

RESOLUTION NUMBER R- 290524

ADOPTED ON JUL 28 1998

WHEREAS, on October 31, 1997, Black Mountain Ranch Limited Partnership submitted an application to Development Services for a General Plan Amendment, North City Future Urbanizing Area Framework Plan Amendment, Subarea Plan, and Multiple Habitat Planning Area [MHPA] Boundary Adjustment for the Black Mountain Ranch development located in Subarea I in the North City Future Urbanizing Area; 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 Environmental Impact Report No. 96-7902; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is certified that Environmental Impact Report No. 96-7902, 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 Black Mountain Ranch development and associated land use actions.

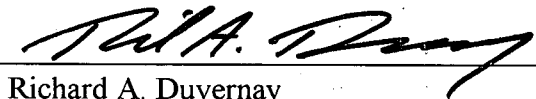
BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project, a copy of which is attached hereto and incorporated herein by reference.

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

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07/16/98  
Or.Dept:Comm.&Eco.Dev.  
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**CANDIDATE FINDINGS OF FACT AND  
STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE  
BLACK MOUNTAIN RANCH GENERAL PLAN AMENDMENT,  
NCFUA FRAMEWORK PLAN AMENDMENT,  
SUBAREA I PLAN AND MULTIPLE HABITAT PLANNING AREA  
BOUNDARY ADJUSTMENT**

(Final TEIR LDR No. 96-7902)  
(State Clearing House (SCH) No. 97111070)

The California Environmental Quality Act (Public Resources Code Sections 21000-21178.1) ("CEQA") and the State CEQA Guidelines (Cal. Code of Regulations, Title 14, Sections 15000-15387) require that specific findings be made if a lead agency decides to approve a project which will have significant impacts:

[N]o public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those 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.

(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 environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

See Cal. Pub. Res. Code § 21081. The State CEQA Guidelines contain similar provisions. Cal. Code Regs. tit. 14, § 15091.

The State CEQA Guidelines further require that, where the decision of the public agency allows the occurrence of significant effects which are identified in the final TEIR, but are not at least substantially mitigated, the public agency shall state in writing the specific reasons why the benefits of the proposed project outweigh the unavoidable adverse environmental effects and why the unavoidable environmental effects are considered acceptable. The public agency must base its written statement on information in the final TEIR and/or other information in the record. Cal. Code Regs. tit. 14, § 15093.

The following Candidate Statement of Findings of Fact and Statement of Overriding Considerations have been submitted by the project applicant for consideration by the decisionmaking body. The Environmental Analysis Section of the City of San Diego Development Services Department does not recommend that the discretionary body either adopt or reject these Candidate Statement of Findings of Fact and Statement of Overriding Considerations. They are attached to allow readers of this report an opportunity to review the potential reasons for approving the project despite significant unmitigated impacts.

**CANDIDATE FINDINGS OF FACT AND  
STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE  
BLACK MOUNTAIN RANCH GENERAL PLAN AMENDMENT,  
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BOUNDARY ADJUSTMENT**

(Final TEIR LDR No. 96-7902)  
(State Clearing House (SCH) No. 97111070)

The following Candidate Findings of Fact and Statement of Overriding Considerations ("Findings") are made relative to the conclusions of the final Tiered Environmental Impact Report (final TEIR) for the Black Mountain Ranch (Subarea I) Plan (LDR No. 96-7902; SCH No. 97111070). The final TEIR, which is incorporated by reference as if fully set forth herein, identifies significant or potentially significant environmental impacts which, prior to mitigation, may occur as a result of the General Plan Amendment, NCFUA Framework Plan Amendment, Subarea Plan and Multiple Habitat Planning Area (MHPA) Boundary Adjustment for development of 1,355 acres of the 5,098-acre Subarea I (the "Project"). Thus, in accordance with the provision of the California Environmental Quality Act (Public Resources Code Sections 21000-21178.1) ("CEQA") and the State CEQA Guidelines (Cal. Code of Regulations, Title 14, Sections 15000-15387), the City of San Diego ("City") hereby adopts these Findings.

The CEQA Guidelines also state that the decision-maker must balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the Project. Cal. Code Regs. tit. 14, § 15093(a). The City Council has carefully considered the benefits of the Project. The final TEIR identifies significant environmental effects which will not be mitigated to below a level of significance and which will be allowed to occur as a result of Project approval. Therefore, the City Council hereby adopts the Statement of Overriding Considerations contained in this document, which states the specific reasons why the benefits of the Project outweigh the unavoidable adverse environmental effects, each of which standing alone is sufficient to support approval of the Project, and explains that the unavoidable environmental effects are considered acceptable.

The Black Mountain Ranch (Subarea I) Plan site is in the North City Future Urbanizing Area (NCFUA) of the City of San Diego, California. The proposed future development under the Subarea I Plan would be located within the property set aside as a future development area in the previously approved Black Mountain Ranch II Vesting Tentative Map/Planned Residential Development (VTM/PRD)/Resource Protection Ordinance (RPO) Permit/Interim Habitat Loss Permit/Development Agreement (DA) (DEP No. 95-0173; SCH No. 95041041 (the "Black Mountain Ranch II VTM/PRD") and herein incorporated by reference), as well as perimeter parcels surrounding the Black Mountain Ranch ownership.

The majority of Subarea I is part of the approved Black Mountain Ranch II VTM/PRD, which in October 1995, received approval from the City Council for use and development of 3,784 acres of their ownership. Of that total, 94 acres occur as open space within the Rancho Penasquitos community planning area and lie outside the Subarea I boundary. As a consequence of the 1995 approval, 3,690 acres or approximately 75% of Subarea I is approved for use and development under the terms of PRD permit 95-0173, and its associated VTM/RPO permit, and the Black Mountain Ranch development agreement. The Black Mountain Ranch II VTM/PRD includes a total of 1,121 residential units (942 single-family lots and 179 multi-family affordable units), two 18-hole golf courses, and a series of subordinate uses, including schools, public facilities, and water reservoirs. Approximately 2,871 acres of open space has been set aside, including 1,760 acres of dedicated resource open space which is being conserved under the Multiple Species Conservation Plan (MSCP) and as part of the San Dieguito River Valley Regional Open Space Park, 53 acres for public parks, 132 acres for other parks and open space, 12 acres for desilting basins, 133 acres for a recycled water reservoir, and 607 acres for golf courses. In addition, future development areas were reserved for future development in the Black Mountain Ranch II VTM/PRD.

The final TEIR incorporates by reference the previously approved Black Mountain Ranch II VTM/PRD development and addresses in detail the remaining property within Subarea I, which includes land within Black Mountain Ranch as well as the perimeter properties, which are held by 11 separate owners and which is proposed for development after a phase shift to Planned Urbanizing.

Black Mountain Ranch is located within the NCFUA, and is bounded by the approved Subarea IV Fairbanks Highlands Tentative Map (DEP No. 88-1041) to the south; the northerly limits of the Rancho Penasquitos community and Black Mountain Park to the southeast; the 4S Ranch Specific Plan area, Santa Fe Valley Specific Plan Area and Santa Fe Hill development to the north and northwest; and Fairbanks Ranch and Rancho Santa Fe Farms to the west. The Project area includes portions of La Zanja Canyon, La Jolla Valley, Lusardi Creek, the San Dieguito River Valley Regional Open Space Park Focused Planning Area ("FPA"), the unimproved portion of Black Mountain Road, and the Second San Diego Aqueduct.

The final TEIR indicates that implementation of the Black Mountain Ranch Subarea I Plan ultimately would result in unavoidable significant direct and/or cumulative impacts to land use, traffic circulation, biological resources, hydrology/water quality, landform/visual quality, air quality and natural resources/agriculture.

The Subarea I Plan would refine the existing NCFUA Framework Plan by siting and designating land uses for future residential, commercial, industrial, open space and public facilities uses, and specific locations for roads and other infrastructure. The total project would be divided into discrete units: the northern "bow-tie" area, including a mixed-use northern village with industrial, office, employment center, commercial/retail and high density residential areas; the finger ridges north of La Jolla Valley; a 300-room resort/hotel; a mixed-use southern village; seven additional residential development clusters within the Black Mountain Ranch ownership; and four groupings of perimeter ownerships. The Subarea I Plan also includes Community

Design Guidelines, a Public Facilities and Financing Plan, and Plan Implementation. The Subarea I Plan is a prerequisite for voter consideration of a General Plan Phase Shift from Future Urbanizing to Planned Urbanizing; no approvals for site-specific development under the Subarea I Plan are being considered at this time. Future site-specific development proposals would require additional discretionary entitlements and appropriate environmental review.

The final TEIR indicates that the Project's direct and/or cumulative impacts on the following environmental issues are less than significant or can be reduced to less than significant levels through implementation of the Mitigation Monitoring and Reporting Program: biological (direct), hydrology/water quality (direct), cultural resources (direct), geology/soils (direct and cumulative), natural resources/agriculture (direct), paleontological resources (direct and cumulative), noise (direct), public facilities and services (direct), water conservation (direct and cumulative), public safety (direct and cumulative) and population (direct and cumulative).

The final TEIR analyzes the cumulative and growth-inducing impacts of the Project, as well as alternatives to the Project.

The City of San Diego City Council hereby finds as follows:

- The foregoing statements are true and correct.
- Changes or alterations have been required in, or incorporated into, the proposed Project which avoid or substantially lessen significant environmental impacts as identified in final TEIR and in these Findings.
- CEQA requires the lead agency approving a project to adopt a mitigation monitoring program for the changes to the Project which it has adopted or made a condition of project approval in order to ensure compliance with project implementation. A MMP has been defined and serves that function for final TEIR, and is incorporated herein by reference, and is considered part of the administrative record for the Project.
- The MMP designates responsibility and anticipated timing for the implementation of mitigation. The City will serve as the overall Mitigation Monitoring and Reporting Program Coordinator.
- The City Council believes that its decision on the Project is one which must be made after a hearing required by law at which evidence is required and discretion in the determination of facts is vested in the City. As a result, any judicial review of its decision will be governed by Section 21168 of CEQA and Code of Civil Procedure Section 1094.5. Regardless of the standard of review which is applicable, the City Council has considered evidence and arguments presented to the City prior to or at the public hearings on this matter. In determining whether the Project has a significant impact of the environment, and in adopting Findings pursuant to Section 21081 of CEQA, the City Council has complied with CEQA Sections 21082.2 and 21081.5.

- Documents, including the 1995 Black Mountain Ranch II VTM/PRD Final EIR, were incorporated by reference into final TEIR pursuant to Section 15150 of the State CEQA Guidelines, and are considered part of final TEIR as if set forth in full therein, and are considered part of the administrative record for the Project.
- Copies of all these documents, which constitute the record of proceedings upon which the City's decision is based, are and have been available upon request at all times at the offices of the City, the custodian for such documents or other materials.
- The Project's impacts have been analyzed to the extent feasible at the time of certification of final TEIR.
- Having received, reviewed and considered the above described information, as well as all other information and documents in the record, the City Council hereby conditions the Project and finds as stated in these Findings.

#### A. PUBLIC RESOURCES CODE SECTION 21081(A)(1)

The City Council, having independently reviewed and considered the information contained in the final TEIR for the Project, the appendices 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, to the extent feasible, as identified in the final TEIR with respect to the areas of land use, traffic circulation, biological resources, hydrology/water quality, landform alteration/visual quality, cultural resources, geology and soils, natural resources/agriculture, paleontology, air quality, noise, public facilities and services, water conservation, public safety and population.

No measures are available to fully mitigate the significant direct impacts associated with land use, traffic circulation, landform alteration/visual quality, and air quality; or the cumulative impacts associated with land use, traffic circulation, biological resources, hydrology/water quality, landform alteration/visual quality, air quality, noise, cultural resources, public facilities and services, and natural resources/agriculture. Only adoption of the No Project 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 is found in Section C of these Findings.

Implementation of the following recommendations would occur via the imposition of the MMP and other conditions of approval to be adopted for future projects.

#### 1) Land Use (Direct and Cumulative)

##### a) Impact:



There are wetlands and floodplain included within development areas in the southwest and southeast perimeter properties that could be encroached upon for access and utilities. Significant impacts due to inconsistency with RPO from encroachments into wetlands cannot be fully avoided as the wetlands bisect two of the perimeter properties and encroachments for access and utilities would be necessary to serve the parcels.

a) **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant adverse effects on the environment. Future site-specific development in the southwest and southeast perimeter properties will need to include the 100-foot-wide wetlands buffers, demonstrate that proposed encroachments into wetlands for road and utility crossings are unavailable, and provide mitigation for the encroachments.

b) **Impact:**

Future development in the northeast perimeter property has the potential to conflict with the viewshed in the Focused Planning Area (FPA), which consists of the viewshed of the San Dieguito River Valley and its tributaries, including the San Dieguito River Park La Jolla Valley landscape unit.

b) **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant adverse effects on the environment. Residential development adjacent to the FPA in the northeast perimeter property could impact the viewshed from the FPA. This potential impact will be mitigated through implementation of Community Design Guidelines to reduce the visual and physical encroachment of development into the FPA. Landscape guidelines will limit the kinds of ornamental trees and shrubs which can be planted around residences and will require natural transition areas within rear yards of lots fronting open space. The Community Design Guidelines are included in the Subarea I Plan, and applies to the northeast perimeter property as well as the other Subarea I Property. These Guidelines shall be included in subsequent tentative maps and planned development permits submitted for future site-specific development.

2) **Traffic Circulation (Direct and Cumulative)**

a) **Impact:**

Direct impacts of the Project were defined as street segments, intersections and freeways that were forecast to operate at a Level of Service ("LOS") below "D" at which the Project contributed more than 2% of the traffic. Cumulative impacts were identified if the LOS was below "D" but the Project contributed less than 2% of the traffic, per City guidelines (these impacts would occur with or without the Project). Table 4B-14 in the final TEIR summarizes the significant direct project impacts for all development phases, including buildout; Table 4B-15 in

the final TEIR summarizes the cumulatively significant impacts. Direct, unavoidable impacts to segments of Black Mountain Road, Camino Ruiz, El Apajo, San Dieguito Road and Interstate 15 would result at full buildout. The proposed circulation improvements as shown in Table 4B-16 of the final TEIR would not fully mitigate direct impacts to Black Mountain Road, south of Park Village Road; El Apajo from Via de Santa Fe to San Dieguito Road; San Dieguito Road from El Camino Real eastward to the San Diego city limits; San Dieguito Road from El Apajo to Camino Ruiz and Racho Bernardo Road from I-15 to West Bernardo Drive. Cumulative impacts to segments of I-5 and I-15 and freeway ramps at I-5/Via de la Valle, I-5/Del Mar Heights Road and I-15/SR-56 at build out would not be fully mitigated.

As described in the final TEIR, transportation facilities improvements necessary to provide acceptable levels of service on street segments would result in potentially significant impacts to wetlands, grading into sensitive slopes, loss of mature scenic trees, impacts to community character, including access and disruption of current land uses. Cumulative impacts to freeway segments and ramps are a region-wide issue and cannot be mitigated at a project level beyond a fair-share contribution towards future improvements.

a) **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant adverse effects on the environment, but not to below a level of significance.

The development of the remainder of Subarea I is envisioned to occur in three phases. The first phase would be approximately 27% of the proposed development. Approximately 64% of the proposed development would occur in the second phase, and full buildout, or 100% of the proposed development, would occur in the third and final phase. The circulation improvements for each phase, with the responsible party for the improvements, are summarized in the final TEIR in Table 4B-16 and Figures 4B-10 to 4B-12.

Because this range of possible mitigation measures is based on forecasts and assumptions of future traffic from a variety of proposed projects, and due to the fact that this final TEIR contains a plan level of analysis, the final mitigation program necessarily will be further refined in connection with CEQA review of future tentative maps for specific development projects within the subarea. As a result, the improvements and phasing may be modified and different mitigation measures or phasing may be substituted to the satisfaction of the City Engineer, so long as the mitigation measures to be implemented are determined to meet or exceed the level of mitigation provided for in this traffic analysis.

3) **Biological Resources (Direct and Cumulative)**

a) **Impact:**

The direct loss of 12.6 acres of MSCP Tier II coastal sage scrub, 12.1 acres of MSCP Tier IIIA southern mixed chaparral, and 0.3 acre of willow scrub on the southeast and southern parcels;

and 4.1 acres of MSCP Tier II Diegan sage scrub, as well as 1.4 acres of disturbed wetlands, on the southwest property would be significant direct impacts of the Subarea I Plan. The additional loss of 207 acres of MSCP Tier IIIB non-native grassland within all the perimeter properties, when added to the ongoing loss of open grassland in the region, would be a significant direct and cumulative impact. Raptor foraging habitat and prey species would be adversely affected by grassland loss which contributes to the significant cumulative loss regionally. Loss of wetlands also is a cumulatively significant impact.

