

RESOLUTION NUMBER R- 290950

ADOPTED ON NOV 10 1998

WHEREAS, on September 26, 1998, San Dieguito Partnership submitted an application to Development Services for a Planned Residential Development Permit, Resource Protection Ordinance Permit, Vesting Tentative Map, and Transfer of Development Rights for the project known at The Villas at Stallions Crossing; 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 ; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Addendum No. 98-0912 to Environmental Impact Report No. 95-0197; NOW, THEREFORE,

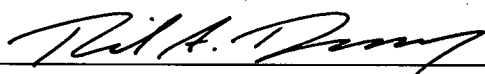
BE IT RESOLVED, by the Council of The City of San Diego, that it is certified that Addendum No. 98-0912 to Environmental Impact Report No. 95-0197, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources 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 permits, vesting tentative map, and transfer of development rights for The Villas at Stallions Crossing 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 on file in the office of the City Clerk and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the office of the City Clerk and incorporated herein by reference, with respect to the project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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Or.Dept:Dev.Svcs.
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**Candidate Findings
and
Statement of Overriding Considerations
Regarding Final Environmental Impact Report 95-0197
and
Addendum 98-0912
for
Villas At Stallions Crossing II
1998 Proposal**

The following Findings and Statement of Overriding Considerations are made relative to the conclusions of the Final environmental Impact Report (final EIR) and Addendum for the Villas at Stallions Crossing II proposed within the City of San Diego, California.

Project Description

The proposed project would subdivide a 26.9-acre site into 60 lots for development of 47 single-family residences on 12.9 acres. The minimum lot size for the single-family residences is 5,000-square-feet. Additional lots within the subdivision would contain open space (14.2 acres), private driveways, brush management areas, a private passive park, landscaping/signage and a detention basin. Access to the site would be taken from El Camino Real via a private road. The project would grade 21,000 cubic yards of earth over 11.2 acres of the site, with a maximum cut slope height of 10 feet and a maximum fill slope height of 15 feet. The tallest slopes would create the detention basin at the toe of a slope in the northern portion of the site.

The project site would provide a 1.2-acre passive park for residents and would be landscaped with a variety of trees, shrubs and groundcover. A six-foot, painted, masonry block wall with pilasters (at 30'-40' on center) and offset planes would be provided along the El Camino Real frontage. The project proposes the same design guidelines that were previously proposed. The project would develop the site under the PRD ordinance (see page 26 of EIR 95-0197); however, the permit would be adopted by ordinance in order to allow a payment in lieu of providing the affordable housing units.

Although the number of dwelling units proposed for the development site exceeds the density of the underlying zone, the excess units could be approved and constructed on the development site by transferring the development potential of other "donor" sites to the development site via a transfer of development rights. The donor sites are located to the north and west of the development site.

The development and donor sites are designated for residential or open space uses in the Framework Plan. Development rights from the donor sites and the development site are calculated at one dwelling unit per four net acres. Thus, 188 net acres equate to 47 dwelling units. The donor sites would be encumbered by open space easements placed on them by the Planned Residential Development permit to preclude future development.

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Discretionary approvals required for the project include: approval of the Transfer of Development Rights, a Vesting Tentative Map, a Resource Protection Ordinance Permit, a Coastal Development Permit and a Planned Residential Development Permit.

Conclusions of the EIR

The final EIR and addendum evaluates the following environmental issues in relation to the project and concludes that they are directly, indirectly and/or cumulatively significant as follows:

Impact	Direct	Indirect	Cumulative
Land Use	-	-	-
Transportation	1	-	-
Biological Resources	1	3	3
Hydrology/Water Quality	-	-	3
Visual Quality	-	-	3
Cultural Resources	1	-	-
Air Quality	-	-	3
Geology	1	-	-
Natural & Ag Resources	-	-	3
Paleontology	1	-	-
Noise	1	-	-
Public Facilities	1	-	1
Water & Sewer	1	-	1
Safety	1	-	-
Solid Waste	-	-	3

The numbers in the matrix indicate in which section of these findings a discussion of the impact can be found. Discussion of an impact in section 1 indicates that the impact will be mitigated to below a level of significance. A discussion in section 2 indicates that mitigation for the impact is the responsibility of another agency. A discussion in section 3 indicates that the impact is significant and unmitigated. The latter group of impacts require adoption of a Statement Of Overriding Considerations.

In addition, the final EIR discussed a number of alternatives which would reduce, eliminate or substantially lessen the impacts associated with the originally proposed project. A discussion of the alternatives can be found in section 3.

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

The City Council, having reviewed and considered the information contained in the final EIR and Addendum for the Villas at Stallions Crossing II and the public record, finds (pursuant to CEQA and the CEQA Guidelines) that changes or alterations have been required in or incorporated into the project which avoid or substantially lessen the significant environmental effects as identified in the final EIR with respect to the following areas. Implementation of the following recommendations would occur via the

imposition of conditions of approval for the vesting tentative map and Planned Residential Development permit.

Transportation/Circulation

Prior to issuance of the thirtieth Certificate of Completion for dwelling units on the site, the applicant shall have widened, or shall have arranged to have widened, El Camino Real between Derby Downs Road and the project entrance as a 4-lane major road with a minimum of 78' of pavement width within 98' of right-of-way, satisfactory to the City Engineer.

Biological Resources

All artificial lighting shall be directed and shielded away from native habitat and its buffer zone.

Any necessary spraying to control mosquitoes within the project boundaries or off-site within sensitive biological areas as a result of the project shall only occur under the direction of the County health department consistent with established County protocol and after early coordination with the USFWS and the CDFG. A plan describing the spraying and the need for early coordination with the USFWS and the CDFG shall be prepared to the satisfaction of the County and the resource agencies prior to issuance of the first building permit.

