

(R-98-1553)

RESOLUTION NUMBER R- 290407

ADOPTED ON JUN 30 1998

WHEREAS, on May 15, 1996, Harry G. Cooper submitted an application to Development Services for an Amendment to the City of San Diego Progress Guide and General Plan and the Sorrento Hills Community Plan, Rezone, Vesting Tentative Map, and Planned Residential Development Permit; 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 June 30, 1998; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Environmental Impact Report No. 96-0464; NOW, THEREFORE,

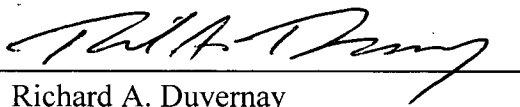
BE IT RESOLVED, by the Council of The City of San Diego, that it is certified that Environmental Impact Report No. 96-0464, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of The City of San Diego as Lead Agency and that the information contained in LDR File No. 96-0464, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of an Amendment to the City of San Diego Progress Guide and General Plan and the Sorrento Hills Community Plan, Rezone, Vesting Tentative Map and Planned Residential Development Permit.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations 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 Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the office of the City Clerk 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 
Richard A. Duvernay
Deputy City Attorney

RAD:djr
6/23/98
Or.Dept:Dev.Scvs
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**FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE PROPOSED TORREY RESERVE GATEWAY PROJECT**

The California Environmental Quality Act (CEQA) requires that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof unless the public agency makes one or more written findings for each of the significant effects accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (A) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (B) Changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can and should be adopted by that other agency.
- (C) Specific economic, legal, social, technological, or other considerations, including considerations for provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(§ 21081 of the California Environmental Quality Act.)

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

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

EXHIBIT A

CANDIDATE FINDINGS FOR THE TORREY RESERVE GATEWAY PROJECT

The following findings are made pursuant to Section 21051 of CEQA and Title 14 of the California Code of Regulations, Sections 15091 and 15093 (State CEQA Guidelines).

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

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 State CEQA Guidelines, that changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the potentially significant environmental effects as identified in the Final EIR with respect to land use, biological resources, transportation/circulation, noise, geology, paleontological resources, and schools.

Direct and cumulative impacts associated with landform alteration and cumulative impacts associated with air quality and hydrology/water quality would be partially mitigated at the project level.

No measures are available to fully mitigate the significant direct impacts associated with landform alteration or the cumulative impacts associated with landform alteration, air quality and hydrology/water quality. Only adoption of the No Project - No Development alternative would avoid or fully mitigate the project's direct and cumulative impacts to below a level of significance.

1.0 LAND USE

Impact: The proposed project would be inconsistent with the land use designations of the Progress Guide and General Plan and the Sorrento Hills Community Plan and would result in conflicts with the City's goal of conserving industrial lands. These inconsistencies would not result in significant environmental impacts. The project would result in significant environmental effects associated with environmental goals of the Progress Guide and General Plan and the Sorrento Hills Community Plan associated with impacts to sensitive biological resources, landform alteration, geological hazards, water quality, air quality, adverse noise levels, and contribution to school crowding.

Finding: The proposed project would implement measures that would mitigate to below a level of significance direct impacts associated with biological resources, geology, paleontology and noise, direct and cumulative impacts associated with schools, and cumulative impacts associated with traffic circulation. Measures incorporated into the proposed project would partially mitigate direct and cumulative impacts associated with landform alteration, as well as cumulatively significant water quality impacts, although not to below a level of significance.

2.0 LANDFORM ALTERATION/VISUAL QUALITY

Impact: Grading for the project would exceed the City's threshold for significance because of the amount of earth to be moved and the height of the manufactured slopes.

Finding: The proposed project would include appropriate grading techniques, erosion control measures and prompt re-landscaping of disturbed areas so that runoff, sedimentation, and erosion both during and after construction is controlled. Direct and cumulative impacts to Landform Alteration, however, would remain significant.

3.0 BIOLOGICAL RESOURCES

Impact: The proposed project would result in significant impacts to biological resources associated with the loss of 1.68 acres of coastal sage scrub, 0.32 acres of southern mixed chaparral and associated sensitive species.

