

RESOLUTION NUMBER R- **290505**

ADOPTED ON JUL 28 1998

WHEREAS, on March 20, 1998, Pardee Construction Company submitted an application to Development Services for a General Plan/Carmel Valley Community Plan Amendment, Carmel Valley Neighborhood 8C Precise Plan, Amendment to the Carmel Valley Community Planned District Ordinance, Rezone, Vesting Tentative Map, Carmel Valley Planned District Development Permit and Resource Protection Ordinance Permit; and

WHEREAS, the matter 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 July 28, 1998; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Addendum to Environmental Impact Report No. 96-7499; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is certified that Addendum to Environmental Impact Report No. 98-7499, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of The City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Carmel

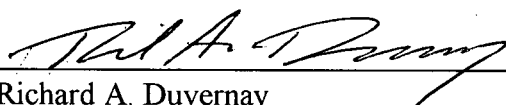
Valley Neighborhood 8C-Option One land use plan and associated subdivision and development permit actions.

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 attached hereto 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 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 
Richard A. Duvernay
Deputy City Attorney

RAD:lc
07/15/98
Or.Dept:Dev.Svcs.
R-99-108
Form=eirl.frm

**FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE
PROPOSED CARMEL VALLEY NEIGHBORHOOD 8C PRECISE PLAN AND
VESTING TENTATIVE MAP**

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

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

(Sec. 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 (Sec. 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 Development Services Department, Environmental Analysis Section, does not recommend that the discretionary body either adopt or reject these findings. They are attached to allow readers of this report an opportunity to review potential reasons for approving the project despite the significant unmitigated effects identified in the final EIR.

EXHIBITS A & B

R-290505

Candidate Findings and Statement of Overriding Considerations Regarding the Final Environmental Impact Report for Carmel Valley Neighborhood 8C Precise Plan and Vesting Tentative Map

Introduction

The following Findings and Statement of Overriding Considerations are made relative to the conclusions of the Final Environmental Impact Report (final EIR) for the Carmel Valley Neighborhood 8C Precise Plan and Vesting Tentative Map (VTM) (LDR No. 96-7499) and the revised Carmel Valley Neighborhood 8C Precise Plan dated November 1997. The revised precise plan and accompanying VTM eliminate the previously proposed single-family residential development on approximately six acres northwest of Carmel Creek Road. This revision implements the intent of the Reduced Project alternative as discussed in the final EIR.

The proposed project would remove 39.87 acres from the southwestern portion of the proposed Carmel Valley Neighborhood 8A Precise Plan area and develop the property for detached single-family residences as a new precise plan called Neighborhood 8C with an accompanying Vesting Tentative Map proposed to cover the entire precise plan area. The purpose of the subdivision map is to implement the land uses and facilities shown in the precise plan.

The purpose of the Neighborhood 8C Precise Plan is to implement the Carmel Valley community plan by providing development guidelines relating to densities, road alignments, utilities, design approaches, and locations of community and neighborhood facilities which cannot be adequately determined at the community plan level of planning. An additional goal of the City of San Diego is to preserve biologically sensitive habitats by implementing the Multiple Species Conservation Program (MSCP).

The following discretionary actions would be necessary for the implementation of the Carmel Valley Neighborhood 8C Precise Plan and vesting tentative map (VTM):

- a) Amendment of the City of San Diego General Plan
- b) Amendment of the Carmel Valley Community Plan

R-290505

- c) Adoption of the Carmel Valley Neighborhood 8C Precise Plan (maximum of 156 residential units).
- d) Amendment of the Carmel Valley PDO
- e) Approval of the Planned Development District Permit
- f) Approval of the VTM (156 residential units and 2 open space lots)
- g) Rezoning from A-1-10 and A-1-10 (HR) to PDO (SF3 and OS) zoning
- h) Approval of the Resource Protection Ordinance Permit

The revised precise plan and VTM show a maximum of 156 residential units. Approximately 29.6 of the 39.9 total acres would be graded to accommodate the 156 residential units. Open space would total approximately 10.3 acres. An approximate total of 960,000 cubic yards of excavation is proposed for the entire precise plan/VTM with approximately 270,000 cubic yards of fill used on-site and approximately 690,000 cubic yards exported off-site. The disposal site for the exported material is anticipated to be at the approved and currently graded Parkview West VTM within the Neighborhood 10 Precise Plan area east of the project site.

The project also includes the off-site construction of Carmel Creek Road from its current terminus in Sorrento Hills (Torrey View project) to the western property boundary of the project site (approximately 550 feet). The disturbance area associated with the off-site construction of Carmel Creek Road is approximately 4.0 acres. All drainage and sewer extensions and connections would be southerly to existing facilities in Sorrento Hills.

The City Council is the decision maker, following recommendations from the Planning Commission (Process 5).

The final EIR evaluates the following environmental issues in relation to the project: land use, hydrology/water quality, landform alteration/visual quality, geology/soils, biology, paleontology, traffic circulation, air quality, noise, public facilities and services, water conservation, public safety and cultural resources. The final EIR also evaluates the growth-inducing and cumulative impacts, as well as alternatives to the proposed project.

The final EIR indicates that the Carmel Valley Neighborhood 8C Precise Plan/VTM project's direct impacts on the following environmental issues are less than significant: public safety and cultural resources. The final EIR indicates that the project's direct impacts on the following environmental issues can be substantially lessened or avoided if all the proposed mitigation measures recommended in the final EIR are implemented: hydrology/water quality, visual quality, geology/soils, paleontology, traffic circulation, air quality, noise, public facilities and services, and water conservation. The final EIR indicates that the direct impacts with regard to land use, landform alteration, and biology

will remain significant and unmitigated. In addition, the final EIR does not consider the project growth inducing.

The project's cumulative impact on the following environmental issues can be substantially lessened or avoided if all the proposed mitigation measures recommended in the final EIR are implemented: traffic circulation, public facilities and services, and water conservation. The final EIR indicates that the cumulative impacts with regard to hydrology/water quality, landform alteration/visual quality, biology, and air quality would remain significant and unmitigated after all proposed mitigation measures are implemented.

The following findings are made pursuant to Section 21081 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)

The City Council, having reviewed and considered the information contained in the final EIR for the project and the public record, finds (pursuant to CEQA and the CEQA Guidelines) that changes or alterations have been required in or incorporated into the project which avoid or substantially lessen the significant environmental effects as identified in the final EIR with respect to the areas of (1) hydrology/water quality, (2) visual quality, (3) geology/soils, (4) paleontology, (5) traffic circulation, (6) air quality, (7) noise, (8) public facilities and services and (9) water conservation.

Mitigation measures which would reduce, but not to below a level of significance, the impacts to land use, landform alteration, biological resources, and air quality issues have also been incorporated into the project.

No measures are available to fully mitigate the significant direct impacts associated with land use, landform alteration, and biological resources; or the cumulative impacts associated with hydrology/water quality, landform alteration/visual quality, biological resources, and air quality. Only adoption of the No Project alternative or the RPO alternative would avoid or fully mitigate direct impacts and reduce the project's contributions to cumulative impacts to a nominal level. A discussion of the No Project alternative and the RPO alternative are found in Section C on pages 20-25 of these findings.

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

R-290505

1) Land Use

Impact: The project is not consistent with the encroachment allowances permitted by RPO for hillsides, wetlands, and biologically sensitive lands. The non-fulfillment of environmental land use goals associated with preservation of sensitive resources and inconsistency with RPO constitute a significant direct land use impact.

Finding: Adoption of the No Project alternative or the RPO alternative would avoid the land use impact associated with the inconsistency with RPO. Findings regarding the infeasibility of the RPO alternative and the No Project alternative are contained in Section C of these findings.