Prior to the issuance of a grading permit, surveys for the Pacific pocket mouse consistent with the USFWS will be required.

Cumulative biological resources resulting from development of disturbed portions of the project site where orange throated whiptail and loggerhead shrike were observed, acre considered mitigated by the City's previous adoption of the MSCP. No project specific mitigation is required.

Cultural Resources

Prior to recording a Final Map for this project, the following data recovery effort must be completed. A final report on the results of the data recovery program must be submitted to the City for review and approval prior to acceptance by the City of all of the public improvements associated with the project. The data recovery plan presented here is founded upon the information that has been previously gathered from this site. In particular, the work will elaborate on the nature of the buried archaeological strata and the distribution of materials across this site through natural and cultural means.

Data recovery shall be conducted within areas of identified impact only. The data recovery effort shall be conducted as a phased effort in increments of 5 percent sampling, to a total of 15 percent recovery within the area of impact. The total area of impact has been calculated as 11,380 square feet, or 1,057 square meters. A 5 percent sample of this area

would be 52 one-meter sample units. If needed, a second phase of 52 units would be completed with a possibility of a third phase of 52 sample units, for a total of 156 one-meter sample units total.

The data recovery plan proposes to complete 52 hand-excavated sample units within the area of impact and to determine through a preliminary inventory of the recovered data, if there is a research benefit to continued excavation of an additional 5 and as much as 10 percent additional sampling. Hand-excavated sample units shall be limited to a 5 percent effort if the data that is recovered is redundant and does not provide the basis for original elaboration of prehistoric human activities beyond the stated research goals. Upon completion of the initial 5 percent sample, the project archaeologist shall meet with City of San Diego staff to determine the need for additional sampling. If such sampling is required, it will be completed in a manner consistent with the initial sampling phase.

The 52 hand-excavated sample units will be placed judgmentally in a stratified array along the western margin of the site area and along the southern edge. Placement of these units will be tied to reestablishing the original site datum and having professional surveyors stake the boundary of the proposed development area in relation to the archaeological deposit. If necessary, the second phase of 52 units shall be used to explore areas of higher artifact concentration, buried features, if appropriate, or for clarification of site structure. All sample units shall be excavated as one-meter squares, in 10-cm increments. The soil shall be screened through one-eighth-inch wire mesh and all artifacts and ecofacts shall be recovered.

Upon completion of all the sample units, two mechanically excavated trenches shall be completed within the area of impact. The western portion of the impact area shall be cut with a trench along the length of the area of impact, from north to south. This shall provide linear exposure of the site sediment formation along this axis of the site. The second trench shall be completed in an east/west direction within the southern area of the site where construction impacts are expected. If buried features or concentrations of archaeological materials are encountered during trenching, these areas shall be explored by hand. The trenching shall be monitored and diagnostic artifacts shall be retrieved from the excavated soil. The main goals of trenching shall be to discover buried features or areas of archaeological concentration not discovered with sample units and to provide contiguous profiles of the site deposit from two perspectives.

Upon completion of the sample unit excavation and the trenching, a front-end loader shall be used to remove the remaining site sediment from the area of impact. The artifact- and ecofact-bearing soil shall be removed through mechanical scraping which shall be closely monitored. In the event that buried features, concentrations of archaeological debris, or human skeletal remains are uncovered, site destruction shall be halted and a recovery plan shall be completed in consultation with City of San Diego staff, and for human skeletal remains, with the Native American Heritage Commission. The goals of the recovery plan are to document and recover the materials in a timely and appropriate manner and to integrate any new discoveries into the existing interpretation of this site. The final phase of 52 sample units can be used to explore these discoveries as needed.

The plan includes recovery of multiple organic samples suitable for radiocarbon analysis from controlled contexts. Preference shall be given to samples from hearths or other

concentrated areas of organic deposit to control for contamination. Samples shall also be taken from levels below 40 cm to control for agricultural disturbance. The number of samples shall be determined based on the nature of the recovered data and upon information regarding site structure and disturbance.

The research goals of the plan are to expand on the findings of the significance testing, although the goals of this data recovery effort are purposefully simple, because the previously completed work has demonstrated that the area of the site that shall be impacted by the development plan, is not the most productive area. The focus of this data recovery effort shall be on recovering additional information in support of the occupation sequence for this site. There is some evidence for Late Archaic through Early Milling periods of occupation. Clarification of specific areas of occupation associated with these cultural horizons is of interest. For example, do the western and southern areas of the site express one or both of these cultural sequences and, if so, in what manner are they expressed? The data recovery effort shall also allow for an opportunity to explore the site sediment questions that were raised during the original investigation. In particular, the exploratory trenches shall provide an excellent opportunity to study site formation and the effects of sheetwash of the downslope migration of artifacts.

The recovered artifacts from this data recovery effort shall be packaged and prepared for submittal to the local archaeological repository with the supporting documentation. Only a sample of the recovered marine shell shall be submitted for permanent curation.

The portion of CA-SDI-687 that has been designated for passive open space shall be capped with six to eight inches of sterile topsoil placed over a jute or fiber mat. A licensed and experienced contractor shall install the mat and sterile topsoil and the allowable planting shall be restricted to shallow rooted shrubs, grass, or application of a seed mix of native grasses, annuals, and bushes. City staff shall review the landscape plan prior to implementation. Trees shall not be planted within the preservation area and irrigation must be limited to the upper six inches of the soil cap.

