

RESOLUTION NUMBER R- 286608

ADOPTED ON NOV 21 1995

WHEREAS, on August 14, 1994, Ed Struiksma, an Individual, Applicant, and Retirement Security Company, c/o Charles R. Downs, M.D., a general partnership, Owner, submitted applications to the Development Services Department for a Tentative Map, Planned Residential Development Permit, Resource Protection Ordinance/Hillside Review Permit and a Rezone; and

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

WHEREAS, the issues were heard by the City Council on NOV 21 1995; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Environmental Impact Report No. 94-0514; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that the information contained in the Environmental Impact Report No. 94-0514, in connection with the Tentative Map, Planned Residential Development Permit, Resource Protection Ordinance/Hillside Review Permit and Rezone, 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

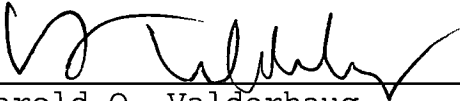
comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the above-described project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council hereby adopts the findings 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   
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Harold O. Valderhaug  
Chief Deputy City Attorney

HOV:ps  
10/26/95  
Or.Dept:Dev.Svcs.  
Case No. 94-0514  
R-96-487

## **Candidate Findings and Statement of Overriding Considerations**

The California Environmental Quality Act (CEQA) requires that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects 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 environmental impact report.
- (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, social, or other consideration make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

(Section 21081 of the California Environmental Quality Act.)

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

(Section 15093 of the CEQA Guidelines.)

The following Candidate Findings and Statement of Overriding Considerations have been submitted by the project applicant as candidate findings to be made by the decisionmaking body. The Environmental Analysis Section of the City of San Diego Development Services Department 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  
Spring Canyon at Scripps Miramar Ranch  
Tentative Map, Planned Residential Development,  
Rezone, Hillside Review Permit, and  
Resource Protection Ordinance Permit**

The following Candidate Findings and Statement of Overriding Considerations are made relative to the conclusions of the Final Environmental Impact Report (Final EIR) for the Spring Canyon at Scripps Miramar Ranch project, DEP No. 94-0514, SCH No. 95051026, proposed by Ed Struiksma of San Diego, California.

The project is the proposed development of 69 single-family detached residences on an 86.1-acre site in the Scripps Miramar Ranch community of the city of San Diego. The site is presently zoned R1-40000 (single-family residential, 40,000-square-foot lot size); the proposed project would rezone the property to R1-20000 (single-family residential, 20,000-square-foot minimum lot size). A tentative subdivision map (TM) is proposed to divide the property and allow development under a Planned Residential Development (PRD). The proposed development would also require a Hillside Review (HR) permit and Resource Protection Ordinance (RPO) permit. The PRD would allow average residential lot sizes of 13,000 square feet with a minimum graded pad of 7,000 square feet. Grading for residential lots and streets would affect 24.3 acres of the site, 40.4 acres of natural open space would be deeded to the City, and 19.4 acres of open space would be maintained by a homeowners' association.

The Final EIR for the project evaluates the following environmental issues in relation to the project: land use/landform alteration/visual quality, biological resources, geology, hydrology and water quality, and paleontological resources. The Final EIR also evaluates cumulative 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, visual quality, biological resources, geology, hydrology and water quality, paleontological resources, and cumulative impacts. The Final EIR indicates that the project's direct impacts associated with landform alteration will remain significant even after all feasible mitigation measures recommended in the Final EIR to reduce impacts are implemented.

Direct impacts associated with landform alteration could be reduced to less than significant levels only by adoption of the No Project or Reduced Grading Alternatives.

These findings are made pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21081) and the state CEQA Guidelines (14 California Code of Regulations Sections 15091 and 15093). The project applicant is Ed Struiksma. The City of San Diego is the lead agency responsible for making the final discretionary decisions with respect to the project.

