

RESOLUTION NUMBER R- 290666

ADOPTED ON SEP 08 1998

WHEREAS, on June 12, 1997, Trammel-Crow Residential/B.R.E., Inc., submitted an application to Development Services for amendments to the City of San Diego Progress Guide and General Plan, Carmel Valley Community Plan (Rezone), and Neighborhood 8 Precise Plan; and for a Carmel Valley Planned District Development Permit/Resource Protection Ordinance Permit for the Pinnacle Carmel Creek project; 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 September 8, 1998; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Environmental Impact Report No. 96-7614, SCH No. 97091020; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is certified that Environmental Impact Report No. 96-7614, SCH No. 97091020, 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 land use actions for the Pinnacle Carmel Creek project.

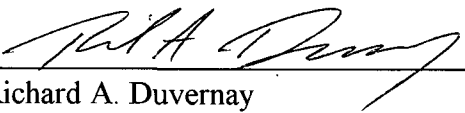
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BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project, a copy of which is attached hereto and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

APPROVED: CASEY GWINN, City Attorney

By   
Richard A. Duvernay  
Deputy City Attorney

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## Findings and Statement of Overriding Considerations

LDR No. 96-7614

SCH No. 97091020

The California Environmental Quality Act (CEQA) requires that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof unless such public agency makes one or more of the following findings:

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

(§ 21081 of the California Environmental Quality Act.)

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

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

R- 290666

CANDIDATE FINDINGS  
FOR THE  
PINNACLE CARMEL CREEK PROJECT

**FINDINGS**

The following findings are made relative to the conclusions of the Final Environmental Impact Report (EIR) for the Pinnacle Carmel Creek project.

- A. **Public Resources Code Section 21081(a):** Pursuant to Public Resources Code Section 21081(a), the decision maker, having reviewed and considered the information contained in the Final EIR for the project, the public record and the administrative record, finds, pursuant to CEQA and the State CEQA Guidelines, that changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR with respect to land use, traffic, biological resources, geology/soils, hydrology and water quality, noise, paleontological resources and schools.

**1. LAND USE**

**Impact:** The proposed project would be inconsistent with the Transportation and Recreation Elements of the Progress Guide and General Plan the Circulation Elements of the Carmel Valley Community Plan and the Neighborhood 8 Precise Plan, and would result in impacts in several issues areas as discussed below.

**Finding:** The proposed project would implement measures that would mitigate impacts to traffic circulation, biological resources, geology/soils, hydrology/water quality, air quality, paleontological resources, and schools to below a level of significance. These mitigation measures are presented in the Final EIR. Cumulative downstream water quality and air quality impacts cannot be mitigated at the project level.

**2. TRAFFIC**

**Impact:** The project has the potential to generate 2,800 average daily trips (ADT), with an AM peak period total of 224 trips and a PM peak period total of 280 trips. Existing roadways will be capable of accommodating project traffic with or without Carmel Creek Road in the year 2015 and at buildout conditions. The project will terminate Carmel Creek Road in a cul-de-sac in the northwest corner of the site. The deletion of Carmel Creek Road creates an unacceptable intersection operation at SR-56 eastbound at El Camino Real.

**Finding:** To mitigate the deficiency in intersection operation at SR-56 eastbound at El Camino Real, an additional northbound through lane and an eastbound travel lane would be provided as part of this project. In addition, the project will construct Carmel Creek Road from the existing terminus to the project access as a two-lane multi-family collector street with appropriate transitions to the satisfaction of the City Engineer. The project applicant would also be required to contribute a fair share percentage of regional transportation improvements.

**Impact:** The EIR also evaluates circulation impacts relative to a variety of options the City is considering for Sorrento Valley Road.

**Finding:** If Sorrento Valley Road is opened to northbound traffic only, no additional measures beyond those presented above will be required. However, if Sorrento Valley Road remains closed to vehicular traffic and the connection of Carmel Valley Road to Carmel Mountain Road is deleted as proposed by the project, then potentially significant impacts would occur at the intersection of Carmel Mountain Road/El Camino Real, and mitigation measures would be required. To mitigate impacts to below a level of significance, a non-standard design at this intersection requiring a third eastbound left turn lane would be required. If the City determines that the non-standard design is not acceptable, then impacts would remain unmitigated.

### **3. BIOLOGICAL RESOURCES**


**Impact:** The development would be placed in the area that is currently an active mine, and would involve minimal impacts to the biological resources of the site. Off-site improvements would result in impacts to 0.04 acre of southern willow scrub wetland vegetation, which is considered a significant impact. In addition to impacts to wetland habitats, the project has the potential to result in noise impacts to the California gnatcatcher. These impacts are considered potentially significant.