Geology, Soils and Erosion

The following temporary erosion-control measures shall be shown on the grading plans and shall be implemented during the construction phase of the project as a condition of the future grading permit: planting of disturbed and manufactured slopes within 90 days, grading to facilitate drainage away from slope faces, use of hay bales and swales at the top of slopes and construction of the ~~off~~ on-site desilting basin. Hay bales should only be used if necessary after all other erosion-control measures have been included. If hay bales are necessary, then they shall be sterilized or rice straw shall be used to minimize the potential for introduction of invasive, non-native plant material to the site. The desilting basin that would serve The Villas at Stallions Crossing project shall be located ~~off-site, adjacent to and west of the project site across El Camino Real~~ on site as shown on the tentative map. Non-natural runoff to the detention basin shall be minimized by proper drainage patterns to prevent excessive organic material from entering.

Special site preparation and grading techniques, as described in the geotechnical reconnaissance and in any additional geotechnical investigation performed for the project shall be shown on the grading plans and implemented as a condition of the grading permit.

Permanent erosion-control measures, such as complete landscaping with drought-tolerant, slope-stabilizing vegetation, and construction and maintenance of detention basin shall be installed. Maintenance of the desilting basin shall be the responsibility of a homeowners association or similar maintenance district.

Placement of temporary measures and detention basins shall be field inspected by the Development Services Department in conformance with the tentative map immediately after grading. These shall be in place prior to the issuance of grading permits. Permanent landscaping, as defined by the landscape plan and revegetation plan, shall be field inspected by the ~~Planning Department~~ Development Services prior to issuance of building permits.

Paleontology

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

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

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

The paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. **THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.

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

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

This mitigation monitoring and reporting program shall require an additional deposit of \$450.00 to be collected prior to the issuance of grading permits to ensure the successful completion of the program.

Noise

Prior to issuance of the first Certificate of Completion, the applicant shall construct a six-foot noise barrier along all lots adjacent to El Camino Real (see EIR 95-0197, Figure 4K-2). These barriers shall be shown on the final improvement plans. Noise barriers can be constructed of masonry, brick stucco, concrete, Plexiglas (1/2-inch thick), tempered glass (1/4-inch thick), or earth. The barriers must be solid, with no cracks between wall segments or between the ground and the bottom of the barrier.

All first-floor interior areas shall be designed to reduce exterior noise levels by at least 20 dB. Second-floor areas of buildings within 150 feet of El Camino Real shall be designed to reduce exterior noise levels by at least 25 dB. The second-floor areas of buildings beyond 150 feet shall be designed to reduce exterior noise by at least 20 dB. The buildings farther in on the project site would experience lower noise levels since other buildings located between them and El Camino Real would block noise.

To insure that the interior standards are met, an interior analysis shall be submitted to the City to be reviewed by the Environmental Analysis Section and the Noise Abatement Administrator at the time of building permits. Appropriate structural mitigation shall be incorporated into building plans prior to issuance of building permits. The structural building inspector from Building Inspection would then inspect the site to ensure conformance with the approved plans.

Public Facilities

Elementary, Junior High, and High Schools

Mitigation of the project's impact to schools shall be accomplished by agreements between the applicant and the affected school districts (Solana Beach Elementary and San Dieguito Union) prior to the discretionary approval of the project. The payment of school fees shall be made in accordance with the agreement between the applicant and the affected school district.

Parks

The project shall provide a fair-share payment of park fees consistent with the adopted ~~Subarea 2 Public Facilities Financing Plan~~ Interim Development Impact Fee program.

Libraries

The project shall provide a fair-share contribution for library services consistent with the adopted ~~Subarea 2 Public Facilities Financing Plan~~ Interim Development Impact Fee program.

Water and Sewer

The project plans would include the requirement that a site-specific water facilities study be prepared for the plan area prior to recordation of the first final subdivision map. All required on- and off-site water facilities, as determined by the approved water facilities study, must be completed and accepted by the City prior to the occupancy of any buildings. The project must incorporate and implement the appropriate recommendations of the water facilities study.

Facilities identified in the updated study may require subsequent environmental review, if deemed necessary by the Development Services Department. Any additional environmental review will be necessary prior to the construction of any off-site facilities. Mitigation to reduce any significant impacts shall be identified during subsequent environmental review.

The sewer facilities for the tentative map would be provided by the City of San Diego, other than the facilities provided on-site to connect to existing facilities. The sewer plans must be implemented according to the tentative map.

Safety

The following measures shall be made a condition of the PRD:

The retention basin shall be kept free of debris, high concentrations of nutrients which could contribute to algae blooms, and organic floatage. Any emergent vegetation (e.g., cattails and bulrushes) shall be removed only as necessary to control the mosquito problem.

Non-natural runoff to the detention basin shall be minimized by proper drainage patterns to prevent excessive organic material from entering.

Although the above measures are designed to minimize the potential for mosquito breeding in the on-site retention basin and control mosquito populations, active control measures may be necessary at times. These would include the application of a mosquito fog or insecticide spray. The use of this measure should be minimized to avoid reducing populations of other insects. Use of spray application shall be minimal and shall require coordination with USFWS and CDFG. Maintenance of the detention basin shall be the responsibility of a homeowners association or similar maintenance district.

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

Pursuant to Public Resources Code Section 21081 (a)(2), the City Council, having independently reviewed and considered the information contained in the final EIR and Addendum, the appendices and the record, finds that there are no changes or alterations to the project that are within the responsibility and jurisdiction of another public agency, which would avoid or substantially lessen the significant effects of the project.

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

The City Council, having reviewed and considered the information contained in the final EIR, the appendices, the public record, and evidence provided by the project applicant, finds that there are specific economic, legal, social, technological or other considerations which make infeasible the No Project and Development Under Existing Zoning alternatives as described in the final EIR and further finds that the Development According to the Framework Plan alternative, as described in the final EIR, are feasible. However, the project has been revised since the final EIR was certified and the alternatives contained within the final EIR, particularly the Reduced Development Alternative upon which the

current project is based, no longer offer the same reduction in environmental impacts when compared to the current project with mitigation. The City Council further finds that it is infeasible to implement any measures which would further avoid or substantially lessen the significant effects of the project.