2) Hydrology/Water Quality

a) Impact: Implementation of the precise plan and VTM would cause potentially significant impacts to runoff rates and erosion and would result in significant impacts to hydrology and water quality. Short-term construction impacts resulting in local erosion and sedimentation associated with on-site runoff are considered potentially significant, due to the amount of cut and fill associated with the proposed roadway. Manufactured slopes and development would occur within and adjacent to on-site local drainages. These temporary impacts would be mitigated to below a level of significance by the short-term construction-related mitigation measures described below.

a) Finding: The project's drainage report concludes that the proposed development would not result in any significant changes to the drainage patterns and storm water discharge volumes in the Neighborhood 8C Precise Plan area. During final design, it is recommended that a small amount of flow be redirected from one basin to another to better balance the final discharges to the available capacities. Permanent detention is not anticipated to be required. To ensure that the increased runoff and potential erosion generated from project construction and development are mitigated to below a level of significance, the following measures would be incorporated into the project design as conditions of approval for the proposed VTM within the precise plan. These measures would reduce direct runoff and erosion impacts to less than a significant level.

Short-term Construction Practices

1. As a condition of the VTM and to be shown as a note on the grading permit, grading and other surface-disturbing activities either shall be planned to avoid the rainy season (i.e., November through March) to reduce potential erosion impacts or shall employ construction phase erosion control measures, including the short-term use of sandbags, matting, mulch, berms, hay bales, or similar devices along all graded areas to minimize sediment transport. The exact design, location, and schedule of use for such devices shall be conducted pursuant to direction and approval by the City Engineer.

2. Prior to the issuance of a grading permit, the grading plan shall locate temporary desilting basins at all discharge points adjacent to drainage courses or where substantial drainage alteration is proposed. The exact design and location of such facilities shall be conducted pursuant to direction by the City Engineer.
3. As a condition of the VTM, the developer shall, within 90 days of completion of grading activities, hydroseed and landscape graded and common areas with appropriate ground cover vegetation consistent with the biology section mitigation requirements (e.g., use of native or noninvasive plants). These revegetated areas shall be inspected monthly by a qualified biologist until vegetation has been firmly established as determined by the City's grading inspector.
4. Compacted areas shall be scarified, where appropriate, to induce surface water infiltration and revegetation as directed by the project geologist, engineer, and/or biologist.
5. General Construction Activity Storm Water Permits (National Pollutant Discharge Elimination System [NPDES] No. CAS000002) shall be obtained from the State Water Resources Control Board (SWRCB) prior to project implementation. Such permits are required for specific (or a series of related) construction activities which exceed five acres in size and include provisions to eliminate or reduce off-site discharges through implementation of a Storm Water Pollution Prevention Plan (SWPPP). Specific SWPPP provisions include requirements for erosion and sediment control, as well as monitoring requirements both during and after construction. Pollution control measures also require the use of best available technology, best conventional pollutant control technology, and/or best management practices to prevent or reduce pollutant discharge (pursuant to SWRCB definitions and direction).
6. A Dewatering Waste Discharge Permit (NPDES No. CA0108804) shall be obtained for the removal and disposal of groundwater (if necessary) encountered during construction. Such permits are intended to ensure compliance with applicable water quality and beneficial use objectives and typically entail the use of best management practices (BMPs) to meet these requirements. Discharge under this permit will require compliance with a number of physical, chemical and thermal parameters (as applicable), along with pertinent site-specific conditions (pursuant to Regional Water Quality Control Board [RWQCB] direction).
7. Specified vehicle fueling and maintenance procedures and hazardous materials storage areas shall be designated to preclude the discharge of hazardous materials used during construction (e.g., fuels, lubricants and solvents). Such designations shall include specific measures to preclude spills or contain hazardous materials, including proper handling and disposal techniques and use of temporary impervious liners to prevent soil and water contamination.

Project Design

As conditions of the vesting tentative map and to be included as notes and exhibits on the grading plan, the following mitigation measures shall be required:

8. Postconstruction erosion control measures shall be implemented where proposed disturbance is adjacent to or encroaches within existing drainage courses and projected runoff velocities exceed 5 cubic feet per second (cfs).
9. Final project design shall incorporate all applicable BMPs contained in the City and State *Best Management Practices to be Considered in the Development of Urban Stormwater Management Plan*. Specifically, these may include measures such as the use of detention basins, retention structures, infiltration facilities, permeable pavements, vegetation controls, discharge controls, maintenance (e.g., street sweeping), and erosion controls.
10. Surface drainage shall be designed to collect and discharge runoff into natural stream channels or drainage structures. All project-related drainage structures shall be adequately sized to accommodate 10-year flood events (or other storm events pursuant to direction from the City).
11. Project operation and maintenance practices shall include a schedule for regular maintenance of all private drainage facilities within common development areas to ensure proper working condition. Public facilities shall be maintained by the City.
12. Surface and subsurface drainage shall be designed to preclude ponding outside of designated areas, as well as flow down slopes or over disturbed areas.
13. Runoff diversion facilities (e.g., inlet pipes and brow ditches) shall be used where appropriate to preclude runoff flow down graded slopes.
14. Energy-dissipating structures (e.g., detention ponds, riprap, or drop structures) shall be used at storm drain outlets, drainage crossings, and/or downstream of all culverts, pipe outlets and brow ditches to reduce velocity and prevent erosion.
15. Long-term maintenance responsibility of the detention basin may be accepted by the City of San Diego or through other acceptable mechanisms (e.g., homeowners' association or assessment district).

No measures are available to avoid or substantially lessen the cumulative impact associated with hydrology. Adoption of the No Project alternative or the RPO alternative would avoid the cumulative impact or reduce the project's contribution to below a level of significance.

b) Impact: Development of the natural areas of the Neighborhood 8C Precise Plan and Carmel Creek Road VTM would create impervious surfaces (paving and construction of roadways, parking lots, and building pads) that would cause an increase in the amount of runoff. Not only the quantity but also the quality of the resulting runoff would be altered. Runoff flowing across these impervious surfaces and landscaping would contain pollutants such as oils, fuel residues, heavy metals (associated with gasoline), fertilizers, and pesticides which are typically associated with urban development (non-point source pollution). The pollutants would diminish water quality in streams and lagoons. The runoff of urban-generated pollutants is not considered significant (on a direct basis) due to the presence of existing regulatory controls and the anticipated incremental nature and extent of such pollutants, though the incremental contribution of urban pollutants would be cumulatively significant.

b) Finding: Potential water quality impacts related to non-point source contaminants would be mitigated below a level of significance by incorporating BMPs and other design measures identified in the final EIR. However, no measures are available to avoid or substantially lessen the cumulative impact associated with water quality. Adoption of the No Project alternative or the RPO alternative would avoid the cumulative impact or reduce the project's contribution to below a level of significance.