Finding: Impacts to coastal sage scrub and southern mixed chaparral would be mitigated to below a level of significance, through payment of fees into the City of San Diego's Habitat Acquisition Fund (Fund #10571), as established by City Council Resolution R-275129, adopted on February 12, 1990. Based on today's approximate land value of \$25,000 per acre in the Del Mar Mesa area, the project applicant would be required to contribute \$55,000 [(\$25,000) (2.00 acres + \$5000 administration cost)]. The actual payment amount would be determined 60 days prior to the issuance of a grading permit based upon the general land values at that time.

4.0 GEOLOGY/SOILS

Impact: The proposed project could result in a significant direct impact associated with erosion on the project site.

Findings: With the implementation of standard requirements, including erosion control measures, revegetation of manufactured slopes and development pads, and energy dissipaters, significant impacts associated with erosion would be mitigated to below a level of significance.

5.0 HYDROLOGY/WATER QUALITY

Impact: The proposed project could have an incremental impact on erosion, siltation, sedimentation and downstream flooding. This is regarded as a cumulatively significant effect of the project which can not be mitigated to below a level of significance at the project level. Measures incorporated in the project design would reduce direct water quality impacts associated with the project to below a level of significance.

Finding: Measures incorporated into the project design which would reduce direct water quality impacts associated with the project to below a level of significance include implementation of erosion control measures, installation and maintenance of sedimentation basins during development, preparation of a downstream drainage study, and implementation of Best Management Practices (BMPs). Cumulative impacts can not be mitigated at the project level and would remain significant.

6.0 NOISE

Impact: Adverse noise levels from Carmel Mountain Road, Vista Sorrento Parkway and the I-5 freeway would significantly impact project perimeter residents.

Finding: Potential noise impacts from construction would be mitigated to below a level of significance through limiting construction hours and proper maintenance of construction equipment. Potential impacts on residents from freeway and street traffic would be mitigated through installation of a perimeter noise wall to reduce ground floor and exterior recreation area noise levels to 65 CNEL. A final acoustical report would be prepared identifying specific construction measures to achieve interior noise levels of 45 CNEL.

7.0 TRANSPORTATION/CIRCULATION

Impact: The proposed project would not substantially alter the traffic patterns associated with industrial development of the site as assumed by the Sorrento Hills Community Plan, and no intersections would function at below Level of Service D. However, as determined with the original community plan traffic projections, projects in Sorrento Hills would contribute an increment to cumulatively significant traffic impacts in the area.

Finding: Mitigation measures required for projects in Sorrento Hills are directed at mitigating incremental contributions to cumulative impacts to below a level of significance. A total of 16 improvements to the circulation system have been required as part of the approved Sorrento Hills Development Agreement and the Sorrento Hills Public Facilities Financing Plan. According to the Sorrento Hills Development Agreement, the *Torrey Reserve Gateway* property owner is responsible for 6.89 percent of the costs of these improvements. Most of these improvements have been completed or assured to the satisfaction of the City Engineer. Participation in the remaining improvements would be required for the project. These improvements include:

- Widen/construct Carmel Valley Road to six lanes from El Camino Real to 300 feet east of Carmel Country Road and to four lanes from that point to the Carmel Valley boundary. Construct a continuous four lane road from the Carmel Valley boundary east to I-15 (the latter is a Regional Transportation Improvement).
- Construct a direct freeway ramp connection (northbound off-ramp and southbound on-ramp) between I-5 and Carmel Valley Road (Regional Transportation Improvement).
- Construct freeway ramps at Carmel Mountain Road and I-5.

8.0 AIR QUALITY

Impact: The proposed project would not result in significant direct impacts to air quality associated with vehicular trips or stationary sources. The project would result in construction-related impacts which would be temporary in nature and not considered significant. The project would contribute incrementally to cumulatively significant air quality impacts. These impacts, however, can not be mitigated to below a level of significance at the project level.

Finding: There are no significant direct impacts. No mitigation measures are available to totally mitigate significant cumulative impacts.

