

RESOLUTION NUMBER R- 286125

ADOPTED ON JUL 18 1995

WHEREAS, on February 8, 1993, Environmental Development, Ltd. submitted an application to the Development Services Department for a Tentative Map, Planned Residential Development Permit, Resource Protection Ordinance Permit and Rezone No. 93-0140; and

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

WHEREAS, the issue was heard by the City Council on JUL 18 1995; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Final Environmental Impact Report No. 93-0140; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that the information contained in Environmental Impact Report No. 93-0140, in connection with Tentative Map, Planned Residential Development Permit, Resource Protection Ordinance Permit, and Rezone No. 93-0140, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970, 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.

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 made with respect to the project, a copy of which is attached hereto and incorporated herein by reference.

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 

Harold O. Valderhaug
Chief Deputy City Attorney

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EXHIBIT A

FINDINGS
AND STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE PROPOSED REMINGTON HILLS PROJECT

The California Environmental Quality Act ("CEQA"), Cal. Pub. Res. Code §§ 21000-21177, and the State CEQA Guidelines, Cal. Code of Regulations, Title 14, §§ 15000-15387, require that no public agency carry out a project for which an environmental impact report ("EIR") has been completed which identifies one or more significant effects thereof unless such public agency makes one or more of the following Findings:

- a. 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 EIR.
- b. 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.
- c. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

(Section 21081 of the California Public Resources Code.)

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 public 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 of Overriding Considerations for the proposed Remington Hills Project 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.

**DRAFT CANDIDATE FINDINGS AND STATEMENT OF OVERRIDING
CONSIDERATIONS REGARDING THE FINAL ENVIRONMENTAL IMPACT
REPORT FOR THE REMINGTON HILLS TENTATIVE MAP, PLANNED
RESIDENTIAL DEVELOPMENT PERMIT, RESOURCE PROTECTION
ORDINANCE PERMIT, AND REZONE**

The following Findings and Statement of Overriding Considerations is made relative to the conclusions of the Final Environmental Impact Report ("Final EIR") for the Remington Hills project, SCH No. 93041017, DEP No. 93-0140, proposed by Environmental Development, Ltd. within the City of San Diego ("City").

The proposed Remington Hills Project ("Project") site is located immediately east of Interstate 805 ("I-805") and south of State Route 905 ("SR-905") in the Otay Mesa Community Plan ("Community Plan") area. The purpose of the Project is to provide new residential development implementing the Community Plan designated uses for the property. The Project would result in the creation of 254 single-family detached residential lots and 15 open space lots on 76.5 acres.

Off-site improvements include realignment and widening of an approximate 1,150-foot portion of Otay Mesa Road to meet two-lane collector standards within a 60-foot wide right-of-way; installation of an eight-inch diameter sewer pipeline storm drain and detention basin just outside the Tentative Map boundary; and two areas of daylight grading within the SR-905 right-of-way along the north-central Tentative Map boundary.

Discretionary actions required to be approved by the City Council for the Project include the following actions: Rezone (RZ 93-0140) from A-1-10 (Agricultural) to R1-5000 (Low Density Residential); Tentative Map (TM 93-0140); Planned Residential Development ("PRD") Permit (PRD 93-0140); Resource Protection Ordinance ("RPO") Permit (RPO 93-0140); Subdivision Improvement Agreement; and Street Vacation for the abandoned portions of Otay Mesa Road.

The Final EIR for the Project evaluates the following environmental issues in relation to the Project: land use policy; landform alteration/visual quality; traffic circulation; noise; geology/soils/erosion; hydrology/water quality; air quality; biological resources; cultural resources; paleontological resources; public facilities and utilities; land use compatibility; wildlife corridors; agricultural conversion; light, glare, and shading; hazardous waste generation and disposal; public risk; housing demand; human health and safety; recreational resources; water conservation; and energy consumption. The Final EIR also evaluates the cumulative and growth-inducing impacts of the Project, as well as alternatives to the Project.

The Final EIR indicates that the Project's direct impacts on the following environmental issues are less than significant, or can be reduced to less than significant levels if all the mitigation measures recommended in the Final EIR are implemented: land use

compatibility; traffic circulation; noise; public facilities (exclusive of short-term impacts to schools and short- and long-term impacts to parks) and utilities; air quality; biological resources; cultural resources; paleontological resources; geology/soils/erosion; hydrology/water quality; land use compatibility; wildlife corridors; agricultural conversion; light, glare, and shading; hazardous waste generation and disposal; public risk; housing demand; human health and safety; recreational resources; water conservation; and energy consumption.

The Final EIR indicates that the Project's direct impacts on the following environmental issues will remain significant even after all feasible mitigation measures recommended in the Final EIR to reduce impacts are implemented: land use policy and land form alteration/visual quality.

The Final EIR indicates that the Project's cumulative impacts on the following environmental issues will remain significant even after all feasible mitigation measures in the Final EIR are implemented: land use policy; landform alteration/visual quality; schools; parks; air quality; biological resources; and cultural resources.

The following findings are made pursuant to Section 21081 of the California Environmental Quality Act ("CEQA"), Cal. Pub. Res. Code §§ 21000-21177, and Title 14 of the California Code of Regulations, Sections 15091 and 15093 ("CEQA Guidelines").

A. Section 21081(a) Findings

The City, having independently reviewed and considered the information contained in the Final EIR, the appendices and the record, finds that, pursuant to CEQA and the State CEQA Guidelines (Cal. Code of Regulations, Title 14, §§ 15000-15387), changes or alterations have been required of, or incorporated into, the proposed Project which mitigate, avoid, or substantially lessen the significant environmental impacts identified in the Final EIR, including: land use policy; land form alteration/visual quality; traffic/circulation; noise; air quality; biological resources; cultural resources; paleontological resources; and public facilities and utilities.

1.0 Land Use Policy

Impact. The Final EIR indicates that the Project would not comply with the lot size requirements of the proposed R1-5000 zone; therefore, the Final EIR identified a significant direct land use impact. Approximately 118 residential lots would not comply with the lot size requirements of the proposed R1-5000 zone (i.e., 5,000 square feet). To conform with the lot size requirements of the R1-5000 zone, the Project would require a substantial redesign and a reduction in density.

The Final EIR indicates that the Project would result in significant direct and cumulative land use policy impacts as a result of nonconformance with the RPO encroachment allowances for biologically-sensitive lands and steep slopes. The Project would exceed the calculated RPO encroachment allowance of 1.44 acres for the combined area of steep slopes and

biologically-sensitive lands (i.e., 0.57 acre of steep slopes and 0.87 acre biologically-sensitive lands) by 9.91 acres. The Final EIR identifies a total encroachment of 5.15 acres as a result of the development (of which 0.6 acres are related to biologically-sensitive lands and 4.55 acres are related to slopes) and a total encroachment of 6.2 acres related to streets and utilities (including 4.5 acres related to biologically-sensitive lands and 1.7 acres related to slopes).

The Final EIR also indicates the Project would conflict with the grading and landform preservation goals of the Community Plan. The Project does not follow each of the "guidelines for relating landforms to grading" which are provided in the Community Plan, particularly as these guidelines emphasize "terrain-fitting" grading concepts such as striving to retain natural land forms, rounding tops and toes of slopes to simulate natural contours and undulation of banks. As discussed in the Final EIR, the City finds that the Project does not fully implement these guidelines for the following reasons: proposed grading for the Project would involve lowering the tops of the three on-site hills; terracing of building pads and streets; filling the intervening swales and drainages; and creation of maximum 40-foot high manufactured slopes. Significant and unmitigated environmental impacts will be associated with the failure to implement these grading concepts.

Finding. Changes or alterations have been required in or incorporated into the Project which reduce, but not to below a level of insignificance, the direct and cumulative effects on land use policy.

If the requested PRD permit for the Project is approved by the City, the Project would be consistent with the City's Zoning Code requirements. Nevertheless, the resulting inconsistency with the intensity of development contemplated by the underlying zoning would increase the severity of impacts to air quality, schools, and parks. Therefore, direct and cumulative land use impacts of the Project relative to the proposed underlying zoning would remain significant and unmitigated. Full mitigation for land use policy impacts would require implementation of the "No Project," "Reduced Project," or "Clustered Project" Alternatives.

Lack of Project compliance with the RPO development regulations exacerbate the significant impacts to landform alteration/visual quality. While a RPO Permit may be approved through the alternative compliance process, there is no alternative compliance for the inconsistency with RPO development regulations. Therefore, the excessive encroachment into steep slopes and biologically-sensitive lands remains a significant direct and cumulative land use policy impact notwithstanding an alternative compliance finding.

Implementation of the following mitigation measure would reduce direct, but not cumulative, land use policy conflicts with the RPO but not to below a level of significance.

Mitigation Measure IV.H.1(a): Prior to recordation of a Final Map, the applicant shall demonstrate to the satisfaction of the Principal Planner of EAS that the following habitats and specified acreages have been acquired and preserved off-site: maritime succulent scrub (6.4 acres) and Diegan sage scrub (11.2 acres). The specified acreages reflect 2:1 compensation ratios for the long-term conservation value of the site due to the presence of

coastal California gnatcatchers and cactus wrens within the habitats to be impacted. The off-site acquisition area shall meet the preserve design criteria of the NCCP and MSCP.

The off-site acquisition area shall be deemed mitigation for the loss of on-site coastal California gnatcatcher habitat if demonstrated that it either supports, or provides suitable habitat to support, this federally-threatened bird species. Otherwise, additional areas demonstrated to be suitable as coastal California gnatcatcher habitat shall be acquired and preserved off-site to achieve the desired mitigation. All areas proposed for acquisition shall be acquired and placed in dedicated open space, or otherwise assured to the satisfaction of the Principal Planner of EAS prior to recordation of a Final Map.

A potential off-site acquisition area has been identified within the O'Neal Canyon Land Bank of the Environmental Trust). Although the proposed off-site acquisition area meets the recommended preserve design criteria of the NCCP/MSCP, it contains much less than the 6.4 acres of MSS which is required as compensation for Project impacts to this habitat. Furthermore, it is located outside the City Limits. For these reasons, the O'Neal Canyon Land Bank may not be the ideal mitigation option. Therefore, an alternative biological mitigation program is proposed should this site not be approved by the City Council. This program involves the following optional measure:

Mitigation Measure IV.H.1 (b): Prior to recordation of a Final Map, the applicant shall be required to provide payment in the amount of \$290,400.00 into the City of San Diego Habitat Acquisition Fund pursuant to City Council Resolution R-275129 (adopted February 12, 1990), to the satisfaction of the Principal Planner of EAS.

Implementation of Mitigation Measure IV.B.1 would reduce, although not to a level of insignificance, direct and cumulative impacts related to the relevant landform policies.

