

RESOLUTION NUMBER R- 294395

ADOPTED ON DEC 12 2000

WHEREAS, on October 2, 1998, Aspen Creek, L.L.C., submitted an application to the Planning and Development Review Department for a Vesting Tentative Map, Rezone, and Planned Industrial Development/Resource Protection Ordinance Permit No. 98-0978 for the Carroll Canyon Business Park; 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 DEC 12 2000; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Environmental Impact Report No. 98-0978; NOW, THEREFORE,

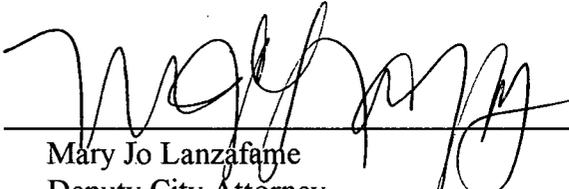
BE IT RESOLVED, by the Council of The City of San Diego, that it is certified that Environmental Impact Report No. 98-0978, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et 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 Carroll Canyon Business Park.

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 
Mary Jo Lanzafame
Deputy City Attorney

MJL:lc
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CANDIDATE FINDINGS
AND
STATEMENT OF OVERRIDING CONSIDERATIONS

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**Findings and Statement of Overriding Considerations
for the Proposed Carroll Canyon Business Park Project
(LDR No. 98-0978)**

Section 21081 of the California Environmental Quality Act (CEQA) requires that no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved and carried out unless the public agency makes one or more written findings for each of the significant effects. The possible findings are:

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

(§ 21081(a) of the Public Resources Code) These findings must be accompanied by a brief explanation of the rationale for each finding.

If the Agency makes findings under paragraph (3), above, the agency must make findings that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project. (§21081(b) of the Public Resources Code.) CEQA further requires that, where the decision of the public agency allows the occurrence of significant effects which are identified in the Final EIR and appendices, but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. (§15093, CEQA Guidelines)

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

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Candidate Findings for the Carroll Canyon Business Park Project

LDR No. 98-0978
September 11, 2000

Introduction

The *Carroll Canyon Business Park* project site encompasses approximately 57.8 gross acres located within the Mira Mesa community planning area. The project site is located within Carroll Canyon immediately east and west of Camino Ruiz. The project proposes a Tentative Map (TM) and Planned Industrial Development (PID) Permit to accommodate a maximum of 445,183 square feet of light industrial/business park/office uses on 11 lots. Two additional lots are proposed for open space uses. Carroll Canyon Road is proposed to be extended through the site in a northeast to southwest alignment, and off-site improvements would occur at the future intersection of Camino Ruiz and Carroll Canyon Road and Camino Ruiz and Miralani Drive. A Rezone of the property would change the underlying zoning from A-1-10/HR (agricultural, one unit per ten acres within the Hillside Review Overlay Zone) to M-1B/HR (Manufacturing Industrial within the Hillside Review Overlay Zone). A Resource Protection Ordinance (RPO) permit is required to implement the project because of encroachment into environmentally sensitive lands. In addition, various other state and federal permits would be required to implement the *Carroll Canyon Business Park* project.

Conclusions of the Final EIR

The final EIR evaluates the following environmental issues in relation to the project: land use, landform alteration/visual quality, biological resources, geology/soils, hydrology/water quality, transportation, noise, air quality, cultural resources, paleontological resources, solid waste and public safety. The final EIR also evaluates cumulative and growth-inducing impacts, as well as alternatives to the proposed project components and the overall project.

The final EIR indicates that the *Carroll Canyon Business Park* project's direct and/or cumulative impacts on the following environmental issues can be lessened or avoided if all the proposed mitigation measures recommended in the final EIR are implemented: land use, landform alteration/visual quality, biological resources, geology/soils, hydrology/water quality, transportation, air quality, paleontological resources, and solid waste. The final EIR indicates that the *Carroll Canyon Business Park* project will have direct impacts with regard to land use and landform alteration/visual quality which will remain significant and unmitigated. Significant and unmitigated cumulative impacts would occur to hydrology/water quality, transportation, and air quality.

Findings

The following findings are made pursuant to Public Resources Code Section 21081 and Title 14 of the California Code of Regulations, Sections 15091 and 15093 (State CEQA Guidelines).