10.0 PALEONTOLOGICAL RESOURCES

Impact: The proposed project has the potential to impact important paleontological resources in areas of the project site that have not been graded and which are underlain by the Scripps Formation/Ardath Shale and Torrey Sandstone geologic units. Impacts to potentially important paleontological resources are regarded as significant.

Finding: Impacts to paleontological resources would be reduced to below a level of significance through implementation of a paleontological monitoring program.

11.0 PUBLIC FACILITIES AND SERVICES

Impact: The project would generate school-age children, contributing to direct and cumulatively significant impacts associated with schools as identified by the affected school districts.

Finding: In order to mitigate the project's contribution to direct and cumulatively significant impacts to school capacity, the applicant would participate in the Mello-Roos CFD and Mitigation Agreement formed by the school districts for the community.

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 that 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 that specific economic, legal, social, technological, or other considerations, including the considerations for the provision of employment opportunities for highly trained workers, make infeasible the project alternatives identified in the final EIR and as set forth below.

- a. **No Project—No Development Alternative.** Under the No Project—No Development alternative, the project site would be left as it is today with partially graded pads rimmed by manufactured slopes. CalTrans will be proceeding with on and off ramp improvements adjacent to the site which will necessitate a significant amount of grading. After the Caltrans project is completed, only isolated pockets of natural vegetation would remain. Additionally, dedications of land, improvements to, and completion of, the surrounding circulation system, including Carmel Mountain Road and freeway ramp improvements would not occur. Also, various significant contributions to community facilities and parks would not occur with implementation of the No Project - No Development Alternative.

Impacts associated with biological resources, traffic circulation and water quality would be avoided. However, because the site would not be improved and landscaped under this alternative, erosion potential would not be lessened, as would occur under the proposed project.

This alternative would not meet the project objectives and would not implement the City's General Plan or the Community Plan goals and objectives for the project site. The project site is designated for industrial development in the City's Progress Guide and General Plan and the adopted Sorrento Hills Community Plan (1997). In addition, the No Project—No Development alternative would retain the site as a vacant, undeveloped parcel surrounded by uses which include single-family and multi-family homes, a support commercial area, and industrial/business park use. Retaining the parcel in a vacant state could attract undesirable uses that would not be compatible with the existing and planned surrounding uses. The No Project alternative could increase incremental contributions to hydrology impacts through continued site erosion and sediment transport. This alternative would deprive the owner of all economically viable use of the land. For these economic, social and other reasons, the No Project—No Development alternative is found to be infeasible.

- b. **No Project—Development Based on Existing Community Plan.** The Community Plan Alternative is represented by development of the project site which could occur under approved actions as well as what could occur on the site as recommended by the community plan. The *Torrey Reserve Gateway* project site has received a variety of previous approvals: A Hillside Review Permit (HR No. 83-0167.1) was approved for the *Torrey Reserve Gateway* property in 1984, for which there is no expiration date. Over the past several years, grading and materials borrowing have occurred on the site in accordance with City Drawing No. 24503-D. Also, grading has occurred on a portion of the site for the construction of Carmel Mountain Road, which was opened for public traffic through the site in January 1996. Additionally, the Sorrento Hills Community Plan and approved Development Agreement designates the project site for development of 250,225 square feet of industrial uses. Grading would involve approximately 31,875 cubic yards of earthwork per developed acre. Although the project is 37.9 gross acres, the project is divided by Carmel Mountain Road and approximately 14.7 acres will be dedicated for the improvement of Carmel Mountain Road and the freeway ramp improvements. The parcel to the north of Carmel Mountain Road is only 4.9 net acres and the parcel to the south of Carmel Mountain Road is only 18.3 net acres. As a result of this bifurcation of the property and its limited size, it would be nearly impossible to integrate industrial uses in a campus like setting. In fact, numerous attempts by the applicant/owner to sell or lease the site to an industrial user for the past six (6) years have failed. Further, as a result of recent developments, both parcels are now surrounded with single family and multi-family home developments.