## Findings

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

According to the California Environmental Quality Act (CEQA) and CEQA Guidelines, *“No public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects accompanied by a brief explanation of the rationale for each finding”* (CEQA Section 15091). The following findings are made relative to the conclusions of the final EIR for the Spring Canyon at Scripps Miramar Ranch project.

Pursuant to Public Resources Code Section 21081(a), the decision maker, having reviewed and considered the information contained in the final EIR for the project, the public record, and the administrative record, finds (pursuant to CEQA and the CEQA Guidelines), that changes or alterations have been required in or incorporated into the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR with respect to the areas of landform alteration, biological resources, and paleontology.

#### 1) Land Use/Landform Alteration/Visual Quality

##### Impact

Approximately 33.1 acres of the site would be graded for building footprints and pads, public streets, sidewalks, and an internal haul road for moving spoil within the site. The total volume of earthwork would be about 465,000 cubic yards. This is an average of about 16,000 cubic yards per graded acre, which exceeds the City's significance threshold of 2,000 cubic yards per graded acre and would be a significant landform alteration impact. Proposed encroachment into slopes with a gradient of 25 percent or more is within the limits allowed by RPO. The proposed project would exceed the RPO

encroachment allowance for biologically sensitive lands and would impact approximately 0.03 acre of disturbed wetland to extend a public street onto the site for access. The excess encroachment and wetland encroachment would be significant land use impacts. No significant visual quality impacts would result from the proposed project.

### **Finding**

The proposed project would implement daylight grading techniques to minimize the grading of hillsides. The grading plan and site designs retain the general hill/valley relationship of the landforms. Steep hillsides would be retained to provide horizontal separation between rows of residences and avoid massing of residential pads on large level pads. Development would conform to community plan guidelines and would be similar to existing development nearby. Contouring of manufactured slopes would be employed to create more rounded, natural-appearing slopes. Manufactured slopes would be revegetated with trees, shrubs, and ground cover in conformance with community plan guidelines. The proposed mitigation program would reduce the landform alteration impact, but not to a level of insignificance. No measures are available that fully mitigate the impact. Only adoption of the No Project or Reduced Grading Alternative would avoid or reduce the impact to below a significant level.

The encroachment into biologically sensitive lands exceeds the RPO allowance, and the project would impact 0.03 acre of disturbed wetland. As mitigation, the applicant proposes the preservation in open space of biological resources similar to those impacted and the expansion of a mesic area in the proposed open space area. These measures would reduce impacts on sensitive biological resources under RPO to below a level of significance and allow findings to be made for alternative compliance with RPO.

## **2) Biological Resources**

### **Impact**

Proposed grading for residential lots, streets, and an internal haul road would impact 13.4 acres of southern mixed chaparral, 13.7 acres of chamise chaparral, and the 0.03-acre mesic area in the southern canyon. Brush management would affect an additional 3.4 acres of southern mixed chaparral and 3.3 acres of chamise chaparral. Nuttall's scrub oak, a plant species candidate for federal listing, is found in the southern mixed chaparral throughout the site, including the area impacted. Habitat for several sensitive birds would be impacted, as would two acres of habitat for the San Diego horned lizard in the chamise chaparral. The small, disturbed mesic area in the southern canyon would be impacted by grading to extend Edenoaks Street onto the project site.

## **Finding**

The direct loss of native habitat on the site would be mitigated by the retention in open space of up to 40.3 acres of similar habitat on-site, with 47.5 acres of undisturbed, contiguous open space and 59.8 acres of undisturbed open space overall. Additionally, a revegetation program would restore southern mixed chaparral and chamise chaparral to disturbed areas and manufactured slopes adjacent to native vegetation. Revegetation of mesic areas in the northern canyon is proposed, with restoration of 0.09 acre of wetland as mitigation for impacts on a small, disturbed mesic area in the southern canyon. Maintenance and monitoring of the revegetation sites by a revegetation biologist for two years is proposed, with performance criteria specified. These measures, which would be required as conditions of the TM, PRD, and landscaping plan, would reduce direct impacts on biological resources to below a level of significance.

