

(R-94-66)

RESOLUTION NUMBER R- 282640  
ADOPTED ON SEP 14 1993

WHEREAS, SO-CAL DEVELOPMENT, a California Corporation, Owner/Permittee submitted an application to the Planning Department for a Tentative Map, Planned Industrial Development Permit, Resource Protection Ordinance Permit, Planned Residential Permit and Rezone Case No. 89-0508; 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 SEP 14 1993  
\_\_\_\_\_; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Environmental Impact Report No. 89-0508; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Environmental Impact Report No. 89-0508, 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 Golden Triangle Business Center.

BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council hereby adopts the Statement of Overriding Considerations, a copy of which is attached hereto and incorporated herein by reference, with respect to the project.

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 which is attached hereto and incorporated herein by reference.

APPROVED: JOHN W. WITT, City Attorney

By

  
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Harold O. Valderhaug  
Chief Deputy City Attorney

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Or.Dept:Plan.  
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## FINDINGS

(Sec. 15091 of the State CEQA Guidelines, Revised August 13, 1983)

(a) No public agency shall approve or carry out a project for which an EIR has been completed 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, social, or other considerations 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.

## STATEMENT OF OVERRIDING CONSIDERATIONS

(Sec. 15093 of the State CEQA Guidelines, Revised August 13, 1983)

(a) CEQA requires the decisionmaker to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable".

(b) Where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR but are not at least 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. This statement may be necessary if the agency also makes a finding under Section 15091(a)(2) or (a)(3).

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination.

R- 282640

## FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

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.

(Section 21081 of the California Environmental Quality Act)

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 at least 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 (Section 15093 of the CEQA Guidelines).

The following Findings and Statement or Overriding Considerations have been submitted by the project applicant as candidate findings to be made by the decision making body. The Environmental Analysis Section 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.

**CANDIDATE FINDINGS AND  
STATEMENT OF OVERRIDING CONSIDERATIONS**

**GOLDEN TRIANGLE BUSINESS CENTER**

**(DEP No. 89-0508)**

The following findings are made relative to the conclusions of the Final Environmental Impact Report (FEIR) for the proposed Golden Triangle Business Center project in the City of San Diego (DEP No. 89-0508). The discretionary actions associated with the proposed project include approval of a (an):

- Three-lot Tentative Subdivision Map;
- Rezone that would rezone the site from R1-5000 to SR - Scientific Research;
- Planned Industrial Development (PID) Permit;
- Resource Protection Ordinance (RPO) Permit;
- Land Development Permit (LDP); and
- Amendment to Planned Residential Development (PRD) Permit No. 84-0223 for the Towne Centre Apartments.

In addition, permission to grade and construct the access road on City-owned property would have to be obtained.

The project proposes a three-lot resubdivision of the Towne Centre Apartments map. Lot 1 would be a 2.81-acre lot that would accommodate a 48,744-square foot scientific research facility in a two-story structure. Access would be gained by a new local street extending from future Nobel Drive through a portion of the Towne Centre Apartments to the northwest corner of the project site. Lot 2 (4.22 acres) would be a reconfiguration of a portion of the existing Towne Centre Apartments to accommodate the proposed access road. Lot 3 (0.60 acres) would be an open space lot.

The following findings are made pursuant to Section 21081 of the California Public Resources Code and Section 15091 of Title 14 of the California Administrative Code.

## FINDINGS

### A. Public Resources Code Section 21081 (a).

The decisionmaker(s), having reviewed and considered the information contained in the Final EIR for the proposed Golden Triangle Business Center project and associated discretionary actions, and having reviewed and considered the information in the public record, find that changes have been incorporated into the project which mitigate or avoid or substantially lessen the significant environmental impacts thereof, except for Cumulative Biology Impacts, as identified in the Final EIR. Specifically:

#### LANDFORM ALTERATION/VISUAL QUALITY

Impact: The proposed project would result in a total of 55,000 cubic yards of grading over 6.75 acres (project site and access road combined), for an overall grading ratio of 8,151 cubic yards of grading per acre. Although reduced from that associated with the original proposal, the grading would still exceed the significance threshold of approximately 2,000 cubic yards per acre. Therefore, the proposed project would result in a significant landform alteration impact. The proposed grading plan includes the installation of a retaining wall to minimize grading along the northern boundary of the project site; the retaining wall would not be visible from off-site. The proposed building and manufactured slopes at the southwest corner of the site would be visible from the Rose Canyon Open Space System as well as from residences located on the mesa to the south of Rose Canyon; however the building, and grading would be screened by landscaping to mitigate visual impacts to a level less than significant.

