

(R-93-935)

RESOLUTION NUMBER R-281469

ADOPTED ON FEB 09 1993

WHEREAS, American Assets Inc. submitted an application to the Planning Department for a vesting tentative map, coastal development permit, planned commercial development permit, rezone and street vacation for the Torrey Reserve Commercial Development project; and

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

WHEREAS, the issue was heard by the Council on December 8, 1992; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Environmental Impact Report DEP File No. 85-0824; NOW, THEREFORE,

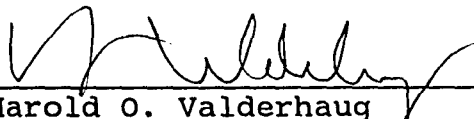
BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Environmental Impact Report DEP File No. 85-0824, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of The City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review

process, has been reviewed and considered by this Council in connection with the approval of the Torrey Reserve Commercial Development project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council hereby adopts the Findings and Statement of Overriding Considerations made with respect to the project, a copy of which is on file in the office of the City Clerk as Document No. RR-281469¹, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of the program is on file in the office of the City Clerk as Document No. RR-281469², and incorporated herein by reference.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Chief Deputy City Attorney

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11/25/92
Or.Dept:Plan.
R-93-935
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FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE TORREY RESERVE PROJECT
ENVIRONMENTAL IMPACT REPORT DEP NO. 85-0824

The California Environmental Quality Act (CEQA) requires that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof unless such public agency makes one or more of the following findings:

- (1) Changes or alterations have been required in, or incorporated into, such project which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, social, or other consideration make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

(California Public Resources Code Section 21081)

CEQA further requires that, where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR, but are not substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record (Sec. 15093 of the CEQA Guidelines).

The following Findings and Statement of Overriding Considerations have been submitted by the project applicant as candidate findings to be made by the decision making body. The Development and Environmental Planning Division does not recommend that the discretionary body either adopt or reject these findings. They are attached to allow readers of this report an opportunity to review the applicant's position on this matter.

REVISED: 10/28/92

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DOCUMENT NO. RR-281469-1
FILED FEB 09 1993
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

R- 281469

FINDINGS FOR THE
TORREY RESERVE PROJECT
ENVIRONMENTAL IMPACT REPORT, DEP NO. 85-0824

The following findings are made relative to the conclusions of the final Environmental Impact Report (EIR) for the Vesting Tentative Map (VTM), Planned Commercial Development Permit (PCD), Conditional Use Permit (CUP), Coastal Development Permit (CDP), Street Vacation, Rezone and other discretionary approvals related to the Torrey Reserve project in the City of San Diego (DEP No. 85-0824). The Torrey Reserve project consists of approximately 60 acres located within the northwest portion of the Sorrento Hills Community Plan area. The Torrey Reserve project involves the development of an office/visitor commercial project located east and west of the proposed realigned El Camino Real. Construction of the realigned El Camino Real, is anticipated to commence in 1993, and has been approved by the City Council for American Newland Associates as a separate project (DEP No. 88-0540; Supplemental EIR No. 90-0327; SCH No. 88-081015). Unit 1, Lot 1, of the Torrey Reserve project located east of El Camino Real, containing 40.9 gross acres, consists of three 1-story visitor commercial buildings, a 4-story office building, a 3-story office building, and a 1-story day care facility. Approximately 30 acres of undisturbed bluffs and steep slopes will be preserved in open space. Unit 2, Lot 1, of the Torrey Reserve project located west of the proposed realigned El Camino Real, containing 11.5 gross acres, consists of two 1-story visitor commercial buildings, two 3-story office buildings, and two 4-story office buildings. 1.7 acres will be landscaped and comprised of slopes and a 35-foot wide strip of land reserved for future Metropolitan Transit Development Board right-of-way. The City of San Diego has taken possession of the 9.1-acre remainder parcel shown in the northwest portion of the Vesting Tentative Map. This remainder parcel is part of the Carmel Valley Restoration and Enhancement project and is not part of the Torrey Reserve project.

These findings are made pursuant to Section 21081 of the California Public Resources Code and Sections 15091 and 15093 of the State CEQA Guidelines.

A. The decisionmaker, having reviewed and considered the information contained in the final EIR for the project and the administrative record, finds, pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the final EIR with respect to the areas of (1) landform alteration/visual quality, (2) biological resources, (3) geology/soils, (4) hydrology/water quality, (5) air quality, (6) noise, and (7) paleontological resources. Specifically:

Impact. With respect to landform alteration/visual quality, impacts to the existing landform are considered potentially significant due to proposed filling within the project site. Proposed project grading will occur on approximately 18.2 acres, or 30 percent, of the 60-acre project site. The following project grading figures exclude grading quantities for El Camino Real. Grading quantities proposed for the project are 61,000 cubic yards of cut and 213,000 cubic yards of fill. This would result in approximately 11,700 cubic yards of grading per graded acre. Proposed project grading would necessitate the import of 152,000 cubic yards of fill material from off-site. Proposed filling within the project site, particularly within Unit 2, located west of the realignment for El Camino Real, would be considered a significant grading impact. The transition of the site from vacant, but disturbed property, to a commercial development is considered to be a cumulatively significant visual impact to the area.

Finding. The project is consistent with the Sorrento Hills Community Plan and existing and planned urban development in the surrounding area. Landscape plans, including a detailed revegetation plan, and architectural features have been incorporated into the project to ensure compatibility with existing and future developments. Site grading and buildings have been terraced to reduce the project's mass and scale. Revisions have been made to the project since its original submittal to the City to reduce the amount of fill material from 700,000 cubic yards of imported fill material to 152,000 cubic yards of imported fill material, a 78.3% reduction. Implementation of the mitigation measures set forth below will serve to reduce direct landform alteration/visual quality impacts to a level below significance:

- a. Manufactured slopes will be rounded to give a natural appearance and to blend with the existing topography.
- b. The landscaping for the project will be designed by a qualified landscape architect and shall include the following:
 - (i) Native plant species selected for controlling erosion will be planted on the slopes. Native, drought tolerant species that will blend with existing vegetation will be planted on the manufactured slope and crib walls.
 - (ii) Manufactured slopes will be landscaped within 60 days of grading to prevent erosion and visual impacts. Large pads shall be hydroseeded if construction does not follow within 60 days.
 - (iii) Manufactured slopes will be provided with temporary irrigation systems to help establish plants.
 - (iv) Crib-type retaining walls shall be planted within 60 days of their construction.

