(R-99-215)

RESOLUTION NUMBER R- 290776

ADOPTED ON SEP 29 1998

WHEREAS, on June 15, 1992, Shea Homes San Diego, Inc., submitted an application to Development Services for a General Plan/Community Plan amendment, tentative map, rezone, planned industrial development/planned commercial development/planned residential development/hillside review permit (PID/PCD/PRD/HR), street vacation and easement abandonments for the Scripps Gateway development; 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 15, 1998; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Environmental Impact Report No. 92-0466; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is certified that Environmental Impact Report No. 92-0466, 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 development of the Scripps Gateway project.

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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FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE PROPOSED SCRIPPS GATEWAY PROJECT

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

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

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

(Sec. 21081 (a) of the California Environmental Quality Act)

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

The following Findings and Statement of Overriding Considerations have been submitted by the project applicant as candidate findings to be made by the decision making body. The Development Services Department, Environmental Analysis Section, does not recommend that the discretionary body either adopt or reject these findings. They are attached to allow readers of this report an opportunity to review potential reasons for approving the project despite the significant unmitigated effects identified in the final EIR.

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Draft Candidate Findings and Statement of Overriding Considerations Regarding the Final Environmental Impact Report for Scripps Gateway Project (LDR No. 92-0466) (SCH No. 92-101036)

The following Findings and Statement of Overriding Considerations are made relative to the conclusions of the Final Environmental Impact Report (final EIR) for the Scripps Gateway Project and Tentative Map (LDR No.92-0466) proposed within the city of San Diego, California. This EIR analyzes the impacts of the project as well as the detailed development plans and engineering information provided as part of the TM. The EIR is incorporated by reference herein.

The project is a mixed-use planned community comprising commercial, industrial, single- and multi-family residential within a 242.1-acre vacant site in the Miramar Ranch North Community Plan area. Discretionary approvals include a Tentative Map, General Plan Amendment, Community Plan Amendment, Street Vacation and Easement Abandonments, and a Rezone. The residential, commercial, and industrial development would also require PRD, PCD, PID, and a HR Permit.

The final EIR evaluates the following environmental issues in relation to the proposed project: land use, landform alteration/visual quality, biology, noise, geology/soils/erosion, archaeological resources, hydrology/water quality, public services/utilities, traffic, air quality, and paleontological resources. The final EIR also analyzes cumulative and growth-inducing impacts of the proposed project, as well as alternatives to the proposed project.

The final EIR indicates that the proposed project's direct impacts on the following environmental issues are less than significant, or can be reduced to below a level of significance if all mitigation measures recommended on the final EIR are implemented: impacts to on-site biological resources coastal sage scrub, southern mixed chaparral, non-native grassland, and mule fat/southern willow scrub; noise impacts associated with construction-related activities and increased traffic; impacts to cultural resources; potential impacts associated with increased run-off and erosion; impacts upon public schools; traffic impacts; and potential impacts to paleontological resources.

The final EIR indicates that the proposed project's direct impacts on the following environmental issues remain significant even after all feasible mitigation measures

recommended in the EIR are implemented: construction of the two-lane street bisecting the center of the project site south of Scripps Poway Parkway (not shown within the open space system in the community plan); visual quality impacts; and the traffic queues on Scripps Poway Parkway, Mercy Road, and Mira Mesa Boulevard.

The final EIR indicates that the proposed project's cumulative impacts on the following environmental issues will remain significant even after all feasible mitigation measures in the final EIR are implemented: land use, landform alteration/visual quality; impacts associated with the loss of wetlands and non-native grassland habitats; impacts due to development within the Los Peñasquitos Creek watershed, air quality, and traffic.

A. Public Resources Code Section 21081(a)(1)

The City, having reviewed and considered the information contained in the final EIR, the appendixes to the final EIR, and the Administrative Record, finds, pursuant to CEQA and the CEQA Guidelines, that changes or alterations have been required in, or incorporated into, the proposed project which mitigate, avoid, or substantially lessen potentially significant environmental effects as identified in the final EIR in the following categories: (1) land alteration/visual quality, (2) biology, (3) noise, (4) archaeological resources, (5) hydrology/water quality, (6) public services/utilities, (7) traffic, (8) air quality, and (9) paleontological resources.

1) Landform Alteration/Visual Quality

a) **Potential Impacts**: The grading proposed by the Scripps Gateway TM would substantially alter the existing topography by creating 17 manufactured slopes in excess of 30 feet in height and requiring approximately 14,903 cubic yards of grading per graded acre. This is considered a significant direct and cumulative landform alteration impact.

a) **Facts in Support of Finding**: Measures to lessen the impact have been incorporated into the project, but not to a level below significance.

Prior to the issuance of any grading permits, Development Services shall review the grading plans to ensure that sensitive grading techniques shall be incorporated into the project to lessen the impacts associated with the proposed grading. Measures may include but shall not be limited to contour grading on manufactured slopes, the use of slope rounding, and variable slope ratios (as identified in Figure 4B-7 of the draft EIR). Implementation of the grading techniques shall be depicted on the project grading plans. A note shall be included on the grading plans indicating that the grading techniques are environmental mitigation measures.

Prior to the start of grading activities, the City Engineer shall ensure areas shown as open space shall be flagged in the field to restrict access into these areas.

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The applicant shall retain a soils engineer to monitor the project grading and construction. The soils engineer shall submit, in writing to the City Engineer, certification that the project has complied with the required mitigation measures on the grading plans. Upon City Engineer approval of the as-graded report, a recommendation shall be made to the City Council for the release of the subdivision bond.

b) **Potential Impacts**: The Scripps Gateway project would also result in substantial changes to the visual character. The proposed project would change the generally undisturbed aesthetic character of the site to an urban area similar to that of the existing development along the I-15 corridor (Rancho Peñasquitos and Scripps Ranch). This impact to visual quality would, therefore, be considered directly and cumulatively significant and unmitigated.

b) **Facts in Support of Finding**: Measures to lessen the impact have been incorporated into the project, but not to a level below significance. Prior to issuance of any grading permit, the applicant shall submit to the satisfaction of the City Manager the grading and landscape plans in accordance with the conceptual landscaping plans and the Landscape Technical Manual. The applicant shall retain a licensed landscape architect to monitor revegetation of the project. The landscape architect shall submit, in writing to the City Manager, certification that the project has complied with all landscaping requirements for the major manufactured slopes (e.g., roadway slopes). A Monitoring Program shall be prepared by the landscape architect to the satisfaction of the City Manager which would be required to assure the long-term establishment of the landscaping. The maintenance program shall be effective for a five-year period following the installation of the plantings or until such time as all plantings are established to the satisfaction of the City Manager. The long-term Monitoring Program shall include at a minimum establishment of an inspection schedule, establishment of replanting specifications, and require written notification to the City Manager twice a year for the first two years and once a year for each year thereafter by an applicant-hired licensed landscape architect to verify the status of the revegetation.

2) Biological Resources

Potential Impacts: Impacts to coastal sage scrub, southern mixed chaparral, non-native grassland, and mule fat/southern willow scrub would be considered significant. With implementation of the following mitigation measures, direct impacts to biological resources would be reduced to below a level of significance. These measures would also reduce to below a level of significance the project's incremental contribution to loss of upland habitats and biological resources. Impacts due to loss of upland grasslands and wetlands would be cumulatively significant and unmitigated.

Facts in Support of Finding: Mitigation for impacts to coastal sage scrub and other sensitive habitats would be provided by conservation of like or higher Tier habitat at

ratios in conformance with the City Biology Guidelines as described in the Biology chapter of the draft EIR (pp. 99-109). The interest shall be dedicated to the City of San Diego preserve system and include a minimum of 52.6 acres of Tier II or higher coastal sage scrub, 36.9 acres of Tier IIIA, or higher southern mixed chaparral and 8.5 acres of Tier IIIB or higher non-native grasslands The mitigation lands shall be within MHPA lands acquired by the applicant located around Black Mountain (see map in Preface of Final EIR).

The Landscape Plan for the PCD and PRD shall include provision for the transplantation or recovery of seeds from sensitive native species including adolphia, barrel cactus, and scrub oak from areas to be graded on-site to undisturbed open space or areas to be revegetated after grading. A qualified biologist shall inventory areas to be graded and identify plants to be relocated or their seeds collected. The biologist shall identify locations within open space to relocate the plants or to place seed and specify any necessary preparation or maintenance for the relocated plant species. The biologist shall provide documentation for the relocation or seeding to be included in the reporting and monitoring program required for the Landscape Plan to the satisfaction of the City Manager.

