

RESOLUTION NUMBER R- 296293

ADOPTED ON APR 09 2002

WHEREAS, on June 22, 1999, Pardee Homes submitted an application to the City of San Diego for amendments to the Carmel Valley Community Plan, Neighborhood 4A Precise Plan, and Neighborhood 7 Precise Plan; an amendment to the Carmel Valley Planned District regulations; a rezone; a Carmel Valley Planned District Development Permit and Resource Protection Ordinance Permit; and a Vesting Tentative Map for the Point Carmel project; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on APR 09 2002; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report, LDR No. 99-0606; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Environmental Impact Report, LDR No. 99-0606, 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 Point Carmel project.


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

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

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

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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Candidate Findings and Statement of Overriding Considerations Regarding the Final Environmental Impact Report for Point Carmel Tentative Map

The California Environmental Quality Act, Public Resources Code §§21000–21177 (“CEQA”), and the State CEQA Guidelines, 14 Cal. Code of Regs. §§15000-15387 (“CEQA Guidelines”), require that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental 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 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 Final 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 Final EIR.

(CEQA §21081[a].)

- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency may not approve or carry out the project unless 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 §21081[b].)

CEQA also requires that the findings made pursuant to §15091 shall be supported by substantial evidence in the record (§15091[b] of the 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 though other conclusions might also be reached. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (§15384 of the CEQA Guidelines).

CEQA also 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

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benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" (§15091[a] of the 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 §15091 (§§15091[b] and [c] of the CEQA Guidelines).

The following Candidate Findings are made relative to the conclusions of the Environmental Impact Report (EIR) for the Point Carmel Project and associated actions ("project") (LDR No.99-0606/SCH No. 1999091114). The EIR is herein incorporated by reference. These findings have been prepared pursuant to §21081 of the California Public Resources Code, the California Environmental Quality Act, and pursuant to §§15091 and 15093 of the CEQA Guidelines.

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

PROJECT DESCRIPTION AND PURPOSE

The proposed 31.9-acre Point Carmel Tentative Map Project falls within portions of the Neighborhood 4A and Neighborhood 7 Precise Plan areas within the Carmel Valley Community Plan area of the city of San Diego. The project site is located south of Lansdale Drive, east of Dunham Way, and north of Del Mar Heights Road.

The project would develop the subdivision site with 89 detached single-family homes, internal roads, and an open space trail compatible with existing residential development, which surrounds the site. Approximately 27.51 acres of the site would be disturbed for grading to construct pads and a full loop road to meet fire protection standards. The final developed area would occupy 24.6 acres. The remaining 7.3 acres, of which 2.91 acres would be revegetated after grading, would be dedicated open space. Total grading for the bowl-shaped site is estimated at 665,000 cubic yards of excavation, with approximately 191,000 cubic yards of soil cut on-site and approximately 474,000 cubic yards of fill. An estimated 283,000 cubic yards of soil must be imported, and is expected to come from an approved off-site development area within Subarea III (Pacific Highlands Ranch). The total amount of earthwork would amount to approximately 24,539 cubic yards per graded acre. Approximately 18 percent of the site (5.76 acres) consists of steep slopes with a gradient of 25 percent or greater. The project proposes development at 3.3 dwelling units per acre (du/ac), representing the low end of the approved density (3.1-4.8 du/ac). However, to achieve this level, the project would encroach upon an estimated 3.46 acres or 60 percent of on-site steep slopes. Contour grading and variable slope ratios would be consistent with the Carmel Valley Community Plan and Precise Plans for Neighborhoods 4A and 7. The remaining undisturbed area of the project site would be retained as open space.

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Extensive landscaping is planned for the site and would be maintained by the future homeowners association. Additionally, an approximate 2.9-acre area, located within the Precise Plan area boundary, and immediately south of the tentative subdivision boundary, would be designated as open space.

The discretionary approvals by the City of San Diego required for implementation of the project include an amendment to the Progress Guide and General Plan, amendment of the Carmel Valley Community Plan, amendment of the Neighborhood 4A Precise Plan, amendment of the Neighborhood 7 Precise Plan, approval of a Carmel Valley Planned District Ordinance Permit, a Rezone (from A-1-10, SF3 and OS to SF1-A and OS), approval of a Vesting Tentative Subdivision Map, approval of a Street Vacation, and approval of a Resource Protection Ordinance Permit. Additional approvals would be required from the U.S. Army Corps of Engineers (Clean Water Act Section 404 Discharge Permit), California Department of Fish and Game (Section 1603 Streambed Alteration Permit), and Regional Water Quality Control Board (NPDES Permit).

ISSUES ADDRESSED IN THE EIR

The Final EIR for the project evaluates the following environmental issues: (1) land use, (2) hydrology/water quality, (3) noise, (4) biological resources, (5) geology and soils, (6) historical resources, and (7) paleontological resources. The Final EIR also addresses cumulative impacts; other required considerations, which include effects found not to be significant; and alternatives that would reduce or avoid significant impacts of the proposed project. The City of San Diego Development Services, located at 1222 First Avenue, MS 501, 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 ("Administrative Record").

