

RESOLUTION NUMBER R- 311577

DATE OF FINAL PASSAGE MAR 05 2018

ITEM # 202A  
3/5/18

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 240716 (SCH NO. 2015081031), AND ADOPTING THE MITIGATION, MONITORING, AND REPORTING PROGRAM FOR CARROLL CANYON MIXED USE PROJECT – PROJECT NO. 240716.

WHEREAS, on May 26, 2011, Sudberry Development, Inc., submitted an application to Development Services Department for a General Plan, Scripps Miramar Ranch Community Plan, Vesting Tentative Map with easement vacations, Planned Development Permit (PDP), and Rezone for the Carroll Canyon Mixed Use project (Project); and

WHEREAS, the project site is located at 9850 Carroll Canyon Road within the Scripps Miramar Ranch Community Plan area and legally described as: Parcel A: Parcel 1 of Parcel Map No. 4337, in the City of San Diego, County of San Diego, State of California, according to map thereof in Book of Parcel Maps filed in the Office of the County Recorder of San Diego County Recorder of San Diego County, being a division of Lots 1, 2 and 7 of Scripps Miramar Ranch Business Park, according to Map thereof No. 7960 filed in the Office of the County Recorder of San Diego County. Excepting therefrom that portion described as follows: Beginning at the Southwest corner of said parcel 1; Thence along the westerly boundary of said parcel 1 North 00°20'34" East, 23.45 feet; thence leaving said westerly boundary South 64°37'34" East, 55.39 feet, to the southerly boundary of said parcel 1; thence along said southerly boundary, North 89°40'28" West, 50.19 feet to the point of beginning, and Parcel B: A strip of land 15.00 feet wide over and across a portion of Section 5, Township 15 South, Range 2 West, San Bernardino Meridian, according to official plat thereof, said strip of land contained within land described in deed to the state of California recorded August 8, 1973 as File No. 73-220186 of Official

Records, said 15.00 feet strip of land described as follows: Commencing at the northwest corner of said deed, said corner also being on the north line of said section 5; thence along the north boundary of said South 89°38'07" East, 7.75 feet to the true point of beginning; thence along the following numbered courses: (1) continuing along said north boundary South 89°38'07" East, 15.00 feet to the northeast corner of said deed, (2) along the east boundary of said deed, also being the west boundary of Parcel 1 of Parcel Map No. 4337 recorded December 29, 1975 as File No. 75-367111 of Official Records, South 00°20'34" West, 636.67 feet to a point distant 23.45 feet along said west boundary from the southwest corner of said Parcel Map, (3) thence leaving said boundary North 64°37'34" West, 16.55 feet, (4) along a line that is parallel and 15.00 feet westerly at right angles to said boundary, North 00°20'34" East, 629.68 feet to the true point of beginning, in the Scripps Miramar Ranch Community Plan area; and

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

WHEREAS, issue was heard by the City Council on March 5, 2018; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 240716, SCH No. 2015081031(Report) prepared for this Project; NOW,  
THEREFORE,

BE IT RESOLVED, by the City Council that it is certified that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, 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 the City Council in connection with the approval of the Project.

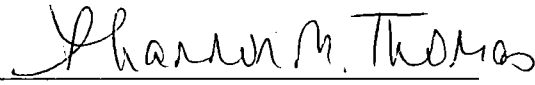
BE IT FURTHER RESOLVED that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings and Statements of Overriding Considerations made with respect to the Project, which are attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit B.

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego, CA 92101 or City Clerk, 202 C Street, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project after final passage of the ordinance associated with the Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
02/20/2018  
Or.Dept:DSD  
Doc. No.: 1681684

Attachment: Exhibit A – Findings and Statement of Overriding Considerations  
Exhibit B – Mitigation, Monitoring, and Reporting Program

Passed by the Council of The City of San Diego on MAR 05 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 05 2018.

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-

**311577**

**EXHIBIT "A"**

FINDINGS OF FACT AND  
STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING  
FINAL ENVIRONMENTAL IMPACT REPORT  
FOR THE CARROLL CANYON MIXED USE PROJECT

**City of San Diego Project No. 240716  
SCH. No. 2015081031**

1. Per the California Environmental Quality Act (CEQA) Section 15132, the Findings and SOC are not considered part of the environmental document but are made after the decision makers have considered the final environmental document.
2. These Findings and SOC have been submitted by the project applicant as candidate findings to be made by the decision-making body.
3. The Findings and SOC have been attached to allow the decision makers an opportunity to review potential reasons for approving the PROJECT despite the significant potentially unmitigable effects identified in the Environmental Impact Report (EIR).

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## I. INTRODUCTION

### A. Findings of Fact and Statement of Overriding Considerations

The California Environmental Quality Act (CEQA) (Pub. Res. Code §§ 21000, *et seq.*) and the State CEQA Guidelines (Guidelines) (14 Cal. Code Regs §§ 15000, *et seq.*) promulgated thereunder, require that the environmental impacts of a project be examined before a project is approved. Specifically, regarding findings, Guidelines Section 15091 provides:

- (a) 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 environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect 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 adopted by such other agency or can and should be adopted by such other agency.
  - 3. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:



- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

- (a) 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 risks 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."
- (b) 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.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed and considered the Final Environmental Impact Report for the General Plan Amendment, Community Plan Amendment, Rezone, Vesting Tentative Map (VTM), and Planned Development Permit (PDP) for the Carroll Canyon Mixed Use Project, City of San Diego Project No. 240716/State Clearinghouse No. 2015081031 (Final EIR), as well as all other information in the record of proceedings on this matter, the following Findings of Fact and Statement of Overriding Considerations (Findings) are hereby made and adopted by the City of San Diego (City) in its capacity as the CEQA Lead Agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the proposed project.

## **B. Record of Proceedings**

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the proposed project;
- The Final EIR for the proposed project;

- The Draft EIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All written and verbal public testimony presented during a noticed public hearing for the proposed project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The reports and technical memoranda included or referenced in Responses to Comments and/or in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR and the Final EIR;
- Matters of common knowledge to the City, including but not limited to federal, state and local laws and regulations;
- Any documents expressly cited in these Findings; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).
- All ordinances and resolutions adopted in connection with the Carroll Canyon Mixed Use project.
- All project application materials.

## II. PROJECT SUMMARY

### A. Project Location

The regional and local settings of the project are discussed in Section 2.0, *Environmental Setting*, of the Final EIR. The Carroll Canyon Mixed-Use project site is located at 9850 Carroll Canyon Road in the Scripps Miramar Ranch Community Plan area. It is situated north of Carroll Canyon Road, east of I-15, west of Scripps Ranch Boulevard, and south of an intermittent natural drainage corridor, and encompasses approximately 9.52 gross acres. Multi-family residential development within the Mira Mesa community occurs west of the project site, on the west side of I-15. An intermittent drainage corridor separates the Carroll Canyon Mixed-Use site from Scripps Ranch High School, which is located to the northeast of the project site. Commercial office development is located immediately east of the project site, with mixed-use commercial retail and commercial office developments occurring south of the project site along Carroll Canyon Road. Access to the project site is provided off Carroll Canyon Road. I-15 freeway ramps occur at Carroll Canyon Road, providing north- and southbound access to the Interstate.

### B. Project Background

The Carroll Canyon Mixed-Use project site is currently developed with two existing mostly vacant office buildings totaling 76,241 square feet, associated facilities, and surface parking. The project proposes redevelopment of the existing office complex with a mixed-use development that would include multi-family residential units, small retail shops, and restaurants. The existing 76,241 square feet of office buildings and associated facilities would be demolished and replaced with up to 260 multi-family residential units and approximately 10,700 square feet of commercial retail space. The project requires discretionary approvals, including: a General Plan Amendment to change the land use designation from Industrial Employment to Multiple Use; a Community Plan Amendment to change the current land use designation from Industrial Park to Residential (15-29 du/net ac) and Community Shopping; a Rezone of the site from IP-2-1 (Industrial—Park) to RM-3-7 (Residential – Multiple Unit) and CC-2-3 (Commercial – Community); a Planned Development Permit (PDP) to allow deviations to maximum wall heights, setbacks, lot frontage, and maximum building height, and signage, and to allow restaurant use within the RM-3-7 zone with limitations on size, location, and hours; and a Vesting Tentative Map (VTM). Planning Commission approved the initiation of an Amendment to the Scripps Miramar Ranch Community Plan on January 15, 2015 (Resolution No. PC-4647).

### C. Project Description

The Carroll Canyon Mixed-Use project proposes a mix of residential and commercial uses that would serve the adjacent employment parks, nearby residential neighborhoods, the Scripps Miramar Ranch community, and the adjacent Mira Mesa community to the west of the project site. The project proposes numerous buildings to accommodate a variety of residential units, retail stores, and restaurants. The multi-family residential buildings would be located in the northern three-fourths of the site. Retail pads would be located in the southern portion of the site. Buildings would range in heights of one story to four stories. The project would provide a total of 528 parking spaces (where the City's shared parking approach requires 477 spaces on the weekday and 503 spaces on a Saturday) to serve the range of uses that could occur on the site. Parking for commercial retail space would be

provided in open surface parking lots located in the southern portion of the project site. Residential parking would be comprised of gated (419 stalls) and open (109 stalls) shared parking spaces located throughout the project site. The project proposes a shared parking agreement between the residential and retail components that would provide for residential parking overnight in the non-gated area and retail employee parking during the day in the gated areas during peak demands. The retail employees would be provided access to (by fob or equivalent) and be required to use the gated parking areas that would be enforced through on-site property management. Additionally, retail tenants require open parking in front of their establishments to provide easy access for patrons; therefore, the retail tenants would also enforce employees' use of the gated parking areas. Gated parking would be accommodated in open (uncovered) spaces, in private garages, accommodated with car lifts, and carport spaces. Additionally, the project would provide 29 motorcycle stalls and 68 bicycle racks.

The Carroll Canyon Mixed-Use project would feature architectural elements that are to be complimentary within the project's contemporary design, as well as create high quality design and aesthetic. Panels and masses of wood cladding will provide interest and will blend with the architecture of nearby established business parks. The project's architectural elements are intended to provide interesting and identifiable features, which would allow pedestrians and the motoring public to easily find their destinations. Architectural features such as varied building materials, heights, and setbacks would provide vertical relief to the façades and would create focal points around the project for both pedestrians and occupants in passing vehicles. The project's massing, colors, and materials have been selected to complement and blend with the adjacent business parks.

To implement the Carroll Canyon Mixed-Use project, the project applicant is requesting approval of an Amendment to the Scripps Miramar Ranch Community Plan to change the land use designation from Industrial Park to Residential (15-29 du/net ac) and Community Shopping and associated General Plan Amendment to change the land use designation for the project site from Industrial Employment to Multiple Use; a Rezone for the project site from IP-2-1 (Industrial-Park) to RM-3-7 (Residential – Multiple Unit) and CC-2-3 (Commercial – Community); a PDP to allow deviations to maximum wall heights, setbacks, lot frontage, and signage, and to allow restaurant use within the RM-3-7 zone with limitations on size, location, and hours, and maximum building height; and a VTM. The elements of these various project actions are described below.

The project proposes deviations to maximum wall height, setbacks, lot frontage, maximum building height, and signage shown in the following table:

	<b>APPLICABLE REGULATION</b>	<b>PROPOSED DEVIATION</b>	<b>PURPOSE FOR DEVIATION</b>
1	<i>Maximum wall height:</i> Six feet SDMC Section 142.0340	<i>Proposed wall height:</i> Eight feet (at the west edge of the property, 630 feet in length)	Provides additional sound attenuation.
2	<i>Maximum wall height:</i> Six feet SDMC Section 142.0340	<i>Proposed wall height:</i> Seven feet (at the east edge of the property, 100 feet in length)	Accommodates grade changes and level pad.
3	<i>Maximum building height:</i> 40 feet SDMC Table 131-04G	<i>Proposed building height:</i> 50 feet (in the RM-3-7 zoned portion of the property)	Accommodates proposed density of 29 dwelling units per acre.

