

(R-2002-727)

RESOLUTION NUMBER R- 295891

ADOPTED ON DEC 11 2001

WHEREAS, on December 23, 1998, the H.G. Fenton Company submitted an application to the City of San Diego for a Rezone, Vesting Tentative Map No. 98-1199, Site Development/Planned Development Permit No. 98-1199 (amending Conditional Use Permit No. 89-0585), and Multiple Habitat Planning Area boundary adjustment, LDR No. 40-0870, for the Fenton-Carroll Canyon Technology Center; 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 City Council on DEC 11 2001; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report, LDR No. 40-0870/SCH No. 2000041010; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Environmental Impact Report, LDR No. 40-0870/SCH No. 2000041010, 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 Fenton-Carroll Canyon Technology Center.

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.

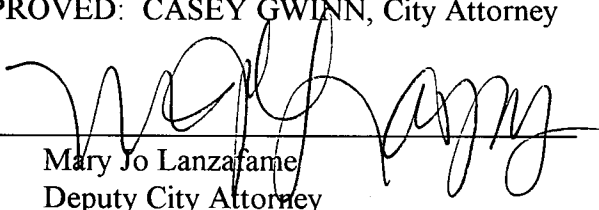
BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is attached hereto and incorporated herein by reference, with respect to the project.

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.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: CASEY GWINN, City Attorney

By

  
Mary Jo Lanzafame  
Deputy City Attorney

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## EXHIBIT A

### CANDIDATE FINDINGS FOR THE FENTON-CARROLL CANYON TECHNOLOGY CENTER PROJECT (LDR No. 40-0870/SCH No. 2000041010)

The California Environmental Quality Act (CEQA) requires that no public agency shall approve or carry out a project for which an environmental impact report (EIR) has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (A) The public agency makes one or more of the following findings with respect to each significant effect, accompanied by a brief explanation of the rationale for each finding (Section 21081 of CEQA and Section 15091 of the State CEQA Guidelines):
- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment as identified in the EIR.
  - (2) Such changes or alterations are within the responsibility and jurisdiction of another public Agency and not the agency making the finding. Such changes have been, or can and should be, adopted by such other agency.
  - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR.
- (B) With respect to significant effects, which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

CEQA also requires that the findings made pursuant to Section 15091 shall be supported by substantial evidence in the record (Section 15091[b] of the State CEQA Guidelines). Under CEQA, substantial evidence means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even through other conclusions might also be reached. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (Section 15384 of the State CEQA Guidelines).

CEQA further requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" (Section 15093 [a] of the State CEQA Guidelines). When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, 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. This statement of overriding considerations shall be supported by substantial evidence in

the record, and does not substitute for, and shall be in addition to, findings required pursuant to Section 15091 (Sections 15093 [b] and [c] of the State CEQA Guidelines).

The following Candidate Findings are made relative to the conclusions of the Environmental Impact Report (EIR) for the Fenton-Carroll Canyon Technology Center Project and associated actions ("project") (LDR No. 40-0870/SCH No. 2000041010). The EIR is herein incorporated by reference. These findings have been prepared pursuant to Section 21081 of the California Public Resources Code, the California Environmental Quality Act (CEQA) and pursuant to Sections 15091 and 15093 of Title 14 of the California Code of Regulations (State CEQA Guidelines) which implement CEQA.

The proposed project consists of the subdivision and development of industrial/business park uses as planned in the first phase of the Carroll Canyon Master Plan, an element of the Mira Mesa Community Plan. The 130.9-acre property has undergone modification and reclamation as part of the former quarry operations on site. The proposed project site would be subdivided into 22 buildable lots, 2 open space lots and 2 lots containing detention basins. Approximately 74.4 gross acres would be devoted to buildable lots, while 35.3 acres would be placed in open space. Accordingly, the site would be rezoned from AR-1-1 agricultural zone to IL-2-1 industrial zone and OS-2-1 open space zone. The proposed project would also provide for the construction of an approximately 4,550 linear foot section of Camino Santa Fe, a Circulation Element roadway (6-lane prime arterial) in the Community Plan. The proposed project would also reserve right-of-way and bond for the future construction of Carroll Canyon Road, a Circulation Element roadway, and right-of-way for the future extension of light rail transit by MTDB on site. An adjustment in the Multiple Habitat Planning Area (MHPA) boundary is proposed to provide for a net increase in natural area within the MHPA.

The EIR for the proposed project evaluates the following environmental issues: land use; landform alteration/visual quality, noise, biological resources, cultural resources, transportation/circulation, air quality, hydrology/water quality, geology/soils, paleontology and public services. The EIR also addresses cumulative impacts; other required considerations, which include unavoidable and irreversible significant environmental effects, growth inducing impacts, and effects found not to be significant; and alternatives that would reduce or avoid significant impacts of the proposed project. The City of San Diego, Planning and Development Review Department, located at 1222 First Avenue, Fifth Floor, San Diego, CA 92101, is the custodian of the documents and other material which constitute the entire record and the proceedings upon which the decision is based.

Having reviewed and considered the information contained in the EIR for the Fenton-Carroll Canyon Technology Center Project (LDR No. 40-0870/SCH No. 2000041010), related documents, public comments and the entire environmental record, the Council of the City of San Diego makes the following findings pursuant to Section 15091 of the California Code of Regulations (State CEQA Guidelines):

- I. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of the proposed project as identified in the EIR (LDR No. 40-0870/SCH No. 2000041010) and as described below relative to noise; biological resources; transportation/circulation; air quality; hydrology/water quality; geology/soils and paleontological resources.

A. NOISE

Impact A1: Traffic noise along Camino Santa Fe could significantly impact the exterior usable open space for potential office uses on four lots proposed adjacent to the road.

Finding A1: The project has been revised to fully mitigate exterior noise impacts by implementing the following measure:

If exterior usable open space areas for office uses are proposed within 125 feet of the road center line on Lot 4 and within 110 feet on Lot 11, a site-specific noise study shall be required for these lots prior to receipt/issuance of building permits. The site-specific exterior noise study shall identify mitigation measures to ensure that the useable space areas (i.e., outdoor seating areas, lunch and recreation areas, etc.) are exposed to noise levels of 70 dBA CNEL or less. Mitigation measures for these lots could include intervening walls and/or berms incorporated into the final lot design.

Impact A2: Future traffic and existing aircraft noise from MCAS Miramar would result in an exterior noise level of 65 dB CNEL, which could significantly impact interior noise within proposed office buildings.

Finding A2: The project has been revised to fully mitigate interior noise impacts by implementing the following measure:

If office uses are proposed on any of the lots, an interior noise analysis or certification by a licensed ~~architect~~ architect shall be required prior to issuance of building permit(s) for any proposed office structures to verify that the interior noise standard is in accordance with the NAS Miramar CLUP. The interior acoustical analysis or certification shall be submitted concurrently with the building permits to ensure that the interior noise levels would not exceed a DNL of 50 dBA within the office buildings. Air-conditioning, mechanical ventilation, and/or sound-rated windows could be required to meet the interior noise standards. All measures recommended in the analysis shall be incorporated into the final building design.

B. BIOLOGICAL RESOURCES

Impact B1: Grading associated with site development would result in the loss of sensitive upland habitat, namely 0.5 acre of coastal sage scrub (Tier II habitat), 0.4 acre of southern mixed chaparral (Tier IIIA habitat), and 0.4 acre of non-native grassland (Tier IIIB habitat).

Finding B1: The project has been revised to mitigate fully for impacts to sensitive upland habitat in accordance with the City's Biology Guidelines. The project has been revised to include the following measure, which would fully mitigate upland biology impacts associated with the proposed project to below a level of significance:

- Prior to issuance of any grading permit the project applicant shall preserve 1.1 acre of upland habitat within the MHPA, satisfactory to the City Manager. As an alternative to preservation, the project applicant shall contribute to the City's habitat acquisition fund. Prior to any clearing, grubbing, grading or any other construction activities outside the CUP limits, a qualified biologist shall flag all areas of sensitive habitat.

**Impact B2:** Grading associated with site development and the construction of Camino Santa Fe would result in the loss of wetlands, namely 0.72 acre of southern willow scrub, 1.19 acres of mulefat scrub, 0.09 acre of freshwater marsh, 0.27 acre of disturbed wetland and 0.47 acre of unvegetated streambed.

**Finding B2:** The project has been revised to mitigate fully for impacts to wetland habitat in accordance with the City's Biology Guidelines. The project has been revised to include the following measure, which would fully mitigate wetland biology impacts associated with the proposed project, including Camino Santa Fe, to below a level of significance:

Prior to issuance of any grading permit outside the CUP limits, the project applicant shall preserve, enhance and create 8.02 acres of wetland/riparian habitat within the MHPA, satisfactory to the City Manager. Mitigation for impacts caused by development of the technology center and Camino Santa Fe would be implemented in accordance with the Draft Conceptual Restoration Plan (HELIX 2000b). Mitigation for impacts to 3.27 acres of riparian habitats would occur through a combination of creation (3.27 acres) and preservation/enhancement (4.75 acres). Riparian mitigation could occur off site in Los Peñasquitos Preserve and on site in both Carroll and Rattlesnake canyons. The majority of creation is proposed to occur in Los Peñasquitos Preserve off site since impacts to wetlands are caused by the extension of Camino Santa Fe, which is a public road required by the Circulation Element of the Community Plan. Habitat enhancement would occur south of the future extension of Carroll Canyon Road on land presently considered disturbed habitat and disturbed wetland. The balance of enhancement would occur in disturbed habitat in Rattlesnake Canyon. Final mitigation requirements and locations shall be determined through consultation with the City and other applicable resource agencies and detailed in a final restoration plan prior to issuance of grading permits outside the CUP limits. A qualified biologist shall monitor the installation of the wetland restoration as outlined in the final restoration plan. Prior to any clearing, grubbing, grading or any other construction activities outside the CUP limits, a qualified biologist shall flag all areas of sensitive habitat.

**Impact B3:** Direct impacts to one sensitive plant, San Diego marsh elder, would be considered significant.

**Finding B3:** The project has been revised to include the following measure, which would fully mitigate sensitive plant impacts associated with the proposed project and Camino Santa Fe to below a level of significance:

Prior to issuance of any grading permit which affects on-site wetlands, the San Diego marsh elder shall be incorporated into the plant palette for areas proposed to be enhanced on site as detailed in the final wetland mitigation plan for the project, satisfactory to the City Manager.

**Impact B4:** Vehicular traffic across the Camino Santa Fe bridge over Rattlesnake Canyon and the Camino Santa Fe culverts through Carroll Creek could significantly impact wildlife movement.

**Finding B4:** The project has been revised to include the following measure, which would fully mitigate wildlife corridor impacts associated with the proposed project and Camino Santa Fe to below a level of significance:

Prior to issuance of any certificate of occupancy, fencing shall be positioned where the bridge crosses Rattlesnake Canyon and where the culverts cross Carroll Creek so as to direct wildlife under the bridge and through the culverts instead of across Camino Santa Fe. For Rattlesnake Canyon, the fencing shall be chain link or other suitable material, six feet in height and placed for a minimum distance of 100 feet along the upper slopes on both sides of the bridge to direct animals beneath the structure. For Carroll Creek, the chain link fencing or other suitable material shall be eight feet in height and placed for a minimum distance of 100 feet extending from the two outermost edges of the three culverts. A qualified biologist and the City Manager shall review the fence plans prior to and after their installation and provide written verification that the location and installation is appropriate, as deemed acceptable to the City Manager. ~~Fencing shall be positioned where the bridge crosses Rattlesnake Canyon and where the culverts cross Carroll Canyon so as to direct wildlife under the bridge and through the culverts instead of across Camino Santa Fe. Fencing For Rattlesnake Canyon, the fencing shall be chain link or other suitable material, six feet in height, six feet in height and placed for a distance of approximately 100 feet along the upper slopes on both sides of the bridge to direct animals beneath the structure. For Carroll Canyon, the chain link fencing shall be eight feet in height and placed for a distance of approximately 100 feet extending from the two outermost edges of the three culverts. A qualified biologist shall review the fence plans prior to and after its their installation to verify the location is appropriate.~~

Impact B5: The project would potentially result in significant indirect impacts with regard to lighting, noise and invasive plants on the MHPA preserve based on the land use adjacency guidelines in the MSCP Subarea Plan.