Under current City, CDFG, and USACE policies, impacts to willow scrub/mule fat scrub habitat would be mitigated by restoration of like-quality habitat at a ratio of 3:1. This would necessitate restoration of 0.45 acre of habitat within open space areas of the project site along remaining portions of the tributary drainage or at an off-site location where a long-term viable restoration can be assured. As a condition of the PCD, a riparian restoration plan would be prepared and approved by the City, USACE, and CDFG, prior to the issuance of any grading permits for the PCD. Prior to issuance of grading permits, the applicant shall provide the City with verification that a 1601 streambed alteration agreement from CDFG and a 404 permit from the USACE have been obtained. The riparian revegetation/restoration plan shall be consistent with the City's Landscape Technical Manual and Appendix B of the Biology Guidelines

3) Noise

Potential Impacts: At this stage of planning the exact commercial uses of the two commercial lots has not been determined. Should medical professional or school day care uses be located there, the noise levels would exceed the City's 70 dB(A) CNEL standard on lots 1 through 6 of Unit 2, but are not anticipated to exceed 70 CNEL on lot 1 of Unit 4. For other commercial uses allowable under the PCD, the noise impacts would not be significant.

Future noise levels on the multi-family lot (lot 1 of Unit 1) could exceed 65 CNEL at sensitive receivers, which is the City's exterior noise standard for this land use. This would be a potentially significant noise impact.

Lots 300–309 of Unit 5 may be exposed to exterior ambient noise levels above 60 CNEL. While a potentially significant impact if interior noise levels exceed 45 CNEL, special design and construction techniques for the single-family residences shall achieve over a 15 dB(A) noise attenuation to ensure that interior noise levels do not exceed 45 CNEL. This would reduce the potential impacts below a level of significance.

Facts in Support of Finding: Measures outlined in Chapter 4D, Noise, of the final EIR (pp. 123-124) have been incorporated into the project, and would reduce the adverse effects below a level of significance. These measures include grading and construction measures, noise attenuation barriers, acoustical insulation and project occupancy guidelines, and shall be noted as environmental mitigation on the building plans. Prior to the issuance of any building permits, the applicant shall submit an interior and exterior acoustical analysis to the satisfaction of the City Manager demonstrating that noise levels have been mitigated to a level of less than significant. The cost of implementing these measures shall be the responsibility of the applicant.

4) Archaeological Resources

Potential Impacts: If cultural resources exist in areas which were not adequately surveyed, grading in those areas could result in significant impacts to those resources. Implementation of the following mitigation measure would reduce potential archaeological impacts to below a level of significance.

Facts in Support of Finding: The mitigation measures outlined in Chapter 4F, Archaeological Resources, of the Final EIR (pp. 138-139), implementing an archaeological monitoring/evaluation report program, shall be submitted to and approved by the Environmental Review Manager of LDR. Should cultural resources be exposed, mitigation measures in accordance with the City's "Guidelines for the Determination of Significance of Archaeological Sites" shall be implemented. Prior to the issuance of any grading permits or recordation of the first final map, the applicant shall provide verification that a qualified archaeologist and/or archaeological monitor have been retained to implement the archaeological construction monitoring program. In the event that unanticipated cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow evaluation of potentially significant cultural resources. For significant cultural resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts before grading activities in the area of discovery will be allowed to resume.

5) Hydrology/Water Quality

a) **Potential Impacts**: Increase in off--site runoff volumes associated with the proposed project is not considered significant on a direct basis as measures to control volumes have been incorporated into the project.

a) **Facts in Support of Finding**: The PRD, PCD, and PID shall incorporate source reduction measures, such as the incorporation of retention basins, infiltration basins, and BMPs, into the development plan. The exact size and design of desiltation/retention basins shall be determined in conjunction with future development plans. The number and locations of detention basins will be shown on the approved Final Map. Monitoring and maintenance programs for these facilities would be prepared by future developers to the satisfaction of the City Engineer and shall be the responsibility of the developer. If desiltation/detention basins are located outside the approved development footprint, additional environmental review may be required.

b) **Potential Impacts**: Without appropriate erosion-control measures and landscaping, development under the proposed PCD, PID, and PRD could create significant hydrologic impacts. In addition, due to increased erosion, the amount of sediment carried downstream without control measures, could increase, creating a significant direct impact.

Short-term construction impacts resulting in local erosion and sedimentation associated with on-site runoff are considered potentially significant, due to the amount of cut and fill associated with the proposed roadway and the potential for disturbance of up to approximately 160 acres, which represents the developable area of the site (lots plus roadways and internal slopes). Manufactured slopes and development would occur within and adjacent to on-site local drainages. These temporary impacts would be mitigated to below a level of significance by the following construction-related mitigation.

Runoff to the Los Peñasquitos Creek and Lagoon from this project and other projects within the watershed cannot be fully mitigated and a significant, unmitigated cumulative impact would result.

Facts in Support of Finding: In order to ensure that the increased runoff and potential erosion generated from development within the proposed Scripps Gateway project does not adversely impact Los Peñasquitos Creek, the short-term construction practices and project design plans identified in Chapter 4G, Hydrology/Water Quality, of the Final EIR (pp. 153-156) shall be incorporated into the project design. The mitigation measures include incorporating runoff and erosion-control procedures during all phases of project development. Runoff control shall be accomplished by establishing on-site catchment basins, desilting basins, and siltation traps along with energy-dissipating measures at the

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terminus of storm drains or other similar means of equal or greater effectiveness. "Best Management Practices" (BMPs) to control sediment and pollutants from entering storm water runoff shall be required for the proposed project via landscaping of all slopes and street rights-of-way to prevent erosion and a grading/drainage concept which directs water away from easily erodible areas. The water is to be directed into a drainage system designed to safely handle the storm water runoff. Additionally, desilting basins will be provided at strategic locations within the project area.

Final project design shall incorporate applicable BMPs, these may include measures such as the use of desilting basins, retention structures, infiltration facilities, permeable pavements, vegetation controls, discharge controls, maintenance (e.g., street sweeping), and erosion controls. These mitigation measures shall be conditions of approval for the TM and PRD/PID/PCD permits. These measures would reduce direct runoff and erosion impacts to less than a significant level.

6) Public Services/Utilities

Potential Impacts: The anticipated generation of school students would not have a significant direct impact upon public schools, as the mitigation measures listed below would mitigate project impacts below a level of significance. A significant cumulative impact to police and schools from this and other projects in the area would result.

Facts in Support of Finding: The proposed residential development would contribute school fees upon construction. Although the students to be generated by the project have been incorporated into the extended capacities of the Scripps Ranch elementary schools and are included in the student projections for the new middle school under construction, the financial contribution from the fees will be used to assist the District in meeting both short- and long-term expansion goals. Prior to the issuance of any building permits under TM/PRD/PCD 92-0466, the applicant shall demonstrate that agreements have been reached with the affected public school district regarding the provision of adequate public elementary, junior high, and senior high school facilities. The identified mitigation measures would reduce project cumulative impacts to below a level of significance.

The provision of increased police services through the Development Agreement and increased tax base would mitigate the impacts to below a level of significance.

7) Traffic

Potential Impacts: The project is consistent with the community plan and the traffic generated by the project has been anticipated. Nevertheless, the proposed project is calculated to have direct significant impacts on several street segments and intersections. The project is calculated to cause a significant impact at the intersection of Mira Mesa

Boulevard/Scripps Ranch Boulevard (P.M.). Also, the project is anticipated to cause significant impacts to the following street segments on a daily basis:

- Scripps Poway Parkway east of I-15
- Scripps Poway Parkway east of Scripps Gateway Drive
- Scripps Poway Parkway east of Scripps Summit Drive
- Mira Mesa Boulevard west of I-15.

The intersections at the Scripps Poway Parkway/Mercy Road/I-15 interchange are calculated at acceptable LOS. The queues on Scripps Poway Parkway, Mercy Road, and Mira Mesa Boulevard are extensive and no feasible mitigation is available. This represents a cumulative significant unmitigated impact. Feasible mitigation for I-15 is not available.

Facts in Support of Finding: Prior to the recordation of the first final map the applicant shall provide the following transportation improvements to the satisfaction of the City Engineer. These mitigation measures would reduce the project's direct traffic impacts to below a level of significance.

Provide project access with the following features to provide adequate capacity with minimal friction. All left-turn lanes should be 250 feet long with a 120-foot transition and right-turn lanes should be 200 feet long with a 90-foot transition. Acceleration lanes shall not be provided.