	APPLICABLE REGULATION	PROPOSED DEVIATION	PURPOSE FOR DEVIATION																	
4	<p><i>Minimum street frontage, RM-3-7: 70 feet</i>  <i>Minimum street frontage, CC-2-3: 100 feet</i>            SDMC Table 131-04G            SDMC Table 131-05E</p>	<p>Proposed Deviations from Minimum Lot Frontage</p> <table border="1"> <thead> <tr> <th rowspan="2">Lot No.</th> <th colspan="2">RM-3-7</th> </tr> <tr> <th>Required</th> <th>Proposed Deviation</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>N/A</td> <td>--</td> </tr> <tr> <td>3</td> <td>70 ft.</td> <td>0 ft.</td> </tr> <tr> <td>5</td> <td>N/A</td> <td>--</td> </tr> <tr> <td>6</td> <td>N/A</td> <td>--</td> </tr> </tbody> </table>	Lot No.	RM-3-7		Required	Proposed Deviation	1	N/A	--	3	70 ft.	0 ft.	5	N/A	--	6	N/A	--	Accommodates the proposed mixed-use development and an interior lot configuration.
Lot No.	RM-3-7																			
	Required	Proposed Deviation																		
1	N/A	--																		
3	70 ft.	0 ft.																		
5	N/A	--																		
6	N/A	--																		
5	<p><i>Minimum setback: 57.5 feet</i>            SDMC Table 131-04G</p>	<p><i>Proposed setback: 46 feet ten inches (west property line)</i>  <i>50 feet eight inches and 51 feet six inches (east property line)</i></p>	Allows for efficient use of the property.																	
6	<p><i>Maximum wall height: Six feet</i>            SDMC Section 142.0340</p>	<p><i>Proposed wall height: Eight feet (solid trash enclosure walls)</i></p>	To provide better screening and additional security.																	
7	<p><i>Residential signs for property identification, yard sale, and real estate (Commercial signs in the RM-3-7 zone not addressed by the City's Sign Regulations)</i></p>	<p><i>Proposed signs/area: Signage for commercial uses in the RM-3-7 zone, which is not addressed in the residential sign regulations, to allow up to 1.5 square feet of sign area per linear foot of commercial leased premises on the ground floor of Building 4 and Building 6.</i></p>	Allows commercial signage to serve the proposed commercial retail/restaurant uses.																	
8	<p><i>Minimum lot area, RM-3-7: 7,000 square feet.</i>  <i>Minimum lot area, CC-2-3: 5,000 square feet.</i>            SDMC Table 131-04G            SDMC Table 131-05E</p>	<p>Proposed Deviations from Minimum Lot Area</p> <table border="1"> <thead> <tr> <th rowspan="2">Lot No.</th> <th colspan="2">RM-3-7</th> </tr> <tr> <th>Required</th> <th>Proposed Deviation</th> </tr> </thead> <tbody> <tr> <td>1</td> <td rowspan="3">7,000 sq. ft.</td> <td>--</td> </tr> <tr> <td>5</td> <td>--</td> </tr> <tr> <td>6</td> <td>5,800 sq. ft.</td> </tr> </tbody> </table>	Lot No.	RM-3-7		Required	Proposed Deviation	1	7,000 sq. ft.	--	5	--	6	5,800 sq. ft.	To provide public street frontage and meet lot area requirements for integration of residential and commercial uses.					
Lot No.	RM-3-7																			
	Required	Proposed Deviation																		
1	7,000 sq. ft.	--																		
5		--																		
6		5,800 sq. ft.																		
9	<p><i>Minimum lot width, RM-3-7: 70 feet.</i>  <i>Minimum lot width, CC-2-3: 100 feet.</i>            SDMC Table 131-04G            SDMC Table 131-05E</p>	<p><i>Proposed lot width for panhandle portions of lots:</i>            34 feet (Lot 1)            29 feet (Lot 5)            32 feet (Lot 6)            (Lots 1, 5, and 6 straddle the RM-3-7 and CC-2-3 zones)</p>	To accommodate panhandle lots.																	
10	<p><i>Minimum lot frontage, RM-3-7: 70 feet.</i>  <i>Minimum lot width, CC-2-3: 100 feet.</i>            SDMC Table 131-04G            SDMC Table 131-05E</p>	<p>Lots 1, 5, and 6 have narrow lot frontages on Carroll Canyon Road (within the CC-2-3 zone), and Lot 3 (within the RM-3-7 zone) has no lot frontage on Carroll Canyon Road.            Proposed deviations:            Proposed Deviations from Minimum Lot Frontage</p> <table border="1"> <thead> <tr> <th rowspan="2">Lot No.</th> <th colspan="2">RM-3-7</th> </tr> <tr> <th>Required</th> <th>Proposed Deviation</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>N/A</td> <td>--</td> </tr> <tr> <td>3</td> <td>70 ft.</td> <td>0 ft.</td> </tr> <tr> <td>5</td> <td>N/A</td> <td>--</td> </tr> </tbody> </table>	Lot No.	RM-3-7		Required	Proposed Deviation	1	N/A	--	3	70 ft.	0 ft.	5	N/A	--	To accommodate the mixed-use development.			
Lot No.	RM-3-7																			
	Required	Proposed Deviation																		
1	N/A	--																		
3	70 ft.	0 ft.																		
5	N/A	--																		

	APPLICABLE REGULATION	PROPOSED DEVIATION			PURPOSE FOR DEVIATION	
		6	N/A	--	100 ft.	32 ft.
11	Restaurants are not permitted in the RM-3-7 Zone. SDMC Section 131.0431(b).	Project proposes a restaurant in the RM-3-7 portion of the project site.			The deviation would allow a restaurant serving residents and patrons of the residential/mixed use project.	

**C. Discretionary Actions**

For the Carroll Canyon Mixed-Use project, the following discretionary actions are required:

- General Plan Amendment and Community Plan Amendment** – The project site is located within the Scripps Miramar Ranch Community Plan Area and is designated for Industrial Park uses. The project proposes to change the land use designation to Residential and Community Shopping. Because the Community Plan would be amended, this would result in an amendment to the City’s General Plan, as the Community Plan functions as the land use plan for the Scripps Miramar Ranch community of the City. The project would also change the General Plan land use designation for the project site from Industrial Employment to Multiple Use.
- Rezone** – A rezone is proposed for the project site to change the existing IP-2-1 zone to RM-3-7 for the northern two-thirds of the project site and to CC-2-3 for the southern one-third portion of the project site.
- Planned Development Permit** – A Planned Development Permit is required for proposed development that requires deviation(s) from strict application of the requirements in the zones. The intent is to encourage imaginative and innovative planning and to assure that the development achieves the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulations. A PDP is proposed for the Carroll Canyon Mixed-Use project to allow for development of the project site in a manner that is reflective of the Scripps Miramar Ranch community, and that meets the regulations of the City’s Land Development Code. The project proposes deviations to maximum wall heights, setbacks, lot frontage, maximum building height, and signage. The proposed project requires deviations to the proposed RM-3-7 and CC-2-3 zones to allow development of the project with a mix of residential and commercial uses. The project proposes a deviation to maximum wall height per SDMC Section 142.0340, proposing eight-foot-high walls at the west edge of the property and at trash enclosures where six-foot-tall walls are allowed, and seven-foot-high walls at the east edge of the property where six-foot-high walls are allowed. The project proposes a deviation to maximum building height per SDMC Table 131-04G, proposing a maximum 50-foot building heights in the RM-3-7 zoned portion of the property where 40-foot-tall buildings are allowed. The project proposes deviations to minimum street and lot frontages per SDMC Table 131-04G and 131-05E, with a 0-foot lot frontage on Lot No. 3 where 70 feet is required, a 34-foot lot frontage on Lot No. 1 where 100 feet is required, a 29-foot long frontage on Lot No. 5 where 100 feet is required, and a 32-foot lot frontage on Lot No. 6 where 100 feet is required. The project proposes a deviation to minimum setback per SDMC Table 131-04G, with a proposed setback of 46’10”

along the western property line and eight feet along the eastern property line where 57.5 feet is required. The project proposes signage for commercial uses proposed in the RM-3-7 zone, which is not addressed in the residential sign regulations, to allow up to 1.5 square feet of sign area per linear foot of commercial leased premises on the ground floor of Building 4 and Building 6. The project proposes deviations to minimum lot area per SCMD Table 131-04G and 131-05E, with a lot area of 5,800 square feet within the RM-3-7 zone for Lot No. 6 where 7,000 square feet is required; a lot areas of 3,000 square feet, 4,200 square feet, and 4,500 square feet of lot coverage for Lot No. 1, 5, and 6, respectively within the CC-2-3 zone where 5,000 square feet is required. The project proposes deviations to minimum lot width per SDMC Table 131-04G and 131-05E with a 34-foot lot frontage on Lot No. 1, a 29-foot long frontage on Lot No. 5, and a 32-foot lot frontage on Lot No. 6 where 70 feet are required in the RM-3-7 zone and 100 feet in the CC-2-3 zone (Lot Nos. 1, 5, and 6 straddle the RM-3-7 and CC-2-3 zones). The PDP would also apply to the project's proposed restaurant use within the RM-3-7 zone with limitations on size, location, and hours.

- **Vesting Tentative Map** – In order to facilitate development of the Carroll Canyon Mixed Use project, a VTM is processed. The Carroll Canyon Mixed Use VTM details proposed grading for the project, as well as necessary infrastructure, and has been prepared in accordance with the guidelines of the State Subdivision Map Act and City of San Diego requirements.
- **Environmental Impact Report** – Concurrent with the Carroll Canyon Mixed Use discretionary actions, an EIR has been prepared in accordance with the provisions of the CEQA. The EIR (SCH No. 2015081031) evaluates the land use, circulation, and infrastructure improvements resulting from implementation of the Carroll Canyon Mixed Use project and the potential environmental impacts that would result from their implementation. Review and certification of the EIR by the decision maker would complete the environmental review for the project in accordance with CEQA and City regulations.

As described in Section 1.4, *Responsible and Trustee Agencies*, of the Final EIR, review by Caltrans, a State agency, would be required for the proposed project.

- **Caltrans** – The project would require an Encroachment Permit from Caltrans for the connection of the westbound right-turn lane on Carroll Canyon Road to the existing northbound on-ramp at I-15.

Additionally, the project requires review by the Regional Water Quality Control Board and the Federal Aviation Administration.

- **NPDES Permit** – The project would comply with NPDES requirements for discharge of storm water runoff associated with construction activity. Compliance also requires conformance with applicable BMPs and development of an SWPPP and monitoring program plan. (Water quality is addressed in Section 5.11, *Hydrology/Water Quality*, of this EIR.)
- **Obstruction Evaluation/Airport Airspace Analysis, Part 77 Determination (Federal Aviation Administration)** – The project's proximity to MCAS Miramar requires notification to the FAA in order to conduct an Obstruction Evaluation/Airport Airspace analysis under Title 14 code of Federal Regulations, Part 77. The project has completed an initial request for the

aeronautical study and has received Determination of No Hazard to Air Navigation for the project (see Appendix J). Individual structures would be required to file subsequent notification to the FAA at least 30 days before the earlier of a) the date proposed construction or alteration is to begin, or b) the date the application for a construction permit would be filed.

Additionally, the Carroll Canyon Mixed-Use project was reviewed for consistency with the MCAS Miramar ALUCP. A letter from MCAS Miramar determined that the proposed project is contained within the MCAS Miramar AICUZ Study Area and is: within the adopted AIA; 2) outside the 60+ dB community noise equivalent level noise contours; 3) outside all Accident Potential Zones; 4) beneath the Outer Horizontal Surface of MCAS Miramar (Federal Aviation Regulation Part 77); and beneath and/or near established fixed- and rotary-wing flight corridors for aircraft transiting to and from MCAS Miramar. It was determined that the propose project is consistent with the AICUZ noise and safety compatibility guidelines.

#### **D. Statement of Project Purpose and Objectives**

##### **Project Purpose**

The purpose of the Carroll Canyon Mixed-Use project is to create a viable mix of residential and commercial uses that would serve the adjacent employment parks, nearby residential neighborhoods, the Scripps Miramar Ranch community, and the adjacent Mira Mesa community to the west of the project site. Housing provided by the project would provide additional housing opportunities for the City. The project's location and proposed uses would serve to reduce trips to outlying areas for similar retail services and capture drive-by trips, while also expanding employment opportunity proximate to residential development and providing an amenity to the nearby business parks.