This alternative would not implement the primary project objective of providing rental housing opportunities in the area for people with moderate income. Significant impacts would remain under this alternative, including cumulative impacts to air quality, water quality, visual quality and traffic. Finally, implementation of an industrial project would not result in the significant financial contributions to parks, the community swimming pool and recreation center. For these social, economic and other reasons, the No Project Development Based on Existing Community Plan alternative is found to be infeasible.

- c. **Reduced Project.** Under the Reduced Project alternative, development would be generally limited to areas of the project site disturbed by the approved grading plan (City of San Diego Drawing No. 24503-D). Minimal grading beyond the limits set by Drawing No. 24503-D may be required to create pads acceptable for development. Development of the northern parcel would remain unchanged as proposed development occurs within the limits set by Drawing No. 24503-D. As with the proposed project, a total of 106 units would occur in this area. Development in the southern portion of the site to generally conform with the limits of Drawing No. 24503-D would result in a reduction of 139 units; a total of 335 units would occur in the southern portion of the site under this alternative, compared to 474 proposed by the project. Therefore, this alternative would result in an overall maximum of 441 rental apartment units on the project site, about 24 percent less than proposed by the project. The amount of parking would be reduced to reflect a reduction in residential units. The limits of CalTrans' grading for improvements to I-5/I-805 would be contiguous with limits set by Drawing No. 24503-D. This alternative would leave three areas of the project site undisturbed by Drawing No. 24503-D on CalTrans' grading. While there would be a slight reduction in cumulative traffic impacts, all other aspects of this alternative would be similar to the proposed project.

The Reduced Project alternative would be regarded as the environmentally superior alternative, because it has the potential to further reduce or avoid environmental impacts associated with the project, specifically with regard to biological resources and schools. However, the resources which would remain would be isolated and non-functional in terms of overall habitat value. Other environmental effects associated with this alternative would be similar to the proposed project.

Under this alternative, the significant unmitigated impacts associated with the proposed project would remain, including direct and cumulative landform alteration impacts and cumulative water quality and air quality impacts. It is possible that the intensity of development (under this 25% reduction) would not support the necessary improvements and other contributions to infrastructure, thereby adversely affecting the efficiency of the Community Plan Circulation System. This alternative would not avoid or significantly reduce the significant, unmitigated impacts associated with the proposed project and would not result in substantial environmental benefits when compared to the proposed project. For these reasons, this alternative has been found to be infeasible.

STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE PROPOSED TORREY RESERVE GATEWAY PROJECT

The City Council, pursuant to CEQA and the CEQA Guidelines, having reviewed and considered the information contained in the Final Program EIR, the appendices to the final EIR, and the Administrative Record, finds that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh any and all significant effects that the Project will have on the environment, and that on balance, the remaining significant effects are found acceptable given those overriding considerations:

- The provision of much needed rental housing opportunities in an area where moderate-income jobs create the need for less expensive homes near their employment base.
- Dedication of right-of-way (approximately 2.7 acres) and contribution of approximately \$2,500,000 for Carmel Mountain Road.
- Dedication of right-of-way for Interstate 5 widening, off ramps, and future light rail transit (LRT) service (approximately 12 acres).
- Contribution of approximately \$607,700 for the construction of the Interstate 5 off-ramps to Carmel Mountain Road.
- Contribution of approximately \$2,470,000 for the acquisition, design and construction of park facilities.
- Contribution of approximately \$238,500 for the community swimming pool and recreation building in Carmel Valley.
- Contribution of approximately \$15,500 for the construction of a Fire Station in Carmel Valley.
- Contribution of approximately \$97,500 for the Police Station.
- Contribution of funds through participation in two Mello-Roos districts for needed school facilities.
- The project will balance the land uses of the Community Plan with:
 - 1334 Single Family Dwelling Units
 - 1351 Multi-family Dwelling Units
 - 640,000 sf of commercial and
 - 1,100,000 sf of industrial
- The North City Area is currently experiencing a critical shortfall in multi-family housing. A multi-family project will provide much needed multi-family housing units.
- Contribution of approximately \$100,000 for the acquisition of property for CVREP.