Provide the following improvements to Scripps Poway Parkway/Scripps Gateway Drive:

- Northbound approach lanes (two left, one through, and one right)
- Three southbound approach lanes (one left, one through and one right)
- Six eastbound approach lanes (two left, three through, and one right)
- Six westbound approach lanes (two left, three through, and one right)
- The northbound and southbound departures should be designed at a minimum of two lanes to accommodate the dual eastbound-westbound left-turn lanes.

Provide the following improvements to Mira Mesa Boulevard/Scripps Ranch Boulevard:

- Restripe the eastbound approach to provide four approach lanes (two left and two right) and southbound (one U-turn, one through, one through/right and one right turn only) to the satisfaction of the City Engineer.

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Provide the following improvements to Scripps Poway Parkway/Multi-Family driveway:

- A westbound right-turn lane.

Provide Scripps Poway Parkway (westbound) with the following:

- An auxiliary lane from the multi-family driveway to the exclusive right-turn lane at Scripps Gateway Drive.

8) Paleontological Resources

Potential Impacts: Impacts to paleontological resources are potentially significant, as the Stadium conglomerate and Poway conglomerate formations that occur on-site may contain important fossils.

Facts in Support of Finding: Prior to issuance of a grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of the Land Development Review (LDR) stating that a qualified paleontologist and or paleontological monitor have been retained to implement the monitoring program. The requirement for paleontological monitoring shall be noted on the grading plans. The monitoring, salvaging, fossil preparation, and report preparation measures identified in Chapter 4K, Paleontological Resources, of the EIR shall reduce potential impacts to a level less than significant.

B. Public Resources Code Section 21081(a)(2)

The City Council, having reviewed and considered the information contained in the final EIR, and the appendixes to the final EIR, finds, pursuant to CEQA and the CEQA Guidelines, that the following changes or alterations are within the responsibility and jurisdiction of another public agency and can and should be adopted by that other Agency.

Prior to the issuance of a grading permit for the project, the applicant shall have received a federal Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers and an agreement under Section 1603 of the Fish and Game Code from the California Department of Fish and Game which will be required for alterations to streambeds and for filling in the mule fat scrub vegetation. The applicant shall demonstrate compliance with mitigation conditions to the satisfaction of the permitting agencies.

C. Public Resources Code Section 21081(a)(3)

The City, having reviewed and considered the information in the final EIR, and the appendixes to the final EIR, finds, pursuant to CEQA and CEQA Guidelines, that (a) the final EIR considers a reasonable range of project alternatives and (b) specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the proposed project alternatives identified in the final EIR as well as other alternatives or mitigation measures which would reduce the following impacts below a level of significance.

Facts in Support of Finding

Specific legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the following impacts below a level of significance:

1. Infeasibility of Mitigation for Significant Unavoidable Impacts

a. Construction of the two-lane street bisecting the center of the project site south of Scripps Poway Parkway and associated grading would not be consistent with the designation as natural open space provided for in the community plan open space system. Construction of a street linking the PRD to Scripps Poway Parkway is necessary to provide appropriate traffic circulation for the approved residential area to the south of the project and to provide access for maintenance of utilities. It also avoids the need for future residents of the PRD area to make trips through off-site areas of the community to access the employment and commercial areas of the project (e.g., Scripps Ranch Boulevard to I-15 to Scripps Poway Parkway). If access for the PRD were to be taken only from the south, local streets in the approved residential subdivision projects would need to be widened to collector, which would necessitate a redesign. This is not considered feasible for the applicant.

b. Conversion of 8 acres of designated open space to development area would be inconsistent with the community plan and a significant land use impact. The project design includes measures to contour and blend manufactured slopes with natural slopes, provide multiple development pads with grade separations to follow more of the prevailing topography and provide additional community character to the residential area, and larger lots along the edge of the PRD where development would be more visible from I-15 and Scripps Poway Parkway. To traverse the topography of the site with a street from the PRD to Scripps Poway Parkway, a collector street would be required to meet grades, curve radii traffic volumes and street access. Under the Scripps Gateway CPA, 24 acres of natural open space converts to "slopes over 30 feet" and are replanted with natural vegetation, 8 acres are required to improve Streets

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A and X, and 8 acres represent an enlargement of Parcel 19. If Streets A and X retained their "local" designation, they would not be shown in the community plan and their acreage would continue to be listed in the "Non-Building Area/Open Space" category - even though a road would be developed. Once designated as a collector road, however, the acreage is identified and the new road now appears to be "consuming" open space. The road has always been there. Now for the first time it is actually quantified. These project design characteristics would result in an increase in the development envelope area which exceeds that anticipated in the community plan.

c. The extension of Street X, and the fill slope in the canyon in the center of the site would have significant direct visual impacts. Due to the steeply sloping topography of the site, and the requirements for street grades, curve radii, traffic volumes, and access from future homes, the layout of Street X results in manufactured slopes in excess of 30 feet in height that would be visible from I-15 and Scripps Poway Parkway. If the canyon portion were not filled, utilities would have to be extended across the canyon or down the hillside open space, which would result in other adverse visual impacts and would not be acceptable to the city. A manufactured slope is already visible within the canyon from I-15, due to grading for the residential areas adjacent to the south. The project has been designed with sensitive grading techniques to reduce visual impacts from grading, including contouring of manufactured slopes and blending the transitions from manufactured to natural slopes and landscape enhancement of graded areas.

d. Implementation of a brush management program would alter the appearance of natural slopes adjacent to development, and the fuel load requirements for brush management would limit the extent to which the appearance of manufactured slopes can be remediated with landscaping. The brush management program is required in this area as development would be surrounded by areas of wildfire potential. The program is consistent with city requirements of its Landscape Technical Manual.

e. Cumulative impacts associated with the loss of wetlands and non-native grassland habitats. The regional loss of wetlands and grasslands due to development is a significant cumulative impact of regional growth, which would occur with or without the project. The project is consistent with planned growth in the region. Mitigation to ensure non-net loss of wetlands from the project has been incorporated.

f. Cumulative impacts to hydrology and water quality within the Los Peñasquitos Creek watershed. Development within the Los Peñasquitos Creek watershed, including the proposed project, would contribute to cumulatively significant impacts to the lagoon. The project, along with other projects in the watershed of Peñasquitos Creek, increases the rate of stormwater runoff and increases the level of urban pollutants in the runoff which leads to long-term degradation of sensitive water bodies, especially Los Peñasquitos Creek. Measures to reduce these impacts are proposed as part of the

project, as outlined in the Hydrology chapter of the draft EIR, but cannot reduce the cumulative impact to below a level of significance. These cumulative impacts are considered unavoidable as they result from regional growth, including the increase in impermeable surfaces and surface runoff and the introduction of pollutants from urbanized land uses, roads, and utilities. The project is consistent with planned growth in the region.

g. Cumulative impacts to the traffic queues on Scripps Poway Parkway, Mercy Road, and Mira Mesa Boulevard. The queues on Scripps Poway Parkway, Mercy Road, and Mira Mesa Boulevard are extensive. The queues are a result of regional growth and the transportation network. The project would generate less traffic than planned for in the community plan for the site. Due to the many sources of regional congestion on freeways, it is beyond the scope of an individual project to mitigate. Changes to I-15 ramp meters, which affect the queues along the road segments, are under the jurisdiction of Caltrans.

h. Cumulative air quality impacts. San Diego is a non-attainment area for air quality. Pollutants from vehicular traffic from the project and other regional growth would add to the sources of pollutants in the air basin. The project is consistent with planned growth in the region and regional air quality strategies to reduce the impacts of growth. Due to the many sources of emissions in the region, mitigation for air quality impacts from cumulative future traffic levels are beyond the scope of the project.

2. Reasonable Range of Project Alternatives

Under CEQA Guidelines Section 15126(d)(1), the alternatives discussed in an EIR are intended to "focus on alternatives to the Project or its location which are capable of avoiding or substantially lessening any significant effects of the Project, even if these alternatives would impede to some degree the attainment of the Project objectives, or would be more costly." CEQA Guidelines Section 15126(d)(5) states that the "range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasonable choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project.

The final EIR includes two alternatives which were intended to eliminate or reduce one or more of the significant environmental effects noted above. These alternatives include the development choices of no development on the proposed project site (the "No Project Alternative) and a design alternative which would reduce the graded area of the proposed project site and the number of dwelling units developed. The No Project Alternative would eliminate or substantially lessen most of the significant impacts. The Reduced Landform Impact Alternative would lessen landform alteration and visual impacts, although not to below a level of significance. As the project is the implementation of an

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existing Development Agreement for this property, and the kinds, intensity of land uses to be developed were vested with that agreement other alternative uses or alternative locations for these uses were not considered reasonable alternatives to the project.

