

RESOLUTION NUMBER R- 289994

ADOPTED ON APR 21 1998

WHEREAS, on July 26, 1996, H. G. Fenton Material Company, a California corporation, submitted an application to Development Services for a Specific Plan, Community Plan and General Plan amendments, Rezoning, Street Vacations, Tentative Subdivision Map, Amended and Restated Development Agreement, amendment to Conditional Use Permit No. 82-0014 and Consideration of Interim Habitat Loss Findings; and

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

WHEREAS, the issue was heard by the Council on APR 21 1998; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Environmental Impact Report No. 96-0544; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is certified that Environmental Impact Report No. 96-0544, on file in the office of the City Clerk, in connection with the Specific Plan, Community Plan and General Plan amendments, Rezoning, Street Vacations, Tentative Subdivision Map, Amended and Restated Development Agreement, amendment to Conditional Use Permit No. 82-0014 (all LDR No. 96-0544), as well as the Consideration of Interim Habitat Loss Findings, have been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of The City of San Diego as

Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and Administrative Code section 15091, the City Council adopts the findings made with respect to the project, a copy of which is on file in the office of the City Clerk and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Administrative Code section 15093, the City Council 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 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: CASEY GWINN, City Attorney

By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

PD:cdk
04/02/98
Or.Dept:Dev.Svcs.
R-98-1060
Form=eirl.frm

**CANDIDATE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE ENVIRONMENTAL IMPACT REPORT FOR
MISSION CITY SPECIFIC PLAN**

**LDR No. 96-0544
SCH No. 96111039**

FINDINGS

The following Candidate Findings are made relative to the conclusions of the Final Environmental Impact Report (Final EIR) for the Mission City Specific Plan, LDR No. 96-0544, SCH No. 96111039. The project applicant is Fenton-Western Properties. The City of San Diego ("City") is the Lead Agency responsible for making the final discretionary decisions with respect to the project.

The 228.6-acre project site is located north and south of Friars Road between Interstate 805 and Interstate 15, just west of Qualcomm Stadium. The site is currently being used for mining and related activities and has supported mining activities for the past 60 years.

The proposed project includes two basic components. The primary action is a series of discretionary approvals necessary to develop the property in accordance with the proposed Mission City Specific Plan. A second action would amend an existing conditional use permit for the ongoing mining activities. The proposed amendment to the mining conditional use permit would extend the life of the permit through the year 2014; all other aspects of the permit would remain the same. Mining activities will be phased out as the property develops under the Mission City Specific Plan.

The proposed Mission City Specific Plan is a mixed use development composed of residential, retail and office uses. The 228.6-acre project site is located north and south of Friars Road between Interstate 805 and Interstate 15, just west of Qualcomm Stadium. The Specific Plan would allow for a range of uses including between 1,365 and 4,509 residential units, 163,350 and 400,000 square feet of retail uses, and 87,120 and 174,240 square feet of office/business park uses. The actual amount of each land use type would be a function of market demand, but in no case would the total number of automobile trips generated by development exceed 39,500 average daily trips. The project also includes 53.1 acres of open space located throughout the project site including recreational opportunities, revegetated mining slopes, and the San Diego River.

Discretionary actions required for the proposed project include adoption of the Mission City Specific Plan, an amendment to the Mission Valley Community Plan, a General Plan Amendment, Rezones, the vacation of Questor Place and Old Quarry Road, a Tentative Map, Development Agreement Amendment, a Conditional Use Permit Amendment and an Interim Habitat Loss Permit.

The Final EIR evaluates the following environmental issues in relation to the project: land use, traffic and circulation, landform alteration/visual quality, biology, geology/soils, noise,

R. 289994

hydrology/water quality, air quality, public services and facilities and paleontological resources. The Final EIR also evaluates cumulative impacts of the project, as well as five alternatives to the project. The Final EIR concludes that the project would not have a significant environmental impacts relative to the following environmental issues: public health and safety, cultural resources, agriculture, population/housing, and energy.

The Final EIR concludes that the direct impacts on the following environmental issues can be reduced to less than significant levels if all the mitigation measures recommended in the Final EIR are implemented: land use (potential conflicts with ongoing mining activities), biology, noise (transportation noise and conflicts with ongoing mining activities), geology/soils, hydrology/water quality, air quality, public services (schools and parks), and paleontological resources.

The Final EIR concludes that the direct and/or cumulative impacts of the project with respect to land use (conflicts with planning policies and goals), traffic and circulation, landform alteration/visual quality, and public services (police and fire protection) would remain significant even with all feasible mitigation measures recommended in the Final EIR to reduce impacts are implemented. However, several events which have occurred since the Draft EIR was circulated for public review, have resulted in modifications to the original conclusions regarding unmitigable impacts related to internal commercial noise, traffic and fire protection.

With respect to commercial noise, the Draft EIR originally concluded that noise from future commercial operations within Planning Area 6 could have a significant and unmitigable impact on future residential uses because the City's Noise Ordinance would not apply at the interface of these two types of uses. However, subsequently, it has been determined that the City's new Land Development Code would allow for enforcement of the Noise Ordinance in mixed use areas. In the event that the new code is not in place before project approval, the code will be applied by ordinance to the Mission City Specific Plan. As a result, commercial noise impacts are no longer considered significant.

With respect to traffic impacts, the applicant has agreed to make a fair share contribution toward ramp signals at the intersection of Friars Road and Stadium Way as well as a fair share contribution toward an auxiliary lane on Interstate 15 between Murphy Canyon Road and Friars Road. With these additional mitigation measures, direct traffic impacts are considered significant but mitigable; cumulative traffic impacts remain unmitigated.

With respect to fire protection, the City has conditioned the proposed Mission City Overlay Zone to install fire suppression sprinklers in all residential buildings, even if the Uniform Fire Code would not otherwise require sprinklers. With this condition, the impacts caused by the inadequate fire response time would be reduced to below a level of significance.

The following Findings are made pursuant to Section 21081 of the California Environmental Quality Act (CEQA), California Public Resource Code §§ 21000-21177, and the State CEQA Guidelines, Cal. Code of Regulations, Title 14, §§ 15091 and 15093.

A. Section 21081 (a) Findings

Pursuant to Public Resources Code Section 21081 (a), the City, having independently reviewed and considered the information contained in the Final EIR, the appendices, and the record, finds that changes or alterations have been required of, or incorporated into, the proposed project which mitigate, avoid or substantially lessen the significant, direct and/or cumulative impacts environmental effects identified in the Final EIR, including: biological resources, traffic, geology/soils, noise, hydrology/water quality, air quality, public services and facilities (fire protection, schools and parks), and paleontological resources.