Having reviewed and considered the information contained in the Final EIR for the Point Carmel Project (LDR No.99-0606/SCH No. 1999091114), related documents, public comments, and the entire environmental record, the Council of the City of San Diego finds that the EIR was completed in compliance with CEQA and reflects the Council's independent judgment, and that recirculation is not required, and makes the following findings pursuant to §15091 of the CEQA Guidelines:

FINDINGS

- I. Changes or alterations have been required in, or incorporated into, the project which mitigate, avoid, or substantially lessen the significant environmental effects of the proposed project as identified in the EIR (LDR No.99-0606/SCH No. 1999091114) and as described below relative to: (1) land use, (2) hydrology/water quality (direct effects), (3) noise, (4) biological resources, (5) geology and soils, (6) historical resources, and (7) paleontological resources.**

- A. LAND USE**

Impact A: The project could cause potentially significant direct effects to land use. Less than 25 percent of the total 31.9-acre project site contains steep slopes and proposed development of 3.46 (18 per cent) of the 5.76 acres of on-site steep slopes exceeds the steep slope encroachment allowances permitted by the Resource Protection Ordinance.

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Facts in Support of Finding: Implementation of mitigation measures included in Chapter 4F (Biological Resources), combined with adoption of alternative compliance findings for hillside encroachment and implementation of the findings, as applicable, would reduce the impacts on Resource Protection Ordinance hillside resources to below a level of significance.

As discussed in the Final EIR, alternative compliance findings for the proposed project can be supported for the following reasons:

Impacts to the City of San Diego's Progress Guide and General Plan, including the housing, open space, and public facility elements, are avoided:

The project conforms to the adopted Community Plan;

No other feasible measures can be taken to further minimize potential adverse effects on environmentally sensitive lands and still avoid conflict due to the existing bowl-shaped topography and need to comply with City access and design standards;

Project implementation will not be detrimental to the public health, safety, and welfare and will comply with the applicable regulations of the municipal code;

The in-fill development site is surrounded by similar development in scale and design and is physically suitable for the design and siting of the proposed development, would result in minimum disturbance to sensitive biological resources, would not result in adverse impacts to any adjacent sensitive biological resources, and is consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan; and

The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate negative impacts created by the proposed development.

Project design measures, in conformance with the Carmel Valley Neighborhood 4A Precise Plan, would incorporate slope rounding and contouring of manufactured slopes. These and other design measures, in combination with mitigation measures identified for the issue of biological resources, would reduce or avoid potentially significant land use impacts identified for the project to below a level of significance.

Alternative Compliance Findings included in Chapter 4A, in combination with Mitigation Measures included in Chapters 4B and 4F of the Final EIR, are feasible and are made binding through the project conditions of approval and Mitigation Monitoring and Reporting Program (MMRP), and are incorporated by reference as if fully set forth herein.

B. HYDROLOGY/WATER QUALITY (DIRECT)

Impact B: The proposed project could cause potentially significant temporary direct impacts to hydrology/water quality during construction due to grading and construction activities potential to increase water runoff rates and associated erosion.

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Facts in Support of Finding: Implementation of the project's planned storm water conveyance system, along with measures to reduce water runoff generated from, and during project construction and development, would reduce runoff impacts to below a level of significance. Specifically, the final project design would include Construction Mitigation Measures 1 (a-d), 2, 3, 4, 5, and 6 to implement applicable city and state conditions, including best management practices (BMPs) consistent with NPDES Permit conditions. Mitigation Measures 7-13 would implement project design measures, including best available control technologies (BACTs). These mitigation measures include avoiding surface-disturbing construction activities during the rainy season, measures to reduce surface water flows, and thus, minimize sediment transport, use of desilting basins, timely revegetating graded areas, installation of irrigation systems within 30 days of completion of grading and obtaining required construction activity storm water permits.

Mitigation measures shown in Chapter 4C of the Final EIR are feasible and are made binding through the project conditions of approval and MMRP measures 4[a-j], 5[a-d], and 6[a-g], and are incorporated by reference as if fully set forth herein.

C. NOISE (DIRECT)

Impact C: Noise from traffic on Lansdale Drive adjacent to the project site could exceed the City of San Diego residential exterior noise standard of 65 CNEL and have a significant adverse noise impact on the backyards of future residential uses on lots 69-71 in the Point Carmel project.

In addition, traffic-generated noise could result in noise levels that exceed the City's 45 CNEL interior noise standard and result in a significant impact to the residential units directly adjacent to Del Mar Heights Road and Lansdale Drive (lots 1, 17 through 23, 39 through 44, and 68 through 71).

Facts in Support of Finding: The potentially significant exterior noise impacts would be mitigated to below a level of significance through construction of noise barriers capable of reducing noise levels on affected properties to below the City's 65 CNEL exterior noise standard. Specifically, Mitigation Measure No. 1 of the Final EIR would require construction of noise barriers capable of providing a minimum of 2 decibels attenuation at designated locations. Mitigation Measure 2 would require completion of a detailed acoustical analysis prior to the issuance of building permits to ensure that project construction materials are sufficient to reduce interior noise levels to an acceptable 45 CNEL or below. With incorporation and/or implementation of the mitigation measures identified for this impact, the potentially significant impact(s) would be avoided or substantially lessened to below a level of significance.

Mitigation measures included in the Final EIR are feasible and are made binding through the project conditions of approval and MMRP (shown as measures 7a and 7b), and are incorporated by reference as if fully set forth herein.

D. BIOLOGICAL RESOURCES (DIRECT/INDIRECT)

Impact D: The project would have potentially significant direct and indirect impacts to sensitive species, important habitats, and plant and animal diversity. The project would directly impact 19.26 acres Tier I habitat (southern maritime chaparral and scrub oak chaparral), 4.61 acres Tier II habitat (coastal sage scrub

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and coyote brush scrub), and 0.14 acre Tier III B annual grassland habitat and associated MSCP covered species. In addition, the project would result in direct impacts to potential raptor foraging habitat for species including the Cooper's hawk and turkey vulture. Potential indirect effects on the animal species remaining in the open space areas include noise, light, presence of humans, predation from domestic pets, and habitat isolation.