There are three possible methods to incorporate more "terrain-fitting" concepts into the Project. First, the applicant could reduce the total development area within the Project site to minimize the necessary grading while maintaining the single-family character of the Project. This approach is addressed in the analysis of the "Reduced Project" Alternative in the Final EIR. Second, the applicant could minimize the area required for grading and development by substantially redesigning the Project as a multiple-family residential Project. This approach is addressed in the analysis of the "Clustered Project" Alternative. Third, the applicant could modify the grading plan to provide for undulation of graded banks, rounding of top of slopes and toe of slopes and more variation in slope increments, which is discussed below.

Implementation of the following mitigation measure would reduce, but not to below a level of significance, direct and cumulative land use policy conflicts with the Community Plan.

Mitigation Measure IV.B.1 Prior to recordation of a Final Map, a detailed grading plan shall be submitted to and approved by the Principal Planner of EAS. The grading plan shall demonstrate that the proposed manufactured slopes imitate, to the extent feasible, the

existing landform features through the use of (1) contour grading and terracing; (2) undulation; (3) rounding the tops and toes of slopes; and (4) variable slope ratios. EAS shall review the grading and landscaping plans to ensure that the above mentioned grading techniques are being utilized and that manufactured slopes are landscaped in conformance with the conceptual landscape plan. The applicant shall retain a soils engineer and landscape contractor to monitor the grading and revegetation of manufactured slopes and certify that the Project has complied with the required mitigation measures

2.0 Traffic/Circulation

Impact. The addition of Project-related ADT would result in significant cumulative traffic impacts along Otay Mesa Road, east of SR-905, under Interim conditions. This road segment would exceed its recommended maximum capacity by more than 30%, the level generally deemed acceptable by the City. However, under Buildout-plus-Project conditions, as defined in the Final EIR, the Project would not create any direct or cumulative traffic impacts.

The addition of Project-related ADT would result in significant direct and cumulative traffic impacts at the SR-905/Otay Mesa Road intersection under Interim and long-term (Year 2007) future conditions. Under the Interim condition, the level of service ("LOS") for northbound left- and right-turns (northbound Otay Mesa Road to westbound and eastbound SR-905) would decrease from E to F, and for westbound left-turns (westbound SR-905 to southbound Otay Mesa Road) would remain at E during the AM and PM peak hours. Under the future condition, the LOS at this intersection would decrease from D to E during the AM peak-hour.

The addition of Project-related ADT to the Otay Mesa Road/Beyer Boulevard/East Beyer Boulevard intersection would result in significant cumulative traffic impacts under the Interim condition, and significant direct and cumulative impacts under short-term (Year 1995) and long-term (Year 2007) future conditions. Under both the Interim and Year 1995 conditions, this intersection would continue to operate at LOS E in the PM peak-hour. Under the Year 2007 condition, the LOS at this intersection would decrease from D to E during the AM peak-hour and from E to F during the PM peak-hour.

The provision of adequate sight distance to allow safe turning movements at the proposed subdivision access points will be required by the City EDD prior to approval of final improvement plans for the segment of Otay Mesa Road fronting the subject property. This would ensure that potential traffic safety impacts would not occur at these proposed intersections. Project implementation would be accompanied by a number of improvements intended to promote vehicular and non-vehicular movements; conformance of these facilities to City of San Diego street design standards would be required and avoid significant traffic hazards.

Finding. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

As part of the Project, Otay Mesa Road will be improved and upgraded to Community Plan standards for a collector street. These improvements will be of substantial benefit to the community.

In addition, the analysis in the Final EIR demonstrates that the implementation of the following mitigation measures, which have been incorporated into the Project, will reduce the Project's direct impacts and cumulative traffic impacts to below a level of significance:

Mitigation Measure IV.C.1: Prior to recordation of the first Final Map and/or Subdivision Improvement Agreement, the proponent of the Remington Hills Tentative Map shall pay a "fair share" of the total cost of constructing traffic control measures (to be developed pursuant to the "Letter of Intent for Widening Otay Mesa Road") at the SR-905/Otay Mesa Road intersection, to the satisfaction of the City Engineer and Caltrans.

Mitigation Measure IV.C.2: Prior to recordation of the first Final Map and/or Subdivision Improvement Agreement, the proponent of the Remington Hills Tentative Map shall pay a "fair share" of the total cost of installing a traffic signal at the Otay Mesa Road/Beyer Boulevard/East Beyer Boulevard intersection and shall restripe the southbound approach to provide a left-turn/through lane plus a southbound right-turn lane, to the satisfaction of the City Engineer.

Implementation of the following mitigation measure would reduce potential traffic safety impacts at the proposed access intersections with Otay Mesa Road to below a level of significance:

Mitigation Measure IV.C.3: Prior to recordation of the first Final Map and/or Subdivision Improvement Agreement, the final roadway improvement plans shall be reviewed by a registered traffic engineer to ensure that adequate sight distance is provided at the proposed Otay Mesa Road/"A" Street and Otay Mesa Road/"B" Street intersections. Any necessary modifications resulting from this review which are required to ensure adequate sight distance at these intersections shall be shown on the final roadway improvement plans, to the satisfaction of the City Engineer.

3.0 Noise

Impact. Residences along the westerly and northerly subdivision boundaries would be exposed to significant direct traffic noise impacts from I-805 and SR-905, which would exceed both the 65 dB(A) CNEL (exterior) and 45 dB(A) CNEL (interior) noise standards for these perimeter homes. A portion of the proposed natural open space area in the northeast corner of the subject property would be exposed to significant direct traffic noise impacts from SR-905, which would exceed exterior noise standards for nature and wildlife preserves.

Finding. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Implementation of the following mitigation measures would reduce to below a level of significance potential noise impacts to on-site residences and natural open space areas from buildout traffic volumes on adjacent roadways:

Mitigation Measure IV.D.1: Prior to issuance of a building permit for the first building within the Remington Hills Tentative Map, the noise barrier recommendations contained in this Final EIR shall be shown on the building plan to the satisfaction of the Principal Planner of EAS and the Acoustical Plan Review Section of the Development Services Department. An exterior perimeter noise attenuation barrier with minimum heights and locations as shown on Figure IV.D-2 of this EIR shall be constructed to achieve a 65 dB(A) CNEL exterior noise level at the usable outdoor spaces for residences and natural open space areas adjacent to I-805 and/or SR-905. Prior to issuance of a certificate of occupancy, the Acoustical Plan Review Section in the Development Services Department shall verify that the noise attenuation barriers have been installed in accordance with the approved building plan.

Mitigation Measure IV.D.2: Those units exposed to freeway noise levels exceeding the 65 dB(A) CNEL exterior noise standard shall be constructed with architectural treatments that achieve a 28 dB noise level reduction to ensure attainment of the 45 dB(A) CNEL interior noise standard. Attenuation of interior noise levels may be accomplished through upgraded construction materials with mechanical ventilation and special construction techniques. This may include the use of glazing products sound-rated as high as STC 45, which generally require double, double-paned slider (a window inside of a window). Baffling or elimination of attic vents and resilient channels in exterior walls may be required. A final acoustical report and specific noise attenuation measures shall be submitted to and approved by the Principal Planner of EAS and the Acoustical Plan Review Section of the Development Services Department prior to issuance of building permits. The report shall stipulate that the final building plans have been reviewed by the acoustical consultant to verify that the recommended 28 dB noise level reduction is still considered adequate to attain the 45 dB(A) CNEL interior noise threshold. Sound attenuation greater than 30 dB(A) requires special construction techniques.

4.0 Biological Resources

Impact. Proposed on-site grading would result in significant direct impacts to 0.2 acre of low diversity maritime sage scrub ("MSS") and 4.5 acres of disturbed Diegan sage scrub ("DSS") habitats. Proposed brush management activities would result in significant direct impacts to 1.1 acres of undisturbed and 1.5 acres of low diversity MSS habitats. Proposed off-site grading, street and utility improvements would result in significant direct impacts to 0.2 acre of undisturbed MSS, 0.2 acre of low diversity MSS, and 1.1 acres of disturbed DSS habitats. The projected loss of MSS and DSS habitats would result in significant direct impacts to the coastal California gnatcatcher, orange-throated whiptail, coastal cactus wren and San Diego horned lizard.

Proposed on-site grading would result in significant cumulative impacts to low diversity MSS and disturbed DSS habitats. Proposed brush management activities would result

in significant cumulative impacts to undisturbed and low diversity MSS habitats. Proposed off-site grading would result in significant cumulative impacts to undisturbed and low diversity MSS, as well as disturbed DSS habitat. The projected loss of MSS and DSS habitats would result in significant cumulative impacts to the coastal California gnatcatcher, orange-throated whiptail, coastal cactus wren and San Diego horned lizard. The projected loss of disturbed/ruderal vegetation would result in significant cumulative impacts to raptors that may use this on-site habitat for foraging.

Increased noise levels from site grading, construction activities and road traffic may result in significant indirect impacts to sensitive avian species such as the coastal California gnatcatcher and coastal cactus wren by inhibiting breeding activities in habitat directly adjacent to the noise source. Based on a "worst case" analysis which assumes a 150-foot wide impact zone from the edge of residential lot lines adjacent to natural open space lots, potential "edge effects" would result in significant indirect impacts to undisturbed and low diversity MSS, disturbed DSS, coastal California gnatcatcher, and coastal cactus wren.

Finding. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant direct, but not cumulative, effects on the environment.

Direct and indirect Project impacts to MSS and DSS habitats and the coastal California gnatcatcher would be compensated by preserving acquired off-site habitat areas.

Approximately 0.8 acre of MSS and 7.9 acres of DSS habitats would be preserved within natural or negative open space easements on-site. These proposed open space easements would connect to planned open space within the California Terraces Precise Plan area to the east. In addition, implementation of the mitigation measures described herein would reduce the potential direct and indirect, but not cumulative, impacts to sensitive biological resources to below a level of significance. Full mitigation for cumulative biological impacts would require adoption of the "No Project" Alternative.

As full mitigation for significant direct impacts to biological resources, the Project applicant has agreed to acquire and preserve off-site habitat areas. The applicant will be required to demonstrate to the satisfaction of the Principal Planner of EAS that the following habitats and specified acreages have been acquired and preserved off-site: MSS (6.4 acres) and DSS (11.2 acres).

The Final EIR also addresses mitigation of impacts pursuant to the federal Endangered Species Act ("ESA").

Implementation of Mitigation Measure IV.H.1 would reduce to below a level of significance direct and indirect impacts to sensitive biological resources due to on- and off-site grading and potential "edge effects", respectively.

Mitigation Measure IV.H.1: Prior to recordation of a Final Map, the applicant shall demonstrate to the satisfaction of the Principal Planner of EAS that the following habitats and specified acreages have been acquired and preserved off-site: maritime succulent scrub (6.4 acres) and Diegan sage scrub (11.2 acres). The specified acreages reflect 2:1 compensation ratios for the long-term conservation value of the site due to the presence of coastal California gnatcatchers and cactus wrens within the habitats to be impacted. In accordance with the NCCP/MSCP, the off-site acquisition area shall meet the following preserve design criteria:

1. Be of equal or better quality as the on-site habitat to be impacted;
2. Be part of a large, interconnected block of preserved native habitat;
3. Exhibit an ability to support a high density and richness of species of concern;
4. Serve to provide a representative sample of the diversity of the area;
5. Provide wildlife corridors and habitat linkages;
6. Exhibit the capability to add to the vegetative diversity of the preserve system;
7. Minimize the amount of "edge effect" and influence from development disturbances; and
8. Be located as close as feasible to the impacted site.