##### **Project Objectives**

The project objectives associated with the Carroll Canyon Mixed Use project are as follows:

- Create a coherent and cohesive building site and project design that is compatible in scale and character and enhances the existing community character in the Scripps Miramar Ranch community.
- Create a mixed-use development that will activate and enliven a primary gateway into the Scripps Miramar Ranch community.
- Allow for retail uses currently limited in availability in the surrounding market area.
- Provide retail amenities for the adjacent employment parks and integrated residential uses and capture drive-by trips, thereby reducing the amount of routine daily trips.
- In keeping with the City of Villages and Smart Growth policies, provide for efficient use of the project site with a viable mix of residential and commercial uses as an in-fill development of an underutilized site within an urban area where amenities and services are available and easily accessed via alternative modes of travel, including transit, bike, and pedestrian.
- Utilize architecture and design elements to ensure high quality design and aesthetics.
- Develop a project that would implement necessary roadway improvements to improve circulation in the project area.
- Create additional retail and job opportunities in the Scripps Miramar Ranch community.



### III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City determined that the proposed project may have a significant effect on the environment and that a EIR should be prepared to analyze the potential impacts associated with approval and implementation of the proposed project. In accordance with CEQA Guidelines Section 15082(a), a Notice of Preparation (NOP), dated August 15, 2015, was prepared for the project and distributed to all Responsible and Trustee Agencies, as well as other agencies and members of the public who may have an interest in the project. The purpose of the NOP was to solicit comments on the scope and analysis to be included in the EIR for the proposed Carroll Canyon Mixed Use project. A copy of the NOP and letters received during its review are included in Appendix A to the EIR. Based on an initial review of the project and comments received, the City of San Diego determined that the EIR for the proposed project should address the following environmental issues: Land Use; Transportation/Traffic Circulation/Parking; Visual Quality/Neighborhood Character; Air Quality; Global Climate Change; Energy; Noise; Biological Resources; Geologic Conditions, Paleontological Resources; Hydrology/Water Quality; Health and Safety; Public Services and Facilities; Public Utilities; Growth Inducement; and Cumulative Effects.

The Draft EIR for the proposed project was then prepared and circulated for review and comment by the public, agencies and organizations for a 45-day public review period that began on January 11, 2017 and ended on February 27, 2017. A Notice of Completion (NOC) and copies of the EIR and technical appendices were provided to the State Clearinghouse, Office of Planning and Research (SCH No. 2015081031) on January 11, 2017. The Draft EIR and technical appendices were also directly sent to all applicable local, state, and federal agencies, MCAS Miramar, Caltrans District 11, California Department of Fish & Wildlife, Regional Water Quality Control Board, State Clearinghouse, California Air Resources Board, and the Native American Heritage Commission. A notice of availability of the Draft EIR for review was mailed to interested parties within the community and non-residential property owners who expressed an interest in the project. The notice of availability was also filed with the City Clerk and posted in the San Diego Daily Transcript and on the City's web page, and the required notice was provided to the public.

As noted, the public comment period on the Draft EIR concluded on February 27, 2017. The City received seven letters of comment on the proposed project. The City prepared responses to those comments, which are incorporated into the Final EIR. On December 14, 2017, the City of San Diego Planning Commission held a public hearing and recommended to the San Diego City Council approval of the project and certification of the Final EIR.

#### IV. GENERAL FINDINGS

The City hereby finds as follows:

- The City is the “Lead Agency” for the proposed project evaluated in the Final EIR.
- The Draft EIR and Final EIR were prepared in compliance with CEQA and the Guidelines.
- The City has independently reviewed and analyzed the Draft EIR and the Final EIR, and these documents reflect the independent judgment of the City Council and the City of San Diego pursuant to Public Resources Code section 21082.1.
- The City of San Diego’s review of the Draft EIR and the Final EIR is based upon CEQA, the CEQA Guidelines, and the City of San Diego California Environmental Quality Act Significance Determination Thresholds – Development Services Department (January 2011) (CEQA Significance Determination Thresholds).
- A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the proposed project, which the City has adopted or made a condition of approval of the proposed project. That MMRP is included as Section 11.0 of the Final EIR, is incorporated herein by reference and is considered part of the record of proceedings for the proposed project.
- The MMRP designates responsibility and anticipated timing for the implementation of mitigation. The City will serve as the MMRP Coordinator.
- In determining whether the proposed project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2.
- The impacts and potential impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the Final EIR.
- The City has reviewed the comments received on the Draft EIR and Final EIR and the responses thereto and has determined that, in accordance with CEQA Guidelines Section 15088.5, neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR or Final EIR, no new impacts and/or mitigation measures have been identified, and that recirculation of the EIR is not necessary. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings and Statement of Overriding Considerations, concerning the environmental impacts identified and analyzed in the Final EIR. The City has included new information in the Final EIR, but the new information merely clarifies and amplifies the information in the Draft EIR. This new information does not alter the EIR in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. No significant new information is provided by the inclusion of this information that would require recirculation of the EIR.
- The City has made no decisions that constitute an irretrievable commitment of resources toward the proposed project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the proposed project;

- Copies of all the documents incorporated by reference in the Final EIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials; and
- Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the proposed project and finds as stated in these Findings.

## V. SUMMARY OF IMPACTS

Section 5.0 of the Final EIR presents the *Environmental Analysis* of the proposed project. Based on the analysis contained in Section 5.0 of the Final EIR, the Final EIR concludes that the proposed Carroll Canyon Mixed Use project will have **no significant impacts** and require no mitigation with respect to the following issues:

- Land Use
- Visual Quality/Neighborhood Character
- Air Quality
  - Plan consistency
  - Violation of air quality standard
  - Sensitive receptors
  - Particulate Matter
- Global Climate Change
- Energy
- Noise
  - Land Use Compatibility
  - Operational impacts
  - Off-site roadway noise
  - Direct construction noise
- Geological Conditions
- Hydrology/Water Quality
- Health and Safety
- Public Services and Facilities
- Public Utilities

Potentially **significant impacts of the proposed project will be mitigated to below a level of significance** with respect to the following issues:

- Transportation/Traffic Circulation/Parking (direct and cumulative)
  - Impact 5.2-1: The proposed project would result in cumulatively significant impact to a segment of Carroll Canyon Road, from I-15 to the signalized main project access the Horizon Year plus Project conditions.

- Impact 5.2-3: The proposed project would result in a direct impact and cumulatively significant impact at the intersection of Carroll Canyon Road and the I-15 northbound freeway ramps under the Near-Term plus Project condition and a cumulative impact in the Horizon Year plus Project condition.
- Biological Resources (indirect)
  - Impact 5.8-1: Project construction noise may result in indirect impacts to nesting raptors, which would be considered a potentially significant impact.
- Paleontological Resources
  - Impact 5.10-1: The proposed project could result in direct impacts to paleontological resources as a result of grading, if grading occurs within the Very Old Terrace Deposits.

**Impacts would remain significant and unmitigated** for the following issues:

- Transportation/Traffic Circulation/Parking (direct and cumulative)
  - Impact 5.2-2: The proposed project would result in a cumulatively significant impact at the intersection of Carroll Canyon Road and Maya Linda Road under the Horizon Year plus Project conditions.
  - Impact 5.2-4: The proposed project would result in a cumulatively significant impact at the intersection of Carroll Canyon Road and the I-15 southbound freeway ramps under the Horizon Year plus Project conditions.
  - Impact 5.2-5: The project would result in a cumulatively significant impact to a segment of Carroll Canyon Road between the project signalized access and Businesspark Avenue under the Horizon Year plus Project conditions.

The intersection of Carroll Canyon Road at Maya Linda Road (Impact 5.2-2) is calculated to have improved operations (i.e. LOS) as part of the physical improvements to the adjacent intersections of Carroll Canyon Road/I-15 NB Ramp (Impact 5.2-3) and Carroll Canyon Road/I-15 SB Ramp (Impact 5.2-4), because these three intersections are interconnected. Therefore, Impact 5.2-2 would be partially mitigated through a combination of MM 5.2-2 and MM 5.2-3. When the intersection of Carroll Canyon Road/I-15 SB Ramp has an additional eastbound to southbound right turn lane added and the intersection of Carroll Canyon Road/I-15 NB Ramp has an additional westbound to northbound right turn lane added, their capacities improve, which means more vehicles would get through these two intersections. Since these two intersections are interconnected with Maya Linda Road, the higher intersection capacity at Carroll Canyon Road/I-15 SB Ramp and Carroll Canyon Road/I-15 NB Ramp (due to additional lanes as noted above) would reduce the queuing to Maya Linda, thereby mitigating the cumulative impacts to below a level of significance. However, if the improvement specified by MM 5.2-3, as described in Section VI, Findings Regarding Impacts, below (i.e., 9.4 percent fair share contribution toward the applicant-initiated eastbound to southbound right turn lane addition to the I-15/Carroll Canyon Road southbound ramp) is not completed by the study horizon year, then Impact 5.2-4 would not be fully mitigated. Therefore, because MM 5.2-3 is not guaranteed to be completed by study horizon year, and because Impact 5.2-2 depends upon MM 5.2-3 for full mitigation of Impact 5.2-2, Impact 5.2-2 would also remain significant and unmitigated.

To mitigate Impact 5.2-5 to the segment of Carroll Canyon Road between the signalized project access and Businesspark Avenue, the applicant proposes to pay a fair share of 15.4 percent toward the cost of a raised median between the signalized project access and Businesspark Avenue (MM 5.2-4). During the construction of the signalized entrance for the project, the applicant will construct a short segment of the raised median just east of the signalized project access as conceptually shown in the exhibit titled *Proposed Ultimate Striping (Prime Arterial)* by USA, Inc. 12/19/12. The cost of constructing the short segment of a raised median just east of the signalized project access will be credited towards the applicant's fair share responsibility of 15.4 percent for the eventual raised median between the signalized project access and Businesspark Avenue. However, if the roadway is not improved with a raised median by the study horizon year of 2035, then the cumulative impact would not be fully mitigated, thus a finding of overriding consideration would be required. With the improvement of a raised median, the segment is calculated to operate at acceptable LOS as documented in Table 41 of the project Traffic Impact Analysis (1/2/16).

## VI. FINDINGS REGARDING IMPACTS

### A. Significant Impacts of the Proposed Project that Will Be Mitigated to Below a Level of Significance

#### Transportation/Traffic Circulation/Parking

**Environmental Impact:** The project would result in traffic generation in excess of specific community plan allocation and an increase in project traffic which is substantial in relation to the existing traffic load and capacity of the street system based on the City's CEQA Significance Determination Thresholds, resulting in a substantial impact upon existing or planned transportation systems.

**Finding:** The City finds that:

- a. The proposed project would result in one cumulatively significant impact to the segment of Carroll Canyon Road, from I-15 to the signalized main project access (**Impact 5.2-1**).
- b. The proposed project would result in a direct impact and a cumulatively significant impact at the intersection of Carroll Canyon Road and the I-15 northbound freeway ramps (**Impact 5.2-3**).
- c. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
  - i. The project's cumulatively significant impact to a segment of Carroll Canyon Road, from I-15 to the signalized main project access, would be mitigated to below a level of significance (**Impact 5.2-1**).
  - ii. The project's direct impact and a cumulatively significant impact at the intersection of Carroll Canyon Road and the I-15 northbound freeway ramps would be mitigated to below a level of significance (**Impact 5.2-3**).

**Facts in Support of Finding:** Section 5.2 of the Final EIR, incorporated herein by reference, describes the project's impacts on traffic, including impacts to street segments, intersections, freeway segments, freeway ramp meters, and Congestion Management Program (CMP) arterials. A *Transportation Impact Analysis* (TIA) was prepared for the proposed project by LOS Engineering, Inc., dated January 2, 2016. A copy of the TIA is included as Appendix B to the EIR and is incorporated herein by reference. The TIA examines the effects of the proposed Carroll Canyon Mixed Use project on the existing and planned circulation system based on the anticipated development of the project. In order to determine a scope of work for the TIA, a preliminary analysis was completed, and study area intersections and street segments were identified for the analysis and traffic generation and distribution was determined. The preliminary analysis was based on a SANDAG Series 12 travel forecast and both machine and manual traffic counts of the existing daily and peak hour traffic flow data for the study intersections and street segments.