Finding: Adoption of the alternative access road alignment now proposed by the project would substantially reduce landform alteration impacts (55,000 cubic yards or 8,151 cubic yards per acre vs. 122,000 cubic yards or 18,209 cubic yards per acre associated with the original proposal). The existing topography, Towne Centre Apartments and the proposed building would partially screen the access road cut and retaining wall proposed to be located along the northern property line. The proposed manufactured slopes would be contour graded to blend naturally with the adjacent topography. Proposed landscaping with street trees and plantings along the Rose Canyon Open Space System would reduce the visual quality impacts associated with landform alteration to a level less than significant.

#### BIOLOGY

Impact: The proposed project would result in the direct loss of 0.50 acres of Diegan Sage Scrub vegetation of moderate quality (on-site) and 0.32 acres of disturbed Diegan Sage Scrub (off-site). This is considered to be a significant direct and cumulative impact. The development of the project is not expected to directly impact the California Gnatcatcher pair located to the north of the project site; however, given recent studies indicating that Gnatcatchers utilize 7 to 20 acres of habitat, the project site could be within the habitat area of the Gnatcatchers.

Mitigation for the loss of 0.50 acres of on-site Diegan Sage Scrub, and 0.32 acres of off-site Diegan Sage Scrub would be required. The habitat proposed to be acquired for off-site biological mitigation is located north of the Los Penasquitos Canyon Preserve and is contained within Assessor's Parcel Number 309-010-18. The 2.0-acre area proposed to be dedicated as open space contains Chamise Chaparral with large areas of pygmy spike-moss (*Selaginella cinerascens*), Coast Barrel Cactus (*Ferocactus viridescens*), and Summer-Holly (*Comarostaphylis diversifolia* ssp. *diversifolia*).

The mitigation program for the off-site habitat would consist of the following action by the applicant:

- 1) As a condition of the Tentative Map and prior to the recordation of the Final Map, a negative Open Space Easement over the area containing the habitat to be recorded, (or some similar easement acceptable to the City) would be acquired by the applicant. The easement would provide that the use of the property would be limited to activities compatible with the preservation of the sensitive biological resources. The property owner would be responsible for long-term maintenance of the easement.
- 2) The applicant shall provide fee title as proof that the property has been purchased prior to obtaining land development permits.
- 3) In the event that the property is not available for purchase at the time land development permits are requested, the applicant shall identify and purchase an alternative mitigation site that is reviewed and approved by the Principal Planner, EAS or contribute to the City of San Diego's mitigation fund for the purchase of off-site mitigation property to the satisfaction of the Principal Planner, EAS.

**Finding:** The off-site acquisition of Diegan Sage Scrub for placement in biological open space for the impacts to the Diegan Sage Scrub would mitigate the direct biological impacts of the proposed project and access road to a level less than significant. However, cumulative impacts to biological resources would remain significant and unmitigated. Full mitigation of the impact to Biological Resources would require adoption of the No Project alternative or Alternative Location alternative.

#### **DRAINAGE/HYDROLOGY**

**Impact:** The proposed development would require filling the two existing natural drainage courses that cross the project site. An underground drainage system would be installed to carry the upstream runoff through the project site. Development of the site has the potential to increase runoff into Rose Creek from the site by increasing the amount of impervious surface and installing an irrigation system for landscaped areas. The greatest potential for erosion would take place during the grading and construction of the project when the existing vegetation cover would be removed. Standard requirements of the City (e.g., erosion control plan, sandbagging during construction, erosion control planting, etc.) would be implemented during construction. Two catch basins are included in the drainage plan to collect runoff from the site. The drainage would be discharged through rip-rap energy dissipators to minimize erosion. Runoff from the area north of the project site would be transported by drainage pipes to the energy dissipators.