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM
TORREY RESERVE GATEWAY
LDR NO. 96-0464

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. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report (LDR No. 96-0464) shall be made conditions of THE Amendment to the City of San Diego Progress Guide and General Plan and the Sorrento Hills Community Plan, Rezone from A-1-10 to R-1500, Vesting Tentative Map, and Planned Residential Permit as may be further described below.

The following MMRP will require additional fees and/or deposits in the amount of \$7,800 to be collected prior to the issuance of building permits, certificates of occupancy, grading permits and/or recordation of final maps to ensure the successful completion of the monitoring program.

1.0 Land Use

Mitigation Measures, Monitoring and Reporting Program

The proposed project would implement measures that would mitigate to below a level of significance direct impacts associated with biological resources, geology, noise and paleontology, direct and cumulative impacts associated with schools, and cumulative impacts associated with transportation/circulation. Measures incorporated into the proposed project would partially mitigate impacts associated with landform alteration, as well as cumulatively significant water quality impacts. Specific mitigation measures are presented in the following sections of this MMRP.

	<u>Section</u>
LANDFORM ALTERATION	2.0
BIOLOGICAL RESOURCES	3.0
GEOLOGY/SOILS	4.0
HYDROLOGY/WATER QUALITY	5.0
NOISE	6.0
TRANSPORTATION/CIRCULATION	7.0
PALEONTOLOGICAL RESOURCES	8.0
SCHOOLS	9.0

2.0 Landform Alteration

Mitigation Measures, Mitigation Monitoring and Reporting Requirements

1. The proposed project shall include appropriate grading techniques, erosion control measures and prompt relandscaping of disturbed areas so that runoff, sedimentation, and erosion both during and after construction is controlled.
2. Prior to the issuance of grading permits, EAS shall review the grading and landscape plans to ensure that manufactured slopes are landscaped in conformance with the conceptual landscape plan. The applicant shall retain a soils engineer to monitor grading and construction and a landscape architect to monitor revegetation of the project.
3. The project shall also be required to implement relevant Best Management Practices for stormwater discharge as described in Section 5.0 of this Mitigation Monitoring and Reporting Program.

3.0 Biological Resources

Mitigation Measures, Mitigation Monitoring and Reporting Requirements

1. Prior to issuance of grading permits, impacts to approximately 1.68 acres of coastal sage scrub, 0.28 acres of southern mixed chaparral, and 0.04 acres of disturbed mixed chaparral shall be mitigated to the satisfaction of the City Manager, through payment of fees into the City of San Diego's Habitat Acquisition Fund (Fund #10571), as established by City Council Resolution R-275129, adopted on February 12, 1990. The process for determining the amount of mitigation monies deposited will be as follows:

Staff members from the Development Services Department will request from the Real Estate Assets Department an estimate of average cost of habitat land in the focused habitat acquisition area closest to the project site. Focused acquisition areas have been identified by the MSCP as large areas of habitat critical for biodiversity preservation and the success of the MSCP. The closest focused acquisition area to the proposed project is the Del Mar Mesa area. The Real Estates Assets Department will base the estimate on previous appraisals and comparable land costs of land within the focused acquisition area. The applicant will be required to contribute the estimated average per acre land cost multiplied by the required mitigation acreage plus an additional 10 percent to cover administration costs.

Based on today's approximate land value of \$25,000 per acre, the project applicant would be required to contribute \$55,000 [(\$25,000) (2.00 acres + \$5,000 administration cost)]. The actual payment amount would be determined 60 days prior to the issuance of a grading permit based upon the general land values at that time.