3) Landform Alteration/Visual Quality

a) Impact: Grading for the precise plan and VTM would require substantial alteration of the topography to develop and access the site. Additionally, the headward extensions of several small finger canyons would be filled, some of which extend off-site. These alterations to the existing topography are considered to be significant direct and cumulative landform alteration impacts. The landform alteration from the off-site disposal of material at Neighborhood 10 (approved Parkview East VTM) would not represent a significant landform alteration impact.

a) Finding: Mitigation of significant landform impacts would require a project redesign to (1) reduce grading requirements to 2,000 cubic yards or less per acre; (2) conform with RPO steep slope encroachment criteria; and (3) eliminate the major manufactured slopes. Incorporation of these measures into project design would require substantial revision to the proposed project. The proposed Neighborhood 8C Precise Plan (Design Element) does contain grading guidelines that include slope rounding and contouring for manufactured slopes that would be visible from off-site areas. These grading measures reduce the direct landform alteration impact. However, only implementation of the No Project alternative would avoid the direct landform alteration impact. These adverse effects comprise significant and unmitigable impacts of the proposed project. Adoption of the RPO alternative would reduce the landform alteration impact to below a level of significance. Implementation of the Community Plan alternative would also reduce the direct landform alteration impact, but not to below a

level of significance. Additionally, the project would result in cumulative landform alteration impacts. Only adoption of the No Project alternative or the RPO alternative would avoid the cumulative landform alteration impact or reduce the project's contribution to below a level of significance.

b) Impact: The visual quality impacts of the precise plan and VTM, due to the elevated and isolated topographic position, as well as its distant position from a visual quality standpoint, would not constitute a significant direct effect to public views outside the precise plan. However, due to the extent of changes of character from natural to suburban within the precise plan and adjacent lands (Neighborhoods 10 and Sorrento Hills), significant cumulative visual quality impacts would occur. Internal direct visual quality impacts from public views within the Neighborhood 8C Precise Plan area would be significant but would be mitigated to below a level of significance with landscaping proposed in the precise plan.

b) Finding: Prior to issuance of a grading permit, the Development Services Development Coordinator shall review the grading and landscape plans for consistency with the precise plan guidelines. Upon completion of the grading for the VTM and associated off-site conditions, the developer shall submit a letter to the Development Services Development Coordinator from a qualified consultant certifying that all landscaping for the major manufactured slopes (e.g., roadway slopes) has been implemented. Monitoring shall be required to assure the long-term establishment of the landscaping. The maintenance program would be effective for a three-year period following the installation of the plantings or until such time as all plantings are established. The long-term monitoring shall establish an inspection schedule, establish replanting specifications, and require written notification once a year to the Development Services Development Coordinator from the applicant-hired consultant to verify the status of the revegetation.

No measures are available to fully mitigate the cumulative impact to visual quality. Adoption of the No Project alternative or the RPO alternative would avoid the cumulative visual quality impact or reduce the project's contribution to below a level of significance.

4) Geology/Soils

a) Impact: The potential for geologic hazards exists for the precise plan area and the VTM. This potential is not considered an unmanageable constraint to development, provided the recommendations of a complete geologic investigation are followed for the proposed VTM.

a) Finding: A complete geotechnical investigation shall be conducted for the final map area by a certified engineering geologist prior to recordation of the final map within the precise plan area. These studies shall recommend grading and structural requirements

(e.g., compaction of compressible soils; rippability of the Lindavista Formation; presence of possible landslides; groundwater conditions; and overexcavation to assure stability of cut slopes) that would reduce the potential for impacts below a level of significance. The Development Services Development Coordinator shall review the grading plans to ensure that a qualified engineer has signed the plans and certifies they are consistent with the recommendations in the geologic investigation.

Upon completion of construction of the project, a soils engineer and engineering geologist retained by the project applicant shall submit in writing, to the City Development Services Development Coordinator certification that the project has complied with the recommendations of the geotechnical investigation and the approved mitigation measures which reduce the geotechnical impacts below the level of significance.

b) Impact: Future grading activities and brush management for the precise plan/VTM area, for roadways and development pad "terraces," could result in significant soil erosion and transport.

b) Finding: The proposed project design guidelines described above, as well as mitigation measures identified for hydrology/water quality impacts would reduce direct impacts associated with on-site erosion potential to below a level of significance for the Neighborhood 8C Precise Plan and VTM.

Prior to grading permit issuance for proposed on-site roadways and lot development, a site-specific erosion control and landscaping plan shall be submitted to and approved by the City Development Services Development Coordinator. This plan shall include measures to mitigate erosion and transport both during and immediately after construction, as well as the provision of landscaping to provide short- and long-term erosion control. Specifically, the landscaping plan shall include long-term landscaping to control erosion from manufactured slopes, and a phased plan of erosion-resistant ground cover planting shall be prepared for graded areas which require installation within 30 days of completion of grading.

5) **Biology**

a) Impact: The loss of southern maritime chaparral and Diegan coastal sage scrub represents a significant direct impact to biological resources. Impacts to the federally endangered Del Mar manzanita are significant as four small groups of Del Mar manzanita supporting a total of 28 individuals would be removed. Impacts to other sensitive plant species are adverse; however, they are not a significant project impact.

Selective thinning of the vegetation in zones 2 and 3 as part of the precise plan would cause significant direct impacts to sensitive biological resources described above. These

impacts can be reduced, but not to below a level of significance, by conforming to the Landscape Technical Manual brush management policies on selective thinning and pruning of native vegetation.

The loss of 0.04 acre of isolated seasonal wetlands/vernal pools is a significant direct and cumulative impact.

a) Finding: The Neighborhood 8C site occurs within the Multiple Species Conservation Program (MSCP) planning area. The MSCP includes 55,200 acres within the city of San Diego and provides protection for 85 target plants and animals and 19 habitat associations within southern San Diego County. Local jurisdictions within the MSCP area, such as the City of San Diego, have agreed to implement the MSCP through subarea plans that will meet the requirements of CEQA, California Endangered Species Act, Section 10(a) of the federal Endangered Species Act, and Natural Community Conservation Plan (NCCP) Act.

The goals of the MSCP include preservation of key natural habitat areas and maintaining viable links between these open space preserves. To meet these goals, the City of San Diego and Pardee Construction Company have entered into a comprehensive agreement concerning processing of various Pardee projects within the City of San Diego. This agreement is called the Settlement Agreement (December 12, 1996), the Addendum to the Settlement Agreement (December 18, 1996), and the Second Addendum to the Settlement Agreement (approved by the City Council on October 21, 1997). This agreement provides the City of San Diego with funding for purchase of regionally important open space and provides Pardee with mitigation credits for all impacts to wildlife and vegetation resulting from project developed under this agreement. A Section 4(d) Findings and Interim Habitat Loss permit has been approved for the Settlement Agreement.

Implementation of the Neighborhood 8C Precise Plan as proposed would result in the direct loss of high quality Diegan coastal sage scrub, scrub oak chaparral, and southern maritime chaparral. Prior to implementation of the precise plan and VTM, and impacts to coastal sage scrub, the applicant must comply with the requirements of the Endangered Species Act under Section 4(d) or the NCCP/MSCP as detailed in the mitigation measures below. As noted above and throughout this EIR, the project applicant has processed a multiple project 4(d) Interim Habitat Loss Permit (IHL) which includes Neighborhood 8C along with Neighborhood 10 Precise Plan amendment, Del Mar Highlands Estates, and Carmel Valley Neighborhood 10 Sewer Easement and School/Park site. The Interim Habitat Loss Findings were distributed to the public and wildlife agencies for a 45-day review period on February 28, 1997 consistent with the City's NCCP Process Guidelines. Public review ended on April 14, 1997. All 75.75 acres of "take" covered by the Interim Habitat Loss Findings except for the six acres of Diegan coastal sage scrub within Neighborhood 8C northwest of Carmel Creek Road

were recommended for approval by the resource agencies. The projects are all on different expedited processing schedules and have been considered individually by the Planning Commission and City Council as part of the discretionary process for each project. A mitigation agreement has been reached between the wildlife agencies, City of San Diego, and the applicant which would reduce biological impacts to coastal sage scrub for the multiple projects. Additional mitigation requirements would be necessary to reduce biological impacts to other sensitive vegetation types (e.g., southern maritime chaparral and scrub oak chaparral) to below a level of significance.