3. Infeasibility of Project Alternatives

a. No Project Alternative

The No Project Alternative would retain the project site in its existing state. Significant impacts identified for the project, including inconsistency with the Community Plan goals for open space, landform alteration, visual impacts, loss of wetlands and non-native grassland and cumulative impacts to traffic, air quality and water quality and public services would be avoided. The No Project Alternative would not be consistent with the commitment of certainty and significant contribution of private resources for public purposes set forth in the Development Agreement between the City of San Diego and the applicant. This includes extraordinary contributions for roads, utilities, and infrastructure; contributions to library, parks, recreational facilities, schools; open space, including approximately 200 acres around Black Mountain (dedication of 98 acres of habitat for biological mitigation for this project, and the remainder would be available for mitigation for other projects in the city); alternative transportation facilities, including a park-and-ride lot; as well as needed residential housing; jobs, including employment for both entry level and highly trained workers; sales tax revenues, and increases in real property tax base.

b. Reduced Landform Impact Alternative

The project would have significant unmitigated impacts to landform and visual quality. There is an existing 100-foot-high manufactured slope located along the southern boundary of the project within the canyon from development of the property to the south. The project would extend this fill slope northward to the mouth of the canyon and create a highly contoured slope of 130 feet in height. The northern face of the ridge would have a number of manufactured contoured slope faces exceeding 30 feet in height to accommodate a graded pad for residential development and Street X, which provides access to Scripps Poway Parkway from the PRD. Additional manufactured slopes exceeding 30 feet in height would result along the east-facing slopes of the ridge, but these are not visible from I-15. Other graded slope faces would be visible on north-facing sideslopes in the western portion of the PRD which would vary from 30 to 90 feet in height.

As an alternative to reduce the significant landform and visual impacts of the project, the graded pad at the end of the northerly ridge containing 13 lots (Unit 5, lots 297-309) and associated graded slopes above Street X would be eliminated. This would result in residential development along the north- and west-facing slopes of the ridgeline visible

from I-15 being sited on a daylight cut with no manufactured slopes visible. There would be manufactured slopes up to 100 feet in height along the easterly side of the ridge, which would be visible from existing residences to the east. The 130-foot-high manufactured slope at the edge of the canyon in the center portion of the site would be moved back to reduce the slope height as much as practicable given the topography. The manufactured slope would be reduced in height to approximately 70 feet in height. The slope would be less apparent further back in the canyon, but would still be visible from I-15, and, therefore, the impact would not be reduced to below a level of significance. Manufactured slopes along the westerly portions of the PRD would remain as proposed.

Street X, which also results in large graded slopes along the north- and west-facing slopes of the ridge visible from I-15, would be changed to a construction and utility/fire access road. It would be 30 feet in width and closed to public use. This road cannot be eliminated, as utilities (water and sewer) to serve the PRD would require permanent access for maintenance and a secondary access would be required for emergency vehicles. Grading for the access road alignment would be similar to that for the proposed two-lane collector configuration and result in graded slopes up to 100 feet in height.

As a result of these changes, the graded area would be reduced by approximately 12 acres and the grading quantities reduced by an estimated 575,000 cubic yards. The number of single-family residences in the PRD would be reduced from 309 to 267. The displaced single-family residential lots would be redistributed within the PRD and/or PCD area such that no reduction in density would result; but the type of residential development would change from single-family residential to multi-family residential. This change would be consistent with the Community Plan and/or Development Agreement. A revised conceptual site plan is presented in Figure7-1 of the EIR.

This alternative would reduce the extent of manufactured slope faces exceeding 30 feet in height that would be visible from the I-15 viewshed from 28 acres to 17 acres. It would reduce the graded area footprint by 12 acres. The manufactured slope within the canyon would be reduced from 130 feet to approximately 70 feet. The slope would still be still be visible from I-15, however. The slope would still exceed 30 feet in height which is the significance threshold for graded slopes. The canyon would require brush management approximately 80 feet downslope of development on either side of the canyon (50 percent for zone 2 and 40-60 percent for zone 3) and utilities would need to be located within the canyon and down the highly visible northern slope face of the ridge, which would result in visual and grading impacts. None of the other graded slopes in the western portion of the PRD or along the eastern face of the ridge would be reduced in height or area. The significant landform alteration and visual impacts of the project would be reduced but not to a level below significance with this alternative.

This alternative would require the single-family residences in the PRD to access the project from the south, through the McMillin Company's approved Phase III of Scripps

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Ranch North and the Scripps Highlands TM. These residential streets would access Scripps Ranch Boulevard and Mira Mesa Boulevard/I-15 to the south and west or Spring Canyon Road Scripps Poway Parkway to the north and east. The PRD traffic generation for the alternative is estimated at 2,670 ADT and would increase traffic on these streets by approximately 700 ADT compared to the project.

The siting of a local street was intended in the Community Plan to split access between the McMillin Phase III and Scripps Highlands neighborhood local streets to the south and Scripps Poway Parkway to the north. Construction of a street linking the PRD to Scripps Poway Parkway is the best apparent alternative to provide appropriate traffic circulation for the PRD, approved residential area to the south of the project and to provide access for maintenance of utilities. The collector road provides better traffic dispersal within the community. It also avoids the need for future residents of the PRD area to travel off-site through the community (e.g., to Scripps Ranch Boulevard to I-15 to the site or east to Spring Canyon Road and then along Scripps Poway Parkway) to access the employment and commercial areas of the project or the freeway and the added community traffic and travel lengths for these trips. If access for the PRD were to be taken only from the south, the increased traffic would also require local streets in the approved residential subdivision projects to be improved with respect to roadway width and geometry and driveway access configurations, which would necessitate a partial redesign of the McMillin Phase III and Scripps Highlands subdivisions to implement.

If the collector Street ("X") were not constructed, there would be no direct link between the PRD and future employment and commercial areas. This would result in increased traffic in other parts of the community, trip lengths from the PRD to the employment or commercial areas would be increased, and local streets south of the site would need to be upgraded which could result in redesign of the already approved McMillin Phase III and Scripps Highlands. The project may have to acquire additional rights of way for the street improvements, and the redesign of streets could result in a loss of units or reduction in lot size within the McMillin Phase III and Scripps Highlands subdivisions to the south. The applicant would have to negotiate these changes with these third parties. This is not considered feasible for the applicant.

STATEMENT OF OVERRIDING CONSIDERATIONS SCRIPPS GATEWAY PROJECT AND TENTATIVE MAP

The Scripps Gateway Project would have significant adverse impacts to visual quality and landforms, biological resources, hydrology, traffic, and air quality, which cannot be mitigated to below a level of significance. In approving the project with these significant adverse impacts, the project is found to have extraordinary and significant benefit to the City of San Diego and the region which override the significance of the adverse impacts.

The project will help to achieve the Progress Guide and General Plan and Miramar Ranch North Community Plan goals by providing needed residential housing; jobs, including jobs for highly trained workers; sales tax revenues; significant increases to the real property tax base; open space and parks, including 200 acres of the MHPA which would be dedicated to the City and which has been identified for acquisition in the Black Mountain Park Concept Plan; recreational facilities, library facilities, fire station, schools, and improvements to necessary public infrastructure, including roads, a pump station, and other utilities both within the Community Plan area and the general region beyond the Community Plan area and additional school facilities. The City will realize extraordinary and significant benefits including a $147,420 library contribution, a $316,260 fire station contribution, a $693,000 recreation building contribution, and contribution of $1,065,000 to the City for general park purposes, assured through an existing Development Agreement with the applicant. This is in addition to the development fees and school fees the applicant will be required to provide and financing of public facilities through the Miramar Ranch North Public Facilities and Financing Plan, which comprise approximately $7,386,000. Because of the complexities of the extraordinary financing of the infrastructure, parks and regional and community facilities, certainty in the development process is a necessity.

The No Project Alternative would not provide for these extraordinary and significant benefits to be realized and would not provide the development process surety contained in the Development Agreement. A Reduced Landform Grading Alternative to the project would reduce the significant impacts landform alteration and visual quality impacts of the project but not to below a level of significance and would not be feasible for the applicant.