2.0 Landform Alteration/Visual Quality

Impact: Significant and unmitigated impacts to landform would occur from implementation of the *Carroll Canyon Business Park*. The project would result in the creation of manufactured slopes higher than ten feet and would result in a change in elevation of steep natural slopes (25 percent gradient or steeper) from existing grade to proposed grade of more than five feet by either excavation or fill. In addition, grading quantities would exceed 2,000 cubic yards per graded acre.

Finding: As a condition of Tentative Map approval and prior to the issuance of grading permits, the City Manager shall verify that final maps and grading plans provide contour grading of manufactured slopes for Lots 1, 2, and 13. Field inspectors with the City of San Diego's Planning and Development Review shall inspect the grading to ensure conformance with approved grading plans. Landscaping techniques using plant material of varying heights shall be used in conjunction with contour grading to create an undulated slope appearance.

Only adoption of the No Development Alternative would avoid the direct landform alteration impacts. Adoption of the No Project Alternative would not avoid the landform alteration impacts because construction of Carroll Canyon Road would create significant unavoidable impacts even without industrial development. Adoption of the RPO Consistent Alternative would reduce the direct landform alteration impact, but not to below a level of significance.

3.0 Biological Resources

Impact: The proposed project would result in significant biological impacts associated with the on-site loss of 22.05 acres of Diegen coastal sage scrub, 17.02 acres of southern mixed chaparral, 0.2 acre of southern willow scrub, 0.02-acre of southern coastal freshwater marsh, 0.3 acre of non-wetland waters, and 0.3-acre of non-native grassland, and the off-site loss of 0.6-acre of Diegen coastal sage scrub and 0.04-acre of southern willow scrub.

Finding: Mitigation for project impacts to vegetation communities shall consist of a combination of on-site revegetation and off-site habitat acquisition either inside or outside of the City's Multi-Habitat Planning Area. Off-site acquisition sites would support equal or greater habitat value relative to the habitat tier type. Mitigation for project impacts to wetlands shall consist of on-site wetland habitat restoration. All impacts to wetlands would be mitigated "in-kind" and achieve "no-net-loss" of wetland function and values. The wetland habitat restoration plan would be initiated upon receipt of necessary state and federal agency approvals. Impacts would be reduced to below a level of significance.

4.0 Geology/Soils

Impact: No soil or geologic conditions were encountered or identified on the project site which would result in significant impacts, provided that recommendations of the Geotechnical

6.0 Transportation

Impact: The proposed project would create significant impacts to three street segments and three intersections in the short-term, and three street segments and four intersections in the long-term.

Finding: Prior to building occupancy, the construction of various roadway improvements at Miralani Drive/Camino Ruiz, Activity Road/Camino Ruiz, and Miramar Road/Camino Ruiz would mitigate the short-term impacts to the three intersections to a level below significant. Short-term impacts to the three street segments would not require mitigation, however, would be mitigated with the contribution of a fair-share payment toward the widening of Camino Ruiz, which is a Facilities Benefit Assessment (FBA)-listed capital improvement project. Long-term traffic impacts to the three segments and intersections would be reduced with the project's contribution of FBA funding for future community-serving roadway/intersection improvements, but not to a level below significance.

7.0 Noise

There would not be significant noise impacts requiring mitigation.

8.0 Air Quality

Impact: The proposed project would result in a significant short-term direct air quality impact from the additional vehicular traffic congestion added by the project. The project's contribution to the San Diego region's current inability to meet air quality standards would be considered a cumulatively significant impact.

Finding: A significant short-term direct air quality impact would result from the additional vehicular traffic congestion added by the project. However, this short-term impact would be reduced to a level below significance with the construction of the roadway improvements specified in 4.6-1 through 4.6-3 in Section 4.5, TRANSPORTATION, of this EIR. Those improvements would be constructed prior to occupation of the proposed industrial uses on-site. The cumulative air quality impacts would be unmitigated. Adoption of the No Project, No Development, RPO Consistent, Wetland Avoidance, or Traffic Impact Avoidance alternatives would reduce cumulative air quality impacts, but not to below a level of significance.

9.0 Cultural Resources

There would not be significant cultural resources impacts requiring mitigation.

Carroll Canyon Business Park

Candidate Findings and Statement of Overriding Considerations

technological, social or other considerations and benefits make infeasible the mitigation measures or project alternatives identified in the final EIR and its appendices, other than the proposed *Carroll Canyon Business Park* project, and as set forth below.