The total mitigation requirements for the 30.29 acres of impacts to sensitive vegetation types for Neighborhood 8C include the following and are further described below:

Existing 4(d) Interim Habitat Loss Agreement Mitigation Credit	10.50 acres
Mesa Top Property Acquisition Credits	11.98 acres
Other City Mitigation Credits	<u>1.81 acres</u>
On-site Open Space in the Northwest Corner	6.0 acres
Total Mitigation Provided	30.29 acres

The developer has agreed to the following mitigation measures, many of which are referenced in the Existing 4(d) Interim Habitat Loss Findings for this site, and are proposed to reduce the project's impacts to biological resources, but not to below a level of significance:

1. Pardee Construction Company has contributed \$3 million to the City of San Diego toward the acquisition of the 80-acre Mesa Top Property within the Carmel Valley Neighborhood 8A Precise Plan area. Neighborhood 8A lies immediately to the west of Neighborhood 10. The Mesa Top Property includes high-quality coastal sage scrub and southern maritime chaparral vegetation communities with numerous sensitive plant and animal species and is an integral component of the Draft MSCP as a part of the Carmel Mountain Biological Core Area within the City's Subarea Plan. The City considers this acquisition a critical acquisition, and cannot acquire the parcel but for Pardee's significant and timely financial contribution. Thus, the mitigation value of the Mesa Top Property is even greater than the habitat analysis reveals as the opportunity to acquire this keystone piece is now, and Pardee's contribution allows this acquisition to occur. Approximately 11.98 acres of additional mitigation credits from the Mesa Top Property would be provided for the Neighborhood 8C project impacts.
2. Pursuant to the existing 4(d) Interim Habitat Loss Findings and Mitigation Agreement between the wildlife agencies, City of San Diego, and the applicant, 10.5 acres of mitigation credit shall be provided which would reduce biological impacts to coastal sage scrub.

R-290505

3. The other City mitigation credits shall contain appropriate habitat within the City of San Diego MSCP Subarea Plan to provide mitigation for the on-site impacts. Approximately 1.81 acres of mitigation credit shall be applied to the Neighborhood 8C project.
4. Approximately 6.0 acres in the northwestern corner of the project site shall be maintained as open space.
5. Staking and monitoring of grading activities for the precise plan/VTM shall be supervised by a qualified biologist to ensure no unanticipated impacts to sensitive habitats or species occur within the areas shown for permanent open space. This requirement will be noted on the grading plans prior to the issuance of a grading permit.
6. A tailored brush management plan shall be implemented that minimizes impacts to the habitat quality of the native vegetation nearest development areas which must be thinned for fire protection purposes. The native vegetation shall be trimmed by hand rather than removed altogether, and fuel build-up in the brush management zone surrounding development areas shall be reduced by hand clearing away of dead branches and undergrowth rather than periodic disking or grading. To further minimize potential impacts to sensitive plant and wildlife species, brush management activities shall be conducted during the non-breeding season of the California gnatcatcher (fall and winter) and shall be supervised by a qualified biologist whose services shall be funded by the master homeowners' associations. The duty of the biologist shall be to ensure that, to the extent possible, brush management activities avoid impacts to sensitive plant species and do not directly impact sensitive wildlife species.
7. No clearing or grading of native habitat shall occur during the gnatcatcher breeding season (March 1-August 15).
8. The salvage and transplanting of San Diego barrel cactus within the areas to be disturbed by grading per the precise plan shall be required prior to the issuance of a grading permit.
9. Lighting at perimeter lots adjacent to the SDG&E open space easement shall be selectively placed, shielded, and directed away from that habitat.
10. Fencing, if provided, along property boundaries facing the SDG&E open space easement shall be designed and constructed of materials that are compatible with the open space corridors and shall be installed by the developer prior to the occupancy of the units in order to ensure uniformity.

11. Prior to the issuance of grading permits, the Development Services Development Coordinator shall review and approve the grading permit and review the landscape plans for consistency with the mitigation measures for impacts to biological resources (grading and brush management).

These measures shall be conditions of the Neighborhood 8C VTM, and future development permits and landscape plans. The Land Development Review Division shall review the grading and landscaping plans prior to the issuance of grading permits. After completion of grading and prior to the issuance of building permits, a site inspection by City staff shall be required to ensure compliance with the brush management mitigation program.

The proposed mitigation monitoring and reporting program would reduce the significant direct impact to biological resources, but not to below a level of significance. Only adoption of the No Project alternative would avoid the impact. Implementation of the Resource Protection Ordinance (RPO) alternative would reduce the direct impact to below a significant level. As discussed in Chapter 6, Cumulative Impacts, of the final EIR only adoption of the No Project alternative would avoid the cumulative impact. Adoption of the RPO alternative would reduce the project's contribution to the cumulative impact associated with biological resources to a nominal level. The cumulative impact would remain significant and unmitigated under all other alternatives.

6) Paleontology

a) Impact: As a result of the development of the property, significant information regarding the geologic and biostratigraphic conformation of this area of the San Diego Embayment could be destroyed, resulting in significant impacts.

a) Finding: The following mitigation measures shall be a condition of approval of grading permits within the Neighborhood 8C VTM area and would reduce impacts to below a level of significance.

A program for the recovery of paleontological resources during grading and earthwork shall be implemented. This program will include the following steps:

1. A qualified paleontologist and/or paleontological monitor shall be retained to implement the monitoring program.
2. The qualified paleontologist shall attend any preconstruction meetings to consult with the excavation contractor. The requirement for paleontological monitoring shall be noted on the construction plans. 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.

R-290505

3. The paleontologist or paleontological monitor shall be on-site full-time during the original cutting of previously undisturbed areas of the Lindavista, Scripps, and Ardath Shale formations 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. The paleontological monitor may decrease the amount of time spent monitoring after consultation with Development Services Development Coordinator. The decrease in monitoring time will depend on the rate of excavation, materials being excavated, and the abundance of fossils.
4. In the event that well-preserved fossils are found, the paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains in a timely manner. Recovery is anticipated to take from one hour to a maximum of two days. At the time of discovery, the paleontologist shall contact the Environmental Analysis Section (EAS) of the City of San Diego Development Services Center. EAS must concur with the salvaging methods before construction is allowed to resume.
5. Fossil remains shall be cleaned, sorted, cataloged, and then deposited in a scientific institution that houses paleontological collections (such as the San Diego Natural History Museum).
6. A monitoring results report, with appropriate graphics, summarizing the results (even if negative), analysis, and conclusions of the above program shall be prepared and submitted to EAS within three months following the termination of the paleontological monitoring program.
7. The project manager shall notify EAS staff of any preconstruction meeting dates and of the start and end of construction.
8. A report of findings, even if negative, shall be filed with EAS and the San Diego Natural History Museum prior to issuance of building permits.

It shall be a requirement of the project that the above mitigation measures be conditions of the Carmel Creek Road VTM. The City Development Services Development Coordinator shall verify this is a condition of vesting tentative map approval.

A note shall be included on the grading plans that the above measures are conditions of approval of grading permits. EAS shall ensure these measures are conditions of the tentative map prior to approval of the VTM. Prior to issuance of grading permits, EAS and the City Development Services Development Coordinator shall review the grading plans to ensure that these measures are on the plans.

7) Traffic Circulation

a) Impact: Based on the phasing threshold analysis, the proposed project does not create a significant direct traffic impact on the area's circulation system. The project would result in a decrease in LOS from C to D at El Camino Real/State Route 56 (SR-56). This is considered acceptable and not significant. However, the project would contribute to a short-term cumulative impact.

a) Finding: In addition to the construction of the off-site portion of Carmel Creek Road as shown on the VTM, the project shall be required to provide an additional eastbound right-turn lane for the eastbound ramps at El Camino Real and SR-56.

No other mitigation measures are required for direct impacts. However, the project would contribute to a short-term cumulative impact associated with traffic circulation. Implementation of project-specific and regional traffic improvements will reduce the project's contribution to the short-term cumulative impact to a nominal level.