If the collector street ("X") were not constructed as in the Reduced Landform Alternative, there would be no direct link between the PRD and future employment and commercial areas. This would result in increased traffic in other parts of the community, trip lengths from the PRD to the employment or commercial areas would be increased, and local streets south of the site would need to be upgraded which could result in redesign of the already approved McMillin Phase III and Scripps Highlands. Construction of a street linking the PRD to Scripps Poway Parkway avoids the need for future residents of the

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PRD area to travel off-site through the community (e.g., to Scripps Ranch Boulevard to I-15 to the site or east to Spring Canyon Road and then along Scripps Poway Parkway) to access the employment and commercial areas of the project or the freeway and the added community traffic and travel lengths for these trips. If access for the PRD were to be taken only from the south, the increased traffic would also require local streets in the approved residential subdivision projects to be improved with respect to roadway width and geometry and driveway access configurations, which would necessitate a partial redesign of the McMillin Phase III and Scripps Highlands subdivisions to implement. The project may have to acquire additional rights of way for the street improvements, and the redesign of streets could result in a loss of units or reduction in lot size within the McMillin Phase III and Scripps Highlands subdivisions to the south. The applicant would have to negotiate these changes with these third parties. This is not considered feasible for the applicant.

Facts to Support a Finding of Overriding Public Benefits resulting from approval of the Scripps Gateway project:

- The project would contribute $2,235,000 towards library, parks, recreation, and a fire station through the existing Development Agreement in addition to normal development fees, school fees, or other public facilities financing requirements.

- The project would make contributions to finance approximately $7.4 million towards community infrastructure in addition to the extraordinary benefits of the Development Agreement and fees as listed above.

- The project would complete road, water, sewer, pump station, and other infrastructure needs of the community as listed above.

- The project would provide additional employment opportunities in the City, including jobs for highly trained workers as well as general employment.

- The project would increase the tax base through increased property values and revenues from sales tax.

- The project would provide a community-serving park-and-ride facility proximate to the freeway, along a transit route and adjacent to commercial and employment center uses.

- The project would locate new employment, commercial, and residential housing proximate to each other which would provide additional opportunities for community residents to work and shop without adding to regional commuter traffic and with decreased travel lengths.

- The project would dedicate to the City 200 acres to the MHPA and Black Mountain Park, of which over 102 acres is in addition to lands required as biological mitigation for this project and would be available to mitigate for impacts to habitat from other projects in the city as a mitigation bank.

- The project would provide an open space buffer to the MHPA to the north of the property, along Peñasquitos Creek.

Mitigation Monitoring and Reporting Program for the Scripps Gateway Project LDR No. 92-0466 SCH No. 92101036

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.

The mitigation monitoring and reporting program for the Scripps Gateway Project 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

Prior to the issuance of grading permits for the PCD, the PCD Design Guidelines shall be reviewed and approved by the Environmental Review Manager to ensure compliance with the MSCP Land Use Adjacency Guidelines to minimize impacts from drainage, lighting, noise, access control, invasive plants, brush management, and grading.

2) Landform Alteration/Visual Quality

a. Grading

Prior to the issuance of any grading permits, Development Services (DS) shall review the grading plans to ensure that sensitive grading techniques are being utilized. Measures may include but should not be limited to, contour grading on manufactured slopes, the use of slope rounding and variable slope ratios (as identified in Figure 4B-7 of the EIR) shall be incorporated into the project to lessen the impacts associated with the proposed grading. Implementation of the grading techniques shall be depicted on the project grading plans. A note shall be included on the grading plans indicating that the grading techniques are environmental mitigation measures.

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Prior to the start of grading activities, the City Engineer shall ensure areas shown as open space shall be flagged in the field to restrict access into these areas.

The applicant shall retain a soils engineer to monitor the project grading and construction. The soils engineer shall submit, in writing to the City Engineer, certification that the project has complied with the required mitigation measures on the grading plans. Upon City Engineer approval of the as-graded report, a recommendation shall be made to the City Council for the release of the subdivision bond.

b. Landscaping

Prior to issuance of any grading permit, the applicant shall submit to the satisfaction of the City Manager the grading and landscape plans in accordance with the conceptual landscaping plans and the Landscape Technical Manual. The applicant shall retain a licensed landscape architect to monitor revegetation of the project. The landscape architect shall submit, in writing to the City Manager, certification that the project has complied with all landscaping requirements for the major manufactured slopes (e.g., roadway slopes). A Monitoring Program shall be prepared by the Landscape Architect to the satisfaction of the City Manager which would be required to assure the long-term establishment of the landscaping. The maintenance program shall be effective for a five-year period following the installation of the plantings or until such time as all plantings are established. The long-term Monitoring Program would include at a minimum: establishment of an inspection schedule, establishment of replanting specifications, and require written notification to the City Manager twice a year for the first two years and one a year for each year thereafter by an applicant-hired licensed Landscape Architect to verify the status of the revegetation.

3) Biology

Prior to the recordation of the first final map and/or issuance of any grading permits, the applicant shall provide one of the following off-site mitigation options:

OPTION 1

The applicant shall acquire in fee title at least 169.5 acres of an off-site parcel of habitat identified as acceptable to the City. This interest shall be dedicated to the City of San Diego preserve system and include a minimum of 78.9 acres of coastal sage scrub, 73.7 acres of southern mixed chaparrel and 16.9 acres of non-native grasslands. A parcel in Daley Ranch (within the City of Escondido) has been identified by the project applicant, and has received preliminary approval from the City as a biological mitigation site. Acquisition of this site would only mitigate biological impacts. Land use impacts associated with this project would still remain significant and unmitigated due to the

inconsistencies with the MSCP since the mitigation would be located outside of the jurisdictional boundaries of the City of San Diego.

OPTION 2

The project applicant shall acquire in fee title at least 98-acres of an off-site parcel of habitat, within the boundaries of the Multiple Habitat Planning Area, identified as acceptable to the City. The interest shall be dedicated to the City of San Diego preserve system and include a minimum of 52.6 acres of coastal sage scrub, 36.9 acres of southern mixed chaparrel and 8.5 acres of non-native grasslands (or other suitable habitat types identified in Table 3 of the City of San Diego Biology Guidelines). A parcel on Black Mountain has been identified by the project applicant, and has received preliminary approval from the City as a mitigation site for project related impacts.

OPTION 3

If either of the above identified sites are determined to be unavailable (or are otherwise deemed unacceptable by the City), the applicant shall acquire an alternate parcel which meets the following criteria:

- The parcel shall include at least 98 acres.
- The parcel shall be located within the MHPA boundaries within the City of San Diego's jurisdictional boundaries.
- The parcel shall support like habitats or other habitats acceptable to the City of San Diego.

Southern Willow Scrub/Mule Fat Scrub

Under current City, CDFG, and USACE policies, impacts to willow scrub/mule fat scrub habitat would be mitigated by restoration of like-quality habitat at a ratio of 3:1. This would necessitate restoration of 0.45 acre of habitat within open space areas of the project site along remaining portions of the tributary drainage or at an off-site location where a long-term viable restoration can be assured. As a condition of the PCD, prior to the issuance of any grading permits for the PCD, a riparian restoration plan would be prepared and approved by the City, USACE, and CDFG. A 1601 streambed alteration agreement from CDFG and a 404 permit from the USACE would be required. The riparian revegetation/restoration plan shall be consistent with the City's Landscape Technical Manual (City of San Diego 1989) and Appendix B of the Biology Guidelines and include at a minimum the following elements:

Conceptual Riparian Restoration Plan

I. PREPARATION

Salvage and Grading: Prior to grading areas where riparian or wetland resources would be impacted, sensitive plant species and other appropriate native plant material (young willows and other easily transplantable target species) will be salvaged wherever possible, for relocation to appropriate habitat in preserved open space. Sensitive plant species to be salvaged include San Diego marsh elder and spiny rush. Salvage efforts shall be planned and monitored by the project biologist.

Prior to grading, the approved grading limits shall be clearly marked by the project biologist and construction supervisor, to minimize inadvertent impacts to existing native habitats. The biologist shall periodically monitor grading during project construction. Heavy equipment shall not be driven or stored in wetland habitats. These vehicles can compact soil and can leak fluids (e.g., oil) that would pollute the site.

Weed Control: Competition from invasive non-native plant species can be a serious problem in the reestablishment of native vegetation in wetland areas. Once non-native species have become established, they often maintain their presence and densities over many years, resulting in a reduction in the establishment and productivity of native species. Weed eradication measures taken prior to the commencement of planting are the most effective method for control of invasive non-native species.