Finding B5: The project has been revised to include the following measures to fully mitigate the indirect impacts to the MHPA to below a level of significance:

Prior to issuance of any certificate of occupancy, all outdoor lighting within 100 feet of the MHPA shall be hooded and shielded to prevent light over spill in the open space areas. Shielding shall consist of the installation of fixtures that physically direct light away from the outer edges of the property or landscaping, berms or other barriers at the edge of development that prevent light over spill. Prior to issuance of final building permits for the technology center and grading permits for Camino Santa Fe building plans shall depict the shielded light fixtures or other mechanisms within 100 feet of the MHPA. The final building plans shall be reviewed and approved by the City Manager. ~~All outdoor lighting installed on development adjacent to open space areas, including Camino Santa Fe Road, shall be shielded to prevent light over spill off site into open space areas. Shielding shall consist of the installation of fixtures that physically direct light away from the outer edges of the property or landscaping, berms or other barriers at the edge of development that prevent light over spill. Final building plans for the development adjacent to the open space area shall depict the shielded light fixtures or other mechanisms.~~

Where clearing, grubbing, grading or any other noise generating construction activity, occur within 500 feet of the MHPA during the coastal California gnatcatcher breeding season (March 1 to August 15), surveys for this species would be required prior to grading. If the gnatcatcher(s) are present within 500 feet of clearing, grubbing, grading or any other noise generating construction activity, a qualified biologist shall monitor on a bi-weekly basis during construction periods to observe the behavior of the species. Clearing, grubbing and grading operations could be suspended or temporary noise walls shall be installed to reduce noise levels below 60 dB(A) $L_{eq}$ . The temporary noise wall

should be constructed in such a way that it does not impact additional gnatcatcher habitat and be approved by the City Manager.

The landscape concept plan shall be modified to remove invasive plant species from slope plantings and ground cover in areas adjacent to the MHPA. The final landscape plans shall be reviewed for consistency with the MSCP Land Use Adjacency Guidelines prior to issuance of any building permits. ~~To avoid potential noise impacts to coastal California gnatcatchers in the MHPA during the breeding season (March 1 to August 15), surveys for this species would be required prior to construction. If a gnatcatcher nest(s) are present within 500 feet of construction activities, a biologist shall monitor nesting on a weekly basis during construction periods to observe the behavior of the species. Grading operations could be suspended or temporary noise walls shall be installed until the birds have fledged their young. The temporary noise wall should be constructed in such a way that it does not impact additional gnatcatcher habitat.~~

~~The landscape concept plan shall be modified to remove invasive plant species from slope plantings and ground cover in areas adjacent to the MHPA. The final landscape plans shall be reviewed for consistency with the MSCP Land Use Adjacency Guidelines.~~

### C. TRANSPORTATION/ CIRCULATION

Impact C1: In the near-term, the project would significantly impact traffic on adjacent roadway segments, including sections of Mira Mesa Boulevard, Miramar Road, Carroll Canyon Road, Carroll Road, Scranton Road and nine intersections in the Mira Mesa community.

Finding C1: The project has been revised to include the following measures, which would partially mitigate the direct (near-term) impacts and partially mitigate the cumulative impacts to intersections and street segments to below a level of significance:

The project applicant shall construct Camino Santa Fe between Trade Street and Flanders Street, satisfactory to the City Engineer prior to the issuance of the first certificate of occupancy.

~~The project applicant shall construct Camino Santa Fe between Trade Street and Flanders Street.~~

The project applicant shall provide sufficient right-of-way at the future intersection of Camino Santa Fe/Carroll Canyon Rd. to accommodate future traffic volumes, satisfactory to the City Engineer. ~~The project applicant shall provide sufficient right-of-way at the future intersection of Camino Santa Fe/Carroll Canyon Rd. to accommodate future traffic volumes.~~

The project applicant shall install traffic signals at the intersections of Camino Santa Fe/Trade Street and Camino Santa Fe/Flanders Street prior to the occupancy of the first building, satisfactory to the City Engineer. ~~The project applicant shall install traffic signals at the intersections of Camino Santa Fe/Trade Street and Camino Santa Fe/Flanders Street prior to the occupancy of the first building.~~

The project applicant shall install traffic signals at both project entrances on Camino Santa Fe prior to traffic signal warrants being met, satisfactory to the City Engineer. As each lot develops within the Fenton-Carroll Canyon Technology Center, a signal warrant analysis shall be performed on these unsignalized intersection(s) based on the peak hour



trips expected to be generated by the lot. If any of these intersections meet signal warrants at that time, the traffic signal(s) shall be installed prior to building occupancy. ~~The project applicant shall install traffic signals at both project entrances on Camino Santa Fe prior to traffic signal warrants being exceeded. As each lot develops within the Fenton-Carroll Canyon Technology Center, a signal warrant analysis shall be performed on these unsignalized intersection(s) based on the peak hour trips expected to be generated by the lot. If any of these intersections meet signal warrants at that time, the traffic signal(s) shall be installed prior to building occupancy.~~

The project applicant shall construct an exclusive eastbound right turn lane at the intersection of Camino Santa Fe/Carroll Rd., satisfactory to the City Engineer, as partial mitigation of project impacts at this location. ~~The project applicant shall construct an exclusive eastbound right turn lane at the intersection of Camino Santa Fe/Carroll Rd. as partial mitigation of project impacts at this location.~~

The project applicant shall restripe the northbound lanes at Miramar Rd./Mitscher Way to provide for 1 left turn, 1 left/thru/right and 1 right turn lane, satisfactory to the City Engineer. The applicant shall coordinate with Traffic Operations staff prior to proceeding with the mitigation. ~~The project applicant shall restripe the northbound lanes at Miramar Rd./Mitscher Way to provide for 1 left turn, 1 left/thru/right and 1 right turn lane.~~

The project applicant shall restripe Scranton Road to provide four lanes south of Mira Mesa Blvd. to Carroll Canyon Road, satisfactory to the City Engineer. The applicant shall coordinate with Traffic Operations staff prior to proceeding with the mitigation. ~~The project applicant shall restripe Scranton Road to provide for four lanes from Mira Mesa Blvd. to Carroll Canyon Road.~~

The project applicant shall make a fair-share monetary contribution of 14.77 percent to partially fund improvements planned as FBA 15-89 at the Miramar Road/Kearny Villa Road intersection. ~~The project applicant shall make a fair-share monetary contribution of 14.77 percent to fund improvements planned as Mira Mesa FBA 15-89 at the Miramar Road/Kearny Villa Road intersection.~~

Impact C2: In the long-term, the project would significantly impact traffic on adjacent roadway segments, including Miramar Road, Carroll Canyon Road, Carroll Road and Camino Santa Fe, the intersection of Camino Santa Fe/Carroll Road and the I-15/Carroll Canyon Road northbound on-ramp.

Finding C2: The project has been revised to include the following measure, which would partially mitigate the direct (long-term) and cumulative impacts to street segments and freeway ramps to below a level of significance:

The project applicant shall participate in the Mira Mesa Facilities Benefit Assessment District as a fair-share contribution to the regional improvements required to serve the transportation infrastructure within Mira Mesa.

The project applicant shall make a fair-share monetary contribution of \$41,459 to partially fund auxiliary lane improvements on northbound I-15 north of Carroll Canyon Road planned by Caltrans. ~~The applicant's costs of constructing Camino Santa Fe and providing right-of-way and bonding for the future construction of Carroll Canyon Road will be applied toward the applicant's fair share contribution.~~

D. AIR QUALITY

Impact D1: Construction of the proposed project would result in emissions of gaseous emissions, which would be in excess of the City standards. The project construction emissions would cause a significant air quality impact.

Finding D1: The project has been revised to include the following measures, which would fully mitigate short-term air quality impacts associated with the proposed project to below a level of significance:

Prior to the commencement of construction, the construction contractor(s) shall be required to incorporate the following measures into a construction operations plan(s) and to implement the measures during all phases of project construction. The control measures shall include:

- Properly maintain construction equipment
- Properly maintain mobile equipment
- Use only APCD approved architectural coatings on buildings
- Use only APCD approved asphalt on roads.

E. HYDROLOGY/WATER QUALITY

Impact E1: The project would encroach into the 100-year floodplain resulting in significant impacts related to flooding.

Finding E1: The project has been revised to include the following measure, which would fully mitigate floodplain encroachment impacts associated with the proposed project to below a level of significance:

The project applicant shall obtain prior approval from FEMA (i.e., a CLOMR) and the City of San Diego (if applicable pursuant to City Council Policy 600-14) for proposed development encroachment into the mapped 100-year floodplain along Rattlesnake Canyon and Carroll Creek.

Impact E2: The project has the potential to degrade surface water quality in local and downstream waters due to the use and storage of construction-related hazardous materials, the potential disposal of extracted groundwater and the discharge of urban runoff.

Finding E2: The project has been revised to include the following measures, which would fully mitigate water quality impacts associated with the proposed project to below a level of significance:

Short-term Construction Measures

All development shall comply with the requirements of SWRCB Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), General Construction Activity Storm Water Permit. In accordance with said permit, an SWPPP and a Monitoring Program Plan shall be developed prior to the issuance of grading permits, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. Copies of (1) acknowledgment from the SWRCB that an NOI has been received for this project; and (2) the completed NOI from the SWRCB showing the construction permit number for this project, shall be filed with the City of San Diego when received.

Best Available Technology (BAT), Best Conventional Pollutant Control Technology (BCT) and Best Management Practices (BMPs) shall be included in the SWPPP as appropriate, and shall be designed in accordance with the City Engineering Department standards for SWPPPs to the satisfaction of the City Engineer. Pursuant to guidelines in the California Storm Water BMP Handbooks (Stormwater Quality Task Force 1993), such requirements would likely include the following: (1) vehicle fueling, maintenance and related activities (such as hazardous material storage) shall be located at least 100 feet from storm drains or water courses, and shall include features such as temporary berms and impervious liners to prevent discharge in the event of a hazardous material spill; (2) paving operations shall be restricted during wet weather; (3) sediment catchment devices shall be used downstream of paving activities; (4) proper containment and disposal techniques shall be employed for paving wastes and slurry; (5) warning signs shall be placed in areas of hazardous material use or storage; (6) drainages and storm drains (or other appropriate locations) shall be clearly marked (e.g., with signs) to avoid inadvertent hazardous material disposal; and (7) prior to construction, safety training shall be provided by the project contractor for applicable employees in the proper use and handling of hazardous materials, as well as specific actions to take in the event of a spill to contain discharged materials, notify applicable regulatory agencies and implement clean up procedures. Specifically, this shall include conformance with manufacturer specifications for hazardous material use and storage, stockpiling absorbent and clean up materials where they are readily accessible, and posting of regulatory agency/emergency telephone numbers and summary spill response/clean up procedures (as outlined in the BMP Handbooks) in a conspicuous location at or near the job site trailer. Preparation and implementation of a SWPPP will be conditions of the Tentative Map and PDP permit and shall be shown on the grading plans.

The project applicant (or contractor) shall obtain an approved NPDES Dewatering Waste Discharge Permit (No. CA0108707) prior to extraction/disposal of groundwater (if applicable) and shall conform to all requirements contained in said permit.

#### Long-term Measures

All development shall comply with the requirements of RWQCB NPDES Permit No. CA0108758 (and the pending permit amendment), that consists of wastewater discharge requirements for stormwater and urban runoff. When the Notice of Termination for construction is filed, implementation of stormwater discharge BMPs, including maintenance and monitoring, is required by the City of San Diego. In accordance with said permit, the permit applicant shall comply with the City's BMP Program for Stormwater Pollution Control, to the satisfaction of the City Engineer.