### **3) Geology**

#### **Impact**

The site is characterized by low to moderate geologic risks, with principal potential hazards consisting of settling of alluvium under compacted fill, expansive soils, characteristics of imported fill, and surface erodibility of graded slopes. A major concern is the shrink-swell behavior of certain soils under varying moisture conditions.

#### **Finding**

The preliminary geotechnical report found no site-specific conditions that would preclude the proposed development. A condition of the tentative map will require a detailed geotechnical report associated with the final grading and improvement plans. Measures listed in the EIR as recommended in the preliminary geotechnical report, as well as more detailed requirements developed in the more detailed geotechnical report, would reduce potential geological impacts to a level below significance.

### **4) Hydrology and Water Quality**

#### **Impact**

Development of the vacant site will introduce the potential for contamination of surface waters from runoff common to other developed sites in the Carroll Canyon drainage and elsewhere. Construction can remove vegetative cover and allow runoff to cause erosion on the site and sedimentation downstream. Runoff flowing across developed sites can pick up contaminants from landscaping and areas used by motor vehicles, including oils, fuel residues, heavy metals, fertilizers, and pesticides.

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## **Finding**

Construction of any project in the City of San Diego is subject to the requirements for erosion control in the City's Grading Ordinance and water quality requirements of a statewide National Pollutant Discharge Elimination System (NPDES) permit requiring compliance with the federal Clean Water Act. Compliance requires implementation of Best Management Practices and development of a Storm Water Pollution Prevention Plan and Monitoring Program Plan. When construction is completed, stormwater must comply with the City of San Diego's municipal NPDES permit, which requires compliance with waste discharge requirements for stormwater and urban runoff. For the project site, the increase in runoff volumes is not expected to be significant, and the increases in erosion, sediment load, and runoff contaminant loads would be reduced to a level below significance by statutory compliance with NPDES permit requirements and Best Management Practices.

## **5) Paleontological Resources**

### **Impact**

The site is known to be underlain by the Pomerado Conglomerate, in which no fossils have been found, but the site may also be underlain by the Mission Valley Formation and the Stadium Conglomerate. These latter two formations have yielded fossils in other locations in the San Diego area. Although no fossil finds have been reported in the project area, excavation of potentially fossiliferous formations could occur during project construction.

### **Finding**

The potential for a project impact on significant paleontological resources would be mitigated by conditions of the TM and PRD that would require monitoring of construction and, if necessary, recovery and preservation of any fossils discovered.

## **B. Public Resources Code Section 21081(b)**

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



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

The decision maker, having reviewed and considered the information contained in the Final EIR for the project and the public record, finds there are specific economic, social, and other considerations which make infeasible mitigation measures and project alternatives identified in the EIR. Specifically, approval of the project will cause a significant unavoidable direct impact to landform alteration.

### **1) Mitigation Measures**

The applicant has agreed to implement all mitigation measures recommended in the Final EIR to reduce identified significant impacts to below a level of significance. The significant impact on landform alteration identified in the Final EIR as associated with volumes of earthwork per graded acre that exceed the City's threshold of significance, however, cannot be mitigated for the project as proposed. The significant landform alteration impact could be avoided or reduced to below a level of significance only by implementation of either the No Project Alternative or the Reduced Grading Alternative.

### **2) Project Alternatives**

#### **No Project Alternative**

**Impact:** The No Project Alternative would avoid the proposed project's significant impact to landform alteration and avoid impacts identified for Biological Resources, Geology, Hydrology/Water Quality, and Paleontological Resources.

**Finding:** Under the No Project Alternative, the project site would be retained in its present vacant, undeveloped condition. This alternative would not attain the basic objective of the proposed project, to provide low density residential use consistent with the land use designation of the site by the Scripps Miramar Ranch Community Plan. This alternative would also result in financial hardship for the landowner, since the costs of land ownership represented by property taxes, maintenance, and liability would continue with no prospect of offsetting financial returns.