8) Air Quality

a) Impact: Because dust control during grading operations would be regulated in accordance with the rules of the San Diego Air Pollution Control District and the regulations of the City of San Diego Land Development Ordinance, and since construction would be a one-time, short-term activity, air quality impacts due to construction of the proposed precise plan would not be significant.

In accordance with the City's significance thresholds described previously, there would be no significant direct traffic-related air quality impacts since the Neighborhood 8C Precise Plan/VTM would not create LOS E or F conditions at intersections. However, the project would contribute to a cumulative impact.

The proposed Neighborhood 8C project would be consistent with the Regional Air Quality Standards and would not create direct air quality impacts to the surrounding street system provided that the recommended road improvements are constructed. Therefore, direct air quality impacts would not occur if the Neighborhood 8C project were implemented. However, the project would contribute to a cumulative impact.

a) Finding: No mitigation is required for direct impacts. However, the project would contribute to a cumulative impact associated with air quality. Only adoption of the No Project alternative or the RPO alternative would avoid or reduce the cumulative impact to a nominal level.

b) Impact: The proposed Neighborhood 8C project is ideally located to take advantage of the proposed northerly extension of a light rail transit line that is proposed

R-290505

to run along the Interstate 5 corridor as well as other alternative modes of transportation. Use of these alternative modes of transportation would reduce the total vehicle miles traveled for the project and thus, reduce project air emissions. This is considered a beneficial air quality impact.

b) Finding: No mitigation is required.

9) Noise

a) Impact: Noise from the major roadways within and near the project site could exceed the City of San Diego residential standard of 65 community noise equivalent level (CNEL) and have a significant adverse noise impact on future residential uses in the Neighborhood 8C Precise Plan area for those residences adjacent to Carmel Creek Road, should it be constructed as a through street.

Interior noise levels could exceed 45 CNEL and create a significant impact for the first rows of residential buildings within the precise plan/VTM area directly adjacent to Carmel Creek Road. Construction noise impacts would be less than significant.

a) Finding: The EIR shows the resulting noise levels at the modeled receiver locations after construction of noise barriers. Construction of noise barriers varying from four to six feet in height would result in noise levels for ground-floor exterior receivers below 65 CNEL at all exterior usable areas.

The effectiveness of a barrier is dependent upon the quality of construction and the barrier material mass and acoustical properties. Barriers shall be free of cracks and holes. The transmission loss through a barrier shall be at least 10 decibels greater than the estimated barrier attenuation. If a barrier attenuates noise levels by 5 A-weighted decibels [dB(A)] at a receiver location, the barrier transmission loss must be at least 15 dB(A) to prevent audible noise from traveling through the barrier and adding to the acoustical environment (up to 5 decibels of attenuation are needed to meet exterior noise standards). Examples of acceptable barrier materials include, but are not limited to, masonry block, wood frame with stucco, 0.5-inch-thick Plexiglas, or 0.25-inch-thick plate glass. If transparent barrier materials are used, no gaps shall occur between the panels.

Even with the construction of noise barriers, both first- and second-floor exterior noise levels are projected to exceed 60 CNEL on the lots adjacent to Carmel Creek Road. For several residential units, typical light-frame construction is not assumed to adequately reduce the modeled future exterior traffic noise levels to below the City's interior standards. At the time that building plans are available for these units, and prior to the issuance of building permits, a detailed acoustical analysis shall be performed ensuring that interior noise levels due to exterior sources would be below the City's 45 CNEL standard.

These measures developed by the required acoustical study shall appear as conditions of the Planned District Development Permit and VTM, and noted on building plans. The City Development Services Development Coordinator shall review the VTM to ensure the notes have been provided. EAS shall review building plans to ensure the acoustical mitigation has been incorporated into the specifications.

10) Public Services and Utilities

a) Impact: Currently, all schools in the Del Mar Union School District are operating above capacity. The estimated generation of the additional 68 elementary school students resulting from development of the proposed project would add to the potential overcrowding of the schools. This is considered a significant direct and cumulative impact.

Currently there is sufficient capacity at Earl Warren Junior High School to accommodate the 16 junior high students generated by buildout of the proposed precise plan. This is not considered a significant direct impact of the project. However, the project would contribute to a significant cumulative impact due to an anticipated capacity shortfall associated with build-out in its service area.

Currently, Torrey Pines High School is operating above capacity. The estimated generation of 32 additional high school students would contribute to the overcrowding of the school. This is considered a significant direct and cumulative impact.

a) Finding: Mitigation of the project's direct impact to schools from the proposed precise plan/VTM would be accomplished by participation in a Mello-Roos District formed by the applicant and the affected school districts (Del Mar Union and San Dieguito Union) which ensure the payment of appropriate school impact fees prior to the issuance of building permits. Participation in the established Mello-Roos District would mitigate the precise plan direct impacts on educational services to a level less than significant. The project's contribution to the cumulative impact would be mitigated upon provision of adequate facilities, as defined by the Progress Guide and General Plan, to accommodate the students. The City Development Services Development Coordinator shall assure these measures are in the precise plan prior to plan approval and appear as conditions of the VTM.

b) Impact: Development of the precise plan and VTM would incrementally increase the demand for parks and recreation, libraries, and police and fire services. Development of Neighborhood 8C would represent less than one percent of the anticipated development within the Carmel Valley Community Plan area. The incremental increased demand on these services would not be a significant impact due to the provision of increased services through the increased tax base. The incremental increased demand on

parks and recreation, library, and fire and emergency response services would not be a significant impact.

b) Finding: No mitigation is required for parks and recreation, libraries, and police and fire services.

c) Impact: Construction of 156 single-family residential units is not anticipated to result in significant water and sewer impacts.

c) Finding: No mitigation would be required.

d) Impact: Development of the precise plan/VTM would incrementally increase the demand for solid waste services; however, because development of Neighborhood 8C would represent less than one percent of the anticipated development within the Carmel Valley Community Plan area, the incremental increased demand is not considered significant due to the provision of increased services through the increased tax base. The incremental increased demand on solid waste services would not be a significant impact.

d) Finding: No mitigation is required.

11) Water Conservation

a) Impact: By observing guidelines established in the City of San Diego Water Utilities Department Planning and Design Guide and Landscape Technical Manual, potential adverse impacts to the city's water supply would be less than significant. The project's contribution to the cumulative impact associated with water supplies would be reduced to a level below significance by the mitigation measures outlined below.

a) Finding: The following mitigation measures shall be incorporated into project design guidelines to address cumulative water usage concerns.

1. Limit grading in areas where no construction is proposed; thereby reducing the need for planting and irrigation of graded areas;
2. Provide integrated organic soil amendments into landscaped areas to improve infiltration;
3. Reduce runoff potential from landscaped areas by using berming, raised planters, and drip irrigation systems;
4. Install soil moisture override systems in all common irrigation areas to avoid sprinkling when the ground is already saturated;

5. Identify in the plant materials list in the project design guidelines whether or not plants are native or naturalize easily and incorporate a list of local California sources for native plants;
6. Incorporate low-flush toilets, low-flow faucets, and timers on sprinklers (including nighttime watering) into project design; and
7. Provide information regarding water conservation measures to new residents at the time of lot purchase.

The Development Services Development Coordinator shall review grading, landscape, and building permits to ensure the above measures have been noted on plans.

B. Public Resources Code Section 21081(b)

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

C. Public Resources Code Section 21081(c)

The City Council, having reviewed and considered the information contained in the final EIR for the project and the public record, finds there are specific economic, social, and other considerations which make infeasible additional mitigation measures and project alternatives identified in the EIR.