No Project Alternative

The No Project alternative is equivalent to maintenance of existing conditions throughout the project site. This alternative would mean that no development would occur on the site.

Impact:

Advantages of the No Project alternative would include no change or impact to land use. Significant direct and indirect impacts and the project's contribution to cumulative impacts would be avoided. CA-SDI-687, a significant archaeological site, would not be impacted at all. Views to the site from El Camino Real and the San Dieguito River would remain as described in the Existing Conditions section. The project landform would be preserved in its existing form. There would be no increase in air emissions to basins from development activity and no potential noise impact to future residents of the project. Potential paleontological resource impacts would be avoided by not grading, and there would be no reduction in agricultural land. With no development occurring, there would be no increase in services demanded.

Finding: The No Project alternative is infeasible for the following reasons.

Certain elements of the adopted goals and objectives of the North City Future Urbanizing Area Framework Plan would not be met with the No Project alternative. These include the identification of permanent open space areas with high natural resource value that would function as natural habitat, form connections with surrounding open spaces, and give shape and definition to surrounding built areas. The primary purpose of designating such areas would be to conserve biological diversity by setting aside relative large areas, linked with corridors, and protected from human activities. This alternative would not take advantage of this opportunity to contribute to dedicated open space consistent with the MSCP/MHPA. Floodplains and significant topographic features such as canyons, ridges, and hillsides would also be preserved. The retention of the site in its current vacant conditions would not implement these planning goals of the NCFUA and the MSCP.

Retaining the property in its existing use would also affect any financing mechanism for providing adequate public facilities. Regardless of the use of the property, future development in the Framework Plan area and vicinity will require extension of public services and facilities such as water, sewer, parks, libraries, police, and fire stations; and development of roads. This project's contribution of funds to these facilities would be eliminated. Thus, on an equitable basis, the property would not share in the cost of financing such facilities, which may result in insufficient funds to finance the needed facilities or create the potential for inequitable exactions on other property owners for financing the facilities when they are permitted to develop their land. The No Project alternative would also result in the City and County receiving significantly lower long-term tax revenues from the property. Although the opportunity to develop the project features

could still be implemented at some point in the future if this alternative were adopted, the timing and certainty of this future opportunity are unknown.

Under the No Project alternative, there would be no contribution to the improvements to El Camino Real. This alternative would also not meet the project objective of developing the site with single-family residences.

Development Under Existing Zoning

One Dwelling Unit Per 10 Acres Clustered

The Development Under Existing Zoning alternative would be designed to fit the provision in Council Policy 600-29 to allow development pursuant to the Rural Cluster Development Regulations at the density permitted in the A-1-10 zone, but clustered in a relatively small area of the site. The most likely site for the cluster would be adjacent to El Camino Real on the terrace above Gonzales Canyon, in part of the area now proposed for development.

Impact:

This alternative would result in only two single-family residences clustered on part of the property. Lot sizes for clusters are not specified in Council Policy 600-29. As an example, however, if the two residences were sited on lots with an average size of 6,000 square feet, approved development would affect 12,000 square feet. The remaining 26.63 acres would remain undeveloped until a phase shift occurred, when development would be possible under the development regulations in effect at that time.

Gross density would be much less than the proposed density or the Framework Plan's current designated one dwelling unit per acre. Traffic generation would be 20 ADT if the two lots were below estate size; 24 ADT if the lots were estate sized. No significant effect on the circulation system would be expected, since the traffic generation would be consistent with the underlying A-1-10 zone. Because only two residences would be constructed and could be placed in the least environmentally sensitive part of the site, no significant impacts would be expected for the cluster development. Future development impacts, lacking knowledge of future development, regulatory and environmental conditions are too speculative for analysis.

Finding: The One Dwelling Unit Per 10 Acres Clustered alternative is infeasible for the following reasons:

Based on the fact that only two clustered residential lots would be created in an area having minimal environmental impacts, and the balance of the property would be retained for future development, the impacts to the City would be substantially the same as with the No Project alternative. The adoption of this alternative, like the No Project alternative, would not be fully consistent with the need for new residential uses and supporting facilities, services and improvements.

Also, as with the No Project alternative, this alternative would not implement the goals of the General Plan, Framework Plan or MSCP/MHPA as it would not assure the

establishment and enhancement of the MHPA and dedication of MSCP wildlife habitat adjacent to Gonzales Canyon, which would occur with the proposed project.

Under this alternative, there would be a minimal contribution to the City's Capital Improvement Project for improvements to El Camino Real.

This alternative would also not meet the applicant's or the Settlement Agreement's expectations and desired project, consisting of 47 single-family detached dwelling units, as specified in the Addendum.

The City-retained appraiser, Ted G. Hendrickson, has valued the property at \$2.35 million, as described in Exhibit 11 of the June, 1996 Settlement Agreement between the City and the property owners. This alternative would not be able to achieve a net profit of \$1.175 million per lot for the proposed two lots to reach that appraised value.

One Dwelling Unit Per 4 Acres Alternative

This alternative could also be pursued according to Council Policy 600-29, pursuant to the City's Planned Residential Development (PRD) regulations, which would permit six dwelling units on this 26.95-acre project site. Assuming lot sizes of approximately 6,000 square feet, development under this alternative would encompass approximately two acres. As stated in Council Policy 600-29, there would be no future development rights for the remaining 24 acres of the site.