- a. **No Project Alternative.** Under the No Project alternative, the industrial development would not be approved, however, Carroll Canyon Road and the LRT easement would be provided by others. Accordingly, the improvements to Camino Ruiz would also be required under this alternative. The environmental impacts associated with the construction of Carroll Canyon Road are discussed below. The potential impacts resulting from construction or operation of a transit line on-site are not evaluated, as they are speculative in nature and beyond the scope of this EIR.

Impact: The No Project Alternative would leave the site as it exists today – vacant and primarily undeveloped. Project impacts associated with land use, landform alteration/visual quality, biological resources, geology/soils, hydrology/water quality, transportation, air quality, and paleontological resources would be reduced or avoided. The No Project alternative would not be consistent with the Community Plan's goal of providing a transportation system that maximizes the opportunities for transit use. Under this alternative, no businesses would be developed on the project site, and there would be no employees traveling to and from the project site. In addition, the No Project alternative would not be consistent with the designated uses for the site. The City of San Diego Progress Guide and General Plan and the Mira Mesa Community Plan designate the site for mixed-use development focusing on business/industrial parks. The alternative would also be inconsistent with RPO because the road alignment would impact the existing floodplain, steep hillsides, and wetlands.

Finding: The No Project alternative would meet three of the project objectives by providing: construction of Carroll Canyon Road; a 35-foot-wide light rail transit easement on the site; and mitigation for impacts to biological resources through off-site habitat acquisition and enhancement. However, no industrial development would occur under this alternative, and private funding would not be available for the infrastructure improvements or the mitigation program that would be required for those improvements. A land use impact would occur due to the loss of land reserved for mixed-use land uses targeted for industrial/business park development as called for by the Mira Mesa Community Plan. In addition, enhancement of Carroll Canyon Creek as a community open space amenity would not occur on-site under this alternative. As with the proposed project, this alternative also would be inconsistent with RPO; thus, the project's land use impacts would not be avoided. Both direct and cumulative impacts to biological resources would be mitigated to below a level of significance.

For the above stated specific economic, legal, social, and technological considerations, the No Project alternative is found to be infeasible.

- b. **No Development Alternative.** Under the No Development Alternative, the project site would be left as an undeveloped and vacant site, and no development would

site would be feasible under the site's A-1-10 zone, with an amendment to an existing Conditional Use Permit/Reclamation Plan in effect on one of the two adjacent mining operations. Approximately 40 percent of the site, or about 23 acres, would be mined for aggregate resources. Stadium conglomerate deposits occur in the southerly and eastern portions of the property, respectively. Under the Resource Extraction alternative, no mining or development would occur where alluvial soils occur - mostly in the northern portions and central canyon of the site. As a result, industrial/business park uses would not be developed, the on-site portion of the Carroll Canyon Creek flood channel would not be improved as an open space amenity, right-of-way would not be designated for the construction of Carroll Canyon Road, and a 35-foot-wide light rail transit easement would not be reserved on the site. Upon closure of the mining operations, a business park, similar to that being proposed, could be developed under an approved Reclamation Plan and permit process. However, the impacts associated with the long-term use of the site would be speculative under this alternative, and the impacts associated with those uses are not included in the evaluation below.

Impact: The Resource Extraction alternative would not achieve any of the proposed project's objectives. This alternative would not be consistent with the mixed-use land use designation as specified in the Mira Mesa Community Plan. It would also be inconsistent with the Resource Protection Ordinance (RPO) for wetland and steep hillside disturbance. This alternative also would not impact the 100-year floodplain. The Resource Extraction alternative would not avoid the direct landform alteration/visual quality impacts because mining activity would result in substantial disturbance to the ground surface in areas mined. Impacts to biological resources would be reduced as compared to the proposed project. Impacts associated with erosion (geology/soils) would be greater under this alternative because large portions of the site would be exposed. Cumulative hydrology/water quality impacts associated with urban pollutants would be decreased under this alternative, as limited impervious surfaces would occur on the property. Although, truck traffic would be generated, the number of vehicular trips would be substantially reduced. Long-term noise and air impacts would be created on the site as a result of resource extraction operations from trucks entering and exiting the mining area. Significant impacts to paleontological resources would be less. Cumulative impacts associated with landfill capacity would remain insignificant.