In addition, impacts to three pairs of coastal California gnatcatcher through reduction in habitat (one each on the northeast, southeast and south properties) would be a direct significant impact, as would impacts to the orange-throated whiptail, San Diego horned lizard, southern California rufous-crowned sparrow, grasshopper sparrow, loggerhead shrike, black-shouldered kite, and blue grosbeak, which inhabit the perimeter parcels, and the western dichondra, coast barrel cactus and dudleya (northeast), and ashy spike-moss (southeast) sensitive plant species. Indirect impacts to wildlife from construction noise, artificial lighting, and other habitat degradation also would be considered potentially significant, as would edge effects (indirect impacts caused by predation by pets, lighting, invasive plants, and noise during construction) from residential development adjoining the MHPA.

Moreover, cumulative impacts to wetlands and non-native grassland are significant and unavoidable. Wetlands will need to be encroached into for, at minimum, utilities and access to serve the parcels. Non-native grassland would be lost if any development is to occur within the property and loss of other, higher tier habitat types are to be minimized.

a) **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant adverse effects on the environment; however, cumulative impacts are not mitigated to below a level of significance.

The significant direct and indirect impacts to upland biological resources would be mitigated to below a level of significance by conformance and implementation of the MSCP. Mitigation for impacts to MSCP Tier II coastal sage scrub, MSCP Tier IIIA mixed chaparral, and MSCP Tier IIIB non-native grasslands would be provided by acquisition and conservation of MSCP Tier I, II, or III habitats when development plans are submitted. The City's 1997 Biology Guidelines require replacement ratios of 1:1 for Diegan coastal sage scrub, and 0.5:1 for southern mixed chaparral, and non-native grassland for impacts occurring outside the MHPA if the mitigation lands are dedicated within the MHPA. If the impacts are outside the MHPA, the ratios are lowered to 0.5:1 for mixed chaparral and non-native grasslands. The perimeter properties would impact 16.7 acres of MSCP Tier II sage scrub and 13.0 acres of MSCP Tier IIIA southern mixed chaparral outside the MHPA. Future development would also impact approximately 176.8 acres of MSCP Tier IIIB non-native grassland outside the MHPA, requiring the preservation of 111.6 acres of habitat within the MHPA to be conserved on-site, acquired off-site and located within the MHPA or revegetated (16.7 acres of MSCP Tier II coastal sage scrub, 6.5 acres of MSCP Tier IIIA southern mixed chaparral, and 88.4 acres of MSCP Tier IIIB non-native grasslands).

The conserved habitat must be shown to be viable and assured prior to any grading or displacement of existing habitat. Impacts to non-native grasslands are cumulatively significant and unmitigated. The area of existing and revegetated habitat would be large enough to reasonably ensure occupation and continued viability of breeding coastal California gnatcatchers.

The loss of 0.3 acre of willow scrub and 1.4 acres of disturbed tamarisk scrub, located in the southeast and southwest perimeter properties, and 0.11 acre of willow scrub, 0.92 acre of mule fat scrub, and 0.36 acre of freshwater marsh in the future development area would be mitigated by extension of the approved revegetation program of riparian habitat along Lusardi Creek in La Jolla Valley. Willow scrub would be replaced at a 3:1 ratio and revegetated or enhanced with riparian taxa; Tamarisk scrub would be mitigated at a 2:1 ratio. The revegetation would take place within an average 400-foot-wide riparian corridor along Lusardi Creek, and would restore and enhance riparian areas that had been disturbed and denuded by prior agricultural use. Cumulative impacts remain significant and unmitigated.

Prior to the issuance of a grading permit for the Project, the applicant would have received a federal Clean Water Act Section 404 permit and an agreement under Section 1600 of the Fish and Game Code which will be required for alterations to streambeds and for filling in the mule fat scrub, mule fat scrub, disturbed nicotiana/tamarisk scrub, and freshwater marsh wetlands vegetation. The applicant would demonstrate compliance with mitigation conditions to the satisfaction of the permitting agencies.

Two MSCP-covered plant species which occur on the northeast perimeter property, variegated dudleya (*Dudleya variegata*) and coast barrel cactus (*Ferocactus viridescens*), have specific management directives which include minimizing edge effects and, for dudleya, recreational use impacts, and, for the coast barrel cactus, prohibiting collection and fire management. The MHPA boundary has been designed to minimize edge effects and brush management will be incorporated into future development envelopes. These measures would be shown in future development proposals for the northeast property development area of the northern village.

Impacts to the San Diego horned lizard (*Phrynosoma coronatum blainvillei*), which was observed on the southwest perimeter properties, include maintaining native ant species for forage, discouraging frequent irrigation within and around the MHPA perimeter, and minimizing edge effects. Planting at the edge of the MHPA will be limited to drought-tolerant plants pursuant to landscape and design guidelines for residential development adjoining the MHPA to be included in future site-specific development proposals. Edge effects also will be minimized to protect the orange-throated whiptail, which was observed in the northeast perimeter property.

Two species of birds covered by the MSCP were observed on the perimeter properties: California gnatcatcher (all) and southern California rufous-crowned sparrow (south, southeast, and southwest). Management directives apply to the rufous-crowned sparrow include maintenance of dynamic processes, such as fire, to perpetuate open phases of coastal sage scrub with herbaceous components. The MSCP guidelines for California gnatcatcher provide area-specific measures to reduce edge effects and minimize disturbance during the nesting period, fire protection measures to reduce the potential for habitat degradation due to unplanned fires, and management measures

to maintain or improve habitat quality including vegetation structure. Land use adjacency measures are included in the Subarea I Plan and would be incorporated into future development proposals (e.g., no clearing of occupied habitat within the City's MHPA and the County's Biological Reserve Core Areas may occur between March 1 and August 15).

Indirect effects will be minimized through restricting construction activities adjacent to habitat areas during breeding seasons, incorporating appropriate land use adjacency guidelines, and requiring controls for erosion and sedimentation. The following measures shall be incorporated in future development proposals:

1. Any artificial lighting associated with development, including parking lots, adjacent to the MHPA, would be selectively placed, shielded, and directed away from the MHPA.
2. Future maps and grading plans for development will specify that grading will not occur beyond the limits of an approved grading envelope. Grading plans will indicate all natural open space areas as off-limits to equipment or other disturbance. The grading plans will require that a preconstruction meeting be held to describe to all construction personnel the required avoidance techniques and areas to be avoided and that prior to any work, the construction supervisor and the biologist together would mark the grading limits to ensure against impacts to the MHPA. The grading plans also will specify that a biologist be on-site to monitor grading activity adjacent to biologically sensitive lands.
3. Cut and fill slopes adjacent to natural open space and some of the disturbed habitats within the MHPA will be revegetated to reestablish native habitat types. Such slopes will be revegetated as quickly as possible to prevent erosion of graded areas and resultant siltation elsewhere. Under no circumstances will graded cut or fill slopes remain denuded during the rainy season. The requirements for revegetation will be shown on the tentative map and grading plans.
4. Indirect impacts to the willow riparian scrub will be avoided by the establishment of a buffer zone of at least 100 feet between the outer edge of the willow riparian canopy and any development. The buffer zones may be less than 100 feet if it can be shown that the adjacent use will not impact the quality of the habitat. The buffer zones will be shown as open space on the tentative map, final map, and grading plans.
5. Prior to the issuance of a grading permit for the Project, the applicant will have received a federal Clean Water Act Section 404 permit and an agreement under Section 1600 of the Fish and Game Code which are required for alterations to streambeds and for filling in the riparian scrub, mule fat scrub, disturbed nicotiana/tamarisk scrub, and freshwater marsh wetlands vegetation. The applicant will demonstrate compliance with mitigation conditions to the satisfaction of the permitting agencies.
6. The applicant would provide a notice to each buyer prior to sale that risks to pets exist due to the presence of coyotes, bobcats, and other natural predators which inhabit the natural open space in the area.

7. Prior to the construction of hiking or equestrian trails or bike paths not constructed within road rights-of-way, a qualified biologist will walk the proposed trail alignments and delineate an acceptable route that avoids or minimizes encroachments into sensitive habitats and avoids impacts to sensitive plant species. The biologist will delineate the trail route on maps and submit them with recommendations for construction methods and areas that should be avoided to the Manager of the Park and Recreation Department and the Deputy Director of the MSCP section.
8. Brush management and fire control measures will be limited to City requirements and excess habitat loss would be avoided. Brush management shall be the responsibility of the homeowners association and will be conducted in strict conformance with the brush management requirements of the landscape plan. Hand clearing or selective thinning of flammable species and dead wood should be used for any fire control measures required within the brush management area. Sensitive plant species will be identified in the brush management plan and their removal restricted. As a part of the tentative map submittal, the brush management plan will be reviewed and approved by the City Fire Department and the Environmental Review Manager of the Land Development Review Division.
9. Development along the boundary of the MHPA will include provisions for barrier walls, fencing, plantings, or other means to direct public access and restrict pet encroachment into the MHPA as identified in the Subarea I Plan.
10. Grading or construction for future development adjacent to the MHPA during the nesting season will include temporary noise barriers or other measures to minimize noise impacts to sensitive species.

4) **Hydrology (Direct and Cumulative)**

a) **Impact:**

The increase in runoff due to the introduction of roadways and other hardscape surfaces could result in adverse impacts to drainage to the west.

a) **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the adverse effects on the environment. As mitigation for the increased runoff, water surface elevations as determined by a HEC-2 analysis will be used to provide design specifications for site drainage to protect individual sites and adjacent properties from future development within Subarea I. Interceptor ditches and detention/desilting basins will be provided to allow water to accumulate and be released back to the natural watercourse at a rate similar to the existing conditions. Sediment basins will be placed in swales to protect downstream properties. Detailed design of any desilting basins recommended for the southeast perimeter property and Best Management Practices (BMPs) will be required as conditions of subsequent tentative maps for development within these areas.

BMPs which will be incorporated into the design of the detention/desilting basins are described below:

**Desilting Basin.** Desilting basins act as traps for site-generated sediments, thereby reducing the negative impacts from erosion and sediment transport. A flow control device located in the basin controls the outflow from the Project site and allow for ponding in the basin. The ponded water contains sediments and dissolved pollutants that have adhered to the soil particles. These particles are removed through the sedimentation and siltation process, accumulating at the bottom of the basin, and then can then be removed and periodically disposed of properly. The desilting basins are permanent structures, and ensure that sediment would not be transported from the site. They will be cleaned and invasive vegetation removed, periodically.

**Extended Detention.** The detention facility provides temporary storage for increased runoff from the Project site due to urbanization; the storage facility is usually a dry pond/basin system. Site-generated pollutants can consist of oil and grease, biological nutrients, oxygen-demanding organics, toxic organics, and metals. Pollutant removal is achieved through the extended detention method, in which sediments and chemical constituents are allowed to accumulate at the bottom of the basin through the sedimentation process. Extended detention facilitates the adequate removal of particulate pollutants. To enhance the removal of soluble pollutants, marsh planting can be provided in the bottom of the basin. Cleaning and removal of invasive vegetation occurs periodically.

Some BMPs which also will be conditions of future approvals for development within Subarea I are described below:

**Filter Strips.** Filter strips are planted with erosion-resistant grasses or plant species and are designed to spread flows from the site into a wide area where overland sheet-flow conditions can occur. The vegetation within the strips slows the flows, causing heavier particulates to fall out of suspension, and also acts as a biological filter when direct absorption of dissolved pollutants occurs. The use of vegetation to reduce the flow velocities also allows for enhanced soil infiltration to take place. The soil also acts as a filter; dissolved pollutants are absorbed onto the soil particles. This is an important method for removal of dissolved heavy metals and phosphorus (fertilizers). Biological activity in the soil can also metabolize toxic organic contaminants (pesticides).

**Source Control.** An integral part of achieving adequate pollutant removal from collected storm water is the implementation of source control practices that reduce the amount of contaminants of the ground surface that can come in direct contact with surface flows. These practices include:

1. Covering outdoor storage facilities that contain potential contaminants.
2. Encouraging proper use and disposal of materials, including fertilizers, pesticides, and herbicides, and including appropriate methods, rates, and frequency of application of these chemicals.

3. Encouraging alternative methods for controlling weeds and insects using physical, biological, and lower-toxicity methods.
4. Recycling chemicals to the extent possible, and disposing of materials safely and properly.

**b) Impact:**

The implementation of the Subarea I Plan has the potential to significantly impact water quality (both directly and cumulatively) to the San Dieguito River and Lagoon by incrementally increase the amount of impervious surfaces and urban runoff to the San Dieguito River and lagoon. Such impacts could be associated with increased erosion, siltation, sedimentation and downstream flooding from project related activities. Measures to reduce these impacts have been included in the Subarea I Plan, but these measures can not fully mitigate impacts to water quality from urban runoff and pollution.

**b) Finding:**

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant adverse effects on the environment; however, cumulative impacts are not mitigated to below a level of significance.

The following measures will reduce levels of erosion, sedimentation, and runoff during construction activities, and these or equivalent measures will be conditions of future tentative maps in Subarea I:

- Hydroseeding and landscaping of any cut/fill slopes disturbed or built during the construction phase of this Project, with appropriate ground cover vegetation, will be performed within 30 days of completion of grading activities.
- Areas of native vegetation or adjoining slopes to be avoided during grading activities will be delineated to minimize disturbance to existing vegetation and slopes.
- Artificial ground cover, hay bales, and catch basins to retard the rate of runoff from manufactured slopes will be installed if grading occurs during wet weather season, November 1 through April 1.
- Fine particulates in geologic materials used to construct the surficial layers of manufactured slopes will not be specified unless a suitable alternative is not available.
- Temporary sedimentation and desilting basins between graded areas and streams will be provided during grading.

Development in the southeast perimeter property may require detailed design and construction of additional desilting/detention basins. These basins would use extended detention methods to maximize their usefulness in controlling erosion and sedimentation impacts. The basins shall be



constructed and maintained by the developer during construction. Once the Project is completed, responsibility for the maintenance of these basins will be transferred to the homeowners association. The construction of these basins would mitigate the direct impacts from increased silt to below a level of significance.

The requirements for sedimentation basins and the use of BMPs will be noted on future tentative maps. It also will be a condition of future tentative maps that permanent basins and all other drainage facilities be constructed prior to issuance of building permits. This will reduce direct impacts to water quality to a level of less than significance, but not the cumulative impacts to water quality from erosion, sedimentation and hardscape runoff.

**5) Landform Alteration/Visual Quality (Direct and Cumulative)**

**a) Impact:**

Grading in the finger ridges fronting La Jolla Valley may have significant adverse effects, as identified in the Black Mountain Ranch VTM/PRD EIR. The amount and severity of grading for perimeter property development cannot be quantified now, as the individual areas. Grading of the northeast and southeast perimeter properties may result in significant adverse landform impacts.

The amount of grading for future development areas cannot be fully quantified at this time, as lot grading would be part of the specific design concepts for the individual areas. None of the areas except the finger ridges fronting La Jolla Valley contain steep slopes or other major topographic features. The potential landform impacts for the areas other than the finger ridges are not expected to be significant. Grading of the finger ridges may result in significant adverse effects as identified in the 1995 Black Mountain Ranch II VTM/PRD EIR.

The potential landform impacts from grading would be evaluated in future environmental review of development plans for these areas.

The amount and severity of grading for development proposed for the four perimeter ownership areas cannot be quantified at this time, as lot grading would be part of the specific design concepts for the individual areas. In general, grading of the northeast and southeast perimeter properties may result in significant adverse landform impacts. The potential landform impacts from grading would be evaluated in future environmental review of development plans for these areas.

**a) Finding:**

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects on the environment, but not to below a level of significance.

The following measures would be incorporated into approvals to partially mitigate impacts for any future development within Subarea I.