No feasible mitigation measures within the control of the applicant are available which would substantially lessen or avoid the cumulative visual quality impacts.

Impact. With respect to biological resources, the anticipated direct impacts to sensitive biological resources (0.43 acres of southern maritime chaparral) are considered significant. Development of the project may result in indirect impacts to raptors through incremental loss of foraging habitat; however, these impacts will be mitigated since large open space areas will remain undisturbed in accordance with the Community Plan. There exists a potential for indirect impacts to native plant communities and associated sensitive plant and animal species due to noise levels during project construction, artificial lighting, use of non-native plants and use of herbicides. Disruption of the existing wildlife corridor between the bluff area and off-site wetlands could indirectly impact wildlife populations which use the water and food resources off-site; however, an effective wildlife corridor connecting the bluff area with off-site wetlands will be created where El Camino Real bridges Carmel Creek. Indirect impacts to wetland areas off-site could occur if development results in increased erosion, followed by sedimentation of the wetlands.

Findings. The following mitigation measures have been incorporated into the project to avoid or substantially lessen: the direct impacts to sensitive biological resources; the potentially significant indirect impacts to native plant communities and associated sensitive plant and animal species; and the potentially significant indirect sedimentation impacts to off-site wetlands.

- a. Manufactured slopes and disturbed open space areas (approximately 2.2 acres) adjacent to undisturbed native habitat shall be vegetated with native species which are known to occur locally. Successful revegetation of these areas with southern maritime chaparral will serve to fully mitigate the impact to 0.43 acres of southern maritime chaparral; a total of approximately 2.2 acres of disturbed areas and manufactured slopes will be revegetated resulting in greater than a 3:1 ratio of mitigation area.
- b. Erosion control measures shall be implemented during project construction to reduce impacts from soil erosion and resultant sedimentation to off-site wetlands.
- c. The landscape contractor for the project shall be instructed to avoid the use of pesticides or herbicides within and adjacent to the open space easement.
- d. Street lighting shall be designed to avoid lighting the open space easement area. Building/parking lot lighting shall be directed away from open space and only minimal security lighting shall be provided in areas adjacent to natural open space.

- e. A revegetation plan and landscape plan shall be approved by EAS prior to the issuance of grading permits. A qualified biologist must certify that the landscaping has been installed in substantial conformance with the approved plans prior to release of any portion of the subdivision bond(s). Protection of open space areas shall be monitored by flagging of the limits of grading prior to grading next to the open space.
- f. A five-year monitoring program shall be conducted by the project biologist in conjunction with a maintenance program conducted by the landscape contractor for those disturbed areas and manufactured slopes addressed in the revegetation plan. Monitoring shall be conducted by a biologist with experience in preparation and implementation of revegetation programs and commence following the completion of planting and hydroseeding operations. Survival counts to evaluate survival rates specified in the EIR shall occur quarterly for the first year and annually for years two through five. An 80% vegetative cover shall be achieved by the end of the five year monitoring period.

Impact. With respect to geology/soils, potentially significant geologic impacts could occur due to slope stability, groundwater seepage, erosion, site excavation and expansive soil conditions that could lead to settlement and groundwater intrusion impacts.

Finding. The following mitigation measures have been incorporated into the project to avoid or substantially lessen potentially significant geology/soils impacts:

- a. Slope stability. If adverse geologic conditions are encountered during construction, it may be necessary to flatten the construction slopes, excavate and construct the wall in segments, or provide temporary shoring, due to adverse jointing and loosened blocks of sandstone in the area of the proposed crib wall and other proposed cut slopes. All cut slopes for the project shall be observed during grading by an engineering geologist.
- b. Groundwater.
 - (i) Canyon subdrains shall be installed beneath fills in major hillside drainages to collect and allow free discharge of accumulating groundwater west of El Camino Real and along Arroyo Sorrento Road.
 - (ii) All cut slopes and excavation shall be observed by an engineering geologist for groundwater seepage during construction.
 - (iii) Each pad shall be finish graded so that drainage waters from the pad and adjacent properties are directed off the

property in a controlled system to prevent erosion. As the pads are developed, water shall be directed away from foundations, floor slabs and slope tops and off the pads.

c. Erosion. Significant erosion impacts are mitigated through implementation of erosion control measures required by Document No. 00-17068 on file in the office of the City Clerk.

d. Excavation and Soil Characteristics.

(i) To mitigate potential settlement impacts, oversize rock fragments (between six inches and two feet in maximum dimension) shall be placed in accordance with the Guide Specifications for Oversize Rock Placement included as Appendix E of the 1990 Woodward-Clyde report (see Appendix D of this EIR).

(ii) In order to provide a subsurface barrier to reduce the potential for moisture migration, the structures shall be provided with a continuous perimeter concrete footing extending at least 18 inches below lowest adjacent grade and 12 inches wide.

(iii) Future structures shall not be founded across daylight lines (the point or area where grading abuts natural ground) to provide a minimum thickness of compacted fill across the entire pad.

e. General Site Preparation and Grading.

(i) The site grading shall be performed in accordance with the Guide Specifications for Earthwork included as Appendix "C" of Woodward-Clyde's 1990 report (see Appendix D of this EIR) and be inspected by a qualified geotechnical engineer. A pre-construction conference shall be held at the project site with the developer, civil engineer, contractor and geologist in attendance.

(ii) Undocumented fills shall be excavated, prepared, and properly compacted where compaction records are not available. Additional borings shall be made prior to grading by a qualified geotechnical engineer to evaluate the thickness and extent of the alluvium.

(iii) Existing fill soils, and loose, porous surficial soils, terrace deposits, and alluvium shall be excavated, or scarified if less than 12 inches thick, watered or dried, as required, and then compacted prior to placing any new fill to mitigate unstable soil conditions.

(iv) Debris, vegetation, and demolition products shall be removed from areas to be graded and from existing fills and be disposed of off-site prior to moving earth. Subgrade

materials in the upper 3 feet of the building areas and the upper 12 inches in pavement areas in both cut and fill zones shall be composed of select material.