Finding: The Resource Extraction alternative would not meet any of the project objectives. The Resource Extraction alternative would expand a mining operation onto approximately 23 acres of the site containing mostly stadium conglomerate deposits. None of the significant impacts of the proposed project would be avoided. Significant impacts to biological resources, transportation, and paleontological resources would be reduced, and impacts to land use, landform/alteration/visual quality (from grading activities), geology/soils, hydrology/water quality and cumulative air quality would be increased.

For the above stated specific economic, legal, social, and technological considerations, the Resource Extraction alternative is found to be infeasible.

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site impacts to jurisdictional wetlands and waters of the U.S. The Wetland Avoidance Alternative avoids impacts to jurisdictional wetlands and waters of the U.S. with the exception of a small 0.04-acre off-site impact to southern willow scrub that could not be avoided due to engineering constraints. Five business park lots would occur on the site. A total of 35.1 acres would be graded for development of five business park pads and the construction of Carroll Canyon Road, as compared to 38.1 acres for construction of 11 business park lots under the proposed project. Additionally, a pedestrian trail and bicycle path would occur along the project's northern interface with Carroll Canyon Creek, as recommended by the Mira Mesa Community Plan. In order to eliminate impacts to wetlands, the pedestrian and bicycle trail would be incorporated into the Carroll Canyon Road right-of-way at the western property boundary, where a bridge structure would be required to support the roadway crossing of southern willow scrub, mule fat scrub and non-wetland water habitat.

Impact: Under the Wetland Avoidance Alternative, land use impacts of the proposed project associated with non-compliance with Resource Protection Ordinance would not be avoided because the development would exceed the hillside encroachment allowance and disturbance to the 100-year floodplain would require a FEMA map revision. This alternative would create a significant visual quality impact because two retaining walls ranging from 10 to 30 feet in height and approximately 460 to 1000 feet in length would be necessary to avoid wetland impacts while providing for the sewer maintenance road and pedestrian and bicycle trails. Grading, under this alternative also would exceed the City's threshold of 2,000 cubic yards per graded acre. None of the significant impacts of the proposed project would be avoided. Impacts to biological resources, geology/soils, transportation, hydrology/water quality, air quality, and paleontological resources would be reduced, but not to below a level of significance.

Finding: The Wetland Avoidance alternative would meet some of the project objectives. However, a project incorporating transit-oriented development concepts with uses oriented around a Carroll Canyon Creek open space amenity would not be strongly accomplished under the Wetland Avoidance alternative. Five business park lots would be developed on 13.8 acres of the site, with only three of the lots located adjacent to the creek. Carroll Canyon Road would be extended through the site in an east/west alignment, with a bridge structure proposed at the western project boundary to avoid impacts to wetlands. None of the project's significant impacts would be avoided under this alternative. In addition, this alternative would create a significant visual quality impact with the construction of retaining walls that exceed the City's significance threshold.

For the above stated specific economic, legal, social, and technological considerations, the Wetland Avoidance alternative is found to be infeasible.

- f. **Traffic Impact Avoidance Alternative.** The Traffic Impact Avoidance alternative was created to avoid the significant traffic impacts associated with the proposed project. Under this alternative, Carroll Canyon Road and the LRT easement would be still be provided. The alignment of both the road and LRT line would be provided in accordance with the Community Plan and would be designed similar

Carroll Canyon Business Park

Candidate Findings and Statement of Overriding Considerations

retaining wall would extend six feet along the slope on Lot 8 to support the slope and to provide adequate space for the sewer access road just below the slope. No other modification to the proposed project would be required under this alternative. Accordingly, the off-site intersection improvements at Camino Ruiz and Carroll Canyon Road would occur and Carroll Canyon Road would be extended through the site in the same alignment as being proposed in the proposed project. Under the Minimum Wetlands Encroachment Alternative, a total of 37.9 acres would be graded for the construction of Carroll Canyon Road and the development of eleven business park pads, as compared to 38.1 graded acres for the proposed project. The project would be required to construct a 20-foot-wide paved sewer maintenance road within the existing 30-foot sewer easement located along the property's northern boundary. Additionally, a pedestrian trail and bicycle path would occur along the project's northern interface with Carroll Canyon Creek, as recommended by the Mira Mesa Community Plan.

Impact: Under the Minimal Wetlands Encroachment Alternative impacts to land use, landform alteration/visual quality (due to grading), biological resources, geology/soils, transportation, air quality, hydrology/water quality, and paleontological resources would be reduced, but not to below a level of significance. Significant visual quality impacts would be created due to the need to construct retaining walls along Carroll Canyon Creek that exceed the City's significance threshold.