- Individual lot development for Subarea I will include the Subarea Plan Community Design Guidelines that specifically address grading techniques to minimize large manufactured or major alterations to underlying terrain. The guidelines will place limitations on the severity of slopes and require blending and contouring to natural adjacent slopes with appropriate landscaping. Pertinent requirements will include:
  1. Designing structures to fit the natural landform.
  2. Locating architectural and site elements at different elevations to avoid grading one large pad.
  3. Using stepped building foundations or retaining structures as an alternative to conventional cut and fill methods.
  4. Encouraging site development that avoids steeply sloping terrain.
  5. Locating site access roads and driveways to follow natural contours.
  6. Encouraging daylight cut situations where pads interface with natural open space.
  7. Blending transitional manufactured slopes with the natural slope.
  8. Balancing earthwork on the individual lot when possible to avoid soil import or export.
  9. Precluding grading outside individual property lines.
  10. Using blending and rounding techniques where manufactured slopes meet natural ground.
  11. Varying slope gradient and width and contour edges to achieve a more natural appearance to slope banks.
  12. Limiting the height and gradient of slopes fronting open space to 10 feet at 2:1 and to no more than 30 feet in any case.

Implementation of the grading techniques will be shown on the tentative maps and will be assured through the approval of the final grading plans. Those slopes which are visible from major roadways and public viewing areas will vary slope gradient, width and contour edges, and use blending and rounding to blend to natural slopes. The applicant will clearly indicate on the grading plans special design requirements for slopes that are to be graded. Grading for major slopes will minimize encroachment into sensitive vegetation. A note will be included on the grading plans for the tentative and final grading plans for all future development indicating that the grading techniques are environmental mitigation measures.

Grading for major roads and other common facilities and areas must include provisions for erosion control and hydroseeding. Landscape plantings for native shrubs or exotics as shown on

the overall landscape plans must be shown on the grading plans. The landscape plans will be implemented in phases coincident with development phases.

Prior to the issuance of grading permits, the Development Coordinator will review the grading and landscape plans to ensure that sensitive grading techniques are being used and that manufactured slopes are landscaped in conformance with the conceptual landscape plan. Areas shown as open space will be flagged in the field and construction crews will be restricted from these areas. The applicant will retain a soils engineer to monitor the grading and construction and a landscape architect to monitor revegetation of the Project. Landscaping will be in place along the developed roadways and development areas prior to issuance of building permits for each area. The soils engineer and landscape architect will submit in writing to the City Engineer and provide certification that the Project has complied with the required mitigation measures on the grading plans. Only after the Development Services Manager and City Engineer approve the grading will recommendations be made to the City Council for the release of the subdivision bond.

Direct impacts remain significant, however. The No Project and Development Without a Phase Shift alternatives would reduce the impacts, but not to below a level of significance.

**b) Impact:**

Future extensions of Camino Ruiz to the north, Camino del Norte, and Carmel Valley Road east of Black Mountain Road would result in cut and fill slopes in excess of 30 feet in height and would exceed city grading thresholds. Due to the need to cross La Zanja Canyon for Camino Ruiz and Carmel Valley Road and, in the future, Lusardi Creek/La Jolla Valley to extend Camino Ruiz northward, and the otherwise varying terrain across the site, there would be no alignment within the Project which would avoid or substantially lessen these impacts while maintaining the regional circulation objectives.

The creation of manufactured slopes greater than 30 feet high associated with grading for circulation element roads would cause a significant visual impact to the viewshed from both Black Mountain Park and the San Dieguito Regional Park. Moreover, future Specific Plan development at Santa Fe Valley may be adversely impacted by the northern village development. In addition, development of the resort hotel may result in significant visual impacts, but would be made compatible with incorporation of the mitigation measures listed below. Finally, potential impacts to views from the FPA to future development around La Jolla Valley, including the northeast perimeter property, and impacts to views from Black Mountain Park of the future residential development within the southeast perimeter properties may be significant.

**b) Finding:**

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the environmental effects on the environment, but not to below a level of significance.

Visual impacts associated with the cut and fill slopes from the roadways will be partially mitigated by sensitive grading techniques (contouring, varying slope face to present more natural appearance, and minimizing slope height and aspect) landscaping and revegetation, which were made conditions of future grading permits as part of the Black Mountain Ranch II VTM/PRD EIR. These measures or similar measures to minimize visual impacts from manufactured slopes will be implemented once Subarea I development is approved.

In addition, design guidelines, such as residential lot grading, siting of structures, architectural styles, setbacks and exterior use areas, walls and fences, exterior lighting, and landscape, will be included to maintain a consistent community character throughout Subarea I. Development along the edge of any open space visible from public open space areas, parks, trails, and major roads shall include these or similar design standards that address visual character.

Direct impacts to views from the FPA to residential areas within the subarea will be partially mitigated by future conditions of tentative maps and grading permits. The guidelines will include measures to restrict the size and aspect of residential lot grading, provide adequate setbacks and visually compatible landscaping around residential structures so as not to be visible from the creek bed in the valley floor, and require the use of structural design guidelines and landscape plans. Lots bordering on the rim of La Jolla Valley shall be subject to guidelines which encompass building setbacks, a naturalized planting transition zone from the edge of the open space, grading restrictions to minimize heights of graded pads or severity of graded slopes fronting to open space, landscape palette, and exterior architectural styles, colors, materials, and roofing guidelines.

Architectural and landscape design and treatment will mitigate potential significant visual impacts from development of the resort hotel.

Potential impacts to the Santa Fe Valley from development of the northern village will be mitigated through siting lower density development along the northern edge of the village area, through architectural design and landscaping.

Guidelines compatible with existing surrounding development shall be made a requirement of future tentative maps and other development approvals; however, direct visual impacts associated with the cut and fill slopes from the roadways will not be fully mitigated.

**6) Air Quality (Direct and Cumulative)**

**a) Impact:**

Development of Subarea I would create significant direct and indirect air quality impacts, and would contribute to the region's current inability to meet air quality standards, thus adding incrementally to a significant cumulative impact. Increased vehicular emissions from development of the Subarea would contribute to non-attainment of federal and state clean air standards in the San Diego air basin. Measures to reduce vehicular emissions have been incorporated in to the Subarea I Plan, but cannot achieve a no net increase in priority pollutants.

a) **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the adverse effects on the environment, but not to below a level of significance.

In order to reduce construction-related air quality impacts, if feasible, the area being graded at any one time will be minimized. Also, if possible, low pollutant-emitting construction equipment will be used and the equipment will be equipped with prechamber diesel engines or their equivalent. Electrical construction equipment will be used if feasible.

In addition, dust control during construction and grading operations will be regulated in accordance with the rules of the San Diego Air Pollution Control District (APCD). The following measures would reduce fugitive dust impacts:

- All unpaved construction areas shall be sprinkled with water or other acceptable San Diego APCD dust control agents during dust-generating activities to reduce dust emissions. Additional watering or acceptable APCD dust control agents would be applied during dry weather or windy days until dust emissions are not visible.
- Trucks hauling dirt and debris would be covered to reduce windblown dust and spills.
- On dry days, dirt and debris spilled onto paved surfaces would be swept up immediately to reduce resuspension of particulate matter caused by vehicle movement. Approach routes to construction sites would be cleaned daily of construction-related dirt in dry weather.
- On-site stockpiles of excavated material would be covered or watered.
- To reduce construction-related vehicle emissions, ride share opportunities would be encouraged and construction vehicle access would be limited to roads determined in a temporary traffic construction management plan. In addition, construction staging areas would be as far away from existing or completed residences as possible. Construction activities would also be limited to the hours of 7 a.m. to 7 p.m. Monday through Saturday under San Diego's Noise Ordinance Section 36.410 for operating construction equipment.

Incorporation of these measures, combined with the fact that construction is a one-time impact, will reduce potentially significant construction-related air quality impacts to below a level of significance. Direct and cumulative long-term air quality impacts would be lessened, but would remain significant.

## 7) Geology (Direct and Cumulative)

### a) Impact:

There are no significant soil or geologic conditions which were observed or known to exist within Subarea I which would preclude implementation of the plan. However, potentially significant geologic conditions exist which would require mitigation as part of any future tentative maps.

### a) Finding:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant adverse effects on the environment to below a level of significance.

Implementation of the conclusions and recommendations in the geotechnical report prepared for Black Mountain Ranch (Geocon Incorporated 1991) would mitigate the potentially significant effects within Subarea I to below a level of significance. These measures are summarized below, and implementation of such measures will be made conditions of approval for future tentative maps within Subarea I.

### General Measures

1. The presence of landslides, weak claystones, uncompacted fill soils, and potentially compressible colluvial and alluvial deposits require special consideration where development is planned. If weak claystones or landslides are present in areas proposed to be graded, stabilization measures in the form of buttresses or stability fills would likely be required.
2. Very heavy ripping may be necessary within areas underlain by the Santiago Peak Volcanics, Lusardi Formation, and gabbro. Deep cuts in the Santiago Peak Volcanics or gabbroic rocks would require blasting. Special handling of the excavated rock and placement of oversized materials would also be anticipated.
3. Highly expansive soils may be encountered within the Del Mar, Mission Valley, and Friars formations and some of the topsoils. It is anticipated, however, that there would be sufficient low expansive soils available on the site to mitigate the adverse impact of expansive soils where encountered.
4. Compressible alluvium and colluvium present along canyon alignments and on the lower flanks of the ridges would require at least partial removal and recompaction where settlement sensitive improvements are planned.
5. Perched groundwater is anticipated to be present within the low-lying alluvial areas. Hence, remedial measures in the form of subdrains would be required where filling of the drainage courses is planned.

## Grading

1. For preliminary design purposes, it is recommended that proposed cut and fill slopes be planned no steeper than 2:1 (horizontal to vertical). Safe allowable slope heights would generally be limited by the shear strength characteristics of the particular soil or rock conditions present. It is recommended that areas where high cut slopes are planned be investigated in detail to evaluate the potential impact of the local geology on the stability of the slopes.
2. Due to the increased grading costs associated with rock blasting and handling, it is recommended that planned excavations and underground utility lines for building pads would be kept to a minimum within those portions of the site underlain by Santiago Peak Volcanics and/or gabbroic formations.

## Drainage and Maintenance

1. Providing and maintaining proper surface drainage is imperative to assure soil stability and reduce erosion. All graded pads would have drainage swales which direct storm or irrigation runoff away from structures or the top of slopes to control drainage facilities.
2. No storm or irrigation water would be allowed to discharge over the top of cut or fill slopes.

## Consultation and Plan Review

Prior to the finalization of the grading plans for other future tentative maps within the perimeter properties, detailed soil and geologic investigations addressing the proposed development would be performed. The Development Services Department will ensure that measures recommended in those reports were made conditions of the tentative maps and grading plans.

### **b) Impact:**

Without erosion control measures, there is a potentially significant increased erosion impact associated with the implementation of the Subarea I plan.

### **b) Finding:**

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant adverse effects on the environment to below a level of significance.

The following mitigation measures will be carried forward for future tentative map approvals within Subarea I. These measures will reduce the potential erosion impacts from grading and brush management to below a level of significance. These measures will be made a condition of approval for future development within Subarea I.

1. Fill areas or areas stripped of native vegetation will require special consideration, such as desilting basins, improved surface drainage, and early planting of erosion-resistant ground covers to reduce the erosion potential.
2. Grading plans will incorporate short-term erosion control measures, including planting on disturbed and manufactured slopes, grading to facilitate drainage away from the slope faces, use of hay bales and swales at the top of slopes, and construction of desilting basins, to the satisfaction of the City Engineer and the Development Services Manager. Any special grading techniques, as recommended in subsequent geotechnical investigations, will be implemented.
3. Catch basins will be provided during grading.
4. No grading will occur between October 1 and April 30 unless an erosion control system has been made a part of grading plans to the satisfaction and approval of the City Engineer.
5. All manufactured slopes will be immediately revegetated or hydroseeded with erosion-resistant plant mixes and irrigated to ensure plant coverage prior to the next rainy season. In areas to be included as naturalized open space, such plantings will be noninvasive native grasslands and shrubs and include native plant mixes preferencing the surrounding native habitat.
6. Permanent erosion control measures, such as complete landscaping with drought-tolerant, slope-stabilizing vegetation, will be provided to the satisfaction of the City Engineer.
7. In areas near watercourses, construction sedimentation control measures, such as interim desiltation basins, gravel bags, hay bales or silt fences at the toe of slopes to prevent erosion, or punch straw or matting to stabilize graded slopes, will be installed to prevent sloughing of materials into watercourses.
8. A brush management plan will be prepared for subsequent tentative maps to the satisfaction of the City Fire Department and the Land Development Review Division of the Development Services Business Center.

Mitigation measures concerning grading will be specified on grading plans for future tentative maps. The Development Coordinator will review the site preparation/grading and landscape plans for consistency with the above measures prior to issuance of a grading permit. Revegetation of manufactured slopes will be inspected by a landscape architect or qualified biologist and a report submitted prior to issuance of building permits.



**8) Natural Resources (Direct and Cumulative)**

**a) Impact:**

Development of Subarea I would change the predominate existing land use from agricultural to residential/commercial and resource open space. Their conservation for future use is not considered feasible if Subarea I is developed.

**a) Finding:**

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant adverse effects on the environment. Only a portion of the Subarea I is in limited current agricultural use, and no prime farmlands would be removed by development of Subarea I. The No Project alternative is the only alternative consistent with continuing agricultural crop production in the subarea.

**b) Impact:**

The loss of MRZ-2 aggregate resource designated lands on-site, given its limited area and depth relative to the remaining resource available in the county, is not significant, but the cumulative effects of the incremental loss of potential aggregate deposits is significant.

**b) Finding:**

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant adverse effects on the environment. Some use of the aggregate MRZ-2 deposit on the site can be made during construction. Moreover, the MRZ-2 aggregate resource is in a limited area and depth relative to the resource remaining in the county. The No Project and Development Without a Phase Shift alternatives are the only means consistent with the conservation and possible future extraction of mineral resources.

**9) Paleontological Resources (Direct and Cumulative)**

**a) Impact:**

Development within Subarea I would likely result in the destruction of additional significant fossiliferous areas. This would be a significant adverse impact on the region's paleontological resources.

**a) Finding:**

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant adverse effects on the environment.

Mitigation, monitoring, and reporting requirements for paleontological resources will be required as conditions of approval for future development within the northern and southern villages, the

northwest and finger ridge residential clusters within Black Mountain Ranch and the northeast and southwest perimeter properties to reduce the adverse impacts of development upon paleontological resources within the remainder of Subarea I. These mitigation measures are drawn from past efforts and have proven successful in protecting paleontological resources while allowing the timely completion of developments in San Diego and elsewhere in southern California.

1. Prior to the issuance of grading permits or recordation of final maps, the applicant for future tentative maps will provide a letter verifying that a qualified paleontologist has been retained to implement the paleontological mitigation program. This letter will be presented to the Environmental Review Manager of the Land Development Review (LDR) Division. All persons involved in the paleontological monitoring of this Project will be approved by EAS at least 30 days prior to the preconstruction meeting.
2. The qualified paleontologist will attend the preconstruction meeting to consult with the grading and excavation contractors. The requirement for a paleontological monitoring program will be noted on the grading plans.
3. The paleontologist or paleontological monitor will be on-site full-time during the original cutting of previously undisturbed sediments of the Delmar Formation, Friars Formation, Mission Valley Formation, and Stadium Conglomerate at the Project site to inspect for contained fossils. The frequency of inspections will depend upon the rate of excavation, the materials excavated, and the abundance of fossils. The paleontologist will work with the contractor to determine the monitoring locations and amount of time necessary to ensure adequate monitoring of the Project site.
4. In the event that fossils are encountered, the paleontologist (or paleontological monitor) will 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 on-site. At the time of discovery the paleontologist will contact LDR. LDR must approve salvaging procedures to be performed before construction activities are allowed to resume.
5. The qualified paleontologist will 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 will be recorded by the paleontologist at the San Diego Natural History Museum.
6. Prior to the issuance of a certificate of occupancy, a monitoring results report, with appropriate graphics, summarizing the results (even if negative), analyses and conclusions of the above program will be prepared and submitted to LDR within three months following the termination of the paleontological monitoring program, and prior to the final inspection.

10) Noise (Direct and Cumulative)

a) Impact:

Development in the Black Mountain Ranch future residential development areas, as well as the northeastern and southern perimeter properties, may be exposed to future projected traffic noise levels greater than the City's standards. Potential future construction-related noise impacts to existing residences could occur with development of the southwest perimeter property and the northern village. Impacts to sensitive wildlife within the MHPA may result from grading and construction in the southeast, northeast, and south perimeter properties. These impacts could potentially be significant short-term impacts.

Unless off-site pump stations are designed so that they achieve the noise level standards established in the City's noise ordinance, significant impacts to surrounding residences may occur.

a) Finding:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant adverse effects on the environment.