**Finding:** The increased runoff and erosion resulting from the implementation of the proposed project would result in a significant impact to Rose Creek and the Rose Canyon Open Space System. The following mitigation plan would reduce the potentially significant impacts associated with drainage/hydrology:

- 1) An 18-inch drain and catch basins have been included in the drainage plan to collect runoff from the site. The drainage shall be discharged through rip-rap energy dissipators to minimize erosion. A rip-rap energy dissipator shall also be installed at the terminus of the drainage pipes that would carry runoff from the area north of the project site to Rose Canyon.
- 2) The grading plan shall incorporate a maintenance program for erosion and runoff control measures which shall be approved by the City Engineer. 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 plan and public improvements by the City. The project applicant shall be responsible for the specified maintenance program and shall maintain records of the maintenance.

- 3) 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.

The City of San Diego has developed standards for Urban Stormwater Management Plans that comply with the 1987 amendments to the Federal Clean Water Act, administered by the Environmental Protection Agency (EPA). These standards require applicants to identify and implement Best Management Practices (BMP's) to address urban runoff pollution impacts.

Municipalities in the San Diego region, including the City of San Diego, must also comply with the California State Water Resources Control Board (SWRCB) NPDES permit No. CA 0108757 which consists of wastewater discharge requirements for storm water and urban runoff. To comply with Permit No. CA 0108757, the City of San Diego must complete a Best Management Practices Program for Stormwater Pollution Control. The BMP will detail water quality control measures to be implemented on a city-wide basis.

- 4) To reduce water quality impacts from urban runoff the applicant shall develop a program that would manage and control non-point source pollution. The applicant shall identify and supplement an Urban Stormwater Management Plan in accordance with design criteria established by the City of San Diego. The most effective practices identified include detention ponds, grass swales and wetland creation.
- 5) To reduce short-term water quality impacts, pollution control devices, including rip-rap energy dissipators, shall be installed to intercept flow before discharge into the natural drainage system to the extent determined feasible by the City Engineer. In addition, such practices as adequate drainage provisions, restorative measures for revegetation and slope stabilization shall be implemented to further reduce impacts

The EAS and Engineering and Redevelopment Department shall review the plans to ensure the measures have been designed to the satisfaction for the City Engineer. The applicant shall notify the EAS upon installation of the pollution control devices.

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. 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 EAS certification that the project has complied with the required notes on the grading plans addressing erosion/runoff measures.

Implementation of these improvements shall be incorporated into the project as conditions of the Tentative Map, Land Development Permit, RPO and PID permit. Implementation of these improvements would reduce the short-term impacts of urban runoff on Rose Creek and Mission Bay. Over the long term, implementation of the city-wide BMP would mitigate the project's contribution to direct and cumulative erosion and water quality impacts.



## **PALEONTOLOGICAL RESOURCES**

**Impact:** Paleontological resources could be affected by the proposed grading. This impact could include the loss of potentially significant fossiliferous deposits.

**Finding:** The following mitigation plan would reduce the potentially significant impacts to paleontological resources:

- 1) Grading plans and schedule of actual development shall be provided to a qualified paleontologist;
- 2) A qualified paleontologist shall be present at any pre-grading meeting to discuss grading plans with the contractors;
- 3) During grading, a qualified paleontologist shall be on-site during the original cutting of previously undisturbed sediments of potential fossil-bearing formations;
- 4) The paleontologist shall be allowed to temporarily direct or divert grading operations to allow recovery of any fossil remains;
- 5) The remains collected from the project site should be deposited in a scientific institution with paleontological collections; and
- 6) Prior to the issuance of building permits, a brief report describing the results of the above monitoring program (even if negative), shall be submitted to the Principal Planner of the Environmental Analysis Section.

The above described mitigation monitoring and reporting program shall be included as conditions of the Tentative Map and shall be part of the City's environmental mitigation monitoring requirements for paleontological impacts related to this project. These mitigation measures would reduce impacts associated with loss of paleontological resources to a level less than significant.

## **CUMULATIVE EFFECTS**

**Impact:** The University Community Plan EIR did not identify cumulative impacts to biological resources associated with buildout of the University Community. Cumulative biological impacts were identified with the proposed project and the future development of city-owned land located north of the project site. Several projects in the surrounding area have been approved and developed since 1985. These projects have contributed to cumulative biology impacts. Significant impacts to Diegan Sage Scrub and riparian habitat resources were identified for the Town Centre Apartments, and Renaissance of La Jolla project. These impacts were determined to be individually mitigable except for the Renaissance of La Jolla; in this case Overriding Considerations were adopted.

