.0 of the EIR. Alternative 2 would reduce the project footprint and the overall area of construction disturbance, which in turn, would reduce the amount of burned waste that potentially will be exposed. There is some burned waste present within the softball field area that

would be exposed during grading and excavation required for this alternative. The hazardous materials impacts resulting from the disturbance of burned waste would be reduced with the implementation of Alternative 2 as compared to the Proposed Project because Alternative 2 would reduce the overall ground disturbance in areas with the potential to contain burned waste. Alternative 2 would reduce the amount of area impacted as compared to the Proposed Project, but would not reduce the Hazardous Materials (burned waste) impact to below a level of significance. The implementation of MM HZ-1, as identified in Section 2.1 of this EIR, would still be required in order to reduce the impact below a level of significance.

Under Alternative 2, the new Sports Complex would be limited to the softball field area. The existing dirt fields on the campus would remain. As such, lights would only be installed within the softball field area and would not be installed within the entire project site as proposed under the Proposed Project. By reducing the areal extent of new fields constructed under Alternative 2, the facility's operational usage of the site would be less than that described for the Proposed Project. Therefore, operational nuisance impacts to the surrounding community, which were determined to be less than significant impacts in this EIR, such as aesthetics/lighting, air quality, greenhouse gas emissions, noise, transportation/traffic/parking impacts would be reduced and would remain below a level of significance.

Finding: Alternative 2 will further reduce the total project area and the associated impacts would remain below a level of significance. Although it will reduce impacts, it does not meet all of the project objectives.

Factual Support and Rationale: By reducing the project footprint in an effort to reduce the intensity of the Proposed Project and reduce impacts, Alternative 2 would conflict with one of the Proposed Project objectives as identified in Chapter 1.0 of the FEIR. Alternative 2 would conflict specifically with the objective "to provide an opportunity to reasonably maximize the land resources on the site to meet the existing Correia Middle School, other District schools, and community demands for recreational facilities." Compared to the Proposed Project, Alternative 2 would result in similar significant impacts to Hazards/Hazardous Materials, Biological Resources, Geology and Soils, and Paleontological Resources requiring mitigation, but Alternative 2 would not meet all of the project objectives.

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