The off-site acquisition area shall be deemed mitigation for the loss of on-site coastal California gnatcatcher habitat if demonstrated that it either supports, or provides suitable habitat to support, this federally-threatened bird species. Otherwise, additional areas demonstrated to be suitable as coastal California gnatcatcher habitat shall be acquired and preserved off-site to achieve the desired mitigation. All areas proposed for acquisition shall be acquired and placed in dedicated open space, or otherwise assured to the satisfaction of the Principal Planner of EAS prior to recordation of a Final Map.

A potential off-site acquisition area has been identified within the O'Neal Canyon Land Bank of the Environmental Trust). This proposed off-site mitigation area satisfies the following criteria listed above: (1) contains a mosaic of habitat types of equal or better quality as those to be impacted on-site; (2) consists of 420 acres which is contiguous (expandable) to 2,000 acres of preserved habitat lands owned by the Bureau of Land Management ("BLM"); (3) contains several pairs of coastal California gnatcatchers and other potentially-occurring sensitive species such as the two-striped garter snake, orange-throated whiptail, cactus wren, Tecate cypress, and Englemann oak; (4) contains a mosaic of habitat types representing a wide range of vegetation communities from willow-riparian and sycamore-alder to chaparral and sage scrub;

(5) is well-connected to large, preserved habitat areas owned by the BLM; (6) contains a number of sensitive plants, animal and habitat types; (7) is located away from the San Diego Metropolitan area, is not a focus for development, and is a large block of area which reduces "edge effects"; and (8) although not located within the City of San Diego, is within the Otay Mesa region and, thus, contains representative species also found within the Project site.

Although the proposed off-site acquisition area meets the recommended preserve design criteria of the NCCP/MSCP, it contains much less than the 6.4 acres of MSS which is required as compensation for Project impacts to this habitat. Furthermore, it is located outside the San Diego City Limits. For these reasons, the O'Neal Canyon Land Bank may not be the ideal mitigation option. Therefore, an alternative biological mitigation program is proposed should this site not be approved by the City Council. This program involves the following optional measure:

Mitigation Measure IV.H.1 (b): Prior to recordation of a Final Map, the applicant shall be required to provide payment in the amount of \$290,400.00 into the City of San Diego Habitat Acquisition Fund pursuant to City Council Resolution R-275129 (adopted February 12, 1990), to the satisfaction of the Principal Planner of EAS.

Furthermore, implementation of the following mitigation measure would reduce potential indirect impacts to noise-sensitive breeding bird species to below a level of significance:

Mitigation Measure IV.H.2: The applicant has initiated Section 7 consultations with the U.S. Fish and Wildlife Service ("USFWS"), and has therefore elected not to participate in the City's Interim Habitat Loss Permit process in accordance with the 4(d) Rule. Prior to issuance of a Subdivision Improvement Agreement, proof of an incidental "take" permit under Section 7 of the federal Endangered Species Act ("ESA") relative to the coastal California gnatcatcher shall be provided to the Principal Planner of EAS. If such permit is not required, written verification to that effect from the USFWS shall be provided. Any Project redesign resulting from Section 7 clearance shall require reconsideration by the appropriate City decision-making body.

In lieu of specific conditions from the Section 7 consultation process, the PRD permit shall require that grading occurring between March 15 and July 31 be monitored by a qualified biologist to ensure that noise levels within territories of breeding coastal California gnatcatchers do not result in a significant behavior alteration of the bird; thereby, constituting a "take" as defined by the federal Endangered Species Act. During this period, the biologist shall inspect areas determined to be suitable habitat for the coastal California gnatcatcher before grading to determine if gnatcatchers are breeding. If breeding is observed, the biologist shall be present throughout the grading operation to observe the birds and determine if grading activities are significantly altering their behavior. In the event the biologist determines that the grading operation is significantly impacting breeding activities of the coastal California gnatcatcher, the biologist shall determine, in consultation with the City and USFWS, what modifications in the grading operation are necessary to avoid the disturbance.

Grading monitoring may be terminated before July 31 if the biologist determines that coastal California gnatcatcher breeding activities are no longer occurring in adjacent habitat. At the end of the monitoring period, the biologist shall file a letter report with the Principal Planner of EAS and USFWS summarizing the results of the monitoring activities, the remedial measures taken (if any), and conclusions as to their effectiveness (if applicable).

Implementation of Mitigation Measure IV.I.1, described above, would reduce, but not to below a level of significance, the Project's contribution to potential cumulative impacts on biological resources in the region. This significant cumulative impact would only be avoidable through implementation of the "No Project" alternative.

5.0 Cultural Resources

Impact. The Project would result in significant direct impacts to site CA-SDI-11079, a localized habitation deposit, and to site CA-SDI-10511 (Locus 4), which could both contribute to an understanding of the prehistory of San Diego County. Other sites located within the subject property are not significant, pursuant to CEQA or RPO, or would not be impacted by the Project. Nevertheless, Any loss of cultural resource sites resulting from the proposed Project, in conjunction with future development within the Community Plan area, would represent a significant cumulative impact to cultural resources in the region.

Finding. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant direct, but not cumulative, effects on the environment.

Significant direct impacts to CA-SDI-10511 (Locus 4) will be avoided by preserving the site in an open space easement, or conducting Phase II testing prior to grading. If CA-SDI-10511 (Locus 4) is identified as a significant cultural resource, then Project redesign will be required or an approved data recovery program will be conducted to the satisfaction of the Principal Planner of EAS. Significant direct impacts to site CA-SDI-11079 would be fully mitigated through implementation of an approved data recovery program to the satisfaction of the Principal Planner of EAS.

Implementation of the mitigation measures identified herein prior to issuance of a Subdivision Improvement Agreement would reduce potential direct, but not to cumulative, impacts to CA-SDI-10511 (Locus 4) and CA-SDI-11079 to below a level of significance. Full mitigation for the Project's incremental contribution to the cumulative loss of cultural resources in the Community Plan area would require adoption of the "No Project" Alternative.

Mitigation Measure IV.I.1: As a condition of TM 93-0140 and PRD Permit 93-0140 and prior to issuance of a Final Map and/or Subdivision Improvement Agreement, impacts to CA-SDI-10511 (Locus 4) shall be avoided as follows:

1. Locus 4 shall be preserved in an open space easement; or

2 Phase II testing shall be conducted for Locus 4 prior to grading. If this locus is identified as a significant cultural resource, then project redesign shall be required or an approved data recovery program shall be conducted to the satisfaction of the Principal Planner of EAS prior to grading. Mitigation of impacts through data recovery shall follow the City's requirement of up to a 15% sample excavation and shall be conducted in approximate 5% phases. The excavation program shall be structured to provide information to address the research questions of chronology, subsistence, trade and travel, and lithic reduction strategies provided in the Treatment Program.

Mitigation Measure IV.I.2: As a condition of TM 93-0140 and PRD permit 93-0140 and prior to issuance of a Final Map and/or Subdivision Improvement Agreement, impacts to the localized habitation area of site CA-SDI-11079 shall be mitigated through implementation of an approved data recovery program and submittal of an approved technical report to the Principal Planner of EAS. The exact location of this deposit shall be professionally mapped and placed on final development plans.

Mitigation of impacts through data recovery shall involve a phased program to identify the need for additional work on approximately 600 square meters of the Primary Site Area and 900 square meters of the Secondary Site Area. The data recovery program for the Primary Site Area shall consist of up to 15% excavation (hand and mechanical) to be completed in three phases. Phase I shall consist of a 100% surface collection and a 5% random hand excavation sample (30 square meters). During this phase, all soil shall be screened through 1/8 inch mesh hardware. If intact features or cultural deposits are identified during Phase I, an additional 5% hand excavation (30 square meters) shall be conducted during Phase II which focuses on these features. Phase III shall include backhoe trenching, controlled grading, and excavation (hand and mechanical) of prehistoric features and activity areas. All features shall be exposed completely and documented using photographs and illustrations. Block excavations (e.g., 2x2 or 4x4 meter units) shall be placed in areas with features and associated artifacts to expose intact living areas.

The data recovery program for the Secondary Site Area shall consist of up to 10% excavation (hand and mechanical) to be completed in three phases. Phase I shall consist of a 3.3% random mechanical excavation (30 square meters) focused on the collection of large artifacts. If intact features or cultural deposits are identified during Phase I, another 3.3% hand excavation (30 square meters) shall be conducted during Phase II which focuses on these features. Phase III for both the Primary and Secondary Site Areas shall include backhoe trenching, controlled grading, and excavation (hand and mechanical) of prehistoric features and activity areas. All features shall be exposed completely and documented using photographs and illustrations. Block excavations (e.g., 2x2 or 4x4 meter units) shall be placed in areas with features and associated artifacts to expose intact living areas.

Implementation of Mitigation Measures IV.I.1 and IV.I.2 would reduce, but not to below a level of significance, the Project's contribution to potential cumulative impacts on cultural resources in the region; full mitigation for this impact would require approval of the "No Project" Alternative.

6.0 Paleontological Resources

Impact. Proposed grading could result in significant direct and cumulative impacts to paleontological resources on-site. The potential for significant paleontological resources is high in the Otay and San Diego Formations as well as in the Pleistocene terrace deposits. The Final EIR demonstrates that there is no evidence of any impacts related to grading within the Linda Vista Formation on-site.

Finding. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Potential direct and cumulative impacts to paleontological resources on-site would be reduced to below a level of significance via implementation of a full-time paleontological monitoring program during original cutting and earth-moving of undisturbed native soils only, and implementation of a salvage program, if necessary.

Implementation of the following mitigation measure would reduce potential direct and cumulative impacts on paleontological resources to below a level of significance:

Mitigation Measure IV.J.1: As a condition of TM 93-0140 and PRD Permit 93-0440, the applicant shall conduct a full-time paleontological monitoring program during original cutting and earth-moving of undisturbed native soils only consisting of the following:

1. The applicant 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 applicant to the Principal Planner of EAS. A qualified paleontologist is defined as an individual with a Ph.D or M.S. degree in paleontology or geology, and 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 program shall be approved by EAS prior to any pre-construction meeting.

2. The qualified paleontologist shall attend any pre-construction meetings to discuss grading plans with the excavation contractor. The requirement for paleontological monitoring shall be noted on the grading plans.