For this reason, selected restoration areas currently dominated by weedy species such as star thistle (*Centaurea* spp.), cardoon (*Cynara cardunculus*), tree tobacco (*Nicotiana glauca*), pepper tree (*Schinus molle*), giant reed (*Arundo donax*), and tamarisk (*Tamarix* spp.) shall be subject to an intensive weed eradication program prior to planting. Weedy species to be removed shall be identified by the project biologist, who will monitor the weed eradication program. Wherever possible, weedy vegetation should be removed by hand or mechanical device.

Soil Fertilization: Direct fertilization with nitrogen or phosphorous-based chemical fertilizers has been shown to favor exotic species over native plants in many sites throughout southern California, as many species native to arid regions have evolved under low nutrient conditions. Chemical fertilization will not be used in this revegetation plan.

Mycorrhizal Inoculation: An important association exists between a variety of fungi and the roots of many plant species, including riparian woodland species. These fungi (mycorrhizae) aid in the uptake of limited supplies of nutrients and water. The introduction of an appropriate inoculum of mycorrhizal fungi plays an important role in the initial and long-term success of a restoration project. Target woody species are therefore at a competitive disadvantage without their associated mycorrhizal fungi.

Riparian species tend to be ectomycorrhizal (fungus grows on the outside of the root), with spores of the necessary fungal species being abundant in the litter of mature habitats and can therefore be cultured without a host.

Soils, as well as plants, are affected by the absence of mycorrhizal fungi as the hyphae of these fungi are an important component of soil structure; there is little prospect of reestablishing normal soil structure until these fungi are naturally or artificially introduced. The restoration areas should therefore be planted with mycorrhizal container stock (plants grown in appropriately inoculated soil). Use of these plants improves transplant success, competitive ability against weeds, growth, and aids in the reestablishment of soil structure. Mycorrhizal inoculated plants can now be obtained from native plant growers.

II. PLANTING DESIGN

This planting design outlines the steps required for the creation of riparian and other wetland habitats. As the goal of the mitigation plan is to restore/enhance habitat, physical structure, as well as species composition was considered in the design. Plant densities, arrangement, and hydroseed mixtures shall be designed to approximate the plant species composition of the existing habitat on-site. All native species found within riparian and other wetland habitats on the Scripps Gateway and Peñasquitos Creek may be considered, with final selection based upon species requirements, site characteristics, and commercial availability. It should be noted, however, that no biological function shall be compromised due to lack of commercial availability.

Plant Densities, Arrangement, and Species Composition: Southern willow scrub/mule fat scrub restoration areas will be planted with container stock of native riparian species (Table 4C-5) to achieve the shrub densities as specified in the Final Plan. Container stock of riparian understory species will be planted between the trees and shrubs. Species should be mixed to avoid large, single species-dominated areas. All riparian species should be planted from one-gallon container stock. Any salvaged specimens of spiny rush and San Diego marsh-elder should be incorporated into wetter portions of the riparian mitigation areas, under the direction of the project biologist. After container stock have been planted, the riparian restoration areas will be hydroseeded with native riparian species (Table 4C-6).

The hydroseed mix will consist of a mixture of seeds of species found on-site and composed, where feasible, of locally collected seed. The hydroseed mixture is intended to serve two purposes. Some materials will establish quickly as a nurse crop to reduce potential erosion and weed problems. The vegetation established from hydroseed will also attract insects and other wildlife to the site early in the revegetation effort and add organic matter to the soil.

Any sensitive riparian and other sensitive plant species salvaged from the impact areas will be planted in appropriate areas of the mitigation site by methods and during appropriate timeframes specified in the final plan. Salvaged willow trees will be planted in wet areas of the site along with any salvaged spiny rush and San Diego marsh elder.

III. SOURCES OF PLANT MATERIALS AND LEAD TIME

Sources: The use of nonindigenous native plant materials in restoration programs can result in problems which include failure to survive or establish, displacement of indigenous taxa or genotypes, hybridization with indigenous genotypes, introduction of inappropriate taxa, and the unintentional introduction of other organisms, including pathogens and pests. As a result, plant materials to be used in this restoration plan should be derived from materials local to the mitigation site whenever feasible. Because indigenous genotypes are not readily available commercially, advanced planning is required to revegetate with such materials. Sources for cuttings and seeds can be obtained from existing vegetation on-site, especially from proposed impact areas. Custom site-specific plant material collections will require the use of qualified nursery personnel.

Lead Time: It generally takes one year from the date of plant material collection (i.e., cuttings) to produce one-gallon container stock provided collections are made at the appropriate time of year (winter prior to bud break). Seeds for hydroseeding, if collected on-site, should be collected the year previous to the implementation of the hydroseeding effort (depending on the species, seed collection is conducted from spring through summer).

IV. INSTALLATION

For native riparian/wetland plants, the best survival rates occur when planting of container stock is completed in the spring (April-May) in order to take advantage of the wetter soils without the risk of flood losses from winter rains. The same is true for riparian hydroseeding applications provided supplemental irrigation is provided.

A 120-day establishment period shall be required. Maintenance visits shall be conducted on a weekly basis through the plant establishment period by the project biologist. All plants must be checked for survivability and replaced as determined by the project biologist. One hundred percent of all dead container stock shall be replaced prior to the close of the 120-day plant establishment period. Plant replacement shall be included in a performance bond with the dollar amount to be specified in the riparian restoration/enhancement plan.

V. IRRIGATION

The goal of this native restoration portion of the landscape plan is the creation of habitat that is self-supporting and will persist over long periods of time without human involvement. A permanent irrigation system is therefore not necessary for this portion; temporary drip and spray systems, consistent with the City's Landscape Technical Manual will suffice. Irrigation frequencies and durations should be determined by the landscape contractor in consultation with the project biologist. Irrigation should continue until plant establishment has been verified by the landscape contractor and the project biologist.

All container stock should be planted in the spring and will require supplemental watering through the spring, summer, and fall. A temporary, overhead irrigation system will be installed and used sparingly to encourage establishment of the hydroseeded species.

VI. EROSION CONTROL

During the establishment period the project biologist and landscape contractor will evaluate the revegetation areas for existing and incipient erosion problems. The following erosion control standards should be met:

- All gullies shall be repaired, seeded, and mulched, and the source of the erosive flow redirected or dissipated;
- All rill and sheet erosion areas shall be repaired, seeded, and mulched; and
- All bare areas capable of eroding shall be seeded and mulched using native hydroseed mix.

VII. MAINTENANCE AND MONITORING

Maintenance and monitoring of the restoration sites will be required after installation in order to ensure habitat establishment and determine compliance with mitigation requirements from the permitting agencies. Responsibility for the maintenance will be specified in the plan. Maintenance will be performed at the direction of the project biologist.

Maintenance: The maintenance program has several goals: operation and maintenance of temporary irrigation systems; qualitative evaluation of the plantings and identification of vandalism problems; determination of plant survival; and control of competitive non-target vegetation.

The temporary irrigation systems (spray and drip) should be checked on a regular basis until plant establishment has been determined by the landscape contractor in consultation

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with the project biologist. Upkeep and operation of the irrigation systems according to a watering schedule coordinated with the project biologist will be the responsibility of the landscape maintenance contractor.

A visual inspection of all plant materials will be made by the project biologist monthly for the first year after planting. The landscape contractor will be responsible for taking corrective actions recommended by the project biologist to remedy any significant pest, disease, watering, or other problems observed during these inspections. Any such problems which may interfere with the revegetation area meeting survival and height requirements should be considered significant.

Vandalism issues will be dealt with by the landscape contractor in coordination with the project biologist. Corrective and preventative actions could include fencing, placement of vehicle barriers, posting of signs, and supplemental planting of vegetation barriers of poison oak (*Toxicodendron diversilobum*), rose (*Rosa californica*), and blackberry (*Rubus ursinus*).

The above-described visual inspections conducted by the project biologist can also be used to determine plant survivorship. Any losses of container stock within 90 days of installation will be replaced in-kind by the installation contractor. After 90 days, any losses in excess of 10 percent for the first year will be replaced in-kind by the landscape contractor unless it has been determined by the project biologist that use of another species and/or stock size would better achieve the restoration goals. Thereafter, plant materials will be checked as part of the monitoring program presented below. Replacement plantings will be done by the landscape contractor each spring as necessary to achieve an acceptable survival rate for years 2-5.