**Finding:** Mitigation of noise impacts to the California gnatcatcher would involve conducting pre-construction surveys to determine the presence of gnatcatchers and ensuring that construction noise does not exceed 60 dB Leq at the edge of the occupied gnatcatcher habitat during the breeding season. For impacts to wetlands, the project proposes to create 0.12 acre of wetland habitat within a detention basin in the northwest corner of the site. The project would also implement measures in accordance with the Adjacency Guidelines of the MSCP and would provide for a long term (five year) maintenance program for revegetated mined slopes.

### **4. GEOLOGY/SOILS**

**Impact:** The project could result in a direct impact associated with erosion on the project site and with stability of the east-facing slope on the western portion of the site.

**Finding:** A monitoring and reporting program would be made a condition of project approval and would include slope stability criteria, erosion control measures, landscaping of undeveloped building pads, the retention of a soils engineer to submit a written report to the City Engineer certifying project compliance with approved grading plans, a full-scale geotechnical investigation for the City Engineer to review prior to the issuance of grading permits, and the installation of energy dissipation devices at the terminus of canyon subdrains.

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## 5. HYDROLOGY AND WATER QUALITY

**Impact:** The project could have an incremental impact on erosion, siltation, sedimentation and downstream flooding. This is regarded as a cumulatively significant effect of the project.

**Finding:** Cumulative downstream water quality impacts cannot be mitigated at the project level.

## 6. NOISE

**Impact:** Based upon preliminary analysis, it was found that exterior noise levels at maximally exposed project residential units may slightly exceed 65 dB(A) CNEL, result in a significant noise impact. Construction activities may create a temporary adverse impact if new construction occurs adjacent to already completed residences.

**Finding:** Based upon preliminary analysis, it was found that exterior levels at maximally exposed project residential units may slightly exceed 65 dB(a) CNEL. If this is confirmed in subsequent detailed analysis, the following would be required: 1) any useable exterior space shall be protected from traffic noise to achieve a 65 dB(A) CNEL exposure; and, 2) noise protection measures to achieve a 45 dB CNEL interior noise level. Mitigation Measures for construction noise include limiting construction and maintenance activities to the hours of 7 a.m. to 7 p.m. Monday through Saturday and utilizing the quietest equipment available.

## 7. PALEONTOLOGICAL RESOURCES

**Impact:** The project has the potential to impact important paleontological resources primarily in the Scripps and Bay Point formations located on the site. Direct impacts to potentially important paleontological resources are regarded as significant.

**Finding:** To mitigate impacts to important paleontological resources, the applicant would retain a qualified paleontologist to implement a comprehensive monitoring program which includes monitoring, salvaging, the preparation of collected materials for storage at a scientific institution that houses paleontological collections, and the preparation of a final monitoring report.

## 8. SCHOOLS

**Impact:** The project would generate school-age children, contributing to potentially significant direct and cumulative impacts to schools.

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

- B. ***Public Resources Code Section 21081(b):*** The decision maker, having independently reviewed and considered the information contained in the final EIR for the project and the public record, finds that there are no changes or alterations to the project which avoid or substantially lessen

the significant environmental impacts that are within the responsibility and jurisdiction of another public agency.

C. **Public Resources Code Section 21081(c):** The decision maker, having reviewed and considered the information contained in the final EIR for the project and the public record, finds that specific economic, social or other considerations make infeasible other project alternatives identified in the final EIR.

## 1. INFEASIBILITY OF ADDITIONAL MITIGATION

There are no additional feasible mitigation measures presented in the EIR which have not been incorporated as part of the project.

## 2. INFEASIBILITY OF PROJECT ALTERNATIVES

a. **Alternatives Previously Considered But Rejected.** During the initial phases of developing a site plan for the project, access options to the project site were evaluated. The project site currently has legal access through a 60-foot-wide private access easement.

**Finding:** This alternative access has been determined to be infeasible because it will not be consistent with the Progress Guide and General Plan and Carmel Valley Community Plan Circulation Elements, which show Carmel Creek extending to the project site. Furthermore, it will not meet City street design standards for the recommended classification of the access road.

### b. No Project Alternatives

1. **No Development Alternative.** Under the *No Development* alternative, the project site would be left as it is today, and no development would occur. The project site would remain as a mined site, although under this alternative, it is assumed that mining activities would cease. The MHPA boundary would not be modified to include higher quality habitat, and off-site improvements to Carmel Creek Road would not occur.