Long-term monitoring and maintenance of project drainage facilities (including the in-line treatment units) shall be implemented by the property owners, per direction by the City Engineer. Specific maintenance efforts for the in-line CDS<sup>®</sup> units shall include annual inspections and power washing of the screens, inspection of the units after the first major seasonal storm, removal of captured materials when the sump is two-thirds to three-quarters full and removal/replacement of sorbent materials when fully discolored or coated with oil.

The property owners shall implement a program to minimize the generation of urban contaminants from paved and landscaped areas. Specific elements of this program could include street sweeping per applicable City guidelines; eliminating irrigation runoff; minimizing the use of chemical pesticides, herbicides and fertilizers; and recycling of vegetation waste.

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**Impact E3:** Erosion during grading and prior to the establishment of landscaping would cause short-term sedimentation impacts through the transport of sediments from the site, while streambed erosion impacts would be caused by increased runoff volumes and velocities from the site over the long term.

**Finding E3:** The project has been revised to include the following measures, which would fully mitigate erosion/sedimentation impacts associated with the proposed project to below a level of significance:

All development shall comply with the requirements of the project NPDES General Construction Activity Storm Water Permit. Specifically, this would include preparation of an SWPPP, with associated erosion control BAT, BCT and/or BMPs.

Prior to the issuance of grading permits, an erosion control plan shall be submitted to and approved by the City Engineer and Development Services Department. The plan shall include measures to mitigate both short- and long-term erosion and material transport, with short-term measures expected to be similar to those for the above noted SWPPP. Based on existing information, the City erosion control plan would be anticipated to include the following types of measures:

#### Short Term

Sand/gravel bags, matting, silt fencing, mulch, berms, hay bales or similar devices shall be placed in appropriate locations (e.g., along drainage courses and slope toes) to minimize sediment transport within and off the site. The exact design, location and schedule of use for such devices shall be approved by the City Engineer prior to grading.

Temporary hydroseeding (or other applicable landscaping methods) shall be provided in all appropriate graded areas (e.g., manufactured slopes) to provide interim stability.

Runoff diversion facilities, if required, (e.g., brow ditches) shall be used to preclude runoff on manufactured slopes, per direction by the City Engineer (such facilities may also be used to provide long-term erosion control on manufactured slopes).

Temporary desilting basins shall be placed in applicable locations (e.g., adjacent to or within major drainage courses) if deemed appropriate by the City Engineer during erosion control plan review.

#### Long-term

Energy dissipators (e.g., riprap aprons) shall be placed at all project storm drain outlets to reduce off-site flow velocities. The design of such dissipating structures shall conform to recommendations of the City Engineer.

In conformance with the provisions of Public Resources Code § 21081.6, the applicant shall retain a civil engineer and geotechnical consultant to monitor the grading, construction, and installation of runoff control devices and revegetation of the project site. Prior to the issuance of building permits, the project engineer shall submit in writing to the City Engineer verification that the project has complied with the required notes on the grading plan addressing erosion control.

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The grading plan shall incorporate a maintenance program for erosion and runoff control measures, which shall be approved by the City Engineer and Planning and Development Services Department. The erosion and runoff control measures shall be designed and bonded prior to acceptance of the grading and public improvements by the City. The applicant and future property owners shall be responsible for the maintenance program and shall maintain records of the maintenance.

## GEOLOGY/SOILS

Impact F1: Project grading and development would result in significant impacts caused by seismic and non-seismic hazards occurring on site.

Finding F1: The project has been revised to include the following measures, which would fully mitigate geology/soils impacts associated with the proposed project to below a level of significance:

All grading shall be performed in accordance with the Recommended Grading Specifications contained in Appendix C of the project Geotechnical Investigation (Geocon 1999), except in case of conflict with project-specific recommendations.

Prior to commencing grading, a preconstruction conference shall be held at the site with the owner or developer, grading contractor, civil engineer, engineering geologist and City of San Diego, Land Development Review in attendance. Special soil handling and/or grading plans shall be discussed at that time. ~~Prior to commencing grading, a preconstruction conference shall be held at the site with the owner or developer, grading contractor, civil engineer and engineering geologist in attendance. Special soil handling and/or grading plans shall be discussed at that time.~~

Removal of all unsuitable surficial materials such as uncompacted waste-fill soils, plasterboard, mulch, wood debris, and vegetation shall be required prior to grading. Removal and compaction of other undocumented soil-fills, topsoil and alluvium on the site shall be required in areas to receive fill or structures. Fill content and placement methodology shall comply with all applicable requirement and recommendations of the project engineering geologist, including compaction in layers to at least 90 percent of the maximum dry density and generally above optimum moisture content pursuant to American Standard Testing Methods (ASTM) protocol. The colluvial deposits and other expansive soils and oversize material on the site will require removal and placement in the proposed deeper fill areas (or off-site disposal), with a "cap" of granular material (exhibiting an Expansion Index of less than 50) on the upper five feet of the site.

Because the soil stockpile materials in the northeastern portion of the site may have absorbed moisture perched on top of underlying compacted fills, soils at the base of the stockpiles shall be mixed with drier soils to achieve acceptable moisture contents if deemed necessary by the project engineering geologist during field observation. Similarly, if so directed by the engineering geologist, compacted fills underneath the noted stockpile materials shall be subject to remedial grading in the form of moisture conditioning and compaction of the upper one to two feet prior to placing additional fill. Significantly wet or saturated soils may occur at shallow depths in the alluvium on the site, and (if present) will require drying or mixing with drier soils prior to using as fill material.

All cut slope excavations shall be observed during grading by an engineering geologist to verify that soil and geologic conditions do not differ significantly from those anticipated. If additional requirements to stabilize cut slopes (particularly within the Scripps

Formation) are identified by the engineering geologist during field observations, these measures shall be incorporated into project design and grading specifications.

Because the outer zones of existing fill slopes have experienced moderate to severe erosion, the outer 15 feet of these slopes will require rebuilding through excavation of a backcut along the slope from the top to the toe, removal of unsuitable material at the toe (per direction by the engineering geologist) and excavation of a toe key prior to backfilling.

Slope stabilization measures may be required during benching and alluvial/colluvial removals near the base keys of fill slopes in the Scripps Formation. The outer 15 feet (or a distance equal to the height of the slope, whichever is less) of all fill slopes should, in general, be composed of properly compacted granular fill to reduce the potential for surficial sloughing. All fill slopes shall be compacted by back-rolling with a loaded sheepsfoot roller at vertical intervals not to exceed four feet and shall be track-walked for compaction at the completion of each slope such that the fill soils are uniformly compacted to at least 90 percent relative compaction to the face of the compacted slope.

All slopes shall be landscaped with drought-tolerant vegetation, having variable root depths and requiring minimal landscape irrigation. In addition, all slopes shall include appropriate drainage and maintenance measures to reduce erosion (e.g., use of brow ditches or other methods to minimize runoff on manufactured slopes).

A 10-foot undercut may be required at the upper ends of two existing subdrains on future Lots 2 and 4 to remove the upper portions of the subdrains to at least 10 feet below finish grade. The ends of the subdrains shall be capped and properly repaired prior to placing fill. Subdrains shall be installed within the excavated canyons at the west end of the site prior to fill placement. A concrete headwall shall be constructed at the outlet point of those subdrains that do not outlet into a controlled drainage structure to ensure protection against blocking or crushing the end of the subdrain. When specific development plans for a particular lot are being formalized, the need for lined swales or other surface drainage devices along the toe of slopes exceeding 30 feet high shall be considered.

~~All subdrain locations shall be surveyed by a qualified civil engineer, who shall prepare a set of "as-built" plans for these facilities.~~

An engineering geologist shall review all grading and building plans prior to finalization. Any additional recommendations provided as a result of that review shall be incorporated into the project design. Specifically, final plans shall incorporate all recommendations by the project engineering geologist with respect to foundation and retaining wall design, manufactured slopes, and site drainage (e.g., the need for terrace drains along the tops of slopes).

All subdrain locations shall be surveyed by a qualified civil engineer, who shall prepare a set of "as-built plans for these facilities.

## G. PALEONTOLOGY

Impact G1: The proposed project would occur as an end use to an on-going mining operation. Reclamation of the site is taking place, and grading required for the Fenton – Carroll Canyon Technology Center would primarily occur within previous reclaimed and graded areas. ~~Therefore, impacts to paleontological resources are not likely to occur. If grading~~ If where grading, in particular cut, of native soils formations is proposed in lots

~~soils occurs~~, 1, 2, 5, 6, 7 and 15, there is a potential for significant impacts to paleontological resources.

Finding G1: The project has been revised to include the following measures, which would fully mitigate paleontological resource impacts associated with the proposed project to below a level of significance. These measures are required for all areas in which grading is proposed into previously undisturbed geologic formations, as determined by the consulting ~~civil~~ civil or geotechnical engineer, and will reduce direct impacts associated with paleontological resources to below a level of significance.

- Prior to issuance of a grading permit, or demolition permit, the applicant shall provide a letter of verification to the Environmental Review Manager (ERM) of Land Development Review (LDR) stating that a qualified paleontologist as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program if cuts greater than 10 feet in depth would occur in native formation, as determined by the consulting engineer or geotechnical engineer. A SECOND LETTER SHALL BE SUBMITTED TO MITIGATION MONITORING COORDINATION (MMC) OF LDR AT LEAST THIRTY DAYS PRIOR TO THE PRECONSTRUCTION MEETING AND SHALL INCLUDE THE NAMES OF ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THIS PROJECT.
- PRIOR TO THE ISSUANCE OF THE FIRST GRADING PERMIT, THE ERM SHALL VERIFY THAT THE REQUIREMENT FOR PALEONTOLOGICAL MONITORING HAS BEEN NOTED ON THE GRADING PLANS.

Prior to beginning construction the owner/permittee shall arrange a Preconstruction Meeting that shall include the Paleontologist, Construction Manager or Grading Contractor, Resident Engineer (RE), and MMC. The qualified paleontologist shall attend any grading related preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager and/or grading contractor. AT THE PRECONSTRUCTION MEETING THE PALEONTOLOGIST SHALL SUBMIT TO MMC A COPY OF THE SITE/GRADING PLAN (REDUCED TO 11X17) THAT IDENTIFIES AREAS TO BE MONITORED. THE PALEONTOLOGIST ALSO SHALL SUBMIT A CONSTRUCTION SCHEDULE INDICATING WHEN MONITORING IS TO OCCUR. THE PALEONTOLOGIST SHALL NOTIFY MMC OF THE START AND END OF MONITORING.

- The qualified paleontological monitor shall be present full-time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity and shall document activity via the Consultant Site Visit Record. This record shall be faxed to the RE and MMC each month. Monitoring may be decreased at the discretion of the qualified paleontologist, provided they contact MMC and consult with appropriate EAS Staff. The decrease will depend on the rate of excavation, the materials excavated, and the abundance of fossils.
- IN THE EVENT OF A SIGNIFICANT PALEONTOLOGICAL DISCOVERY, AND WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER (RE) SHALL DIVERT, DIRECT, OR TEMPORARILY HALT CONSTRUCTION ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW RECOVERY OF FOSSIL REMAINS. THE DETERMINATION OF SIGNIFICANCE SHALL BE AT THE DISCRETION OF THE QUALIFIED

PALEONTOLOGIST. THE PALEONTOLOGIST WITH PRINCIPAL INVESTIGATOR(PI) LEVEL EVALUATION RESPONSIBILITIES SHALL ALSO IMMEDIATELY NOTIFY MMC STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY. MMC STAFF WILL PROVIDE APPROPRIATE LDR STAFF CONTACT FOR CONSULTATION.

- The paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines, and submittal of a letter of acceptance from a local qualified curation facility. If the fossil collection is not accepted by a local qualified facility for reasons other than inadequate preparation of specimens, the project paleontologist shall contact LDR to suggest an alternative disposition of the collection.