4.0 Geology/Soils

Mitigation Measures, Mitigation Monitoring and Reporting Requirements

1. Prior to the issuance of grading permits, the City Engineer shall review and approve all grading plans to ensure that grading will be performed in accordance with the "Remedial Grading Requirements" contained in Appendix C of the project's geotechnical report.
2. Prior to the issuance of grading permits, the City Engineer shall review and approve all grading plans to verify their compliance with the recommendations contained in Section 6 of the project's geotechnical report.
3. Prior to the issuance of building permits, the City Engineer shall review and approve all construction documents to ensure adherence to the applicable foundation recommendations contained in the project's geotechnical report.
4. Prior to issuance of grading permits, erosion control measures shall be provided to the satisfaction of the City Engineer in conjunction with site development. These measures shall include such devices as hay bales and sandbags to control and direct runoff during construction, temporary detention basins to detain runoff and restrict sediment from leaving the site, directing runoff to the storm drain system proposed as part of the project and to be constructed in conjunction with the adjacent Torrey Reserve Heights and permanent desiltation basins constructed for the community, and the placement of rip rap at outlets draining into natural areas to dissipate energy and help trap sediment. The locations shall be noted on the grading plans. The applicant shall notify the Land Development Review Division (LDR) upon installation of the erosion control devices prior to release of the subdivision bond. Annual maintenance reports summarizing their effectiveness shall be provided to the LDR. The maintenance of erosion control devices shall be the responsibility of the applicant and the future property owner(s). The City shall be responsible for maintenance of drainage improvements in the public right-of-way and in public easements.
5. Landscaping of cut/fill slopes and the undeveloped building pads shall be accomplished within 90 days of infrastructure installation.
6. Prior to the issuance of grading permits, the LDR shall review plans to ensure the measures have been provided. In conformance with the provisions of Public Resources Code § 21081.6, the applicant shall retain a soils engineer to monitor the grading, construction, and installation of runoff control devices and revegetation of the project site. The soils engineer shall submit in writing to the City Engineer and LDR certification that the project has complied with the required notes on the grading plan addressing erosion/urban runoff controls, prior to the issuance of building permits for the project.

7. Energy dissipation devices shall be installed at the terminus of canyon subdrains to minimize erosion impacts to native vegetation.

5.0 Hydrology/Water Quality

Mitigation Measures, Mitigation Monitoring and Reporting Program

1. Grading plans prepared for the project shall identify temporary ditches, dikes, berms, sand bags, and bladed swales provided to control erosion.
2. Sedimentation basins shall be installed and maintained during development to remove sediment from runoff water.
3. Manufactured slopes identified on grading plans which exceed 10 feet in height shall have a maximum gradient of 2:1. Slopes of less than 10 feet in height may have a slope gradient of 1½:1. Erosion control measures shall be implemented during construction and post-development for all manufactured slopes.
4. Prior to issuance of grading permits, the City Engineer shall review and approve the plans to ensure inclusion of sedimentation basins. City Engineering field inspectors shall ensure compliance with the approved plans.
5. The developer shall provide a downstream drainage study, satisfactory to the City Engineer, that demonstrates that no adverse impacts will occur to downstream properties as a result of the increased runoff from this development.
6. Specific BMPs shall be shown on final engineering plans as required by the City Manager. The requirement to implement BMPs shall be made a condition of approval of the *Torrey Reserve Gateway VTM*. Prior to issuance of the grading permit, a State NPDES permit shall be obtained and submitted to the Environmental Review Manager (ERM) of the Land Development Review Division (LDR). Monitoring shall be the responsibility of the City Engineer and the RWQCB. An additional measure shall include stenciling of storm drains indicating that materials placed in the storm drains discharge to a sensitive coastal lagoon as a form of public education.
7. The ERM shall review the grading plans to ensure that the notes have been provided.

6.0 Noise

Mitigation Measures, Mitigation Monitoring and Reporting Requirements

1. Prior to recordation of the first Final Map, the following condition shall be shown on the grading plans to the satisfaction of the ERM:

All construction and general maintenance activities, except in an emergency, shall be limited

to the hours of 7 A.M. to 7 P.M., Monday through Saturday. All on-site construction equipment shall have properly operating mufflers and all construction staging areas should be as far away as possible from adjacent, occupied residences.