The TIA examines the effects of the proposed Carroll Canyon Mixed Use project on the existing and planned circulation system based on development of the project and build-out of the community. The

study area for the proposed project includes existing intersections and their corresponding street segments. The study area includes the following intersections:

- 1) Carroll Canyon Road/Maya Linda Road (signalized)
- 2) Carroll Canyon Road/I-15 Southbound Ramp (signalized)
- 3) Carroll Canyon Road/I-15 Northbound Ramp (signalized)
- 4) Carroll Canyon Road/Business Park Avenue (signalized)

The following street segments were also analyzed as part of this study:

- 1) Carroll Canyon Road from I-15 to the proposed project access
- 2) Carroll Canyon Road from the proposed project access to Businesspark Avenue

Due to the project site's vicinity to I-15, freeway segment analysis is included in the traffic study. The following freeway segments were analyzed as part of this study:

- 1) I-15 from Mira Mesa Boulevard to Carroll Canyon Road
- 2) I-15 from Carroll Canyon Road to Miramar Road

The following freeway ramps were analyzed in the study:

- 1) I-15/Carroll Canyon Road Southbound On-Ramp
- 2) I-15/Carroll Canyon Road Northbound On-Ramp

The Transportation Impact Analysis evaluates existing conditions (based on current street improvements and operations), Existing with Project Conditions, Near Term (existing plus cumulative) without Project Conditions, Near Term (existing plus cumulative) with Project Conditions, Horizon Year (2035) without Project Conditions, and Horizon Year (2035) with Project Conditions. The term "near term" is meant to discuss a condition occurring within the next several years to reflect the proposed project's opening day. This reflects the best information available for determining what traffic would be in the next several years. The analysis used for transportation modeling purposes is the Horizon Year 2035. The Traffic Impact Analysis also includes an analysis of transit, parking, and access. SANDAG Series 12 select zone analysis was used to determine the distribution of project traffic and future with project traffic volumes.

The project trip generation for the proposed project was calculated using trip rates from the City of San Diego Trip Generation Manual, May 2003. Two trip generation rates were applied: a driveway rate for project access points and a cumulative rate (accounts for primary and diverted trips) that was applied for all other analyzed roadways. The City's trip rate of 6 trips per dwelling unit for over 20 dwelling units per acre was applied. The project driveway volumes were calculated at 4,004 Average Daily Traffic (ADT) with 203 AM peak hour trips (72 inbound and 131 outbound) and 336 PM peak hour trips (206 inbound and 130 outbound). The cumulative traffic volumes were calculated at 3,235 ADT with 174 AM peak hour trips (54 inbound and 120 outbound) and 276 PM peak hour trips (174 inbound and 100 outbound). (Note: The apartment portion of the project has some ancillary uses such as a lounge, gym, and leasing office, which are not part of the commercial/retail space; therefore, the trip generation only lists the number of apartments and commercial/retail space. The ancillary uses such as the gym are for residents of the apartments only and not part of the commercial center.)



The proposed project would result in a cumulatively significant impact to the segment of Carroll Canyon Road, from I-15 to the signalized main project access (Impact 5.2-1), and a direct impact and a cumulatively significant impact the intersection of Carroll Canyon Road and the I-15 northbound freeway ramps (Impact 5.2-3).

**Mitigation Measures:** The following mitigation measures would be implemented to reduce the project's direct impact to traffic and circulation.

**MM 5.2-1 Carroll Canyon Road (segment between I-15 and project signalized access) (Impact 5.2-1)** – Prior to the issuance of the first building permit, the owner/permittee shall assure by permit and bond the construction of a raised median along the project frontage to the satisfaction of the City Engineer and construction shall be completed and accepted by the City prior to issuance of first certificate of occupancy.

**MM 5.2-2 Carroll Canyon Road/I-15 NB Ramp Intersection (Impact 5.2-3)** – Prior to the issuance of the first building permit, the owner/permittee shall assure by permit and bond the construction of a 14-foot-wide westbound right turn lane extending from the west side of the project's signalized intersection/driveway entrance westerly to the northbound freeway on- ramp to I-15, satisfactory to the City Engineer.

In addition to the proposed mitigation measure outlined above, the applicant proposes the following project features:

- 1) Construction of a new signalized primary access at the easterly project driveway (traffic signal warrant Figure 4C-103 based on estimated ADT is satisfied with calculations included in Appendix I of the Carroll Canyon Mixed Use TIA).
- 2) Construction of a new right-in/right-out driveway between the existing primary driveway and I-15.
- 3) Widening of Carroll Canyon Road and construct an eastbound second left turn lane into the project at the project signalized access.

**Reference:** Final EIR § 5.2.

### **Biological Resources**

**Environmental Impact:** The proposed project has the potential to result in a conflict with local policies or ordinances protecting biological resources. Specifically, the proposed project will have potentially significant indirect impacts to raptors, if raptors are nesting in surrounding eucalyptus trees during construction for the project. However, these impacts can be mitigated to a less than significant level through implementation of mitigation measures.

Additionally, potentially significant indirect impacts could adversely affect biological resources in adjacent off-site open space areas due to an increase in urban pollutants entering sensitive water bodies, an increase in night lighting, habitat disturbance, edge effects, and pollutants (fugitive dust). However, as described in the EIR, such potential indirect impacts are unlikely to occur and, therefore, are not considered to be significant.

**Finding:** The City finds that:

- a. The proposed project would not result in direct significant impacts to biological resources, as the proposed project would not impact native habitat or sensitive plant or wildlife species.
- b. The project could result in indirect impacts to raptors, if raptors are nesting in surrounding eucalyptus trees during construction for the project (**Impact 5.8-1**). This would be regarded as a potentially significant indirect impact.
- c. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

**Facts in Support of Finding:** The following mitigation measures have been identified for the Carroll Canyon Mixed Use project. Detection for raptor nests shall occur prior to the issuance of grading permits. Mitigation to minimize the potentially significant indirect impacts of project development is also listed. With implementation of these mitigation measures, the project's impacts would be reduced to below a level of significance.

**Raptor Noise Mitigation (Indirect Impact)** - Project construction noise may result in indirect impacts to nesting raptors, which would be considered a potentially significant impact. Therefore, the following measures shall be implemented to reduce indirect impacts to below a level of significance.

**MM 5.8-1** To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, a Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction (precon) survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the precon survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City DSD for review and approval and implemented to the satisfaction of the City. The City's MMC Section or RE, and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction. If nesting birds are not detected during the precon survey, no further mitigation is required.

**Reference:** Final EIR § 5.8.

## **Paleontological Resources**

**Environmental Impact:** The proposed project has the potential to result in significant impacts to paleontological resources, if grading occurs in areas underlain by the Lindavista Formation or Stadium Conglomerate. However, these impacts can be mitigated to a less than significant level through implementation of mitigation measures.

**Finding:** The City finds that:

- a. The project area is underlain by Very Old Paralic Deposits, Undocumented Fill, and Stadium Conglomerate Formation. Of these, only the Very Old Paralic Deposits and Stadium Conglomerate Formation have the potential for paleontological resources. For purposes of evaluating paleontological resources, the Very Old Paralic Deposits formation is broadly correlated as the Lindavista Formation. In the Scripps Miramar Ranch area of the City, the Lindavista Formation has a moderate potential for paleontological resources. Stadium Conglomerate has a high potential for paleontological resources. The proposed Carroll Canyon Mixed-Use project would result in approximately 39,000 cubic yards of cut and 4,500 cubic yards of fill. The maximum depth of cut would be nine feet, and the maximum fill depth would be nine feet. According to the City of San Diego's *California Environmental Quality Act Significance Thresholds*, implementation of a proposed project would have the potential to significantly impact paleontological resources, if grading of geologic formations that occurs in a moderate resource potential geologic deposit/formation/rock unit – such as the Lindavista Formation that underlies most of the project site – exceeds 2,000 cubic yards. The proposed project would meet this threshold. Also, it was noted during geological explorations that there are sensitive and moderately sensitive formations (Lindavista and Stadium Conglomerate) in some locations of the project site as shallow as one foot deep. Additionally, the City of San Diego's *California Environmental Quality Act Significance Thresholds* state that if grading of geologic formations that occurs in a high resource potential geologic deposit/formation/rock unit – such as the Stadium Conglomerate Formation that underlies of the project site – exceeds 1,000 cubic yards, then a potentially significant impact to paleontological resources would result.
- b. Because the project would result in grading that could potentially affect the Lindavista Formation (Very Old Paralic Deposits) and Stadium Conglomerate Formation, potentially significant impacts to paleontological resources would occur (**Impact 5.10-1**).
- c. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

**Facts in Support of Finding:** The following mitigation measures have been identified for the Carroll Canyon Mixed Use project. Paleontological monitoring is required and shall apply to areas of the project site where undisturbed Lindavista Formation could be encountered during grading for the project. These measures shall not apply to areas of fill on the site, unless grading of the fill areas results in grading into undisturbed formational material. With implementation of these mitigation measures, the project's impacts would be reduced to below a level of significance.

### **MM 5.5-1 I. Prior to Permit Issuance**

A. Land Development Review (LDR) Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

**II. Prior to Start of Construction**

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

## 2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

## 3. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

### III. During Construction

#### A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously

assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

**B. Discovery Notification Process**

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

**C. Determination of Significance**

1. The PI shall evaluate the significance of the resource.
  - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
  - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
  - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
  - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

**IV. Night and/or Weekend Work**

- A. If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.

- a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSV and submit to MMC via fax by 9 am on the next business day.

- b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.

- c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

- d. The PI shall immediately contact MMC, or by 8 am the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

- B. If night work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

- C. All other procedures described above shall apply, as appropriate.

## **V. Post Construction**

- A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
  - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.

b. Recording Sites with the San Diego Natural History Museum

The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate

C. Curation of fossil remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.



**Reference:** Final EIR § 5.10.

**Cumulative Impacts**

**Environmental Impact – Biological Resources:** The Carroll Canyon Mixed Use project could result in potential significant indirect cumulative biological resources impact relative to indirect noise impacts to raptors that could nest in adjacent areas during construction of the project (Impact 5.8-1). As discussed in 6.0, *Cumulative Effects*, of the Final EIR, significant indirect cumulative environmental impacts to biological resources may occur.

**Finding:** The City finds that:

- a. The proposed project would result in one significant indirect cumulative impact to raptors due to noise if nesting birds are present in adjacent areas at the time of project construction.
- b. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

**Facts in Support of Finding:** Mitigation measures would be implemented to ensure that indirect impacts are reduced to below a level of significance. Therefore, the project would mitigate its contribution to cumulatively significant indirect impacts. The City would require similar mitigation measures for other projects that have the potential to result in indirect impacts to nesting birds, which would reduce cumulatively significant impacts associated with indirect impacts to below a level of significance.

**Mitigation Measures:** The City would require similar mitigation measures to MM 5.8-1 for other projects that have the potential to result indirect impacts to nesting birds, which would reduce cumulatively significant impacts associated with indirect impacts to below a level of significance.

**Reference:** Final EIR § 6.0.

**Environmental Impact – Paleontological Resources:** The Carroll Canyon Mixed Use project could result in potential significant cumulative paleontological resources impacts, due to the sensitivity of underlying geologic formations (Impact 5.10-1). As addressed in Section 5.10, *Paleontological Resources*, of this EIR, the proposed project site is underlain by geologic formations that could contain important paleontological resources. As discussed in 6.0, *Cumulative Effects*, of the Final EIR, significant cumulative environmental impacts to paleontological resources may occur.

**Finding:** The City finds that:

- a. The proposed project would result in one significant cumulative impact to paleontological resources.
- b. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

**Facts in Support of Finding:** Implementation of the standard mitigation measures set forth in Section 5.10 (MM 5.10-1) would reduce potential impacts to paleontological resources to below a level of significance. Other projects which involve grading of native materials that could contain

paleontological resources would be conditioned in a similar manner to implement measures which would mitigate potential impacts to paleontological resources. Implementation of required mitigation measures would reduce the potential cumulative loss of important paleontological resources to below a level of significance.

**Mitigation Measures:** The City would condition other projects which involve grading of native materials that could contain paleontological resources in a similar manner by requiring measures which would mitigate potential impacts to paleontological resources (MM 5.10-1). Implementation of required mitigation measures would reduce the potential cumulative loss of important paleontological resources to below a level of significance.

**Reference:** Final EIR §§ 5.10 and 6.0.

**Environmental Impact – Public Utilities:** The Carroll Canyon Mixed Use project could result in potential significant cumulative public utilities impacts relative to solid waste. The Carroll Canyon Mixed-Use project would generate solid waste through construction and operation of the proposed retail commercial development. When considered in conjunction with build-out of the City's General Plan, community plan, and individual projects evaluated for this cumulative impacts analysis, impacts to solid waste disposal would be considered cumulatively significant. As discussed in 6.0, *Cumulative Effects*, of the Final EIR, significant cumulative environmental impacts to public utilities may occur.