The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.

Prior to the release of the grading bond, two monitoring results report (even if negative), which describes the results, analysis, and conclusions of the above monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR and one copy sent to the RE. ~~Prior to issuance of a grading permit, the applicant shall provide verification that a qualified paleontologist and/or paleontological monitor have been retained to implement the monitoring program if disturbance cuts greater than 10 feet in depth would occur in native soil formations would occur, as determined by the consulting civil or geotechnical engineer. A qualified paleontologist is defined as an individual with a Ph.D. or M.S. degree in paleontology or geology who is a recognized expert in the application of paleontological procedures and techniques. A qualified paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and who is working under the supervision of a qualified paleontologist. All persons involved in the paleontological monitoring of the project shall be approved by the Environmental Analysis Section (EAS) of the City of San Diego at least 30 days prior to the preconstruction meeting.~~

~~The qualified paleontologist or paleontological monitor shall attend a preconstruction meeting to discuss grading plans with the grading and excavation contractor. A determination will be made by the paleontologist as to the likelihood of encountering undisturbed geologic material and the resultant need for monitoring, if any. The requirement for paleontological monitoring shall be noted on the construction drawings.~~

~~The paleontologist or paleontological monitor shall be on-site full-time during the initial cutting of previously undisturbed areas to inspect for well-preserved fossils. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with EAS, and shall occur only when excavation activities affect the geologic formation.~~

~~In the event that well-preserved fossils are found, the paleontologist shall have the authority to direct the project engineer to divert, direct, or temporarily halt construction activities in the area of discovery to allow evaluation and recovery of fossil remains in a timely fashion. Because of the potential for recovery of fossil remains, it may be necessary to set up a screen-washing operation on site. The paleontologist shall immediately notify EAS staff of such finding at the time of discovery. EAS shall respond to the finding within 48 hours and shall approve salvaging procedures to be performed before construction activities are allowed to resume.~~

~~Fossil remains shall be cleaned, sorted, catalogued, and then deposited in a scientific institution that houses paleontological collections (such as the San Diego Natural History~~



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

~~Prior to the issuance of a building permit, a monitoring results report, with appropriate graphics, summarizing the results, analysis, and conclusions of the above program, even if negative, shall be submitted within three months following the termination of the paleontological monitoring program to EAS for approval. Any discovered fossil sites shall be recorded at the San Diego Natural History Museum.~~

There are no changes or alterations within the responsibility and jurisdiction of a public agency other than the City of San Diego which are necessary to avoid or mitigate any significant environmental effects of the proposed project.

- III. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR (LDR No. 40-0870/SCH No. 2000041010) to reduce the following significant impacts:

1. Infeasibility of Mitigation for Significant Unmitigated Impacts

In the near-term traffic scenario, ~~both project and cumulatively significant~~ direct impacts to roadways, intersections and freeways ramps would result. These impacts are partly attributable to the existing degraded traffic conditions within the Mira Mesa Community Plan area with some of the impacts occurring without project traffic. Significant and unmitigable impacts to segments of Mira Mesa Boulevard, Miramar Road, Carroll Canyon Road, Scranton Road and Carroll Road and the intersections of Mira Mesa Boulevard/Lusk Boulevard, Mira Mesa Boulevard/Camino Santa Fe, Camino Santa Fe/Flanders Street, Camino Santa Fe/Carroll Road, Camino Santa Fe/Trade Street, Miramar Road/Mitscher Way and Miramar Road/Kearny Villa Road are identified in the project traffic study (USAI 2000). The project would result in unmitigated impacts in associated impacts with the addition of traffic at the I-805/Miramar Road (southbound PM) and I-15/Miramar Road (southbound PM) ramps.

Under the ~~long-term year 2020~~ buildout scenario, which assumes complete buildout of the project and Community Plan, project and cumulatively significant impacts to freeways, roadways and intersections would still be anticipated. In the long term, the project would significantly impact traffic at the Camino Santa Fe/Carroll Road intersection. Additionally, the project would result in significant cumulative impacts to Miramar Road (Eastgate Mall to Carroll Road), and Carroll Road (Distribution Avenue to Miramar Road), as well as the I-805/Vista Sorrento Parkway northbound freeway ramp. Project mitigation would only partially mitigate impacts to affected freeway ramps. These long-term impacts would occur without and with the project.

An analysis of long-term traffic impacts due to Community Plan buildout was conducted for the 1992 Mira Mesa Community Plan Update EIR. The analysis concluded that development in accordance with the Mira Mesa Community Plan would result in significant levels of congestion on certain roadways and intersections in the community and on local freeways in the area. The Community Plan acknowledges that traffic congestion in the community is partially the result of a shortage of through streets (City of

San Diego 1992: p. 42). Implementation of street improvements recommended in the Community Plan was predicted to reduce some of the traffic congestion; however, not all the congestion would reduce to below a level of significance (City of San Diego 1994: p. 43). Consequently, the San Diego City Council adopted a Statement of Overriding Considerations (DEP No. 89-1221) when approving the Mira Mesa Community Plan Update due to unmitigable traffic impacts. Development of the Carroll Canyon Master Plan, of which the proposed project is a part, was anticipated in the travel forecasts conducted for the 1992 Mira Mesa Community Plan Update. The proposed project is consistent with the trip generation anticipated in the Community Plan.

A reduction in a queue and delay time at ramps can be achieved only through the addition of new lane to I-15 and I-805. However, the construction of additional lanes is not yet programmed by Caltrans.

~~A reduction in a queue and delay time at ramps can be achieved only through the addition of new lane to I-15 and I-805. However, the construction of additional lanes is not yet programmed by Caltrans. Therefore, reasonable and feasible mitigation is not identified:~~

Despite construction of a Circulation Element through road (Camino Santa Fe) by the applicant, project traffic would still contribute to near-term and future long-term conditions at levels that are considered unacceptable to the City. Significant project impacts can be mitigated or lessened at several of the degraded intersections and roadways. However, for certain roadways and intersections there is insufficient right-of-way to build the necessary improvements or no feasible measures exist to relieve congestion (USAI 2000). In other cases, the scope of the required improvements would be beyond the financial feasibility of a single project or applicant. Therefore, reasonable and feasible mitigation is not identified. Therefore, significant and unmitigable impacts to traffic would exist upon approval of the proposed project. As noted above, this conclusion is consistent with the previous traffic analysis and approval documents prepared for the Mira Mesa Community Plan Update (City of San Diego 1992) and the Carroll Canyon Community Plan Amendment (City of San Diego 1994).

Finding: Pursuant to CEQA Section 21081(a)(3), and State Guidelines Section 15091(a)(3), the Council hereby finds that there are no other feasible mitigation measures that would mitigate the near-term and year 2020 buildout traffic impacts to below a level of significance and that specific economic, legal, social, technological or other considerations make infeasible the alternatives identified in the Final EIR, as discussed in Section VIII of these Findings. As described in the Statement of Overriding Considerations, the Council has determined that this impact is acceptable because of specific overriding considerations.

Facts in Support of Finding: In order to mitigate near-term project and cumulative traffic impacts to roadway segments and intersections, the applicant would have to add travel lanes to ~~to or restripe~~ several roads in the area to increase their capacity. In cases where the roadway is built to its ultimate classification in the Mira Mesa Community Plan, such as segments and intersections along Mira Mesa Boulevard, Miramar Road and Carroll Road, it is not feasible to add travel or turn lanes because it would require the acquisition of additional right-of-way and the potential demolition of existing businesses and residences. Although mitigation requiring additional travel or turn ~~turn~~ lanes along certain segments and intersections of Mira Mesa Boulevard, Miramar Road, Carroll Canyon Road, and Carroll Road is feasible, it is beyond the scope of a single project or applicant to implement such measures.

Under year 2020 buildout conditions, travel lanes would need to be added to segments of Miramar Road and Carroll Road. In the case of Miramar Road, there is insufficient right-of-way to construct additional travel lanes as the road is already built out to its classification in the Community Plan. For Carroll Road, the cost of adding the travel lanes is beyond the scope of a single project or applicant.

The project would also contribute to increased queues and delay times at on-ramps to Interstates 15 and 805 in the near- and long-term year 2020 conditions. To mitigate freeway ramps impacts, additional travel lanes would need to be constructed on both interstates. It is not reasonable or financially feasible for one single project or applicant to implement such measures. The Statement of Overriding Considerations adopted by the City for the approval of the Mira Mesa Community Plan update indicates that additional circulation improvements, in particular street widenings, could be implemented within the community to reduce congestion. However, those street improvements would be a detriment to the community because of the cost, aesthetic and safety concerns and the fact that the improvements could impose a hardship on adjacent property owners (City of San Diego 1992).

## 2. Infeasibility of Project Alternatives to Reduce or Avoid Significant Impacts

Where a project will result in some unavoidable significant environmental impacts, even after application of all feasible mitigation measures identified in the EIR, the lead agency must evaluate the project alternatives identified in the EIR. Under these circumstances, the lead agency must consider the feasibility of alternatives to the project, which could avoid or substantially lessen the unavoidable significant environmental impacts. "Feasible" means capable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social and technological factors (Section 15364 of the State CEQA Guidelines).

If there are no feasible project alternatives, the lead agency must adopt a Statement of Overriding Considerations with regard to the project pursuant to Section 15093 of the State CEQA Guidelines. If there is a feasible alternative to the project, the lead agency must decide whether it is environmentally superior to the proposed project. The lead agency must consider, in detail, only those alternatives, which could feasibly attain most of the basic objectives of the project; however, the lead agency must consider alternatives capable of eliminating significant environmental impacts, even if these alternatives would impede, to some degree, the attainment of the project objectives (Section 15126[d] of the State CEQA Guidelines).

In rejecting the alternatives, the Council has examined the objectives of the project and weighed the ability of the various alternatives to meet those objectives. The decision-makers believe that the project best meets these objectives with the least environmental impact. The specific objectives associated with the project are as follows:

Develop industrial/technology park uses with a correlating maximum traffic load of 13,200 average daily trips (ADT) consistent with the Carroll Canyon Master Plan in a comprehensive and economically feasible manner

Provide opportunities for employment-based uses in response to a City-wide need in the central portion of the City

Dedicate open space along Rattlesnake and Carroll canyons and expand MHPA along Rattlesnake Canyon for the protection of natural resources

R-295891

Construct portions of Camino Santa Fe to provide major north-south access for the site and for surrounding portions of the Mira Mesa community

Cross Rattlesnake Canyon with Camino Santa Fe using a bridge structure or other method that would allow safe wildlife passage

### No Project Alternative

This alternative maintains the status quo, with the project site remaining in its current condition as an undeveloped and disturbed quarry site that is undergoing reclamation in accordance with the existing Conditional Use Permit (CUP 89-0585). The existing CUP would allow the quarry/reclamation activities to continue until 2015 when it expires. The proposed industrial/business park uses planned in the Carroll Canyon Master Plan would not be constructed and the employment opportunities created by the project in the central portion of the City would not be provided. Project-sponsored Circulation Element improvements on site (i.e., construction of a 4,550 linear foot section of Camino Santa Fe linking Miramar Road and Mira Mesa Boulevard, dedication of a 98-foot right-of-way for Carroll Canyon Road and reservation of a 2535-foot right-of-way for MTDB light rail transit line) would not be implemented by the applicant. The 35.3-acre open space dedication to the City in the MHPA would not occur.

Finding: The Council finds, pursuant to Public Resources Code 21081(a)(3), that specific economic, legal, social, technological or other considerations, including considerations identified in the Statement of Overriding Considerations, make infeasible the No Project Alternative identified in the Final EIR.