2. Prior to issuance of building permits, an exterior perimeter wall with heights as shown in Figure 4.6-2 of the Final EIR shall be erected for ground floor recreation exposure.
3. Prior to issuance of building permits, building plans for those units with a direct freeway noise exposure shall include architectural components that achieve a 30 dB noise reduction level to ensure attainment of a 45 dB CNEL interior noise level. The primary feature of a 30 dB noise reduction package is the use of dual-paned windows with a minimum sound transmission class of 29.
4. Prior to issuance of building permits, a detailed acoustical analysis shall be submitted to verify that interior noise levels for multi-family units along Carmel Mountain Road and Vista Sorrento Parkway will be below 45 dB CNEL to the satisfaction of the ERM. Multi-family units abutting Carmel Mountain Road or Vista Sorrento Parkway may require limited acoustical upgrades beyond supplemental ventilation to allow for window closure facing the roadways.
5. Prior to issuance of certificates of occupancy, the ERM shall verify compliance with building plans.

7.0 Traffic/Circulation

Mitigation Measures, Monitoring and Reporting Requirements

The applicant shall participate in funding the following improvements:

1. Widen/construct Carmel Valley Road to six lanes from El Camino Real to 300 feet east of Carmel Country Road and with four lanes from that point east to the Carmel Valley boundary. Construct a continuous four lane road from the Carmel Valley boundary east to I-15 (the latter is a Regional Transportation Improvement).
2. Construct a direct freeway ramp connection (northbound off-ramp and southbound on-ramp) between I-5 and Carmel Valley Road (Regional Transportation Improvement).
3. Construct freeway ramps at Carmel Mountain Road and I-5.

8.0 Paleontological Resources

Mitigation Measures, Monitoring and Reporting Program

1. Prior to issuance of grading permits, the applicant shall provide a letter of verification to the ERM of LDR stating that a qualified paleontologist has been retained to implement the monitoring program. A qualified paleontologist is defined as an individual with a Ph.D. or Master of Science 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 may be retained to perform the on-site monitoring in place of the qualified paleontologist. 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 supervision of a qualified paleontologist.

2. Prior to issuance of grading permits, the following conditions shall be included on the grading plans to the satisfaction of the LDR:

- All persons involved in the paleontological monitoring of this project shall be approved by LDR at least 30 days prior to the preconstruction meeting.
- The qualified paleontologist shall attend the preconstruction meeting to consult with the excavation contractor. The paleontologist's duties shall include monitoring, salvaging, preparation of collected materials for storage at a scientific institution that houses paleontological collections, and preparation of a monitoring results report. These duties are defined as follows:

Monitoring

The paleontologist or paleontological monitor shall be onsite to inspect for fossils during excavation into previously undisturbed formations. Monitoring shall be done full-time in those formations with a high sensitivity rating, and shall be half-time in those formations with a moderate sensitivity rating. The monitoring time may be increased or decreased at the discretion of the paleontologist in consultation with LDR. Monitoring shall occur only when excavation activities affect the geologic formation.

Salvaging

In the event that fossils are encountered, the paleontologist shall have the authority to divert or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains in a timely fashion. Because of the potential for recovery of small fossil remains, it may be necessary to set up a screen-washing operation onsite.

The paleontologist shall contact LDR at the time of discovery. LDR must concur with

the salvaging methods before construction activities are allowed to resume.

Fossil Preparation

Fossil remains shall be cleaned, sorted, repaired, catalogued, and then (with the permission of the owner of the property where the remains were collected) stored in a local scientific institution that houses paleontological collections.

The qualified paleontologist shall be responsible for preparation of fossils to a point of identification, and submittal of a letter of acceptance from a local qualified curation facility. A qualified facility is defined as a research institution with a permanent commitment to long-term care of paleontological collections and employing professional curatorial staff. If the fossil collection is not accepted by a local qualified facility for reasons other than inadequate preparation of specimens, the project paleontologist shall contact LDR to suggest an alternative disposition of the collection.

Report Preparation

A monitoring results report with appropriate graphics summarizing the results (even if negative), analyses, and conclusions of the above program shall be prepared and submitted to LDR within three months following the termination of the paleontological monitoring program, and prior to LDR's final inspection. Any discovered fossil sites shall be recorded at the San Diego Natural History Museum.

3. Prior to the issuance of building permits, the monitoring results shall be submitted to and approved by the City of San Diego's Development Services Department.

9.0 Schools

Mitigation Measures, Monitoring and Reporting Program

The applicant shall participate in the Mello-Roos CFD and Mitigation Agreement formed by the school districts for the community.