**Finding.** The *No Development* alternative would not meet any of the project objectives. The *No Development* alternative would leave the site as it exists today—a mining pit surrounded by mined slopes. Impacts associated with biological resources, traffic circulation, urban pollution and schools would be avoided. However, because the site would not be improved and landscaped under this alternative, potential impacts to visual quality would result, and erosion and sedimentation potential would not be lessened. Additionally, the aggregate resources which remain on the project site are limited. Mining would not provide for a long-term economically viable project. For these reasons, the *No Development Alternative* has been determined to be infeasible.

2. **Development Based On Existing Zoning.** The *No Project—Development Based on Existing Zoning* alternative focuses on potential development of the site which could occur based on the existing A-1-10 zone on the project site and Hillside

Review overlay zone on a portion of the site. The current mining operations would not continue under this alternative. This alternative would implement land use recommendation of the Progress Guide and General Plan and the Carmel Valley Community Plan, because subsequent development would occur under the existing zoning and land use designations. This alternative could result in an increase of indirect impacts to nearby native habitat, but would avoid impacts to a small area of wetlands located within the off-site extension of Carmel Creek Road as part of the project. Trips associated with this alternative would be less than those associated with the project.

***Finding.*** The *No Project—Development Based on Existing Zoning* alternative has been rejected in favor of the project because it would not attain the project goals of providing multi-family housing in an area of the City where infrastructure and public services are available to serve future residents. Additionally, the *No Project—Development Based on Existing Zoning* alternative would not result in a planned development which creates an aesthetic project featuring a comprehensive landscape program and expanded trail system extending off-site along Carmel Creek Road. A comprehensive erosion control plan would not be implemented under this alternative which creates the potential for increased erosion and sediment transport. The *No Project—Development Based on Existing Zoning* would not preserve portions of the site as open space and therefore would not further the City's MSCP goals. For these reasons, this alternative is considered infeasible.

3. **Development Based On Existing Land Use Designations.** The *No Project—Development Based on Existing Land Use Designations* alternative focuses on potential development of the site which could occur based on the existing Very Low Density (0-5 du/ac) and Open Space land use designations established for the project site in the Carmel Valley Community Plan. On-going mining operations would cease under this alternative, and no adjustment to the MHPA would occur. This alternative would include the extension of Carmel Creek Road.

***Finding.*** The *No Project—Development Based on Existing Land Use Designations* alternative would result in a potential for an increase in environmental effects when compared to the project. Significant impacts to biological habitats and landform would be associated with this alternative, due to the extension of Carmel Valley Road. This alternative would bring noise levels closer to residential uses, resulting in potential impacts requiring implementation of noise attenuation measures. This alternative would not provide needed residential housing in an area where infrastructure and public services are readily available. For these reasons, this alternative is considered infeasible.

- c. **Sand Mining/ Reclamation Plan Alternative.** This alternative focuses on continuation of the mining operation under a CUP and potential development of the site which could occur based on the existing zoning and land use designations in effect on the project site.

***Finding.*** This alternative could result in an increase of indirect impacts to nearby native habitat for the duration of the mining activities and would result in impacts to a small area of wetlands located within the off-site extension of Carmel Creek Road as part of the project. Air quality, noise and water quality impacts could increase if not adequately controlled through conditions in the CUP. Also, the remaining sand



resources are limited in quantity. For these reasons, this alternative is considered infeasible.

d. **With Carmel Creek Road Alternatives**

1. **Road Alignment as Shown in the Carmel Valley Community Plan.** Under the *Carmel Valley Community Plan*, Carmel Creek Road would traverse the southern portion of the *Pinnacle Carmel Creek* project site.

***Finding.*** The alignment would cross the SDG&E easement, where high pressure gas lines and electrical lines are located. Additionally, in order for this alignment to connect with Street "A" in the adjacent Neighborhood 8A, it would traverse areas of high quality habitat within the North City MHPA. Due to the constraints to constructing a circulation element roadway over a high pressure gas line and the potential for impacts to significant biological resources, it was determined that the *Road Alignment as Shown in the Carmel Valley Community Plan* was not feasible.

2. **Road Alignment as Shown in the Neighborhood 8A City Manager's Compromise Plan.** Under this alternative, Carmel Creek Road would be aligned according to the Neighborhood 8A City Manager's Compromise Plan. The road would traverse, in a northwest/southeast diagonal direction, the central portion of the *Pinnacle Carmel Creek* project site and continue south to connect with Street "A" in Neighborhood 8A. Street "A" is shown as an extension of Carmel Creek Road, extending from Carmel Creek Road's junction with Carmel Mountain Road within the Sorrento Hills Community.