3. The paleontologist or paleontological monitor shall be on-site full-time during the original cutting of previously undisturbed sediments of the Otay Formation, San Diego Formation and Pleistocene terrace deposits to perform periodic inspections of excavations and, if necessary, to salvage exposed fossils. The frequency of inspections will depend on the rate of excavation, the materials excavated, and the abundance of fossils.

4. In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct or temporarily halt grading activities in the area of discovery to allow evaluation and recovery of exposed fossils. At the time of discovery, the paleontologist shall immediately notify EAS staff of such finding. EAS shall approve salvaging procedures to be performed before construction activities are allowed to resume.

5. All collected fossil remains shall be cleaned, sorted and cataloged following standard professional procedures. The collection should be donated to a scientific institution with a research interest in the materials (such as the San Diego Natural History Museum).

6. The Mitigation Monitoring and Reporting Program requires that a monitoring results report shall be submitted to and approved by the Principal Planner of EAS prior to issuance of building permits. The monitoring results report, with appropriate graphics, shall summarize the results, analysis and conclusions of the paleontological monitoring program, even if negative.

7.0 School Facilities

Impact. If the Remington Hills Project is developed prior to construction of planned schools in the Community Plan area, the students generated by the Project would be required to attend existing local schools in the interim (until the planned school facilities are constructed). Because Beyer Elementary and Southwest Senior High Schools are above capacity, this would result in a significant direct and cumulative impacts related to the elementary and senior high school students generated by the Project over the short-term period.

Finding. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant direct, but not cumulative, effects on the environment.

The City is committed to ensuring that the short-term development impacts are mitigated to the greatest extent feasible pursuant to CEQA, recognizing that the long-term solution requires construction and operation of the schools identified in the Community Plan. Thus, as full mitigation for significant short-term, direct impacts to existing local schools, the City will require the applicant to demonstrate that agreements have been made with the affected school districts prior to recordation of a Final Map.

As described in the Final EIR, funds to mitigate the short-term impacts of the proposed project shall be derived from Mello-Roos Community Facilities Districts.

The City finds that requiring the applicant to supply evidence of mitigation of school impacts prior to recordation of a final map, as requested in the comment letter, is appropriate.

Implementation of the following mitigation measure would reduce the potential short-term, direct impacts to local schools to below a level of significance:

Mitigation Measure IV.K.1: Prior to recordation of a Final Map, the applicant shall be required to demonstrate that agreements have been made with the affected school districts. Said agreements shall ensure that the appropriate funds are made available to the districts to the satisfaction of the Principal Planner of the EAS. Funding for mitigation impacts to the Sweetwater Union High School District shall be obtained through annexation into Mello-Roos Community Facilities District No. 8. Funding for mitigation impacts to the San Ysidro School District shall be obtained through annexation into Mello-Roos CFD No. 1. The funds could be used to partially finance off-site construction of schools and/or provide portable classrooms at existing schools which would be affected by projected students from the Remington Hills Tentative Map. Implementation of those applicable portions of the Public Facilities Financing Plan shall also be a condition of the Tentative Map.

No mitigation measures are available to reduce the potential short-term cumulative impacts on local schools at the elementary and senior high school level to below a level of significance. Consequently, full mitigation for these cumulative impacts would require approval of the "No Project" Alternative.

8.0 Park Facilities

Impact. If the Project is developed prior to construction of the nearest planned community and neighborhood park facilities, future residents of the Project would be required to use other existing or planned local parks in the interim (until the nearest designated park facilities are constructed). Because the subject property is located outside the service area radius of other community and neighborhood parks in the vicinity, this would result in significant short-term, direct impacts on local park capacities.

Because an overall park deficiency has been identified by the City Park and Recreation Department for portions of the Community Plan area, the proposed Project also would incrementally contribute to long-term, cumulative impacts to existing and planned local community and neighborhood park capacities. Should buildout of the subject property precede the development of planned parks in the vicinity, it would also result in short-term, cumulative impacts to these facilities.

Finding. Changes or alternations have been required in, or incorporated into, the Project which mitigate or avoid the significant direct, but not cumulative, effects on the environment.

The City is committed to ensuring that the short-term development impacts are mitigated to the greatest extent feasible pursuant to CEQA, recognizing that the long-term solution requires construction of the park facilities identified in the Community Plan.

As full mitigation for significant short-term, direct impacts to existing local parks, the applicant will pay Development Impact Fees (DIF) which include a contribution toward construction of community and neighborhood parks in the Community Plan area prior to issuance of a building permit.

Implementation of the following mitigation measure would reduce the short- and long-term, direct impacts to local community and neighborhood parks to below a level of significance:

Mitigation Measure IV.K.2: Prior to issuance of a building permit, the applicant shall pay Development Impact Fees (DIF) which include a contribution toward construction of community and neighborhood parks in the Community Plan area.

Contribution of funds by the applicant toward construction of required park facilities would reduce, but not to below a level of significance, the potential short- and long-term, cumulative impacts on local parks. This significant cumulative impact would only be avoidable through implementation of the "No Project" Alternative.

9.0 Library, Police Protection and Solid Waste Facilities

Impact. In conjunction with other residential developments within the Community Plan area, the Project would incrementally contribute to significant cumulative impacts on library, police protection, and solid waste disposal services. The Project is located within the service areas of the San Ysidro and Otay Mesa-Nestor Branch Libraries which are both operating over capacity. The current 9.6-minute average response time to the Project area from the nearest police station does not meet the City's seven-minute goal for Priority 1 calls. All new residential development would place an increased burden on solid waste disposal services as well as on the finite capacity of Miramar Landfill.

Finding. Changes or alterations have been required in, or incorporated into, the Project which will mitigate or avoid the significant environmental effects.

As full mitigation for significant cumulative impacts to library and police facilities, the applicant will pay DIF which include a contribution toward construction of these facilities in the Community Plan area. Approval of a Waste Management Plan by the Director, City Solid Waste Division, would reduce to below a level of significance potential cumulative impacts on solid waste disposal facilities. This Plan will include, but not be limited to, an evaluation of the type and quantity of waste materials expected to enter the waste stream; source reduction and separation techniques to be used; recycling and/or composting programs; and implementation of "buy-recycled" programs, if feasible.

Implementation of the following mitigation measure would reduce the potential cumulative impacts to library and police protection services to below a level of significance:

Mitigation Measure IV.K.3: Prior to issuance of a building permit, the applicant shall pay DIF which include a contribution toward construction of library and police protection facilities in the Community Plan area.

Implementation of the following mitigation measures would reduce the potential cumulative impacts to solid waste disposal services to below a level of significance:

Mitigation Measure IV.K.4: Prior to issuance of a building permit, a Waste Management Plan shall be submitted to and approved by the Director, City Solid Waste Division. This Plan shall include, but shall not be limited to, an evaluation of the type and quantity of waste materials expected to enter the waste stream; source reduction and separation techniques to be used; recycling and/or composting programs; and implementation of "buy-recycled" programs, if feasible.

10.0 Utilities

Impact. Until the City of San Diego Water Utilities Department ("WUD") approves water and sewer facilities studies for the proposed Project, the provision of adequate service to the subject property cannot be assured. This would result in a significant direct impact. Due to the limited capacity at the Point Loma Wastewater Treatment Plant, projected effluent flows from buildout of the subject property would result in a significant direct and cumulative impact on the regional sewer system.

Finding. Changes or alterations have been required in, or incorporated into, the Project which will mitigate or avoid the significant environmental effects.

Prior to Final Map approval, water and sewer facilities studies will be submitted to and approved by the Director of WUD, and reviewed by the City's Metropolitan Wastewater Department. Approval of these studies may require subsequent environmental review, if deemed necessary by EAS, to evaluate the impacts of the recommended facilities and adequacy of service. Any significant impacts identified during subsequent environmental review will be fully mitigated by the applicant to the satisfaction of the Principal Planner of EAS.

Implementation of the following mitigation measures would reduce to below a level of significance the potential direct and cumulative impacts to local and regional public utilities by ensuring public utilities are provided commensurate with development:

Mitigation Measure IV.K.5: Prior to Final Map approval, a water facilities study shall be submitted to and approved by the Director of the City's Water Utilities Department, and reviewed by Metropolitan Wastewater Department staff. The study shall include, but shall not be limited to, calculation of total and incremental water demand; identification of specific on- and off-site potable water transmission and distribution facilities; analysis of potential on- and off-site reclaimed water transmission and distribution facilities; provision of fire flow demands; and funding mechanisms for implementation/phasing of required improvements.

Approval of these studies may require subsequent environmental review, if deemed necessary by the Principal Planner of EAS, to evaluate the impacts of the recommended facilities and adequacy of water service. Any significant impacts identified during subsequent environmental review shall be fully mitigated by the applicant to the satisfaction of the Principal Planner of EAS.

Mitigation Measure IV.K.6: Prior to issuance of a building permit, the applicant shall design and install, or otherwise assure the installation of, all on and off-site water facilities required to serve the Project to the satisfaction of the Director of WUD and in accordance with the approved water facilities study.

Mitigation Measure IV.K.7: Prior to Final Map approval, the applicant shall prepare a sewer facilities study including, but not limited to, calculation of total and incremental sewer demand; identification of specific on and off-site facilities; the sizing of gravity sewer mains to provide adequate capacity and cleansing velocities; and funding mechanisms for implementation/phasing of required improvements.

Approval of this study may require subsequent environmental review, if deemed necessary by the Principal Planner of EAS, to evaluate the impacts of the recommended facilities and adequacy of sewer service. Any significant impacts identified during subsequent environmental review shall be fully mitigated by the applicant to the satisfaction of the Principal Planner of EAS.

Mitigation Measure IV.K.8: Prior to issuance of a building permit, the applicant shall design and install, or otherwise assure the installation of, all on- and off-site sewer facilities required to serve the Project, to the satisfaction of the Director of WUD and in accordance with the approved sewer facilities study.

Mitigation Measure IV.K.9: Prior to issuance of a building permit, written verification shall be obtained from the WUD to ensure that water and sewer service would be provided to the Project in the form of a "will-serve" letter addressed to the applicant and EAS.

The foregoing measures shall be implemented through conditions of approval for the Tentative Map. All mitigation measures required as part of the Final EIR, and any mitigation measures required if subsequent environmental analysis of the water and sewer studies is considered necessary and significant impacts are identified, shall be noted on the grading plan. Prior to issuance of the Subdivision Improvement Agreement, EAS, WUD, and Metropolitan Wastewater Department shall review the grading plan to ensure implementation of these measures. All facilities shall be in place prior to issuance of a building permit. The cost of implementing this mitigation shall be the responsibility of the Project applicant.

11. Landform Alteration/Visual Quality

Impact. Implementation of the Project would result in significant direct impacts and would contribute to significant cumulative impacts to landform as a result of the estimated grading quantities, the amount of terraced grading required to create building pads, and the creation of manufactured slopes in excess of 10 feet in height. The Project would result in significant direct and cumulative visual quality impacts due to proposed grading and development, including the on-site noise attenuation barriers, which would be visible from major roadways.