Weedy, non-native vegetation will be removed as required to prevent adverse competition with the restoration materials. Species to be removed include (but are not limited to) tamarisk, giant reed, tree tobacco (*Nicotiana glauca*), castor-bean (*Ricinus communis*), pepper tree (*Schinus* spp.), eucalyptus (*Eucalyptus* spp.), and pampas grass (*Cortaderia* spp.). Additional species to be removed may also be identified by the project biologist. Weeding should occur monthly for the first year. After the first year, weeding frequency will be determined by the project biologist, and will essentially be on an as-needed basis, for the remainder of the monitoring period. Weeding should be done by hand and no herbicides used, unless specified by the project biologist for troublesome species such as giant reed and tamarisk. In such circumstances, herbicide shall be "painted" on the freshly cut stem of the weed during the active growing season of the weed species. The use of herbicide shall be conducted by a licensed contractor and the herbicide will not be applied in such a way that it contacts non-target species.

***Monitoring*:** A habitat monitoring program spanning at least five years will be conducted by the project biologist in conjunction with the maintenance program. The monitoring

program is intended to document the progress of the habitat restoration as well as to fulfill the requirements of any permit conditions. The monitoring program is designed to gather information on the success of plant establishment and habitat development and to recommend any remedial actions. Annual reports for submittal to the pertinent regulatory agencies will also be prepared.

Monitoring will be conducted by a biologist with experience in the preparation and implementation of restoration programs and commence with the site preparation, continuing through the five-year post-installation period. The monitoring program will emphasize qualitative and quantitative assessments of the status of the revegetation program. April and October inspections are timed to occur at the beginning and end of the growing season as these months are more biologically appropriate for monitoring than scheduled times based on arbitrary elapsed time periods from a planting date that could be delayed. In October, the plants will have achieved their year's height growth and cover, and will be evaluated quantitatively with transects; in April, the plants can be evaluated qualitatively during the active growing season.

Qualitative assessments will involve a general overview of the restoration site to determine effectiveness of irrigation, weed eradication programs, and general development of the target habitat. Plant and animal species lists will be generated during each qualitative assessment.

Performance Criteria: Performance standards shall be specified in the final riparian restoration plan. The performance standards shall specify a percentage survivorship per year for each of the five years for all planted container stock, areal percent cover for overstory tress, shrubs, and seeded species and a mean height for willows.

Quantitative analysis shall consist of measurements using belt transects one meter wide. Measurements within the transects will include height, cover, and survival of all target vegetation; these measurements will be evaluated against the milestones presented in Table 4C-5. Survival rates will be determined four times during the first year and during the transect visits of subsequent years. The inventory taken at each of these visits will include species and estimates of survivorship for all plants established from container stock, and presence of any species not included in the original planting/hydroseeding. New stock will be installed as necessary to ensure 90 percent survival for year one and 80 percent survival (based on original number planted) at the end of the monitoring program.

***Documentation*:** A total of five progress and five annual reports will be submitted upon completion of the transect work and the subsequent data analysis for each year of monitoring. The applicant shall make these reports available to permitting agencies (City, CDFG, and USACE).

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Progress reports detailing the results of the qualitative assessments of the condition of the mitigation plantings shall be prepared and submitted to the Environmental Review Manager and resource agencies within 30 days of the field surveys in the spring. These reports will include information on problems with irrigation, pests, vandalism, mortality, and weeds which have been identified during the qualitative inspections conducted throughout the five-year monitoring period. Proposed remedial actions will also be discussed as a part of these reports.

Annual technical reports describing the results of the quantitative assessment of the habitat restoration and the progress of the development of the riparian/wetland habitat in relation to the success criteria and control site shall be submitted within 30 days of the yearly assessments in the fall. Details of any necessary replacement plantings will be included. The fifth annual report will summarize the results of the entire mitigation implementation, thereby providing the agencies with a basis for comprehensive evaluation of the mitigation project.

The applicant shall demonstrate compliance with mitigation conditions to the satisfaction of the permitting agencies and the City's Environmental Review Manager.

At the end of the fifth year (or sooner if success is achieved and accepted by the resource agencies and Development Services Department), a final report will be submitted to the agencies and the City of San Diego Development Services Department evaluating the final status of the riparian restoration/enhancement project. The report will make a determination of whether the requirements of the mitigation program have been achieved. At that time, if the mitigation program has not met the performance standards specified in the final riparian restoration/enhancement plan, the applicant must consult with the resources agencies and Development Services Department. This consultation will take place to determine whether the mitigation effort is acceptable. The applicant understands that failure of any significant portion of the mitigation site may result in a requirement to replace or revegetate that portion of the site and extensions to the long-term maintenance and monitoring period.

Prior to the issuance of a grading permit for the project, the applicant shall 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 vegetation. The applicant shall demonstrate compliance with mitigation conditions to the satisfaction of the permitting agencies.

4) Noise

a) Grading and Construction

Construction activities shall comply with the City of San Diego Municipal Code, Section 59.5.0404, relating to construction noise. Construction shall be permitted only between the hours of 7 A.M. to 7 P.M. Monday through Saturday (except legal holidays as specified in Section 21.04 of the Municipal Code).

b) Project Occupancy

It shall be a condition of the PCD that any proposed exterior usable areas associated with professional and office buildings be placed adjacent to the sides of the buildings opposite the roadways such that these areas will be shielded from noise by the buildings.

Prior to the issuance of any building permits, the applicant shall submit an interior and exterior acoustical analysis to the satisfaction of the City Manager for the PCD. The analysis shall demonstrate that interior noise levels for commercial uses within the PCD shall not exceed 50 CNEL. This analysis shall also demonstrate that interior noise levels for the multi-family units within the PCD shall not exceed 45 CNEL, and that noise levels for exterior useable areas within the residential uses shall not exceed 65 CNEL for exterior useable areas. This analysis shall include design plans for noise barriers in accordance with the Municipal Code to ensure that the future CNEL in the exterior usable areas shall be mitigated to 65 CNEL or less with the construction of noise walls/barriers. Any construction adjustments, including changes in building pad elevations or roadway grades, which affect noise measures may require further environmental review and possibly a revised acoustical study.

It shall be a condition of the PCD that no exterior usable areas be placed adjacent to the entrance of the multi-family lot.

As conditions of approval for the PCD, appropriate notice shall be given to all purchasers, lessees, and renters of properties within residential areas where exterior noise levels may exceed 60 CNEL.

Prior to the issuance of building permits, the project applicant shall submit an interior and exterior acoustical analysis to the satisfaction of the City Manager for the PRD. This analysis shall demonstrate that interior noise levels for residential uses within Unit 5, lots 300, 301, 304-309 of the PRD shall not exceed 45 CNEL. This analysis shall also demonstrate that noise levels for exterior usable areas within the PRD shall not exceed 65 CNEL. The analysis shall include design plans for noise barriers in accordance with the Municipal Code, if necessary, to ensure that the future CNEL in the exterior usable areas shall be mitigated to 65 CNEL or less. All residences shall be designed to achieve an interior noise level not to exceed 45 CNEL.

The measures shall be noted as environmental mitigation on the building plans. The cost of implementing these measures shall be the responsibility of the applicant.

5) Archaeological Resources

Prior to the issuance of grading permits, a qualified archaeologist shall field inspect areas of the site that the previous archaeological survey report identified as having limited surface visibility. Record of this inspection shall be submitted to and approved by the City Manager and shall include mapping of areas to be brushed and resurveyed prior to the issuance of grading permits. After brushing occurs a report summarizing the results of the cultural resource surveys shall be submitted for review and approval by the City Manager. Should additional cultural resources be exposed, additional mitigation measures in accordance with the City's "Guidelines for the Determination of Significance of Archaeological Sites" may be necessary.

Prior to the issuance of any grading permits or recordation of the first final map, the applicant shall provide verification that a qualified archaeologist and/or archaeological monitor have been retained to implement the archaeological construction monitoring program for SDi-10,780. This verification shall be in the form of a letter from the applicant to the Environmental Review Manager of the Land Development Review Division (LDR). All persons involved in the archaeological construction monitoring of this project shall be approved by LDR prior to the start of monitoring.

The qualified archaeologist shall attend preconstruction meetings to make comments and/or suggestions concerning the archaeological construction monitoring program and discuss plans with the engineer. The requirement for archaeological monitoring shall be noted on the grading plan.

The qualified archaeologist or archaeological monitor shall be present on site full-time during grading.

In the event that unanticipated cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow evaluation of potentially significant cultural resources. The archaeologist shall contact LDR at the time of discovery. The significance of the discovered resources shall be determined by the archaeologist, in consultation with LDR. LDR must concur with the evaluation before grading activities will be allowed to resume. For significant cultural resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts before grading activities in the area of discovery will be allowed to resume. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial.