***Finding.*** This alternative would result in a potential for an increase in environmental effects when compared to the project. Significant impacts to biological habitats and landform would be associated with this alternative. This alternative would bring noise level closer to residential uses, resulting in potential impacts requiring implementation of noise attenuation measures. Contributions to traffic and schools associated with this alternative would be less than the project, because less development would occur. Because of the increase in environmental effects associated with this alternative when compared to the project, this alternative has been determined to be infeasible.

3. **Refined Road Alignment for Carmel Creek Road.** In order to reduce impacts of constructing Carmel Creek Road through the *Pinnacle Carmel Creek* project site, a *Refined Road Alignment for Carmel Creek Road* has been evaluated. Under this alternative, Carmel Creek Road would traverse the project site, in a north/south direction, and generally parallel the project site's west border. This alternative would be consistent with land use planning documents which identify the site for residential development and which recommend extension of Carmel Creek Road through the project site. Similar to the project, a community plan amendment would be required to allow multi-family development of the site under this alternative and to incorporate the project site into an approved Precise Plan area.

***Finding.*** This alternative would result in impacts to biological habitats not associated with the project. This alternative would bring noise levels closer to residential uses,

resulting in potential impacts requiring implementation of noise attenuation measures. Because of the increase in environmental impacts associated with this alternative, it is considered infeasible.

## STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE PINNACLE CARMEL CREEK PROJECT

The California Environmental Quality Act (CEQA) and CEQA Guidelines require the decision maker "to balance the benefits of the proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable" [CEQA Guidelines § 15093(a)]." Based upon the analysis contained in the Environmental Impact Report ( EIR) prepared for the project, implementation of the *Pinnacle Carmel Creek* project would result in cumulative impacts to biological resources, air quality and water quality, which have not been mitigated to below a level of significance. The project would contribute and incremental amount to cumulative impacts. Cumulative impacts associated with the regional loss of wetland vegetation, regional air quality and regional water quality cannot be mitigated by a single project. Mitigation for these impacts rely on regional plans directed at minimizing impacts.

The decision maker in approving the various discretionary actions that are the subject of the Final EIR for *Pinnacle Carmel Creek* having considered the information contained in the Final EIR, having reviewed and considered the public testimony and record, finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. Specifically, the decision maker makes the following findings in support of the project despite the project's contribution to cumulatively significant impacts.

**Loss of Wetland Vegetation.** A small area (0.04 acre) of low quality wetland vegetation would be impacted by the project due to the construction of the off-site access and improvements to Carmel Creek Road, a Circulation Element Road. The project will mitigate its direct impacts to wetland vegetation at a ratio of 3:1 through the creation of higher quality riparian vegetation within an on-site desiltation facility. The recreated habitat will be preserved and maintained in perpetuity. This mitigation will provide for long-term vegetation of higher quality habitat, which overrides the project's cumulative impacts to the loss of wetland vegetation.

**Contributions to the Degradation of Regional Air Quality.** The project will contribute an increment to the degradation of regional air quality associated with automobiles of residents of and visitors to the project. Although the increment would be small, it would nonetheless add to the region's inability to attain air quality standards. The project's incremental contribution is found to be acceptable as the project is in accordance with many tactics in the RAQS (Regional Air Quality Strategy), including locating development proximate to an easily accessible circulation network which reduces trips to out-lying areas. Additionally, the project will provide on-site recreation amenities which will limit non-work related trips to access such recreational resources. The project is also proximate to existing and planned park-and-ride facilities, as well as the Coaster, which provide for alternative use transit opportunities.

**Contributions to Degradation of Water Quality.** The project will contribute an increment to urban pollutants which can be conveyed into sensitive water bodies during periods of heavy storm events. The project incorporates storm drain and erosion control measures, including a permanent on-site detention basin, which will reduce the amount of run-off exiting the site to below what is occurring under existing conditions. Additionally, the project will not be a high

generator of urban pollutants. These measures, together with the City's on-going Best Management Practices and requirements for NPDES, reduce the project's cumulative impacts.

Additionally, the decision maker finds that the project results in beneficial effects which outweigh its contribution to cumulative impacts. Specifically, the following overriding considerations are made:

1. The project fulfills residential needs of the community and the City by providing rental product. For many San Diegans, apartments offer an affordable alternative to home ownership. The apartments proposed as part of the *Pinnacle Carmel Creek* project will provide much needed housing for young professionals, singles, couples, young families and others looking for housing.
2. The project will contribute Facilities Benefit Assessment Fees (FBA) that are much needed in the community to help finance schools, parks, libraries and infrastructure needs. The FBA for 1998, are approximately \$3,360,984 and for 1999, they are approximately \$3,425,364.
3. The project will construct the southern extension of Carmel Creek Road, ending in a cul-de-sac, providing access to other parcels in the area programmed for development.
4. The project will provide for revegetation and stabilization of mined slopes which will improve the visual quality, add to native habitat in the area, and improve erosion problems.
5. The project sets aside more than 23 acres as native and restored habitat within the MHPA adding to the City goals of establishing habitat preserves in accordance with the MSCP.
6. The project provides for a viable and aesthetic end use of resource extraction facility which has depleted its aggregate resources.
7. The project will contribute funds to two Mello-Roos districts for needed school facilities.
8. The project improves circulation in the community by adding improvements to SR-56 at El Camino Real.
9. The project creates a pedestrian trail along Carmel Creek Road which connects with the CVREP trail, providing a connection between the project and CVREP for the enjoyment of residents within the project and in surrounding areas.
10. The project contributes \$16,683.48 to the Los Penasquitos Lagoon Enhancement Fund.

Mitigation Monitoring and Reporting Program  
for Pinnacle Carmel Creek  
LDR No. 96-7614/SCH No. 97091020

## **Introduction**

This Mitigation Monitoring and Reporting Program has been prepared for the *Pinnacle Carmel Creek* project (LDR No. 96-7614/SCH No. 97091020) to comply with the mitigation monitoring statute (*Public Resource Code* § 21081.6) which requires public agencies to adopt such programs to ensure effective implementation of the mitigation measures. This program shall be a requirement of the discretionary actions associated with the *Pinnacle Carmel Creek* project.

The following text includes a summary of the potentially significant project impacts, a list of mitigation measures identified in the environmental impact report, and the monitoring efforts necessary to ensure that the mitigation measures are properly implemented. Mitigation measures, monitoring and reporting requirements shall be as defined in the environmental impact report and may require further detail prior to construction and/or following project implementation.

The following Mitigation Monitoring and Reporting Program will require additional fees and/or deposits in the amount of \$7,800.00 to be collected prior to the issuance of building permits, certificates of occupancy, and/or grading permits to ensure successful completion of the monitoring program.

### **1.0 Land Use**

Mitigation measures that would mitigate to below a level of significance direct impacts associated with biological resources, paleontological resources, geology and soils, and hydrology and water quality, and cumulatively significant impacts associated with traffic circulation and access, biological resources, hydrology and water quality, schools, and air quality are presented under the following sections of this Mitigation Monitoring and Reporting Program.

### **2.0 Traffic Circulation**

To mitigate traffic circulation impacts, the following measures shall be implemented:

1. The applicant shall contribute a fair share percentage of regional transportation improvements in accordance with a developer/agency agreement or other funding mechanism approved by the applicable agency(ies).
2. Prior to the issuance of a certificate of occupancy, the applicant shall provide an additional northbound through lane and an eastbound travel lane at SR 56 eastbound and El Camino Real. This improvement shall be completed to the satisfaction of the City Engineer.
3. Prior to the issuance of a certificate of occupancy, the applicant shall construct Carmel Creek Road from the existing terminus to the project access as a two-lane multi-family collector street

with appropriate transitions. The improvement shall be completed to the satisfaction of the City Engineer.

4. Implementation of these measure would reduce traffic circulation impacts to below a level of significance.

5. If the City decides to open Sorrento Valley Road to northbound traffic only, no additional measures beyond those presented above would be required. In the event the City decides to close Sorrento Valley Road to vehicular traffic, the following additional measure shall be required:

6. With Sorrento Valley Road closed and with the deletion of a trough connection for Carmel Creek Road, between SR 56 and Carmel Mountain Road, a third eastbound left turn lane at El Camino Real/Carmel Mountain Road is required. This is a non standard design and may not be acceptable to the City. If accepted, the project applicant shall contribute a fair share amount for this improvement in order to mitigate impacts to below a level of significance. If the City determines that this non standard improvement is not acceptable, impacts associated with closing Sorrento Valley Road and deleting Carmel Mountain Road would remain significant and unmitigated. Only the opening of Sorrento Valley Road or the retention of Carmel Creek Road as a trough connection to Carmel Mountain Road would avoid this impact.

### **3.0 Biological Resources**

In order to mitigate impacts to biological resources to below a level of significance the following mitigation program shall be made a condition of project approval.

1. Prior to the issuance of the grading permit, and no more than one month prior to construction, three protocol surveys shall be conducted to determine the absence or presence and location(s) of California gnatcatchers in the coastal sage scrub habitat that is adjacent on the east side of the subject property. If no occupied nesting sites are discovered within 150 feet of the edge of the excavated "bowl," there is sufficient topographical shielding such that no special noise impact mitigation would be required.