#### **Reduced Grading Alternative**

**Impact:** This alternative would eliminate the significant landform alteration impact of the proposed project associated with grading volumes and slope heights. The same street pattern and residential lot layout would be retained, but grading would not create full residential pads, only street grades with minimal residential street frontage. Residences constructed for this alternative would have to be custom homes using special foundations, such as support poles or cantilevering.

**Finding:** This alternative would reduce grading significantly, but would result in a developed project markedly different from adjacent development. The Scripps Miramar Ranch community is characterized by single-family residences with usable outdoor space in the form of yards and gardens. Development adjacent to the project site reflects this trend. Development of custom homes with unusual foundations on this site would not be consistent with the established design pattern of the community. This condition would conflict with the community objective for new housing to be compatible with and similar to existing types. Both the grading plan and residential lot design of the proposed project conform to the pattern established by adjacent single-family residential development. In addition, usable open space is required by the City's PRD ordinance. Use of special foundations to minimize grading would result in minimal usable outdoor ground surface for future residents. On a site dominated by steep slopes, the PRD usable open space requirements could only be provided as decks or balconies attached to the residences. This would increase the size of the residences and the ground coverage, thereby greatly increasing construction costs. For these reasons, according to the applicant, residences built under this alternative would be difficult to market, imposing a financial hardship on the landowner.

## Statement of Overriding Considerations

The California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15093 require the decision maker "to balance the benefits of the project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable." Based on the analysis contained in the Environmental Impact Report (EIR) prepared for the project, implementation of the proposed Spring Canyon at Scripps Miramar Ranch project would result in a direct impact to landform alteration which has not been mitigated to below a level of significance. The decision maker, in approving the various discretionary actions that are the subject of the final EIR for Spring Canyon at Scripps Miramar Ranch, having considered the information contained in the final EIR, having reviewed and considered the public testimony and record, finds that the following factors support approval of the project despite any potential significant environmental effects.

### Landform Alteration

The project site is located in the Scripps Miramar Ranch Community Plan area and is currently undeveloped. The proposed project would implement most of the goals, objectives, and recommendations of the Scripps Miramar Ranch Community Plan. However, the proposed grading would move earth at about 16,000 cubic yards per graded acre, in a highly visible site.

This degree of grading is found to be acceptable since the proposed project would retain and enhance the most biologically valuable part of the site as public open space and develop the remainder at an overall residential density lower than allowed under the community plan designation. The community plan's designation would allow 129 dwelling units on the site; the project proposes 69 dwelling units.

The decision maker finds and concludes that the benefits of the project outweigh the adverse landform alteration impact. These benefits include:

1. **Generation of Funds for Capital Improvements and Major Maintenance Programs.** The proposed project would contribute \$2,960.00 per dwelling unit, or a total of \$204,240.00 to the Scripps Miramar Ranch Facilities Benefit Assessment (FBA). This site's contribution has already been listed in the FBA for calendar year 1996, and is the only single-family residential project listed as a contributor to the projected FBA income of \$304,152.00 for that year.

2. **Increase Generation of Property Tax Revenues.** In its present undeveloped state, the last annual property tax generated by the project site was \$5,869.00, according to the applicant. With development of 69 residences with a estimated median price of about \$500,000.00, assuming a tax rate of one percent of assessed value, the site would generate property taxes of about \$345,000.00 the first year, an almost 60-fold annual increase.
3. **Provision of Open Space and Recreation Areas.** The project would contribute 40.44 acres of dedicated open space to the Carroll Canyon open space system, a important and valuable amenity in Scripps Miramar Ranch. This open space would provide significant benefits of passive use, including biological and visual values, and the project also would include development of a trail system linking the proposed residential area with areas adjacent to the site on the east and west for the enjoyment of residents of the project, adjoining neighborhoods, and the community.
4. **Quality Development and Compatible Land Uses.** The proposed project would develop a residential community similar to adjoining neighborhoods aesthetically and in property value. The site design, landscaping, and architectural standards reflect the high standard of community design in the Scripps Miramar Ranch Community Plan. The high quality of the residential development will be complemented by the preservation of a significant area of natural open space, adjoining other community open space and with mechanisms to assure maintenance of aesthetic and natural values.
5. **Creation of Construction Job Opportunities and Contribution to the Regional Economy.** Construction of the proposed project would provide jobs for an undetermined number of construction workers and contribute to the income of contractors and, through these means, make a temporary but beneficial contribution to the regional economy.