Implementation of the following recommendations would occur via the imposition of conditions of approval for the project.

1) *Land Use (Potential Conflicts With Ongoing Mining Activities) (Direct)*

Impact

Operation of ongoing mining and related activities could result in significant land use impacts on future development. Impacts would be associated with noise levels exceeding the City's standard.

Finding

Changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. Implementation of the following mitigation measure would reduce potential land use conflicts caused by noise from ongoing mining activities on future development to below a level of significance by restricting the proximity of mining activities to future development, thereby effectively reducing noise levels.

Mitigation Measure IV.A-1: Prior to approval of the time extension for the CUP, the permit shall be conditioned to prohibit aggregate extraction and/or aggregate processing activities within: (1) 500 feet of an occupied residential structure within Mission City; (2) 300 feet of an occupied church, office, business or professional structure within Mission City; or (3) 150 feet of a commercial retail, industrial or outdoor spectator area. Other ongoing activities allowed under the CUP (e.g. soil remediation, vehicle storage, vehicle maintenance, concrete block manufacturing, and equipment storage) shall not be located within 100 feet of an/occupied structure within Mission City.

2) *Traffic and Circulation (Direct)*

Impact. The 39,500 automobile trips generated by the proposed project would result in significant direct impacts in both the short-term and buildout condition at the two ramp intersections at Friars Road and Stadium Way.

Finding. Implementation of the following mitigation measures would reduce the project's direct impacts to be below a level of significance.

Mitigation Measure IV.B-1: Prior to issuance of the first certificate of occupancy for the project, the following roadway improvements or fair-share contributions shall have been accomplished:

- Modify Friars Road/Northside signalized intersection to accommodate dual left-turn lanes and right-turn only lanes on Friars Road;
- Create dual northbound to westbound left-turn lanes on Northside Drive at Friars Road;
- Provide signalized intersection at "A" Street including right-turn-only lanes;
- Retain/improve raised median along Friars Road;
- Contribute a sum, to be determined by the City Engineer, toward construction of a hookramp at Stadium Way and Interstate 8;
- Contribute \$1,465,000 toward at-grade transit facilities and \$500,000 toward the Northside LRT station;
- Contribute \$2,660,000 toward the cost of constructing a two-lane bridge on Milly Way across the San Diego River;
- Contribute a fair-share sum, to be determined by the City Engineer, toward the cost of adding a southbound auxiliary lane to I-15 between the Murphy Canyon Road on-ramp and the Friars Road off-ramp; and
- Contribute a fair-share sum, to be determined by the City Engineer, toward signalization of the two ramp intersections at the Friars Road/Stadium Way interchange.

Mitigation Measure IV.B-2: Prior to issuance of certificate of occupancy for the first building of any proposed development, a registered traffic engineer must calculate the number of trips generated by the proposed development, and add it to the trip generation estimates for previously

approved development to demonstrate that the overall daily and peak hour thresholds would not be exceeded by the proposed development. This information shall be provided to the City on the Density Transfer Worksheet provided in the Specific Plan. Average daily trips shall not exceed 39,500. Peak hour volumes shall not exceed the following thresholds: 990 (inbound) and 1,350 (outbound) vehicles per hour (VPH) during the am peak, and 2,200 (inbound)VPH during the p.m. peak. Deviation from the peak hour volumes would require the preparation of an individual traffic study to assess potential consequences of the proposed development.

3) *Biology (Direct and Cumulative)*

Impact

Continued mining and implementation of the mandatory Reclamation Plan prior to the Mission City development would in all likelihood remove all existing biological resources which would otherwise be impacted by the proposed project. However, in the event that the existing resources are present at the time of development, the project would impact up to 3.4 acres of Diegan coastal sage scrub. This coastal sage scrub as well as an estimated 1.3 acres of broom baccharis scrub is being used by two groups of coastal California gnatcatchers, a federally-threatened species.

Development of the site could also impact up to approximately one acre of wetlands. Impacted wetlands would include up to 0.8 acre of coastal and valley freshwater marsh, 0.1 acre of mulefat scrub and 0.1 acre of disturbed southern willow scrub.

Increased levels of light from future development reaching on and offsite riparian and coastal sage scrub habitats could significantly impact wildlife in these areas.

Grading noise could impact sensitive bird species (coastal California gnatcatcher and least Bell's vireo) if it exceeds 60 dB (A) L_{eq} during the breeding season of these birds.

Implementation of the project could contribute to the regional loss of several sensitive biological resources: coastal sage scrub and wetland. Due to the historic reduction in the amount of these habitats in the region, this impact would be cumulatively significant.

Finding

Changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. Implementation of the following mitigation measures would reduce potential direct and indirect impacts as well as cumulative impacts to sensitive biological resources to below a level of significance by: creating and ensuring

preservation of riparian/wetland habitat of equal or better value (if required); acquiring or contributing to the acquisition of Diegan coastal sage scrub habitat (if required); shielding lighting to avoid indirect impacts on wildlife species within riparian and coastal sage scrub habitats; and prohibiting grading near sensitive habitat during the breeding season of sensitive bird species to avoid disturbing the breeding regime and to allow fledglings to disperse to offsite habitat.

Mitigation Measure IV.D-1: In the event that wetland habitat remains at the time development occurs, a final restoration plan shall be prepared to the satisfaction of the Environmental Review Manager, Land Development Review Division prior to the approval of a grading permit which would impact riparian habitat. The anticipated compensation requirement would be the creation of riparian/wetland habitat at a ratio of 1:1. The final restoration plan shall include: plant palette selection, mitigation bonding, planting guidelines, post-installation maintenance, and protection and monitoring requirements. In addition to the creation of new riparian/wetland habitat at a ratio of 1:1, it is anticipated that the applicant shall demonstrate to the satisfaction of the Environmental Review Manager, Land Development Review Division that existing riparian/wetland habitat has been acquired and placed in permanent open space at a ratio of 2:1 for each acre lost with development. The anticipated combination of creation and preservation would result in an overall compensation ratio of 3:1.