Impact:

At a density of 0.25 dwelling unit per acre and a traffic generation factor of 12 ADT, this project alternative would generate 72 average daily trips. As this increase in trips is rather small, it is anticipated that no improvements to El Camino Real would be required. Only a minimal contribution to the City's Capital Improvement Project would be required. A project under this scenario, would not have fewer direct impacts to biological resources than the proposed project as it would also require an on-site desilting basin. Impacts to the archaeological site would also be avoided; however, the current project mitigates this impact to below significance. The reduced building footprint would lessen grading quantities and would provide a more open appearance, with fewer structures than the proposed project. However, the current project does not result in direct impacts to visual quality or landform alteration (cumulative impacts would remain essentially the same). As there would be significantly fewer dwelling units with this alternative as opposed to the proposed project, it is anticipated that there would be less impact upon air quality, water quality, noise and public facilities and services.

Finding: The One Dwelling Unit Per 4 Acres Alternative is infeasible for the following reasons:

This alternative would not implement the goals and objectives of the Framework Plan which calls for residential density at one dwelling unit per acre.

This alternative, which would add less than the number of dwelling units contemplated by the proposed project, would result in minimal financial participation in regional public

facilities, a significant reduction in tax revenues to the City, as well as have negative effects on implementing the MSCP open space preserve. This alternative could not support the cost of constructing El Camino Real improvements.

This alternative would also not meet the applicant's and Settlement Agreement's expectations and desired project, consisting of 80 single-family detached dwelling units, as specified in the Project Description section of the EIR and Addendum.

The City-retained appraiser, Ted G. Hendrickson, has valued the property at \$2.35 million, as described in Exhibit 11 of the June, 1996 Settlement Agreement between the City and the property owners. This alternative would not be able to achieve a net profit of \$390,000 per lot for the proposed six lots to reach that appraised value.

Development According to the Framework Plan

The proposed project site is located in Subarea II of the NCFUA. No subarea plan has been adopted for Subarea II, but this alternative would implement the Framework Plan by developing 24 single-family residences in the footprint shown by the Framework Plan. This is approximately the same development footprint associated with the proposed project. No development is assumed in the Environmental Tier (MHPA) in Gonzales Canyon. Additionally, no development is assumed in the location of archaeological site CA-SDI-687. This further reduces the potential development area. This alternative might be similar to the 30-unit application filed in 1988, but no development plan has been prepared or submitted for this alternative. Lacking a subarea plan, the following evaluation is limited to a general consideration of the effects of developing at the Framework Plan designated density and location.

Impact:

In this location and at the designated densities, the most probable development would be large, single-family residences. Irrigated landscaping with some nominal agricultural uses in the development area could be anticipated.

Development such as that described above would require rezoning from A-1-10 to the appropriate residential density or a Transfer of Development Rights similar to that which is currently proposed to accommodate one dwelling unit per acre. Conformance to the Framework Plan would be assured through project design, but development would not need to be preceded by adoption of a subarea plan for Subarea II since this property is exempted from that requirement. A phase shift from Future Urbanizing to Planned Urbanizing would have to be approved by the electorate (unless this alternative were to propose a Transfer of Development Rights).

For 24 large-lot, estate-type homes, 12 ADT per dwelling unit would result in a total trip generation of 288 ADT, as reported in the Transportation and Traffic Circulation section in Chapter 4 of the EIR. This is about 61% of the proposed project's predicted 470 ADT. The relatively low volumes suggest that no circulation system improvements would be required. The cumulative impacts of development of the NCFUA according to the Framework Plan were analyzed in the traffic study for that plan.

It is assumed that this alternative would directly affect only the mesa top and not the naturally vegetated slopes of Gonzales Canyon. As mentioned above, impacts to archaeological site SIDI-687 would be reduced with the fewer number of units associated with this alternative. Brush management could affect the coastal sage scrub on the slopes and habitat for the coastal California gnatcatcher, and indirect biological resource impacts would be the same as for the proposed project. Biological mitigation would be the same as for the proposed project. If development were restricted to outside the coastal sage scrub habitat (like the current project), impacts to coastal sage scrub habitat would be avoided.

Development of this alternative would not affect the drainage patterns, floodplain, or floodway of the San Dieguito River, so no hydrology impacts would occur. Development of this alternative would add some impervious surfaces on the project site, but probably less of a total than the proposed project due to the lower density. But with more extensive irrigated landscaping maintained by individual property owners likely, and some nominal agricultural uses in the development area, more pollutants such as fertilizers, pesticides, and perhaps animal wastes entering the watershed might result. However, it would appear that the infiltration basin could filter out this increase in agricultural use-related pollutant discharge.

Demand for services and utilities would be less than for the proposed project, since there would be at least 17 fewer residences. Effects on paleontological resources, geology, and public safety would be comparable to the proposed project. This alternative would obviously accommodate a smaller population than the proposed project, and there would be fewer sensitive noise receptors. Lacking a development plan, specific visual impacts cannot be evaluated, but this alternative would be visually more open, with fewer structures and more open areas, than the proposed project. Residential development in this location would be visible from areas around the river valley, similar to the analysis provided for the project.

Finding:

This alternative is considered feasible even though it would not meet the applicant's or the Settlement Agreement's expectations for development of an 47-unit residential project and the City would receive a reduction in annual tax revenues over that anticipated for the proposed project. Construction improvements to El Camino Real would be reduced as would the applicant's contribution to regional-serving facilities. The development area would be restricted to the mesa top and would not affect the naturally vegetated slopes of Gonzales Canyon. Impacts to archaeological site SDI-687 would be reduced with the fewer number of units but would remain significant and possibly mitigable (like the current project). Demand for services and utilities would be slightly less than for the proposed project and anticipated land use and biological impacts would be approximately the same (assuming mitigation of archaeological impacts). This alternative would not meet the expectations of the applicant or the Settlement agreement and would not result in substantial reduction to significant environmental impacts and therefore is not considered superior to the project.