Therefore, the decision maker, pursuant to the CEQA Guidelines, after having balanced the benefits of the proposed Spring Canyon at Scripps Miramar Ranch project against the landform alteration impact of the project, determines that the impact is acceptable. The decision maker further finds and concludes that each independent overriding consideration as set forth herein, standing alone, would be sufficient to conclude that the project should be approved despite the fact that there is a significant unmitigated environmental impact.

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

SPRING CANYON AT SCRIPPS MIRAMAR RANCH  
TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT PERMIT,  
AND RESOURCE PROTECTION ORDINANCE/HILLSIDE REVIEW PERMIT

DEP NO. 94-0514

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. 94-0514) shall be made conditions of Tentative Map and Planned Residential Development Permit No. 94-0514 as may be further described below.

**A. Landform Alteration/Visual Quality**

1. The applicant shall clearly indicate on the grading plans slopes that are to be contour graded. A note shall be included on the grading plans requiring the applicant to notify the Principal Planner of the City Environmental Analysis Section (EAS) two weeks before grading begins and for the follow-up inspection after grading is complete. Prior to issuance of grading permits, EAS shall review the grading and landscape plans to ensure that sensitive grading techniques are being used and that manufactured slopes are landscaped in conformance with the conceptual landscape plan.
2. The applicant shall retain a soils engineer to monitor the grading, construction, and revegetation of the project and submit in writing to the City Engineer and EAS, certification that the project has complied with the required mitigation measures on the grading plans. At its discretion, the Development Services Department shall conduct field inspections during grading. Other than minor changes in grading, the applicant shall process construction changes through the Development Services Department. A surety, in the amount specified by the Development Services Department, should be collected by the Engineering Department from the applicant before issuance of a grading permit in an amount equal to the cost of the maintenance program. After the Development Services Director and City Engineer approve the grading, a recommendation shall be made to the City Council for the release of the subdivision bond.

**B. Biological Resources**

1. **Sensitive Species and Habitats**
  - a. Prior to the issuance of grading permits, a habitat preservation plan for open space dedicated to the City shall be submitted to the Development Services Department,

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the Park and Recreation Department, and other departments as appropriate, consistent with RPO. Specifically, the developer shall preserve 59.8 acres of open space, as follows:

- (1) Lots 73 and 76 (comprising 11.8 acres) shall have a negative open space easement for brush management and shall be owned and maintained by the homeowners' association.
- (2) Lots 70, 71, 75 and 77 (7.6 acres) shall have a negative open space easement and shall be owned and maintained by the homeowners' association.
- (3) Lot 74 (40.4 acres) shall be granted to the City in fee simple, for open space, at no cost to the City. Both trails in Lot 74 shall be constructed by the developer and shall be subject to the approval of the Park and Recreation Director.

b. Construction documents shall include notes to prevent brushing and clearing of the natural slopes shown as open space. The manufactured slopes adjacent to the natural open space area must be revegetated with native species pursuant to the requirements of the revegetation plans.