Mitigation Measure IV.D-2: In the event that habitat suitable for the coastal California gnatcatcher remains at the time development occurs, prior to issuance of a grading permit, the applicant shall demonstrate that either (1) a suitable area of Diegan coastal sage scrub has been acquired and preserved or (2) a suitable contribution has been made to the City's Habitat Acquisition Fund.

If the permission to impact coastal sage scrub is obtained through the Interim Habitat Loss Permit provisions of the 4(d) Rule, the amount of coastal sage scrub to be preserved or the amount of the Habitat Acquisition Fund contribution shall be based on the following compensation ratios: coastal sage scrub (2:1), broom baccharis scrub adjacent to coastal sage scrub (2:1), and broom baccharis scrub near coastal sage scrub (1:1). Based on the amounts of each of these habitats to be lost, the compensation shall be equivalent to 8.6 acres. Preserved coastal sage scrub shall be located within the incorporated area of the City in a future preserve area, as defined by the City's Multiple Species Conservation Plan.

If the loss of coastal sage scrub is permitted under the City's MSCP Implementing Agreement, the mitigation shall be based on compensation ratios defined in the MSCP. If the mitigation would occur within the MHPA, the compensation ratio would be 1:1 for all the coastal sage and broom baccharis scrub (4.7 acres). If the mitigation land lies outside of the MHPA, the ratio would be 1.5:1 (7.05 acres). Compensation may take the form of direct habitat purchase or

6. **Pedestrian Orientation/Linkage**

The Mission City Specific Plan provides a unique opportunity to successfully combine different housing products with a variety of commercial uses linked together by a functional pedestrian, bicycle and vehicular circulation plan. Designed as an urban community with a strong pedestrian focus, the complement of land uses will be tied together with a pedestrian/bicycle trail network and functional circulation system, strengthening the cohesiveness of the land use mix in a manner which emphasizes pedestrian access. The Mission City trail network will provide access to the LRT and other surrounding land uses, such as the River Run residential development and Qualcomm Stadium. Connections to transit (including bus routes and the LRT) will enable residents and employees within Mission City to easily access the variety of uses planned for Mission City or to "catch" a trolley, accessing other areas of San Diego. An undercrossing at Friars Road for the Mission City trail will link areas in Mission City North to the multiple use area in Mission City South. Development in Mission City's multiple use area will further strengthen pedestrian connections and linkages while de-emphasizing the preeminent role that the automobile typically plays in site planning. Envisioned as an activity node for Mission City, the Mission City Paseo located in the multiple use area will become a focal point for resting, eating, conversing and people watching.

7. **Increased Housing Opportunities**

The proposed plan creates a land use plan which anticipates market needs and public demands by providing a diversity of housing types to be selected at the time of final map recording. This selection time will allow the builder to provide a housing project in current demand. The base zones available for selection provide for a range of high quality small-lot detached, and attached housing to serve a spectrum of potential buyers and renters.

8. **Zoning Code Update**

The proposed project may be the very first development to implement the City's new Land Development Code, the product of the City's five-year Zoning Code Update. The new Land Development Code provides simplified decision making processes and increases regulation flexibility for businesses and new development while staying within the policies set by City Council. The Land Development Code improves implementation of Council policy direction and community planning goals. Because the objectives of the Zoning Code Update were similar to the Settlement Agreement, the applicant agreed to use certain City-wide base zones in lieu of land uses and development regulations drafted solely for Mission City. To address certain limited items that could not be addressed by the base zones, the proposed project includes the Mission

- If established, participation in one or more assessment districts or other similar financing mechanisms for the purposes of establishing a flood management facility, intra-valley public shuttle, or other similar "people mover" system (but no light rail transit system).

4. Increased Revenues and Employment Opportunities to the City of San Diego

The proposed project will provide additional public funds to the City of San Diego in the form of property tax revenues and increased employment opportunities on and offsite.

While the amount will depend on the ultimate development plans, the development of the property pursuant to the Specific Plan and subsequent land and home sales will generate additional property tax revenues. The commercial development will generate additional sales tax revenues. These additional sources of revenue will benefit the City of San Diego.

The proposed project will generate employment opportunities in a variety of ways. In the short-term, construction-related jobs will be created. In the long-term, the proposed multi-use development will provide a range of employment opportunities associated with commercial uses. How many and for what period of time will be on the final development and the economy.

5. Reduced Development Impacts Over Northside Specific Plan

The proposed Mission City Specific Plan will allow for the general development goals of the Mission Valley Community Plan to be achieved but with a lower level of environmental impact than would occur under the approved Northside Specific Plan.

The proposed Mission City Specific Plan represents a development plan which is superior to the adopted Northside Specific Plan. Factors contributing to this finding include:

- Twenty six percent reduction in traffic generation (66,000 vs. 39,500 ADT) and the concomitant reduction in traffic congestion in Mission Valley;
- Retention of six more acres of coastal sage scrub than would occur under the Northside Specific Plan; and
- Reduction in air quality impacts associated with the reduction in average daily vehicle trips and total miles traveled.

As stipulated in the Settlement Agreement, the project will:

- Provide to MTDB the right-of-way for the LRT and the LRT Station at no cost to the City or MTDB;
- Contribute \$1,465,000 for the cost of construction of at-grade transit facilities across the property; and
- Contribute \$500,000 for the cost of construction of the LRT Station within the project area. In addition, the project would construct an arrival plaza for the LRT station.

3. Public Roadway Improvements

Implementation of the proposed project will provide significant public roadway improvements, both onsite and offsite.

These public roadway improvements include:

- Contribution of \$2,660,000 toward the cost of constructing the Milly Way two-lane bridge including pedestrian sidewalks across the San Dieguito River;
- Design and construction of a paved roadway from Mission City's southern boundary line near the LRT station area, extending northward to an ultimate connection at Friars Road;
- Contribution of a fair share of the project costs for hook ramps at Stadium Way and Interstate 8;
- Contribution of a fair-share sum, to be determined by the City Engineer, toward the cost of adding a southbound auxiliary lane to I-15 between the Murphy Canyon Road on-ramp and the Friars Road off-ramp; and
- Contribution of a fair-share sum, to be determined by the City Engineer, toward signalization of the two ramp intersections at the Friars Road/Stadium Way interchange.
- Dedication of an at grade pedestrian access easement from the River Run across Mission City to the Mission City LRT station; and

1. **Settlement Agreement**

The Mission City Specific Plan implements an existing Settlement Agreement. The Settlement Agreement, entered into on November 21, 1995, by H.G. Fenton Material Co. (the applicant), MV Associates, the City of San Diego and Metropolitan Transit Development Board ("MTDB") resolved litigation regarding the applicant's and MTDB's dispute over the location of the Light Rail Transit ("LRT") right-of-way dedication and the applicant's California Environmental Quality Act ("CEQA") challenge to the City's Negative Declaration for its stadium expansion. The objectives of the Settlement Agreement are to provide for a reasonable, equitable method to submit to the City Council, for its good faith consideration, the amendment and extension of the existing Northside Specific Plan, Development Agreement and Conditional Use Permit to reflect current real estate market conditions and revised public improvement requirements. Specifically, the Settlement Agreement directed that the amendment is to differ from the Northside Specific Plan in a number of areas, including but not limited to a reduction in the maximum permitted average daily trips, expansion the uses and ministerial review in lieu of discretionary review for projects complying with development regulations.