1) Multiple-Family Project Alternative

A multiple-family project has been proposed for the project site in conjunction with the 1994 Carmel Valley Neighborhood 8A Precise Plan and Final EIR (DEP No. 93-0138). Referred to as the Carmel Creek Road TM (DEP No. 93-0138), this alternative project includes approximately 397 multiple-family dwelling units on approximately 20 acres of the site. The resulting density is 9.9 units per acre. Approximately 15.1 acres (38 percent) would be retained as natural open space in the northwestern and southeastern portions of the site along with the SDG&E easement. Carmel Creek Road would bisect the site and intersect with Street "A" on-site, which differs from the currently proposed VTM.

Finding: This alternative is not considered feasible as it would not accomplish the City's or the applicant's goals of the proposed project (i.e., low-density detached single-family

R-290505

residential development) and has been rejected for the purposes of this EIR for Neighborhood 8C.

2) No Project Alternative

The No Project alternative would maintain the Neighborhood 8C precise planning area and the Carmel Creek Road VTM as undeveloped areas within the Neighborhood 8A planning area of Carmel Valley. As a result, there would be no physical change in the current conditions associated with these applications. The project-related impacts described in this EIR would be avoided should this alternative be adopted. However, Neighborhood 8C as part of the Carmel Valley community planning area, is a planned urbanizing community in the city of San Diego and it is likely that development would be proposed for the site in the future.

Finding: Although many of the project's significant direct impacts (e.g., traffic and biology) would be mitigated by the measures incorporated into the precise plan and VTM, implementation of the No Project alternative for Neighborhood 8C would lessen or avoid the identified impacts. The feasibility of realizing the No Project alternative is, however, limited given the context of existing, planned, and proposed land uses within the project area. As described in the Land Use section of the final EIR (Chapter 4A), the overall circulation pattern in the Carmel Valley Community Plan south of SR-56 requires the extension of Carmel Creek Road through the Neighborhood 8C project site. The extension of Carmel Creek Road northerly from its current terminus in the Sorrento Hills community planning area through the 8C site is needed to provide access to several other ownerships within Neighborhood 8, 8A and 10. These ownerships include the Loma Sorrento, Westbrook, Elder, Torrey Pines Investments, and Pardee Parcel A (Neighborhood 8A); and the Janick property adjacent to Street "A" (Neighborhood 10). Thus, even under the No Project alternative for Neighborhood 8C, the grading and construction of Carmel Creek Road would be completed and bisect the site. Construction of this roadway along with the contiguous existing residential development to the south in Sorrento Hills and pending development applications for properties adjacent to the north, east, and west serves to isolate the 8C property and preclude any long-term conservation value for the property. The resulting isolated patches of open space adjacent to existing and anticipated development would not contribute to the long-term conservation of biological resources.

Furthermore, the retention of the site in its current vacant condition would not implement the goals of the community plan and would require reevaluation of the community plan. The project proposes to provide regional-serving public facilities designated in the community plan, including Circulation Element roads, water and sewage conveyance facilities, and other infrastructure. These facilities would be needed to support surrounding development whether or not the project is implemented. The No Project alternative would result in no contributions to the community facilities financing plan

from development contemplated for Neighborhood 8C. It may delay or preclude public facilities from being provided. The reduction in dwelling units will result in a loss of contributions into the Carmel Valley South Facilities Benefits Assessment (FBA) from the dwelling units/structures that would otherwise have made FBA payments upon issuance of building permits.

Retaining the property in its existing use would also affect any financing mechanism for providing adequate public facilities. Regardless of the use of this property, future development in the Carmel Valley community planning area and vicinity will require extension of public services and facilities such as water, sewer, parks, libraries, and police and fire stations; and development of roads such as the extension of Carmel Creek Road and Street "A." Implementation of the No Project alternative would preclude the construction of public improvements offered through the subdivision process. Without the project's financial contribution for these public improvements through the subdivision process, such facilities must be financed through mechanisms such as development impact fees or assessment districts. If project applications are not processed for Neighborhood 8C, the FBA or some other funding mechanism would be required to fund the right-of-way acquisition costs and construction costs of Carmel Creek Road through Neighborhood 8C. These costs would otherwise be a subdivider obligation and not an FBA obligation. The actual fee imposed on each property using these funding mechanisms determines the extent or degree to which each type of development generates a demand for or receives a benefit from the various public facilities involved. The No Project alternative would not generate traffic or the need for or benefit from schools, fire stations, parks, and water or sewer service. Thus, on an equitable basis, the property would not share in the cost of financing such facilities. The current Carmel Valley South FBA is based on the number of dwelling units associated with currently pending applications for Neighborhood 8C, Loma Sorrento, Westbrook, Elder, and Torrey Pines Investments properties, along with the other existing or projected developments for ownerships within Neighborhood 8 and 10. Implementation of the No Project alternative for Neighborhood 8C would represent a 27 percent reduction in the FBA contributions for Neighborhood 8A.

The goals and objectives of the Carmel Valley Community Plan include providing housing needs for all economic segments of the community, promoting a balanced community in terms of housing types and economic appeal, and providing housing to accommodate people employed in the nearby business and industrial parks. Accordingly, this alternative would not fully implement these goals and objectives because housing will not be constructed. The No Project alternative would be contrary to the City's General Plan and Guidelines for Future Development.

Consequently, the adoption of the No Project alternative is found to be infeasible, since its adoption would not be consistent with the need for new residential uses and supporting facilities, services and improvements.

R-290505

3) Community Plan Development Alternative

Development of the Neighborhood 8C project site pursuant to the existing community plan land use designations and configuration would allow for an increase in the open space acreage preserved on-site for Neighborhood 8C. The community plan shows very low density residential development for the mesa top area, two major ridgelines, and southerly canyon, with a serpentine configuration of open space on the intervening steep slopes. However, because of changes in the currently approved overall circulation pattern for Sorrento Hills and Carmel Valley Neighborhood 10 and as proposed for Neighborhood 8A, the development of Street "A" and Carmel Creek Road South requires the extension of Carmel Creek Road through the project site. Carmel Creek Road would traverse the site as proposed in the project description in order to implement development in areas shown in the community plan and also to provide access to other ownerships within Neighborhood 8A to the north (Torrey Pines Investments), west (Loma Sorrento), and east (Elder, Westbrook, and Carmel Oaks in Neighborhood 10) of the 40-acre Neighborhood 8C project site.

While the impacts associated with the proposed precise plan could be reduced under a community plan alternative, development of Neighborhood 8C pursuant to this alternative would result in similar impacts. Specifically, significant biological impacts to sensitive habitats (coastal sage scrub and southern maritime chaparral), although mitigated, would continue to occur from development of the mesa top area and ridgelines and from the construction of Carmel Creek Road through the project site. Likewise, significant landform alteration would still be necessary to develop and access the site. Traffic generation, while reduced under this scenario, would also continue to represent a significant impact.

Finding: Implementation of a project design in compliance with the Carmel Valley Community Plan is not technically feasible given the changes to circulation and land use patterns that have occurred since adoption of the plan in 1975. As described in the Land Use section of the final EIR (Chapter 4A), the adopted changes in the overall circulation pattern for Sorrento Hills and Carmel Valley Neighborhoods 8, 8A, and 10, the development of the Carmel Valley Community Plan south of SR-56 requires the extension of Carmel Creek Road through the Neighborhood 8C project site. Carmel Creek Road would need to traverse the 8C site as proposed in order to provide access to other ownerships within Neighborhood 8A to the north, west, and east. Likewise, the need to designate serpentine areas of open space on the steep slopes below the mesa top area and ridgelines within Neighborhood 8C (see Figure 4A-1 in the final EIR) has changed since the adoption of the Carmel Valley Community Plan. With the realignment of Carmel Creek Road through the site, the benefit derived from relatively small swaths of isolated open space not connected to biological open space within the MSCP preserve is limited for Neighborhood 8C. As described above in the Findings for the No Project alternative, there are additional factors that further isolate and reduce the long-term

conservation value of the open space envisioned in the 1975 community plan for Neighborhood 8C. These include (1) the residential development which is under construction adjacent to the site on the south in Sorrento Hills and (2) the currently proposed vesting tentative map applications for ownerships to the east (Elder, Westbrook, and Janick), west (Loma Sorrento), and north (Torrey Pines Investments and Sorrento Sand). For these reasons, the community plan alternative is not considered feasible.