Facts in Support of Finding: Mitigation Measures included in Chapter 4F of the Final EIR require preservation of comparable Tier I, II, and III habitat in perpetuity within the MHPA, to the satisfaction of the City Environmental Review Manager, and would reduce potentially significant direct and indirect impacts to sensitive habitats, plants, and wildlife species. A qualified biologist would be responsible for providing resource education to construction crews and on-site supervision of grading activities during construction. In addition, fencing would be installed to demarcate sensitive habitat and preservation areas from areas to be graded, BMPs would be implemented to control erosion and stabilize disturbed areas. A bond would be posted to ensure that mitigation measures will be implemented to ensure construction impacts do not exceed allowed amounts. With incorporation and/or implementation of the mitigation measures identified for this impact, the significant impact(s) would be avoided or substantially lessened to below a level of significance.

Mitigation Measures shown in Chapter 4F of the Final EIR are feasible and are made binding through the project conditions of approval and Mitigation Measures 8 and 9 as shown in the MMRP, and are incorporated by reference as if fully set forth herein.

E. GEOLOGY AND SOILS (DIRECT)

Impact E: Potentially significant impacts could result from future grading and brush management activities. This would be especially true where development occurs on portions of the site containing poorly compacted fill that does not meet today's stricter standards, loose alluvium (found in drainages), layered colluvium (most likely derived from the Lindavista Formation and located on the gentler slopes), or two possible landslide deposits in the central portion of the site.

Facts in Support of Finding: The geologic condition of the project site would not preclude development of the property. Implementation of measures shown in Chapter 4G of the Final EIR, in combination with additional measures shown in Chapter 4C to reduce hydrology/water quality impacts, require a subsurface investigation, detailed geotechnical report to develop soil parameters, stability calculations, and grading recommendations and submittal of a site-specific erosion control and landscaping plan for approval by the Environmental Review Manager of the Planning and Development Review Division.

The erosion control plan would include measures to avoid grading and surface disturbing activities during the rainy season (i.e., November through March) or, if avoidance is infeasible, employment of construction phase control measures such as the short-term use of sandbags, matting, mulch, berms, hay bales, or similar devices immediately along all graded areas. The grading plan would also locate temporary desilting basins at all discharge points adjacent to drainage courses or where substantial drainage alteration is proposed. Erosion-resistant ground cover would be installed on graded areas. Also, revegetated areas of the site would be inspected by a qualified biologist on a monthly basis until vegetation has been established. Compliance with

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these requirements would be determined by the City's grading inspector and would ensure long-term erosion control.

The landscaping plan includes installation of erosion-resistant ground cover for graded areas within 30 days of the completion of grading or prior to final inspection and approval of grading, whichever occurs first and monthly inspections thereafter as determined by the City's grading inspector. With incorporation and/or implementation of the mitigation measures identified for this impact, potentially significant impacts would be reduced to a less than significant level.

Mitigation Measures shown in Chapter 4G of the Final EIR are feasible and are made binding through the project conditions of approval and Mitigation Measures Nos. 10 and 11 included in the MMRP, and are incorporated by reference as if fully set forth herein.

F. HISTORICAL RESOURCES (DIRECT)

Impact F: The possibility exists that artifacts may be present on the site. Unsupervised site excavation or construction without proper monitoring could result in the possible destruction of resources. Portions of the site have limited surface visibility due to dense ground cover and a previously recorded site located within the project site boundary was not located during a study conducted by RECON in September 1999. Due to this recorded site, the number of sites in the surrounding area and heavy/dense ground cover, this possible loss is considered a potentially significant impact.

Facts in Support of Finding: Implementation of the Mitigation Measures 1-7 in the Final EIR would reduce potentially significant impacts to historical resources. This program requires that a qualified archaeological monitor be retained to implement the archaeological construction-monitoring program for the previously mapped site (CA-SDI-10037), and map areas to be brushed and resurveyed prior to issuance of grading permits. The qualified archaeologist would also attend preconstruction meetings, discuss plans with the engineer, and be present on-site full-time during grading. If any sites are found, they would be evaluated for significance and if found to be significant, would be subject to a data recovery program. The project would comply with State Health and Safety Code Sec. 7050.5 and the Public Resources Code Sec. 5097.98 regulating the treatment of human remains, if present. A letter report would be submitted to the City by the archaeologist to present the methods and results of the monitoring if resources are found. Implementation of mitigation measures would reduce impacts to below a level of significance.

The Mitigation Measures 1 through 7 shown in Chapter 4H of the Final EIR are feasible and made binding through the project conditions of approval and Mitigation Measures 12(a-g) in the MMRP, and are incorporated by reference as if fully set forth herein.

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G. PALEONTOLOGICAL RESOURCES (DIRECT)

Impact G: The project would require on-site excavation (cut) of an estimated 191,000 cubic yards. Sedimentary rocks of the Late Cretaceous, Eocene, Pliocene, Pleistocene, and Holocene age underlie the general vicinity of the project area. Although no fossil remains have been found due to a lack of site development, mammal, molluscan, calcareous nannoplankton, flora, and foraminifera are known to occur in the underlying rock formations in this area. These include Eocene-age sedimentary formations—Scripps Formation and Ardath Shale—and the Pleistocene-age—Lindavista Formation, as well as alluvium, and colluvium. The proposed excavation in existing slopes and surface grading could disturb and potentially destroy significant paleontological information.