Finding. The proposed Project will result in significant and unmitigated effects on landform and visual quality on both a direct and cumulative basis.

Implementation of the following mitigation measure will reduce potential direct and cumulative landform impacts, but not to below a level of significance:

Mitigation Measure IV.B.1: Prior to recordation of a Final Map, a detailed grading plan shall be submitted to and approved by the Principal Planner of EAS. This plan will demonstrate that proposed manufactured slopes imitate, to the extent feasible, existing landform features through the use of: (1) contour grading and terracing to avoid extreme slope faces; (2) undulation to avoid straight slope faces; (3) rounding the tops and toes of slopes to simulate natural contours; and (4) variable slope ratios. A note will be included on the grading plans requiring the applicant to notify EAS two weeks before grading begins, and for the follow-up inspection after grading is complete.

EAS will review the grading and landscape plans to ensure that grading techniques are being utilized and that manufactured slopes are landscaped in conformance with the conceptual landscape plan. The applicant will retain a soils engineer and landscape contractor to monitor the grading and revegetation of manufactured slopes, and submit in writing to EAS and the City Engineer certification that the Project has complied with the required mitigation measures on the grading plans. Only after the Principal Planner of EAS and the City Engineer approve the grading, a recommendation will be made to the City for release of the subdivision bond.

Additionally, the following mitigation measures will reduce landform/visual quality impacts, although not to below a level of significance:

Mitigation Measure IV.B.2: The proposed natural open space areas would partially reduce visual quality impacts of the Project by retaining a portion of the natural character of the site. Furthermore, the proposed grading plan incorporates the following design objectives, grading guidelines and landscaping concepts to provide partial mitigation for the significant visual quality impact due to proposed grading:

1. Contour-grading techniques such as rounding the toe and top of manufactured slopes would be utilized as required by the Hillside Review Guidelines. Although

these slopes would initially cause a dramatic change in the visual environment, this contrast would diminish as proposed landscaping on these slopes matures.

2. Manufactured slopes with lesser visibility, but adjacent to natural open space, would be rounded and contoured to blend with these areas.

3. All manufactured slopes would be landscaped in accordance with the City's Landscape Ordinance and Technical Manual.

Implementation of the above design features would occur through approval of the final grading plan by the Principal Planner of EAS prior to recordation of a Final Map. The applicant shall clearly indicate on the grading plan those manufactured slopes that are to be contour-graded and rounded. A note shall be included on the grading plan requiring the applicant to notify EAS two weeks before grading begins, and for the follow-up inspection after grading is complete.

EAS shall review the grading and landscape plans to ensure that grading techniques are being utilized and that manufactured slopes are landscaped in substantial conformance with the conceptual landscape plan (Figure III.C-5 of the Final EIR). The applicant shall retain a soils engineer and landscape contractor to monitor the grading and revegetation of manufactured slopes, and submit in writing to the Principal Planner of EAS and the City Engineer certification that the Project has complied with the required mitigation measures on the grading plan.

Mitigation Measure IV.B.3: Prior to recordation of a Final Map, the developer shall provide maintenance of all landscaping on manufactured slopes along major streets and adjacent to natural open space areas. The developer shall be responsible for maintaining the landscaping until such time that a HOA or other City-approved mechanism can assume long-term responsibility. If maintenance responsibility is accepted by a Landscape Maintenance District, the minimum maintenance period shall be two years.

The applicant shall enter into a long-term maintenance agreement with the City to be recorded with the Final Map. The agreement shall stipulate that the developer is responsible for the landscape maintenance of manufactured slopes until such time that the HOA or other mechanism can assume long-term responsibility. Any areas which are proposed to be deeded over to the City and require landscape maintenance shall likewise be the obligation of the developer until such time that the City has agreed to assume responsibility.

Mitigation Measure IV.B.4: Partial mitigation for visual quality impacts due to proposed noise attenuation barriers along SR-905 shall be achieved through a combination of: 1) architectural design features to vary the relief of the wall face; 2) colors to be compatible with the theme of the surrounding development; and 3) landscaping to break up the length of continuous hardscape surface apparent from the highway. Partial mitigation for visual quality impacts associated with proposed noise walls in excess of six feet in height shall be achieved

through the use of setbacks and berm/wall combinations that would reduce the wall height to below six feet.

Prior to issuance of a building permit for the first building within the Remington Hills Tentative Map, EAS shall review the construction plans to ensure that the above architectural and landscaping requirements have been incorporated into the design of proposed noise attenuation barriers. Prior to issuance of a certificate of occupancy, the Principal Planner of EAS shall verify that the architectural and landscaping requirements have been installed in accordance with the approved building plan.

Full mitigation for landform alteration/visual quality impacts would require adoption of either the "No Project" or "Clustered Project" Alternatives.

12.0 Air Quality

Impact. Project-related vehicular (mobile-source) emissions would incrementally contribute to the non-attainment status of the SDAB, which would be considered a significant cumulative air quality impact in conjunction with planned growth in the region.

Finding. The Project will contribute to significant and unmitigated cumulative effects on air quality.

Cumulative air quality impacts cannot be mitigated at the Project level and will require the successful implementation of the RAQS and the SIP.

The Project's impacts could be reduced by implementation of the "Reduced Project" Alternative, although the Project would still contribute to significant, unmitigated impacts.

The Project's impacts could be avoided only by selection of the "No Project" Alternative.

B. Section 21081(b) Findings

The City, having independently reviewed and considered the information contained in the Final EIR, the appendices and the record, finds that there are no changes or alterations to the proposed Project that are within the responsibility and jurisdiction of another public agency which would avoid or substantially lessen the significant environmental effects of the Project.

C. Section 21081(c) Findings

The City, having independently reviewed and considered the information contained in the Final EIR, the appendices and the record, finds and declares that specific economic, social

or other considerations make infeasible the mitigation measures or Project alternatives identified in the Final EIR.

1.0 No Project Alternative

The "No Project" Alternative would maintain, at least temporarily, the property in its present vacant condition. The unavoidable environmental impacts associated with the Remington Hills Tentative Map, PRD permit, RPO permit, and rezone would be avoided as no development would occur on the property. Implementation of the No Project Alternative would not preclude the future development of the property as it is within the Planned Urbanizing Area of the City.

Finding. Specific economic, social or other considerations make infeasible the No Project Alternative identified in the Final EIR.

The No Project Alternative would avoid significant unmitigated impacts from the Project but would not avoid ongoing impacts to biological resources from unauthorized recreational vehicle use, trash dumping, and unauthorized use by transitory residences. While this Alternative would eliminate the Project's environmental impacts, it would not fulfill any of the Project objectives and would preclude creation of the benefits of the Project, such as the provisions of single-family homes at the lowest possible cost to meet existing market demands, an increase in property tax revenues to the City, an increase in construction job opportunities, payment of development impact fees to help fund construction of needed public facilities, and on-site preservation of natural habitat and a contribution of off-site acreage or a payment into the City's Habitat Acquisition Fund. The No Project Alternative would also deny the applicant reasonable use of the land because it would be economically infeasible to continue to pay taxes on the property without providing for offsetting revenues resulting from development of the property. Finally, the No Project Alternative would prevent development of the property as allowed by the City's Zoning ordinance and General Plan/Community Plan. As a result, the City would be hindered in achieving its housing goals for the area and would be denied the ability to adequately implement its Public Facilities Financing Plan for the Otay Mesa area.

2.0 Reduced Project Alternative

The "Reduced Project" Alternative would reduce the overall development area on-site by retaining the north-central portion of the site in open space and reducing the number of residential units on-site to 171 homes (a decrease of 83 units). This Alternative would also maintain Otay Mesa Road in its current substandard condition as a two-lane collector. The two access roads leading into the subdivision from Otay Mesa Road would be constructed on bridges, rather than culverts, which would reduce some of the grading and fill required for the Project but would not avoid impacts related to grading. This Alternative would also result in a decrease in overall graded area (44.2 vs 60.3 acres) and, therefore, a decrease in estimated grading volumes (533,000 vs 727,000 cy). Additionally, it is estimated that this Alternative would allow shorter maximum slope heights than the Project. The grading concept for this Alternative would significantly reduce the amount of terracing associated with the proposed Project, primarily due

to the additional preservation of open space and maintenance of Otay Mesa Road in its existing condition.

The Reduced Project Alternative would better conform to the landform and grading policies of the Otay Mesa Community Plan by reducing the overall amount of terracing and grading quantities within the subject property, since larger portions of the site would be preserved in open space. It would also substantially comply with the RPO encroachment allowances for steep slopes and sensitive biological resources. The landform modification associated with this Alternative would still result in a significant direct impact, however, as well as contributing to the visual degradation of regional scenic qualities on a cumulative Project level. This Alternative would reduce cumulative impacts to air quality, biological and cultural resources, and school and park facilities, but not to below a level of significance.

Finding. Specific economic, social or other considerations make infeasible the Reduced Project Alternative identified in the Final EIR.

This Alternative would substantially reduce the applicant's ability to satisfy the Project objectives, that is, to develop the Project site to provide single-family homes available at affordable prices to first-time homebuyers in response to the housing needs of the Otay Mesa area. Affordable single-family housing is essential to promoting a balanced community and satisfying housing demands generated by individuals employed in the Otay Mesa industrial parks. Selection of the Reduced Project Alternative would substantially reduce the benefits of the proposed Project related to fulfilling the community's demand for new, affordable, single-family housing since the number of homes which would be available would be cut by a third.

This Alternative also would be economically infeasible, resulting in financial hardship to the property owner. With the exception of the improvements to Otay Mesa Road, the Reduced Project Alternative would require on-site infrastructure improvements similar to those required for the proposed Project (i.e., on-site streets, including the long eastern cul-de-sac, and utilities). This Alternative would not require the applicant to improve Otay Mesa Road, which would result in savings. However, the applicant would incur substantial additional costs incurred to construct the two access roads on bridges, rather than culverts. It is estimated that these bridges would cost ten times as much to construct than the proposed culvert crossings; grading would still be required to construct the bridges, although the amount of grading for the bridges would be less than that required for the culvert crossings.

Although the applicant would still incur significant costs for infrastructure improvements, under this Alternative the number of homes would be reduced by a third, leaving 171 of the proposed 254 residential units. Reducing the number of units by a third will render the proposed Project economically infeasible and lessen the affordability of the homes.

Additionally, the City will lose the development fees for the 83 units removed from the proposed Project. This will hinder the City in its attempts to implement the Otay Mesa Public Facilities Financing Plan (Fiscal Year 1995, as updated or amended, which is herein incorporated by reference), which assumes development of the subject property at the density

allowed by the Otay Mesa Community Plan. The loss of the 83 proposed units would result in a loss of approximately \$410,000 in fees, based on the 1995 fee schedule.