Facts in Support of Finding: This alternative would not meet the land use and circulation goals for the Mira Mesa Community Plan, of which the Carroll Canyon Master Plan is a part. Specifically, the Community Plan states that "the Carroll Canyon Master Plan area shall be developed with a mix of uses. The predominant use shall be industrial/business parks...." Industrial/business park uses are planned on site because the property is constrained by aircraft noise and an accident potential zone (i.e., APZ-2) from MCAS Miramar. Additionally, resource extraction activities are expected to continue off site and would produce noise and fugitive dust immediately east of the project site. Any future development of the site would also face the same constraints encountered by the project related to the need to avoid MHPA and wetlands and to be consistent with the Carroll Canyon Master Plan. Given the above land use environmental constraints, development of the site by another party would be similar in character to the proposed project. Since the extension of Camino Santa Fe is a planned Circulation Element improvement that is required to relieve traffic congestion, the No Project Alternative would be inconsistent with the Community Plan. The street would have to be constructed by other projects in the City or as part of a City improvement plan to serve the region and relieve existing and future congestion within the Community Plan area.

Under the No Project Alternative, encroachments into the MHPA would not occur; however, no additional land would be added to the preserve without the proposed boundary adjustment. Impacts to biological resources would not be entirely avoided because the eventual extension of Camino Santa Fe by others would impact native upland habitat and City-wetlands within the MHPA. From a landform alteration/visual quality perspective, the existing degraded condition of the site (due to on-going mining operations) would not be improved through grading refinements and landscaping associated with the project. Landform changes within the limits of the CUP would continue. The minor impacts to naturally occurring steep slopes within Rattlesnake and Carroll canyons would not be entirely avoided because the eventual extension of Camino

Santa Fe by others would cause similar impacts. No increases in ambient noise levels would be produced along Camino Santa Fe until the road is constructed by others in the future. Traffic conditions that are already degraded would continue to deteriorate without the project's traffic. Any improvements in regional and local roadway and intersection conditions resulting from the construction of Camino Santa Fe would not be realized under the No Project Alternative. Increases in pollutant emissions associated with construction (short-term) and traffic produced by the proposed project would not occur. Hydrologically, runoff would not increase and no structures would be placed in the 100-year floodplain. Water quality impacts resulting from uncontrolled sedimentation would still be expected, although reclamation of the site would require the installation of vegetation to stabilize the reclaimed surfaces. Any immediate water quality benefits related to erosion control to be installed as part of the project would not be realized. The existing unconsolidated fill on site would not be removed and recompacted under this alternative. Grading disturbance of potentially significant fossil resources (paleontology) would not be expected. No changes in the demand for utilities on site would occur. In conclusion, the No Project Alternative would avoid significant project impacts to noise (on site), biological resources, transportation/circulation, air quality, hydrology/water quality, geology/soils and paleontology. Cumulative impacts to traffic, air quality and hydrology/water quality would not be avoided, since the impacts would occur regardless if the project were constructed. For these reasons, the No Project Alternative has been rejected.

#### Rattlesnake Canyon Crossings Alternative

Two approaches to reducing wetland impacts are identified in the Final EIR under this alternative. In both cases, the Alternative Rattlesnake Canyon Crossings would reduce the footprint of the bridge abutments. The first approach would be to incorporate retaining walls into the side slopes beneath each end of the bridge structure. Instead of constructing the bridge abutments at 1.5:1 slope as proposed, retaining walls would be placed vertically (1:1) beneath the bridge ends and backfilled with soil during construction of the canyon crossing. This alternative would reduce the permanent impact (or fill) to wetlands associated with the proposed bridge by approximately 90 linear feet or 0.46 acre.

Another alternative crossing design would lengthen the bridge to a point where the abutments are situated entirely outside the wetlands. To maximize the reduction in wetland impacts, the northern abutment would be shifted approximately 100 feet north of its proposed location and the southern abutment would be shifted south by 40 feet. These abutment relocations would increase the bridge length by 140 feet, resulting in a total bridge length of 313 feet. The eastern fill slopes of the northern abutment would likely be steepened (up to a ratio of 1:1) using crib walls to avoid encroachment into the adjacent southern willow scrub habitat. This alternative design would require a central piling to support the longer bridge span, resulting in a certain amount of permanent fill of wetlands. This alternative would reduce the permanent impact (or fill) of wetlands by approximately 140 linear feet or 0.64 acre.

The Rattlesnake Canyon Crossings Alternative would achieve the project objective of constructing Camino Santa Fe to provide a major north-south access for the site and for surrounding portions of the Mira Mesa community.

Finding: The Council finds, pursuant to Public Resources Code 21081(a)(3), that specific economic, legal, social, technological or other considerations, including considerations identified in the Statement of Overriding Considerations, make infeasible the Rattlesnake Canyon Crossings Alternative identified in the Final EIR.

Facts in Support of Finding: The approved Conditional Use Permit (CUP No. 89-0585) requires construction of culverts across Rattlesnake Canyon. Adoption of the Carroll Canyon Master Plan Element as part of the Mira Mesa Community Plan required, as a mitigation measure, that Rattlesnake Canyon be crossed as a bridge to allow for wildlife movement. Impacts to wetlands associated with the road crossing have been anticipated in the Mira Mesa Community Plan. However, it was determined that maintaining the wildlife corridor was essential, and the bridge crossing became a requirement for constructing Camino Santa Fe.

An engineering evaluation of the Rattlesnake Canyon Bridge Crossing Alternatives was conducted to determine the feasibility of constructing a greater bridge span or incorporating retaining walls into the side slopes beneath each end of the bridge structure. Existing constraints (including the location of an existing sewer line in Rattlesnake Canyon and the potential for increased impacts to environmentally sensitive lands) preclude construction of the alternative bridge designs.

An existing sewer is located within Rattlesnake Canyon. Access to the sewer line for maintenance purposes is currently provided by a dirt access road which crosses the northern project alignment of Camino Santa Fe. When the bridge is constructed, access to the sewer line for maintenance vehicles must be maintained.

The proposed project incorporates the access road into the slope embankments supporting the northern extension of the Camino Santa Fe Bridge. Removing the embankments by using retaining walls or by constructing a longer span bridge would require that the sewer access road be moved north, into a dedicated open space area on an adjoining property. The re-located sewer access road would run through the center of a permanent detention basin required for the adjacent industrial business park. Reconstruction of the detention basin would be required, which would involve grading of steep slopes resulting in landform alteration impacts not associated with the proposed project. Additionally, grading would occur on City-owned open space requiring City approval to encroach into and grade land designated for preservation as open space.

In order to avoid encroaching into the open space area and creating landform impacts, the access road could be re-located to cross beneath the bridge. This would require that the access road connects on the east side of Camino Santa Fe, follow a portion of the existing maintenance road, then turn south and west to access the sewer line manholes. If the sewer access road were to be re-located in this manner, it would impact a greater amount of streambed and wetland vegetation than the proposed project, would require disturbance of the wildlife corridor through this portion of Rattlesnake Canyon and the construction of a permanently maintained access road.

Complete avoidance of wetland impacts would not be achieved by either of the crossing designs due to the presence of a detention basin within Rattlesnake Canyon to capture runoff from the road and technology center and protect water quality in accordance with the latest NPDES requirements. Additional visual impacts to the Rattlesnake Canyon open space and parklands east of the site could occur under this alternative depending on the height of the retaining/crib walls required to keep all fill outside the wetland habitats. Impacts to existing natural steep slopes within the canyon would still occur where the bridge abutments would be constructed. No reduction in significant project impacts for traffic, noise, air quality, geology/soils, hydrology/water quality and paleontology or cumulatively significant impacts to traffic, air quality and hydrology/water quality would occur through adoption of the Rattlesnake Canyon Crossings Alternative. Significant and unmitigable traffic impacts would not be avoided because a similar amount of traffic would be produced on site under this alternative.

Construction of the bridge as proposed, including incorporating the existing sewer access road within the slope embankments for the bridge, results in minimizing biological impacts to the maximum extent feasible. Therefore, the Rattlesnake Canyon Crossings Alternatives are found to be infeasible and have been rejected in favor of the proposed project.

#### Relocation of the Detention Basin Alternative

This alternative would reduce impacts to City-defined wetlands attributable to the detention basins. Under this alternative, the northern detention basin would be relocated upslope and southerly of its currently proposed location onto a lot planned for industrial/business park use. This alternative would substantially reduce the size of the lot, resulting in the elimination of one 2.7-acre lot (containing 2.0 acres of buildable area) from the overall project. This alternative would subdivide the project site into 21 industrial/business park lots (rather than 22 lots), 2 open space lots and 2 lots containing the detention basins. By shifting the detention basin out of the MHPA, the open space lot in Rattlesnake Canyon would increase by 2.6 acres. Therefore, the open space dedication within the MHPA would be increased by 2.6 acres to 37.9 total acres. No changes to the right-of-way and bridge proposed for Camino Santa Fe would occur for this alternative.

**Finding:** The Council finds, pursuant to Public Resources Code 21081(a)(3), that specific economic, legal, social, technological or other considerations, including considerations identified in the Statement of Overriding Considerations, make infeasible the Relocation of the Detention Basin Alternative identified in the Final EIR.

**Facts in Support of Finding:** The proposed project is based on and consistent with the approved Carroll Canyon Master Plan. Carroll Canyon Master Plan includes anticipated development areas for the project site. These areas include building pads, the circulation system and necessary grading of manufactured slopes. However, the Carroll Canyon Master Plan did not anticipate the need to construct the proposed water quality facilities, as storm water control requirements had not been developed to the degree they are today. The project's proposed detention basins are required to comply with today's stringent Regional Water Quality Control standards and are directed at reducing environmental effects associated with water quality.

The location of the detention basin in the northern part of the project has been sited to minimize environmental impacts. It is located in an area where an existing uncompacted slope has occurred as part of the mining operations. The slope must be re-constructed to provide the necessary stability to avoid slope failure. By siting the detention basin within the re-constructed manufactured slope avoids the need to create new grading impacts solely to accommodate the detention basin. Additionally, the detention basin must be located at the base of the slope. Locating it higher up the slope or at the top of the slope would endanger slope stability due to water infiltrating the slope. The location of the detention basin is critical in its design function. The detention basin will collect runoff from the proposed storm drain system. Locating the detention basin further upslope would require that the storm drain in Camino Santa Fe be constructed at a depth greater than the maximum 20-foot standard, because of the storm drain control at the bridge structure and the distance required to the storm drain box draining to the detention basin.

The Relocation of the Detention Basin Alternative would reduce, but not eliminate, project impacts to wetland habitats and jurisdictional area by elevating the basin out of the canyon. The basin cannot be placed higher upslope of the alternative location because water collected by the basin could infiltrate into the adjacent slopes and cause slope

instabilities. Furthermore, the basin must be at an elevation that services a gravity-flow drainage network.

Even with the Relocation of the Detention Basin Alternative, the manufactured slopes surrounding the alternative detention basin would still encroach into small areas of mule fat scrub and freshwater marsh, a portion of which are situated in the MHPA. Placement of the basin slopes in Rattlesnake Canyon would be compatible with wildlife use and would result in minimal edge effects on the surrounding open space, although movement would be reduced slightly due to habitat loss and corresponding reduction in corridor width.

The Detention Basin Alternative has engineering limitations related to maintaining gravity-flow and slope stability. Therefore, it has been determined that this alternative is infeasible and has been rejected

~~For these reasons, this alternative has been rejected.~~

### Reduced Project Alternative

This alternative involves reducing the number of developable lots to a level that would reduce trip generation rates and eliminate direct project impacts to local and regional traffic anticipated in the Community Plan. According to the project traffic engineer, the average daily trips generated by the proposed project would have to reduce by about 80 to 82 percent (or to 2,400 average daily trips [ADT]) to avoid project-specific traffic impacts. The Reduced Project Alternative would only allow the development of approximately 150,000 s.f. Although this alternative would bring the traffic volumes associated with the project to below levels determined to be significant by the City Traffic Manual, it would not eliminate cumulatively significant and unmitigable impacts associated with buildout of the project in conjunction with the Community.