Reduced Development Area Alternative

The current project is roughly based on this alternative. The major difference, as described in the Addendum, is that the project would impact archaeological site CA-SDI-687. As further described in the Addendum and in Section 1 of these Findings, the applicant has agreed to implement a Mitigation Monitoring and Reporting Program to mitigate the significant cultural resource and land use impacts associated with development of a portion of the archaeological site.

Impact:

With the exception of the mitigated impact to cultural resources and land use, impacts from this project are the same as for the proposed project. Because the data recovery program described in section 1 of these findings mitigates these impacts, avoidance of the impact, as proposed by the Reduced Development Area alternative, does not further substantially reduce the impact.

Finding:

While this alternative is considered feasible, it would not result in substantial reduction to significant environmental impacts and therefore is not considered superior to the project.

Residual Significant Environmental Impacts

The EIR and Addendum identified the following impacts that would remain significant even after all proposed mitigation measures are implemented:

- Cumulatively significant, indirect impacts to biological resources from developing housing adjacent to wildlife habitat
- Cumulative significant impacts to Hydrology/Water Quality, Visual Quality, Air Quality, Natural and Agricultural Resources, and Solid Waste.

Finding:

The City Council hereby finds that it is infeasible to eliminate or substantially reduce cumulatively significant, indirect biological resource impacts when developing housing adjacent to wildlife habitat. All feasible mitigation measures, such as requiring all exterior lighting to be directed within the development footprint, have been incorporated into the project. The project provides a buffer, in terms of the steep hillside, between the development and the MHPA. Residential development is one of the least offensive types of development in terms of edge effects for biological resources. Nevertheless, development of housing adjacent to wildlife habitat has unavoidable cumulatively significant impacts which are unmitigable due to the increased presence of humans, pets and lighting. Only the No Project alternative, which is infeasible for reasons noted above, could avoid or substantially lessen this impact. Moreover, it is beyond the ability of the applicant and this project cannot mitigate the cumulative impacts that other projects, built and future, would contribute.

The City Council hereby finds that it is infeasible to eliminate or substantially reduce the cumulatively significant Hydrology/Water Quality, Visual Quality, Air Quality, Natural and Agricultural Resources, and Solid Waste impacts that would result from the project. The project contributes a minute amount to these impacts, which are generated throughout the San Dieguito Hydrologic Basin, the Carmel Valley and Future Urbanizing Planning Areas, the San Diego Air Basin and the entire City and County with regard to Natural Agricultural Resources and Solid Waste impacts. It is beyond the ability of the applicant and this project to mitigate the cumulative impacts that other projects, built and future, would contribute.

STATEMENT OF OVERRIDING CONSIDERATIONS
THE VILLAS AT STALLIONS CROSSING

The California Environmental Quality Act (Public Resources Code Section 21081(b) and the State CEQA Guidelines (Section 15093) provide:

- (a) CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- (b) Where the decision of the public agency allows the occurrence of significant effects which are identified in the final 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.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination.

The City Council, pursuant to State CEQA Guidelines Section 15093, having balanced the benefits of the project against its unavoidable direct environmental impacts to biologically sensitive lands, steep slopes and a significant archaeological site, as well as its cumulative impacts to transportation and traffic circulation, biological resources, hydrology/ water quality, land form/visual quality, cultural resources, air quality, paleontology, agricultural resources, public facilities & services, and water

conservation, which remain significant notwithstanding the mitigation measures and alternatives described above, determines that such remaining significant environmental effects are acceptable due to the following considerations:

- 1) Approval of The Villas at Stallions Crossing project will result in the permanent preservation of approximately 14.2 acres in open space (53% of the project site) in the Gonzales Canyon area. This includes Diegan coastal sage scrub, mule fat scrub, southern willow scrub, ruderal/mesic, and non-native grasslands. These on-site areas to be preserved include habitat for sensitive plant and animal species, such as the coastal California gnatcatcher (federally listed threatened species), rufous-crowned sparrows and orange-throated whiptails (MSCP targeted species). The open space is adjacent to the outlet of Gonzales Canyon to the San Dieguito River, a critical adjacent east-west wildlife corridor area to the north and east of the project site identified in the MSCP and the San Dieguito River Park Plan.
- 2) The Villas at Stallions Crossing project would provide approximately \$107,520 in developer-provided improvements (as part of the subdivision process) for the improvement of El Camino Real to four lane major standards from the site south to Derby Downs Road, which will help meet the circulation needs of the region. The developer would construct the road and seek reimbursement for costs exceeding a fair share contribution.
- 3) Approval of The Villas project is part of a settlement of a long-standing legal dispute between the landowners and the City regarding the entire ownership of the landowners in the San Dieguito River Valley. This project, which constitutes one of three properties proposed for development by the landowners, will partially implement the settlement agreement. That settlement also includes the City's acquisition in fee of approximately 105 acres of land near the mouth of the San Dieguito River Valley, which acreage is locationally extremely

significant to ongoing open space and other objectives for the River Valley.

4. An estimated \$996,306 in proposed DIF fees will be provided to assist in funding public improvements such as, but not limited to various intersections, a wildlife undercrossing of El Camino Real, trails, and other public facilities.
5. The project would generate new temporary construction-related jobs that would enhance the economic base of the region. These construction jobs are needed in the region due to the recent downturn in construction activities and corresponding increase in unemployment.
6. The City would receive additional property taxes due to the increased land and improvements value associated with the project. A portion of these property taxes on 47 homesites would be paid to the City.

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

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

Villas at Stallions II
Coastal Development Permit, Planned Residential Development Permit
Resource Protection Ordinance Permit, Vesting Tentative Map
and Transfer of Development Rights

LDR NO. 98-0983

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in Addendum 98-0912 to Environmental Impact Report 95-0197 shall be made conditions of the approvals as may be further described below.