**Finding:** The loss of biological resources, although small, would contribute to the cumulative loss of biological resources in the University Community. Cumulatively significant impacts to biological resources can be avoided only by implementing the No Project alternative or the Alternative Location alternative.

**B. Public Resource Code Section 21081 (b)**

The decisionmaker(s), having each reviewed and considered the information contained in the Final EIR for the proposed Golden Triangle Business Center project and associated discretionary actions, and having reviewed and considered the information contained in the public record, find that there are no changes or alterations to the project that would substantially lessen the significant environmental impacts of the project that are the responsibility and jurisdiction of another public agency and should be adopted by such other agency.

**C. Public Resources Code Section 21081 (c)**

As discussed above, the EIR concludes that development of the project as proposed would result in significant, unmitigated cumulative biology impacts. However, pursuant to Public Resources Code Section 21081 (c), the decisionmaker(s), finds that the following independent economic, social and other considerations make infeasible each project alternative identified in the EIR. The decisionmaker(s) further finds that each independent consideration, standing alone, would be sufficient to make infeasible the project alternatives identified in the EIR.

- A. The No Project, Delayed Project, and Alternative Site alternatives present untenable economic impacts as a result of the loss of currently expended funds.

**No Project Alternative**

The No Project alternative would result in the loss of approximately \$1,099,791.00 of currently expended funds. These funds consist of the items shown in Table 1.

Project Cost and Carry Cost	\$975,000.00
Pre-Development Cost	*\$124,791.00
Cost (Pre-project approval)	\$1,099,791.00
* as of 12/1/92	

Delayed Project Alternative

The Delayed Project alternative would result in a loss of \$616,446.00 compared to a profit of \$400,000.00 for the Proposed Project. A comparison of the costs associated with the Delayed Project Alternative and the Proposed Project is presented in Table 2.

Alternative Site Alternative

The Alternative Site alternative would result in a loss of \$912,298.00 compared to a profit of \$400,000.00 for the Proposed Project. A comparison of the costs associated with the Alternative Site Alternative and the Proposed Project is presented in Table 2.

TABLE 2 COMPARATIVE PROJECT COSTS			
COST CATEGORY	PROPOSED PROJECT	DELAYED PROJECT	ALTERNATIVE LOCATION PROJECT
Project Value			
48,744 sq.ft. Scientific Research	\$2,924,640.00 * \$60/sq.ft	\$3,363,336.00 \$69/sq.ft	\$2,924,640.00 \$60/sq.ft
Project Cost			
Pre-project Approval	1,099,791.00	**1,099,791.00	2,392,089.00
Site Development Costs***	375,000.00	431,250.00	50,000.00
Mitigation Measures	65,000.00	74,750.00	0
Interest and Points	350,000.00	402,500.00	350,000.00
Taxes	40,000.00	46,000.00	50,000.00
Management/Overhead	175,000.00	201,250.00	175,000.00
Contingency	150,000.00	172,500.00	150,000.00
Legal	30,000.00	34,500.00	30,000.00
<b>TOTAL COST</b>	<b>\$5,209,431.00</b>	<b>\$5,825,877.00</b>	<b>\$6,121,729.00</b>
* Includes tenant improvements			
** Same as "no delay" because of no carry cost on land.			
*** Site development costs are costs incurred to prepare the site for construction of buildings and do not include building constructions costs.			

- B. Social considerations that make infeasible the No Project and Delayed Project Alternatives involve the loss of employment opportunities that would result from their implementation.

No Project Alternative

The No Project Alternative would provide no employment opportunities.

Delayed Project Alternative

The Delayed Project Alternative would provide no employment opportunities until 1995, a period of 3 years. The employment opportunities lost during this period of time is estimated to be 146 employees (48,744 sq.ft./333<sup>1</sup> sq.ft. per employee) with an annual payroll of \$5,900,000.00 (\$40,410/employee x 146 employees).