Impact. With respect to hydrology/water quality, implementation of the project has the potential for significant short-term erosion and siltation impacts during construction; thereby potentially causing increased sedimentation to flow into Carmel Valley and Los Penasquitos Lagoon.

Finding. The project has incorporated necessary measures to avoid or substantially lessen the potential for construction-related on-site erosion and off-site sedimentation impacts to CVREP and the Los Penasquitos Lagoon. The measures are:

- a. A grading plan that incorporates runoff and erosion control procedures to be utilized during all phases of project construction on graded or filled land shall be prepared and submitted concurrently with subdivision improvement plans. Such plans shall be prepared by a registered civil engineer and shall be designed to ensure that there will be no significant increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years. Runoff control shall be accomplished by establishing on-site catchment basins, detention basins, and siltation traps along with energy dissipating measures at the terminus of storm drains or other similar means of equal or greater effectiveness. Alternative designs for the implementation of runoff and erosion control devices on individual lots, at site planning stage, shall be approved by the City Engineer and Planning Department.

The grading plan shall incorporate a maintenance program for erosion and runoff control measures, which shall be approved by the City Engineer and Planning Department. The erosion and runoff control measures shall be designed and bonded prior to recordation of the final map; erosion control measures shall be implemented prior to acceptance of the grading and public improvements by the City. The applicant and future property owners shall be responsible for the specialized maintenance program and shall maintain records of the maintenance.

- b. Sedimentation basins, desilting basins, or silt traps will be installed in conjunction with the initial grading operations and maintained through the development process, as well as during the operation period, as necessary, to remove sediment from runoff waters draining from the land undergoing development.
- c. All grading activities shall be prohibited during the rainy season, as designated by the City. Currently the period is from November 15 to March 31.

- d. Landscaping of cut/fill slopes and the undeveloped building pads will be accomplished within 30 days of completion of grading activities.

Impact. Additionally, with respect to hydrology/water quality, development of the natural areas on the property, and the creation of impervious surfaces (paving and construction of roadways, parking lots, building pads, etc.) will cause an increase in the amount of runoff. The increase in amount of urban pollutants in runoff is considered a cumulatively significant impact.

Finding. During grading and construction of the proposed improvements, all waste chemicals, especially lubricants, paints and fuels, shall be properly contained and transported off-site for recycling or destruction. The installation of temporary desilting basins during grading, permanent pollution control devices, and rock energy dissipaters at drainage discharge points shall be provided to reduce the load of urban pollutants before they reach the lagoon. Pollution control devices shall be provided to the satisfaction of the City Engineer in conjunction with site development and shall be a condition of the Planned Commercial Development Permit and Conditional Use Permit. The locations shall be noted on the grading plans. Compliance with these mitigation measures will avoid or substantially lessen this cumulatively significant impact.

Impact. With respect to air quality, emissions associated with the proposed project will significantly and incrementally contribute to the San Diego Air Basin's status as a nonattainment area for some pollutants.

Construction would be a one-time, short-term activity. Dust control during grading operations is regulated under APCD's Rules 51 (the "Nuisance" Rule), 52 (Particulate Matter), and 54 (Dust and Fumes). Since air quality impacts associated with grading for the project are regulated, they would not be considered significant. Other construction-related activities such as the application of architectural coatings on buildings and of paving materials for parking lots and roadways are also controlled by District Rules. Thus, emissions from these other activities would not be considered significant. Exhaust emissions from the heavy-duty construction equipment are not considered significant because of their short duration.

Project development would result in long-term air pollutant emissions of carbon monoxide, sulfur oxides, nitrogen oxides (NOx), hydrocarbons (or reactive organic gases), and particulate matter. The principal source of new pollutants associated with development of the project is emissions from vehicle traffic. This long-term impact must be assessed in terms of the project's size, conformance with existing land use assumptions for the area, and pollution control strategies being supported.

Finding. Compliance with Air Pollution Control District's ("APCD") Rules will effectively mitigate fugitive dust, architectural coating and paving material related impacts due to construction-related emissions, and no further mitigation will be necessary.

The project's consistency with the City's land use plans and the incorporation into it of features consistent with regional air pollutant control strategies will reduce the incremental and cumulative impacts to air quality, but not to below a level of significance. At this time, the only available mitigation for cumulative air quality impacts is the successful implementation of the State Implementation Plan (SIP) under the supervision of the San Diego APCD. However, until such time as the APCD can successfully implement the SIP, the cumulative air quality impacts would remain significant and unmitigable. Full mitigation of cumulative impacts is presently beyond the means of the City or the project applicant.

Impact. With respect to noise, the noise levels at the exterior of the buildings is within acceptable limits, however, noise levels on the interior of the buildings should not exceed 50 dBA CNEL.

Finding. A 50 dBA CNEL interior noise level shall be ensured by future review of building plans by the City's Noise Abatement Office. Planning will not issue building permits until plans are reviewed and approved by the Noise Abatement Office. These measures will avoid, or substantially lessen, any environmental effect attributable to noise.

Impact. With respect to paleontology, proposed grading operations associated with the development of the project site are likely to expose and destroy fossils. Approximately 1.2 acres within the Del Mar Formation and 1.2 acres within the Torrey Sandstone will be disturbed by grading associated with the project. This will represent a potentially adverse impact on the region's paleontological resources. The potentially adverse impact would result from the destruction of information on the timing of events that shaped the region and the biologic history of the region.

Finding. The following mitigation measures have been incorporated into the project to reduce potentially significant adverse impacts to a level below significance:

- a. Prior to construction activities, a qualified paleontologist shall be retained to implement a monitoring program. All persons involved in the paleontological monitoring of this project shall be approved by EAS.
- b. The paleontologist shall attend any preconstruction meetings to consult with the excavation contractor. The paleontologist's duties include monitoring, salvaging, preparation of materials for deposit at a scientific institution that houses paleontological collections, and preparation of a results report.

B. The decisionmaker, having reviewed and considered the information contained in the final EIR for the project and the public record, finds that there are no changes or alterations to the project which avoid or substantially lessen the significant environmental effects that are within the responsibility and jurisdiction of another public agency.