Transportation/Circulation

Prior to issuance of the thirtieth Certificate of Completion for dwelling units on the site, the applicant shall have widened, or shall have arranged to have widened, El Camino Real between Derby Downs Road and the project entrance as a 4-lane major road with a minimum of 78' of pavement width within 98' of right-of-way, satisfactory to the City Engineer.

Biological Resources

All artificial lighting shall be directed and shielded away from native habitat and its buffer zone.

Any necessary spraying to control mosquitoes within the project boundaries or off-site within sensitive biological areas as a result of the project shall only occur under the direction of the County health department consistent with established County protocol and after early coordination with the USFWS and the CDFG. A plan describing the spraying and the need for early coordination with the USFWS and the CDFG shall be prepared to the satisfaction of the County and the resource agencies prior to issuance of the first building permit.

Prior to the issuance of a grading permit, surveys for the Pacific pocket mouse consistent with the USFWS will be required.

Cumulative biological resources resulting from development of disturbed portions of the project site where orange throated whiptail and loggerhead shrike were observed, acre considered mitigated by the City's previous adoption of the MSCP. No project specific mitigation is required.

Cultural Resources

Prior to recording a Final Map for this project, the following data recovery effort must be completed. A final report on the results of the data recovery program must be submitted to the City for review and approval prior to acceptance by the City of all of the public improvements associated with the project. The data recovery plan presented here is founded upon the information that has been previously gathered from this site. In particular, the work will elaborate on the nature of the buried archaeological strata and the distribution of materials across this site through natural and cultural means.

Data recovery shall be conducted within areas of identified impact only. The data recovery effort shall be conducted as a phased effort in increments of 5 percent sampling, to a total of 15 percent recovery within the area of impact. The total area of impact has been calculated as 11,380 square feet, or 1,057 square meters. A 5 percent sample of this area would be 52 one-meter sample units. If needed, a second phase of 52 units would be completed with a possibility of a third phase of 52 sample units, for a total of 15 percent sampling at 156 one-meter sample units total.

The data recovery plan proposes to complete 52 hand-excavated sample units within the area of impact and to determine through a preliminary inventory of the recovered data, if there is a research benefit to continued excavation of an additional 5 and as much as 10 percent additional sampling. Hand-excavated sample units shall be limited to a 5 percent effort if the data that is recovered is redundant and does not provide the basis for original elaboration of prehistoric human activities beyond the stated research goals. Upon completion of the initial 5 percent sample, the project archaeologist shall meet with City of San Diego staff to determine the need for additional sampling. If such sampling is required, it will be completed in a manner consistent with the initial sampling phase.

The 52 hand-excavated sample units will be placed judgmentally in a stratified array along the western margin of the site area and along the southern edge. Placement of these units will be tied to reestablishing the original site datum and having professional surveyors stake the boundary of the proposed development area in relation to the archaeological deposit. If necessary, the second phase of 52 units shall be used to explore areas of higher artifact concentration, buried features, if appropriate, or for clarification of site structure. All sample units shall be excavated as one-meter squares, in 10-cm increments. The soil shall be screened through one-eighth-inch wire mesh and all artifacts and ecofacts shall be recovered.

Upon completion of all the sample units, two mechanically excavated trenches shall be completed within the area of impact. The western portion of the impact area shall be cut with a trench along the length of the area of impact, from north to south. This shall provide linear exposure of the site sediment formation along this axis of the site. The second trench shall be completed in an east/west direction within the southern area of the site where construction impacts are expected. If buried features or concentrations of archaeological materials are encountered during trenching, these areas shall be explored by hand. The trenching shall be monitored and diagnostic artifacts shall be retrieved from the excavated soil. The main goals of trenching shall be to discover buried features or areas of archaeological concentration not discovered with sample units and to provide contiguous profiles of the site deposit from two perspectives.

Upon completion of the sample unit excavation and the trenching, a front-end loader shall be used to remove the remaining site sediment from the area of impact. The artifact- and

ecofact-bearing soil shall be removed through mechanical scraping which shall be closely monitored. In the event that buried features, concentrations of archaeological debris, or human skeletal remains are uncovered, site destruction shall be halted and a recovery plan shall be completed in consultation with City of San Diego staff, and for human skeletal remains, with the Native American Heritage Commission. The goals of the recovery plan are to document and recover the materials in a timely and appropriate manner and to integrate any new discoveries into the existing interpretation of this site. The final phase of 52 sample units can be used to explore these discoveries as needed.

The plan includes recovery of multiple organic samples suitable for radiocarbon analysis from controlled contexts. Preference shall be given to samples from hearths or other concentrated areas of organic deposit to control for contamination. Samples shall also be taken from levels below 40 cm to control for agricultural disturbance. The number of samples shall be determined based on the nature of the recovered data and upon information regarding site structure and disturbance.

The research goals of the plan are to expand on the findings of the significance testing, although the goals of this data recovery effort are purposefully simple, because the previously completed work has demonstrated that the area of the site that shall be impacted by the development plan, is not the most productive area. The focus of this data recovery effort shall be on recovering additional information in support of the occupation sequence for this site. There is some evidence for Late Archaic through Early Milling periods of occupation. Clarification of specific areas of occupation associated with these cultural horizons is of interest. For example, do the western and southern areas of the site express one or both of these cultural sequences and, if so, in what manner are they expressed? The data recovery effort shall also allow for an opportunity to explore the site sediment questions that were raised during the original investigation. In particular, the exploratory trenches shall provide an excellent opportunity to study site formation and the effects of sheetwash of the downslope migration of artifacts.

The recovered artifacts from this data recovery effort shall be packaged and prepared for submittal to the local archaeological repository with the supporting documentation. Only a sample of the recovered marine shell shall be submitted for permanent curation.