This direct employment would support an estimated 112 secondary employees (146 x .77 multiplier factor) with an annual payroll of \$4,525,920.00 (\$40,410 per employee x 112 employees). A total payroll of \$521,296,000.00 (\$5,900,000 + \$4,525,920.00 x 50 yrs.) is expected to be generated over an estimated 50-year life of the project.<sup>2</sup>

Alternative Site Alternative

The University Community Plan designates the project site, and the city-owned land north of the project site, for Industrial (Scientific Research) uses. This designation is related to the proximity of the area to the University of California, San Diego (UCSD). The plan notes that a number of facilities specializing in the life sciences have been attracted to the environs of the UCSD campus.

Development of a scientific research facility on the project site would fulfill the goals of the University Community Plan's Industrial Element (pg. 210). These goals are:

- A. Insure that industrial land needs as required for a balanced economy and balanced land use are met consistent with environmental considerations.
- D. Encourage the development of industrial land uses that are compatible with adjacent non-industrial uses and match the skills of the local labor force.
- E. Emphasize the city-wide importance of and encourage the location of scientific research uses in the North University area because of its proximity to the University of California at San Diego (UCSD).

The Alternative Site Alternative would preclude the development of a scientific research facility within an area designated for that type of development, and would thereby eliminate employment opportunities.

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<sup>1</sup>3 employees per 1,000 square feet

<sup>2</sup>Source: Economic Research Bureau of the San Diego Chamber of Commerce.

**C. Statement of Overriding Considerations**

The decisionmaker(s), having reviewed and considered the information contained in the Final EIR, and having reviewed and considered the public record, find that the following factors support approval of the project despite any significant impacts identified in the Final EIR and, therefore, we make the following statement of overriding considerations:

1. The Golden Triangle Business Center project would provide jobs for 146 employees (48,744 sq.ft./333 sq.ft. per employee) with an annual payroll of \$5,900,000.00 (\$40,410/employee x 146 employees).

This direct employment would support an estimated 112 secondary employees (146 x .77 multiplier factor) with an annual payroll of \$4,525,920.00 (\$40,410 per employee x 112 employees). A total payroll of \$521,296,000.00 (\$5,900,000 + \$4,525,920.00 x 50 yrs.) is expected to be generated over an estimated 50-year life of the project.

An average of 30 construction workers would be employed during the one-year construction period of the project. The construction payroll would total \$1,248,000.00 (30 workers x \$20.00/hr. x 2,080 hrs./yr x 1 yr.).

2. The proposed project would provide \$50,000.00 to \$65,000.00 in annual property tax revenues.
3. The Golden Triangle Business Center would fulfill the goals of the University Community Plan's Industrial Element.

**MITIGATION MONITORING AND REPORTING PROGRAM**

**FOR THE**

**GOLDEN TRIANGLE BUSINESS CENTER**

**DEP No. 89-0508**

The California Environmental Quality Act requires that a Mitigation Monitoring and Reporting Program be adopted upon certification of an 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 and Reporting Program for the Golden Triangle Business Center Project falls under the jurisdiction of the City of San Diego. The following is a description of the Mitigation Monitoring and Reporting Program:

**A. LANDFORM ALTERATION/VISUAL QUALITY**

1. The existing topography, Towne Centre Apartments and the proposed building would partially screen the access road cut and retaining wall located along the northern property line. The proposed manufactured slopes would be contour graded to blend naturally with the adjacent topography. Proposed landscaping with street trees and plantings in front of the crib walls would enable the reduction of visual quality impacts associated with landform alteration to a level less than significant.

2. The proposed building and manufactured slopes would be highly visible from the Rose Canyon Open Space System and residences located on the mesa top to the south. The building and pad grading would be screened by substantial landscaping. The east-facing slope would be contour graded and planted with landscaping to soften its visual appearance. Implementation of the contour grading and the proposed landscaping program would reduce visual quality impacts attributable to project implementation to below a significant level.

## B. BIOLOGY

Mitigation is required for the loss of 0.50 acres of on-site, and 0.02 acres of off-site Diegan Sage Scrub (moderate quality), and the 0.30 acres of off-site Diegan Sage Scrub (fair to poor quality). Potential mitigation plans include enhancement of land in the region with Diegan Sage Scrub already present but degraded, or purchase and dedication as open space of land containing Diegan Sage Scrub. Because the Diegan Sage Scrub being disturbed could be considered habitat for the California gnatcatcher, a 2:1 off-site replacement ratio for the Diegan Sage Scrub is necessary. Approximately 1.31 acres of Diegan Sage Scrub would need to be acquired. (Note: a 0.8 habitat value factor was utilized in determining the acreage to be acquired.)