Finding: The Council finds, pursuant to Public Resources Code 21081(a)(3), that specific economic, legal, social, technological or other considerations, including considerations identified in the Statement of Overriding Considerations, make infeasible the Reduced Project Alternative identified in the Final EIR.

Facts in Support of Finding: This alternative would conflict with the land use goals of the Mira Mesa Community Plan by not constructing the amount of industrial/office uses planned on site. The substantial reduction in buildable area would not achieve the basic project objectives and could not be feasibly constructed, given the costs of site grading, infrastructure, ~~costs for constructing extending the extension of Camino Santa Fe, and the costs associated~~ bonding for with Carroll Canyon Road, which in total are estimated at more than \$15 million. The reduced project would not economically support the construction of these circulation improvements and infrastructure needed for development of the project site. In addition, there would be a loss of employment lands opportunities within the City by adopting this alternative, which is also inconsistent with the Community Plan. No reduction in the project's significant impacts to biology, hydrology/water quality, geology/soils or paleontology would be expected since grading and construction would still occur. The reduction in graded area would likely lessen significant project impacts to air quality during construction. Due to the severity of the existing traffic congestion in the community and the land use intensity of the Community Plan, this alternative would not be capable of eliminating cumulatively significant and unmitigable impacts to roads, intersections and freeways associated with buildout of the project. For these reasons, the Reduced Project Alternative has been rejected.



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## EXHIBIT B

### STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE FENTON-CARROLL CANYON TECHNOLOGY CENTER (LDR NO. 40-0870)

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" (Section 15093 [a]). CEQA further requires that when the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, 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. The statement of overriding considerations shall be supported by substantial evidence in the record (Section 15093 [b] of the State CEQA Guidelines). This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091 (Section 15093 [c] of the State CEQA Guidelines).

The City Council, pursuant to Section 15093 of the State CEQA Guidelines, after balancing the benefits of the proposed Fenton-Carroll Canyon Technology Center project and associated actions against the following unavoidable impacts for which no feasible mitigation measures exist to reduce the impact to below a level of significance:

Direct impacts to transportation /circulation (roadways, intersections and freeway ramps);  
Cumulative impacts to transportation/circulation (roadways, intersections and freeway ramps).

The City Council has adopted all feasible mitigation measures with respect to these impacts. The City Council also has examined a range of alternatives, none of which both meets most of the basic objectives of the project and is environmentally preferable to the project.

The City Council, after balancing the specific economic, legal, social, technological, and other benefits of the project against its unavoidable environmental impacts, determines that the unavoidable adverse environmental effects may be considered "acceptable" due to the following specific considerations, which collectively are sufficient to outweigh the unavoidable, adverse environmental impacts of the project.

#### A. INCREASED EMPLOYMENT OPPORTUNITIES

The proposed project would create several hundred temporary construction jobs and up to 5,000 new permanent jobs in the central portion of the City, which would offset the jobs-housing imbalance identified for this area of the City. The temporary construction jobs would be created during all phases of construction that would occur during the eight-year buildout of the project. The permanent jobs are anticipated to follow as the construction for each of the 22 lots is completed. The project would also accomplish the land use goals of the Mira Mesa Community Plan by providing industrial/office uses on site.

#### B. INCREASED TAX REVENUES

The entitled project would result in an assessed valuation of more than \$40 million from which property taxes would be generated.

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C. CONTRIBUTIONS TO CIRCULATION IMPROVEMENTS FOR THE MIRA MESA COMMUNITY

The project will construct Camino Santa Fe and reserve right-of-way and bond for the constructions of Carroll Canyon Road – two essential elements of the Mira Mesa Community circulation system. Additionally, the project will provide for other circulation system improvements in the community, including contributions to critical intersections, and other infrastructure improvements. The costs associated with these improvements are in excess of \$15 million.

D. CONSTRUCTION OF CAMINO SANTA FE

The project will construct a 4,550 linear-foot section of Camino Santa Fe that is planned across the site. This public improvement will cost the applicant ~~\$10.63~~10.645 million to implement, including grading and construction. The installation of this Circulation Element roadway will complete one of the last remaining links between Mira Mesa Blvd and Miramar Road and partially relieve existing and future traffic congestion in the Mira Mesa Community Plan area by providing another through road.

E. PROVISION OF CARROLL CANYON ROAD RIGHT-OF-WAY

The project will dedicate and bond for the 98-foot right-of-way for the future extension of Carroll Canyon Road, which is a Circulation Element roadway in the Community Plan that crosses the site. The roadway would be constructed at some point in the future by others. The right-of-way would include bike lanes that would allow the continuation of a planned trail system to be built in future phases of the *Carroll Canyon Master Plan* east of Camino Santa Fe.

F. PROVISION OF LIGHT RAIL RIGHT-OF-WAY

The project will provide the 25-foot right-of-way for a future extension of light rail service by MTDB through the central portion of the Mira Mesa Community Plan area. The light rail transit line will provide an alternative means of transportation in an area of the City that is heavily impacted by vehicular traffic. The accommodation of future light rail service is consistent with the transportation goals of the Community Plan that are contained in the Carroll Canyon Master Plan.

G. PROVISION OF DEDICATED OPEN SPACE

The project will provide for 35.3 acres of open space, ~~adding to~~ in the City's -MHPA-. This open space amount is ~~2.32.3~~ more acres than identified in the MSCP Subarea Plan for the site and contains sensitive upland and wetland habitat supporting the potential for threatened wildlife species and a regional wildlife corridor within Rattlesnake Canyon, which links to Los Peñasquitos Lagoon.

H. PROVISION/CREATION OF WETLAND HABITAT WITHIN CARROLL CANYON AND LOS PEÑASQUITOS PRESERVE

The project will preserve/enhance/restore existing wetland habitat in Rattlesnake Canyon and Carroll Creek disturbed by project construction and mining activities. The 4.75 acres of wetland preservation/restoration area would be partial mitigation for impacts associated with extending Camino Santa Fe and developing the water quality protection system for the project. The on-site restored habitat would be placed within the open space dedicated to the City. In addition, the project mitigation program would include the

creation of wetland habitat where disturbed habitat presently exists in Los Peñasquitos Preserve thus, expanding on-going wetland creation efforts already in process in the Preserve. The increased habitat quality would serve the park users and expand the wildlife opportunities in the Preserve, a City-owned park.:

**IMPLEMENTATION OF THE APPROVED CARROLL CANYON MASTER PLAN  
ELEMENT OF THE MIRA MESA COMMUNITY PLAN**

The proposed project is in accord with the adopted Carroll Canyon Master Plan Element of the Mira Mesa Community Plan. Representing the end use of an on-going mining operation, development of the project site has been contemplated by the Community and City for a number of years. The project would not substantially deviate from that anticipated by the Community Plan and would represent the first phase of development for the Master Plan. Design Guidelines guidelines have been developed which will ensure a quality development as the project builds out. The high quality Technology Park will set the stage for future developments in the Master Plan area.

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

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

REZONE (RZ), VESTING TENTATIVE MAP (VTM), PLANNED DEVELOPMENT PERMIT (PDP), SITE DEVELOPMENT PERMIT (SDP), MHPA BOUNDARY ADJUSTMENT, LDR NO. 40-0870 and AMENDMENT to CONDITIONAL USE PERMIT/RECLAMATION PLAN NO. 89-0585

LDR NO. 40-0870

SCH No. 2000041010

This Mitigation, Monitoring and Reporting Program (MMRP) was prepared for the Fenton-Carroll Canyon Technology Center to comply with the mitigation monitoring statute (Public Resources Code Section 21081.6). This statute, which states "Public agency shall adopt monitoring program of mitigation measures and insure their enforceability," requires public agencies to "adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." This program shall be made a requirement of project approval. Certain changes or alterations (mitigation measures) are required for the Fenton-Carroll Canyon Technology Center in connection with the Environmental Impact Report ([EIR]; SCH #2000041010) to reduce significant environmental effects. For each mitigation measure required by the EIR, a monitoring and/or reporting element is identified below.

The MMRP for the Fenton-Carroll Canyon Technology Center is under the jurisdiction of the City of San Diego and other agencies as specified below. As Lead Agency for the project under the California Environmental Quality Act (CEQA), the City of San Diego will administer the MMRP for the Fenton-Carroll Canyon Technology Center. Information contained within the following MMRP provides a summary of significant project impacts and identifies the mitigation measures, the agency and/or department responsible for monitoring and determining compliance, conditions required to verify compliance, and the monitoring and completion schedule. Mitigation measures defined in this MMRP shall be defined as in the EIR (LDR No. 40-0870) and may require further detail prior to construction and/or following project implementation. Tables and figures referred to in this MMRP are found in the EIR. 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. 40-0870) shall be made conditions of REZONE (RZ), VESTING TENTATIVE MAP (VTM), PLANNED DEVELOPMENT PERMIT (PDP), MHPA BOUNDARY ADJUSTMENT, SITE DEVELOPMENT PERMIT (SDP) 40-0870, as may be further described below.

**A. NOISE**

**Impact A1:** Traffic noise along Camino Santa Fe could significantly impact the exterior usable open space for potential office uses on four lots proposed adjacent to the road.

**Mitigation A1:** If exterior usable open space areas for office uses are proposed within 125 feet of the road center line on Lot 4 and within 110 feet on Lot 11, a site-specific noise study shall be required for these lots prior to issuance of building permits. The site-specific exterior noise study shall identify mitigation measures to ensure that the useable space areas (i.e., outdoor seating areas, lunch and recreation areas, etc.) are exposed to noise levels of 70 dBA CNEL

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or less. Mitigation measures for these lots could include intervening walls and/or berms and shall be incorporated into the final lot design.

**Impact A2:** Future traffic and existing aircraft noise from MCAS Miramar would result in an exterior noise level of 65 dB CNEL, which could significantly impact interior noise within proposed office buildings.

**Mitigation A2:** If office uses are proposed on any of the lots, an interior noise analysis or certification by a licensed architect shall be required prior to issuance of building permit(s) for any proposed office structures to verify that the interior noise standard is in accordance with the NAS Miramar CLUP. The interior acoustical analysis or certification shall be submitted concurrently with the building permits to ensure that the interior noise levels would not exceed a DNL of 50 dBA within the office buildings. Air-conditioning, mechanical ventilation, and/or sound-rated windows could be required to meet the interior noise standards. All measures recommended in the analysis shall be incorporated into the final building design.

## **B. BIOLOGICAL RESOURCES**

**Impact B1:** Grading associated with site development would result in the loss of sensitive upland habitat, namely 0.5 acre of coastal sage scrub (Tier II habitat), 0.4 acre of southern mixed chaparral (Tier IIIA habitat), and 0.4 acre of non-native grassland (Tier IIIB habitat).

**Mitigation B1:** Prior to issuance of any grading permit, the project applicant shall preserve 1.1 acre of upland habitat within the MHPA satisfactory to the City Manager. As an alternative to preservation, the project applicant shall contribute to the City's habitat acquisition fund. Prior to any clearing, grubbing, grading or any other construction activities outside the CUP limits, a qualified biologist shall flag all areas of sensitive habitat.

**Impact B2:** Grading associated with site development and the construction of Camino Santa Fe would result in the loss of wetlands, namely 0.72 acre of southern willow scrub, 1.19 acres of mulefat scrub, 0.09 acre of freshwater marsh, 0.27 acre of disturbed wetland and 0.47 acre of unvegetated streambed.