Mitigation of noise impacts to the California gnatcatcher would involve ensuring that construction noise does not exceed 60 dB Leq at the edge of the occupied gnatcatcher habitat. This would be accomplished by the following:

- a. Restricting construction activities between March 1 and August 15 (the non-breeding season of the gnatcatcher);
- b. Constructing a temporary noise and line-of-sight barrier between the habitat and the construction; or
- c. By the use of noise-attenuating devices on construction equipment.

Implementation of either of the second two methods would also require noise monitoring at the edge of the habitat by a qualified acoustical engineer. If it is necessary to restrict grading to the gnatcatcher breeding season, grading activities would be phased such that

grading of areas farthest from gnatcatcher habitat could be accomplished during the breeding season without impacting the gnatcatcher, and grading of areas closer to the habitat would be accomplished during the non-breeding season.

~~In order to mitigate potential impacts to raptors, the following measures shall be implemented:~~

- ~~2. Pre construction surveys shall be conducted to determine the presence of any on-site raptor nests within the MHPA.~~
- ~~3. Any construction activities within the MHPA shall be monitored, observing specified buffer distances (the required buffer distances vary according to the species) proximate to identified raptor nests. Buffer distances shall be in accord with the MSCP. If active raptor nests are located, then all construction work must be conducted 500 feet away from the raptor nest until the young are independent of their parents.~~
- ~~4. A biologist shall be retained by the developer to monitor any active raptor nests on-site during the construction phase of the project to determine if the construction activity is interfering with the nest and to determine when the young are independent of their parents.~~
- ~~5. Active raptor nests may be destroyed if the eucalyptus trees are removed during the raptor breeding season. This potential significant impact can be avoided by removing potential nest trees during the non-breeding season of September 1 to January 31. If trees cannot be removed during this time frame and trees must be removed during the raptor breeding season, then a survey for on-site active raptor nests within the MHPA will be required prior to removal of the trees.~~

Off-site improvements proposed as part of the project would impact 0.04 acres of wetland vegetation. The project would result in an incremental contribution to cumulative wetland impacts. In order to mitigate this impact, the following measure shall be implemented:

6. A minimum 0.12 acre of wetland shall be created within a detention basin in the northwest portion of the project site. This wetland would be vegetated with freshwater marsh vegetation and willow species. Creation of 0.12 acre of wetland habitat on-site will reduce impacts to below a level of significance.
7. Prior to approval of the final map, revegetation plans shall be submitted to the City Manager or his designee for review and approval. A surety bond shall be posted at this time. Prior to the release of the surety bond, the restored wetland areas shall be reviewed by a certified biologist to determine that the measures listed above have been implemented.
8. Prior to the issuance of the grading permit, the applicant shall provide verification that a qualified biologist has been retained to prepare a detailed 0.12-acre wetland habitat creation plan and implement the biological Mitigation, Monitoring and Reporting Program. This verification shall be sent to the Environmental Review Manager of the Environmental Analysis Section (EAS) of the Development Services Business Center. A qualified biologist is defined as an individual who has a minimum of five years' experience in state-of-the-art riparian habitat creation techniques in southern California.

This person should have a Bachelor or Master of Science degree in biology, botany or conservation biology with an emphasis in native plants or ecology.

9. Prior to the issuance of the grading permit, the 0.12-acre habitat creation plan shall be prepared in conformance with the City's Landscape Ordinance; and shall specify appropriate species for planting; and shall provide explicit directions regarding contractor education, sedimentation prevention and erosion control, soil preparation, planting methods, appropriate times of the year for planting, any temporary irrigation requirements, success and coverage criteria, weed and pest control, and remediation measures, including contingency plans in the event the subject area does not meet success standards.
10. The habitat creation plan shall also include a three- to five-year monitoring and reporting program specifying a plant establishment period, specific monitoring methods and intervals, maintenance criteria and a schedule for submittal of monitoring reports to EAS and appropriate resource agencies.
11. One week prior to construction of the off-site improvements, the project biologist shall flag the limits of construction in this area to ensure that riparian impacts are minimized.
12. Prior to the issuance of the Certificate of Occupancy, 0.12 acre of wetland with an appropriate buffer area shall be created within a detention basin in the northwest portion the project site to the satisfaction of the City Manager.