4) RPO Alternative

The identified land use impact associated with the project's inconsistency with the provisions of RPO would be lessened by a project alternative which strictly complies with the encroachment provisions of RPO. Under this scenario, a project alternative that concentrates development in the southern canyon of the project site adjacent to the existing Sorrento Hills development immediately to the south could avoid a larger percentage of sensitive on-site vegetation and be consistent with the RPO encroachment allowances. The number of single-family units would be reduced from a maximum of 156 to approximately 45 units, and the total on-site development area for residential development and Carmel Creek Road would be approximately 15.08 acres. This total development area would consist of the 12.18 acres of encroachment into steep slopes and biologically sensitive lands allowed under RPO and the 2.9 acres of non-sensitive land on-site. Off-site grading for Carmel Creek Road (approximately 4.0 acres) would continue to be required to access the site.

This alternative would consist of filling of the southern canyon below the northeast/southwest ridgeline with access to the development from Carmel Creek Road to the southwest. As noted above for the Community Plan Development alternative, Carmel Creek Road would likely still need to traverse the site to provide access to other planned residential uses within Neighborhood 8A to the north (Torrey Pines Investments), west (Loma Sorrento), and east (Elder and Westbrook).

Total impacts (on- and off-site) to sensitive vegetation types under this alternative would be reduced to approximately 16.18 acres. These impacts to sensitive vegetation would be mitigated by the on-site preservation of approximately six acres of coastal sage scrub in the northwest corner of the property and the 10.5 acres of mitigation credits applicable to the Neighborhood 8C project site provided under multiple-projects 4(d) Interim Habitat Loss Permit described in the Biology section of the EIR. Additionally, this alternative would preserve the 0.04 acre of isolated seasonal wetlands/vernal pool habitat. The total mitigation provided under this alternative would be approximately 16.5 acres. This could mitigate the impacts to sensitive biological resources to below a level of significance. However, because of the ultimate need to construct Carmel Creek Road as part of the project, the increased open space area on-site would continue to be fragmented by the roadway.

Other impacts associated with the 156-unit project would also be reduced under this alternative. Landform alteration impacts would be reduced under this alternative, but substantial earthwork would still be required for the grading of the ridgeline and filling of the southern canyon to access and develop this portion of Neighborhood 8C. In addition, the grading to construct Carmel Creek Road through the site would continue to require substantial landform alteration. The project traffic generation would be limited to approximately 450 ADT rather than the 1,560 ADT associated with the proposed project. With the reduced trip generation, access to the site from the south via Carmel Creek Road could occur and the project's contribution to future projected levels of service on area roadways and intersections would be lessened. Finally, the demand on public services and utilities would be lessened under this alternative.

The RPO alternative to the proposed Neighborhood 8C Precise Plan is the environmentally preferred alternative. This alternative is preferred to the above alternatives, because it would fully mitigate all direct impacts and reduce the project's contribution to cumulative impacts to a nominal level, while still providing some development opportunities within the precise plan area.

Finding: The RPO alternative would represent a decrease of approximately 111 units (approximately 71 percent) in the number of low density units. The goals and objectives of the Carmel Valley Community Plan include providing housing within the community, promoting a balanced community in terms of housing types and economic appeal, and providing housing to accommodate people employed in the nearby business and industrial parks. Accordingly, this alternative would not fully implement these goals and objectives. The substantial reduction in housing results in a failure to provide housing, indirectly promotes an unbalanced mix of housing type, and eliminates available housing for those persons employed in the adjacent industrial parks.

Additionally, as described above in the findings for the No Project alternative and Community Plan alternative, several of the project's significant direct impacts (e.g., traffic and hydrology/water quality) have been mitigated by the measures currently incorporated into the precise plan and VTM. While the RPO alternative would lessen the identified direct impacts, the long-term benefits of preserving the additional open space acreage are of limited value given the context of existing, planned, and proposed land uses within the project area and the need to construct Carmel Creek Road through the site.

The findings as stated for the No Project alternative, including the partial loss of the dedications and financial participation in regional public facilities, and reduction in tax base revenues to the City, also apply to this alternative. The loss of approximately 111 units under this alternative results in a loss of approximately 71 percent of the housing units which is a loss of approximately \$437,500 in tax increment per year based upon an average unit valuation of \$350,000. The reduction of units under this alternative would

**STATEMENT OF OVERRIDING CONSIDERATIONS
CARMEL VALLEY NEIGHBORHOOD 8C PRECISE PLAN AND
VESTING TENTATIVE MAP**

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 considerations, 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 CEQA Guidelines Section 15093, having balanced the benefits of the project against its unavoidable environmental effects which remain notwithstanding the mitigation measures and alternatives described above, determines that such remaining significant environmental effects to land use, landform alteration, and biology, and the cumulative impacts to landform alteration/visual quality, biology, air quality, and hydrology/water quality are acceptable due to the following considerations:

1. As part of the Settlement Agreement, the project applicant has contributed \$3,000,000 to the City of San Diego for the acquisition of an 80-acre off-site property, known as Mesa Top, within the Neighborhood 8A precise plan area. Neighborhood 8A lies to the north of Neighborhood 8C. The entirety of this off-site property consists of very high quality coastal sage scrub vegetation and southern maritime chaparral with numerous sensitive plant and animal species and is an integral component of the adopted MSCP as a part of the Carmel Mountain biological core area. The City of San Diego considers the Mesa Top parcel to be a critical acquisition parcel and the monetary contribution would greatly improve the City's ability to complete the acquisition in a timely manner.

also result in the short-term loss of these 100 units contributing to the Carmel Valley South FBA which would be a loss of approximately \$1,330,850 based on the fiscal year 1998 Carmel Valley South FBA fees. Thus, the findings made to show the infeasibility of the No Project alternative are also applicable to establish the infeasibility of this alternative.

R-290505

2. The project would contribute to the successful implementation of the MSCP as the open space in the northwestern portion of the project site would be consistent with the MSCP preserve design within the City's Subarea Plan.
3. The approval of this project will result in an increased generation of real property tax revenue for the City of San Diego. The City would receive real property tax increment revenues attributable to the increased value of improved real property associated with the 156 dwelling units for the project. Based on the assessed value of the land with implementation of the proposed improvements and a standard tax rate of 1.25 percent, total property tax for the proposed 156 units (assuming an average valuation of \$350,000 per dwelling unit) would be approximately \$682,500 per tax year. A portion of these property taxes would be paid to the City. It should be noted that the estimated real estate values and the tax rate used to calculate the property tax are subject to change as individual phases of the project are implemented.
4. Approval of the revised project allows the City of San Diego to realize additional revenues from a reduction in acquisition costs for biological mitigation lands which otherwise would have been required for the originally proposed project.

For these reasons on balance, the City Council finds there are economic, social, and other considerations resulting from the project that serve to override and outweigh the project's unavoidable significant environmental effects, and thus, the adverse unavoidable effects are considered acceptable.