The Settlement Agreement was a reasonable accommodation by all parties to assure the timely completion of the stadium expansion and LRT line from Old Town to the stadium. Without the timely expansion of the stadium, the City would have lost the opportunity to host the Super Bowl and its related immense revenue to the City. Without the timely completion of the LRT line, the expanded stadium would have been left dependent on bus and shuttle service for its public transportation. The timely completion of the LRT line provided MTDB with an opportunity to show-case the trolley and encourage ridership. This gave passengers another way to access the stadium and its many Super Bowl related activities. This opportunity will contribute to the success of the Mission Valley LRT line thereby resulting in a decrease in future traffic and air quality impacts.

The applicant fulfilled its obligations under the Settlement Agreement related to the stadium expansion and dedication of LRT right-of-way. Implementation of the Mission City Plan would fulfill the City's commitments specified in the Settlement Agreement.

2. **Mission Valley LRT Contributions**

The Mission City Specific Plan project will help fund the LRT. The proposed LRT arrival area and associated commercial services will also benefit the LRT by enhancing the LRT station which would be located at the southern boundary of the project.

R. 289994

Subsequent Environmental Review

Impact. This alternative would retain the basic components of the proposed Specific Plan but would change the implementation program by requiring that all development be subject to some form of discretionary review (e.g. planned development or conditional use permit). The Subsequent Environmental Review alternative would ensure implementation of the design guidelines included in the Specific Plan, thereby avoiding the potentially unmitigable impacts related to land use and landform alteration/visual quality.

Finding. This alternative is inconsistent with the terms of Section 3.4.8 of the Settlement Agreement which specify that "Development under the Mission City Specific Plan shall be processed and reviewed as follows: (a) ministerial approval, for projects which conform to the development regulations in the revised Mission City Specific Plan.

STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act and the State CEQA Guidelines (Section 15093) provide:

- (a) CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable".
- (b) Where the decision of the public agency allows the occurrence of significant effects which are identified in the final SEIR, but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final SEIR and/or other information in the record.
- (c) If an agency makes a statement of overriding consideration, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination.

The City Council, pursuant to Section 21081 of the California Public Resources Code and Section 15093 of the State CEQA Guidelines, having balanced the economic, legal, social and other benefits of the project against its unavoidable environmental effects, which remain notwithstanding the mitigation measures described in the Findings, determines that such remaining significant environmental effects are acceptable due to the following considerations: /

No Project/Northside Specific Plan

Impact. Under this alternative, mining activities would continue until the end of the present CUP (April 15, 2002) followed by mixed use development in accordance with the approved Northside Specific Plan as mining operations cease and/or market conditions allow. Because the existing Northside Specific Plan allows for a higher overall land use intensity and density than the proposed Mission City Specific Plan, this alternative would result in greater impacts related to air quality, biology, police and fire protection services, and traffic. However, this alternative provides for subsequent discretionary review which would provide a higher level of assurance that appropriate mitigation for land use, and landform alteration/visual quality would be incorporated into development proposals.

Finding. Implementation of this alternative is not consistent with the Settlement Agreement which recognizes that the Mission City Specific Plan will replace the Northside Specific Plan and specifies that development under the Mission City Specific Plan will be by ministerial approval for projects which conform to the development regulations in the Specific Plan.

Expanded Mission City Overlay Zone

Impact. This alternative would incorporate additional development requirements into the proposed Mission City Overlay Zone and change the CR-1-1 zone to CC-3-5. The goal of the zone change is to encourage commercial uses which would be more responsive to the high density, pedestrian orientation desired for Planning Area 6. The primary objective of the additions to the Overlay Zone would be to provide a higher level of certainty that key design features of the Specific Plan would be implemented. Currently, these design features are contained in the Design Guidelines of the Specific Plan, but are not considered enforceable by the City. The focus of the additional development requirements would be on guaranteeing specific design measures needed to assure that the project would not have adverse impacts with respect to land use, landform alteration/visual quality and fire protection.

Finding. This alternative is inconsistent with the Settlement Agreement since it implements additional development regulations which are contrary to the purpose of the revised Specific Plan to provide flexibility in future design and limit burdensome processing efforts. The additional development regulations included in the Expanded Mission City Overlay Zone are inconsistent with the provision in the Settlement Agreement providing for flexibility in land uses, design, grading and access to respond to changing market and planning conditions. Furthermore, the project's redesign to extend "A" Street and the application of the City's Land Development Code noise and glare regulations have addressed a number of the issues included within the Expanded Mission City Overlay Zone.

- To reflect anticipated market needs and public demands by providing a diversity of housing types;
- To provide a range of high-quality, small-lot detached and attached housing to serve a spectrum of buyers and renters;
- To complete reclamation and reuse of the site as the post-mining phase;
- To attract commercial uses oriented to serve neighborhood and community needs, those of persons employed onsite, and offsite users accessing the site from the surrounding circulation system;
- To attract business park and office users that will provide employment opportunities for area residents; and
- To serve as an important revenue source to the City of San Diego through sales taxes, property taxes and project related fees.

No Project /Continued Mining and Reclamation

Impact. This alternative would allow existing mining activities to continue until April 15, 2002 and for reclamation of the property, in accordance with the approved Northside Reclamation Plan, but would not allow development of the property after reclamation. This alternative would reduce or eliminate all of the impacts of the proposed project with the exception of impacts on sensitive biological resources and is considered the environmentally-preferred alternative.