Traffic Noise

Future traffic noise levels may exceed City standards in portions of the future development areas within Black Mountain Ranch (northern village and residential areas) and the southern and northeastern perimeter properties. Future traffic noise levels about 50 feet from Camino del Norte, Camino Ruiz, and Carmel Valley Road are projected to be about 74 CNEL; traffic levels from Resort Street are anticipated to be 68 CNEL within 50 feet. Mitigation for exterior noise generally consists of the use of setbacks or construction of noise walls or berms. To achieve the City's exterior standard for residences, these wall or berms would have to achieve between 3 dB and 8 dB reduction in noise. The effectiveness of a noise barrier depends on the relative locations and elevations of the noise source, barrier, and receiver which are not known specifically. However, noise reductions up to 10 dBA are generally attainable with noise walls or berms constructed of solid material (Bolt, Beranek, and Newman 1973:5-2). Therefore, mitigation of exterior noise levels to below City standards would be feasible. Specific design features of the barriers shall be provided when or once specific land uses are proposed, however.

To meet the interior noise standard of 45 CNEL with an outdoor environment of 74 CNEL shall require exterior to interior noise reduction of 29 dB. "Upgraded window glazing with mechanical ventilation could reduce noise by 20 to 30 dB" (City of San Diego 1991). Therefore, interior noise level standards may also be achieved for residences in the northern village and southern perimeter property using window glazing and mechanical ventilation.

Upon review of subsequent permits, additional analyses shall be completed which determine detailed locations and heights of noise barriers, locations and widths of setbacks, and exterior to interior attenuation requirements.

#### Construction-related Noise

To reduce construction-related noise impacts, all construction activities, except in an emergency, shall be limited to the hours of 7 a.m. to 7 p.m. Monday through Saturday, which are the times allowed in San Diego's Noise Ordinance Section 36.410 for operating construction equipment.

Construction occurring adjacent to existing residences or the MHPA will be required to implement measures to reduce noise from construction equipment. These measures may include seasonal restrictions on grading during sensitive species breeding seasons, assuring that on-site construction equipment is properly equipped with mufflers or other noise-attenuating equipment or that temporary noise attenuating walls or barriers are installed. These measures would be included in future development proposals and shown on construction drawings or plans as mitigation measures.

#### Pump Station Noise

In order to conform with the City Noise Abatement and Control Ordinance and mitigate potential impacts to below a level of significance, the pump stations shall be designed so that noise levels generated by the pump stations do not exceed 57.5 dBA Leq at any residential property line.

### **11) Public Facilities and Services (Direct and Cumulative)**

#### **a) Impact:**

The additional elementary, middle, and high school students generated by the Subarea I Plan development would contribute to the already overcrowded schools and is considered a direct and cumulatively significant impact. This impact would be reduced to below a level of significance by implementing the mitigation measures identified below.

The Rancho Santa Fe County Fire Department and the City of San Diego Fire Department would provide service to the Project site. Sites for planned future fire stations have been reserved in the southern and northern villages. The future development areas and the perimeter properties would be approximately 2.5 miles from either an existing or planned future fire station; therefore, it is likely that acceptable response times would be met. However, a potential impact would occur if response times cannot be met.

#### **a) Finding:**

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant adverse effects on the environment.

Implementation of the following conditions and offers of dedication would reduce direct and cumulative school impacts from Subarea I development to below a level of significance:

1. Collection of required fees and setting aside three school sites, and provision of partial acreage for a future high school site.
2. Mitigation for school impacts would include implementation of a final financing agreement, which may or may not include participation in school facilities financing with other surrounding development projects. The Poway Unified School District proposes establishment of a Mello-Roos community facilities district; however, some other mutually acceptable means could be employed. Proof of a final financing agreement would be required prior to final map approval.
3. City fire departments may or may not be able to provide a first response to the subarea within six minutes. Service letters from the City of San Diego Fire Department shall be submitted when building permits are applied for. If the Fire Department cannot respond within six minutes, then building plans would include fire sprinkler systems, or other measures to the satisfaction of the Fire Department. Similar requirements would apply to all other development proposals in the subarea.

Until additional landfills are sited, the approved Black Mountain Ranch II VTM/PRD project, the Black Mountain Ranch future development areas and perimeter properties within Subarea I, and the rest of the Future Urbanizing area, as well as in other parts of the City, would contribute to a cumulative impact to solid waste disposal facilities.

**b) Impact:**

The Subarea I Plan would incrementally increase the demand for domestic water service by 3.06 mgd. Off-site sewer facilities are anticipated to be sufficient to handle waste. Water generated by initial development, although new or expanded on-site sewer facilities may be needed for development of the northern village beyond 1,250 dwelling units and perimeter property development. The development would impact the City's waste management programs and services, and the amount of solid water generated by the Project is only a small increase in the amount of solid waste disposed of at Miramar Landfill. Utilities and infrastructure are in place to serve the Project, although new on-site facilities would be constructed and off-site connections to existing facilities would be necessary in some cases and some existing off-site facilities may require improvements or upgrades.

**b) Finding:**

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant adverse effects on the environment.

For solid waste reduction, future single-family residential development within Subarea I shall comply with in the City's recycling program. Recyclables and yard waste collection, and multi-

family and commercial sectors' refuse collection, do not impact the City because they are provided by the private sector. If the City curbside recycling has not been established for the Project development, the homeowners association shall provide recycling containers and enter into an agreement with a recycling contractor to handle recyclable materials. The requirement for recycling bins or containers shall be included in the Design Review Guidelines for all projects and the Conditions, Covenants, and Restrictions (CC&Rs). Refuse collection services for the commercial/industrial development, and multi-family residences shall be provided by the private sector, thereby not affecting City refuse collection forces. The City offers commercial/industrial waste reduction programs.

Additional capacity may be required for the Carmel Valley trunk sewer for future buildout, and applicants for future site specific development will have to submit a sewer capacity analysis to the City Water Department as a condition of future maps and, if additional capacity is required, provide the necessary improvements to the satisfaction of the Water Department Manager.

## 12) Water Conservation (Direct and Cumulative)

### Impact:

The proposed Subarea I project, not including the previously approved Black Mountain Ranch II would incrementally increase the demand for domestic water service by 3.06 mgd. This relatively small increase is not considered a significant impact.

If recycled water were not available at the time of a development in Subarea I, potable water would be needed for irrigation. This would be a short-term impact. It is not considered significant, as the temporary irrigation requirements can readily be met by existing supply and with the construction of the 15- to 20-million-gallon Black Mountain Ranch reservoir.

By using all the potential water conservation techniques available to the Project including low flow toilets and showerheads, drought-resistant landscaping and recycled water for landscape and golf course irrigation, excess wastewater would not be generated by the Project.

### Finding:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant adverse effects on the environment. The following mitigation measures would be incorporated into future development 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 lifts of low-clay content soil in 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.

## **B. PUBLIC RESOURCES CODE SECTION 21081(A)(2)**

Certain changes or alterations are within the responsibility and jurisdiction of another public agency and not the City of San Diego. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.

### **1) Traffic Circulation**

#### **Impacts:**

Under buildout conditions, the Subarea I project would contribute to significant direct and cumulative impacts to freeway ramps with existing flow rates.

#### **Finding:**

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects on the environment. Mitigation for reducing long delays at the impacted freeway ramps may include adjusting meter flow rates to allow more cars onto the freeway faster during peak hour conditions. Caltrans is the responsible agency for changing meter flow rates.

## **C. PUBLIC RESOURCES CODE SECTION 21081(A)(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 final TEIR.

### **Alternatives to the Project**

Final TEIR has evaluated various alternatives to the Project. Chapter Seven of the final TEIR provides detailed descriptions and analysis of the alternatives in adequate detail for a decision on whether the alternatives should be adopted in lieu of the Project, as well as an analysis of the environmentally superior alternative. Because the Project will result in unavoidable significant environmental effects, the City must consider the feasibility of any environmentally superior alternatives to the Project that will attain most of the Project's basic objectives. A number of alternatives are identified in the final TEIR which are intended to mitigate or substantially lessen the significant unavoidable environmental impacts associated with the Project: No Project; Development without a Phase Shift; Reduce Residential and Eliminate Employment Uses in the North Village; and Replace Residential Use with a Single-Tenant Employment Use in the North Village. In addition, the final TEIR evaluated a number of traffic-specific alternatives to the Subarea I Plan in Chapter 4(B), including Alternative Circulation Network - State Route 56

Third Interchange; Alternative Circulation Network - Loop Road; Reduce Residential Development in North Village; Convert Multi-Family Residential to Senior Housing; and Convert Residential to Employment Use in North Village.

In considering and rejecting certain alternatives, the Project objectives must be weighed against the ability of the various alternatives to meet most of these objectives. The Project's objectives that were identified in the final TEIR and considered in these Findings are:

1. To specify future land use patterns and policies consistent with the goals and principles of the General Plan and the NCFUA Framework Plan;
2. To further evaluate appropriate open space areas and establish boundaries and management zones;
3. To satisfy housing requirements by development in the NCFUA area;
4. To finalize road alignments and other circulation networks;
5. To locate and size public facilities and infrastructure; and
6. To develop a facilities financing plan to ensure the orderly development and availability of public facilities and services.

#### **1) No Project Alternative**

Under the No Project alternative, the proposed Subarea I Plan would not be approved and the properties would remain within the Future Urbanizing land use designation of the City's Progress Guide and General Plan. Black Mountain Ranch would be developed as proposed. The Black Mountain Ranch future development areas and perimeter properties would remain essentially vacant; but could be developed under existing land use regulations for A-1-10 zoning. Existing agricultural and equestrian use, and cattle grazing could continue. The Project-related identified impacts to land use, biological resources, paleontological resources, traffic, air quality, and public facilities and services would not occur. Cumulative impacts to biological habitats, sensitive species and raptors, water quality in San Dieguito Lagoon, landform alteration/visual quality, loss of agricultural lands, schools and services, and air quality from Black Mountain Ranch and the subarea's proposed land uses would be reduced.

#### **Finding:**

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 final TEIR. The No Project alternative would reduce the direct landform alteration impacts from the extension of circulation element roads and adjacent future development however, direct visual impacts associated with the cut and fill slopes from the roadways would not be fully mitigated. The No Project alternative would reduce the impacts, but not below a level of significance.



The No Project alternative would reduce the level of cumulative impacts to water quality from erosion, sedimentation, and hardscape runoff. The impacts would still be significant, however.

With the No Project alternative, the site would be maintained as a Future Urbanizing urban land use reserve. The area would not be permanently removed from future development use, since at some future time the area could be developed to densities allowed under current policies or shifted to Planned Urbanizing for higher density development. The Subarea I Plan proposes to provide lands for the MHPA/Environmental Tier, and public facilities to the region that extend beyond the requirements of the development within the site and are consistent with goals and policies of the City. The No Project alternative would defer the provision of these facilities, including substantial transportation improvements, public open space, biological habitat conservation and provision or contributions to future regional serving public facilities. Project contributions for regional serving facilities (e.g., SR-56 and Camino Ruiz) would not be assured and would need to be funded from other sources.

This alternative is infeasible because:

- (i) this alternative would defer dedication or acquisition of open space, trails construction, and habitat conservation to achieve the open space goals of the MSCP, and may require public funding to accomplish such goals or, if such funding were not available, may mean the open space proposed by the Project is never acquired by the public.
- (ii) this alternative conflicts with the affordable housing goals of the Progress Guide and General Plan, which recommends that housing be provided for all income groups. Housing costs in the NCFUA would be too high for employees in nearby job sites under this alternative.
- (iii) this alternative provides little or no support for public transit, conflicting with the adopted General Plan transit goals and the Land Guidance Study which the City is preparing.
- (iv) retention of the project site in its existing state as primarily agricultural fields would be inconsistent with the approved Framework Plan designations for the site. This alternative would not take advantage of the opportunity to contribute dedicated open space to the MSCP and would not provide the housing opportunities envisions in the NCFUA Framework Plan. In addition, key subregional traffic routes established in the Framework Plan and Subarea I Plan would not be implemented.
- (v) the City and County would receive much lower long-term revenues in the form of property and sales tax, resulting from the non-development of residential and commercial land use acreage.

## 2) Development Without a Phase Shift

The property within the Black Mountain Ranch ownership and the land within the perimeter properties could be developed under the existing A-1-10 zoning and Council Policy 600-30 which provides for a residential use as a Planned Residential Development at a density of 1

dwelling per four acres, clustered. This would allow an additional 352 dwellings to be developed. No future development rights would remain within Subarea I after this development occurs. The Black Mountain Ranch II VTM/PRD, the resort hotel and the 60,000 square feet of commercial development approved under passage of Proposition C would also be developed under this alternative.

This alternative would result in the lowest level of direct impacts to the physical environment while still providing for future development for each ownership in Subarea I under existing land use regulations and would be considered the environmentally preferred alternative.

**Finding:**

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 final TEIR.

This alternative would not be consistent with the General Plan designation of Subarea I as part of the Future Urban Reserve nor with the Framework Plan. It would not allow for services and employment centers within the Subarea and would require residents to utilize services and maintain employment in other areas, contrary to Framework Plan goals. It would also not meet the anticipated future demands for housing in the city.

This alternative would not provide a connection of Camino Ruiz to Camino del Norte. Major traffic infrastructure other than that provided for the Black Mountain Ranch II VTM/PRD, including Camino del Norte, Camino Ruiz connection to SR-56 or Carmel Valley Road easterly off-site to Camino del Norte would be funded and constructed by others. The alternative with the approved Black Mountain Ranch II VTM/PRD would generate a total of 32,508 trips, a reduction of 51,698 trips from the Subarea I Plan total.

This alternative was modeled in the traffic analysis (see Appendix B). Although the relative traffic generation is reduced relative to the Subarea I Plan, traffic volumes on many roadway segments outside Subarea I are increased, as both residents within the subarea and in adjoining areas make longer trips for employment commutes and shopping. With this alternative, Carmel Valley Road near Camino Santa Fe degrades from LOS C to LOS E. Other segments with LOS E or below include Black Mountain Road south of Park Village Drive (LOS F), Del Mar Heights Road from Via de Santa Fe to San Dieguito Road (LOS E), Rancho Bernardo Road from West Bernardo Road to I-15 and from I-15 to Bernardo Center Drive (LOS E), San Dieguito Road from El Camino Real eastward to the City limits and to El Apajo (LOS F), and West Bernardo Drive from I-15 to Agumiel Road. I-15 and I-5 freeways north of SR-56 also operate at Levels of Service F. Impacts from traffic remain significant even with this alternative.

The Development without a Phase Shift alternative would reduce the direct landform alteration impacts from the extension of circulation element roads and adjacent future development, however, not to below a level of significance. Direct and cumulative visual impacts associated with the cut and fill slopes from the roadways would not be fully mitigated.

The Development Without a Phase Shift alternative would reduce the level of cumulative impacts to water quality from erosion, sedimentation, and hardscape runoff. The impacts would still be significant, however.

Impacts to landforms and visual quality, water quality, natural resources and agriculture, biology, paleontology, noise, and water conservation would be reduced relative to the Subarea I Plan due to the reduction in the number of dwellings and the reduced area of development, but the cumulative impacts would still be considered significant. The demand on services would also be incrementally reduced, but potential project funding for improvements to regional infrastructure would also be significantly reduced. The dispersed low density developments would probably not be sufficient to support transit, and response times for fire and police services may increase relative to the Subarea I Plan.

This alternative is infeasible because:

- (i) this alternative conflicts with the affordable housing goals of the Progress Guide and General Plan, which recommends that housing be provided for all income groups. Housing costs in the NCFUA would be too high for employees in nearby job sites under this alternative.
- (ii) this alternative provides little or no support for public transit, conflicting with the adopted General Plan transit goals and the Land Guidance Study which the City is preparing.
- (iii) the City and County would receive much lower long-term revenues in the form of property and sales tax, resulting from the non-development of residential and commercial land use acreage.
- (iv) development without a phase shift should have significant land use impacts regarding inconsistencies with the adopted NCFUA Framework Plan. This alternative would not provide the community facilities required in the Framework Plan such as the mixed-use village, park and school facilities, and employment center.

### **3) Reduce Residential and Eliminate Employment Uses in the Northern Village**

This alternative has been proposed by the City of San Diego and would reduce the proposed project development by 2,000 dwelling units and eliminate the employment uses in the northern village. The proposed project would generate 20,648 daily trips for residential use and 7,200 daily trips for employment uses for the northern village. A reduction of 2,000 dwelling units would result in a decrease of 8,000 daily trips for residential and eliminating the employment uses would result in an additional decrease of 7,200 daily trips. Under this alternative total daily trips would be reduced by 15,200 for the northern village.