This Alternative reduces the amount of total grading and avoids grading in certain areas, such as along Otay Mesa Road and in the north-central portion of the site. Access to the eastern portion of the site would be limited to one long cul-de-sac, which may raise public safety and circulation concerns. In order to avoid the off-site grading associated with the proposed Project, this Alternative would not include the improvements to Otay Mesa Road to bring it in conformance with Community Plan standards. This would hinder the City in its attempts to improve Otay Mesa Road to its Community Plan designation.

For these reasons, the City finds the Reduced Project Alternative infeasible.

3.0 Clustered Project Alternative

The "Clustered Project Alternative" would involve the clustering of two-story townhomes within four, large building pads in the west, southwest and south-central portions of the site to accommodate the overall residential density which is designated for the subject property. The total number of multi-family residential units would be 242, a decrease of 12 units as compared to the proposed single-family Project. This Alternative would minimize landform alteration and impacts to existing biological habitat on-site as the majority of the subject property would be retained in open space. A portion of Otay Mesa Road would be improved to meet collector street standards; thus, off-site grading associated with Otay Mesa Road improvements would still be required. Grading for access roads on culvert crossings would be similar to the proposed Project. This Alternative would substantially decrease the overall on-site graded area (19.1 vs 60.3 acres), thereby reducing estimated grading volumes (230,000 vs 727,000 cy).

The Clustered Project Alternative is the "environmentally-superior alternative." This Alternative would minimize landform alteration and impacts to existing biological habitat on-site as the majority of the subject property would be retained in open space. The grading concept for this Alternative would substantially avoid the landform alteration and terracing associated with the proposed Tentative Map. Therefore, it would reduce direct and cumulative impacts with respect to landform grading policies and visual quality to below a level of significance; however, manufactured slope heights would be similar to those in the proposed Project. This Alternative would comply with the encroachment allowances of the RPO and would retain a greater amount of natural topography including steep slopes and sensitive biological habitat in open space. Although considered the "environmentally-superior" alternative, it would have significant, unmitigated cumulative impacts in terms of regional air quality, biological and cultural resources and significant, unmitigated cumulative impacts on local schools and parks would remain.

Finding. Specific economic, social, or other considerations make infeasible the Clustered Project Alternative identified in the Final EIR.

The current market price for a townhouse in the local community area would not bear the costs of producing this type of multi-family lot. Such costs include site grading, infrastructure improvements (including off-site improvement of Otay Mesa Road to Community Plan standards and provision of access roads to the site) and public facility impact fees, among others. While the infrastructure costs would be substantially the same, the market price differential between multiple-family housing and single-family housing is great. In May, 1994, it was estimated that the market price differential for new attached homes in the South Bay versus new single-family homes was over \$100,000.00. (See "South to North: You boomed in the '80s. We'll shine in the '90s," San Diego Union-Tribune, May 15, 1994, page H-1.)

Additionally, the City would be hindered in its implementation of the Otay Mesa Public Facilities Financing Plan (Fiscal Year 1995, as amended or updated). Although this Alternative would provide nearly the same number of residential units as the Project, the fees for multiple-family units are substantially lower than those required for single-family units. Based on the 1995 fee schedule, the proposed Project would generate fees of \$1,254,506. The Clustered Project Alternative would generate fees of only \$591,147.00, a loss of nearly \$665,359 in revenue to the City.

The Clustered Project Alternative would not serve the needs of the local community for new, affordable, single-family housing. The goals and objectives of the Otay Mesa Community Plan include providing housing needs for all economic segments of the community and promoting a balanced community in terms of housing types and economic appeal. The Clustered Project Alternative would eliminate the affordable, single-family housing being provided by the Project and replace it with multiple-family units of which there already is a substantial supply within the Community.

For these reasons, the City finds that the Clustered Project Alternative is infeasible.

4.0 Other Alternatives Considered

"Reduced Grading" Alternatives and "Off-Site Alternate Locations" Alternatives were also considered in the Final EIR. The "Reduced Grading" Alternatives focused on custom pad grading for individual lots that would enable dwelling units to better conform to the existing natural contours and reduce overall grading quantities, while still allowing for residential development at a comparable scale (density) as that designated by the Otay Mesa Community Plan. In order to preserve more of the natural hillside terrain of the Project site, it would be necessary to spread the individual lots out in the central portions of the site. This would result in additional encroachment into existing native vegetation in the southeast portion of the site, which is currently designated as natural open space; creation of manufactured slopes exceeding 40 feet in height throughout the subdivision; and additional encroachment into steeply sloping hillsides due to grading for access roads. For these reasons, the "Reduced Grading" Alternatives could not feasibly be undertaken at comparable development densities (as allowed by the Otay Mesa Community Plan) without further exceeding the maximum encroachments allowed by the RPO into steep slopes and sensitive biological areas. A reduction in density to reduce such

additional encroachments would be economically infeasible for the reasons stated in the finding concerning the "Reduced Project" Alternative. Moreover, a reduction in density would further reduce the number of affordable, single-family housing in the Community, for which there is a substantial demand.

Additionally, off-site Alternative Locations were considered in the Final EIR. The only alternate site location that would avoid the significant, unmitigated impacts of the proposed Project would involve the purchase of a relatively flat parcel situated outside the Otay Mesa Community Plan area. Cumulative biological and air quality impacts would remain unmitigated even with development at an Alternative Location. Purchase of an Alternative Location (and, presumably, maintenance of the Project site in the "No Project" condition) would be cost prohibitive. Therefore, this Alternative was not discussed in detail in the Final EIR.

**DRAFT STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE REMINGTON HILLS TENTATIVE MAP, PLANNED RESIDENTIAL
DEVELOPMENT PERMIT, RESOURCE PROTECTION ORDINANCE PERMIT,
AND REZONE**

The San Diego City Council, pursuant to Section 15093 of the State CEQA Guidelines, having balanced the benefits of the Project against its unavoidable environmental effects, which remain notwithstanding the mitigation measures and alternatives described above, determines that such remaining significant environmental effects are acceptable due to the following considerations:

1.0 Affordable Single-Family Housing

The proposed Project would comply with the residential objective of the Community Plan, which encourages provision of "lower cost housing opportunities for persons of low and moderate income, where feasible," in keeping with the Fair Share Allocation established for all communities by the Housing Element of the City's *Progress Guide and General Plan*. According to the Community Plan Land Use Element, "such housing may include private and public housing, and should be distributed and designed to complement and blend with the physical, social and cultural character of the community."

The proposed Project will help to satisfy the local demand for affordable single-family homes. While there are a number of attached homes available in the area, it is much more difficult to find a relatively new detached home that constitutes affordable housing.

2.0 Increased Revenues to the City of San Diego

The proposed Project would provide additional public funds to the City of San Diego in the form of property tax revenues. It is estimated that the property taxes from the Project site after development would be approximately \$438,000, or 27 times as high as the current property taxes.

Generating additional sources of revenue is a high priority of the City of San Diego in light of the budget deficits which have faced the City in recent years and which are expected to be a problem in the coming years as well. Thus, the increased property tax revenue expected to be generated by the proposed Project would represent a significant economic benefit to the City.

3.0 Increased Jobs

The proposed Project would generate approximately 150 to 200 new temporary, construction-related jobs. These new jobs are desperately needed to compensate for job opportunities which have recently been lost due to the general downturn in the economy and, in particular, for jobs for skilled construction contractors and workers. Such temporary

construction-related jobs should exist for approximately five years after initiation of construction, which is the estimated build-out for the Project.

4.0 Public Facility Fees and Improvements

The proposed Project would help offset the costs of providing new school, park, library, police, fire and solid waste facilities in the Otay Mesa Community Plan area, which are currently over capacity. Thus, the proposed Project will implement the Community Plan goal to provide "standard public facilities and services commensurate with development of the planning area. According to the *Final Draft Otay Mesa Public Facilities Financing Plan for Fiscal Year 1995* (May, 1994), single-family residential development within the west sub-area must pay Development Impact Fees in the amount of \$4,939.00 per dwelling unit to help fund the construction of public facilities. Based on this estimated fee schedule, the proposed Project would produce up to \$1,254,506 of additional revenues for such facilities.

5.0 Additional Biological Mitigation

The biological mitigation program for the Project involves either: (1) off-site preservation of approximately 17.6 acres of MSS and DSS habitats within the O'Neal Canyon Land Bank of the Environmental Trust; or (2) equivalent cash contribution to the City's Habitat Acquisition Fund in the amount of \$290,400. Implementation of this program would facilitate regional preserve design goals as set forth by the NCCP and MSCP programs. Combined with the overriding factors discussed below, the regional biological benefits of the proposed project would more than offset the loss of on-site MSS and DSS habitats.

The on-site habitats are of lower potential value for long-term conservation due to the following:

1. The subject property is comprised of approximately 4.7% MSS and 16.2% DSS. Of the total area of natural habitats within a one-mile radius, MSS comprises approximately 14.5% and DSS comprises approximately 9.8%. Therefore, the on-site habitats do not represent the most dense habitat within the region.

2. The nearest area of higher value habitat is located approximately one mile from the subject property; therefore, the on-site habitats are not situated close to lands of higher potential value.

3. The subject property is located at the west edge of the Community Plan area, with freeways bordering the site on two sides. Urban development occurs to the west, across I-805. The subject site is isolated from native habitat areas to the north due to SR-905. These barriers prevent wildlife dispersal across the west and north property boundaries. As such, the Project site essentially forms a natural vegetation and wildlife "cul-de-sac." Although it is within a suggested "core" reserve area as identified by the MSCP, the site does not serve as a critical wildlife corridor linkage between higher value habitat areas.

4. The on-site habitats support only two pairs of coastal California gnatcatchers and one pair of coastal cactus wrens. These are not significant populations as defined by the Southern California Coastal Sage Scrub Scientific Review Panel, which considers five or more pairs of either species to be a significant population.

The main east-west drainage channel that traverses the southern portion of the site, the majority of which will be preserved as dedicated open space in connection with development of the property, serves as a viable, "local" dispersal corridor providing nesting and foraging opportunities for several sensitive wildlife species including the coastal California and blue-gray gnatcatchers, coastal cactus wren, orange-throated whiptail, San Diego horned lizard and American badger. These and other wildlife species likely utilize the main drainage channel to travel between the west and east portions of the property as well as to off-site areas further east.

At least six development projects are in the planning stages either adjacent to or near the subject property. If implemented, these developments would represent the greatest impact to regional wildlife dispersal. The area encompassed by these planned developments currently contains undisturbed DSS and coastal California gnatcatcher habitat which is contiguous to similar habitat in the east portion of the subject property. For local wildlife movements, natural open space has been designated on steep slopes in the west portion of the California Terraces Precise Plan area that would connect with designated natural open space on-site. These on-and off-site open space areas would maintain a contiguous wildlife corridor system in the area.