The project applicant would be required to acquire and preserve an off-site area. Criteria for the selection of an off-site mitigation area are:

1. The quality of the habitat would be equal to, or better than the habitat quality of the project site; and
2. The off-site area is not already protected by land use restrictions, such as an open space easement.

The habitat proposed to be acquired for off-site biological mitigation is located north of the Los Penasquitos Canyon Preserve and is contained within Assessor's Parcel Number 309-010-18 (see Figure 1).

The 2.0-acre area proposed to be dedicated as open space for the impacts associated with the project consists of Areas D and E illustrated on Figure 2. The slopes within Areas D and E contain Chamise Chaparral with large areas of pygmy spike-moss (*Selaginella cinerascens*) and Coast Barrel Cactus (*Ferocactus viridescens*) and Summer-Holly (*Comarostaphylis diversifolia* ssp. *diversifolia*) (See Appendix B).

The mitigation program for the off-site habitat would consist of the following action by the applicant:



1. As a condition of the Tentative Map and prior to the recordation of the Final Map, a Negative Open Space Easement over the area containing the habitat to be recorded, (or some similar dedication acceptable to the City) would be acquired by the applicant. The easement would provide that the use of the property would be limited to activities compatible with the preservation of the sensitive biological resources. The property owner would be responsible for long-term maintenance of the easement.
2. The applicant shall provide fee title as proof that the property has been purchased prior to obtaining land development permits.
3. In the event that the property is not available for purchase at the time land development permits are requested, the applicant shall identify and purchase an alternate mitigation site that is reviewed and approved by the Principal Planner, EAS or contribute to the City of San Diego's mitigation fund for the purchase of off-site mitigation property to the satisfaction of the Principal Planner, EAS.