C. The decisionmaker finds that specific economic, social, or other considerations make infeasible mitigation measures or project alternatives identified in the final EIR for cumulative impacts to visual quality and air quality. Specifically:

1. Visual Quality

Impact. The visual environment of this entire area is in the process of changing from that of rolling hills and valleys to that of a suburban community within the City of San Diego. Thus, any development would alter the visual quality of the site and would be considered a significant cumulative visual impact when viewed in association with other projects in the North City area. Even if the individual adjacent projects implement mitigation measures such as landscape plans, use of earth tones, and forms designed to blend structures with the surrounding land contours; grading and construction would alter natural landform formations and the existing topography of the site.

Finding. The proposed project's direct visual impacts will be reduced to a level less than significant through landscaping, contouring of manufactured slopes, architectural design, and use of crib walls; however, the development will contribute incrementally to the transition of rural land to urban development.

No feasible mitigation measures within the control of the applicant are available which would substantially lessen or avoid the cumulative visual quality impacts.

2. Air Quality

Impact. Project development would result in long-term air pollutant emissions of carbon monoxide (CO), sulfur oxides, nitrogen oxide (NO_x), hydrocarbons (or reactive organic gases), and particulate matter. Emissions would be generated by the vehicular traffic to and from the commercial development, by the burning of natural gas for space and water heating, and by the regional power plants generating electricity to supply the needs of the development. The principal source of new pollutants associated with development of the project is emissions from vehicle traffic.

Finding. The project conforms to the Sorrento Hills Community Plan in terms of land use and does not exceed the maximum allowable ADT for the site. Development of the project will not result in any new sources of air pollutants that are not accounted for or anticipated in the Sorrento Hills Community Plan EIR (EQD No. 81-

12-33) or in the forecasts used to develop air pollution control strategies in the air basin. Considered with other new development in the air basin, project development will contribute to nonattainment of clean air standards. Given the basin's nonattainment status with respect to carbon monoxide, ozone, and PM-10, all new or additional sources of emissions within the basin may be considered as contributing to the regional pollution burden and to an existing significant air quality impact. The project's consistency with the City's land use plans and the incorporation into it of features consistent with regional air pollutant control strategies will reduce the incremental and cumulative impacts to air quality, but not to below a level of significance.

No feasible mitigation measures within the control of the applicant are available which would substantially lessen or avoid the cumulative air quality impacts.

3. Project Alternatives

Each of the project alternatives are infeasible because the project alternatives cannot implement the goals of the Community Plan and avoid or substantially lessen the cumulative impacts to visual quality and air quality.

A. NO PROJECT ALTERNATIVE

Under the No Project alternative, the project site would remain vacant. As a result, project-related impacts would not occur and the land would remain undeveloped and partially disturbed.

The No Project alternative is considered infeasible for the following reasons: The No Project alternative would not implement the goals of the Community Plan. This property is designated for commercial development in the Community Plan and such development is highly likely, because of the property's location, that another proposal for commercial development will eventually be proceed.

Without this project, 11.80 percent of the funds required by the Sorrento Hills Development Agreement for constructing the following public improvements will not be provided: the widening of existing 4 lanes of Carmel Valley Road to 6 lanes, from freeway ramps (east) to the intersection of Old El Camino Real; participation in fair share cost of fire station in North City West; participation in fair share cost of sedimentation basin in North City West south of Carmel Valley; participation in fair share cost of Interchange at I-5 and Carmel Mountain Road; traffic signals and widening of on and off ramps for I-5 at Carmel Valley Road. Dedication of right-of-way for the widening of I-5 and reservation and dedication of 35-foot of MTDB right-of-way would not occur. Also, partial funding for constructing two circulation element roads, El Camino Real and Arroyo Sorrento Road, will not be provided. These roads are designated in the transportation section of the Community Plan to facilitate the circulation network

of the area. In addition, the existing on-site disturbed areas would remain.

B. REDUCED PROJECT ALTERNATIVE

Under the Reduced Project Alternative, a 25 percent and a 75 percent square footage reduction in the amount of development are discussed, although no specific plans have been developed.

(1) 25 PERCENT CONSTRUCTION REDUCTION

A 25 percent construction reduction alternative would result in a project square footage of 362,735 compared to 483,646 for the proposed project. This alternative is considered to be environmentally superior to the proposed project.

A 25 percent construction reduction would represent the removal of approximately one office building and four of the visitor commercial buildings. This alternative would require approximately the same amount of graded area given the constraints of site development and the grading associated with construction of the El Camino Real realignment project through the project site. This alternative would further reduce cumulative impacts to visual and air quality but not to a level below significance. This alternative is considered to be infeasible for social and other considerations because the applicant's obligation to contribute 11.80% of the funds for the projects listed in the No Project Alternative and required by the Sorrento Hills Development Agreement, would not be provided to the City if a 25% project reduction is adopted.

(2) 75 PERCENT CONSTRUCTION REDUCTION

A 75 percent construction reduction would result in a project square footage of 120,911 compared to 483,646 for the proposed project. The 7.4-acre net pad area for Unit 1 east of El Camino Real would be added to the undisturbed areas resulting in approximately 40.0 acres of open space for the project. This alternative also is considered to be environmentally superior to the proposed project because cumulative impacts to visual and air quality would be lessened.

A 75 percent construction reduction alternative would represent the elimination of all development east of the El Camino Real realignment and approximately 186,000 square feet of development west of the new El Camino Real alignment. Cumulative visual and air quality impacts would, however, remain significant and unmitigable under this alternative. For the same reasons identified in the 25 percent construction reduction, the 75 percent construction reduction is also considered for social and other considerations to be infeasible.

STATEMENT OF OVERRIDING CONSIDERATIONS

The decisionmaker, pursuant to the CEQA Guidelines, after balancing the benefits of the proposed project against the unavoidable cumulative visual quality and air quality effects, which will remain notwithstanding the mitigation measures incorporated into the project described above, determines that such remaining effects are acceptable because:

1. *The project will have a positive influence towards achieving a "jobs/housing balance" in the North City area.*

With a balanced number of housing and employment opportunities, people working in Carmel Valley and other North City and North County communities will work in the area instead of driving vehicles long distances. A reduction in vehicle miles traveled will also reduce traffic congestion in the area's freeways as well as reduce air polluting emissions from mobile sources. Thus, shorter commutes brought about by a "jobs/housing balance" will contribute to the regional effort to achieve ambient air quality standards.