6.0 Jobs Housing Balance Within the Community Plan/Regional Air Quality Strategy

The Project would achieve a better balance between jobs and housing within the Community Plan area, thus implementing the Community Plan goals for a "balanced community." The Project would increase the number of residential units within the Community Plan in order to provide housing for individuals who will be employed in the commercial, office, industrial, and scientific uses that predominate the Otay Mesa Community Plan area. Provision of residential units in close proximity to the employment centers will improve the quality of life for individuals by reducing commuting distances and lessening traffic and air impacts. If housing is not made available in the vicinity, workers will be forced to commute longer distances on Interstate 5 and 805. In turn, these longer commutes would skew the jobs housing balance for the community, worsening air quality, and increasing the need for public expenditures to improve transportation facilities. The Project would create new development that implements the regional air quality improvement strategies by minimizing the necessary commuting distance between employment centers in Otay Mesa and the South Bay and residential areas. Currently, the average daily, one-way commuter trip is 12 miles in length. If the residential component of the Community Plan area remains undeveloped, the result may be longer than average commutes. On the other hand, development of residential opportunities such as the Project will allow shorter commutes and reduce potential travel and related air emissions and congestion on Interstates 5 and 805. The Project will implement the Regional Air Quality Strategy through

improvement to the local jobs/housing balance and provision of affordable housing in close proximity to jobs.

According to the City's Growth Management Program, by the year 2000, there will be an estimated 470,000 new San Diegans who will need housing. Approximately 57 percent of these residents will be born in San Diego; the balance will move to the region.

Many of the City's Planned Urbanizing communities are rapidly reaching buildout. A number of these communities, including Community Plan area, have produced only a handful of dwelling units. If the 18,200 dwelling units projected for the Community Plan area are not realized, many potential residents will be forced to find housing in older urbanized areas. These areas are already suffering from overcrowded schools, parks, and libraries; failing public infrastructure; congested roads; and inadequate housing. Many other potential residents will be forced to "leapfrog" to developments within more distant outlying areas such as Temecula, Spring Valley, Jamul, Santee, and Lakeside. The impacts of providing housing within the western portion of the Community Plan, which is where the Project is located, appear to be less than providing an equivalent amount of housing in either established or outlying communities.

The Project promotes an efficient use of land. The density allows for development of a more compact community which preserves open space and promotes the use of mass transit.

For these reasons and based on substantial evidence in the record, the City Council finds there are social, economic, and other considerations resulting from this Project that serve to override and outweigh the Project's unavoidable significant environmental effects, and thus, the adverse environmental effects are considered acceptable.

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

REMINGTON HILLS TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT PERMIT,
RESOURCE PROTECTION ORDINANCE PERMIT AND REZONE
DEP NO. 93-0140

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. All mitigation measures contained in the Environmental Impact Report (Dep No. 93-0140) shall be made conditions of Tentative Map, Planned Residential Development Permit, Resource Protection Ordinance Permit and Rezone No. 93-0140 as may be further described below.

The following environmental mitigation measures are required as conditions of TM, PRD Permit and RPO Permit No. 93-0140 to reduce potential adverse project impacts to below a level of significance and shall be shown on the Final Map as ENVIRONMENTAL MITIGATION REQUIREMENTS:

1. Prior to recordation of a Final Map, a detailed grading plan shall be submitted to and approved by the Principal Planner of EAS. The grading plan shall demonstrate that the proposed manufactured slopes imitate, to the extent feasible, the existing landform features through incorporation of the following design objectives, grading guidelines and landscaping concepts:
 - a. contour grading and terracing to avoid extreme slope faces;
 - b. undulation to avoid straight slope faces;
 - c. rounding the top and toe of slopes to simulate natural contours, especially when adjacent to natural open space areas;
 - d. variable slope ratios; and
 - e. landscaping of slopes in accordance with the City's Landscape Ordinance and *City of San Diego Landscape Technical Manual*. A mix of native, drought-tolerant plant species would be used as indicated in Table III.C-2 and graphically depicted on Figures III.C-5 and III.C-6 of the Final EIR.

The applicant shall clearly indicate on the grading plan those manufactured slopes that are to be contour-graded and rounded. A note shall be included on the grading plan requiring the applicant to notify EAS two weeks before grading begins, and for the follow-up inspection after grading is complete.

EAS shall review the grading and landscape plans to ensure that grading

techniques are being utilized and that manufactured slopes are landscaped in substantial conformance with the conceptual landscape plan (Figure III.C-5 of the Final EIR). The applicant shall retain a soils engineer and landscape contractor to monitor the grading and revegetation of manufactured slopes, and submit in writing to EAS and the City Engineer certification that the project has complied with the required mitigation measures on the grading plan. Only after the Principal Planner of EAS and the City Engineer approve the grading, a recommendation shall be made to the City Council for the release of the subdivision bond.

2. As a condition of TM approval, the developer shall provide maintenance of all landscaping on manufactured slopes along major streets and adjacent to natural open space areas. The developer shall be responsible for maintaining the landscaping until such time that a Homeowners Association (HOA) or other City-approved mechanism can assume long-term responsibility. If maintenance responsibility is accepted by a Landscape Maintenance District, the minimum maintenance period shall be two years.

Prior to recordation of the first Final Map, the applicant shall enter into a long-term maintenance agreement with the City stipulating that the developer is responsible for the landscape maintenance of manufactured slopes until such time that the HOA or other mechanism can assume long-term responsibility. Any areas which are proposed to be deeded over to the City and require landscape maintenance shall likewise be the obligation of the developer until such time that the City has agreed to assume responsibility.

3. Prior to recordation of the first Final Map and/or Subdivision Improvement Agreement, the applicant shall pay a "fair share" of the total cost of constructing traffic control measures at the SR-905/Otay Mesa Road intersection, to the satisfaction of the City Engineer. Traffic control measures will be evaluated by the City and Caltrans during development of requirements and specifications for the SR-905/Otay Mesa Road inter-section, pursuant to the "Letter of Intent for Widening Otay Mesa Road", and may include:

- a. construction of a median along SR-905 at the Old Otay Mesa Road intersection to preclude all left-turn movements;
- b. addition of a traffic signal on SR-905 at Caliente Boulevard; and
- c. construction of a frontage road from Caliente Boulevard to Old Otay Mesa Road which would run parallel to and south of Otay Mesa Road.

The City would construct the frontage road referenced above, which will be subject to environmental review. Coordination with the proposed school and park districts in this area will be required. Any significant impacts identified during subsequent environmental review shall be fully mitigated to the satisfaction of the Principal Planner of

EAS.

4. Prior to recordation of the first Final Map and/or Subdivision Improvement Agreement, the applicant shall pay a "fair share" of the total cost of installing a traffic signal at the Otay Mesa Road/Beyer Boulevard/East Beyer Boulevard intersection, and shall restripe the southbound approach to provide a left-turn/through lane and a right-turn lane, to the satisfaction of the City Engineer.
5. Prior to recordation of the first Final Map and/or Subdivision Improvement Agreement, the final roadway improvement plans shall be reviewed by a registered traffic engineer to ensure that adequate sight distance is provided at the proposed Otay Mesa Road/"A" Street and Otay Mesa Road/"B" Street intersections. Any necessary modifications resulting from this review which are required to ensure adequate sight distance at these intersections shall be shown on the final roadway improvement plans, to the satisfaction of the City Engineer.
6. Biological Requirements:
 - a. Prior to recordation of a Final Map, the applicant shall demonstrate to the satisfaction of the Principal Planner of EAS that the following habitats and specified acreages have been acquired and preserved off-site: maritime succulent scrub (6.4 acres) and Diegan sage scrub (11.2 acres). The specified acreages reflect 2:1 compensation ratios for the long-term conservation value of the site due to the presence of coastal California gnatcatchers and cactus wrens within the habitats to be impacted. In accordance with the NCCP/MSCP, the off-site acquisition area shall meet the following preserve design criteria:
 1. be of equal or better quality as the on-site habitat to be impacted;
 2. be part of a large, interconnected block of preserved native habitat;
 3. exhibit an ability to support a high density and richness of species of concern;
 4. serve to provide a representative sample of the diversity of the area;
 5. provide wildlife corridors and habitat linkages;
 6. exhibit the capability to add to the vegetative diversity of the preserve system;
 7. minimize the amount of "edge effect" and influence from development disturbances; and
 8. be located as close as feasible to the impacted site.

The off-site acquisition area shall be deemed mitigation for the loss of on-site coastal California gnatcatcher habitat if demonstrated that it either supports, or provides suitable habitat to support, this federally-threatened bird species. Otherwise, additional areas demonstrated to be suitable as coastal California gnatcatcher habitat shall be acquired and preserved off-site to achieve the desired mitigation. All areas proposed for acquisition shall be acquired and placed in dedicated open space, or otherwise assured to the satisfaction of the Principal Planner of EAS prior to recordation of a Final Map.

A potential off-site acquisition area has been identified within the O'Neal Canyon Land Bank of the Environmental Trust (Figure 5 of Appendix G of the Final EIR). Although the proposed off-site acquisition area meets the recommended preserve design criteria of the NCCP/MSCP, it contains much less than the 6.4 acres of MSS which is required as compensation for project impacts to this habitat. Furthermore, it is located outside the San Diego City Limits. For these reasons, the O'Neal Canyon Land Bank may not be the ideal mitigation option. Therefore, the following alternative biological mitigation program is proposed should this site not be approved by the City Council:

- b. Prior to recordation of a Final Map, the applicant shall be required to provide payment in the amount of \$290,400.00 into the City of San Diego Habitat Acquisition Fund pursuant to City Council Resolution R-275129 (adopted February 12, 1990), to the satisfaction of the Principal Planner of EAS. This amount is based on the value of MSCP land located in the City (\$15,000.00 per acre) multiplied by the required mitigation acreage (17.6 acres) plus a 10% administrative cost.
7. The applicant has initiated Section 7 consultations with the U.S. Fish and Wildlife Service (USFWS), and has therefore elected not to participate in the City's Interim Habitat Loss Permit process in accordance with the 4(d) Rule. Prior to issuance of a Subdivision Improvement Agreement, proof of an incidental "take" permit under Section 7 of the federal Endangered Species Act (ESA) relative to the coastal California gnatcatcher shall be provided to the Principal Planner of EAS. If such permit is not required, written verification to that effect from the USFWS shall be provided. Any project redesign resulting from Section 7 clearance shall require reconsideration by the appropriate City decision-making body.

In lieu of specific conditions from the Section 7 consultation process, the PRD permit shall require that grading occurring between March 15 and July 31 be monitored by a qualified biologist to ensure that noise levels within territories of breeding coastal California gnatcatchers do not result in a significant behavior alteration of the bird; thereby, constituting a "take" as defined by the federal Endangered Species Act. During this period, the biologist shall inspect areas determined to be suitable habitat for the coastal California gnatcatcher before grading

to determine if gnatcatchers are breeding. If breeding is observed, the biologist shall be present throughout the grading operation to observe the birds and determine if grading activities are significantly altering their behavior. In the event the biologist determines that the grading operation is significantly impacting breeding activities of the coastal California gnatcatcher, the biologist shall determine, in consultation with the City and USFWS, what modifications in the grading operation are necessary to avoid the disturbance.