Facts in Support of Finding: Implementation of the Mitigation Measure Nos. 1-10 in the Final EIR would reduce potentially significant impacts to paleontological resources. These measures ensure that, prior to issuance of a grading permit, a monitoring and salvage program would be implemented for the recovery of paleontological resources during development. Prior to project approval, the Development Services Business Center would verify that the mitigation measures outlined in the Final EIR are incorporated as conditions of the tentative map. These mitigation measures include hiring and retaining a qualified paleontologist and/or paleontological monitor to implement the monitoring program. The paleontologist would attend any preconstruction/pregrading meetings to consult with the excavation contractor and would be on the project site full-time during excavation.

Mitigation Measure Nos. 1-10 of the Final EIR are feasible and are made binding through the project conditions of approval and the MMRP (shown as measure 13 [a-e]), and are incorporated by reference as if fully set forth herein.

- II. 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. 99-0606) to reduce the following significant impacts to visual quality/landform alteration (direct) and hydrology/water quality (cumulative).**

1. INFEASIBILITY OF MITIGATION FOR SIGNIFICANT UNMITIGATED IMPACTS

a. Landform Alteration (Direct)

Impact: An estimated 27.51 acres of the 31.9-acre Point Carmel tentative map site would be graded. Substantial alteration of the existing landform would occur due to proposed earthwork and landform modification. An estimated 61 percent of the 5.76 acres of 25 percent slope area would be affected. The landform alterations attributable to grading and the excavation of an estimated 665,000 cubic yards of soil (191,000 cubic yards cut/474,000 cubic yards fill) are considered to be significant landform alteration impacts.

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Facts in Support of Finding: As discussed in Section 4B of the Final EIR, the Carmel Valley Neighborhood 4A Precise Plan (design element) provides for slope rounding and contouring of manufactured slopes that would be visible from off-site areas. Conformance with the design element, proposed landscaping, and other design measures would partially mitigate project impacts, but not to below a level of significance. Significant landform alteration/visual quality impacts can only be avoided through implementation of the No Project alternative. Partial mitigation of significant landform alteration impacts could be achieved with a project redesign but due to the unique bowl-shaped topography of the site; impacts would not be reduced to below a level of significance for any redesign other than the No Project alternative. The tentative map site would require substantial grading to meet standards for construction of access roads and pads. Even at the lowest anticipated development density allowed for the property (3.1 du/ac), excavation would still exceed the 2,000 cubic-yards-per-acre threshold standard for determining a significant impact. In addition, development at anything less than the anticipated minimum density would not meet project goals and objectives, including the construction of housing to meet a portion of the projected need as anticipated in regional and community planning documents for the area.

Therefore, even with reduced grading measures, implementation of the landscaping concept plan and other measures consistent with the Carmel Valley planned district ordinance; there are no feasible mitigation measures that would reduce landform alteration impacts to below a level of significance.

b. Hydrology/Water Quality (Cumulative)

Impact: The project's contribution of water-borne urban pollutants and runoff, when considered with all other projects within the drainage basin would contribute to a cumulative impact within the drainage basin. Although implementation of the mitigation measures for this impact would reduce project-level direct construction and post construction pollutants to below a level of significance, avoidance may not be achievable. Any incremental increase in the amount of urban pollutants in runoff would contribute to a significant cumulative water quality impact.

Facts in Support of Finding: When considered in combination with other projects in the area, the proposed tentative map to construct 89 single-family homes would incrementally contribute to increased downstream runoff and urban pollutants and would therefore contribute to cumulatively significant impacts to water quality within the watershed. In particular, the project would contribute to the cumulative water quality impacts to Los Peñasquitos Lagoon as evidenced by the Regional Water Quality Control Board's identification of the lagoon as an impaired water body. Even selection of the No Project alternative, which allows low-density development in conformance with existing zoning, would not completely avoid significant cumulative water quality impacts.

The project would implement a Storm Water Pollution Prevention Plan (SWPPP) per NPDES permit requirements and would comply with City grading ordinances to control construction-related storm water runoff. A range of mitigation measures would be implemented including post-construction BMPs and a maintenance program to reduce the discharge of pollutants and sediments into the storm drain system from streets, landscaping, and parking lots. Specific measures include the following: grading and other surface disturbing activities would be planned to avoid the rainy season if feasible

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or appropriate construction-phase control measures would be implemented. Temporary desilting basins would be constructed at discharge points adjacent to drainage basins and graded and disturbed areas would be hydroseeded with native or noninvasive plant species to stabilize soils and prevent or reduce downstream sedimentation. These and other requirements of the Neighborhood 4A Precise Plan, the City's NPDES permit, and mechanisms to regulate development and control runoff in coastal lagoon watersheds would reduce significant adverse direct and indirect water quality impacts on Los Peñasquitos Lagoon and downstream areas to the extent feasible. However, complete avoidance of impacts is not achievable.

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 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 (§15364 of the 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 §15093 of the 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.

No Project Alternative

The No Project alternative assumes development as allowed by the existing zone and land use plan, which includes low-density development. The No Project alternative would avoid or substantially lessen some of the significant project impacts, including impacts to land use (RPO), landform alteration, hydrology/water quality, noise, biological resources, geology and soils, historical and paleontological resources. Selection of the No Project alternative would result in a significant land use impact because it would not be consistent with the adopted land use plan for Neighborhood 4A as described in the approved Precise Plan.

In the short-term, selection of the No Project alternative would retain the property in its present condition (i.e., currently undisturbed and designated for low-density residential). Impacts to existing features, including steep slopes, vegetation and drainages would be reduced as compared to the proposed project but would not be avoided. The proposed construction of 89 single-family residential units, internal roads, trail, and designation of open space would not occur but other uses consistent with the existing and zoning could be developed. As a result, significant project-related impacts, including unmitigable direct impacts to landform alteration, and cumulative impacts to hydrology/water quality, could be reduced, depending on near-term land use decisions, but there is no guarantee that impacts would be avoided.