Finding. While this alternative would reduce all of the project's impact except for impacts on biological resources, it would not fulfill any of the project objectives to provide for mixed-use development of the property. Implementation of the No Project/Continued Mining and Reclamation Alternative would be inconsistent with the long-term land use goals of the San Diego General Plan and Mission Valley Community Plan which call for the subject property to be developed with a mix of land uses to provide for the future residential and commercial needs of the City. Furthermore, this alternative would not be consistent with the terms of the December, 1995 Settlement Agreement between the applicant, the City, MTDB and MV Associates and would not facilitate development of the LRT line and station with the site. The No-Project Alternative would also deny reasonable use of the land after mining activities cease on April 15, 2002 and would be economically infeasible as the landowner would continue to pay taxes on the property without providing offsetting revenues.

Where appropriate, these Findings contrast and compare the Alternatives. In rejecting certain Alternatives, the proposed project's purpose and objectives are weighed against the ability of the various Alternatives to meet them.

The basis of the proposed project is the Settlement Agreement, entered into on November 21, 1995, by H.G. Fenton Material Co. (the applicant), MV Associates, the City of San Diego and Metropolitan Transit Development Board ("MTDB"). The purpose of the Settlement Agreement was to settle litigation regarding the applicant's and MTDB's dispute over the location of the Light Rail Transit ("LRT") right-of-way dedication and the applicant's California Environmental Quality Act ("CEQA") challenge to the City's Negative Declaration for its stadium expansion.

The objectives of the Settlement Agreement are to provide for a reasonable, equitable method to submit to the City Council, for its good faith consideration, the amendment and extension of the existing Northside Specific Plan, Development Agreement and Conditional Use Permit to reflect current real estate market conditions and revised public improvement requirements. Specifically, the Settlement Agreement directed that the amendment is to differ from the Northside Specific Plan in a number of areas, including but not limited to a reduction in the maximum permitted average daily trips, expansion the uses and ministerial review in lieu of discretionary review for projects complying with development regulations.

The Settlement Agreement was a reasonable accommodation by all parties to assure the timely completion of the stadium expansion and LRT line from Old Town to the stadium. Without the timely expansion of the stadium, the City would have lost the opportunity to host the Super Bowl and its related immense revenue to the City. Without the timely completion of the LRT line, the expanded stadium would have been left dependent on bus and shuttle service for its public transportation during the Super Bowl. The timely completion of the LRT line provided MTDB with an opportunity to show-case the trolley and encourage ridership. Passengers had an easy way to access the stadium and its many Super Bowl related activities. This opportunity has contributed to the success of the Mission Valley LRT line avoiding future traffic and air quality impacts within the Mission Valley community.

The purpose of the proposed project, the Mission City Specific Plan and related entitlements, is to replace the Northside Specific Plan with plans which are responsive to the current and prospective development trends and market needs in the City of San Diego and with processes which allow flexibility in future design within specified limits, in order to avoid burdensome processing efforts. The Specific Plan's objectives considered in these Findings are:

- To serve as a multiple use area in accordance with the community plan land use designation, providing a variety of uses including residential, commercial, office, recreation and entertainment uses;

considered in the EIR would avoid landform impacts because they would all result in similar landform impacts.

Because of the lack of specificity and enforcement authority of the design guidelines, potential visual impacts cannot be reduced to below a level of significance. Full mitigation would only be achieved through the Expanded Mission City Overlay Zone Alternative because it would provide the detail and enforcement power necessary to assure that adequate view corridors would be preserved through Planning Area 6 and assure that development along the river would be oriented appropriately toward the river. The No Project/Continued Mining and Reclamation Alternative would eliminate the future development of the site but not the visual impacts of mining. The infeasibility of these alternatives is discussed below in Section C.2.

Public Services (Police Protection) (Direct and Cumulative)

Impact. Response times for police service are below the acceptable standard, therefore the proposed project would have significant direct and cumulative impacts on the police protection needs of the community.

Finding. No mitigation measures or project alternatives exist to compensate for the police response times as up to seven additional police officers would be needed to serve the proposed development to reduce impacts to below a level of significance. Hiring new police officers is beyond the control of the project applicant.

2) *Project Alternatives*

Because the proposed project would result in unavoidable significant environmental effects, as outlined above, the San Diego City Council must consider the feasibility of any environmentally superior alternative to the proposed project. The City must evaluate whether one or more of these alternatives could avoid or substantially lessen the unavoidable significant environmental effects (*Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal. App. 3d 433 [243 Cal. Rptr. 727]; Cal. Publ. Res. Code Section 20002). The City need only consider those environmental impacts that are significant and cannot be avoided or substantially lessened through mitigation. Accordingly, CEQA require Finds on the feasibility of proposed project alternatives identified in the Final EIR.

A number of alternatives are identified in the Final EIR which are intended to mitigate the significant unavoidable environmental impacts associated with the proposed project. No Project/Continued Mining and Reclamation, No Project/Northside Specific Plan, Expanded Mission City Overlay Zone, Subsequent Environmental Review and Offsite Alternatives.

Traffic and Circulation (Cumulative)

Impact. In the short-term, the project would have a significant cumulative traffic impact by contributing traffic to one road segment (Camino del Rio South between Stadium Way and Mission Center Parkway) and two intersections (Texas Street/Camino Del Rio South and Mission Center Road/Camino De La Reina) which are currently operating at an unacceptable level of service (LOS E).

In the buildout condition, three intersections, already expected to be operating at LOS E would be cumulatively impacted by project traffic: Friars Road/Frazer Road, Texas Street/Camino del Rio South, and Mission Center Road/Camino De La Reina.

In addition, the City of San Diego and Caltrans, during public review of the Draft EIR, identified significant cumulative impacts of the project on Interstate 15 between Aero Drive and Interstate 8.

Finding. Implementation of Mitigation Measures IV.B-1 and IV.B-2, identified under Section A.2 of these Findings, would reduce the project's cumulative impacts but not to be below a level of significance.

Mitigation of the project's cumulative traffic impacts would require extensive roadway and intersection improvements throughout the Mission Valley roadway system. Accomplishing these improvements is not considered feasible due to the high cost and the absence, in many cases, of sufficient room to complete the improvements due to adjacent development. Therefore, cumulative traffic impacts would be significant and unmitigated.

Landform Alteration/Visual Quality (Direct)

Impact. Although past mining on the site has resulted in substantial alteration of the natural landforms, the magnitude of the future grading operation is such that significant landform alteration impacts will occur. Numerous manufactured slopes would be created which exceed the City's significance threshold of ten feet.