In order to add to the conservation value of areas within the MHPA, as adjusted by the project, mined slopes occurring within the MHPA would be revegetated with native, non invasive plant species. In order to ensure that revegetation efforts are successful, the following shall be made a condition of project approval:

13. The applicant shall retain a qualified biologist to prepare and monitor the implementation of the slope revegetation plan. In this case, a qualified biologist is defined as an individual who has a minimum of five years experience in state-of-the-art slope restoration and monitoring techniques in southern California. This person should have a Bachelor's or Master of Science degree in biology, botany, or conservation biology with an emphasis in native plants or ecology. Persons with equivalent education and experience shall be considered on a case-by-case basis.
14. The revegetation plan shall be in conformance with the City's Landscape Ordinance and shall specify appropriate species for planting and enhancement. The revegetation plant shall also provide explicit directions regarding contractor education, sedimentation prevention and erosion control, soil preparation, planting methods, appropriate times of the year for planting, any temporary irrigation requirements, success and coverage criteria, weed and pest control, and remediation measures including contingency plans in the event the subject areas do not meet success standards.
15. The revegetation plan shall also include a five-year monitoring and reporting program specifying a plant establishment period, specific monitoring methods and intervals, and schedule for submittal of monitoring reports.



## 4.0 Geology/Soils

The proposed project would minimize geology and soil erosion impacts through implementation of the following requirements:

1. The grading plan shall be prepared to incorporate runoff and erosion control procedures to be utilized during all phases of the project development. The grading plan shall be submitted concurrently with subdivision improvement plans, where development is proposed on land that will be graded or filled.
2. Runoff control shall be accomplished by establishing on-site catchment basins, detention basins, and siltation traps along with energy dissipating measures at the terminus of storm drains or other similar means of equal or greater effectiveness. Alternative designs for the implementation of runoff and erosion control devices on individual lots, at the site planning stage, shall be approved by the City Engineer and Development Services Department.
3. The grading plan shall incorporate a maintenance program for erosion and runoff control measures, which shall be approved by the City Engineer and Development Services Department. The erosion and runoff control measures shall be designed and bonded prior to acceptance of the grading and public improvements by the City. The applicant and future property owners shall be responsible for the specialized maintenance program and shall maintain records of the maintenance.
4. Erosion control measures shall be provided to the satisfaction of the City Engineer in conjunction with site development. These measures shall include such devices as hay bales and sandbags to control and direct runoff during construction, temporary detention basins to detain runoff and restrict sediment from leaving the site, directing runoff to the storm drain system proposed as part of the project and permanent desiltation basins constructed for the community, and the placement of rip rap at outlets draining into natural areas to dissipate energy and help trap sediment. The locations shall be noted on the grading plans. Prior to the issuance of grading permits, the Environmental Analysis Section (EAS) shall review the plans to ensure the measures have been provided. The applicant shall notify the EAS upon installation of the erosion control devices prior to release of the subdivision bond. Annual maintenance reports summarizing their effectiveness shall be provided to the EAS for a period of three years. The maintenance of erosion control devices shall be the responsibility of the developer or subsequent property owner. The City shall be responsible for maintenance of drainage improvements in the public right-of-way and in public easements.
5. Landscaping of cut/fill slopes and the undeveloped building pads shall be accomplished within 90 days of infrastructure installation.
6. Prior to the issuance of grading permits, the EAS shall review plans to ensure the measures have been provided. In conformance with the provisions of AB 3180, the applicant shall retain a soils engineer to monitor the grading, construction, and installation of runoff control devices and revegetation of the project site. The soils engineer shall submit in writing to the City Engineer and EAS certification that the project has complied

with the required notes on the grading plan addressing erosion/urban runoff controls prior to the issuance of building permits for the project.

7. Site grading shall be conducted outside of the traditional California rainy season (November 1 through April 1), unless special erosion control measures are implemented to the satisfaction of the City Engineer.
8. Energy dissipation devices shall be installed at the terminus of canyon subdrains to minimize erosion impacts to native vegetation.
9. Slope stability for manufactured slopes shall attain a factor of safety of 1.5 or greater considering both gross and surficial stability and long-term weathering. With the exception of the existing mined slope in the western portion of the site, manufactured slopes will be 2:1. Manufactured slopes are considered to include both cut and fill slopes, excepting those slopes unmodified by human activity still in their natural condition. To achieve a minimum factor of safety of 1.5 for the western slope, two "keystone" engineered walls are proposed for use at the toe of the slope where two buildings are tangent to the east-facing slope adjacent to the western property line. The walls would vary in height from four to eight feet. Portions of the previously manufactured east-facing slope will be re-graded so that a final slope gradient averaging 2:1 is achieved across the mined slope. Geogrid is proposed for use at the top of the east-facing slope and other locations where an acceptable factor of safety cannot be established by other means or where the slope gradient is steeper than 2:1.
10. To mitigate conditions associated with anticipated fill thickness and sharp fill depth differentials, the proposed building pad shall be undercut to a depth such that at least ten feet of compacted fill underlie the site; cut/fill lines shall be laid back to a minimum 2:1 inclination; heavier foundations and slabs on grade shall be utilized for the support of the proposed structures affected by sharp fill depth differential; and a similar foundation system shall be utilized for structures underlain by compacted fill soils exceeding 30 feet in depth.
11. To mitigate moderate to high expansion potential, material shall be placed at a minimum depth of four feet from finished pad grade in proposed building areas and two feet from finished pad grade in proposed parking areas.
12. Prior to the issuance of grading permits, the City Engineer shall review and approve all grading plans to ensure that grading will be performed in accordance with the geotechnical investigation.
13. Prior to the issuance of grading permits, the City Engineer shall review and approve all grading plans to verify their compliance with the recommendations contained in the geotechnical investigation.
14. Prior to the issuance of building permits, the City Engineer shall review and approve all construction documents to ensure adherence to the applicable foundation recommendations contained in the geotechnical investigation.