#### **Finding:**

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 final TEIR.

This alternative would reduce the future housing stock and employment opportunities within the NCFUA. This reduction would need to be made up in other areas of the city or other jurisdictions. It would be inconsistent with the Framework Plan goals for the subarea, in that employment and services would not be provided within the subarea and would impact areas outside of Subarea I.

This alternative did not result in significant improvements to levels of service on area roadways. There was a decrease in traffic volumes on roadway segments with poor levels of service with or without project traffic under buildout conditions, but not significantly. Several roadway segments increased in traffic volumes but not significantly. Carmel Valley Road between Camino Ruiz and Black Mountain Road decreased from LOS C to LOS D (see Table 23, Appendix B). Overall, this alternative did not result significant improvements to levels of service on area roadways. No significant differences in forecast freeway segment volumes were identified under this alternative.

Impacts to landforms and visual quality, water quality, natural resources and agriculture, biology, paleontology, and noise would be similar to the Subarea I Plan, and the cumulative impacts would still be considered significant. The demand on services would also be incrementally reduced due to the reduction in the number of dwellings and the reduced area of development.

This alternative is infeasible because:

- (i) this alternative conflicts with the affordable housing goals of the Progress Guide and General Plan, which recommends that housing be provided for all income groups. Housing costs in the NCFUA would be too high for employees in nearby job sites under this alternative.
- (ii) this alternative provides little or no support for public transit, conflicting with the adopted General Plan transit goals and the Land Guidance Study which the City is preparing.
- (iii) the City and County would receive much lower long-term revenues in the form of property and sales tax, resulting from the non-development of residential and commercial land use acreage.

#### **4) Replace Residential Use with a Single-Tenant Employment Use in the Northern Village**

This alternative proposes replacement of almost all of the dwelling units in the northern village with approximately 400 acres of a single-tenant employment-type use. The proposed project includes 1,831 multi-family dwelling units and 600 single-family dwelling units for the northern village which would generate a total of 20,648 daily vehicle trips (residential). Replacing most of the dwelling units with 400 acres of a single-tenant employment-type use would result in 28,000 daily vehicle trips for employment use (70 trips/acre for single-tenant corporate use) for the northern village. This would be an overall increase of approximately 8,648 daily vehicle trips.

#### **Finding:**

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 final TEIR.

This alternative did not result in significant improvements to levels of service for area roadways. Instead, several roadway segments of Rancho Bernardo Road and Via de la Valle decreased from LOS C to LOS D and Rancho Bernardo Road from West Bernardo Drive to I-15 was reduced from LOS E to LOS F (see Table 24, Appendix B). Overall, the change in land use from residential to employment use does not improve levels of service on area roadways.

No significant differences in forecast freeway segment volumes were identified under this alternative.

This alternative would reduce the future housing stock opportunities within the NCFUA. This reduction would need to be made up in other areas of the city or other jurisdictions.

Impacts to landforms and visual quality, water quality, natural resources and agriculture, biology, cultural resources, paleontology, and noise would be similar to the Subarea I Plan, and the cumulative impacts would still be considered significant. The demand on schools, parks, and library services would also be incrementally reduced due to the reduction in the number of dwellings; however, the demands for these services would be shifted to other residential neighborhoods in the region.

This alternative is infeasible because:

- (i) this alternative conflicts with the affordable housing goals of the Progress Guide and General Plan, which recommends that housing be provided for all income groups. Housing costs in the NCFUA would be too high for employees in nearby job sites under this alternative.
- (ii) this alternative provides little or no support for public transit, conflicting with the adopted General Plan transit goals and the Land Guidance Study which the City is preparing.
- (iii) the City and County would receive much lower long-term revenues in the form of property and sales tax, resulting from the non-development of residential and commercial land use acreage.

**a) Traffic Alternatives**

As the Subarea I Plan would result in significant unmitigated impacts to traffic circulation, a number of traffic specific alternatives to the Subarea I Plan were evaluated in the traffic analysis. These are briefly summarized below.

**i) Alternative Circulation Network - State Route 56 Third Interchange**

This alternative reflects the current alternative plans for State Route 56, and would provide a third interchange on State Route 56 approximately halfway between Camino Ruiz and Camino

Santa Fe. Under this alternative, the interchange at Camino Ruiz would be constructed as a standard diamond interchange. No changes in the planned land uses for the project are proposed under this alternative. The scope of this analysis is limited to those segments located within the boxed area of Figure 25 of Appendix B of the final TEIR. The presence or absence of the third interchange has affect on the forecast travel demand in an area limited to this box. The forecast for the remainder of the study area would remain essentially the same under the proposed circulation system.

**Finding:**

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 final TEIR.

All road segments located within the study area under this alternative would operate at LOS C or better. The traffic volumes would increase on State Route 56 between Camino Santa Fe and Black Mountain Road, and on Carmel Valley Road between Rancho Santa Fe Farms Road and Camino Ruiz. Traffic volumes would decrease on Carmel Valley Road between Camino Santa Fe and Rancho Santa Fe Farms Road, and on Camino Ruiz and Black Mountain Road south of Carmel Valley Road. Traffic impacts would be reduced on Camino Ruiz just north of the interchange at SR-56. This segment experiences LOS E under the proposed project and under this alternative would result in LOS C and thus avoid a significant impact to this segment of Camino Ruiz. The additional interchange would not serve to avoid any of the other significant impacts to roadway segments that were identified under the proposed project analysis.

All mainline freeway segment conditions would operate at LOS C. Under project conditions all SR-56 freeway segments would operate at LOS C. This alternative would not have any significant changes to buildout traffic volumes on 1-5 or 1-805. These volumes would essentially be the same as was determined under the proposed project. All intersections within the study area would operate at LOS B or C under project conditions except for the Carmel Valley Road/3rd interchange would degrade from LOS B under project conditions to LOS D during the PM peak hour under this alternative. No intersections in the study area were found to operate worse than LOS D.

This alternative was rejected as infeasible because it is infeasible for the Project to implement this regional improvement.

**ii) Alternative Circulation Network - Loop Road**

This alternative would alter the circulation system by eliminating connections to Rancho Bernardo from the project site (Camino del Norte, Resort Road, and Carmel Valley Road). Black Mountain Road would be extended northward across La Jolla Valley to connect with Resort Road. All project traffic would enter and leave the site via San Dieguito Road, Carmel Valley Road, and Black Mountain Road. In addition, 140 single family units and 120 multi-family units would be eliminated, the employment center would be eliminated, and the proposed

office and retail land use functions would be transferred from the northern village area to the southern village.

**Finding:**

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 final TEIR.

The extension of Black Mountain Road would require construction of the alignment through MHPA open space. A bridge crossing at the east end of Lusardi Creek would maintain the integrity of the open space through La Jolla Valley and provide a crossing for wildlife.

The proposed changes in land use under this alternative would result in a decrease of 8,580 daily trips for the Black Mountain Ranch Future Development Areas. Since the relative impact of this reduction is limited, the analysis is limited to examining the resulting daily traffic volumes on the surface streets in the Rancho Bernardo community and within the Future Urbanizing area.

This alternative did not result in significant improvements to area roadways. There was a slight decrease in traffic volumes on a few segments of Bernardo Center Drive; however, an increase in traffic volumes occurred on Camino Ruiz and Black Mountain Road south of Carmel Valley Road. Also, traffic volumes in Rancho Penasquitos would increase under this alternative. However, traffic volumes within the Future Urbanizing area were reduced overall. Traffic volumes on the portion of San Dieguito Road east of El Apajo to the City of San Diego limits increased and the LOS was reduced from LOS B under the proposed project conditions to LOS D under this alternative. Traffic volumes also increased on San Dieguito Road from the City of San Diego limits east to Camino Ruiz. The level of service was reduced from LOS F under project conditions to LOS D under this alternative. Overall this alternative does not improve the levels of service on area roadways. No significant differences in forecast freeway segment volumes were identified under this alternative.

**iii) Reduced Residential Development in Northern Village**

Under this alternative the proposed circulation network would be used; however, development in the northern village would be reduced by 1,000 multi-family residential dwelling units. This alternative project would eliminate 250 single-family residential units and 750 multifamily residential dwelling units, and thereby reduce approximately 8,500 daily trips from residential uses in the northern village.

**Finding:**

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 final TEIR.

Since the relative impact of this reduction is limited, the traffic analysis is limited to resulting daily traffic volumes on surface streets in the Rancho Bernardo community and within the Future Urbanizing Area. Under this alternative, the levels of service remained the same on most segments, and levels of service improved on Camino del Norte from the project boundary to "C" Street. However, a decrease from LOS C to LOS D occurred on Carmel Valley Road from Camino Ruiz to Black Mountain Road, and the level of service on Rancho Bernardo Road from West Bernardo Drive to Interstate 15 was reduced from LOS E to LOS F. Only a few roads had improved levels of service. This alternative did not result in significant improvements for road segments with poor LOS levels with or without the project under buildout conditions.

This alternative was rejected as infeasible because it is inconsistent with the City's circulation element.

#### **iv) Convert Multi-Family Residential to Senior Housing**

This alternative is designed to reduce traffic impacts, but maintain the urban core aspects of the northern village area. This alternative would replace 250 single-family dwelling units and 750 multi-family dwelling units with 1,000 additional senior dwelling units in the northern village area. The senior housing would be a mixture of separate small homes, apartments, or institutional care but restricted so that traffic generation per dwelling would be reduced from the normal 8 trips/du for multi-family to an average 5 trips/du. The senior housing would be planned so that the occupants would not need vehicles. In addition, the elementary school planned for the northern village would be eliminated. These land use changes would result in a decrease of 5,100 daily trips for the northern village area.

#### **Finding:**

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 final TEIR.

This alternative would slightly reduce volumes in Rancho Bernardo and in the Future Urbanizing area. No impacted roadway segment under the proposed project would improve to better than LOS D under this alternative.

The reduction of 5,100 daily project vehicle trips did not significantly reduce impacts to those freeway segment volumes already experiencing poor LOS levels, with or without project traffic under buildout conditions. No significant differences in forecast freeway segment volumes were identified under this alternative.

This alternative was rejected as infeasible because it would not provide diversity of housing type.

#### **v) Convert Residential to Employment Use in Northern Village**



To reduce traffic impacts, but maintain the urban core aspects of the northern village, 250 single-family dwelling units and 750 multi-family dwelling units would be replaced with 1.2 million square feet of additional employment uses in the northern village.

**Finding:**

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 final TEIR.

This alternative would represent a net decrease of 15,174 daily trips. Since the relative impact of this reduction is widespread, the analysis covers the resulting daily traffic volumes on all of the surface roadways in the study area.

Although the relative trip generation in Black Mountain Ranch is reduced, traffic volumes outside the property are increased. This can be explained by the fact that without the necessary residences in Black Mountain Ranch to fill the jobs created by the large employer, these jobs must be filled from somewhere else in the region, thereby increasing the amount of external trips as opposed to the proposed project. Despite the increase in daily traffic on particular roadway segments, no additional segment would degrade to worse than LOS D under this alternative.

This alternative was rejected as infeasible because it does not provide sufficient housing to fully satisfy the housing requirements in the NCFUA area.

**D. FINDINGS REGARDING OTHER CEQA CONSIDERATIONS**

**1) Growth-Inducing Impacts of the Project**

A project is defined as growth inducing when it directly or indirectly fosters economic growth, population growth, or additional housing; when it removes obstacles to growth; when it taxes public facilities and services; and/or when it encourages or facilitates other activities that could significantly affect the environment. Growth inducement is generally dependent on the presence or lack of existing utilities and municipal or public services. The provision of such necessities in an unserved area can induce growth between newly serviced areas and the community from which the facilities are obtained. In addition, growth inducement can also be defined as growth that makes it more feasible to increase the density of development in surrounding areas.

Subarea I is a 5,098-acre area located within the 12,000-acre NCFUA of the City's Progress Guide and General Plan and adjoins areas designated as Future Urban Development Areas in the County General Plan. Generally, surrounding areas to the west and north are agricultural or developed as low-density clustered estate residential (Fairbanks Ranch). To the southeast and east, along the I-15 transportation corridor, are the urbanizing communities of Rancho Penasquitos and Rancho Bernardo. To the northeast is the 4S Ranch Specific Plan area, an unincorporated area designated as (17) Estate proposed for Specific Plan development (Santa Fe

Valley). On the southwest is vacant land designated as Future Urbanizing (Subarea IV) with an approved future development at one unit per four acres (Fairbanks Highlands).

The 1992 Final NCFUA Framework Plan concludes that implementation of the plan would:

- Foster economic growth through the provision of employment opportunities and construction activities related to the development of the area;
- Foster population growth within the area through the provision of additional housing; and
- Remove obstacles to growth by providing roadways, utilities, and water and sewer service to previously unserved areas.

The City has prepared a Framework Plan study to determine the future requirements for services in this area. The Framework Plan identifies general planning objectives, including major road alignments and open space corridors. As stated in City Council Policy 600-29, the delineation of the Future Urbanizing area is not intended to be permanent. At some future time, the Future Urbanizing designation is intended to change to Planned Urbanizing. Thus, the Framework Plan is considered growth inducing.

At present, there are no paved roads within Subarea I; however, roads exist up to the Project boundaries. The Subarea I Plan, including the Black Mountain Ranch II VTM/PRD project, also would provide rights-of-way for future regional serving roadway improvements. Camino Ruiz would be extended from Rancho Penasquitos north through the western portion of the Project. Camino del Norte would be extended out of the 4S Ranch area along the northern boundary of the Project, forming a "T" intersection with Camino Ruiz. Carmel Valley Road would be extended easterly to Bernardo Center Drive. These improvements would connect the I-15 and I-5 corridor.

Major regional serving water and electrical utilities are sited within the subarea. Utility and roadway extensions constructed in conjunction with the proposed Subarea I development plan would extend energy, roads, water, and sewer to the subarea, but would not facilitate their extension to other sites where they are currently unavailable. It is anticipated that some infrastructure would be built with a capacity in excess of the minimum requirements of the Black Mountain Ranch II VTM/PRD project.

Other essential services, such as libraries, fire, and police, would be required to meet City standards. Future development within the subarea, along with other cumulative buildout in the area, would create demand for new facilities and levels of service. Subarea I would provide sites or funding for schools, a library, and police and fire stations. The benefit of these new facilities would extend beyond the Project and provide services to other future development in the surrounding area. Provision of new or expanded facilities would be growth inducing.

Future development within the subarea would provide additional housing and employment in the subarea. A portion of the Subarea I Plan would result in urban development. Specifically, the

mixed-use commercial center in the northeast corner of the subarea would contain mixed residential densities and a concentration of employment. The local mixed-use center on the western edge of the subarea would also contain urban density residential and retail commercial uses. Since the development of this subarea would include development of urban services and may induce other surrounding properties to develop under a similar scenario, the Project reservation of areas for future development would be considered growth inducing.

Thus, the proposed Subarea I Plan which includes the approved Black Mountain Ranch II VTM/PRD project as well as peripheral ownerships would remove obstacles to growth by providing infrastructure facilities in previously undisturbed areas, as described in the Framework Plan EIR and would have a growth-inducing impact on the area.

- Conflict with purpose and intent of RPO due to wetlands encroachment;
- Traffic;
- Cumulative impacts to non-native grasslands;
- Hydrology (cumulative);
- Landform Alteration/Visual Quality;
- Air quality; and
- Natural Resources/Agriculture (cumulative).

## 2) **Significant Irreversible Environmental Changes**

Section 15126(f) of the CEQA Guidelines requires that an EIR include a discussion of any significant irreversible environmental changes that would be involved with the proposed Subarea I Plan should it be implemented. Implementation of the entire Subarea I Plan would involve permanent development of up to 5,400 residential dwelling units including single-family, multi-family, and affordable housing. The entire Subarea I Plan also proposes commercial, office and retail, employment center, elementary school sites, church sites, two golf courses, a site for a recycled water reservoir, neighborhood and community park sites, resource open space, resort hotel, a fire station site, and other community/public facilities.