(1) *Revegetation Plan for Hillsides*

- (a) Prior to the grading of the project site, topsoil and plant materials shall be salvaged, as these materials contain nutrients, organic matter, mycorrhizae, and plant propagules that are beneficial to the success of revegetation efforts. This salvaged vegetation and topsoil shall be evenly distributed onto the cut and fill slopes.
- (b) Areas which have been treated with salvaged plant materials and topsoil shall then be seeded with the mixture of species provided in Table 4 of the EIR. These species are consistent with those found in coastal sage scrub and, to a lesser extent, southern, mixed chaparral habitats. The seed mixture shall contain two elements that each serve a specific purpose. The first of these is to provide species that will establish quickly as a nurse crop to reduce potential erosion and weed problems. The second element of each mixture shall include shrub and forb species that are present in adjacent, off-site coastal sage scrub and southern mixed

chaparral habitat in the project area. The seed mix shall be premixed in proportions as specified in Table 4 of the EIR.

- (c) Fine-grade plaster sand shall be added to the seed mix, and both seed and sand shall be mixed for no more than ten minutes prior to broadcasting. Following the broadcasting, all seeded areas shall be irrigated.
- (d) The seeding effort shall be timed to occur in the fall to take advantage of the natural precipitation cycle; however, a temporary, aboveground irrigation system with low-volume spray heads shall be installed on the fill slopes to provide supplemental water in the event of a prolonged winter drought condition. All seeded slopes shall be irrigated to approximately field capacity and allowed to dry for one day prior to seeding activities as well as after seeding has occurred.

(2) **Revegetation Plan for Mesic Areas**

Impacts to the 0.03-acre of freshwater seep in the southern canyon shall be mitigated to below a significant level by expanding the mesic area in Carroll Canyon on-site at a 3:1 ratio or 0.09-acre. Revegetation shall be undertaken adjacent to the existing mesic areas along Carroll Canyon. An area of the drainage shall have exotic plantings removed and be recontoured as necessary to maintain suitable hydrologic conditions. Seeds from existing plants in the drainage area to be disturbed shall be collected and replanted; species shall include mariposa rush, pale spikerush (*Eleocharis macrostachya*), and mule fat.

(3) **Revegetation Plan Maintenance and Monitoring**

- (a) Maintenance and monitoring of the revegetation sites shall be required after installation in order to ensure habitat establishment and determine compliance with success criteria. The maintenance during establishment shall be primarily the responsibility of the landscape contractor, with input from the revegetation biologist.
- (b) Weedy, nontarget vegetation shall be removed as required to prevent adverse competition with the revegetation materials. Weeding shall occur

monthly for the first 6 months, quarterly for the next 18 months, and semiannually for the next year. Weeding shall be done by hand and no herbicides used. Specific species for removal include, but are not limited to, star-thistle (*Centaurea* spp.), horehound (*Marrubium vulgare*), and mustard (*Brassica* spp.). Additional species to be removed may also be identified by the revegetation biologist.

- (c) A two-year habitat monitoring program shall be conducted by the revegetation biologist. Monitoring shall be conducted by a certified biologist with experience in the implementation of ecological monitoring programs and commence following the completion of the planting and seeding operations. The revegetation areas shall be monitored qualitatively every two weeks for the first 120 days and quarterly for the rest of the first year. Monitoring shall occur twice in the second year. This monitoring program shall document and ensure the success of the revegetation program. Success criteria shall include 60 percent cover over the revegetated area at the end of the monitoring period. The monitoring program shall be designed to gather information on the success of plant establishment and habitat development as well as to formulate plans for remedial actions.
- (d) The monitoring and maintenance program will continue for a period of two years or until measurements of vegetation cover and density approximate those present in existing adjacent chamise chaparral habitat along with a species diversity which is not significantly different from that shown in Table 4 of the EIR.
- (e) Quantitative assessments shall take place annually in March. Permanent sampling locations shall be established within the revegetation areas. Data shall be collected from line transects or quadrats, with measurements to include cover and frequency of shrub species. These data shall be evaluated against the milestones presented in Table 5 of the EIR.
- (f) Progress reports detailing the conditions of the mitigation site shall be submitted within 30 days of the qualitative surveys. These reports shall include information on problems



with irrigation, pests, vandalism, and weeds which have been identified. Proposed remedial actions shall also be discussed.