**Mitigation B2:** Prior to issuance of any grading permit outside the CUP limits, the project applicant shall preserve, enhance and create 8.02 acres of wetland/riparian habitat within the MHPA, satisfactory to the City Manager. Mitigation for impacts caused by development of the technology center and Camino Santa Fe would be implemented in accordance with the Draft Conceptual Restoration Plan (HELIX 2000b). Mitigation for impacts to 3.27 acres of riparian habitats would occur through a combination of creation (3.27 acres) and preservation/enhancement (4.75 acres). Riparian mitigation could occur off site in Los Peñasquitos Preserve and on site in both Carroll and Rattlesnake canyons. The majority of creation is proposed to occur in Los Peñasquitos Preserve off site since impacts to wetlands are caused by the extension of Camino Santa Fe, which is a public road required by the Circulation Element of the Community Plan. Habitat enhancement would occur south of the future extension of Carroll Canyon Road on land presently considered disturbed habitat and disturbed wetland. The balance of enhancement would occur in disturbed habitat in Rattlesnake Canyon. Final mitigation requirements and locations shall be determined through consultation with the City and other

applicable resource agencies and detailed in a final restoration plan prior to issuance of grading permits outside the CUP limits. A qualified biologist shall monitor the installation of the wetland restoration as outlined in the final restoration plan. Prior to any clearing, grubbing, grading or any other construction activities outside the CUP limits, a qualified biologist shall flag all areas of sensitive habitat.

**Impact B3:** Direct impacts to one sensitive plant, San Diego marsh elder, would be considered significant.

**Mitigation B3:** Prior to issuance of any grading permit which affects on-site wetlands, the San Diego marsh elder shall be incorporated into the plant palette for areas proposed to be enhanced as detailed in the final wetland restoration plan for the project, satisfactory to the City Manager

**Impact B4:** Vehicular traffic across the Camino Santa Fe bridge over Rattlesnake Canyon and the Camino Santa Fe culverts through Carroll Creek could significantly impact wildlife movement.

**Mitigation B4:** Prior to issuance of any certificate of occupancy, fencing shall be positioned where the bridge crosses Rattlesnake Canyon and where the culverts cross Carroll Creek so as to direct wildlife under the bridge and through the culverts instead of across Camino Santa Fe. For Rattlesnake Canyon, the fencing shall be chain link or other suitable material, six feet in height and placed for a minimum distance of 100 feet along the upper slopes on both sides of the bridge to direct animals beneath the structure. For Carroll Creek, the chain link fencing or other suitable material shall be eight feet in height and placed for a minimum distance of 100 feet extending from the two outermost edges of the three culverts. A qualified biologist and the City Manager shall review the fence plans prior to and after their installation and provide written verification that the location and installation is appropriate, as deemed acceptable to the City Manager.

**Impact B5:** The project would result in significant indirect impacts with regard to lighting, noise and invasives on the MHPA preserve based on the land use adjacency guidelines in the MSCP Subarea Plan.

**Mitigation B5:** The following measures shall be requirements of the proposed project and must be assured to the satisfaction of the City Manager to ensure that all potential indirect impacts to the MHPA are mitigated to below a level of significance:

- a. Prior to issuance of any certificate of occupancy, all outdoor lighting within 100 feet of the MHPA shall be hooded and shielded to prevent light over spill in the open space areas. Shielding shall consist of the installation of fixtures that physically direct light away from the outer edges of the property or landscaping, berms or other barriers at the edge of development that prevent light over spill. Prior to issuance of final building permits for the technology center and grading permits for Camino Santa Fe building plans shall depict the shielded light fixtures or other mechanisms within 100 feet of the MHPA. The final building plans shall be reviewed and approved by the City Manager.

- b. Where clearing, grubbing, grading or any other noise generating construction activity occur within 500 feet of the MHPA during the coastal California gnatcatcher breeding season (March 1 to August 15), surveys for this species would be required prior to grading. If the gnatcatcher(s) are present within 500 feet of clearing, grubbing, grading or any other noise generating construction activity, a qualified biologist shall monitor on a bi-weekly basis during construction periods to observe the behavior of the species. Clearing, grubbing, grading or any other noise generating construction activity could be suspended or temporary noise walls shall be installed to reduce noise levels below 60 dB(A)<sub>Leq</sub>. The temporary noise wall should be constructed in such a way that it does not impact additional gnatcatcher habitat and be approved by the City Manager.
- c. The landscape concept plan shall be modified to remove invasive plant species from slope plantings and ground cover in areas adjacent to the MHPA. The final landscape plans shall be reviewed for consistency with the MSCP Land Use Adjacency Guidelines prior to issuance of any building permits.

### C. TRANSPORTATION/TRAFFIC CIRCULATION

**Impact C1:** In the near-term, the project would significantly impact traffic on adjacent roadway segments, including sections of Mira Mesa Boulevard, Miramar Road, Carroll Canyon Road, Carroll Road, Scranton Road and 11 intersections in the Mira Mesa community.

**Mitigation C1:** The following project design measures shall be requirements of the proposed project and must be assured to the satisfaction of the City Engineer prior to the issuance of the first certificate of occupancy:

- a. The project applicant shall construct Camino Santa Fe between Trade Street and Flanders Street, satisfactory to the City Engineer.
- b. The project applicant shall provide sufficient right-of-way at the future intersection of Camino Santa Fe/Carroll Canyon Rd. to accommodate future traffic volumes, satisfactory to the City Engineer.
- c. The project applicant shall install traffic signals at the intersections of Camino Santa Fe/Trade Street and Camino Santa Fe/Flanders Street prior to the occupancy of the first building, satisfactory to the City Engineer.
- d. The project applicant shall install traffic signals at both project entrances on Camino Santa Fe prior to traffic signal warrants being met, satisfactory to the City Engineer. As each lot develops within the Fenton-Carroll Canyon Technology Center, a signal warrant analysis shall be performed on these unsignalized intersection(s) based on the peak hour trips expected to be generated by the lot. If any of these intersections meet signal warrants at that time, the traffic signal(s) shall be installed prior to building occupancy.
- e. The project applicant shall construct an exclusive eastbound right turn lane at the intersection of Camino Santa Fe/Carroll Rd., satisfactory to the City Engineer, as partial mitigation of project impacts at this location.

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- f. The project applicant shall restripe the northbound lanes at Miramar Rd./Mitscher Way to provide for 1 left turn, 1 left/thru/right and 1 right turn lane, satisfactory to the City Engineer. The applicant shall coordinate with Traffic Operations staff prior to proceeding with the mitigation.
- g. The project applicant shall restripe Scranton Road to provide for four lanes south of Mira Mesa Blvd. to Carroll Canyon Road, satisfactory to the City Engineer. The applicant shall coordinate with Traffic Operations staff prior to proceeding with the mitigation.
- h. The project applicant shall make a fair-share monetary contribution of 14.77 percent to partially fund improvements planned as Mira Mesa FBA 15-89 at the Miramar Road/Kearny Villa Road intersection.

**Impact C2:** In the long-term, the project would significantly impact traffic on adjacent roadway segments, including Miramar Road and Carroll Road, and the intersection of Camino Santa Fe/Carroll Road and the I-15 Carroll Canyon Road northbound on-ramp.

**Mitigation C2:** The following measures shall be requirements of the proposed project and must be assured to the satisfaction of the City Engineer prior to the issuance of the first certificate of occupancy.

- a. The project applicant shall participate in the Mira Mesa Facilities Benefit Assessment District as a fair-share contribution to the regional improvements required to serve the transportation infrastructure within Mira Mesa.
- b. The project applicant shall make a monetary contribution of \$41,459 to partially fund auxiliary lane improvements on northbound I-15 north of Carroll Canyon Road planned by Caltrans.

#### **D. AIR QUALITY**

**Impact D1:** Construction of the proposed project would result in emissions of fugitive dust and gaseous emissions, which would be in excess of the City standards. The project construction emissions would cause a significant air quality impact.

**Mitigation D1:** The following project design measures shall be requirements of the proposed project to ensure that all potential emission impacts are mitigated to below a level of significance:

- a. The applicant shall implement suppression measures for fugitive dust. Measures shall include wet suppression techniques for ground soil, coverage of any stockpiles soil materials and loaded trucks and limiting on-site vehicles speeds to 15 miles per hour (mph).
- b. Idling times for construction equipment shall be limited to 10 minutes.
- c. Prior to the commencement of construction, the construction contractor(s) shall be required to incorporate the following measures into a construction operations plan(s) and to implement the measures during all phases of project construction. The control measures shall include:

- 1) Properly maintain construction equipment
- 2) Properly maintain mobile equipment
- 3) Use only APCD approved architectural coatings on buildings
- 4) Use only APCD approved asphalt on roads

## **E. HYDROLOGY/WATER QUALITY**

**Impact E1:** The project would encroach into the 100-year floodplain resulting in significant impacts related to flooding.

**Mitigation E1:** The project applicant shall obtain prior approval from FEMA (i.e., a CLOMR) and (if applicable) the City of San Diego (pursuant to City Council Policy 600-14) for proposed development encroachment into the mapped 100-year floodplain along Rattlesnake Canyon and Carroll Creek.

**Impact E2:** The project has the potential to degrade surface water quality in local and downstream waters due to the use and storage of construction-related hazardous materials, the potential disposal of extracted groundwater and the discharge of urban runoff.

**Mitigation E2:** The following project design measures shall be requirements of the proposed project to ensure that all potential impacts to surface water quality are mitigated to below a level of significance:

- a. All development shall comply with the requirements of SWRCB Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), General Construction Activity Storm Water Permit. In accordance with said permit, an SWPPP and a Monitoring Program Plan shall be developed prior to the issuance of grading permits, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. Copies of (1) acknowledgment from the SWRCB that an NOI has been received for this project; and (2) the completed NOI from the SWRCB showing the construction permit number for this project, shall be filed with the City of San Diego when received.

Best Available Technology (BAT), Best Conventional Pollutant Control Technology (BCT) and Best Management Practices (BMPs) shall be included in the SWPPP as appropriate, and shall be designed in accordance with the City Engineering Department standards for SWPPPs to the satisfaction of the City Engineer. Pursuant to guidelines in the California Storm Water BMP Handbooks (Stormwater Quality Task Force 1993), such requirements would likely include the following: (1) vehicle fueling, maintenance and related activities (such as hazardous material storage) shall be located at least 100 feet from storm drains or water courses, and shall include features such as temporary berms and impervious liners to prevent discharge in the event of a hazardous material spill; (2) paving operations shall be restricted during wet weather; (3) sediment catchment devices shall be used downstream of paving activities; (4) proper containment and disposal techniques shall be employed for paving wastes and slurry; (5) warning signs shall be placed in areas of hazardous material use or storage; (6) drainages and storm drains (or other appropriate locations) shall be clearly marked (e.g., with signs) to avoid inadvertent hazardous material disposal; and (7) prior to construction, safety training shall be provided by the project contractor for applicable

employees in the proper use and handling of hazardous materials, as well as specific actions to take in the event of a spill to contain discharged materials, notify applicable regulatory agencies and implement clean up procedures. Specifically, this shall include conformance with manufacturer specifications for hazardous material use and storage, stockpiling absorbent and clean up materials where they are readily accessible, and posting of regulatory agency/emergency telephone numbers and summary spill response/clean up procedures (as outlined in the BMP Handbooks) in a conspicuous location at or near the job site trailer. Preparation and implementation of a SWPPP will be conditions of the Tentative Map and PDP permit and shall be shown on the grading plans.

- b. The project applicant (or contractor) shall obtain an approved NPDES Dewatering Waste Discharge Permit (No. CA0108707) prior to extraction/disposal of groundwater (if applicable) and shall conform to all requirements contained in said permit.
- c. All development shall comply with the requirements of RWQCB NPDES Permit No. CA0108758 (and the pending permit amendment), that consists of wastewater discharge requirements for stormwater and urban runoff. When the Notice of Termination for construction is filed, implementation of stormwater discharge BMPs, including maintenance and monitoring, is required by the City of San Diego. In accordance with said permit, the permit applicant shall comply with the City's BMP Program for Stormwater Pollution Control, to the satisfaction of the City Engineer.
- d. Long-term monitoring and maintenance of project drainage facilities (including the in-line treatment units) shall be implemented by the property owners, per direction by the City Engineer. Specific maintenance efforts for the in-line CDS® units shall include annual inspections and power washing of the screens, inspection of the units after the first major seasonal storm, removal of captured materials when the sump is two-thirds to three-quarters full and removal/replacement of sorbent materials when fully discolored or coated with oil.
- e. The property owners shall implement a program to minimize the generation of urban contaminants from paved and landscaped areas. Specific elements of this program could include street sweeping per applicable City guidelines; eliminating irrigation runoff; minimizing the use of chemical pesticides, herbicides and fertilizers; and recycling of vegetation waste.