Finding: The Minimal Wetland Encroachment alternative would meet all of the project objectives. However, the slope abutting Lots 8 and 9 along the creek edge would be pulled back to minimize impacts to non-wetland waters in this area. This would result in a reduction in the amount of net pad for industrial uses from 19.54 acres to 19.29 acres. Due to the irregular configuration of the wetland habitat in this area and associated engineering constraints, complete wetland avoidance in this area could not be achieved. Complete wetland avoidance would, 1) create the need for a retaining wall that is 10 to 15 feet taller than that being proposed for this alternative, 2) require the sewer line from Street "B" to be re-routed to the east where the slope would be less steep, 3) eliminate access to Lot 9 from Street "B," and 4) reduce the size of Lot 10 to compensate for the loss of pad area in Lot 9. Although, the amount of wetland impacts would be reduced, none of the significant impacts of the proposed project would be avoided. Significant visual quality impacts would be created due to the need to construct retaining walls along Carroll Canyon Creek.

For the above stated specific economic, legal, social, and technological considerations, the Minimal Wetlands Encroachment Alternative is found to be infeasible.

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Candidate Findings and Statement of Overriding Considerations

The City Council, pursuant to CEQA and the CEQA Guidelines, having reviewed and considered the information contained in the final EIR, the appendices to the final EIR, and the Administrative Record, finds that specific overriding economic, legal, social, technological, or other benefits of the *Carroll Canyon Business Park* project outweigh any and all significant effects that the project will have on the environment, and that on balance, the remaining significant effects are found acceptable given those overriding considerations:

- Approval of the *Carroll Canyon Business Park* project will assist in the preservation of the Carroll Canyon creek channel and wetland habitat associated therewith. Preservation of the channel, and associated wetland mitigation to be provided by the project, will implement the goals of the Mira Mesa Community Plan by preserving sensitive resources, including plant and animal habitats and wildlife linkages, and by preserving the natural drainage system incorporated within the creek channel. The project also will contribute to the implementation of several goals within the Carroll Canyon Master Plan area as defined by the Community Plan. These goals and objectives include, but are not limited to:
 - The development of Carroll Canyon Creek as a project amenity that shall be revegetated and enhanced as an east-west open space system;
 - The provision of flood control improvements that enable development of the property in a manner which protects future land uses from flood hazards;
 - The provision of a wider channel design that will slow flood flows and that provides for an average width of greater than 200 feet; and
 - The provision of a 50-foot minimum buffer, which incorporates a bicycle and pedestrian path.

- Approval of the 57.8 acre *Carroll Canyon Business Park* project will further assist in the preservation of 14.8 acres of open space and slopes, or about 26 percent of the site. The project site is not located within the MHPA and therefore, may permissibly impact the willow monardella located in the central eastern portion of the site without mitigation. The project will nevertheless establish an on-site restoration and rehabilitation area for re-establishment of willow monardella, a sensitive species under the City's MSCP when within the MHPA.

- The *Carroll Canyon Business Park* project will contribute to creation of about 1,600 new jobs through the provision of about 445,000 square feet of light industrial/business park/office uses. Provision of such uses will assist in meeting the Mira Mesa Community Plan goal of preserving an adequate supply of industrial land. The project will further implement the Mira Mesa Community Plan's Carroll Canyon Master Plan Area element through

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

CARROLL CANYON BUSINESS PARK
VESTING TENTATIVE MAP, REZONE, PLANNED INDUSTRIAL DEVELOPMENT PERMIT
and RESOURCE PROTECTION ORDINANCE PERMIT

LDR NO. 98-0978

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report (LDR No. 98-0978) shall be made conditions of VESTING TENTATIVE MAP, REZONE, PLANNED INDUSTRIAL DEVELOPMENT PERMIT and RESOURCE PROTECTION ORDINANCE PERMIT as may be further described below.

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.

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**Carroll Canyon Business Park
Mitigation Monitoring and Reporting Program**

Introduction

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the *Carroll Canyon Business Park* project (LDR No. 98-0978/SCH No. 98121012) to comply with the mitigation monitoring statute (*Public Resource Code 21081.6*) which requires public agencies to adopt such programs to ensure effective implementation of the mitigation measures. This program shall be a requirement of the discretionary actions associated with the *Carroll Canyon Business Park* project.