All cultural materials collected shall be cleaned, catalogued, and permanently curated with an appropriate institution. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species and specialty studies shall be completed, as appropriate.

A monitoring report and/or evaluation report, if appropriate, which describes the results, analysis, and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to and approved by the Environmental Review Manager of LDR prior to issuance of a certificate of occupancy. For significant cultural resources, a Research Design and Data Recovery Program shall be included as part of the evaluation report. A mitigation report for significant cultural resources, if required, shall be submitted to and approved by the Environmental Review Manager of LDR prior to issuance of a certificate of occupancy. The applicant shall notify LDR of the start and end of construction.

6) Hydrology/Water Quality

The PCD and PID shall incorporate source reduction measures, such as the incorporation of retention basins, vegetative controls, infiltration basins, and BMPs, into the development plan. The exact number, size, design, and location of desiltation/retention basins will be determined in conjunction with future development plans. The number and locations of detention basins shall be shown on the approved final map. Monitoring and maintenance programs for these facilities would be prepared by future developers to the satisfaction of the City Engineer and shall be the responsibility of the developer. If desiltation/detention basins are located outside the approved development footprint, additional environmental review may be required.

In order to ensure that the increased runoff and potential erosion generated from development within the proposed Scripps Gateway project does not adversely impact Los Peñasquitos Creek, the following measures would be incorporated into the project design. These mitigation measures shall be conditions of approval for the TM and PRD/PID/PCD permits. The applicant shall retain a soils engineer to monitor grading, construction, installation of runoff control devices, and revegetation of the project. Once grading is complete and prior to the issuance of building permits the soils engineer shall submit in writing to the City Engineer certification that all developments within the PRD/PID/PCD have complied with the required notes on the grading plans addressing erosion/urban runoff controls. These measures would reduce runoff and erosion impacts to less than a significant level.

Short-term Construction Practices

Prior to the issuance of any grading permit, the grading plan shall incorporate runoff and erosion-control procedures to be utilized during all phases of project development. Plans shall be prepared and submitted concurrently with proposed subdivision improvement plans, where such development is proposed on land that will be graded or filled. Such plans shall be prepared by a registered civil engineer to the satisfaction of the City Engineer. Runoff control shall be accomplished by establishing on-site catchment basins, desilting basins, and siltation traps along with energy-dissipating measures at the terminus of storm drains or other similar means of equal or greater effectiveness.

All grading plans shall incorporate a maintenance program for erosion- and runoff-control measures which shall be approved by the City Engineer. The erosion- and runoff-control measures shall be designed and bonded prior to recordation of final maps; erosion-control measures shall be implemented 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.

Per the Clean Water Act, "best management practices" to control sediment and pollutants from entering storm water runoff are required for the proposed project, under the City's municipal permit. The project will provide source control BMPs via landscaping of all slopes and street rights-of-way to prevent erosion and a grading/drainage concept which directs water away from easily erodible areas. The water is to be directed into a drainage system designed to safely handle the storm water runoff. Additionally, desilting basins will be provided at strategic locations within the project area. Any other applicable source control or BMPs which may be implemented on a city-wide basis in conjunction with the City's municipal NPDES permit (Permit No. CA 0108758) and State Regional Water Quality Control Board (RWQCB) Order No. 90-42 shall be incorporated into the PRD/PID/PCD, as applicable.

The desilting basins shall be located in an area with practical, feasible access. The TM applicant shall provide access to all basins to the satisfaction of the City Engineer. Any desilting basins located outside of the approved development footprint may require additional environmental review.

Landscaping of cut/fill slopes and the undeveloped building pads shall commence within 30 days of completion of grading activities. The proposed landscape plan and project design shall include drought-resistant, low-fertilizer vegetation and a low-precipitation irrigation system in compliance with the Landscape Technical Manual.

Compacted areas shall be scarified, where appropriate, to induce surface water infiltration and revegetation as directed by the project geologist, engineer, and/or biologist.

General Construction Activity Storm Water Permits (NPDES No. CAS000002) shall be obtained from the SWRCB prior to project implementation. Such permits are required for specific (or a series of related) construction activities which exceed five acres in size and include provisions to eliminate or reduce off-site discharges through implementation of a Storm Water Pollution Prevention Plan. Specific SWPPP provisions include requirements for erosion and sediment control, as well as monitoring requirements both during and after construction. Pollution-control measures also require the use of best available technology, best conventional pollutant control technology, and/or best management practices to prevent or reduce pollutant discharge (pursuant to SWRCB definitions and direction).

A Dewatering Waste Discharge Permit (NPDES No. CA0108804) shall be obtained for the removal and disposal of groundwater (if necessary) encountered during construction. Such permits are intended to ensure compliance with applicable water quality and beneficial use objectives and typically entail the use of BMPs to meet these requirements. Discharge under this permit will require compliance with a number of physical, chemical, and thermal parameters (as applicable), along with pertinent site-specific conditions (pursuant to RWQCB direction).

Specified vehicle fueling and maintenance procedures and hazardous materials storage areas shall be designated to preclude the discharge of hazardous materials used during construction (e.g., fuels, lubricants, and solvents). Such designations shall include specific measures to preclude spills or contain hazardous materials, including proper handling and disposal techniques and use of temporary impervious liners to prevent soil and water contamination.

Project Design

Final project design shall incorporate applicable BMPs contained in the city and state *Best Management Practices to Be Considered in the Development of Urban Storm water Management Plan.* Specifically, these may include measures such as the use of desilting basins, retention structures, infiltration facilities, permeable pavements, vegetation controls, discharge controls, maintenance (e.g., street sweeping), and erosion controls.

Surface drainage shall be designed to collect and discharge runoff into natural stream channels or drainage structures. All project-related drainage structures shall be adequately sized to accommodate 50-year flood events (or other storm events pursuant to direction from the City).

Project operation and maintenance practices shall include a schedule for regular maintenance of all private drainage facilities within common development areas to ensure proper working condition. Public facilities shall be maintained by the City.

Surface and subsurface drainage shall be designed to preclude ponding outside of designated areas, as well as flow down slopes or over disturbed areas.

Energy-dissipating structures (e.g., detention ponds, riprap, or drop structures) shall be used at storm drain outlets, drainage crossings, and/or downstream of all culverts, pipe outlets, and brow ditches to reduce velocity and prevent erosion.

7) Public Services/Facilities

Prior to the issuance of any building permits under TM/PRD/PCD 92-0466, the applicant shall demonstrate that agreements have been reached with the affected public school district regarding the provision of adequate public elementary, junior high, and senior high school facilities.

8) Traffic

Prior to the recordation of the first final map the following transportation improvements shall be assured, to the satisfaction of the City Engineer. These mitigation measures would reduce project impacts to below a level of significance.

Provide project access with the following features to provide adequate capacity with minimal friction. All left-turn lanes should be 250 feet long with a 120-foot transition and right-turn lanes should be 200 feet long with a 90-foot transition. Acceleration lanes *should not* be provided.

Provide the following improvements to Scripps Poway Parkway/Scripps Gateway Drive:

- Northbound approach lanes (two left, one through, and one right)
- Three southbound approach lanes (one left, one through and one right)
- Six eastbound approach lanes (two left, three through, and one right)
- Six westbound approach lanes (two left, three through, and one right)
- The northbound and southbound departures should be designed at a minimum of two lanes to accommodate the dual eastbound westbound left-turn lanes.

Provide the following improvements to Mira Mesa Boulevard/Scripps Ranch Boulevard:

- Restripe the eastbound approach to provide four approach lanes (two left and two right) to the satisfaction of the City Engineer.

Provide the following improvements to Scripps Poway Parkway/Multi-Family driveway:

- A westbound right-turn lane.

Provide Scripps Poway Parkway (westbound) with the following:

- An auxiliary lane from the multi-family driveway to the exclusive right-turn lane at Scripps Gateway Drive.

9) Paleontological Resources

Prior to issuance of any grading permits, the applicant shall provide a letter of verification to the Environmental Review Manager of the Land Development Review (LDR) stating that a qualified paleontologist and or paleontological monitor have been retained to implement the monitoring program. The requirement for paleontological monitoring shall be noted on the grading plans. All persons involved in the paleontological monitoring of the project shall be approved by LDR.

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

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

The paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. The paleontologist shall immediately notify LDR staff of such finding at the time of discovery. LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.

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

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

This mitigation monitoring and reporting program will require an additional deposit of $7,000.00 to be collected prior to the issuance of grading permits to ensure the successful completion of the program.