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In the long-term, pressure to develop the site would continue to grow due to the existing shortfall of housing to meet the existing need in the region and the site's suitability for this use. The project site is surrounded by urban development and future proposals to develop the site would be appropriate and likely given that the adopted plan allows such use, the subject property is near major roads and freeways, and infrastructure is in place (e.g., water, sewer, etc.) to serve the site. If the No Project alternative were to be selected, the presence of biological resources outside the MHPA, steep slopes, and noise contours would not preclude consideration of the site for future development by others if the proposal were consistent with the adopted plan and zone. Growth for this neighborhood and of this type of development has been planned since 1975.

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 EIR.

Facts in Support of Finding: This alternative is infeasible in that it is undesirable from a policy standpoint because the No Project alternative would not implement the goals and objectives of the Carmel Valley Community Plan and Neighborhood 4A Precise Plan, which anticipate in-fill residential development for the project site.

The No Project alternative would not meet the goals and objectives established for the project. The Neighborhood 4A Precise Plan would not be amended to provide development guidelines that establish an appropriate density and location for residential uses, road alignments, and open space/trail facilities on the 31.9-acre project site.

The No Project alternative would provide no additional housing to offset an existing regional housing shortfall and meet growing demand. Selection of this alternative would not result in construction of 89 single-family residential units in an area that is surrounded by urban development and suitable for in-fill development. It would not take advantage of the site's close proximity to major roads and freeways and other infrastructure currently available (e.g., water and sewer) to serve the site.

Reduced Project Alternative

The Reduced Project alternative would result in a 40 percent reduction in the number of lots (from 89 to approximately 55, see EIR Figure 9-1). Development would be restricted to three areas: the northeastern ridge and central southeast-trending ridge with access provided from Lansdale Drive and the western ridgeline with access from Dunham Way. This scenario would preserve additional area of steep slopes and biologically sensitive lands. Encroachment into existing steep slopes would be limited to the northeastern corner. Site grading would impact an estimated 20 acres. Approximately 23 acres of impacts would affect biological resources as compared to 27.51 acres of impact for the proposed tentative map project. Grading would be restricted to the highest elevations. Traffic generation would be reduced by approximately 40 percent. The demand on public services and facilities would also be lessened.

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Significant and unmitigable impacts associated with landform alteration and cumulative hydrology water quality would be incrementally lessened by a Reduced Project alternative but not to a level below significance. All other significant and mitigated impacts identified for the proposed project would also be lessened.

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 EIR.

Facts in Support of Findings: Development under the Reduced Project alternative is rejected as infeasible because:

- a. This alternative does not meet the project goals and objectives to the same degree as the proposed Point Carmel tentative map project. This alternative would not implement the goals and objectives of the Carmel Valley Community Plan and Neighborhood 4A Precise Plan, which anticipate a higher density (3.1-4.8 du/ac) residential development for the site.
- b. The alternative would provide 35 fewer housing units to offset an existing regional housing shortfall and meet growing demand in an area surrounded by and planned for higher density in-fill development. With existing infrastructure already in place, this alternative would not fully utilize the site's close proximity to major roads and freeways and other infrastructure that is currently available (e.g., water and sewer) to serve a higher density of development.
- c. The project would still exceed the allowable RPO encroachment allowance and therefore reduces but does not avoid the significant and unmitigated direct landform alteration impact. Implementation of the Reduced Project alternative would also reduce but not eliminate the cumulatively significant unmitigated impact to water quality/hydrology.

RPO-Compliant Alternative (Environmentally Preferred)

The RPO-Compliant alternative restricts grading and development impacts to approximately 14 acres within two areas of the site (see Figure 9-2 of the Final EIR). Development would be within the same western and central areas as identified for the Reduced Project alternative but would be eliminated in the northeastern corner of the site. The overall number of residential units would be reduced by approximately 50 percent as compared to the proposed Point Carmel tentative map project, for an estimated 43 residential units. The RPO-Compliant alternative would strictly comply with the encroachment provisions of the RPO to eliminate the 3.46 acre encroachment into the 5.76 acres of on-site steep slopes, and avoids impacts to 0.02 acres of artificially created wetlands associated with the proposed project. By concentrating development along the western boundary and the southeasterly trending ridge top, this alternative would also avoid a larger percentage of sensitive on-site vegetation.

Under this scenario, the estimated 50 percent reduction in the number of dwelling units would provide a corresponding reduction in project traffic generation and demand on public services and utilities. The RPO alternative is considered the environmentally preferable 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 RPO-Compliant Alternative (Environmentally Preferred) identified in the EIR.

Facts in Support of Finding: Development of the RPO-Compliant alternative is infeasible because:

- a. The RPO alternative would construct fewer residential dwelling units that would otherwise be constructed. The goals and objectives of the Carmel Valley Community Plan and Neighborhood 4A Precise Plan anticipate in-fill development for the site with a mix of open space and residential development at a density ranging between 3.1 and 4.8 dwelling units per acre. The substantial reduction in housing units would not fully implement the goals and objectives of the Carmel Valley Community Plan and Neighborhood 4A Precise Plan.
- b. The alternative would provide 46 fewer housing units to offset an existing regional housing shortfall and growing demand in an area surrounded by and planned for higher density in-fill development. With existing infrastructure already in place, this alternative would not fully utilize the site's close proximity to major roads and freeways and other infrastructure that is currently available (e.g., water and sewer) to serve a higher density of development.

**STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE
PROPOSED POINT CARMEL PROJECT (LDR 99-0606)**

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" (§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 (§15093[b] of the CEQA Guidelines). This statement does not substitute for, and shall be in addition to, findings required pursuant to §15091 and §15093[c] of the CEQA Guidelines.

The City Council, pursuant to §15093 of the CEQA Guidelines, has balanced the benefits of the proposed Point Carmel Tentative Map and associated actions (project) against the following unavoidable impacts:

Direct impacts to visual quality/landform alteration

Cumulative impacts to hydrology/water quality

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 meet most of the basic objectives of the project, is feasible and is environmentally preferable to the project.

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

1. **Increased Revenues.** The approval of this project would result in an increased generation of real property tax revenue for the City of San Diego. The City would receive real property tax increment revenues attributable to the increased value of improved real property associated with the 89 dwelling units for the project. Based on the assessed value of the land with implementation of the proposed improvements and a standard tax rate of 1.25 percent, total property tax for the proposed units (assuming an average valuation of \$350,000 per dwelling unit) would be approximately \$400,000 per tax year. A portion of these property taxes would be paid to the City. It should be noted that the estimated real estate values and the tax rate used to calculate the property tax are subject to change.

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2. **Job Creation.** The project would generate new temporary construction-related jobs that would enhance the economic base of the region.
3. **Reduces Existing Housing Shortfall.** The project would provide and make available 89 additional housing units in an area, which is experiencing a shortage of housing units.
4. **Utilizes Existing Infrastructure.** The project would develop a small site that has long been planned for uses similar to those proposed. The project is consistent with regional smart growth policies in that it is an in-fill development, is compatible with existing residential development that surrounds the site, and is adjacent to existing public sewer, water, and other infrastructure with capacity to provide service.

Consistent with MSCP. The proposed project includes compensation for impacts to isolated Tier I biological resources, which serves to implement the goals and objectives of the MSCP by mitigating for the on-site loss of isolated Tier I habitats at a location off-site within the MHPA. In this way, the project contributes to the regional acquisition and preservation of high-quality habitat within the MSCP preserve as intended.

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EXHIBIT C

Mitigation Monitoring and Reporting Program for Point Carmel Tentative Map (LDR No. 99-0606)

The California Environmental Quality Act (CEQA), Section 21081.6, requires that a mitigation monitoring and reporting program be adopted upon certification of an environmental impact report (EIR) in order to ensure that the mitigation measures are implemented. The mitigation monitoring and reporting program specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The mitigation monitoring and reporting program for the Point Carmel Tentative Map is under the jurisdiction of the City of San Diego and other agencies as specified below. The following is a description of the mitigation monitoring and reporting program to be completed for the project.

General Measures

1. Prior to issuance of any grading permits, the owner/permittee shall deposit \$3,200.00 with the Environmental Analysis Section (EAS) of the Development Services Department to cover the City's costs associated with ensuring the implementation of the Mitigation, Monitoring and Reporting Program (MMRP).
2. Prior to issuance of any grading permits, the Environmental Review Manager (ERM) of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading, *Environmental Requirements*: "The Point Carmel Project is subject to a Mitigation Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in EIR (LDR No. 99-0606). The project is conditioned to include the monitoring of grading operations by a biologist, an archaeologist, and a paleontologist, as detailed in said document."
3. Prior to issuance of any grading permits, the owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, the monitoring biologist, archaeologist, and paleontologist, and staff from the City's Mitigation Monitoring Coordination (MMC) Section.

Landform Alteration

4. Prior to issuance of any grading permits, the ERM of LDR shall verify that the grading plans identify contour grading techniques consistent with the approved Exhibit "C", which include slope rounding and contouring for manufactured slopes that would be visible

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from off-site areas. Specifically, slopes 1-4 (as shown on Figure 4B-4 of the EIR) would be contoured to blend with the natural topography. Retaining walls shall be also identified in the grading and landscape plans and pertinent cross sections and shall conform to the approved Exhibit A to the satisfaction of the ERM of LDR.

Hydrology/Water Quality

5. Prior to issuance of any grading permits, the Environmental Review Manager of Land Development Review (ERM of LDR) and/or the City Engineer shall verify that the following measures have been incorporated into the grading and/or landscaping plans and/or project design as appropriate:

Construction Phase (Short Term Mitigation Measures)

- A. Prior to issuance of any grading permits, development of this project shall comply with all requirements of the State Water Resources Control Board (SWRCB) Order No. 99 92-08-DWQ (NPDES General Permit No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB.

Prior to issuance of any grading permits, a copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall also be filed with the City of San Diego.

In addition, the permittee/owner(s) and subsequent permittee/owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 99-08-DWQ.

- B. The SWPPP shall identify all applicable erosion control devices to be used during construction. These may include (but may not be limited to) earthen berms, gravel bags, silt fences, temporary storm drains, desilting basins, energy dissipating devices, bladed swales, geotextile mats, plastic sheeting, and hydroseeding or other vegetation and irrigation practices. The SWPPP and grading plan shall include a drainage system which provides for implementation of Best Management Practices (BMPs) on-site to reduce construction phase runoff of pollutants into Los Peñasquitos Lagoon and other waters. Such BMPs must fulfill the intent of City Clerk Document No. 00-17068, "Erosion Control Measures for North City Areas Draining Into Los Peñasquitos or San Dieguito

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Lagoons" and Section 62.0419 "Protecting Water Quality in Coastal Lagoons" (City of San Diego Municipal Code).