**Impact E3:** Erosion during grading and prior to the establishment of landscaping would cause short-term sedimentation impacts through the transport of sediments from the site, while streambed erosion impacts would be caused by increased runoff volumes and velocities from the site over the long term.

**Mitigation E3:** The following project design measures shall be requirements of the proposed project to ensure that all potential erosional impacts are mitigated to below a level of significance:

- a. All development shall comply with the requirements of the project NPDES General Construction Activity Storm Water Permit. Specifically, this

would include preparation of an SWPPP, with associated erosion control BAT, BCT and/or BMPs.

- b. Prior to the issuance of grading permits, an erosion control plan shall be submitted to and approved by the City Engineer and Planning and Development Services Department. The plan shall include measures to mitigate both short- and long-term erosion and material transport, with short-term measures expected to be similar to those for the above noted SWPPP. Based on existing information, the City erosion control plan would be anticipated to include the following types of measures:
  - 1) Sand/gravel bags, matting, silt fencing, mulch, berms, hay bales or similar devices shall be placed in appropriate locations (e.g., along drainage courses and slope toes) to minimize sediment transport within and off the site. The exact design, location and schedule of use for such devices shall be approved by the City Engineer prior to grading.
  - 2) Temporary hydroseeding (or other applicable landscaping methods) shall be provided in all appropriate graded areas (e.g., manufactured slopes) to provide interim stability.
  - 3) Runoff diversion facilities (e.g., brow ditches) shall be used to preclude runoff on manufactured slopes, per direction by the City Engineer (such facilities may also be used to provide long-term erosion control on manufactured slopes).
  - 4) Temporary desilting basins shall be placed in applicable locations (e.g., adjacent to or within major drainage courses) if deemed appropriate by the City Engineer during erosion control plan review.
  - 5) Energy dissipators (e.g., riprap aprons) shall be placed at all project storm drain outlets to reduce off-site flow velocities. The design of such dissipating structures shall conform to recommendations of the City Engineer.
- c. In conformance with the provisions of Public Resources Code § 21081.6, the applicant shall retain a civil engineer and geotechnical consultant to monitor the grading, construction, and installation of runoff control devices and revegetation of the project site. Prior to the issuance of building permits, the project engineer shall submit in writing to the City Engineer verification that the project has complied with the required notes on the grading plan addressing erosion control.
- d. The grading plan shall incorporate a maintenance program for erosion and runoff control measures, which shall be approved by the City Engineer and Planning and Development Services Department. The erosion and runoff control measures shall be designed and bonded prior to acceptance of the grading and public improvements by the City. The applicant and future property owners shall be responsible for the maintenance program and shall maintain records of the maintenance.

**Impact F1:**

Project grading and development would result in significant impacts caused by seismic and non-seismic hazards occurring on site.

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**Mitigation F1:** The following project design measures shall be requirements of the proposed project to ensure that all potential geology/soils impacts are mitigated to below a level of significance:

- a. All grading shall be performed in accordance with the Recommended Grading Specifications contained in Appendix C of the project Geotechnical Investigation (Geocon 1999), except in case of conflict with project-specific recommendations.
- b. Prior to commencing grading, a preconstruction conference shall be held at the site with the owner or developer, grading contractor, civil engineer and engineering geologist in attendance. Special soil handling and/or grading plans shall be discussed at that time.
- c. Removal of all unsuitable surficial materials such as uncompacted waste-fill soils, plasterboard, mulch, wood debris, and vegetation shall be required prior to grading. Removal and compaction of other undocumented soil-fills, topsoil and alluvium on the site shall be required in areas to receive fill or structures. Fill content and placement methodology shall comply with all applicable requirement and recommendations of the project engineering geologist, including compaction in layers to at least 90 percent of the maximum dry density and generally above optimum moisture content pursuant to American Standard Testing Methods (ASTM) protocol. The colluvial deposits and other expansive soils and oversize material on the site will require removal and placement in the proposed deeper fill areas (or off-site disposal), with a "cap" of granular material (exhibiting an Expansion Index of less than 50) on the upper five feet of the site.
- d. Because the soil stockpile materials in the northeastern portion of the site may have absorbed moisture perched on top of underlying compacted fills, soils at the base of the stockpiles shall be mixed with drier soils to achieve acceptable moisture contents if deemed necessary by the project engineering geologist during field observation. Similarly, if so directed by the engineering geologist, compacted fills underneath the noted stockpile materials shall be subject to remedial grading in the form of moisture conditioning and compaction of the upper one to two feet prior to placing additional fill. Significantly wet or saturated soils may occur at shallow depths in the alluvium on the site, and (if present) will require drying or mixing with drier soils prior to using as fill material.
- e. All cut slope excavations shall be observed during grading by an engineering geologist to verify that soil and geologic conditions do not differ significantly from those anticipated. If additional requirements to stabilize cut slopes (particularly within the Scripps Formation) are identified by the engineering geologist during field observations, these measures shall be incorporated into project design and grading specifications.
- f. Because the outer zones of existing fill slopes have experienced moderate to severe erosion, the outer 15 feet of these slopes will require rebuilding through excavation of a backcut along the slope from the top to the toe, removal of unsuitable material at the toe (per direction by the engineering geologist) and excavation of a toe key prior to backfilling.

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- g. Slope stabilization measures may be required during benching and alluvial/colluvial removals near the base keys of fill slopes in the Scripps Formation. The outer 15 feet (or a distance equal to the height of the slope, whichever is less) of all fill slopes should, in general, be composed of properly compacted granular fill to reduce the potential for surficial sloughing. All fill slopes shall be compacted by back-rolling with a loaded sheepsfoot roller at vertical intervals not to exceed four feet and shall be track-walked for compaction at the completion of each slope such that the fill soils are uniformly compacted to at least 90 percent relative compaction to the face of the compacted slope.
- h. All slopes shall be landscaped with drought-tolerant vegetation, having variable root depths and requiring minimal landscape irrigation. In addition, all slopes shall include appropriate drainage and maintenance measures to reduce erosion (e.g., use of brow ditches or other methods to minimize runoff on manufactured slopes).
- i. A 10-foot undercut may be required at the upper ends of two existing subdrains on future Lots 2 and 4 to remove the upper portions of the subdrains to at least 10 feet below finish grade. The ends of the subdrains shall be capped and properly repaired prior to placing fill. Subdrains shall be installed within the excavated canyons at the west end of the site prior to fill placement. A concrete headwall shall be constructed at the outlet point of those subdrains that do not outlet into a controlled drainage structure to ensure protection against blocking or crushing the end of the subdrain. When specific development plans for a particular lot are being formalized, the need for lined swales or other surface drainage devices along the toe of slopes exceeding 30 feet high shall be considered.
- j. All subdrain locations shall be surveyed by a qualified civil engineer, who shall prepare a set of "as-built" plans for these facilities.
- k. An engineering geologist shall review all grading and building plans prior to finalization. Any additional recommendations provided as a result of that review shall be incorporated into the project design. Specifically, final plans shall incorporate all recommendations by the project engineering geologist with respect to foundation and retaining wall design, manufactured slopes, and site drainage (e.g., the need for terrace drains along the tops of slopes).

## PALEONTOLOGY

**Impact G1:** The proposed project would occur as an end use to an on-going mining operation. Reclamation of the site is taking place, and grading required for the Fenton – Carroll Canyon Technology Center would primarily occur within previous reclaimed and graded areas. If grading, in particular cut, occurs within native formations, there is a potential for significant impacts to paleontological resources.

**Mitigation G1:** The project has been revised to include the following measures, which would fully mitigate paleontological resource impacts associated with the proposed project to below a level of significance. These measures are required for all areas in which grading is proposed into previously undisturbed geologic

formations, as determined by the consulting civil or geotechnical engineer, and will reduce direct impacts associated with paleontological resources to below a level of significance.

- a. Prior to issuance of a grading permit, or demolition permit, the applicant shall provide a letter of verification to the Environmental Review Manager (ERM) of Land Development Review (LDR) stating that a qualified paleontologist as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program if cuts greater than 10 feet in depth would occur in native formation, as determined by the consulting engineer or geotechnical engineer. **A SECOND LETTER SHALL BE SUBMITTED TO MITIGATION MONITORING COORDINATION (MMC) OF LDR AT LEAST THIRTY DAYS PRIOR TO THE PRECONSTRUCTION MEETING AND SHALL INCLUDE THE NAMES OF ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THIS PROJECT.**
- b. **PRIOR TO THE ISSUANCE OF THE FIRST GRADING PERMIT, THE ERM SHALL VERIFY THAT THE REQUIREMENT FOR PALEONTOLOGICAL MONITORING HAS BEEN NOTED ON THE GRADING PLANS.**
- c. Prior to beginning construction the owner/permittee shall arrange a Preconstruction Meeting that shall include the Paleontologist, Construction Manager or Grading Contractor, Resident Engineer (RE), and MMC. The qualified paleontologist shall attend any grading related preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager and/or grading contractor. **AT THE PRECONSTRUCTION MEETING THE PALEONTOLOGIST SHALL SUBMIT TO MMC A COPY OF THE SITE/GRADING PLAN (REDUCED TO 11X17) THAT IDENTIFIES AREAS TO BE MONITORED. THE PALEONTOLOGIST ALSO SHALL SUBMIT A CONSTRUCTION SCHEDULE INDICATING WHEN MONITORING IS TO OCCUR. THE PALEONTOLOGIST SHALL NOTIFY MMC OF THE START AND END OF MONITORING.**
- d. The qualified paleontological monitor shall be present full-time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity and shall document activity via the Consultant Site Visit Record. This record shall be faxed to the RE and MMC each month. Monitoring may be decreased at the discretion of the qualified paleontologist, provided they contact MMC and consult with appropriate EAS Staff. The decrease will depend on the rate of excavation, the materials excavated, and the abundance of fossils.
- e. **IN THE EVENT OF A SIGNIFICANT PALEONTOLOGICAL DISCOVERY, AND WHEN REQUESTED BY THE PALEONTOLOGIST, THE CITY RESIDENT ENGINEER (RE) SHALL DIVERT, DIRECT, OR TEMPORARILY HALT CONSTRUCTION ACTIVITIES IN THE AREA OF DISCOVERY TO ALLOW RECOVERY OF FOSSIL REMAINS. THE DETERMINATION OF SIGNIFICANCE SHALL BE AT THE DISCRETION OF THE QUALIFIED PALEONTOLOGIST. THE**

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**PALEONTOLOGIST WITH PRINCIPAL INVESTIGATOR(PI)  
LEVEL EVALUATION RESPONSIBILITIES SHALL ALSO  
IMMEDIATELY NOTIFY MMC STAFF OF SUCH FINDING AT  
THE TIME OF DISCOVERY. MMC STAFF WILL PROVIDE  
APPROPRIATE LDR STAFF CONTACT FOR CONSULTATION.**

- f. The paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines, and submittal of a letter of acceptance from a local qualified curation facility. If the fossil collection is not accepted by a local qualified facility for reasons other than inadequate preparation of specimens, the project paleontologist shall contact LDR to suggest an alternative disposition of the collection.
- g. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
- h. Prior to the release of the grading bond, two monitoring results report (even if negative), which describes the results, analysis, and conclusions of the above monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LDR and one copy sent to the RE.

**MMRP DEPOSIT ACCOUNT**

The above mitigation monitoring and reporting program will require a deposit of \$3,200.00 to be collected prior to the issuance of any grading permits and/or recordation of the final map, building permits, or certificates of occupancy to ensure the successful completion of the monitoring program.