The 1995 Black Mountain Ranch II VTM/PRD EIR addressed the significant irreversible environmental changes associated with the development of the approved Black Mountain Ranch II VTM/PRD project (75% of Subarea I). The final TEIR addresses significant irreversible environmental changes associated with development of the remaining 1,355 acres of Subarea I (future development areas and the perimeter properties). The land uses for the future development areas and the perimeter properties include residential, commercial, office, retail, employment center, school sites, the resort hotel, and resource open space.

Development pursuant to the Subarea I Plan would require commitment of several types of limited resources for both actual and long-term operation. These include such resources as lumber and other forest products, sand and gravel, energy, asphalt, petrochemical construction material, various metals, equipment, water, and fuels. Many of these non-renewable or non-recyclable resources and their consumption represent an incremental addition to the cumulative use of such resources worldwide.

The Subarea I Plan area is characterized by diverse, high-quality visual character, including the varied topographic features, prominent ridgelines, and landforms. Grading, cut and fill slopes, and construction of structures would result in landform alteration and a reduction of visual quality. The Subarea I planning area also supports sensitive biological resources and this loss of natural open space, and its associated visual and biological resources, would represent an irreversible environmental change.

Grading, compaction, and construction of impervious surfaces would alter local drainage channels and runoff characteristics, potentially increase erosion rates, and potentially exacerbate the loss of native top soils. Losses of these undisturbed open space attributes are considered permanent within the Project limits due to the effects of project-related grading, compaction, and construction of impervious surfaces. Additionally, the implementation of the Project would degrade the existing cultural resources on the Project site. These effects are irreversible changes.

Approximately 75% of the physical project area (future development areas and perimeter properties) would change from its present condition to residential, commercial, roadway, park, or related development. About 23% of the Project site would remain as undisturbed open space, and about 2% would be for brush management. Most of the land designated as resource open space (1,760 acres) within Subarea I is part of the approved Black Mountain Ranch II VTM/PRD. Almost every physical aspect of the portions of the Subarea I Plan proposed for development would be changed from present conditions to accommodate the development. The change in character of the area from agricultural to open space, rural residential, residential, and some commercial would be an irreversible change to the existing community character of the area. Specific impacts associated with the changes are discussed throughout the final TEIR for each resource area. Significant development is contemplated. Mitigation measures are incorporated into the final TEIR that would mitigate identified impacts of the Subarea I Plan implementation.

**STATEMENT OF OVERRIDING CONSIDERATIONS  
FOR THE  
PROPOSED BLACK MOUNTAIN RANCH SUBAREA I PLAN**

The City Council, pursuant to State CEQA Guidelines Section 15093, having balanced the benefits of the project against its unavoidable significant direct and/or cumulative impacts of the project on land use, traffic circulation, biological resources, hydrology/water quality, landform alteration/visual quality, air quality, cultural resources, public facilities and services, and natural resources/agriculture determines that the impacts are acceptable for the following reasons:

1. The Facilities Phasing and Financing Plan for the Black Mountain Ranch Subarea 1 Plan ("Subarea 1 Plan") will provide for an approximately \$15,000,000 contribution to regional improvements to I-15, SR-56, and the associated on- and off-ramps. This funding is critically needed to in order to help resolve existing and future regional traffic problems. This contribution substantially exceeds Subarea 1 Plan's fair share allocation of the cost of such regional improvements based on its contribution to overall traffic.
2. In addition to the approximately 1,665 acres of resource open space being preserved or set aside pursuant to prior approvals within the Subarea 1 Plan, the future development areas and perimeter properties will preserve or set aside an additional 250 acres within the City's Multiple Habitat Planning Areas ("MHPA"). This preservation of additional open space will be accomplished by a boundary adjustment to the MHPA that is functionally equivalent or superior to the existing MHPA boundary.
3. The Subarea 1 Plan provides for an innovative transit program that goes beyond the typical planning focus of master planned communities, which traditionally has been to create a development plan that encourages alternate modes of transportation or accommodates future mass transit. In addition to such typical planning efforts, the Subarea 1 Plan includes the expenditure of \$1,500,000 for two transit centers and a van pool/transit bus program that will achieve a reduction in master planned community automobile commuter patterns.
4. Based on the Fiscal Impact Analysis prepared for the City for the Subarea 1 Plan, the development of the Subarea 1 Plan will result in an increased generation of surplus revenues to the City of approximately \$35,000,000 during the 13-year development period, which represents a \$28,000,000 increase over what will be generated as a result of prior approvals within the Subarea 1 Plan. After the 13-year development period, the annual surplus revenue generated for the City, exclusive of revenues to be generated by prior approvals within the Subarea 1 Plan, will equal approximately \$2,500,000.
5. The Subarea 1 Plan will provide for significant community-wide public facilities. As the plan is implemented, it will be responsible for constructing on-site a significant portion of the public facilities and infrastructure required to serve the subregion. These facilities include:

- a) Parts of the regional backbone circulation system, including an extension of Camino del Norte, in addition to the substantial improvement to the system to be constructed pursuant to prior approvals within the Subarea 1 Plan.
  - b) Schools serving the subregion including two elementary schools, a middle or junior high school, and a high school.
  - c) A 30-acre community park.
  - d) Construction of one fire station, in addition to the fire station that will be constructed pursuant to prior approvals within the Subarea 1 Plan, which will provide service to the region.
6. The project implements the land use designations of the adopted Framework Plan and provides a mix of land uses that provides housing opportunities, jobs, and public facilities in the North City Future Urbanizing area of the City. The proposed plan also provides employment, commercial, and civic facilities to meet daily needs of area residents.
  7. The project provides affordable housing consistent with the goals of the NCFUA Framework Plan.
  8. The project would generate new temporary construction-related jobs that would enhance the economic base of the region.

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.

**b) Mitigation:** Residential development adjacent to the FPA in the northeast perimeter property could impact the viewshed from the FPA. This potential impact could be mitigated by implementing Community Design Guidelines to reduce the visual and physical encroachment of development into the FPA. Landscape guidelines would limit the kinds of ornamental trees and shrubs planted around residences and would require natural transition areas within rear yards of lots fronting open space. Community Design Guidelines are included in the Subarea I Plan which apply to the northeast perimeter property to minimize these potential impacts. Guidelines addressing these issues shall be included in subsequent tentative maps and planned development permits submitted for future site specific development. Specific compatibility would be assessed in subsequent environmental review before the future development could take place.

## 2) Transportation/Traffic Circulation

**Impact:** The Subarea I project would contribute to significant direct impacts to levels of service on the road and freeway segments identified in Table 4B-14. Also, the Subarea I project would incrementally contribute to significant cumulative impacts to levels of service on the roadway segments identified in Table 4B-15.

**Mitigation:** The transportation improvements associated with the Black Mountain Ranch II VTM and each development phase of Subarea I are presented in Table 4B-5. These improvements shall be assured to the satisfaction of the City Engineer prior to development within each phase.

The Subarea I phased transportation improvements and range of mitigation measures were derived from a subregional traffic model that made an equivalent assumption for development elsewhere. These assumptions were based on the density and rate of buildout assumed for the NCFUA as well as for approved and reasonably foreseeable projects proposed for the adjoining County areas through the year 2015. Because this range of possible mitigation measures is based on forecasts and assumptions of future traffic from a variety of proposed projects, and due to the fact that this EIR contains a subarea-plan level of analysis, the final mitigation program necessarily will be further refined in connection with CEQA review of future tentative maps for specific development projects within the subarea. As a result, the improvements and phasing may be modified and different mitigation measures or phasing may be substituted to the satisfaction of the City Engineer, so long as the mitigation measures to be implemented are determined to meet or exceed the level of mitigation provided for in this traffic analysis.

**Mitigation Monitoring and Reporting Program  
Black Mountain Ranch (Subarea I) Subarea Plan in the North  
City Future Urbanizing Area  
LDR No. 96-7902**

The California Environmental Quality Act (CEQA), Section 21081.6, requires that a mitigation monitoring and reporting program be adopted upon certification of an environmental impact report (EIR) in order to ensure that the mitigation measures are implemented. The mitigation monitoring and reporting program specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

A mitigation monitoring and reporting program was adopted with the approval of the Black Mountain II VTM/PRD, which is hereby incorporated by reference. The mitigation monitoring and reporting program for Black Mountain Ranch Subarea I is under the jurisdiction of the City of San Diego and other agencies as specified below. The following is a description of the mitigation monitoring and reporting program to be completed for the project. Tables and figures from the EIR for the project are referenced in the following text.

**1) Land Use**

**a) Impact:** The Subarea I Plan has been prepared consistent with the requirements of Council Policy 600-40 and, overall, is consistent with RPO with respect to encroachments to steep slopes, biology, and cultural resources. There are wetlands and floodplain included within development areas that could be encroached upon for access and utilities. As such, this would represent a significant land use impact.

**a) Mitigation:** Future site-specific development will need to include the 100-foot-wide wetland buffers, demonstrate that proposed encroachments into wetlands for road and utility crossings are unavoidable, and provide mitigation for the encroachments to wetlands consistent with the city Biology Guidelines. State and federal permits must be approved by U.S. Army Corps of Engineers and California Department of Fish and Game if encroachment to wetlands occurs in future development.

**b) Impact:** Future development in the northeast perimeter property has the potential to conflict with the viewshed in the SDRP La Jolla Valley landscape unit. Adoption of Community Design Guidelines in the Subarea I Plan would serve to minimize the potential conflicts.



### 3) Biological Resources

#### Impact:

- The direct loss of 16.7 acres of Tier II Diegan coastal sage scrub, 12.9 acres of Tier IIIA southern mixed chaparral (including recovering disturbed chaparral), and 0.3 acre of willow scrub on the southeast and southern parcels; and 1.4 acres of disturbed wetlands, on the southwest property would be significant direct impacts. The additional loss of 176.8 acres of Tier IIIB non-native grassland within all the perimeter properties when added to the ongoing loss of open grassland in the region would be a significant direct and cumulative impact. Raptor foraging habitat and prey species would be adversely affected by grassland loss which contributes to the significant cumulative loss regionally. Loss of wetlands is also a cumulative significant impact.
- Impacts to three pairs of coastal California gnatcatcher through reduction in habitat (one each on the northeast, southeast and south properties) would be a direct significant impact. Other indirect impacts to wildlife from construction noise, artificial lighting, and other habitat degradation would also be considered potentially significant.
- Impacts to the orange-throated whiptail, San Diego horned lizard, southern California rufous-crowned sparrow, grasshopper sparrow, loggerhead shrike, black-shouldered kite, and blue grosbeak, which inhabit the perimeter parcels would also be a significant direct impact. The impacts to western dichondra, coast barrel cactus and dudleya (northeast), and ashy spike-moss (southeast) sensitive plant species would also be significant.
- Edge effects (indirect impacts caused by predation by pets, lighting, invasive plants, and noise during construction) from residential development adjoining the MHPA are potentially significant.

#### Mitigation:

***Upland Vegetation and Sensitive Species.*** Mitigation for significant direct and indirect impacts to upland resources would be mitigated by implementation of mitigation consistent with the City's MSCP Subarea implementing regulations and Biology Guidelines. Mitigation for impacts to Tier II coastal sage scrub, Tier IIIA mixed chaparral, and Tier IIIB non-native grasslands would be provided by acquisition and conservation of Tiers I, II, or III habitats at the time that development plans are submitted. The City's 1997 Biology Guidelines require replacement ratios of 1:1 for Diegan coastal sage scrub, and 0.5:1 for southern mixed chaparral, and non-native grassland for impacts occurring outside the MHPA if the mitigation lands are dedicated

within the MHPA. If the impacts are outside the MHPA, the ratios are lowered to 0.5:1 for mixed chaparral and non-native grasslands. The perimeter properties would impact 16.7 acres of Tier II sage scrub and 13.8 acres of Tier IIIA southern mixed chaparral outside the MHPA. Future development would also impact approximately 176.8 acres of Tier IIIB non-native grassland outside the MHPA. This would require the preservation of 112 acres of habitat within the MHPA to be conserved on-site, acquired off-site, and located within the MHPA or revegetated (16.7 acres of Tier II coastal sage scrub, 6.9 acres of Tier IIIA southern mixed chaparral, and 88.4 acres of Tier IIIB non-native grasslands). The conserved habitat must be shown to be viable and assured prior to any grading or displacement of existing habitat. Impacts to non-native grasslands are cumulative significant and unmitigated.

The revegetation could be targeted for areas adjacent to occupied habitat patches to expand their size and to extend the area of habitat to connect the San Dieguito River and Black Mountain Park. The area of existing and revegetated habitat would be large enough to reasonably ensure occupation and continued viability of breeding coastal California gnatcatchers.

**Riparian Vegetation.** Impacts to wetlands and riparian habitat within the Black Mountain Ranch II VTM/PRD are being mitigated through a revegetation program approved by the USACE, CDFG, and City of San Diego. The further loss of 1.7 acres of wetlands (0.3 acre of willow scrub and 1.4 acres of disturbed tamarisk scrub), located in the southeast and southwest perimeter properties, and 0.11 acre of willow scrub, 0.92 acre of mule fat scrub, and 0.36 acre of freshwater marsh would be potentially mitigated by extension of the approved revegetation program of riparian habitat along Lusardi Creek in La Jolla Valley. Wetland habitat (willow scrub and freshwater marsh) impacted by the development of the property would be replaced at a 3:1 ratio (2.3 acre) and revegetated or enhanced with riparian taxa. Tamarisk scrub and mule fat scrub would be mitigated at a ratio of 2:1 (4.6 acres). The revegetation would take place within an average 400-foot-wide riparian corridor along Lusardi Creek. The riparian plantings would include marsh reeds (*Juncus* sp., *Scirpus* sp., *Typha* sp., and *Anemopsis* sp.), willow scrub trees and shrubs (*Salix* sp., *Baccharis* sp., and *Iva hayesiana*), and riparian woodland trees (*Platanus racemosa*, *Populus fremontii*, and *Quercus agrifolia*). The revegetation plan would restore and enhance riparian areas that had been disturbed and denuded by prior agricultural use. Cumulative impacts remain significant and unmitigated.

### **Other Measures to Minimize Impacts**

**Covered Species Special Conditions.** Two MSCP-covered plant species occur on the northeast perimeter property: variegated dudleya (*Dudleya variegata*) and coast barrel cactus (*Ferocactus viridescens*) for which specific management directives apply. These include minimization of edge effects (all), minimization of recreational use impacts (dudleya), and prohibiting collection and fire management (coast barrel cactus). The

MHPA boundary has been designed to minimize edge effects (species are within the open space area within the Subarea) and brush management will be incorporated into future development envelopes. These measures would be shown in future development proposals for the northeast property development area of the northern village.

One reptile species, the San Diego horned lizard (*Phrynosoma coronatum blainvillei*), was observed on the southwest perimeter properties. Management actions directed to this species include maintaining native ant species for forage, discouraging frequent irrigation within and around the perimeter of the MHPA, and minimizing edge effects. Restricting the planting at the edge of the MHPA to drought-tolerant plants would be incorporated into landscape and design guidelines for residential development adjoining the MHPA in future site-specific development proposals consistent with Subarea I Plan guidelines. The orange-throated whiptail was observed in the northeast perimeter property. Special management conditions are directed at the minimization of edge effects.

Two species of birds covered by the MSCP were observed on the perimeter properties: California gnatcatcher (all) and southern California rufous-crowned sparrow (south, southeast, and southwest). Management directives apply to the rufous-crowned sparrow include maintenance of dynamic processes, such as fire, to perpetuate open phases of coastal sage scrub with herbaceous components. The MSCP guidelines for California gnatcatcher provide area-specific measures to reduce edge effects and minimize disturbance during the nesting period, fire protection measures to reduce the potential for habitat degradation due to unplanned fires, and management measures to maintain or improve habitat quality including vegetation structure. Land use adjacency measures are included in the Subarea I Plan and would be incorporated into future development proposals (e.g., no clearing of occupied habitat within the City's MHPA and the County's Biological Reserve Core Areas may occur between March 1 and August 15).

Indirect effects can be minimized through restricting construction activities adjacent to habitat areas during breeding seasons, incorporating appropriate land use adjacency guidelines, and requiring controls for erosion and sedimentation. The following measures would be incorporated in future development proposals:

1. Any artificial lighting associated with development, including parking lots adjacent to the MHPA, would be selectively placed, shielded, and directed away from the MHPA.
2. Future maps and grading plans for development would specify that grading would not occur beyond the limits of an approved grading envelope. Grading plans would indicate all natural open space areas as off-limits to equipment or other disturbance. The grading plans would require that a preconstruction meeting be held to describe to all construction personnel the required avoidance techniques and areas to be avoided and that prior to any work, the construction supervisor and the biologist together

would mark the grading limits to ensure against impacts to the MHPA. The grading plans would also specify that a biologist be on-site to monitor grading activity adjacent to biologically sensitive lands.