2. *The project implements the Coastal Element of the Sorrento Hills Community Plan.*

Previously disturbed areas within the project site will be revegetated with native species to blend with natural open space areas. Public transportation with connections to beach access would be provided through future bus routes and bike lanes along El Camino Real. A 35 foot-wide easement for a light rail transit line would be incorporated into the western portion of the project site. A trolley stop is presently proposed north of the project site in the vicinity of Carmel Valley Road and I-5. The proposed project would incorporate pedestrian linkages to public transportation and beach access routes via El Camino Real which would have sidewalks and bike lanes on both sides of the street.

3. *The project applicant will place in an open space easement approximately 30 acres of natural open space.*

The property includes sandstone escarpments and bluffs east of El Camino Real, and will be placed in an open space easement to ensure maintenance and protection of this area and to preserve sensitive plant and animal species associated with the habitat.

4. *The project will accommodate the future LRT extension.*

The project will accommodate the future LRT extension by reserving and dedicating a 35-foot wide easement through the western portion of the project site at a location which MTDB has indicated could meet their future requirements for the LRT.

5. *The project will provide a portion of the funds for constructing El Camino Real and Arroyo Sorrento Road.*

These two circulation element roads are designed in the transportation section of the community plan to facilitate the circulation network of the area.

6. *The project, through the Sorrento Hills Development Agreement, will provide the following benefits to the City.*

Eleven and seven-tenths percent of the funding for the following public improvements will be provided by this project to the City of San Diego: the widening of existing 4 lanes of Carmel Valley Road to 6 lanes, from freeway ramps (east) to the intersection of Old El Camino Real; participation in fair share cost of fire station in North City West; participation in fair share cost of sedimentation basin in North City West south of Carmel Valley; participation in fair share cost of Interchange at I-5 and Carmel Mountain Road; traffic signals and widening of on and off ramps for I-5 at Carmel Valley Road. Dedication of right-of-way for the widening of I-5.

7. *The project will construct a decorative "gateway" to the existing Arroyo Sorrento residential neighborhood.*

The "gateway" sign will be located on Arroyo Sorrento Road at the eastern property boundary in accordance with the Community Plan.

For these reasons, on balance, the decisionmaker finds that there are economic, social and other considerations resulting from this project that serve to override and outweigh the project's unavoidable cumulative visual quality and air quality effects and, thus, are considered acceptable.

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R-281469

**MITIGATION MONITORING AND REPORTING PROGRAM
TORREY RESERVE PROJECT
DEP NO. 85-0824**

The California Environmental Quality Act (CEQA) requires that a Mitigation Monitoring and Reporting Program be adopted upon certification of an environmental impact report (EIR) in order to ensure that the mitigation measures are carried out. The Mitigation Monitoring and Reporting Program specifies what the mitigation is, when in the process it should be accomplished, and the agency or City department responsible for ensuring that the mitigation is completed.

The mitigation monitoring program for the Torrey Reserve Planned Commercial Development permit (PCD) falls under the jurisdiction of the City of San Diego. The following is a brief description of the impact, followed by the mitigation, including when it should occur and the departments who would monitor it.

I. LANDFORM ALTERATION/VISUAL QUALITY

Due to the magnitude (11,700 yards per acre) of the fill proposed within the project site, particularly within Unit 2, impacts to the existing landform are considered potentially significant. Incorporation of sensitive grading techniques, revegetation of manufactured slopes and disturbed areas, and the use of terraced building pads, impacts associated with landform alteration would, however, reduce the visual and grading impacts to a level below significance.

Implementation of the proposed project would result in a significant change to the existing visual environment from vacant to urban in conformance with the Sorrento Hills Community Plan.

Implementation of the following mitigation measures would reduce potentially significant grading and direct visual impacts to a level below significance:

- a. Manufactured slopes would be rounded to give a natural appearance and to blend with the existing topography. These measures shall be shown on the grading plan with a note identifying them as environmental requirements.
- b. As a condition of the vesting tentative map (VTM), a final landscape plan shall be prepared by a qualified landscape architect. This plan shall be in substantial conformance with the conceptual plan and shall include the following:
 1. Native plant species considered useful for controlling erosion would be planted on the slopes. Native, drought-tolerant species that would blend with existing vegetation would be planted on the manufactured slope and crib walls.
 2. Manufactured slopes would be landscaped within 60 days of grading to prevent erosion and visual impacts. Large pads shall be hydroseeded if construction does not follow within 60 days.

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3. Manufactured slopes will be provided with temporary irrigation systems to assure plants become established.
4. Crib-type retaining walls shall be planted within 60 days of their construction.

Prior to issuance of grading permits, the Environmental Analysis Section (EAS) and Engineering and Development (E&D) Department shall review and approve the grading and landscape plans to ensure that sensitive grading techniques are being utilized and that manufactured slopes and crib-type retaining walls are landscaped in conformance with the conceptual landscape plan. A note shall be included on the grading plans requiring the applicant to notify the Principal Planner of EAS two weeks before grading begins and for the follow-up inspection after grading is complete. Also, prior to the issuance of grading plans, a surety bond shall be posted by the applicant.

The applicant shall retain a soils engineer and landscape architect to monitor the grading, construction, and revegetation of the project and submit in writing to the City Engineer and EAS certification that the project has complied with the required mitigation measures on the grading plans. Other than minor changes in grading, the applicant shall process construction changes through the Planning Department. After the Planning Director and City Engineer approves the grading, a recommendation shall be made to the City Council for the release of the surety bond.

A five-year monitoring program shall be conducted by the project biologist in conjunction with the maintenance program conducted by the landscape contractor for those disturbed areas and manufactured slopes addressed in the revegetation plan. A separate surety bond shall be posted to ensure installation and maintenance of the landscaping. Monitoring shall be conducted by a biologist with experience in preparation and implementation of revegetation programs and commence following the completion of planting and hydroseeding operations. Survival counts shall occur quarterly for the first year and annually for years two through five. A total of five annual reports shall be prepared upon completion of the data collection and analysis.