Grading monitoring may be terminated before July 31 if the biologist determines that coastal California gnatcatcher breeding activities are no longer occurring in adjacent habitat. At the end of the monitoring period, the biologist shall file a letter report with the Principal Planner of EAS and USFWS summarizing the results of the monitoring activities, the remedial measures taken (if any), and conclusions as to their effectiveness (if applicable).

8. Prior to recordation of a Final Map and/or Subdivision Improvement Agreement, impacts to CA-SDI-10511 (Locus 4) shall be avoided as follows:
 - a. Locus 4 shall be preserved in an open space easement; or
 - b. Phase II testing shall be conducted for Locus 4 prior to grading.

If Locus 4 is identified as a significant cultural resource, then project redesign shall be required or an approved data recovery program shall be conducted to the satisfaction of the Principal Planner of EAS prior to grading. Mitigation of impacts through data recovery shall follow the City's requirement of up to a 15% sample excavation, and shall be conducted in approximate 5% phases. The excavation program shall be structured to provide information to address the research questions of chronology, subsistence, trade and travel, and lithic reduction strategies provided in the Treatment Program (Appendix H of the Final EIR).

9. Prior to recordation of a Final Map and/or Subdivision Improvement Agreement, impacts to the localized habitation area of site CA-SDI-11079 shall be mitigated through implementation of the approved data recovery program and submittal of an approved technical report to the Principal Planner of EAS. The exact location of this deposit shall be professionally mapped and placed on final development plans.

Mitigation of impacts through data recovery shall involve a phased program to identify the need for additional work on approximately 600 square meters of the Primary Site Area and 900 square meters of the Secondary Site Area (see Appendix H of the Final EIR for a description of these areas). The data recovery program for the Primary Site Area shall consist of up to 15% excavation (hand and mechanical) to be completed in three phases. Phase I shall consist of a 100% surface collection and a 5% random hand excavation sample (30 square meters). During this phase, all soil shall be screened through 1/8 inch mesh

hardware. If intact features or cultural deposits are identified during Phase I, an additional 5% hand excavation (30 square meters) shall be conducted during Phase II which focuses on these features. Phase III shall include backhoe trenching, controlled grading, and excavation (hand and mechanical) of prehistoric features and activity areas. All features shall be exposed completely and documented using photographs and illustrations. Block excavations (e.g., 2x2 or 4x4 meter units) shall be placed in areas with features and associated artifacts to expose intact living areas.

The data recovery program for the Secondary Site Area shall consist of up to 10% excavation (hand and mechanical) to be completed in three phases. Phase I shall consist of a 3.3% random mechanical excavation (30 square meters) focused on the collection of large artifacts. During this phase, all soil shall be screened through $\frac{1}{4}$ - or $\frac{1}{2}$ -inch mesh hardware. If intact features or cultural deposits are identified during Phase I, another 3.3% hand excavation (30 square meters) shall be conducted during Phase II which focuses on these features. During this phase, all soil shall be screened through $\frac{1}{8}$ -inch mesh hardware. As with the Primary Site Area, Phase III shall include backhoe trenching, controlled grading, and excavation (hand and mechanical) of prehistoric features and activity areas. All features shall be exposed completely and documented using photographs and illustrations. Block excavations (e.g., 2x2 or 4x4 meter units) shall be placed in areas with features and associated artifacts to expose intact living areas.

10. As a condition of TM and PRD Permit No. 93-0140, the applicant shall conduct a full-time paleontological monitoring program during original cutting and earth-moving of undisturbed native soils only consisting of the following:
 - a. The applicant 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 applicant to the Principal Planner of EAS. A qualified paleontologist is defined as an individual with a PH.D. or M.S. degree in paleontology or geology, and 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 program shall be approved by EAS prior to any pre-construction meeting.
 - b. The qualified paleontologist shall attend any pre-construction meetings to discuss grading plans with the excavation contractor. The requirement for paleontological monitoring shall be noted on the grading plans.
 - c. The paleontologist or paleontological monitor shall be on-site

full-time during the original cutting of previously undisturbed sediments of the Otay Formation, San Diego Formation and Pleistocene terrace deposits to perform periodic inspections of excavations and, if necessary, to salvage exposed fossils. The frequency of inspections will depend on the rate of excavation, the materials excavated, and the abundance of fossils.

- d. In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct or temporarily halt grading activities in the area of discovery to allow evaluation and recovery of exposed fossils. At the time of discovery, the paleontologist shall immediately notify EAS staff of such finding. EAS shall approve salvaging procedures to be performed before construction activities are allowed to resume.
 - e. All collected fossil remains shall be cleaned, sorted and cataloged following standard professional procedures. The collection should be donated to a scientific institution with a research interest in the materials (such as the San Diego Natural History Museum).
 - f. Prior to issuance of building permits, a monitoring results report shall be submitted to and approved by the Principal Planner of EAS. The monitoring results report, with appropriate graphics, shall summarize the results, analysis and conclusions of the paleontological monitoring program, even if negative.
11. Prior to recordation of a Final Map, the applicant shall demonstrate that agreements have been made with the affected school districts to the satisfaction of the Principal Planner of the EAS. Said agreements shall ensure that the appropriate funds are made available to the districts. Funding for mitigation of impacts to the Sweetwater Union High School District shall be obtained through annexation into Mello-Roos Community Facilities District (CFD) No. 8. Funding for mitigation of impacts to the San Ysidro School District shall be obtained through annexation into Mello-Roos CFD No. 1. Implementation of those applicable portions of the Public Facilities Financing Plan shall also be a condition of the Tentative Map.
 12. Prior to issuance of a building permit, the applicant shall pay Development Impact Fees (DIF) which include a contribution toward construction of community and neighborhood parks in the Otay Mesa Community Plan area.
 13. Prior to issuance of a building permit, the applicant shall pay DIF which include a contribution toward construction of library and police protection facilities in the Otay Mesa Community Plan area.
 14. Prior to issuance of a building permit, a Waste Management Plan shall be submitted to and approved by the Director of the City of San Diego Solid Waste Division. This Plan shall include, but shall not be limited to, an evaluation of the type and quantity of waste materials expected to

enter the waste stream; source reduction and separation techniques to be used; recycling and/or composting programs; and implementation of "buy-recycled" programs, if feasible.

15. Prior to recordation of a Final Map, a water facilities study shall be submitted to and approved by the Director of the City of San Diego Water Utilities Department, and reviewed by Metropolitan Wastewater Department staff. The study shall include, but shall not be limited to, calculation of total and incremental water demand; identification of specific on- and off-site potable water transmission and distribution facilities; analysis of potential on- and off-site reclaimed water transmission and distribution facilities; provision of fire flow demands; and funding mechanisms for implementation/phasing of required improvements.

Approval of these studies may require subsequent environmental review, if deemed necessary by the Principal Planner of EAS to evaluate the impacts of the recommended facilities and adequacy of water service. Any significant impacts identified during subsequent environmental review shall be fully mitigated by the applicant to the satisfaction of the Principal Planner of EAS.

16. Prior to issuance of a building permit, the applicant shall design and install, or otherwise assure the installation of, all on- and off-site water facilities required to serve the project, to the satisfaction of the Director of the City of San Diego Water Utilities Department and in accordance with the approved water facilities study.

17. Prior to recordation of a Final Map, a sewer facilities study shall be submitted to and approved by the Director of the City of San Diego Water Utilities Department. The study shall include, but shall not be limited to, calculation of total and incremental sewer demand; identification of specific on and off-site facilities; the sizing of gravity sewer mains to provide adequate capacity and cleansing velocities; and funding mechanisms for implementation/phasing of required improvements.

Approval of this study may require subsequent environmental review, if deemed necessary by the Principal Planner of EAS, to evaluate the impacts of the recommended facilities and adequacy of sewer service. Any significant impacts identified during subsequent environmental review shall be fully mitigated by the applicant to the satisfaction of the Principal Planner of EAS.

18. Prior to issuance of a building permit, the applicant shall design and install, or otherwise assure the installation of, all on- and off-site sewer facilities required to serve the project, to the satisfaction of the Director of the City of San Diego Water Utilities Department and in accordance with the approved sewer facilities study.

19. Prior to issuance of a building permit, written verification shall be obtained from the City of San Diego Water Utilities Department to ensure that water and sewer service would be provided to the project (in the

form of a "will-serve" letter addressed to the applicant and EAS.)

20. Partial mitigation for visual quality impacts due to proposed noise attenuation barriers along SR-905 shall be achieved through a combination of: 1) architectural design features to vary the relief of the wall face; 2) colors to be compatible with the theme of the surrounding development; and 3) landscaping to break up the length of continuous hardscape surface apparent from the highway. Partial mitigation for visual quality impacts associated with proposed noise walls in excess of six feet in height shall be achieved through the use of setbacks and berm/wall combinations that would reduce the wall height to below six feet.

Prior to issuance of a building permit for the first building within the Remington Hills TM, EAS shall review the construction plans to ensure that the above architectural and landscaping requirements have been incorporated into the design of proposed noise attenuation barriers. Prior to issuance of a certificate of occupancy, the Principal Planner of EAS shall verify that the architectural and landscaping requirements have been installed in accordance with the approved building plan.

21. Prior to issuance of a building permit for the first building within the Remington Hills TM, the noise barrier recommendations contained in the Final EIR shall be shown on the building plan to the satisfaction of the Principal Planner of EAS and the Acoustical Plan Review Section of the Development Services Department. An exterior perimeter noise attenuation barrier with minimum heights and locations as shown on Figure IV.D-2 of the Final EIR shall be constructed to achieve a 65 dB(A) CNEL exterior noise level at the usable outdoor spaces for residences and natural open space areas adjacent to I-805 and/or SR-905. Prior to issuance of a certificate of occupancy, the Acoustical Plan Review Section in the Development Services Department shall verify that the noise attenuation barriers have been installed in accordance with the approved building plan.

22. Those units exposed to freeway noise levels exceeding the 65 dB(A) CNEL exterior noise standard shall be constructed with architectural treatments that achieve a 28 dB noise level reduction to ensure attainment of the 45 dB(A) CNEL interior noise standard. Attenuation of interior noise levels may be accomplished through upgraded construction materials with mechanical ventilation and special construction techniques. This may include the use of glazing products sound-rated as high as STC 45, which generally require a double, double-paned slider (a window inside of a window). Baffling or elimination of attic vents and resilient channels in exterior walls may also be required. Prior to issuance of building permits, a final acoustical report and specific noise attenuation measures shall be submitted to and approved by the Principal Planner of EAS and the Acoustical Plan Review Section of the Development Services Department. The report shall stipulate that the final building plans have been reviewed by the acoustical consultant to verify that the recommended 28 dB noise level reduction is still considered adequate to attain the 45 dB(A) CNEL interior noise

threshold. Sound attenuation greater than 30 dB(A) requires special construction techniques.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.