**Finding:** The City finds that:

- a. The proposed project would result in one significant cumulative impact to public utilities (solid waste).
- b. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

**Facts in Support of Finding:** In accordance with Environmental Services Department (ESD) guidelines pertaining to new developments that are expected to generate large amounts of solid waste, a Waste Management Plan was required for the Carroll Canyon Mixed-Use project. The plan addresses solid waste management techniques for demolition, construction, and operational activities, including reuse and recycling of materials. To reduce the amount of waste generated by demolition activity, the demolished materials would be sorted at the project site and recycled in accordance with the demolition debris recycling strategies given by the City of San Diego Environmental Services Department. Additionally, the City's Municipal Code requires that new multi-unit residential and commercial/industrial developments provide adequate space for storage and collection of refuse and recyclable materials. The proposed project, as well as other development projects, would be required to comply with this requirement. Cumulative impacts associated with solid waste disposal would be avoided by adherence to City requirements.

**Mitigation Measures:** In accordance with ESD guidelines pertaining to new developments that are expected to generate large amounts of solid waste, a Waste Management Plan was required for the other development projects in San Diego. Additionally, the City's Municipal Code requires that new multi-unit residential and commercial/industrial developments provide adequate space for storage and collection of refuse and recyclable materials. Other development projects would be required to

comply with this requirement. Cumulative impacts associated with solid waste disposal would be avoided by adherence to City requirements.

**Reference:** Final EIR § 6.0.

## **B. Impacts that Would Remain Significant and Unmitigated**

### ***Transportation/Traffic Circulation/Parking***

**Environmental Impact:** The project would result in traffic generation in excess of specific community plan allocation and an increase in project traffic which is substantial in relation to the existing traffic load and capacity of the street system based on the City's CEQA Significance Determination Thresholds, resulting in a substantial impact upon existing or planned transportation systems.

**Finding:** The City finds that:

- a. The proposed project would result in impacts at the following locations, which cannot be mitigated to below a level of significance:
  - One cumulatively significant impact at the intersection of Carroll Canyon Road and Maya Linda Road under horizon year (2035) conditions (**Impact 5.2.2**);
  - One cumulatively significant impact at the intersection of Carroll Canyon Road and I-15 southbound (**Impact 5.2-4**).
  - One cumulatively significant impact to a segment of Carroll Canyon Road between the project signalized access and Businesspark Avenue (**Impact 5.2-5**)
- b. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures identified in the final EIR.

Mitigation for impacts to the intersection of Carroll Canyon/ Maya Linda Road, to the intersection of Carroll Canyon road and I-15 southbound ramp, and to the segment of Carroll Canyon Road between the project's signalized main project access and Businesspark Avenue call for fair share contributions to improvements that also require contribution from other sources for their completion. Although the project's fair share contribution would mitigate its cumulative impacts, because completion of those improvements relies on funding by others and cannot be guaranteed to be implemented by the study horizon year, the cumulative impact may not be fully mitigated to a less than significant level.

**Facts in Support of Finding:** The following mitigation measures would be implemented to reduce the project's impacts to traffic and circulation.

**MM 5.2-3 Carroll Canyon Road/I-15 SB Ramp Intersection (5.2-4)** – Prior to the issuance of the first building permit, the owner/permittee shall pay a fair share of 9.4 percent toward applicant-initiated eastbound to southbound right turn lane addition to the I-15/Carroll Canyon southbound ramp, satisfactory to the City Engineer.

The intersection of Carroll Canyon Road at Maya Linda Road (Impact 5.2-2) is calculated to have improved operations (i.e. LOS) as part of the physical improvements to the adjacent intersections of Carroll Canyon Road/I-15 NB Ramp (Impact 5.2-3 and MM 5.2-2) and Carroll Canyon Road/I-15 SB Ramp (Impact 5.2-4 and MM 5.2-3), because these three intersections are interconnected. Therefore, Impact 5.2-2 would be partially mitigated through a combination of MM 5.2-2 and MM 5.2-3. When the intersection of Carroll Canyon Road/I-15 SB Ramp has an additional eastbound to southbound right turn lane added and the intersection of Carroll Canyon Road/I-15 NB Ramp has an additional westbound to northbound right turn lane added, their capacities improve, which means more vehicles would get through these two intersections. Since these two intersections are interconnected with Maya Linda Road, the higher intersection capacity at Carroll Canyon Road/I-15 SB Ramp and Carroll Canyon Road/I-15 NB Ramp (due to additional lanes as noted above) would reduce the queuing to Maya Linda, thereby mitigating the cumulative impacts to below a level of significance. However, if the improvement specified by MM 5.2-3 (9.4 percent fair share contribution toward the applicant-initiated eastbound to southbound right turn lane addition to the I-15/Carroll Canyon southbound ramp) to mitigate Impact 5.2-4 is not completed by the study horizon year, this impact would not be fully mitigated. Therefore, because MM 5.2-3 is not guaranteed to be completed by study horizon year, and because Impact 5.2-2 depends upon MM 5.2-3 for full mitigation of Impact 5.2-2, Impact 5.2-2 would remain significant and unmitigated.

**MM 5.2-4 Carroll Canyon Road Between Project Signalized Access and Businesspark Avenue (Impact 5.2-5)** – Prior to the issuance of the first building permit, the owner/permittee shall pay a fair share of 15.4 percent toward the cost of a raised median between the signalized project access and Businesspark Avenue. During the construction of the signalized entrance for the project, the applicant will construct the short segment of the raised median just east of the signalized project access as conceptually shown in the *Proposed Ultimate Striping exhibit (Prime Arterial)* by USA, Inc. 12/19/12, satisfactory to the City Engineer. The cost of constructing the short segment of a raised median just east of the signalized project access will be credited towards the applicant's fair share responsibility of 15.4 percent for the eventual raised median between the signalized project access and Businesspark Avenue.

The remainder fair share contributions for improvements to this roadway segment are to be fulfilled by unidentified future development. Because improvement of the entire roadway segment with a raised median cannot be guaranteed to occur by the study horizon year, the cumulative impact is not considered to be fully mitigated. Thus, this impact remains significant and unmitigated.

The mitigation for impacts to the Carroll Canyon Road/Maya Linda Road intersection, to the Carroll Canyon/I-15 southbound ramp intersection, and to the segment of Carroll Canyon Road between the project's signalized access and Businesspark Avenue call for a fair share contribution to improvements that also require contribution from other sources for their completion. Although the project's fair share contribution would mitigate its cumulative impacts, because completion of those improvements relies on funding by others and cannot be guaranteed to be implemented by study horizon year, the cumulative impact may not be fully mitigated to a less than significant level.

The City finds that there are no other feasible mitigation measures that will mitigate the impact to below a level of significance.

**Reference:** Final EIR §§ 5.2 and 6.0.

**VII.**  
**FINDINGS REGARDING CHANGES OR ALTERATIONS THAT ARE WITHIN THE RESPONSIBILITY  
AND JURISDICTION OF ANOTHER PUBLIC AGENCY**

There are no changes or alterations that are within the responsibility and jurisdiction of another public agency and not the agency making the finding.

**VIII.**  
**FINDINGS REGARDING ALTERNATIVES**

In accordance with Section 15126.6(a) of the CEQA Guidelines, an EIR must contain a discussion of "a range of reasonable alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Section 15126.6(f) further states that "the range of alternatives in an EIR is governed by the 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." Thus, the following discussion focuses on project alternatives that are capable of eliminating significant environmental impacts or substantially reducing them as compared to the proposed project, even if the alternative would impede the attainment of some project objectives, or would be more costly. In accordance with Section 15126.6(f)(1) of the State CEQA Guidelines, among the factors that may be taken into account when addressing the feasibility of alternatives are: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.

As required in CEQA Guidelines Section 15126.6(a), in developing the alternatives to be addressed in this section, consideration was given regarding an alternative's ability to meet most of the basic objectives of the proposed project. Because the proposed project will cause significant environmental effects related to Transportation/Traffic Circulation/Parking (direct and cumulative), Biological Resources (indirect), and Paleontological Resources (direct), the City must consider the feasibility of any environmentally superior alternatives to the proposed project, evaluating whether these alternatives could avoid or substantially lessen the unavoidable significant environmental effects while achieving most of the objectives of the proposed project.

The EIR presents and considers a reasonable range of alternatives that could avoid or substantially lessen any significant effects of the proposed project. The EIR analyzes whether such alternatives are feasible and would attain most of the basic objectives of the project to permit a reasoned choice among the options available to the City and/or the project proponent. As presented in the Final EIR, the following is a list of the project objectives:

- Create a coherent and cohesive building site and project design that is compatible in scale and character and enhances the existing community character in the Scripps Miramar Ranch community.

- Create a mixed-use development that will activate and enliven a primary gateway into the Scripps Miramar Ranch community.
- Allow for retail uses currently limited in availability in the surrounding market area.
- Provide retail amenities for the adjacent employment parks and integrated residential uses and capture drive-by trips, thereby reducing the amount of routine daily trips.
- In keeping with the City of Villages and Smart Growth policies, provide for efficient use of the project site with a viable mix of residential and commercial uses as an in-fill development of an underutilized site within an urban area where amenities are readily available and easily accessed via alternative modes of travel, including transit, bike, and pedestrian.
- Utilize architecture and design elements to ensure high quality design and aesthetics.
- Develop a project that would implement necessary roadway improvements to improve circulation in the project area.
- Create additional retail and job opportunities in the Scripps Miramar Ranch community.

The impacts of each alternative are analyzed in Section 10.0 of the EIR. The review of alternatives includes an evaluation to determine if any specific environmental characteristic would have an effect that is *"substantially less"* than the proposed project. A significant effect is defined in Section 15382 of the CEQA Guidelines as *"a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project."* The significant impacts that apply to this project are: Transportation/Traffic Circulation/Parking (direct and cumulative), Biological Resources (indirect), and Paleontological Resources (direct).

Alternatives considered for the Carroll Canyon Mixed Use project, including a discussion of the "No Project" alternative, are addressed in detail in Section 10.0, *Alternatives*. Relative to the requirement to address a "No Project" alternative, CEQA Guidelines Section 15126.6(e) states that:

- (A) *When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or operation into the future.*
- (B) *If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the "no project" alternative is the circumstance under which the project does not proceed.*

Alternatives to the Carroll Canyon Mixed Use project discussed in the EIR include the "No Project" alternative that is mandated by CEQA and other alternatives that were developed in the course of project planning and environmental review for the proposed project. Specifically, the following project alternatives are addressed in the EIR:

1. Alternative 1 – No Project/No Build Alternative
2. Alternative 2 – No Project/Development Under Existing Land Use Designation and Zoning
3. Alternative 3A – Reduced Intensity Alternative – No Significant Traffic Impacts
4. Alternative 3B – Reduced Intensity Alternative – No Significant Direct Traffic Impacts

Based upon the administrative record for the project, the City makes the following findings concerning the alternatives to the proposed project.

## **Alternative 1 – No Project/No Build Alternative.**

**Description:** Under the No Project/No Build Alternative, the proposed project would not proceed. Instead, the project site would remain as it is today, the existing buildings would not be demolished or redeveloped, and no new development would occur. This alternative assumes that the existing office buildings could, at some time, be occupied and used as multi-tenant office space.

**Finding:** The City finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make the No Project/No Build Alternative infeasible, and therefore the City rejects this alternative.

Public Resources Code § 21081(a)(3), Guidelines § 15091(a)(3).

**Facts in Support of Finding:** When compared to the proposed project, the No Project/No Build alternative would not require amendments to the community plan and General Plan and would not require a rezone. Less impacts would occur relative to air quality, GHG emissions, and noise, because less overall traffic would be generated. Visual effects would be different under this alternative, but – like the proposed project – would not be significant. Impacts to off-site biological resources and the potential to impacts unknown subsurface paleontological resources would be avoided under this alternative, as no new grading and/or construction would occur. The No Project/No Build alternative would not generate construction waste, as no new construction would occur, and cumulative impacts relative to solid waste generation not occur with this alternative. For all other environmental issue areas addressed in this EIR, environmental effects would be the same or similar to the proposed project. However, none of these impacts were found to be significant for the proposed project.