Subsequent development of the property could have a significant impact on the visual character of the area when viewed from Friars Road, the trolley, and the San Diego River by precluding views of the river and/or resulting in building bulk, scale or location which would detract from the local visual quality.

Finding. No mitigation measures are available to reduce landform impacts associated with the proposed development to below a level of significance. Furthermore, none of the alternatives

currently allowed by the Mission Valley Community and the proposed multiple-use development incorporates bikeways, pedestrian paths and a Light Rail Transit station which would reduce reliance on the automobile, thereby reducing air quality impacts. Although the project would not conflict with implementation of the RAQS, the additional emissions generated by the project would contribute to the air quality problems which currently affect the SDAB. Mitigation for these cumulative impacts is beyond the control of the project applicant. Full mitigation for cumulative air quality impacts requires the successful implementation of the San Diego portion of the State Implementation Plan (SIP). Under the supervision of the San Diego Air Pollution Control District, the SIP is anticipated to result in emissions reductions that would achieve and maintain air quality standards in the SDAB.

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, legal, social, technological or other considerations make infeasible the mitigation measures or alternatives identified in the Final EIR relative to direct and/or cumulative impacts associated with land use (conflicts with planning policies and goals), traffic and circulation, landform alteration/visual quality, and public services (police protection).

1) *Mitigation Measures*

Land Use (Conflicts with Planning Policies and Goals) (Direct)

Impact. Development of the area south of Friars Road may not achieve all of the goals of the Transportation and Urban Design Elements of the City's General Plan and Progress Guide. The lack of designated view corridors to the San Diego River and potential incompatibility of development with the river would conflict with the Urban Design Element. The project would also significantly conflict with the Open Space, Conservation and Urban Design Elements of the Mission Valley Community Plan in terms of providing visual and pedestrian access to the San Diego River and/or passive recreation activities along the River.

Finding. The Specific Plan lacks the specificity and enforcement authority to assure adequate design features to avoid potential conflicts with the Urban Design Elements of the General and Community Plan. No mitigation measures exist that ensure that land use policy impacts would be reduced to a level below significance. This significant land use policy impact would only be avoidable through implementation of the Expanded Mission City Overlay Zone Alternative, the infeasibility of which is discussed below in Section C.2.

1. *Monitoring.* The paleontologist or paleontological monitor shall be onsite during the initial cutting of previously undisturbed areas to inspect for well-preserved fossils. The paleontologist shall work with the contractor to determine the monitoring locations and the amount of time necessary to ensure adequate monitoring of the project.
2. *Salvaging.* In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains.
3. *Preparation.* Fossil remains shall be cleaned, sorted, catalogued, and then deposited in a scientific institution that houses paleontological collections (such as the San Diego Natural History Museum).
4. *Monitoring Results Report.* Prior to issuance of a building permit, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the above program shall be submitted to the Environmental Analysis Section of the City of San Diego Development Services Department for approval.

B. Section 21081 (b) Findings

The decision maker, having independently reviewed and considered the information contained in the Final EIR, the appendices and the record, finds that there are changes or alterations to the 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.

1) *Air Quality (Direct and Cumulative)*

Impact

The generation of 39,500 ADT by the project would have a significant direct impact with respect to ozone based on the City of San Diego's threshold of 9,300 ADT. In addition, given the nonattainment status of the San Diego Air Basin (SDAB) with respect to ozone, carbon monoxide and PM-10, the proposed project, like all new or additional sources of emission within the basin, would result in a significant cumulative impact on regional air quality.

Finding

Implementation of the Mission City Specific Plan would not significantly impact the ability of the revised RAQS to achieve the established federal and State air quality goals for the San Diego Air Basin since the project is consistent with and includes less intensity of development than

8) Paleontological Resources (Direct)

Impact

Continued mining and implementation of the mandatory Reclamation Plan prior to the Mission City development would in all likelihood impact any significant paleontological resources which would otherwise be impacted by the proposed project. However, in the event that the existing resources are present at the time of development, the proposed project could have a potentially significant impact on paleontological resources.

Finding

Changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. Implementation of the following mitigation measure would reduce potential direct impacts on paleontological resources to below a level of significance by utilizing a paleontologist monitor, as necessary, during initial grading to allow the recovery of significant fossil resources.

Mitigation Measure IV.J-1: Prior to issuance of a grading permit within Planning Areas 2, 4, 5 and 7, a qualified paleontologist shall determine if proposed development could significantly impact paleontological resources. If no significant resources would be impacted, the paleontologist shall prepare a letter to the City confirming that conclusion. If significant impacts could occur the following measures shall be carried out:

A qualified paleontologist shall attend any preconstruction meetings to consult with the excavation contractor. A qualified paleontologist is defined as an individual with a Ph.D. or M.S. degree in paleontology or geology, who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the direction of a qualified paleontologist.

Prior to issuance of a grading permit, the requirement for paleontological monitoring shall be noted on grading plans for projects which contain potential fossil-bearing formations. The paleontologist's duties shall include monitoring, salvaging, preparing materials for deposit at a scientific institution that houses paleontological collections, and preparing a results report. The duties are defined as follows:

The monitoring program shall specify the funding source for the inspection/maintenance program, and enforcement provisions in the event of failure to implement, operate, or maintain the approved storm water pollution control measures.

7) *Public Services (Schools, Fire Protection and Parks) (Direct and Cumulative)*

Impact

Development of the site would have direct and cumulative impacts on the local elementary school by causing it to exceed its design capacity. In addition, inadequate access to the elementary school exists. Response times for fire protection are below the acceptable standard. The additional demand created for recreation would impact local and regional recreation facilities in the vicinity of the project.

Finding

Changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. Implementation of the following mitigation measures would reduce potential direct impacts on school, fire protection and park facilities to below a level of significance by paying school and park fees to help fund the need for additional school and park facilities and ensure adequate school access would be available.

Mitigation Measure IV.I-1: Prior to recordation of each building permit, the applicant shall demonstrate that appropriate school fee payments have been made to the San Diego Unified School District (SDUSD).

Mitigation Measure IV.I-2: Prior to recordation of a final map(s), the applicant shall provide evidence from the San Diego Unified School District that adequate access would be available, or has been satisfactorily guaranteed, from the project to the Juarez Elementary School.

Mitigation Measure IV.I-3: Prior to recordation of a final map(s), the applicant shall pay all appropriate City of San Diego park fees.