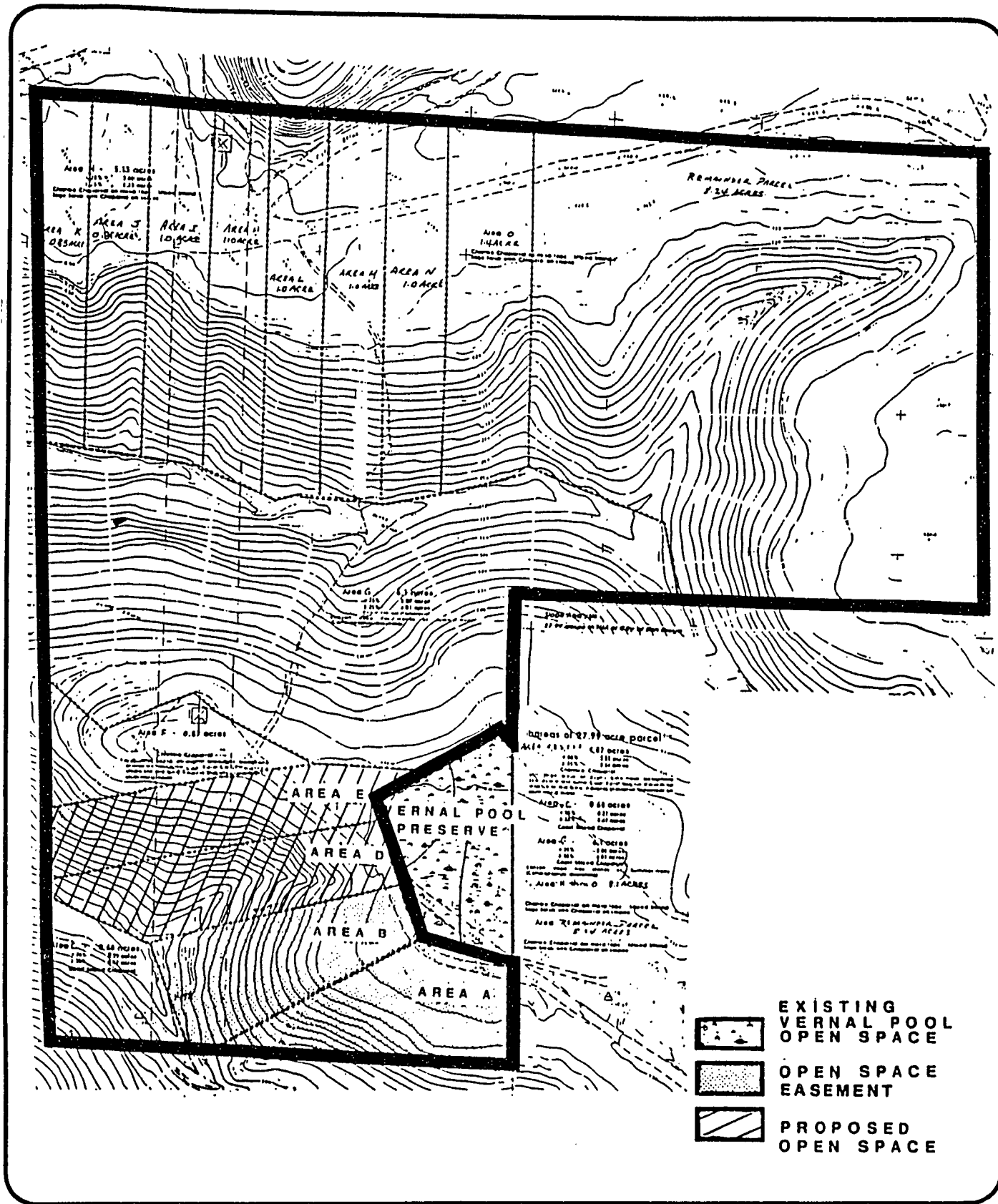
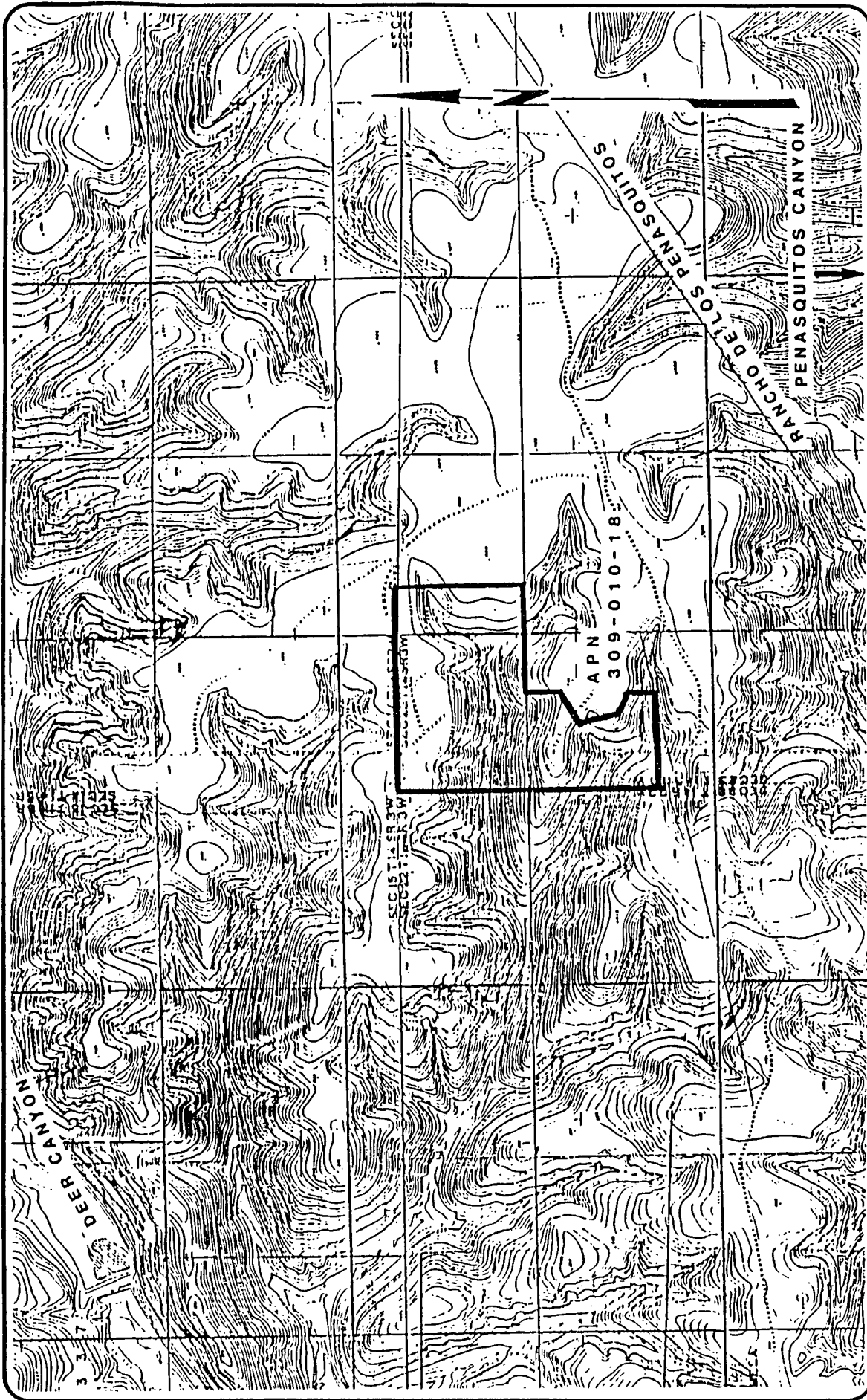