Because traffic volumes would be less under this alternative than the proposed project, the No Project/No Build alternative would result in less cumulative impacts associated with traffic than the proposed project. However, this alternative would result in one additional traffic impact that would not occur under the proposed project at the I-15 NB on-ramp/Carroll Canyon Road under PM horizon year conditions because an additional westbound right turn lane onto northbound I-15 on-ramp would not be constructed.

The No Project/No Build alternative would not meet any of the project objectives. This alternative does not create a coherent and cohesive building site and design to enhance existing community character in the Scripps Miramar Ranch community, does not create a commercial retail center that will activate and enliven a primary gateway into the Scripps Miramar Ranch community, does not allow for retail uses currently unavailable in the surrounding market area, does not provide retail amenities for the adjacent employment parks and nearby residential uses and capture drive-by trips, thereby reducing the amount of routine daily trips, does not maximize efficiency in use of project site, does not provide for a viable mix of commercial uses, does not utilize architecture and design elements to ensure high quality design and aesthetics, does not provide quasi-public space for community use in the form of

courtyards and plazas and does not implement transportation improvements that would improve operations.

**Reference:** Final EIR § 10.3.1

**Alternative 2 - No Project/Development Under Existing Land Use Designation and Zoning Alternative.**

**Description:** Under the land use designation in the Scripps Miramar Ranch Community Plan and consistent with the maximum allowable floor area ratio of the underlying IP-2-1 zone (FAR 2.0), development of the project site (9.28 acres) could result in approximately 800,000 square feet of business park-light industrial office uses. The design of a development of that size could occur as a mid-rise building, with structured parking either as above-ground or and/or subterranean. Architecture for this alternative would be modern, with clean lines and use of wood and stucco to blend with the surrounding business parks; and landscaping would occur in accordance with the City's landscaping ordinance and the Community Plan, ensuring that this alternative would result in an aesthetically pleasing architecture and design. Access would be off an existing driveway on Carroll Canyon Road. Improvements to Carroll Canyon Road under this alternative would include adding a sidewalk and landscaped parkway. Pursuant to recommendation of the Scripps Miramar Ranch Community Plan, redevelopment of the project site in accordance with this alternative would require that a Planned Development Permit be processed.

**Finding:** The City finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make the No Project/Development Under Existing Land Use Designation and Zoning Alternative infeasible, and therefore the City rejects this alternative.

Public Resources Code § 21081(a)(3), Guidelines § 15091(a)(3).

**Facts in Support of Finding:** When compared to the proposed project, the No Project/Development Under Existing Land Use Designation and Zoning alternative would not require amendments to the community plan and General Plan and would not require a rezone. Greater impacts would occur relative to traffic (this alternative would generate 4,128 more cumulative ADT than the proposed project, 879 more AM inbound trips, 25 less AM outbound trips, 22 more PM inbound trips, and 781 more PM outbound trips) and associated environmental issue areas, such as air quality and GHG emissions. Visual effects would be different under this alternative, but – like the proposed project – would not be significant. For all other environmental issue areas addressed in this EIR, environmental effects would be the same or similar to the proposed project.

The No Project/Development Under Existing Land Use Designation and Zoning alternative was rejected for a number of reasons. The No Project/Development Under Existing Land Use Designation and Zoning alternative would meet only one of the project objectives: maximize efficiency in use of project site. This alternative does not create a coherent and cohesive building site and design to enhance existing



community character in the Scripps Miramar Ranch community, does not create a commercial retail center that will activate and enliven a primary gateway into the Scripps Miramar Ranch community, does not allow for retail uses currently unavailable in the surrounding market area, does not provide retail amenities for the adjacent employment parks and nearby residential uses and capture drive-by trips, thereby reducing the amount of routine daily trips, does not provide for a viable mix of commercial uses, does not provide quasi-public space for community use in the form of courtyards and plazas and does not implement transportation improvements that would improve operations.

**Reference:** Final EIR § 10.3.2

### **Alternative 3 – Reduced Intensity Alternative.**

The analysis in Section 5.0, *Environmental Analysis*, of the EIR concludes that the proposed Carroll Canyon Mixed Use project would result in significant direct and cumulative impacts associated with traffic. The project includes mitigation measures which would fully mitigate direct impacts associated with traffic circulation. Two reduced intensity alternatives were evaluated to determine if the project's cumulative traffic circulation impacts could be eliminated with a reduction in the project's overall development intensity.

#### ***Alternative 3A: Reduced Intensity Alternative – Avoidance of All Significant Traffic Impacts***

**Description:** In order to determine the development intensity for the Reduced Project alternative that could avoid all significant traffic-related impacts, the Carroll Canyon Mixed-Use TIA was consulted. As concluded in the TIA and Section 5.2, *Transportation/Traffic Circulation/Parking*, of this EIR, the proposed project would result in one direct and cumulative impact to the segment of Carroll Canyon Road, from I-15 to the signalized project access; one significant direct impact at the intersection of Carroll Canyon Road/I-15 northbound ramps; one cumulative impact to the segment of Carroll Canyon Road, between the project access and Businesspark Avenue; and three horizon year (2035) cumulative impacts at the intersections of Carroll Canyon Road/Maya Linda Road, Carroll Canyon Road/I-15 southbound freeway ramps, Carroll Canyon Road/I-15 northbound ramps. Development of a 25-unit apartment project with no additional retail uses would avoid all traffic impacts associated with the proposed project.

The Reduced Intensity Alternative 3A alternative would result in the construction of a 25-unit building with surface parking. The building would be two-stories in height and would be designed in a manner compatible with surrounding buildings. Exterior materials would be earth-tones with wood accents. The surface parking area, as well as other site areas, would be landscaped in accordance with the City's Landscape regulations and the Community Plan. Access would be taken off a single driveway on Carroll Canyon Road. Improvements to Carroll Canyon Road would include installation of a sidewalk and landscaped parkway.

**Finding:** The City finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make the Reduced Intensity Alternatives infeasible, and therefore the City rejects this alternative.

Public Resources Code § 21081(a)(3), Guidelines § 15091(a)(3).

**Facts in Support of Finding:** When compared to the proposed project, Reduced Intensity Alternative 3A would require amendments to the Community Plan and General Plan and would require a rezone, like the proposed project. Less impacts would occur relative to traffic and associated environmental issue areas, such as air quality and GHG emissions. The Reduced Intensity Alternative 3A alternative would avoid direct and cumulative impacts associated with traffic. Visual effects would be different under this alternative, but – like the proposed project – would not be significant. For all other environmental issue areas addressed in this EIR, environmental effects would be the same or similar to the proposed project.

The Reduced Intensity Alternative 3A alternative was rejected for a number of reasons. This alternative would not feasibly attain most of the project objectives. While this alternative could result in creating a coherent and cohesive building site and project design that is compatible in scale and character and enhances the existing community character in the Scripps Miramar Ranch community and could utilize architecture and design elements to ensure high quality design and aesthetics, it would not create a mixed-use development that will activate and enliven a primary gateway into the Scripps Miramar Ranch community. This alternative would not provide for retail uses currently limited in availability in the surrounding market area and would not result in retail amenities for the adjacent employment parks and integrated residential uses and capture drive-by trips, thereby reducing the amount of routine daily trips. Additionally, this alternative would not provide for efficient use of the project site with a viable mix of residential and commercial uses as an in-fill development of an underutilized site within an urban area where amenities are readily available and easily accessed via alternative modes of travel, including transit, bike, and pedestrian. Because no traffic impacts would occur with this alternative, there would not be a need to implement roadway improvements to improve circulation in the project area. This alternative would not maximize residential development at an infill site, where public facilities, transit, and services are within walking distance as called for in the City of Villages and Smart Growth policies and would not create additional retail and job opportunities in the Scripps Miramar Ranch community.

**Reference:** Final EIR § 10.3.3

**Alternative 3B: Reduced Intensity Alternative – Avoidance of Direct Significant Traffic Impacts**

**Description:** Reduced Intensity Alternative 3B was evaluated as a project alternative that could avoid all direct impacts associated with traffic. Under this alternative, a total

of 160 apartments along with 9,200 square feet of commercial space could occur. The commercial space would consist of 2,400 square feet fast food, 3,200 square feet sit down restaurant, and 3,600 square feet of retail shops.

The design for this alternative would be similar to the proposed project but at a reduced scale. Parking would be provided in surface parking lots, as well as garages. The project site would be landscaped similar to the proposed project. Access would be provided in the same locations as the proposed project, and improvements to Carroll Canyon Road would be the same as those proposed as part of the project.

**Finding:** The City finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make the Reduced Intensity Alternatives infeasible, and therefore the City rejects this alternative.

Public Resources Code § 21081(a)(3), Guidelines § 15091(a)(3).

**Facts in Support of Finding:** When compared to the proposed project, Reduced Intensity Alternative 3B would require amendments to the Community Plan and General Plan and would require a rezone, like the proposed project. Less impacts would occur relative to traffic and associated environmental issue areas, such as air quality and GHG emissions. Because traffic volumes would be less under this alternative, the Reduced Intensity Alternative 3B alternative would avoid direct traffic impacts and would result in less cumulative impacts associated with traffic. Visual effects would be different under this alternative, but – like the proposed project – would not be significant. For all other environmental issue areas addressed in this EIR, environmental effects would be the same or similar to the proposed project.

The Reduced Intensity Alternative 3B alternative would meet many of the project objectives but at a reduced scale to the proposed project. This alternative would create a coherent and cohesive building site and project design that is compatible in scale and character and enhances the existing community character in the Scripps Miramar Ranch community. This alternative would result in a mixed-use development that could help to activate and enliven a primary gateway into the Scripps Miramar Ranch community and would allow for retail uses currently limited in availability in the surrounding market area. This alternative would also provide retail amenities for the adjacent employment parks and integrated residential uses and capture drive-by trips, thereby reducing the amount of routine daily trips and could be designed in such a manner that it would result in an efficient use of the project site with a viable mix of residential and commercial uses as an in-fill development of an underutilized site within an urban area where amenities are readily available and easily accessed via alternative modes of travel, including transit, bike, and pedestrian. Like the proposed project, it is assumed that this alternative would utilize architecture and design elements to ensure high quality design and aesthetics. This alternative would also result in creating additional retail and job opportunities in the Scripps Miramar Ranch community, albeit at a reduced scale from what would occur with the proposed

project. Like the proposed project, however, this alternative would result in cumulative traffic impacts that may not be fully mitigated at the project level.

This alternative was rejected, however, because it does not maximize development potential and efficient use of the project site in a manner that fully recognizes the benefits of creating mixed-use infill development to serve the housing needs of the City and provide commercial amenities for adjacent business parks and nearby residential neighborhoods. The Reduced Intensity Alternative 3B alternative would result in development of 100 less residential units and a 25 percent reduction in retail commercial space. Thus, this alternative would reduce the amount of additional housing that could be provided at a project site where transit is readily available and employment opportunities are nearby, and would not provide the amount of supporting retail commercial uses and amenities to serve employees in adjacent business parks and residents in the project area.

**Reference:** Final EIR § 10.3.3

**IX.**  
**ENVIRONMENTAL ISSUES DETERMINED**  
**NOT TO BE POTENTIALLY AFFECTED BY THE PROJECT**

The City determined that the environmental analysis contained in the Final EIR for agricultural resources, historical resources (archaeological resources and historical resources), tribal cultural resources, mineral resources, recreation, and population and housing had “no impact” or had a “less than significant impact,” and, therefore, did not warrant further consideration in the Final EIR. No substantial evidence has been presented to or identified by the City that will modify or otherwise alter the City’s “no impact” or “less-than-significant” determination for these environmental issues.

**X.**  
**FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE**  
**ENVIRONMENTAL CHANGES**

Guidelines Section 15126(c) requires that an EIR describe any significant irreversible environmental changes that would be involved in the proposed project should it be implemented. Section 15126.2(c) indicates that:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely.

The same section further indicates that:

Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

Development would occur on the project site as a result of the proposed project, which would entail the commitment of energy and natural resources. The primary energy source would be fossil fuels, representing an irreversible commitment of this resource. Construction of the project would also require the use of construction materials, including cement, concrete, lumber, steel, etc., and labor. These resources would also be irreversibly committed.

Once constructed, use of the Carroll Canyon Mixed Use project would entail a further commitment of energy resources in the form of fossil fuels and electricity. This commitment would be a long-term obligation since the proposed structures are likely to have a useful life of 20 to 30 years or more. However, as discussed in Section 5.6, *Energy*, of the EIR, the impacts of increased energy usage are not considered significant adverse environmental impacts.