## 5.0 Hydrology and Water Quality

1. Portions of the project site located in the Coastal Zone are subject to erosion control measures which are defined by the City of San Diego Clerk Document 00-17068. The document contains erosion control measures for Coastal Zone portions of North City areas draining into Los Peñasquitos Lagoon. Conditions of project approval which would be implemented and inspected during construction of the project include:
  - a. Placement of riprap dissipaters and filter blanket material at all storm drain discharge points to reduce flow velocities.
  - b. Use of temporary erosion control measures during construction, i.e., sandbagging, sediment basins, silt traps, desilting basins or debris basins).
  - c. Restrictions on the timing of the grading operations to the non-rainy season, and construction of the drainage facilities to occur concurrently with the grading activities. Areas disturbed but not completed prior to November 15, including graded pads and stockpiles, shall be stabilized to prevent excessive soil loss during late fall and winter seasons. All graded slopes shall be stabilized prior to November 15. Vegetation as a means to control site erosion shall be accomplished pursuant to plans and specifications prepared by a licensed landscape architect or otherwise qualified professional.
2. The project applicant shall contribute to the Los Peñasquitos Lagoon Enhancement Fund computed on the basis of Coastal Zone portions of the site affected by grading for development at a rate of \$0.005 per square foot, plus an additional \$0.03 per square foot for impervious surfaces created by the development. The project would affect 15.4 acres (670,824 square feet) in the Coastal Zone by grading and create 10.2 acres (444,312 square feet) of impervious surfaces within the Coastal Zone, which would result in a required contribution of \$16,683.48 to the fund. The applicant shall provide evidence satisfactory to the City that such payment has been made prior to issuance of building permits.
3. In order to comply with the California Regional Water Quality Control Board NPDES Permit No. CA 0108758, implementation of BMPs is required for the project. Specific BMPs shall be shown on final engineering plans as required by the City Engineer and the requirement to implement BMPs shall be made a condition of approval of the *Pinnacle Carmel Creek Carmel Valley PDDP*. Monitoring shall be the responsibility of the City Engineer and the Regional Water Quality Control Board.
4. At the completion of construction of the project's storm drain system, storm drains shall be stenciled indicating that materials placed in the storm drains discharge to a sensitive coastal lagoon as a form of public education.

## 6.0 Noise

1. Prior to the issuance of building permits, a detailed acoustical report shall be submitted to the Acoustical Plan Check Section and EAS indicating that interior noise levels are below

45 dB(A) based on average daily traffic volumes of 115,000 along State Route 56. Construction features to reduce interior noise levels shall be called out on plans as "Environmental Mitigation Measures." The Acoustical Plan Check Section shall review building plans to ensure that interior noise levels do not exceed 45 dB(A) based on future roadway volumes.

2. All construction and general maintenance activities, except in an emergency, shall be limited to the hours of 7 a.m. to 7 p.m. Monday through Saturday and should utilize the quietest equipment available. All on-site construction equipment should have properly operating mufflers and all construction staging areas should be as far away as possible from any surrounding completed development.

## 7.0 Paleontological Resources

1. Prior to the issuance of a grading permit, the applicant shall provide a letter of verification to the Environmental Analysis Section of the Development Services Department stating that a qualified paleontologist has been retained to implement the monitoring program. A qualified paleontologist is defined as an individual with a Ph.D. or Master of Science degree in paleontology or geology who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits.

A paleontological monitor may be retained to perform the on-site monitoring in place of the qualified paleontologist. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the supervision of a qualified paleontologist.

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

- a. **Monitoring**

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

b. **Salvaging**

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

The paleontologist shall contact EAS at the time of discovery. EAS must concur with the salvaging methods before construction activities are allowed to resume.

c. **Fossil Preparation**

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

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

d. **Report Preparation**

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

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

## **8.0 Schools**

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