Figure 1

Off-Site Mitigation Area



SOURCE: 800' Base Maps-City of San Diego

Figure 2  
Off-Site Mitigation Location

**C. DRAINAGE AND HYDROLOGY**

a. An 18-inch drain and catch basins have been included in the drainage plan to collect runoff from the site. The drainage shall be discharged through rip-rap energy dissipators to minimize erosion. A rip-rap energy dissipator shall also be installed at the terminus of the drainage pipes that would carry runoff from the area north of the project site to Rose Canyon (see Figure 25).

b. The grading plan shall incorporate a maintenance program for erosion and runoff control measures which shall be approved by the City Engineer. 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 plan and public improvements by the City. The project applicant shall be responsible for the specified maintenance program and shall maintain records of the maintenance.

c. 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.

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. 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 EAS certification that the project has complied with the required notes on the grading plans addressing erosion/runoff controls. Implementation of these measures would reduce the impact of runoff and erosion on Rose Creek to a level less than significant.

2. To reduce water quality impacts from urban runoff the applicant shall develop a program that would manage and control nonpoint source pollution. The applicant shall identify and supplement an Urban Stormwater Management Plan in accordance with design criteria established by the City of San

Diego. The most effective practices identified include detention ponds, grass swales and wetland creation.

To reduce short-term water quality impacts, pollution control devices, including rip-rap energy dissipators, shall be installed to intercept flow before discharge into the natural drainage system to the extent determined feasible by the City Engineer, in addition, such practices as adequate drainage provisions, restorative measures for revegetation and slope stabilization shall be implemented to further reduce impacts

The EAS and Engineering and Development Department shall review the plans to ensure the measures have been designed to the satisfaction for the City Engineer. The applicant shall notify the EAS upon installation of the pollution control devices.

Implementation of these improvements shall be incorporated into the project as conditions of the Tentative Map, Land Development Permit, RPO and PID permit.

#### **D. PALEONTOLOGY**

The following mitigation plan shall be a condition of the tentative map and would reduce the potentially significant impacts to paleontological resources:

1. Grading plans and schedule of actual development shall be provided to a qualified paleontologist;
2. A qualified paleontologist shall be present at any pre-grading meeting to discuss grading plans with the contractors;
3. During grading, a qualified paleontologist shall be on-site during the original cutting of previously undisturbed sediments of potential fossil-bearing formations.
4. The paleontologist shall be allowed to temporarily direct or divert grading operations to allow recovery of any fossil remains.
5. The remains collected from the project site should be deposited in a scientific institution with paleontological collections; and

6. Prior to issuance of building permits, a brief report describing the results of the above monitoring program (even if negative), shall be submitted to the Principal Planner of the Environmental Analysis Section.

The above measures shall be noted on grading plans. Prior to the issuance of grading permits, the EAS shall review plans to ensure that the measures have been provided.

3207

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

**SEP 14 1993**

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"/>
Juan Vargas	<input checked="" 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 *Maureen L. Patterson*..... Deputy.

Office of the City Clerk, San Diego, California

Resolution *R* - **282640** SEP 14 1993  
 Number..... Adopted.....