- C. Grading plans shall clearly identify the type and location of erosion control devices to preclude any potential erosion impacts to the sensitive habitats to be preserved within and adjacent to the project footprint as shown on the approved Exhibit A.
- D. Prior to issuance of any grading permits, the owner/permittee shall provide a letter to the ERM of LDR verifying that a qualified biologist has been retained to monitor grading activities (and supervise implementation of water quality measures as needed) adjacent to the sensitive habitat to be preserved, as shown on the approved Exhibit A.
- E. The SWPPP shall include a site plan on which the grading footprint (development area) is identified as shown on the approved Exhibit A. All construction activities (including staging areas) shall be restricted to the development area. Specified vehicle fueling, maintenance procedures and hazardous materials storage areas shall be clearly designated to preclude the discharge of hazardous materials used during construction (e.g., fuels, lubricants and solvents). The SWPPP shall include measures to preclude spills and provide for the containment of any hazardous materials, including proper handling and disposal techniques and the use of temporary impervious liners to prevent soil and water contamination.
- F. The owner/permittee shall hydroseed all applicable areas within 30 90 days of completion of grading activities with appropriate ground cover vegetation (e.g., use of native or noninvasive plants) to the satisfaction of the ERM of LDR in conformance with the requirements of the City's Landscape Standards.

Post-Construction/Operational (Long Term Mitigation Measures)

- 6. Prior to issuance of any grading permits, the ERM of LDR shall verify that the type and location of post-construction Best Management Practices (BMPs) are clearly identified on the site plan(s). All site runoff shall be routed through grass-lined swales (or equivalent structural BMPs) prior to flowing into the public drainage system. All surface runoff shall be filtered/treated for removal of sediment, constituents absorbed by sediment, and oil/grease prior to leaving the site.
- 7. Prior to issuance of any Certificates of Occupancy, the following mitigation measures shall be incorporated into project design to the satisfaction of the ERM of LDR and the City Engineer:
 - A. All project-related drainage structures shall be adequately sized to accommodate at a minimum a 50-year flood event (provisions for other storm events may be required pursuant to direction from the City Engineer).

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- B. Surface and subsurface drainage shall preclude ponding outside of designated areas and sheet flow down slopes.
 - C. Energy-dissipating structures (e.g., detention ponds, rip rap, or drop structures) shall be used at storm drain outlets, drainage crossings, and/or downstream of all drainage channels to reduce velocity and prevent erosion.
8. Prior to issuance of any Certificates of Occupancy, the owner/permittee shall submit a Monitoring and Maintenance Program to assure long-term maintenance of all private drainage facilities, including detention basins and all structural and non-structural BMPs. The Monitoring and Maintenance Program shall be subject to the approval of the ERM of LDR. The Monitoring and Maintenance Program shall include a schedule for the regular maintenance of all private drainage facilities and permanent BMPs, and shall identify the entity responsible for doing the maintenance.

Noise

9. Prior to the issuance of the Certificate of Occupancy, the following measures shall be implemented satisfactory to the City Engineer and the City ERM:
- A. The project proponent shall construct noise barrier, as shown in Exhibit A. Acceptable barrier materials include masonry block, wood frame with stucco, 0.5-inch-thick Plexiglas, or 0.25-inch-thick plate glass. No gaps shall occur between barrier panels.
 - B. To reduce significant direct noise impacts resulting from predicted first- and second-floor exterior noise levels that could exceed 60 CNEL on residential pads 1, 17-23, 39-44, and 68-71, the project proponent shall submit a detailed acoustical analysis substantiating that project construction materials are sufficient to reduce interior noise levels to 45 CNEL or below.

Biological Resources

10. Prior to the issuance of a grading permit, mitigation for the on-site impacts shall occur via preservation within the MHPA to the satisfaction of the City ERM:
- A. A total of 19.26 acres of Tier I habitats, 4.61 acres of Tier II habitat, and 0.07 acre of Tier IIIB habitats shall be preserved off-site in perpetuity.
11. Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall provide a letter to the ERM of LDR verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below (see A through C):
- A. The qualified biologist (project biologist) shall attend the first preconstruction meeting.

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- B. The project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance within and surrounding sensitive habitats as shown on the approved Exhibit A.
 - C. All construction activities (including staging areas) shall be restricted to the development area as shown on the approved Exhibit A. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved Exhibit A. All unauthorized encroachments shall be reported and mitigated in accordance with the City's Biological Review References (November 2000), to the satisfaction of the ERM.
12. Prior to the issuance of any grading permits, the owner/permittee shall submit to the ERM of LDR evidence of compliance with Section 401 of the federal Clean Water Act. Evidence shall include either copies of the permits issued, letters of resolution issued by the responsible agencies documenting compliance, or other evidence which demonstrates that the required permit has been obtained.

Geology and Soils

13. Prior to the issuance of any grading permits, a subsurface investigation shall be completed to confirm the existence, and/or non-existence of two landslide deposits, and any other geotechnical features that may require stabilization. Any environmental impacts from subsurface investigation or for any required geotechnical remediation beyond those anticipated in this EIR shall be mitigated to the satisfaction of the ERM. The geotechnical report shall be prepared in accordance with the City's "Technical Guidelines for Geotechnical Reports." The report shall be submitted to the City's Environmental Analysis and Geology Sections of the Land Development Review (LDR) Division with the first grading plan check for a grading permit. In addition, a complete geotechnical investigation shall be conducted which must be approved by the City Engineer prior to the issuance of a grading permit. The detailed geotechnical report shall develop soil parameters, stability calculations, and grading recommendations.
14. Prior to grading permit issuance for proposed on-site roadways and lot development, a site-specific erosion control and landscaping plan shall be submitted to and approved by the ERM of LDR. This plan shall include short-term measures to be implemented during and immediately following construction to mitigate soil erosion and transport consistent with implementation of NPDES construction permit requirements. The landscaping plan shall also include short- and long-term landscaping to control erosion from manufactured slopes and installation of erosion-resistant ground cover for graded areas. Planting material shall be installed within 30 days of the completion of grading or prior to final inspection and approval of grading, whichever comes first. Furthermore, revegetated areas shall be inspected monthly by a qualified biologist until vegetation has been firmly established as determined by the City's grading inspector.