## XI. STATEMENT OF OVERRIDING CONSIDERATIONS

The City adopts and makes this Statement of Overriding Consideration concerning the proposed project's unavoidable significant impacts to explain why the project's benefits override and outweigh its unavoidable impacts.

Pursuant to Section 21081(b) of CEQA and Sections 15093 and 15043(b) of the State CEQA Guidelines, the City is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide benefits, of a proposed project against its unavoidable significant environmental impacts when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code Section 21081.

Pursuant to Public Resources Code Section 21081(b) and the State CEQA Guidelines Section 15093, the City has balanced the benefits of the proposed project against potential unavoidable significant cumulative impacts to Transportation and Traffic Circulation associated with the proposed project and has adopted all feasible mitigation measures with respect to significant and potential unmitigated cumulative impacts associated with this environmental issue. The City also has examined alternatives to the proposed project and has rejected them as infeasible, finding that none of them would fully meet the project objectives and result in substantial reduction or avoidance of the project's significant and unmitigated environmental impacts.

The California Supreme Court has stated that, "[t]he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." *Citizens of Goleta Valley v. Bd. Of Supers.* (1990) 52 Cal.3d 553, 576. Courts have upheld overriding considerations that were based on policy consideration including, but not limited to, new jobs, stronger tax base, implementation of an agency's economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plans and general plans, and provision of construction jobs. *See Towards Responsibility in Planning v. City Council* (1988) 200 Cal.App.3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal.App.3d 1029; *City of Poway v. City of San Diego* (1984) 155 Cal.App.3d 1037; *Markley v. City Council* (1982) 131 Cal.App.3d 656.

Each of the Separate Benefits of the proposed project, as stated herein, is determined to be, unto itself and independent of the other project benefits, a basis for overriding all potential unavoidable significant environmental impacts identified in these findings, so that if a court were to set aside the determination that any particular benefit would occur and justifies the project's approval, the City Council determines that it would stand by its determination that the remaining benefits are sufficient to warrant the project's approval.

Having considered the entire administrative record on the project, and (i) made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the project, adopting all feasible mitigation measures; (ii) examined a reasonable range of alternatives to the project and, based on this examination, determined that all those alternatives are either environmentally inferior,

fail to meet the project objectives, or are not feasible, and therefore should be rejected; (iii) recognized all significant, unavoidable impacts; and (iv) balanced the benefits of the project against the project's significant and unavoidable effects, the City hereby finds that the following economic, legal, social, technological, or other benefits, including region-wide or statewide benefits, of the project outweigh the potential unavoidable adverse environmental impacts and render those potential adverse environmental impacts acceptable based upon the following considerations, set forth below.

1. Efficient Use of In-Fill Development at a Strategically Located Site with Minimal Impacts to Natural Resources. The Carroll Canyon Mixed Use project represents in-fill development and re-use of a previously developed site within a mostly built-out community with a viable mix of residential and commercial uses. The project would provide for maximum efficiency in use of the project site by providing for a mix of retail uses and residential units in an area readily served by drive-by, local residential, and employee traffic on a relatively compact footprint.

The proposed project would not impact native habitat or sensitive plant or wildlife species. Development would occur on an already fully developed site. Measures would be implemented to avoid indirect impacts to an off-site adjacent drainage corridor where native vegetation occurs.

2. Provides Much Needed Housing for the City and Region in Accordance with the City of San Diego General Plan and the Climate Action Plan. At the time, the Scripps Miramar Ranch Community Plan was adopted, the housing demands and overall vision for the City of San Diego was vastly different from what exists today. Furthermore, the community plan was adopted prior to the incorporation of the City of Villages Strategy, the Climate Action Plan, and the Regional Housing Needs Assessment (RHNA) Plan. Since the adoption of the Scripps Miramar Ranch Community Plan in 1978, the City of Villages Strategy was incorporated into the City of San Diego General Plan.

The City of Villages strategy focuses growth into mixed-use activity centers that are pedestrian-friendly districts linked to an improved regional transit system. A "village" is defined as the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated. Each village will be unique to the community in which it is located. All villages will be pedestrian-friendly and characterized by inviting, accessible and attractive streets and public spaces. Public spaces will vary from village to village, consisting of well-designed public parks or plazas that bring people together. Individual villages will offer a variety of housing types affordable for people with different incomes and needs. Over time, villages will connect to each other via an expanded regional transit system.

There are a variety of identified village propensities located to the north and west of the project site, such as high village propensity along I-15, particularly at Mira Mesa Boulevard, which reduces in intensity away from I-15 (see Figure 5.1.1, *City of San Diego General Plan Village Propensity Map*). The proposed uses of the project fit with and support these surrounding villages. The project site is partially within a Transit Priority Area of the City's Climate Action Plan (see *City of San Diego Transit Priority Areas per SB 743 map*). Additionally, the project creates the potential for a walkable village extension where one previously was not anticipated due to the industrial land use designation.

Per the RHNA Plan, the forecast housing needs for the San Diego region is 435,171 dwelling units. Of those 435,171 dwelling units, the City of San Diego's housing burden is 233,805 dwelling units. The proposed project allows for Scripps Miramar Ranch to contribute positively to addressing the housing crisis in a manner that fits within established densities of the community, without proposing a density in excess of those identified in the Scripps Miramar Ranch Community Plan.

Global climate change has become a paramount concern on the local, national, and global scale. California's landmark global climate change legislation, the Global Warming Solutions Act of 2006 (AB 32), established the State's goal of substantially reducing its GHG emissions to 1990 levels by 2020. Subsequent legislation, namely Senate Bill (SB) 97, adopted in 2007, addresses climate change by requiring lead agencies to analyze greenhouse gases (GHGs) under CEQA. Additionally, the Sustainable Communities and Climate Protection Act of 2008 (SB 375) requires each Metropolitan Planning Organization to prepare a Sustainable Communities Strategy as part of its Regional Transportation Plan that includes land use, transportation, and housing policies to reduce regional GHG emissions.

Based on the 2011 California Air Resources Board's (ARB) Scoping Plan, the City of San Diego's Climate Action Plan (CAP) is a proactive step toward addressing the City's GHG emissions. The CAP provides a road map for the City to collaborate with communities in assessing vulnerability to future climate change, developing overarching adaptation strategies and implementing measures to enhance resilience. Compliance with the CAP is determined via the CAP Consistency Checklist, which evaluates such factors as land use consistency, energy and water efficiency of buildings; clean and renewable energy; and bicycling, walking, transit, and land use. The proposed project is consistent with the CAP and facilitates San Diego's goals of addressing climate change by providing for an interconnected (internally and regionally) mix of uses that allows residents, employees, and visitors to limit their impact on the environment.

By providing housing and employment uses within the same development, the project provides a direct linkage between housing and jobs. Additionally, due to the project's location within an existing employment node and the extension of the existing pedestrian facilities along the project frontage, the project links residents living within the residential component of the project with employment sites via the established pedestrian and bicycle network.

3. Provides Small-Scale Commercial Uses That Will Serve Residents at the Project and in the Nearby Communities, as well as Employees in the Adjacent Business Parks. The project will provide community-serving commercial retail space in the forms of shops and restaurants with pad space ranging in size from 3,100 square feet to 5,800 square feet. These would contribute to the smaller scale commercial stock of the community, adding to the balance of commercial development. Due to the smaller scale of the commercial retail space proposed for the project site, local entrepreneurship opportunities will attract small business owners and restaurateurs. Additionally, the commercial components of the project, as well as the leasing and support staffing needs of the residential development, will contribute to the local employment pool within Scripps Miramar Ranch.

The proposed project will provide a new commercial retail and restaurant uses within walking distance to existing surrounding industrial uses and business parks. Additionally, the project



site is less than one mile east of residential developments in the Mira Mesa community, providing those residents with additional commercial shopping opportunities accessible by walking, bicycling, transit, or driving.

4. Provides for Mixed Use Development in an Area Where Such Uses Are Compatible with and Support the Surrounding Employment Base. The Carroll Canyon *Collocation/Conversion Suitability Factors Analysis* (prepared by Sudberry Properties, September 2016) and the *Carroll Canyon Mixed-Use Project – Review of the Collocation/Conversion Suitability Factors Analysis; PTS Number 240716* (September 2016) prepared by City staff examined the impact of the proposed conversion of industrial land to a mix of residential, small shops, and restaurants. This analysis discusses how industrial lands and Prime Industrial Lands are impacted if a property is converted. The Collocation/Conversion Suitability Factors Analysis includes such determining factors as area characteristics, encroachment of non-industrial uses, proximity to transit, attractiveness to industrial uses (manufacturing, research and development, wholesale distribution, and warehousing uses), impact on Prime Industrial Land, significance of residential/employment component, residential support facilities, airport land use compatibility, public health, public facilities, and separation of uses. The Collocation/Conversion Suitability Factors Analysis determined the project conversion of industrial to mixed-use land uses would not result in an adverse impact on industrial land and the employment uses housed within these areas. The results of the Collocation/Conversion Suitability Factors Analysis conclude that the project's conversion to a mixed-use is suitable. (Carroll Canyon Mixed-Use Project Draft Environmental Impact Report, January 2017, pg. 5.1-21.)

The project will create retail sector jobs, adding to the many layers of employment opportunities within a community to allow for greater employment of residents regardless of educational background or work experience. The relative small size of the commercial retail pads would allow for the potential inclusion of local businesses within the project, which directly supports the local economy and may likely provide a wider range of income opportunities. The project site is located immediately adjacent to office, light industrial, and commercial uses, and is within walking distance of multi-family residential developments on the west side of I-15. These existing uses would be able to take advantage of residential, employment, and retail opportunities provided at the project site.

5. Improvements to circulation in the community and for the region. The project will construct a raised median along the project frontage and will assure by permit and bond the construction of a 14-foot wide westbound right turn lane extending from the west side of the project's signalized intersection/driveway entrance westerly to the northbound freeway on-ramp to I-15.

As stated in the EIR (see Section 5.2, *Transportation/Traffic Circulation/Parking*) and as a requirement of the project, the project owner/permittee will be required to pay a fair share of 9.4 percent toward the construction of an eastbound to southbound right turn lane addition to the I-15/Carroll Canyon Road southbound ramp and a fair share of 15.4 percent toward the cost of a raised median between the signalized project access and Businesspark Avenue. During the construction of the signalized entrance for the project, the applicant will construct the short segment of the raised median just east of the signalized project access.

Additionally, above and beyond mitigation measures required for the project, the project would include the following project features:

- Construct a new signalized primary access at the easterly driveway,
  - Construct a new right-in/right-out driveway between the eastern signalized driveway and I-15, and
  - Widen Carroll Canyon Road and construct an eastbound second left turn lane into the project at the project signalized access.
6. Lower Vehicle Miles Traveled. The project is located at a key site within the community, adjacent to I-15 and a primary roadway, Carroll Canyon Road. This location further increases project efficiency, as users of the site, as well as delivery vehicles, are provided close and easy access from the freeway. The project additionally provides for residential opportunities within proximity to on-site retail, surrounding retail and employment, institutional uses, and transit. The project's location also allows for shortened trips for nearby residential development, work-day trips for employees of adjacent light industrial and office developments accessing the project's retail commercial uses, as well as capture of pass-by trips for those travelling along the I-15 or Carroll Canyon Road and accessing the project's retail commercial uses on their way to other destinations.
7. Promotes Multimodal Transportation by Facilitating Non-Motorized Transportation Options and Access to Transit. The project has pedestrian circulation and linkage elements, and a bike lane exists along Carroll Canyon Road. As part of the project, a non-contiguous sidewalk would be provided along Carroll Canyon Road. Currently, pedestrian facilities (sidewalks) exist on the freeway overpass, but terminate at the project boundary. The provision of a sidewalk on the project frontage of Carroll Canyon Road would allow area residents to connect to and through the project site safely. The sidewalk promotes a pedestrian environment. A traffic signal would be installed at the primary site entry, which would allow for signalized crossing of pedestrians. By expanding pedestrian facilities along the project site, the proposed project contributes to the promotion of community walkability for residents and employees on-site, employees of existing commercial and industrial uses that surround the project site, and residents in the Mira Mesa apartments located on the west side of I-15, within one-quarter mile of the project site.