Mitigation Measure IV.I-4: Prior to issuance of a certificate of occupancy for any residential building, the Building Development Review Division shall confirm that fire suppression systems have been installed in accordance with the Mission City Overlay Zone.

least monthly and after every significant storm event, and shall be repaired or maintained as needed to reduce sediment discharge from the site. Access to these facilities shall be maintained during wet weather.

Mitigation Measure IV.G-3: Prior to issuance of a grading permit, a Notice of Intent shall be submitted to the State Water Resources Control Board, and a Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented onsite in compliance with the California General Construction Activity Storm Water Permit of the National Pollutant Discharge Elimination System (NPDES). In addition to the stabilization and structural controls specified in Mitigation Measure 4.6-1, the SWPPP shall include, but shall not be limited to, the following:

- Material and waste management programs during site grading and construction such as solid, sanitary, septic, hazardous, contaminated soil, concrete and construction waste management, spill prevention, appropriate material delivery and storage, employee training, dust control, and vehicle and equipment cleaning, maintenance and fueling;
- Permanent structural features (i.e., physical improvements or devices) such as infiltration trenches, French drains, detention basins, filters and vegetative controls to reduce the amount of pollutants in site runoff prior to its release downstream;
- Permanent grease/oil traps or other filtration systems at all storm drain inlets; and
- A monitoring program involving the following inspection and maintenance procedures for all post-construction storm water pollution control measures to ensure that they continue to function properly:
 - Permanent detention basins shall be maintained regularly;
 - Drainage inlet filters shall be inspected and maintained at a frequency appropriate to the type of filter system used;
 - Landscaping sprinkler systems shall be maintained to prevent excess runoff due to leaking or broken sprinkler heads;
 - Drainage facilities shall be routinely inspected and repaired as needed; and
 - Records shall be kept of all control measure implementation, inspection and maintenance.

Mitigation Measure IV.G-1: Ongoing erosion control measures being implemented onsite as conditions of the adopted CUP and SWPPP related to the existing mining operations shall continue to be implemented. These include but are not limited to, maintenance of the onsite drainage channel to carry runoff; use of erosion control measures including sandbags, silt fences, energy dissipaters, drainage inlets and catch basins; and prohibition of ponding or accumulation of surface waters that could constitute a hazard or nuisance to persons or property in the vicinity.

Mitigation Measure IV.G-2: Prior to issuance of a grading permit, a detailed erosion/siltation control plan shall be approved by the City Engineer. This plan shall include, but shall not be limited to, the following measures to protect downstream areas from sediment deposition during site grading and construction:

- Implement short-term erosion (stabilization) and sediment (structural) control measures to: 1) limit drainage through disturbed areas to the shortest duration possible; 2) divert upslope drainage around disturbed areas of the site; and 3) remove sediment from surface runoff before it leaves the site. Stabilization measures may include dust control, surface roughening, construction road stabilization, slope protection devices, temporary and permanent hydroseeding and planting, mulching, matting, blankets, geotextiles, sod stabilization, protection of trees, and vegetative buffer strips. Structural measures may include berms, drainage swales, brow ditches and energy dissipaters to divert flows away from exposed areas of the site; and temporary sediment traps/catch basins, silt fencing and gravel bags to store or impede flows;
- Stabilize disturbed areas as soon as practicable, but no later than 14 days after completion of grading on any portion of the site, unless grading will resume within 21 days of when such activities ceased;
- Maintain interim (e.g., hydroseeding) or permanent landscaping on manufactured slopes and graded pads;
- Prevent tracking of soil from the construction site through the use of gravel strips and/or wheel washing facilities at access points;
- Install/maintain gravel filters at all temporary drainage inlets; and
- Inspect/maintain all erosion and sediment control measures to ensure that they function properly during the entire construction period. All temporary sediment traps/catch basins shall be maintained regularly. All areas planted with erosion-control vegetation shall be monitored daily for vegetation establishment and erosion problems, and any repairs and/or replacement of vegetation made promptly. All stabilization and structural controls shall be inspected at

Finding

Changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. Adoption of the proposed Mission City Overlay Zone would reduce potential transportation noise impacts to below a level of insignificance. The overlay zone specifies areas subject to excessive transportation noise, and requires that noise studies must be conducted prior to issuance of a building permit for any residence or commercial use within the specified areas. These noise studies would identify any noise attenuation measures which would be necessary to assure that the proposed uses would not be exposed to noise levels in excess of the exterior and/or interior standards. Certificates of occupancy for structures within these identified noise areas would not be issued until the noise attenuation measures have been implemented.

Implementation of the following mitigation measure would reduce mining activities noise to below a level of significance by establishing minimum setbacks for mining activities operating near specific noise sensitive uses.

Mitigation Measure IV.A-1: Prior to approval of the time extension for the CUP, the permit shall be conditioned to prohibit aggregate extraction and/or aggregate processing activities within: (1) 500 feet of an occupied residential structure within Mission City; (2) 300 feet of an occupied church, office, business or professional structure within Mission City; or (3) 150 feet of a commercial retail, industrial or outdoor spectator area. Other ongoing activities allowed under the CUP (e.g. soil remediation, vehicle storage, vehicle maintenance, concrete block manufacturing, and equipment storage) shall not be located within 100 feet of an occupied structure within Mission City.

6) Hydrology/Water Quality (Direct)

Impact

Erosion and sedimentation during construction could adversely impact downstream water quality.

Finding

Changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. Implementation of the following mitigation measures would reduce potential direct impacts on water quality to below a level of significance by implementing measures to control erosion, siltation and urban pollutants.

Finding

Changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. Implementation of the following mitigation measure would reduce potential direct impacts resulting from soil erosion to below a level of significance by implementing measures to control erosion and siltation.

Mitigation Measure IV.E-3: Prior to issuance of grading permits, the applicant shall prepare site-specific erosion control plans for each project in conformance with the City's Grading Ordinance to the satisfaction of the City Engineer and a Storm Water Pollution Prevention Plan. The erosion control plans shall be in substantial conformance with the Conceptual Landscape Plan including temporary and permanent erosion/siltation control measures and/or devices that would be installed both during and after site grading and construction, including, but not limited to, interim and post-development landscaping/hydro-seeding of low water use, low maintenance plant material; jute netting (or other approved geotextile material) on manufactured slopes; sandbags, brow ditches, energy dissipaters and desilting/detention basins; and any other methods to control short-and long-term surficial runoff and erosion. Prior to approval of grading permits, the applicant shall retain a soils engineer to monitor the grading, construction, installation of runoff control devices and revegetation of the project site. The soils engineer shall submit in writing to the City Engineer and Environmental Review Manager of Development Services a certification that the project has complied with the required notes on the grading plan addressing erosion controls.