The portion of CA-SDI-687 that has been designated for passive open space shall be capped with six to eight inches of sterile topsoil placed over a jute or fiber mat. A licensed and experienced contractor shall install the mat and sterile topsoil and the allowable planting shall be restricted to shallow rooted shrubs, grass, or application of a seed mix of native grasses, annuals, and bushes. City staff shall review the landscape plan prior to implementation. Trees shall not be planted within the preservation area and irrigation must be limited to the upper six inches of the soil cap.

Geology, Soils and Erosion

The following temporary erosion-control measures shall be shown on the grading plans and shall be implemented during the construction phase of the project as a condition of the future grading permit: planting of disturbed and manufactured slopes within 90 days, grading to facilitate drainage away from slope faces, use of hay bales and swales at the top of slopes and construction of the off on-site desilting basin. Hay bales should only be used if necessary after all other erosion-control measures have been included. If hay bales are necessary, then they shall be sterilized or rice straw shall be used to minimize the potential for introduction of invasive, non-native plant material to the site. The desilting

basin that would serve The Villas at Stallions Crossing project shall be located ~~off-site, adjacent to and west of the project site across El Camino Real~~ on site as shown on the tentative map. Non-natural runoff to the detention basin shall be minimized by proper drainage patterns to prevent excessive organic material from entering.

Special site preparation and grading techniques, as described in the geotechnical reconnaissance and in any additional geotechnical investigation performed for the project shall be shown on the grading plans and implemented as a condition of the grading permit.

Permanent erosion-control measures, such as complete landscaping with drought-tolerant, slope-stabilizing vegetation, and construction and maintenance of detention basin shall be installed. Maintenance of the desilting basin shall be the responsibility of a homeowners association or similar maintenance district.

Placement of temporary measures and detention basins shall be field inspected by the Development Services Department in conformance with the tentative map immediately after grading. These shall be in place prior to the issuance of grading permits. Permanent landscaping, as defined by the landscape plan and revegetation plan, shall be field inspected by the ~~Planning Department~~ Development Services prior to issuance of building permits.

Paleontology

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

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

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

The paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. **THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY.** LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.

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

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

This mitigation monitoring and reporting program shall require an additional deposit of \$450.00 to be collected prior to the issuance of grading permits to ensure the successful completion of the program.

Noise

Prior to issuance of the first Certificate of Completion, the applicant shall construct a six-foot noise barrier along all lots adjacent to El Camino Real (see EIR 95-0197, Figure 4K-2). These barriers shall be shown on the final improvement plans. Noise barriers can be constructed of masonry, brick stucco, concrete, Plexiglas (1/2-inch thick), tempered glass (1/4-inch thick), or earth. The barriers must be solid, with no cracks between wall segments or between the ground and the bottom of the barrier.

All first-floor interior areas shall be designed to reduce exterior noise levels by at least 20 dB. Second-floor areas of buildings within 150 feet of El Camino Real shall be designed to reduce exterior noise levels by at least 25 dB. The second-floor areas of buildings beyond 150 feet shall be designed to reduce exterior noise by at least 20 dB. The buildings farther in on the project site would experience lower noise levels since other buildings located between them and El Camino Real would block noise.

To insure that the interior standards are met, an interior analysis shall be submitted to the City to be reviewed by the Environmental Analysis Section and the Noise Abatement Administrator at the time of building permits. Appropriate structural mitigation shall be incorporated into building plans prior to issuance of building permits. The structural building inspector from Building Inspection would then inspect the site to ensure conformance with the approved plans.

Public Facilities

Elementary, Junior High, and High Schools

Mitigation of the project's impact to schools shall be accomplished by agreements between the applicant and the affected school districts (Solana Beach Elementary and San Dieguito Union prior to the discretionary approval of the project. The payment of school fees shall be made in accordance with the agreement between the applicant and the affected school district.

Parks

The project shall provide a fair-share payment of park fees consistent with the adopted ~~Subarea 2 Public Facilities Financing Plan~~ Interim Development Impact Fee program.

Libraries

The project shall provide a fair-share contribution for library services consistent with the adopted ~~Subarea 2 Public Facilities Financing Plan~~ Interim Development Impact Fee program.

Water and Sewer

The project plans would include the requirement that a site-specific water facilities study be prepared for the plan area prior to recordation of the first final subdivision map. All

required on- and off-site water facilities, as determined by the approved water facilities study, must be completed and accepted by the City prior to the occupancy of any buildings. The project must incorporate and implement the appropriate recommendations of the water facilities study.

Facilities identified in the updated study may require subsequent environmental review, if deemed necessary by the Development Services Department. Any additional environmental review will be necessary prior to the construction of any off-site facilities. Mitigation to reduce any significant impacts shall be identified during subsequent environmental review.

The sewer facilities for the tentative map would be provided by the City of San Diego, other than the facilities provided on-site to connect to existing facilities. The sewer plans must be implemented according to the tentative map.

Safety

The following measures shall be made a condition of the PRD:

The retention basin shall be kept free of debris, high concentrations of nutrients which could contribute to algae blooms, and organic floatage. Any emergent vegetation (e.g., cattails and bulrushes) shall be removed only as necessary to control the mosquito problem.

Non-natural runoff to the detention basin shall be minimized by proper drainage patterns to prevent excessive organic material from entering.

Although the above measures are designed to minimize the potential for mosquito breeding in the on-site retention basin and control mosquito populations, active control measures may be necessary at times. These would include the application of a mosquito fog or insecticide spray. The use of this measure should be minimized to avoid reducing populations of other insects. Use of spray application shall be minimal and shall require coordination with USFWS and CDFG. Maintenance of the detention basin shall be the responsibility of a homeowners association or similar maintenance district.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.