- (g) Annual technical reports describing the mitigation program shall be submitted within 60 days of the quantitative data collection. These reports shall present the results of the quantitative analysis along with the information provided in the previous letter reports. The final annual report shall summarize the results of the entire mitigation program, thereby providing information for comprehensive evaluation of the program.
- (h) These measures shall be conditions of the TM, PRD, and landscaping plan. EAS shall review the grading and landscaping plans for consistency with the above measures prior to issuance of grading permits; a site inspection by City staff shall be required to ensure compliance with the mitigation program, prior to the issuance of building permits.

**2. Brush Management**

- a. Brush management and fire control measures shall follow the City of San Diego Guidelines and hand clearing shall be used for any fire control measures required within Zones 2 and 3 of the fire buffer area. Except for brush control measures, there shall be no other activities in the brush management areas.
- b. Measures to be incorporated into the project design and brush management plan to reduce impacts to habitat and wildlife shall include the following:
  - (1) The remaining areas of undisturbed vegetation (55.5 acres with the haul road, 59.8 acres without the haul road) not affected by grading activity or brush management shall be preserved as biological open space.
  - (2) Manufactured slopes adjacent to natural open space shall be revegetated with appropriate native plant species consistent with the brush management plan. The plants species will correspond to those species present in contiguous open space.
- c. These measures are conditions of the TM, PRD, and landscaping plan. EAS shall review the grading and landscaping plans for consistency with the above measures

prior to issuance of building permits; a site inspection by City staff shall be required to ensure compliance with the mitigation program.

**C. Geology**

1. The developer shall retain a soils engineer and a registered engineering geologist to review detailed grading plans, monitor construction of the project, and assure compliance with the provisions of the project's geotechnical investigation. A condition of approval for the tentative map shall include a detailed geotechnical report associated with the final grading and incorporate measures as summarized below:
  - a. To reduce potential for adverse settling, existing surficial soils, alluvium and colluvium shall be removed prior to fill placement.
  - b. Soils that display significant expansive potential shall be buried a minimum of five feet below finish grade, or specially designed building foundations would be needed.
  - c. Placement of structures over cut/fill transitions shall be avoided.
  - d. Non-expansive, well-graded, granular materials with minor silt and clay fractions shall be used for imported fill.
  - e. For long-term stability of slopes, groundwater seepage shall be minimized by grading ground surfaces to facilitate the flow of water away from structures without ponding.
  - f. Runoff water shall be contained within properly designed facilities to prevent water seepage into the foundation areas.
  - g. Any Pomerado Conglomerate used for fill shall be specially treated to ensure adequate compaction (for example removal or pulverization of large cobbles).
2. A Registered Engineering Geologist shall monitor on-site grading, construction, and revegetation as described above in the list of mitigation measures. A final geotechnical report shall be submitted, certifying that the grading complies with the approved mitigation measures. Prior to issuance of grading permits, EAS shall review grading, landscape, and irrigation plans for inclusion of sediment control measures. A representative of EAS shall conduct a field inspection prior to release of the subdivision bond and issuance of building permits to assure that grading operations have implemented sediment control measures and that manufactured slopes have been revegetated. An updated

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seismicity report shall be submitted to the City Senior Engineering Geologist, based on the latest (1995) earthquake engineering data, at the end of the grading period.

3. These measures are conditions of the TM. EAS shall review the grading and landscaping plans, prior to the issuance of building permits.

**D. Hydrology and Water Quality**

**1. Increased Erosion/Sediment Load**

- a. During construction, sandbags and/or straw bale barriers shall be placed along a level contour in the path of runoff to create a barrier that retains sediment-laden water. Inspection and maintenance during the construction period shall be required to maintain the efficiency of the sediment barriers.
- b. All manufactured slopes shall be temporarily irrigated for a period not to exceed two years from date of installation and planted within 60 days of completion of grading operations. Manufactured slopes shall be maintained by the homeowner or homeowner's association.
- c. Measures that reduce the amount of hydrophilic vegetation used in landscaping shall be employed to reduce water runoff. These measures shall include the incorporation of drought-tolerant species in the project design.
- d. The temporary irrigation system shall utilize low precipitation heads for maximum water conservation and slope stability, while reducing erosion potential.