Historical Resources (Archaeology)

15. Prior to issuance of any grading permits, the applicant/permittee shall provide a letter of verification to the ERM of LDR stating that a qualified archaeologist, as defined in the City of San Diego Historical Resources Guidelines, has been retained to implement the monitoring program. A second letter shall be submitted to Mitigation Monitoring Coordination (MMC) staff at least thirty days prior to the preconstruction meeting and shall include the names of all persons involved in the archaeological monitoring of this project.
16. Prior to the issuance of any grading permits, the ERM shall verify that the requirement for archaeological monitoring has been noted on the grading plans.
17. Prior to beginning construction (any work on site), the owner/permittee shall arrange a preconstruction meeting that shall include the monitoring archaeologist, construction manager or grading contractor, City field engineer assigned to the project and MMC staff. The monitoring archeologist shall attend any grading-related preconstruction meetings to make comments and/or suggestions concerning the archeological monitoring program with the construction manager and/or grading contractor.

At the preconstruction meeting, the archaeologist shall submit to MMC staff a copy of the site/grading plan (reduced to 11 x 17) that identifies areas to be monitored. The archaeologist also shall submit a construction schedule indicating when monitoring is to occur. The archaeologist shall notify MMC staff of the start and end of monitoring.

18. The project archaeologist shall be present full-time during grading/excavation of the areas to be monitored in relation to site CA-SDI-10,037 in accordance with the archaeological report, Cultural Resource Survey for the Point Carmel Precise Plan Amendment and Residential Development Project (RECON 2000). The project archaeologist shall document monitoring activity via the Consultant Site Visit Record. This record shall be faxed to the City field engineer and MMC staff each month.

In the event of a discovery, and when requested by the archaeologist, the resident engineer shall divert, direct or temporarily halt ground disturbing activities in the area of discovery to allow for preliminary evaluation of potentially significant archaeological resources. The archaeologist 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 significance of the discovered resources shall be determined by the archaeologist in consultation with LDR and the Native American community, if applicable. LDR must concur with the evaluation before grading activities are allowed to resume. For significant archaeological resources, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts before ground disturbing activities in the area of discovery will be allowed to resume.

19. If human remains are discovered, work shall halt in that area and procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be followed by the archaeological monitor after notification to the County Coroner. If Native American remains are present, the County Coroner will

contact the Native American Heritage Commission to designate a Most Likely Descendant, who will arrange for the dignified disposition and treatment of the remains. Ground disturbing activities shall be allowed to resume in the area of discovery upon completion of the above requirements to the satisfaction of the ERM of LDR.

20. The archaeologist shall be responsible for ensuring that all cultural remains collected are cleaned, catalogued, and permanently curated with an appropriate institution; that a letter of acceptance from the curation institution has been submitted to MMC; that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed as appropriate.
21. Prior to the release of the grading bond, two copies of a monitoring results report (even if results are negative) and/or evaluation report, if applicable, which describes the results, analysis, and conclusions of the archaeological monitoring program (with appropriate graphics) shall be submitted to MMC staff for approval by the ERM of LDR. An additional copy of the report shall be submitted to the City field engineer.
22. For significant archaeological resources encountered during monitoring, the Research Design And Data Recovery Program shall be included as part of the final evaluation monitoring report. Two copies of the final monitoring report for significant archaeological resources, if required, shall be submitted to MMC for approval by the ERM of LDR. An additional copy of the Program report shall be submitted to the City field engineer.
23. The archaeologist shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms - DPR 523 A/B) any significant or potentially significant resources encountered during the archaeological monitoring program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center at San Diego State University along with a copy of the final monitoring results report.

Paleontological Resources

24. Prior to issuance of the first grading permit, the owner/permittee shall provide a letter of verification to the ERM of LDR demonstrating that a qualified paleontologist as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program. A copy of the letter shall be submitted to Mitigation Monitoring Coordination (MMC) staff 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.
25. Prior to the issuance of any grading permits, the ERM of LDR shall verify that the requirement for paleontological monitoring has been noted on the grading plans.
26. Prior to the commencement of any construction activities, the owner/permittee shall arrange a preconstruction meeting which includes the paleontologist, construction

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manager or grading contractor, resident engineer (RE), and MMC staff. 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 inches) that identifies areas to be monitored. The paleontologist shall also submit a construction schedule indicating when monitoring is to occur. The paleontologist shall notify MMC staff of the start and end of monitoring.

27. In the event of a significant paleontological discovery, and when requested by the paleontologist, the City 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 principle investigator level evaluation responsibilities shall also immediately notify MMC staff of such finding at the time of discovery. MMC staff will provide information regarding appropriate LDR staff contact for consultation.
28. The paleontologist shall be responsible for preparation of fossils to a point of curation and submittal of a letter of acceptance from a local qualified curation facility as defined by the City of San Diego Paleontological Guidelines. 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.
29. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
30. Prior to the release of the grading bond, two copies of the monitoring results report 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. A copy of the monitoring report shall be forwarded to the City field engineer assigned to the project. The reports shall be submitted even if the monitoring program yields no findings.