3. Cut and fill slopes adjacent to natural open space and some of the disturbed habitats within the MHPA would be revegetated to reestablish native habitat types. Such slopes would be revegetated as quickly as possible to prevent erosion of graded areas and resultant siltation elsewhere. Under no circumstances would graded cut or fill slopes remain denuded during the rainy season. The requirements for revegetation would be shown on the tentative map and grading plans.
4. Indirect impacts to the willow riparian scrub would be avoided by the establishment of a buffer zone of at least 100 feet between the outer edge of the willow riparian canopy and any development. The buffer zones may be less than 100 feet if it can be shown that the adjacent use would not impact the quality of the habitat. The buffer zones would be shown as open space on the tentative map, final map, and grading plans.
5. Prior to the issuance of a grading permit for the project, the applicant would have received a federal Clean Water Act Section 404 permit and an agreement under Section 1600 of the Fish and Game Code which are required for alterations to streambeds and for filling in the riparian scrub, mule fat scrub, disturbed nicotiana/tamarisk scrub, and freshwater marsh wetlands vegetation. The applicant would demonstrate compliance with mitigation conditions to the satisfaction of the permitting agencies.
6. The applicant would provide a notice to each buyer prior to sale that risks to pets exist due to the presence of coyotes, bobcats, and other natural predators which inhabit the natural open space in the area.
7. Prior to the construction of hiking or equestrian trails or bike paths not constructed within road rights-of-way, a qualified biologist would walk the proposed trail alignments and delineate an acceptable route that avoids or minimizes encroachments into sensitive habitats and avoids impacts to sensitive plant species. The biologist would delineate the trail route on maps and submit them with recommendations for construction methods and areas that should be avoided to the Manager of the Park and Recreation Department and the Deputy Director of the MSCP section.
8. Brush management and fire control measures would be limited to City requirements and excess habitat loss would be avoided. Brush management shall be the responsibility of the homeowners association and would be conducted in strict conformance with the brush management requirements of the landscape plan. Hand clearing or selective thinning of flammable species and dead wood should be used for

any fire control measures required within the brush management area. Sensitive plant species would be identified in the brush management plan and their removal restricted. As a part of the tentative map submittal, the brush management plan would be reviewed and approved by the City Fire Department and the Environmental Review Manager of the Land Development Review Division.

9. Development along the boundary of the MHPA would include provisions for barrier walls, fencing, plantings, or other means to direct public access and restrict pet encroachment into the MHPA as identified in the Subarea I Plan.
10. Grading or construction for future development adjacent to the MHPA during the nesting season would include temporary noise barriers or other measures to minimize noise impacts to sensitive species.

Cumulative significant unmitigated impacts to wetlands and non-native grasslands can only be avoided through adoption of the No Project alternative, as discussed in Chapter 7.

#### 4) Hydrology

a) **Impact:** The increase in runoff due to the introduction of streets, roads, and other hardscape surfaces could result in adverse impacts to drainage to the west, but can be mitigated to below a level of significance through design of a drainage system and incorporation of sediment basins and flow controls.

a) **Mitigation:** As mitigation for the increased runoff, water surface elevations as determined by a HEC-2 analysis shall be used to provide design specifications for site drainage to protect individual sites and adjacent properties from future development within Subarea I. Interceptor ditches and detention/desilting basins shall be provided to allow water to accumulate and be released back to the natural watercourse at a rate similar to the existing conditions. Sediment basins shall be placed in swales to protect downstream properties. Detailed design of any desilting basins recommended for the southeast perimeter property and BMPs (see below) shall be required as conditions of subsequent tentative maps for development within these areas.

b) **Impacts:** The implementation of the Subarea I Plan has the potential to significantly impact water quality (both directly and cumulatively) in the San Dieguito River and Lagoon. Such impacts may be associated with increased erosion, siltation, sedimentation and downstream flooding from project related activities.

b) **Mitigation:** The following measures would reduce levels of erosion, sedimentation, and runoff during construction activities. The subarea plan shall require that these or equivalent measures be conditions of future tentative maps in Subarea I.

1. Hydroseeding and landscaping of any cut/fill slopes disturbed or built during the construction phase of this project with appropriate ground cover vegetation shall be performed within 30 days of completion of grading activities.
2. Areas of native vegetation or adjoining slopes to be avoided during grading activities shall be delineated to minimize disturbance to existing vegetation and slopes.
3. Artificial ground cover, hay bales, and catch basins to retard the rate of runoff from manufactured slopes shall be installed if grading occurs during wet weather season, November 1 through April 1.
4. Fine particulates in geologic materials used to construct the surficial layers of manufactured slopes shall not be specified unless a suitable alternative is not available.
5. Temporary sedimentation and desilting basins between graded areas and streams shall be provided during grading.

Development in the southeast perimeter property may require detailed design and construction of additional desilting/detention basins not already approved under the Black Mountain Ranch II VTM. These basins would use extended detention methods to maximize their usefulness in controlling erosion and sedimentation impacts. The basins shall be constructed and maintained by the developer during construction. Once the project is completed, responsibility for the maintenance of these basins would be transferred to the homeowners association. The construction of these basins would mitigate the increased silt direct impacts to below a level of significance. Cumulative impacts to San Dieguito Lagoon, however, would still be considered an incremental and significant impact. This significant impact is unmitigable and may only be avoided by adoption of the No Project alternative.

The requirements for sedimentation basins and the use of "best management practices" shall be noted on future tentative maps. It shall also be a condition of future tentative maps that permanent basins and all other drainage facilities shall be constructed prior to issuance of building permits.

The following is a description of some "best management practices" which would be incorporated into the design of the detention/desilting basins.

***Desilting Basin.*** Desilting basins act as traps for site-generated sediments, thereby reducing the negative impacts from erosion and sediment transport. A flow control device located in the basin would control the outflow from the project site and allow for ponding in the basin. The ponded water would contain sediments and dissolved pollutants that have adhered to the soil particles. These particles would be removed

through the sedimentation and siltation process, accumulating at the bottom of the basin. The sediments can then be removed and disposed of properly on a periodic basis. The desilting basins would be permanent structures to ensure that sediment would not be transported from the site. The basins would be cleaned and invasive vegetation removed periodically.

**Extended Detention.** To achieve efficient pollutant removal rates from an urbanized project site, the use of permanent extended detention facilities can be employed. The detention facility provides temporary storage for increased runoff from the project site due to urbanization; the storage facility is usually a dry pond/basin system. Site-generated pollutants can consist of oil and grease, biological nutrients, oxygen-demanding organics, toxic organics, and metals. Pollutant removal is achieved through the extended detention method, in which sediments and chemical constituents are allowed to accumulate at the bottom of the basin through the sedimentation process. Extended detention facilitates the adequate removal of particulate pollutants. To enhance the removal of soluble pollutants, marsh planting can be provided in the bottom of the basin. Cleaning and removal of invasive vegetation would occur on a periodic basis.

The following is a description of some "best management practices" which, with the two detention basins, shall be conditions of future approvals (e.g., PRDs and landscape plans) for development within Subarea I:

**Filter Strips.** Filter strips can be utilized to enhance pollutant removal from the site. Filter strips are planted with erosion-resistant grasses or plant species and are designed to spread flows from the site into a wide area where overland sheet-flow conditions can occur. The vegetation within the strips slows the flows, causing heavier particulates to fall out of suspension, and also acts as a biological filter when direct absorption of dissolved pollutants occurs. The use of vegetation to reduce the flow velocities also allows for enhanced soil infiltration to take place. The soil also acts as a filter; dissolved pollutants are absorbed onto the soil particles. This is an important method for removal of dissolved heavy metals and phosphorus (fertilizers). Biological activity in the soil can also metabolize toxic organic contaminants (pesticides).

**Source Control.** An integral part of achieving adequate pollutant removal from collected storm water is the implementation of source control practices that reduce the amount of contaminants of the ground surface that can come in direct contact with surface flows. These practices include:

1. Cover outdoor storage facilities that contain potential contaminants.
2. Encourage proper use and disposal of materials including fertilizers, pesticides, and herbicides and including appropriate methods, rates, and frequency of application of these chemicals.

3. Encourage alternative methods for controlling weeds and insects using physical, biological, and lower-toxicity methods.
4. Recycle chemicals to the extent possible, and dispose of materials in a safe and proper manner.

The following measure was incorporated by reference from the Black Mountain Ranch II VTM/PRD EIR:

- Monitoring for TDS and nutrient levels shall be required on a regular basis by the RWQCB. If the levels exceed waste discharge requirements for the use of reclaimed water in the basin, the discharge must cease until proper treatment has been accomplished or the reclaimed water has been diluted to meet the requirements.

### 5) Landform Alteration/Visual Quality

a) **Impact:** Future extensions of Camino Ruiz to the north, Camino del Norte, and Carmel Valley Road east of Black Mountain Road would result in cut and fill slopes in excess of 30 feet in height and would exceed city grading thresholds. Due to the need to cross La Zanja Canyon for Camino Ruiz and Carmel Valley Road and, in the future, Lusardi Creek/La Jolla Valley to extend Camino Ruiz northward, and the otherwise varying terrain across the site, there would be no alignment within the project which would avoid or substantially lessen the landform alteration impacts while maintaining the regional circulation objectives. This would be a significant impact.

The amount of grading for future development areas cannot be fully quantified at this time, as lot grading would be part of the specific design concepts for the individual areas. None of the areas except the finger ridges fronting La Jolla Valley contain steep slopes or other major topographic features. The potential landform impacts for the areas other than the finger ridges are not expected to be significant. Grading of the finger ridges may result in significant adverse effects as identified in the 1995 Black Mountain Ranch II VTM/PRD EIR.

The amount and severity of grading for development proposed for the four perimeter ownership areas cannot be quantified at this time, as lot grading would be part of the specific design concepts for the individual areas. In general, grading of the northeast and southeast perimeter properties may result in significant adverse landform impacts.

The potential landform impacts from grading would be evaluated in future environmental review of development plans for these areas.

a) **Mitigation:** The following measures would be incorporated into approvals to partially mitigate direct impacts for any future development within Subarea I.



Individual lot development for Subarea I would include guidelines that specifically address grading techniques to minimize large manufactured or major alterations to underlying terrain. The guidelines would place limitations on the severity of slopes and require blending and contouring to natural adjacent slopes with appropriate landscaping. Pertinent requirements would include:

1. Design structures to fit the natural landform.
2. Locate architectural and site elements at different elevations to avoid grading one large pad.
3. Utilize stepped building foundations or retaining structures as an alternative to conventional cut and fill methods.
4. Encourage site development that avoids steeply sloping terrain.
5. Locate site access roads and driveways to follow natural contours.
6. Encourage daylight cut situations where pads interface with natural open space.
7. Blend transitional manufactured slopes with the natural slope.
8. Balance earthwork on the individual lot when possible to avoid soil import or export.
9. Do not grade outside individual property lines.
10. Employ blending and rounding techniques where manufactured slopes meet natural ground.
11. Vary slope gradient and width and contour edges to achieve a more natural appearance to slope banks.
12. Limit the height and gradient of slopes fronting open space to 10 feet at 2:1 and to no more than 30 feet in any case.

Implementation of the grading techniques would be shown on the tentative maps and would be assured through the approval of the final grading plans. Those slopes which are visible from major roadways and public viewing areas would vary slope gradient, width and contour edges, and use blending and rounding to blend to natural slopes. The applicant would clearly indicate on the grading plans special design requirements for slopes that are to be graded. Grading for major slopes would minimize encroachment into sensitive vegetation. A note would be included on the grading plans for the tentative

and final grading plans for all future development indicating that the grading techniques are environmental mitigation measures.

Grading for major roads and other common facilities and areas must include provisions for erosion control and hydroseeding. Landscape plantings for native shrubs or exotics as shown on the overall landscape plans must be shown on the grading plans. The landscape plans would be implemented in phases coincident with development phases.

Prior to the issuance of grading permits, the Development Coordinator would review the grading and landscape plans to ensure that sensitive grading techniques are being utilized and that manufactured slopes are landscaped in conformance with the conceptual landscape plan. Areas shown as open space would be flagged in the field and construction crews would be restricted from these areas. The applicant would retain a soils engineer to monitor the grading and construction and a landscape architect to monitor revegetation of the project. Landscaping would be in place along the developed roadways and development areas prior to issuance of building permits for each area. The soils engineer and landscape architect would submit in writing to the City Engineer and provide certification that the project has complied with the required mitigation measures on the grading plans. Only after the Development Services Manager and City Engineer approve the grading would recommendations be made to the City Council for the release of the subdivision bond.

Direct impacts remain significant, however. The No Project and Development Without a Phase Shift alternatives would reduce the impacts, but not to a level below significance.

**b) Impact:** The creation of manufactured slopes greater than 30 feet in height associated with grading for circulation element roads would cause a significant visual impact to the viewshed from both Black Mountain Park and the SDRP.

Future Specific Plan development at Santa Fe Valley may be adversely impacted by the northern village development.

Development of the resort hotel may result in significant visual impacts but would be made compatible with incorporation of the mitigation measures listed below.

Potential impacts to views from the FPA to future development around La Jolla Valley including the northeast perimeter property and impacts to views from Black Mountain Park of the future residential development within the southeast perimeter properties may be significant.

**b) Mitigation:** Visual impacts associated with the cut and fill slopes from the roadways would be partially mitigated by sensitive grading techniques (contouring, varying slope face to present more natural appearance, and minimizing slope height and aspect)

landscaping and revegetation, which were made conditions of future grading permits as part of the Black Mountain Ranch II VTM/PRD EIR. These measures or similar measures to minimize visual impacts from manufactured slopes will be implemented once Subarea I development is approved.

In addition, design guidelines, such as residential lot grading, siting of structures, architectural styles, setbacks and exterior use areas, walls and fences, exterior lighting, and landscape, would be included to maintain a consistent community character throughout Subarea I. Development along the edge of any open space visible from public open space areas, parks, trails, and major roads shall include these or similar design standards that address visual character.

Direct impacts to views from the FPA to residential areas within the subarea would be partially mitigated by future conditions of tentative maps and grading permits. The guidelines would include measures to restrict the size and aspect of residential lot grading, provide adequate setbacks and visually compatible landscaping around residential structures so as not to be visible from the creek bed in the valley floor, and require the use of structural design guidelines and landscape plans. Lots bordering on the rim of La Jolla Valley would be subject to guidelines which encompass building setbacks, a naturalized planting transition zone from the edge of the open space, grading restrictions to minimize heights of graded pads or severity of graded slopes fronting to open space, landscape palette, and exterior architectural styles, colors, materials, and roofing guidelines.

Architectural and landscape design and treatment would mitigate potential significant visual impacts from development of the resort hotel.

Potential impacts to the Santa Fe Valley from development of the northern village would be mitigated through siting lower density development along the northern edge of the village area, through architectural design and landscaping.

Guidelines compatible with existing surrounding development would be made a requirement of future tentative maps and other development approvals.

Direct visual impacts associated with the cut and fill slopes from the roadways would not be fully mitigated.

## 6) Air Quality

**Impact:** Development of Subarea I would create significant direct and indirect air quality impacts, and contribute to the region's current inability to meet air quality standards, thus adding incrementally to a significant cumulative impact.

**Mitigation:** In order to reduce construction-related air quality impacts, if feasible, the area being graded at any one time would be minimized. Also, if possible, low pollutant-emitting construction equipment would be used and the equipment would be equipped with prechamber diesel engines or their equivalent. Electrical construction equipment would be used if feasible.

In addition, dust control during construction and grading operations would be regulated in accordance with the rules of the San Diego APCD. The following measures would reduce fugitive dust impacts:

1. All unpaved construction areas would be sprinkled with water or other acceptable San Diego APCD dust control agents during dust-generating activities to reduce dust emissions. Additional watering or acceptable APCD dust control agents would be applied during dry weather or windy days until dust emissions are not visible.
2. Trucks hauling dirt and debris would be covered to reduce windblown dust and spills.
3. On dry days, dirt and debris spilled onto paved surfaces would be swept up immediately to reduce resuspension of particulate matter caused by vehicle movement. Approach routes to construction sites would be cleaned daily of construction-related dirt in dry weather.
4. On-site stockpiles of excavated material would be covered or watered.