**2. Increased Runoff Contaminant Loads**

- a. The TM shall provide source control BMP's via landscaping of all slopes and street rights-of-way to prevent erosion, and a grading/drainage concept that directs water away from easily erodible areas, such as the bluffs. The water shall be directed into a drainage system designed to safely handle the stormwater runoff. Additionally, desilting basins/water quality basins shall be provided during grading at strategic locations to the affected slopes. Any other applicable source control or BMP's which may be implemented on a city-wide basis shall be incorporated into the TM, as applicable.
- b. A grading plan that incorporates runoff and erosion control procedures to be used during all phases of the project development shall be prepared and submitted concurrently with subdivision improvement plans, where such development

is proposed to be developed on land that would be graded or filled. Such a plan shall be prepared by a registered civil engineer and shall be designed to ensure that there will be no increase in the peak runoff rate from the fully developed site over the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every 10 years. Runoff control shall be accomplished by establishing on-site catchment basins, detention basins and siltation traps along with energy dissipating measures at the terminus of storm drains or other similar means of equal or greater effectiveness.

- c. The grading plan shall incorporate a maintenance program for erosion and runoff control measures which shall be approved by the City Engineer and the Development Services Director. The erosion and runoff control measures shall be designed and bonded prior to recordation of the final map; erosion control measures shall be implemented prior to acceptance of the grading plan and public improvements by the City. The homeowner's association shall be responsible for the specified maintenance program and shall maintain records of the maintenance.
- d. The above measures shall be noted on grading plans. Prior to the issuance of grading permits, EAS shall review plans to ensure the notation has been provided. The applicant shall retain a soils engineer to monitor the grading, construction, and revegetation of the project and submit in writing to the City Engineer and EAS, certification that the project has complied with the required notes on the grading plans addressing erosion/urban runoff controls.

**E. Paleontology**

- 1. The following measures shall appear as conditions of the TM:
  - a. Prior to issuance of grading permits, the applicant shall present a letter to EAS indicating that a qualified paleontologist has been retained to carry out the resource mitigation.
  - b. A qualified paleontologist shall be present at a pregrading conference to consult with the grading and excavation contractors.
  - c. A qualified paleontologist shall be retained to perform periodic inspections of excavations and, if necessary, salvage exposed fossils. A paleontological monitor shall be on-site at all times during the original cutting of formations with a known potential to contain fossils, such as the highly sensitive Mission Valley Formation and the

moderately sensitive Pomerado and Stadium Conglomerates. Four major fossil groups have been collected from San Diego Eocene rocks: mammals, mollusks, calcareous nannoplankton, and foraminifera. Periodic inspections of cuts in such formations shall also be made. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and the abundance of fossils.

- d. The paleontologist shall be allowed to temporarily direct, divert, or halt grading to allow evaluation and recovery of fossils in a timely manner. At the time of discovery, the paleontologist shall immediately notify the EAS and the resident engineer regarding the procedures to be performed before construction activities are allowed to resume.
- e. Fossil remains collected during this salvage program shall be cleaned, sorted, and catalogued and then (with the owner's permission) deposited in a public, nonprofit institution with research interest in the materials, such as the San Diego Natural History Museum.

2. The following measure shall appear as a condition of the PRD:

The Mitigation Monitoring and Reporting Program shall be submitted to EAS and the Natural History Museum three months after completion of the monitoring program, but no later than before Development Services final inspection. The report shall summarize the results of the monitoring program, even if negative.

Prior to approval, the City Development Services Department shall verify that the above mitigation measures are incorporated into the TM and PRD as noted.

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.