Quantitative analysis shall consist of measurements using belt transects. Measurements shall include height, cover, and survival to be evaluated against the following milestones:

- Year 1 90 percent of container stock
- Year 2 80 percent survival of container stock
40 percent cover of all native vegetation (container stock and hydroseed vegetation)
- Year 3 80 percent survival of container stock
50 percent cover of all native vegetation
- Year 4 80 percent survival of container stock
60 percent cover of all native vegetation
- Year 5 80 percent survival of container stock
80 percent cover of all native vegetation

Survival rates shall be determined four times during the first year and during the transect visits of subsequent years. The inventory taken at each visit shall include species and surviving numbers for all plants established from container stock.

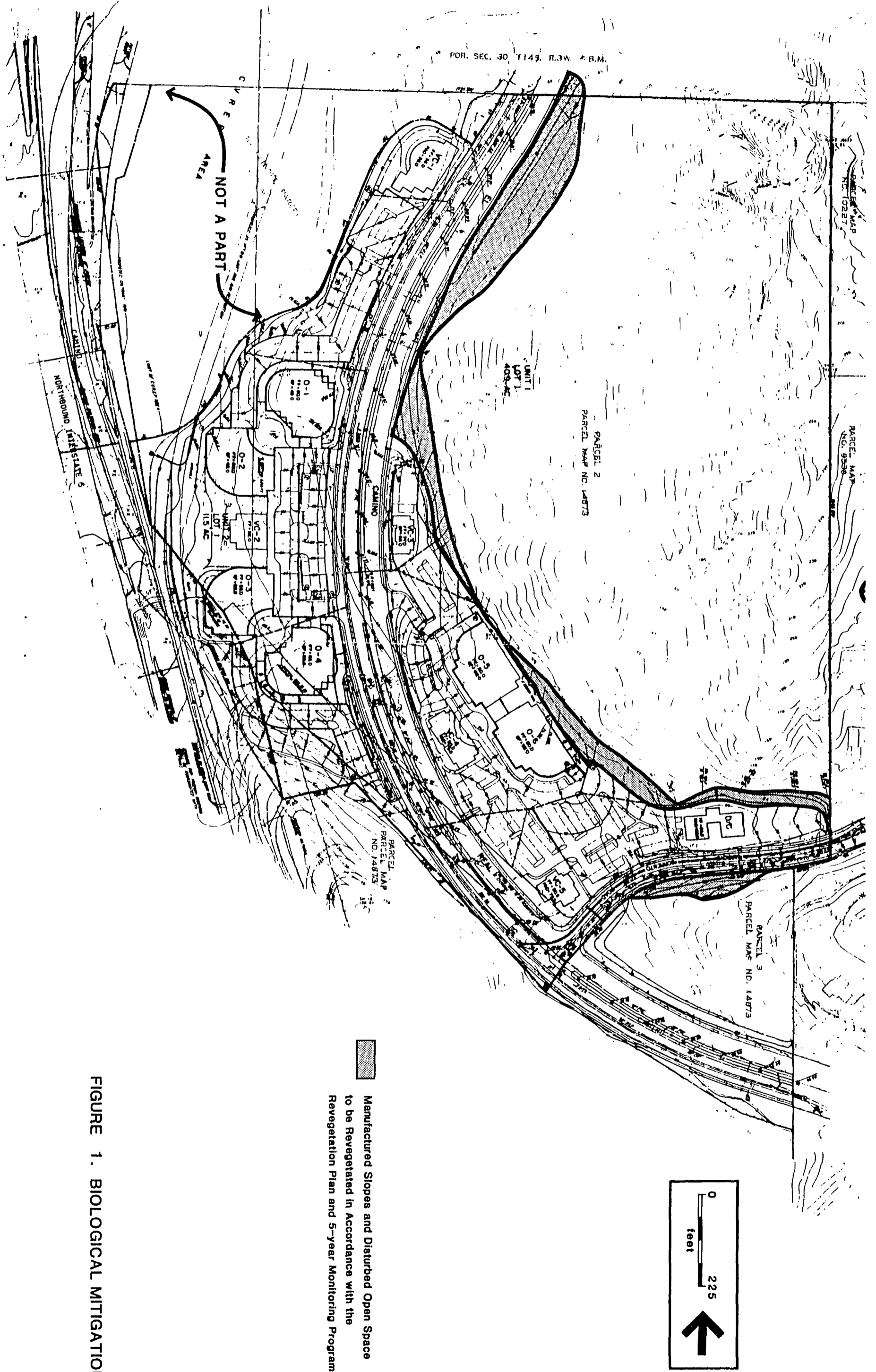
Progress and annual technical reports shall be submitted to the Planning Department after each inspection. The reports shall describe the site and plant conditions, report results of the technical analysis, and shall include proposed remedial action. The bond shall be released at the end of the five-year monitoring program period if compliance with the survival rates listed above are met. This process shall be seen as satisfying the provisions of Assembly Bill 3180 for mitigation monitoring.

II. BIOLOGICAL RESOURCES

The anticipated direct impacts to sensitive biological resources (0.43 acre of southern maritime chaparral) are considered significant. Indirect impacts to native plant communities and associated sensitive plant and animal species are potentially significant.

Implementation of the following mitigation measures would reduce potential direct impacts to 0.43 acre of southern maritime chaparral and indirect impacts to a level below significance and ensure that sensitive resources in the eastern portion of the site are protected.