To reduce construction-related vehicle emissions, ride share opportunities would be encouraged and construction vehicle access would be limited to roads determined in a temporary traffic construction management plan. In addition, construction staging areas would be as far away from existing or completed residences as possible. Construction activities would also be limited to the hours of 7 A.M. to 7 P.M. Monday through Saturday under San Diego's Noise Ordinance Section 36.410 for operating construction equipment.

Incorporation of these measures, combined with the fact that construction is a one-time impact, would reduce potentially significant air quality impacts to below a level of significance.

Measures to reduce vehicle miles traveled, such as provision of bike lanes, sidewalks, and transit facilities, which have been discussed above, would be incorporated into the proposed development of the remaining parts of Subarea I. No additional mitigation measures for long-term direct and cumulatively significant air quality impacts is available other than compliance with the goals and objectives of the RAQS.

## 7) Geology and Soils

a) **Impact:** There are no significant soil or geologic conditions which were observed or known to exist within Subarea I which would preclude implementation of the plan. However, potentially significant geologic conditions exist which would require mitigation as part of any future tentative maps.

a) **Mitigation:** Implementation of the conclusions and recommendations in the geotechnical report prepared for Black Mountain Ranch (Geocon Incorporated 1991) would mitigate the potentially significant effects within its future development areas to below a level of significance. These measures are summarized below. Implementation of these measures shall be made conditions of approval for future tentative maps within Subarea I.

### *General Measures*

1. The presence of landslides, weak claystones, uncompacted fill soils, and potentially compressible colluvial and alluvial deposits require special consideration where development is planned. If weak claystones or landslides are present in areas proposed to be graded, stabilization measures in the form of buttresses or stability fills shall likely be required.
2. Very heavy ripping may be necessary within areas underlain by the Santiago Peak Volcanics, Lusardi Formation, and gabbro. Deep cuts in the Santiago Peak Volcanics or gabbroic rocks shall require blasting. Special handling of the excavated rock and placement of oversized materials would also be anticipated.
3. Highly expansive soils may be encountered within the Delmar, Mission Valley, and Friars formations and some of the topsoils. It is anticipated, however, that there would be sufficient low expansive soils available on the site to mitigate the adverse impact of expansive soils where encountered.
4. Compressible alluvium and colluvium present along canyon alignments and on the lower flanks of the ridges shall require at least partial removal and recompaction where settlement sensitive improvements are planned.
5. Perched groundwater is anticipated to be present within the low-lying alluvial areas. Hence, remedial measures in the form of subdrains shall be required where filling of the drainage courses is planned.

### ***Grading***

1. For preliminary design purposes, it is recommended that proposed cut and fill slopes be planned no steeper than 2:1 (horizontal to vertical). Safe allowable slope heights shall generally be limited by the shear strength characteristics of the particular soil or rock conditions present. It is recommended that areas where high cut slopes are planned be investigated in detail to evaluate the potential impact of the local geology on the stability of the slopes.
2. Due to the increased grading costs associated with rock blasting and handling, it is recommended that planned excavations and underground utility lines for building pads shall be kept to a minimum within those portions of the site underlain by Santiago Peak Volcanics and/or gabbroic formations.

### ***Drainage and Maintenance***

1. Providing and maintaining proper surface drainage is imperative to assure soil stability and reduce erosion. All graded pads shall have drainage swales which direct storm or irrigation runoff away from structures or the top of slopes to control drainage facilities.
2. No storm or irrigation water shall be allowed to discharge over the top of cut or fill slopes.

### ***Consultation and Plan Review***

Prior to the finalization of the grading plans for other future tentative maps within the perimeter properties, detailed soil and geologic investigations addressing the proposed development shall be performed. The Development Services Department shall ensure that measures recommended in those reports shall be made conditions of the tentative maps and grading plans.

**b) Impact:** Without erosion control measures, there is a potentially significant increased erosion impact associated with the implementation of the Subarea I plan. These impacts would be mitigated to a level below significance by incorporation of appropriate control measures, as outlined below.

**b) Mitigation:** The following mitigation measures shall be carried forward for future tentative map approvals within Subarea I. These measures shall reduce the potential erosion impacts from grading and brush management to below a level of significance. These measures shall be made a condition of approval for future development within Subarea I.

1. Fill areas or areas stripped of native vegetation shall require special consideration, such as desilting basins, improved surface drainage, and early planting of erosion-resistant ground covers to reduce the erosion potential.
2. Grading plans shall incorporate short-term erosion control measures, including planting on disturbed and manufactured slopes, grading to facilitate drainage away from the slope faces, use of hay bales and swales at the top of slopes, and construction of desilting basins, to the satisfaction of the City Engineer and the Development Services Manager. Any special grading techniques, as recommended in subsequent geotechnical investigations, shall be implemented.
3. Catch basins shall be provided during grading.
4. No grading shall occur between October 1 and April 30 unless an erosion control system has been made a part of grading plans to the satisfaction and approval of the City Engineer.
5. All manufactured slopes shall be immediately revegetated or hydroseeded with erosion-resistant plant mixes and irrigated to ensure plant coverage prior to the next rainy season. In areas to be included as naturalized open space, such plantings shall be noninvasive native grasslands and shrubs and include native plant mixes preferencing the surrounding native habitat.
6. Permanent erosion control measures, such as complete landscaping with drought-tolerant, slope-stabilizing vegetation, shall be provided to the satisfaction of the City Engineer.
7. In areas near watercourses, construction sedimentation control measures, such as interim desiltation basins, gravel bags, hay bales or silt fences at the toe of slopes to prevent erosion, or punch straw or matting to stabilize graded slopes, shall be installed to prevent sloughing of materials into watercourses.
8. A brush management plan shall be prepared for subsequent tentative maps to the satisfaction of the City Fire Department and the Land Development Review Division of the Development Services Business Center.

Mitigation measures concerning grading shall be specified on grading plans for future tentative maps. The Development Services Business Center shall review the site preparation/grading and landscape plans for consistency with the above measures prior to issuance of a grading permit. Revegetation of manufactured slopes shall be inspected by a landscape architect or qualified biologist and a report submitted prior to issuance of building permits.

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## 9) Paleontology

**Impact:** Development within Subarea I would likely result in the destruction of additional significant fossiliferous areas. This would be a significant adverse impact on the region's paleontological resources. Mitigation measures presented below would reduce these adverse impacts from proposed development to below a level of significance.

**Mitigation:** Mitigation, monitoring, and reporting requirements for paleontological resources would be required as conditions of approval for future development within the northern and southern villages, the northwest and finger ridge residential clusters within Black Mountain Ranch and the northeast and southwest perimeter properties to reduce the adverse impacts of development upon paleontological resources within the remainder of Subarea I. These mitigation measures are drawn from past efforts and have proven successful in protecting paleontological resources while allowing the timely completion of developments in San Diego and elsewhere in southern California.

1. Prior to the issuance of grading permits or recordation of final maps, the applicant for future tentative maps would provide a letter verifying that a qualified paleontologist has been retained to implement the paleontological mitigation program. This letter would be presented to the Environmental Review Manager of the Land Development Review (LDR) Division. All persons involved in the paleontological monitoring of this project would be approved by EAS at least 30 days prior to the preconstruction meeting.
2. The qualified paleontologist would attend the preconstruction meeting to consult with the grading and excavation contractors. The requirement for a paleontological monitoring program would be noted on the grading plans.
3. The paleontologist or paleontological monitor would be on-site full-time during the original cutting of previously undisturbed sediments of the Delmar Formation, Friars Formation, Mission Valley Formation, and Stadium Conglomerate at the project site to inspect for contained fossils. The frequency of inspections would depend upon the rate of excavation, the materials excavated, and the abundance of fossils. The paleontologist would work with the contractor to determine the monitoring locations and amount of time necessary to ensure adequate monitoring of the project site.
4. In the event that fossils are encountered, the paleontologist (or paleontological monitor) would 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 on-site. At the time of discovery the paleontologist



would contact LDR. LDR must approve salvaging procedures to be performed before construction activities are allowed to resume.

5. The qualified paleontologist would 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 would be recorded by the paleontologist at the San Diego Natural History Museum.
6. Prior to the issuance of a certificate of occupancy, a monitoring results report, with appropriate graphics, summarizing the results (even if negative), analyses and conclusions of the above program would be prepared and submitted to LDR within three months following the termination of the paleontological monitoring program, and prior to the final inspection.

## 10) Noise

**Impact:** Development in the Black Mountain Ranch future residential development areas, as well as the northern villages and the northeastern and southern perimeter properties may be exposed to future projected traffic noise levels greater than the City's standards.

Potential future construction-related noise impacts to existing residences could occur with development of the southwest perimeter property and the northern village. Impacts to sensitive wildlife within the MHPA may result from grading and construction in the southeast, northeast, and south perimeter properties. These impacts could potentially be significant short-term impacts.

Unless off-site pump stations are designed so that they achieve the noise level standards established in the City's noise ordinance, then significant impacts to surrounding residences may occur.

Noise from future flight operations at MCAS Miramar would not result in exposure to significant noise levels.

Significant noise impacts would not be generated by power lines or the potential future substation.

**Mitigation:****Traffic Noise**

***Future Development Areas and Southern Perimeter Property.*** Future traffic noise levels may exceed City standards in portions of the future development areas within Black Mountain Ranch (northern village and residential areas) and the southern and northeastern perimeter properties. Future traffic noise levels about 50 feet from Camino del Norte, Camino Ruiz, and Carmel Valley Road are projected to be about 74 CNEL; traffic levels from Resort Street are anticipated to be 68 CNEL within 50 feet. Mitigation for exterior noise generally consists of the use of setbacks or construction of noise walls or berms. To achieve the City's exterior standard for residences, these wall or berms would have to achieve between 3 dB and 8 dB reduction in noise. The effectiveness of a noise barrier depends on the relative locations and elevations of the noise source, barrier, and receiver which are not known specifically. However, noise reductions up to 10 dBA are generally attainable with noise walls or berms constructed of solid material (Bolt, Beranek, and Newman 1973:5-2). Therefore, mitigation of exterior noise levels to below City standards would be feasible. Specific design features of the barriers shall be provided when or once specific land uses are proposed, however.

To meet the interior noise standard of 45 CNEL with an outdoor environment of 74 CNEL shall require exterior to interior noise reduction of 29 dB. "Upgraded window glazing with mechanical ventilation could reduce noise by 20 to 30 dB" (City of San Diego 1991). Therefore, interior noise level standards may also be achieved for residences in the northern village and southern perimeter property using window glazing and mechanical ventilation.

Upon review of subsequent permits, additional analyses shall be completed which determine detailed locations and heights of noise barriers, locations and widths of setbacks, and exterior to interior attenuation requirements.

**Construction-related Noise Impacts**

To reduce construction-related noise impacts, all construction activities, except in an emergency, shall be limited to the hours of 7 A.M. to 7 P.M. Monday through Saturday, which are the times allowed in San Diego's Noise Ordinance Section 36.410 for operating construction equipment.

Construction occurring adjacent to existing residences or the MHPA will be required to implement measures to reduce noise from construction equipment. These measures may include seasonal restrictions on grading during sensitive species breeding seasons, assuring that on-site construction equipment is properly equipped with mufflers or other noise-attenuating equipment or that temporary noise attenuating walls or barriers are

installed. These measures would be included in future development proposals and shown on construction drawings or plans as mitigation measures.

### **Pump Station Noise**

In order to conform with the City Noise Abatement and Control Ordinance and mitigate potential impacts to below a level of significance, the pump stations shall be designed so that noise levels generated by the pump stations do not exceed 57.5 dBA  $L_{eq}$  at any residential property line.

### **MCAS Miramar**

Lessening of nuisance impacts from aircraft overflights shall be achieved with the application of the following disclosure statement:

The development (within Subarea I) is located within the Julian Departure corridor used by fixed-wing aircraft departing from Marine Corps Air Station (MCAS) Miramar. While this development is considered compatible with these air operations, occupants will occasionally experience varying degrees of noise and vibration. Miramar normally operates between 7:00 A.M. and midnight Monday through Thursday, 7:00 A.M. to 6:00 P.M. Friday, and 8:00 A.M. until 6:00 P.M. on weekends and holidays. However, as a master jet base, MCAS Miramar may operate 24 hours per day, seven days per week. Therefore, on occasions operations may be on a 24-hour basis.

## **11) Public Facilities and Services**

a) **Impact:** The additional elementary, middle, and high school students generated by the Subarea I plan development would contribute to the already overcrowded schools and is considered a direct and cumulatively significant impact. This impact would be reduced to below a level of significance by implementing the mitigation measures identified below.

a) **Mitigation:** Implementation of the following conditions and offers of dedication would reduce direct and cumulative school impacts from Subarea I development to below a level of significance:

1. Collection of required fees and setting aside three school sites, and provision of partial acreage for a future high school site.
2. Mitigation for school impacts would include implementation of a final financing agreement and phasing plan for future development in the Subarea and the Poway Unified School District as identified in the school districts School Facilities Master Plan and Financing Plan for the Black Mountain Ranch Subarea, which may or may not include participation in school facilities financing with other surrounding

development projects. The Poway Unified School District proposes establishment of a Mello-Roos community facilities district; however, some other mutually acceptable means could be employed. Proof of a final financing agreement and school site purchase agreement would be required prior to City Council approval of the Subarea Plan.

**b) Impact:** The Rancho Santa Fe County Fire Department and the City of San Diego Fire Department would provide service to the project site. Sites for planned future fire stations have been reserved in the southern and northern villages. The future development areas and the perimeter properties would be approximately 2.5 miles from either an existing or planned future fire station; therefore, it is likely that acceptable response times would be met. However, a potential impact would occur if response times cannot be met.

**b) Mitigation:** City fire departments may or may not be able to provide a first response to the subarea within six minutes. Service letters from the City of San Diego Fire Department shall be submitted when building permits are applied for. If the Fire Department cannot respond within six minutes, then building plans would include fire sprinkler systems, or other measures to the satisfaction of the Fire Department. Similar requirements would apply to all other development proposals in the subarea.

**c) Impact:** The project would affect City waste management programs and services; however, impacts could be minimized by incorporation of recycling and waste-reduction measures in project design. Services that will not be affected by the proposed project include recyclables and yard waste collection, and multi-family, and commercial sectors refuse collection since these services would be provided by the private sector and not by City forces. This is considered a less than significant impact to the City's waste management services.

The amount of solid waste generated by the project represents a small increase of the solid waste disposed at Miramar Landfill. Implementation of the Subarea I plan would only incrementally shorten the life of the Miramar Landfill and would not affect the year 2006 closure schedule. These impacts are not considered significant. However, until additional landfills are sited, the approved Black Mountain Ranch II project, the Black Mountain Ranch future development areas and perimeter properties within Subarea I, and the rest of the Future Urbanizing area, as well as in other parts of the city, would contribute to a cumulative impact to solid waste disposal facilities.

**c) Mitigation:** For solid waste reduction, future single-family residential development within Subarea I shall comply with the City's recycling program. If the City curbside recycling has not been established for the project development, the homeowners association shall provide recycling containers and enter into an agreement with a recycling contractor to handle recyclable materials. The requirement for recycling bins or containers shall be included in the Design Review Guidelines for all projects and the

Conditions, Covenants, and Restrictions (CC&Rs). Refuse collection services for the commercial/industrial development, and multi-family residences shall be provided by the private sector, thereby not affecting City refuse collection forces. The City offers commercial/industrial waste reduction programs.

Future development will be required to develop a waste reduction/recycling plan addressing both construction phase as well as ongoing project impacts and specifying waste reduction measures that would be incorporated in project design to minimize solid waste impacts. Waste reduction and recycling measures to consider include:

1. Source reduction (on-site reuse of products);
2. Source separation and recycling (particularly during the construction phase of the project);
3. Provision of interior spaces for the storage of recyclable;
4. Landscaping with drought tolerant, preferable native species to minimize generation of yard waste; and
5. Use of recycled-content products in the construction of the proposed developments.

Additionally, the plan must describe the location of exterior and interior storage areas for the collection of recyclables in multi-family residential and non-residential areas as required per Municipal Code Section 101.2001. The storage areas should be located in areas convenient for use by residents/tenants and service providers.

## 12) Water Conservation/Domestic Water/Wastewater

**Impact:** The project's contribution to the cumulative impact associated with water supplies would be reduced to a nominal level by the mitigation measures outlined below.

**Mitigation:** The following mitigation measures would be incorporated into future development 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 lifts of low-clay content soil in 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.
7. Provide information regarding water conservation measures to new residents at the time of lot purchase.

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