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

The proposed project is generally consistent with the environmental goals of the Progress Guide and General Plan and the Mira Mesa Community Plan. Where environmental impacts would occur, measures would be implemented to reduce impacts to below a level of significance. Specific mitigation measures are presented in the following sections of the MMRP.

<u>Issue Area</u>	<u>Section</u>
Land Use	4.1
Landform Alteration/Visual Quality	4.2
Biological Resources	4.3
Geology/Soils	4.4
Hydrology/Water Quality	4.5
Transportation	4.6
Paleontological Resources	4.10

Direct and cumulative impacts to traffic, direct land use and landform alteration impacts, and cumulative impacts to air quality and hydrology/water quality would remain significant and unmitigated.

1. Land Use

The following measure shall be implemented as a condition upon project approval.

- 1-1 Mitigation for project impacts to jurisdictional wetlands shall consist of on-site wetland habitat restoration. Impacts to mule fat scrub, southern willow scrub, and southern coastal freshwater marsh shall be mitigated at a 2:1 ratio. Pursuant to the City's 1998 Biology Guidelines, impacts to the non-wetland waters shall be mitigated at a ratio of 2:1. As specified in Section 4.3, **BIOLOGICAL RESOURCES**, all impacts to wetlands shall be mitigated "in-kind" and achieve "no-net-loss" of wetland function and values.
- 1-2 Mitigation measures specified in 2-1 of Section 2, *Landform Alteration/Visual Quality*, of this MMRP would be implemented to mitigate land use impacts with respect to hillside grading, but not to a level below significant.

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Mitigation Monitoring and Reporting Program

1. Off-site acquisition sites must support equal or greater habitat value relative to the habitat tier type. Acquired land must be either dedicated to the City or encumbered with an open space easement prior to the issuance of grading permits.
- 3-2: Mitigation for project impacts to wetlands shall consist of on-site wetland habitat restoration. Impacts to 0.26 acre of southern willow scrub and southern coastal freshwater marsh shall be mitigated at a 2:1 ratio, for a total of 0.52 acre. Pursuant to the City of San Diego guidelines, impacts to 0.30 acres of non-wetland waters (natural flood channel) shall also be mitigated at a ratio of 2:1. Thus, the total wetland mitigation requirement is 1.12 acres. All wetland mitigation will be contingent upon agency approval. All impacts to wetlands must be mitigated "in-kind" and achieve "no-net-loss" of wetland function and values. The wetland habitat restoration plan (provided in Appendix B of this EIR) prepared in compliance with the City's 1998 Biology Guidelines, shall be initiated upon receipt of necessary state and federal agency approvals.

1. Geology/Soils

The proposed project would minimize erosion impacts through implementation of the following monitoring and reporting program and shall be made a condition of project approvals:

- 4-1 Prior to issuance of grading permits, erosion control measures shall be provided to the satisfaction of the City Engineer in conjunction with site development. These measures shall include such devices as hay bales and sandbags to control and direct runoff during construction, temporary detention basins to detain runoff and restrict sediment from leaving the site, directing runoff to the storm drain system proposed as part of the project and adjacent projects, permanent desiltation basins constructed, and the placement of rip rap at outlets draining into natural areas to dissipate energy and help trap sediment. The locations shall be noted on the grading plans. The applicant shall notify the Environmental Services Manager (ESM) of the City of San Diego Planning and Development Review Department upon installation of the erosion control devices prior to release of the subdivision bond. Annual maintenance reports summarizing their effectiveness shall be provided by the applicant to the ESM. The maintenance of erosion control devices shall be the responsibility of the applicant and the future property owner(s). The City shall be responsible for maintenance of drainage improvements in the public right-of-way and in public easements.
- 4-2 Landscaping of cut/till slopes, undeveloped building pads, and unimproved half-width of Carroll Canyon Road shall be accomplished within 90 days of completion of grading.
- 4-3 The applicant shall retain a soils engineer to monitor the grading, construction, and installation of erosion/runoff control devices and revegetation of the project site. The project engineer shall submit in writing to the City Engineer and ESM certification that the project has complied with the required notes on the grading plan addressing erosion/urban runoff controls, prior to the issuance of building permits for the project.
- 4-4 Grading activity shall be prohibited during the rainy season (October 15 to March 15) unless all required erosion control measures are in-place.
- 4-5 The grading plan shall be prepared to incorporate runoff and erosion control procedures to be utilized during all phases of project development. The grading plan shall be submitted to the City