- a. Manufactured slopes and disturbed open space areas adjacent to undisturbed native habitat (approximately 2.2 acres) shall be vegetated with native species which are known to occur locally in accordance with the revegetation plan. Torrey pine may be used as a landscape element adjacent to the natural areas; however, it should not be planted within native habitat areas, as that would degrade the quality of this habitat for California gnatcatchers. No non-native plant species which are known to invade native habitats should be planted adjacent to natural areas. A surety bond to assure implementation of the revegetation program shall be a condition of PCD No. 85-0824. Successful revegetation of these areas with southern maritime chaparral would serve to fully mitigate 0.43 acre of impact to southern maritime chaparral; a total of approximately 2.2 acres of disturbed areas and manufactured slopes would be revegetated resulting in greater than a 3:1 ratio of mitigation area (Figure 1).
- b. Effective erosion control measures shall be noted on grading plans and shall be implemented during project construction, to reduce impacts from soil erosion and resultant sedimentation of off-site wetlands.
- c. The landscape contractor for the project shall be instructed to avoid the use of pesticides or herbicides within and adjacent to the open space easement. This shall be noted on the landscape plans.
- d. Street lighting shall be designed to avoid lighting the open space easement area. Building/parking lot lighting shall be directed away from open space and only minimal security lighting shall be provided in areas adjacent to natural open space. This shall be noted on the building plans.





 Manufactured Slopes and Disturbed Open Space
 to be Revegetated in Accordance with the
 Revegetation Plan and 5-year Monitoring Program

FIGURE 1. BIOLOGICAL MITIGATION

- e. Prior to the issuance of grading permits, a revegetation plan and landscape plan shall be approved by the Environmental Analysis Section and a surety bond posted to ensure installation and maintenance. After the City Engineer approves the grading for the property and receives certification from a qualified biologist that the landscaping has been installed in substantial conformance with the approved plans, part of the bond may be released. Protection of open space areas shall be monitored by flagging of the limits of grading prior to grading next to the open space.
- f. A five-year monitoring program shall be conducted by the project biologist in conjunction with the maintenance program conducted by the landscape contractor for those disturbed areas and manufactured slopes addressed in the revegetation plan. Monitoring shall be conducted by a biologist with experience in preparation and implementation of revegetation programs and commence following the completion of planting and hydroseeding operations as outlined in the previous Visual Quality section. Survival counts shall occur quarterly for the first year and annually for years two through five. A total of five annual reports shall be prepared upon completion of the data collection and analysis.

III. GEOLOGY/SOILS

Potentially significant geologic impacts related to slope stability, groundwater seepage, erosion, site excavation, and expansive soil conditions are mitigable through implementation of specific grading and design recommendations.

Implementation of the following mitigation measures would reduce potentially significant risk due to geologic or soil constraints of the property to a level below significance:

- a. Slope Stability. Due to adverse jointing and loosened blocks of sandstone in the area of the proposed crib wall and other proposed cut slopes, it may be necessary to flatten the construction slopes, excavate and construct the wall in segments, or provide temporary shoring if adverse geologic conditions are encountered during construction. It is recommended that all cut slopes for the project be observed by an engineering geologist during grading.
- b. Groundwater
 - 1. Canyon subdrains shall be installed beneath fills in major hillside drainages to collect and allow free discharge of accumulating groundwater west of El Camino Real and along Arroyo Sorrento Road.
 - 2. All cut slopes and excavations shall be observed by an engineering geologist for groundwater seepage during construction.
 - 3. Positive measures shall be taken to properly finish grade each pad so that drainage waters from the pad and adjacent properties are directed off the property in a controlled system to prevent erosion. As the pads are developed, positive measures shall be taken to

direct water off the pad and away from foundations, floor slabs, and slope tops.

c. Erosion. Significant erosion impacts are mitigated through implementation of erosion control measures required by City Document #00-17068. These conditions are noted on grading plans. Landscaping of manufactured slopes shall be completed in accordance with the landscape plan. No further mitigation is necessary.

d. Excavation and Soil Characteristics

1. To mitigate potential settlement impacts, oversized rock fragments (between six inches and two feet in maximum dimension) shall be placed in accordance with the Guide Specifications for Oversize Rock Placement included as Appendix E of the 1990 Woodward-Clyde report.
2. In order to provide a subsurface barrier to reduce the potential for moisture migration, the structures shall be provided with a continuous perimeter concrete footing extending at least 18 inches below lowest adjacent grade and 12 inches wide.
3. Future structures shall not be founded across daylight lines (the point or area where grading abuts natural ground) to provide a minimum thickness of compacted fill across the entire pad.

e. General Site Preparation and Grading

1. The site grading shall be performed in accordance with the Guide Specifications for Earthwork included as Appendix C of Woodward-Clyde's 1990 report and be observed by a qualified geotechnical engineer. A pre-construction conference shall be held at the site with the developer, civil engineer, contractor, and geologist.
2. Undocumented fills shall be excavated, prepared, and properly compacted where compaction records are not available. Additional borings shall be made prior to grading by a qualified geotechnical engineer to evaluate the thickness and extent of the alluvium.
3. Existing fill soils, and loose, porous surficial soils, terrace deposits, and alluvium shall be excavated, or scarified if less than 12 inches thick, watered or dried, as required, and then compacted prior to placing any new fill to mitigate unstable soil conditions.
4. Debris, vegetation, and demolition products shall be removed from areas to be graded and from existing fills and be disposed of off-site prior to moving earth. Subgrade materials in the upper 3 feet of the building areas and the upper 12 inches in pavement areas in both cut and fill zones shall be composed of select material.

Prior to the issuance of grading permits, a performance bond shall be posted to ensure grading is conducted in conformance with the approved plans. The EAS and E&D shall review and approve the grading and landscape plans to ensure that the mitigation measures have been addressed and that manufactured slopes are to be landscaped in conformance with the conceptual landscape plan. Final plans

shall indicate mitigation measures under the heading of "Environmental Requirements." A soils engineer and engineering geologist shall prepare a final soils report at the completion of grading that certifies that the grading has been completed in substantial conformance to the grading plans and specifications. This final soils report shall be submitted to the City Engineer and the Building Department. The performance bond shall not be released and no building permits issued until this report is approved by the City Engineer. This process shall be seen as satisfying the conditions of Section 21081.6 of the Public Resources Code, mitigation monitoring.

IV. HYDROLOGY/WATER QUALITY

a. Hydrology. Erosion control measures that would be incorporated into the proposed project would reduce potentially significant on-site erosion and subsequent sedimentation impacts to the Carmel Valley Restoration and Enhancement Project (CVREP) area and Los Penasquitos Lagoon to a level below significance.