5) Noise (Transportation Noise And Conflicts With Ongoing Mining Activities) (Direct)

Impact

Transportation noise along Friars Road, Northside Drive, "A" Street, and the LRT would exceed acceptable exterior levels (65 dB CNEL) and possibly interior levels (45 dB CNEL) for adjacent residential units. Transportation noise along Friars Road would also exceed acceptable levels for nearby commercial uses south side of Friars Road. Noise for affected commercial development could exceed the City's standard for exterior (70 dB CNEL) and interior (50 dB CNEL) levels.

Ongoing mining activities could generate noise levels which exceed noise level standards established by the City's Noise Ordinance (55 dB(A) L_{eq}) which would impact proposed uses within the project area.

Existing mining slopes with a slope gradient greater than 1.5:1 which would be adjacent to proposed residential or recreation areas pose a potential rockfall hazard.

Finding

Changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the significant effects on the environment. Implementation of the following mitigation measure would reduce potential direct impacts resulting from unstable geologic and soil conditions to below a level of significance by implementing remedial measures as part of the grading plan to stabilize soil and geologic conditions.

Mitigation Measure IV.E-1: Prior to issuance of a Grading Permit for each development, a soils investigation shall be approved by the City Engineer. As appropriate, the remedial measures identified in Appendix D of the Mission City Specific Plan EIR shall be incorporated into the grading plans. These measures shall include, but not be limited to, the following: 1) provisions to ensure gross and surficial slope stability such as benching of manufactured slopes, planting of slope-stabilizing landscaping, and construction of earth buttress or stability fills; 2) temporary and permanent erosion/siltation control measures and/or devices such as landscaping/hydro-seeding, jute netting (or other approved geotextile material) on manufactured slopes, sandbags, brow ditches, energy dissipaters and desilting/detention basins; 3) monitoring of differential settlement during construction; 4) removal of expansive and/or compressible soils and proper compaction of replaced fill soils; 5) installation of subdrains to remediate shallow groundwater conditions or hydrostatic pressure; 6) installation of a well-compacted structural fill mat (with possible inclusion of geotextile reinforcing fabrics) above the water table in building areas, and/or continuous foundation systems for the buildings; and 7) installation of building foundation footings that penetrate the potentially compressive deposits and attach to the underlying materials to reduce the potential for structural damage from seismically-induced liquefaction and surface rupture.

Mitigation Measure IV.E-2: Prior to issuance of a Grading Permit for each development which would include existing 1.5:1 mining slopes, a six-foot-wide bench shall be constructed at the interface between any new manufactured slope and the 1.5:1 mining slope. A debris fence consisting of a two-foot chain link fence shall be constructed on the bench to intercept any rocks which may be dislodged from the mining slopes.

Impact

The project would have potentially significant impacts associated with soil erosion during construction.

equivalent Habitat Acquisition Contribution within the City. Once the adequacy of mitigation has been confirmed, the City shall confer Third Party Beneficiary status to the project.

Mitigation Measure IV.D-3: Prior to approval of development plans for areas adjacent to Diegan coastal sage scrub or riparian habitat, the Environmental Review Manager, Land Development Review Division shall review plans to assure that outdoor lighting has been equipped with shielding or other devices to minimize illumination of these areas.

Mitigation Measure IV.D-4: Prior to its approval, the grading permit for the proposed project shall state that removal of coastal sage scrub onsite and/or generation of construction noise in excess of 60 dB L_{eq} shall be prohibited during the breeding season of the coastal California gnatcatcher and least Bell's vireo unless authorized by the City. This would ensure that the breeding regime for these birds would not be disturbed and any fledglings recruited in the previous season are independent enough to disperse to offsite habitat.

In the event construction cannot be controlled to avoid significant noise during the breeding season, a qualified biologist shall be consulted to determine whether the construction can proceed without adversely impacting the birds. For the coastal California gnatcatcher, the breeding season shall be from February 15 through August 15. For the least Bell's vireo, the breeding season shall be defined as March 15 through September 15. A qualified acoustician shall conduct sound level tests onsite to determine the distance to the 60 dB L_{eq} from grading equipment. The biologist shall inspect potentially suitable habitat areas which may be impacted by noise in excess of 60 dB L_{eq} each day prior to commencement of grading to determine whether birds are using the area. If the biologist concludes that no breeding birds are utilizing the areas affected by excessive noise, no limitation shall exist and a letter confirming this conclusion shall be filed with the Environmental Review Manager, Land Development Review Division. If breeding activity is observed, practices or techniques acceptable to the Environmental Review Manager that would reduce grading/construction noise to no more than 60 dBA L_{eq} , or the ambient daytime noise level, whichever is greater, shall be implemented. Such practices or techniques shall address all subsequent grading/construction activities on the project site.

4) *Geology/Soils (Direct)*

Impact

Unstable geologic and soil conditions which occur onsite represent a significant constraint to development. These constraints are related to the suitability of surficial soils and the potential for encountering permeable geologic units susceptible to groundwater seepage.

City Overlay Zone which will be adopted by ordinance and made a part of the Land Development Code.

9. Open Space

Mission City will provide a full array of recreation and open space opportunities. The Mission City Private Recreation Complex, planned in the northern part of Mission City, will serve the active and passive recreational needs of residents in Mission City. The area north of the private recreation area will be placed in an open space easement and will function as a continuation of the offsite open space area provided within the Serra Mesa community. The Specific Plan also preserves as open space the San Diego River floodway and its associated biological communities. Other bands of open space would occur as manufactured slopes within the Specific Plan area and as revegetated mined slope faces. Development of the Multiple Use area in Mission City South (Planning Area 6) will include additional areas for public spaces including the Mission City Paseo/Trail and associated pedestrian links, as well as variety of walkways and plazas constructed to serve the mix of uses in Planning Area 6. The pedestrian trail system and private streets planned throughout Mission City will provide a means for pedestrians and bicyclists to pass through the various planning areas in a pleasant environment, as well as opportunities for jogging and a linkage for the various land uses by way of a green belt tying together offsite open space slopes to the north with the San Diego River corridor and LRT on the south.