The project would be served by Bus Route 964, which connects to the regional bus and light rail transit network. Route 964 is the closest transit, with a stop located three blocks from the project site on Businesspark Avenue.

8. Consistent with the Character of the Community. The location of the proposed project at the edge of the community prevents disruption to the single-family character prevalent on the interior of the community. Multi-family development of condominiums and townhomes tends to be on the periphery of the community. The project keeps with the established community-wide land use pattern of providing multi-family housing along the I-15 corridor, leaving single-family homes internal to the community undisturbed. The project contributes to the spectrum of housing choices in the Scripps Miramar Ranch community that the community plan calls to

be completed, by providing both new multi-family housing and rental housing, where the majority of housing is either single-family or for-sale product.

9. Assists the City's Goals of Managing Greenhouse Gas Emissions. The Carroll Canyon Mixed Use project provides for uses not currently provided in the surrounding community, such as additional multi-family residential, retail shops, and restaurants. The central location of the project, both within the City as a whole and along the I-15 corridor, helps to reduce vehicle miles traveled compared to the vehicle miles that would be traveled by residents and business park employees to existing comparable uses present outside the community. The provision of a mix of residential and retail uses on-site further helps reduce greenhouse gas emissions, as vehicles do not have to travel to multiple locations to access the uses provided together on the project site (i.e., dining and shopping).

Additionally, the project would implement the following Project Design Features (PDFs), which have been incorporated as project conditions, directed at reducing the project's contribution to greenhouse gas emissions and global climate change.

#### **SITE DESIGN**

- At least one principal participant of the project team is a LEED Accredited Professional.
- Located within ¼-mile of one or more transit stops.
- Provide secure bicycle racks and/or storage.
- Use of materials with recycled content.
- A minimum of 10% (based on cost) of the total materials value will derive from materials or products that have extracted, harvested, or recovered, as well as manufactured, within 500 miles of the project site.
- A minimum of 50% of wood-based materials and products to be certified in accordance with the Forest Stewardship Council's (FSC) Principles and Criteria for wood building components.

#### **GRADING and CONSTRUCTION**

- Create and implement an erosion and sediment control plan for all construction.
- Recycle and salvage at least 50% of non-hazardous construction debris.
- Meet or exceed the recommended Control Measures of the Sheet Metal and Air Conditioning National Contractors Association (SMACNA) IAQ Guidelines for Occupied Buildings under Construction, 1995, Chapter 3.
- Protect stored on-site or installed absorptive materials from moisture damage.
- Adhesives, sealants, and sealant primers will comply with SCAQMD.
- Aerosol adhesives will comply with Green Seal Standard for commercial Adhesives.
- Paints and coatings uses on the interior of the building will comply with the Green Seal Standard and SCAQMD.
- Composite wood and agrifiber products will contain no added urea-formaldehyde resins.
- Laminated adhesives used to fabricate on-site and shop-applied composite wood and agrifiber assemblies will contain no added urea-formaldehyde resins.
- Individual lighting controls will be provided for a minimum of 90% of building occupants.

- Lighting system controllability will be provided for all shared multi-occupant spaces to enable lighting adjustment that meets group needs and preferences.
- The design of HVAC systems and building envelope will meet the requirements of ASHRAE Standard 55-2004, Thermal Comfort Conditions for Human Occupancy.

#### **PARKING**

- Provide electrical plugs in parking garage spaces for electric/electric hybrid vehicles.
- Provide vegetated open space within the project boundary to exceed requirements by 25%.
- Place a minimum of 50% of residential parking spaces under cover.

#### **EXTERIOR LIGHTING**

- Design exterior lighting so that all site and building mounted luminaries produce a maximum initial luminance value no greater than 0.20 horizontal and vertical foot-candles at the site boundary and no greater than 0.01 horizontal foot-candles 15 feet beyond the site.

#### **BUILDING DESIGN FEATURES**

- Use water-conserving fixtures.
- Use 20% less water than the water use baseline calculated for the building.
- Buildings designed to comply with Title 24 requirements.
- Zero use of CFC-based refrigerants.
- Select refrigerants and HVAC&R that minimize or eliminate the emission of compounds that contribute to ozone depletion and global warming.
- Does not use fire suppression systems that contain ozone-depleting substances (CFCs, HCFCs, or Halons).

#### **SOLID WASTE MANAGEMENT/RECYCLING**

- Provide easily accessible areas to serve buildings that are dedicated to the collection and storage of non-hazardous materials for recycling.
- Recycle a minimum of 75 percent of construction materials.
- Separate construction debris into material-specific containers to facilitate reuse and recycling and to increase the efficiency of waste reclamation.
- Strive for a recycled content target of five percent of construction materials.

#### **LANDSCAPE**

##### **Irrigation**

- State of the art equipment that distributes water in controlled amounts and at controlled times to maximize water efficiency and optimize plant growth.
- Water distribution electronically controlled through a computer system that uses historical data and real-time weather conditions.
- Irrigation systems control to allow water to be distributed to plant material with similar watering needs to avoid over/underwatering.
- Use of weather and rain sensors to monitor current conditions and control the system accordingly.
- Utilization of reclaimed water (when available) for irrigation minimizing the need for potable water in the landscape.

### **Planting**

- Grouping of plant material based on the water demands for the specific plant material while still achieving the overall design intent.
- Selection of plant material its adaptability to the region and climate.
- Careful and selective use of enhanced planting (lusher material and seasonal color requiring more water and maintenance) where they have the most impact on the user.
- Use of native or low water/low maintenance material in outlying areas away from the general user.
- Limited use of turf. Where use, selection of turf varieties for their durability, maintenance needs and low water consumption.
- Use of trees throughout the project to provide shading to users and reduce heat gains on buildings and the heat island effect throughout the site.
- Selection of mix of deciduous trees to allow shade in the summer and sun penetration in the cooler winter months.

### **Materials**

- Use of recycled materials, where appropriate.
- Use of precast concrete pavers, decomposed granite and post consumer products.
- All planting areas include a 2" layer of a recycled organic mulch to maintain soil moisture, soil temperature and reduce weeding.
- Selection of lighter colored hardscape materials to reduce the heat island effect.

10. Increased Tax Base. The Carroll Canyon Mixed Use project is estimated to produce more than \$873,000 in property taxes per year (\$148,000 in tax revenues to the City's General Fund) and \$21,000 in annual sales tax revenues to the City from the commercial retail components of the project. (DPFG, May 30, 2017)
11. Jobs. The project would provide jobs on-site. Upon completion, the Carroll Canyon Mixed Use project would generate 20 to 25 permanent full-time equivalent jobs, which may be filled by on-site residents, members of the community, or other individuals. Additionally, a number of temporary jobs during construction of the project would be created. During construction, 200 – 300 full-time equivalent jobs would be generated.

## CONCLUSIONS

In summary, the project results in the following overriding benefits to the City of San Diego:

- The project implements goals and policies of the Scripps Miramar Ranch Community Plan, the City of San Diego General Plan, the City's Climate Action Plan, and development and land uses in the applied zones of the City's Land Development Code.
- The project creates a viable mix of residential and retail uses that would serve not only the Scripps Miramar Ranch community, including employees of adjacent business parks, but also the nearby Mira Mesa community, including nearby residential.
- The project provides circulation improvements that will benefit the Scripps Miramar Ranch community. In the case of the I-15/Carroll Canyon Road northbound on-ramp, improvements will be implemented prior to when cumulative impacts are anticipated; thereby advancing this improvement ahead of when it is needed.
- The project provides for much needed housing in an area with multi-modal transportation option.
- The project enhances and promotes non-vehicular travel.
- Project features will result in a reduction in greenhouse gas emissions.
- The project results in minimal impact to the natural environment.
- Project composition and location lessens the vehicle miles traveled to access the residential uses and goods and services provided on-site.
- The project is estimated to produce more than \$873,000 in property taxes per year, with an estimated \$148,00 in total net revenue received by the City of San Diego on an annual basis.
- The project would result in the creation of 200 to 300 jobs during the construction phase and 20 to 25 permanent full-time equivalent jobs during operation.

For the foregoing reasons, the City of San Diego concludes that the proposed Carroll Canyon Mixed Use project will result in numerous public benefits, each of which individually is sufficient to outweigh the unavoidable environmental impacts of the proposed project. Therefore, the City of San Diego has adopted this Statement of Overriding Considerations.

## Exhibit "B"

### Mitigation, Monitoring, and Reporting Program (MMRP)

GENERAL PLAN/SCRIPPS MIRAMAR RANCH COMMUNITY PLAN, VESTING TENTATIVE MAP (VTM), SITE DEVELOPMENT PERMIT (SDP), PLANNED DEVELOPMENT PERMIT (PDP), and REZONE

SCH NO. 2015081031 / PROJECT NO. 240716

### Carroll Canyon Mixed Use Project

The following general requirements would be a part of the proposed project MMRP:

#### A. GENERAL REQUIREMENTS – PART I

##### Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "**ENVIRONMENTAL/MITIGATION REQUIREMENTS.**"
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:  
  
<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

**B. GENERAL REQUIREMENTS – PART II**

**Post Plan Check (After permit issuance/Prior to start of construction)**

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT:** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants: **Not applicable.**

**Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.**

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
  - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant t is also required to call **RE and MMC at 858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 240716 and/or Environmental Document Number 240716, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.

**Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.**

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency: **Not Applicable**
4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.



5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Traffic	Traffic Reports	Traffic Features Site Observation
Waste Management	Waste Management Reports	Waste Management Inspections
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

**C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS**

TRANSPORTATION/TRAFFIC CIRCULATION/PARKING

MM 5.2-1: Prior to the issuance of the first building permit, the owner/permittee shall assure by permit and bond the construction of a raised median along the project frontage to the satisfaction of the City Engineer and construction shall be completed and accepted by the City prior to issuance of first certificate of occupancy.

MM 5.2-2: Prior to the issuance of the first building permit, the owner/permittee shall assure by permit and bond the construction of a 14-foot wide westbound right turn lane extending from the west side of the project's signalized intersection/driveway entrance westerly to the northbound freeway on-ramp to I-15, prior to issuance of first certificate of occupancy, satisfactory to the City Engineer.

MM 5.2-3: Prior to the issuance of the first building permit, the owner/permittee shall pay a fair share of 9.4 percent toward applicant-initiated eastbound to southbound right turn lane addition to the I-15/Carroll Canyon Road southbound ramp to the City of San Diego, satisfactory to the City Engineer.

MM 5.2-4: Prior to the issuance of the first building permit, the owner/permittee shall pay a fair share of 15.4 percent, toward the cost of a raised median between the signalized project access and Businesspark Avenue. During the construction of the signalized entrance for the project, the applicant will construct the short segment of the raised median just east of the signalized project access as conceptually shown in the *Proposed Ultimate Striping Via exhibit (Prime Arterial)* by USA, Inc. 12/19/12, satisfactory to the City Engineer. The cost of constructing the short segment of a raised median just east of the signalized project access will be credited towards the applicant's fair share responsibility of 15.4 percent for the eventual raised median between the signalized project access and Businesspark Avenue.

## BIOLOGICAL RESOURCES

MM 5.8-1: To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, a Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction (precon) survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the precon survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City DSD for review and approval and implemented to the satisfaction of the City. The City's MMC Section or RE, and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction. If nesting birds are not detected during the precon survey, no further mitigation is required.

## PALEONTOLOGICAL RESOURCES

- I. Prior to Permit Issuance
  - A. Land Development Review (LDR) Plan Check
    1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.
  - B. Letters of Qualification have been submitted to ADD
    1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
    2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
    3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.
- II. Prior to Start of Construction
  - A. Verification of Records Search
    1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
- B. PI Shall Attend Precon Meetings
1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
    - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
  2. Identify Areas to be Monitored  
Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
  3. When Monitoring Will Occur
    - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
    - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

### III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/ Trenching
1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.
  2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
  3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
- B. Discovery Notification Process
1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
  3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
1. The PI shall evaluate the significance of the resource.
    - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
    - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
    - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
    - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

#### **IV. Night and/or Weekend Work**

- A. If night and/or weekend work is included in the contract
1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
  2. The following procedures shall be followed.
    - a. No Discoveries  
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 9am on the next business day.
    - b. Discoveries  
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
    - c. Potentially Significant Discoveries  
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
    - d. The PI shall immediately contact MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
  2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. Post Construction

A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
  - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
  - b. Recording Sites with the San Diego Natural History Museum  
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate

C. Curation of fossil remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.