In order to ensure that the increased runoff and potential erosion and urban pollutants generated from the development of this property does not adversely impact the Los Penasquitos Lagoon, the following measures, in addition to those required by City Clerk Document No. 00-17068, would be incorporated into the project design as conditions of approval for the Planned Commercial Development (PCD) and Coastal Development Permit (CDP):

1. A grading plan that incorporates runoff and erosion control procedures to be utilized during all phases of the project development shall be prepared and submitted concurrently with subdivision improvement plans, where such development is proposed to be developed on land that will be graded or filled. Such a plan shall be prepared by a registered civil engineer and shall be designed to ensure that there will be no significant increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years. Runoff control shall be accomplished by establishing on-site catchment basins, detention basins, and siltation traps along with energy dissipating measures at the terminus of storm drains or other similar means of equal or greater effectiveness. Alternative designs for the implementation of runoff and erosion control devices on individual lots, at site planning stage, shall be approved by the City Engineer and Planning Department.

The grading plan shall incorporate a maintenance program for erosion and runoff control measures, which shall be approved by the City Engineer and Planning Department. The erosion and runoff control measures shall be designed and bonded prior to recordation of the final map; erosion control measures shall be implemented prior to acceptance of the grading and public improvements by the City. The applicant and future property owners shall be responsible for the specialized maintenance program and shall maintain records of the maintenance.

2. Sediment basins, desilting basins, or silt traps shall be installed in conjunction with the initial grading operations and maintained through the development process, as well as during the operation period, as necessary, to remove sediment from runoff waters draining from the land undergoing development.
3. All grading activities shall be prohibited during the rainy season, which is designated by the City as the period from November 15 to March 31.
4. Landscaping of cut/fill slopes and the undeveloped building pads shall be accomplished within 30 days of completion of grading activities.

The above measures shall be noted on grading plans. Prior to the issuance of grading permits, the EAS shall review plans to ensure the measures have been provided. In conformance with the provisions of Assembly Bill 3180, the applicant shall retain a soils engineer to monitor the grading, construction, installation of runoff control devices, and revegetation of the project and submit in writing to the City Engineer and the EAS certification that the project has complied with the required notes on the grading plans addressing erosion/urban runoff controls prior to issuance of building permits for the project.

b. Water Quality. The increase in amount of urban pollutants in runoff is considered a cumulatively significant impact. The following mitigation, monitoring and reporting requirements would reduce the project's contribution to a level below significance.

During grading and construction of the proposed improvements, steps shall be taken to ensure that all waste chemicals, especially lubricants, paints, and fuels are properly contained and transported off-site, where they should be recycled or destroyed. The installation of temporary desilting basins during grading, permanent pollution control devices, and rock energy dissipaters at drainage discharge points will reduce the load of urban pollutants before they reach the lagoon. The above measures shall be noted on the grading plans.

Pollution control devices shall be provided to the satisfaction of the City Engineer in conjunction with site development and shall be a condition of the PCD and CDP. The locations shall be noted on the grading plans. Prior to the issuance of grading permits, the EAS shall review the plans to ensure the measures have been provided. The applicant shall notify the EAS upon installation of the pollution control devices prior to release of the subdivision bond. Annual maintenance reports summarizing their effectiveness shall be provided to the EAS. The maintenance shall be the responsibility of the applicant and then the property owner for the individual lots. The City shall be responsible for maintenance of drainage improvements in the public right-of-way.

Prior to issuance of grading permits, the Engineering and Development Department and Environmental Analysis Section shall review grading and improvement plans for inclusion of pollution control devices.

V. NOISE

The projected exterior noise levels in the areas of the proposed visitor commercial and office buildings in Unit 1 and 2 of the Torrey Reserve project are within the City of San Diego standards. Future building plans will be subject to review by the Noise Abatement Office to ensure internal noise levels do not exceed 50 dBA CNEL.

A 50 dBA CNEL interior noise level shall be ensured by future review of building plans by the City's Noise Abatement Office. Planning will not issue permits until plans are reviewed and approved by the Noise Abatement Office.

VI. PALEONTOLOGICAL RESOURCES

Development of the proposed project would have the potential for significant impacts to paleontological resources.

The following mitigation measures are required to reduce the adverse impacts of the development of the proposed project to a level less than significant.

- a. Prior to construction activities, the EAS Project Manager shall provide verification that a qualified paleontologist and/or paleontological monitor have been retained to implement the monitoring program. Verification shall be in the form of a letter from the Project Manager to the Principal Planner of the Environmental Analysis Section of the City Planning Department. A qualified paleontologist is defined as an individual with a Ph.D. or master's degree in paleontology or geology who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist. All persons involved in the paleontological monitoring of this project shall be approved by EAS prior to the preconstruction meeting.
- b. The qualified paleontologist shall attend any preconstruction meetings to consult with the excavation contractor. The requirement for paleontological monitoring shall be noted on the construction plans. The paleontologist's duties shall include monitoring, salvaging, preparation of materials for deposit at a scientific institution that houses paleontological collections, and preparation of a results report. These duties are defined as follows:
 1. Monitoring. The paleontologist or paleontological monitor shall be on site during the original cutting of previously undisturbed areas of the Delmar Formation and Torrey Sandstone to inspect for well-preserved fossils. The paleontologist shall work with the contractor to determine the monitoring locations and the amount of time necessary to ensure adequate monitoring of the project.
 2. Salvaging. In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to

allow recovery of fossil remains in a timely manner. Recovery is anticipated to take from one hour to a maximum of two days. At the time of discovery, the paleontologist shall contact EAS. The EAS must concur with the salvaging methods before construction is allowed to resume.

3. Preparation. Fossil remains shall be cleaned, sorted, catalogued, and then deposited in a scientific institution that houses paleontological collections (such as the San Diego Natural History Museum).
 4. Monitoring Results Report. A monitoring results report, with appropriate graphics, summarizing the results, even if negative, analysis, and conclusions of the above program shall be prepared and submitted to EAS within three months following the termination of the paleontological monitoring program.
- c. The Project Manager shall notify EAS staff of any preconstruction meeting dates and of the start and end of construction.

331A

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Passed and adopted by the Council of The City of San Diego on
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
District 8 - VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Blonda B. Baird* Deputy.

Office of the City Clerk, San Diego, California

Resolution
Number

R-281469

Adopted

FEB 09 1993