Carroll Canyon Business Park
Mitigation Monitoring and Reporting Program

- 5-2 Prior to grading permit issuance, the project applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) construction permit from the Regional Water Quality Control Board (RWQCB). The permit requires the development of a Storm Water Pollution Prevention Plan (SWPPP) and monitoring plan that must address all phases of project construction. The SWPPP must address the management of materials (significant pollutants) used in the maintenance of construction vehicles, and the control and transport of sediment, which is defined as a significant pollutant under NPDES regulations. The permit entails the use of Best Management Practices (BMPs). Monitoring shall be provided by a City Planning and Development Review Services monitor.
- 5-3 BMPs (as outlined in the "California Storm Water BMP Handbook") shall be incorporated into project engineering plans to the satisfaction of the City Engineer to limit the amount of pollutants from the completed project that are discharged into adjacent drainage courses. Monitoring shall be provided by a City Planning and Development Review Services monitor. These BMPs include, but are not limited to:
1. Landscaping of the manufactured slopes peripheral to the drainage system, which will minimize erosion due to the exposure of the graded surface to storm water. All landscaping of manufactured slopes shall conform with the City's Landscape Technical Manual;
 2. Use of oil/grease separator inlets which will intercept pollutants from the first flush of storm water, which typically contains the highest concentration of significant pollutants (see mitigation measure (5-3 below);
 3. Periodic sweeping of the paved roadway surface, which will minimize the amount of sediment, trash, oil, and grease that is available to storm water for transport;
 4. Use of detention and/or desilting facilities at the storm drain outlet structures, which will not only trap sediment, but may also be effective in containing heavy metals;
 5. Stenciling of storm drains to indicate that materials placed in the storm drain discharge to a sensitive coastal lagoon; and
 6. Designation of specified hazardous materials storage areas and maintenance procedures 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 the use of temporary impervious liners and/or barriers to prevent soil and water contamination.
 7. Pursuant to the Tentative Map, parking on Carroll Canyon Road and Streets "A" and "B" shall be prohibited.
 8. Temporary erosion control devices (i.e., silt fences and sandbags, etc.) shall be installed at the bottom of the revegetated slope adjacent to Carroll Canyon Creek; the devices shall remain until the landscaping root system has matured..

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6-3 Miramar Road Intersection Area

- a. Restripe a southbound to westbound right-turn lane into a shared left-turn or right-turn lane on Camino Ruiz.

6-4 The Tentative Map must be approved prior to issuance of grading permits.

The project's short-term cumulative impacts will be mitigated to a level below significant with implementation of two capital improvement projects (numbers 52-389.0 and 52-475.0) listed in the Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment (FBA). Accordingly, the applicant will be responsible for contributing a fair share payment (in the form of FBA fees) toward these two projects to mitigate the proposed project's cumulative impacts. This mitigation shall be implemented in one of the following two forms:

- 6-5(a). If the proposed project is completed before the two capital improvement projects are constructed, the project applicant shall construct those improvements concurrently with the project construction and would be reimbursed for those costs that exceed the applicant's fair share of the FBA fees; or
- 6-5(b). If the two capital improvement projects are completed before the proposed project's mitigation is implemented, the applicant shall provide the City of San Diego with a fair share payment of FBA fees, prior to building occupancy.

7. Paleontological Resources

The following measures would be implemented to mitigate impacts to paleontological resources. These measures are required for all areas in which grading is proposed and will reduce direct impacts associated with paleontological resources to below a level of significance.

- 7-1 The applicant (Aspen Creek L.L.C.) shall provide a letter of verification to the Environmental Analysis Section (EAS) of the Development Services Department stating that a qualified paleontologist has been retained to implement the monitoring program. A qualified paleontologist is defined as an individual with a PhD or MS degree in paleontology or geology who is a recognized expert in the application of paleontological procedures and techniques such as screen washing of materials and identification of fossil deposits. A paleontological monitor may be retained to perform the on-site monitoring in place of the qualified paleontologist. A paleontologist monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the supervision of a qualified paleontologist.
- 7-2 All persons involved in the paleontological monitoring of this project shall be approved by EAS at least 30 days prior to the preconstruction meeting.
- 7-3 The qualified paleontologist shall attend the preconstruction meeting to consult with the excavation contractor. The paleontologist's duties shall include monitoring, salvaging, preparation of collected materials for storage at a scientific institution that houses paleontological collections, and preparation of a monitoring results report.