R-290505

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

CARMEL VALLEY NEIGHBORHOOD 8C, GENERAL PLAN/CARMEL VALLEY COMMUNITY PLAN AMENDMENT, CARMEL VALLEY NEIGHBORHOOD 8C PRECISE PLAN, AMENDMENT to the CARMEL VALLEY COMMUNITY PLANNED DISTRICT ORDINANCE, REZONE, VESTING TENTATIVE MAP, CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PERMIT and RESOURCE PROTECTION ORDINANCE PERMIT;

LDR NO. 98-0200

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. 96-7499) shall be made conditions of GENERAL PLAN/CARMEL VALLEY COMMUNITY PLAN AMENDMENT, CARMEL VALLEY NEIGHBORHOOD 8C PRECISE PLAN, AMENDMENT to the CARMEL VALLEY COMMUNITY PLANNED DISTRICT ORDINANCE, REZONE, VESTING TENTATIVE MAP, CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PERMIT and RESOURCE PROTECTION ORDINANCE PERMIT; as may be further described below.

A:\8CADD.RESO.wpd

R-290505

The following mitigation measures shall be required of the project. For further details, reference the Carmel Valley Neighborhood 8C EIR No. 96-7499, Mitigation Monitoring and Reporting Program.

Hydrology/Water Quality

As a condition of the VTM, the developer shall, within 30 days of completion of grading activities, hydroseed and landscape graded and common areas with appropriate ground cover vegetation consistent with the biology section mitigation requirements (e.g., use of native or noninvasive plants). These revegetated areas shall be inspected monthly by a qualified biologist until vegetation has been firmly established as determined by the City's grading inspector.

Prior to the issuance of a grading permit, the grading plan shall locate temporary desilting basins at all discharge points adjacent to drainage courses or where substantial drainage alteration is proposed. The exact design and location of such facilities shall be conducted pursuant to direction by the City Engineer.

Landform Alteration/Visual Quality

Prior to issuance of a grading permit, the Development Services Development Coordinator shall review the grading and landscape plans for consistency with the precise plan guidelines and establishment of a long term monitoring program. Upon completion of grading for the VTM and associated off-site conditions, the developer shall submit a letter to the Development Services Development Coordinator from a qualified consultant certifying that all landscaping for the major manufactured slopes (e.g., roadway slopes) has been implemented. Monitoring shall be required to assure the long-term establishment of the landscaping. The maintenance program would be effective for a three-year period following the installation of the plantings or until such time as all planting are established. The long-term monitoring shall establish an inspection schedule, establish replanting specifications, and require written notification once a year to the Development Services Development Coordinator from the applicant-hired consultant to verify the status of the revegetation.

Geology/Soils

Prior to recordation of the final map within the precise plan area, a complete geotechnical investigation shall be conducted for the final map area by a certified engineering geologist. The Development Services Coordinator shall review the grading plans to ensure that a qualified engineer has signed the plans and certifies they are consistent with the recommendations in the geologic investigation.

Prior to issuance of grading permits, a site-specific erosion control and landscaping plan shall be submitted to and approved by the City Development Services

R-290505

Development Coordinator. This plan shall include measures to mitigate erosion and transport both during and immediately after construction, as well as the provision of landscaping to provide short- and long-term erosion control. A phased plan of erosion-resistant ground cover planting shall be prepared for graded areas which require installation within 30 days of completion of grading.

Biological Resources

Prior to issuance of a grading permit or recordation of the first final map, the applicant shall provide verification that the following mitigation for the loss of Southern maritime chaparral and scrub oak chaparral identified in the table below has been provided;

Existing 4(d) Interim Habitat Loss Agreement Mitigation Credit	10.50
Mesa Top Property Acquisition Credits	<u>8.19</u>
Total Mitigation Provided	18.69

A total of 10.50 acres of mitigation credit from the Carmel Valley Neighborhood 10 Interim Habitat Loss Permit and Settlement Agreement would be used for mitigation of project impacts. Pardee Construction Company has agreed to contribute \$3 million to the City of San Diego toward the acquisition of the 80-acre Mesa Top Property within the Carmel Valley Neighborhood 8A Precise Plan area. Approximately 8.19 acres of additional mitigation credits from the Mesa Top Property would be provided for the Neighborhood 8C project impacts.

Prior to the issuance of a grading permit, grading plans shall note the requirement for a qualified biologist to supervise and monitor grading activities which includes staking the limits of grading to ensure no impacts to sensitive habitats or species occur in areas shown for permanent open space.

A tailored brush management plan shall be implemented that minimizes impacts to the habitat quality of the native vegetation nearest development areas which must be thinned for fire protection purposes.

No clearing or grading of native habitat shall occur during the gnatcatcher breeding season (March 1-August 15).

Prior to the issuance of a grading permit, the salvage and transplanting of San Diego barrel cactus within the areas to be disturbed by grading per the Precise Plan shall be required.

Lighting at perimeter lots adjacent to the open space shall be selectively placed, shielded, and directed away from that habitat.

Prior to the issuance of certificates of occupancy, in order to ensure uniformity, fencing along property boundaries facing the open space corridors shall be designed and

constructed of materials that are compatible with the open space corridors and shall be installed by the developer.

Prior to the issuance of grading permits, the Development Services Development Coordinator shall review the grading and landscape plans for consistency with the mitigation measures for impacts to biological resources (grading and brush management). The mitigation credits recommended in the Mitigation Monitoring and Reporting Program must be in place prior to the issuance of grading permits.

Paleontology

Prior to issuance of a grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified paleontologist and/or paleontological monitor have been retained to implement the monitoring program. The requirement for paleontological monitoring shall be noted on the grading plans. **ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THE PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF MONITORING.**

The qualified paleontologist shall attend any preconstruction meeting to discuss grading plans with the grading and excavation contractor.

The paleontologist or paleontological monitor shall be on site full time during the initial cutting of previously undisturbed areas. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with LDR, and will depend on the rate of excavation, the materials excavated and the abundance of fossils.

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. **THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.

The qualified paleontologist shall be responsible for preparation of fossils to a point of identification as defined in the City of San Diego Paleontological Guidelines and submitting a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.

Prior to the issuance of a certificate of occupancy, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the paleontological monitoring program shall be submitted to LDR for approval.

Traffic Circulation

The subdivider shall provide a fair share contribution for the construction of an eastbound right-turn lane at SR-56 and El Camino Real eastbound ramps, to the satisfaction of the City Engineer.

Noise

Prior to issuance of a certificate of occupancy, the Development Services field inspector shall verify that the construction of the noise attenuation berm or wall has been completed.

Prior to the issuance of building permits, a detailed acoustical analysis shall be performed to ensure that interior noise levels due to exterior sources would be below the City's 45 CNEL standard.

Measures developed by the required acoustical study shall appear as conditions of the Planned District Development Permit and VTM, and noted on building plans. The Environmental Analysis Section shall review building plans to ensure the acoustical mitigation has been incorporated into the specifications.

Public Services and Utilities

Prior to issuance of building permits the applicant shall provide verification of participation in a Mello-Roos District formed by the applicant and the affected school district. Participation in the established Mello-Roos District would mitigate the precise plan direct impacts on educational services to a level below significant.

Water Conservation

Measures incorporated into the project design guidelines to mitigate the project's contribution to cumulative impacts associated with water supplies include: limiting grading in areas where no construction is proposed; provide lifts of low-clay content soil in landscaped areas to improve infiltration; reduce runoff potential from landscaped areas by using berming, raised planters, and drip irrigation systems; install soil moisture override systems in all common irrigation areas to avoid sprinkling when the ground is already saturated; identify in the plant materials list in the project design guidelines whether or not plants are native or naturalize easily and incorporate a list of local California sources for native plants; incorporate low-flush toilets, low-flow faucets, and timers on sprinklers into project design; and provide information regarding water conservation measures to new residents at the time of lot purchase. The Development Services Development Coordinator shall review grading, landscape, and building permits to ensure the above measures have been noted on plans.

R-290505

The above Mitigation Monitoring and Reporting Program will require an additional deposit of \$3,200.00 to be collected prior to the issuance of certificates of occupancy to ensure the successful completion of the monitoring program.

R-290505