4.7 BIOLOGICAL RESOURCES

This section describes existing biological resources on the project site and discusses potential project impacts to these resources. This analysis is based on the 2008 Dudek Biological Resources and Impact Analysis Letter prepared for the project. This technical report is included as *Appendix I* to this EIR. Methods used to conduct the biological resources field reconnaissance and impact analysis are contained therein.

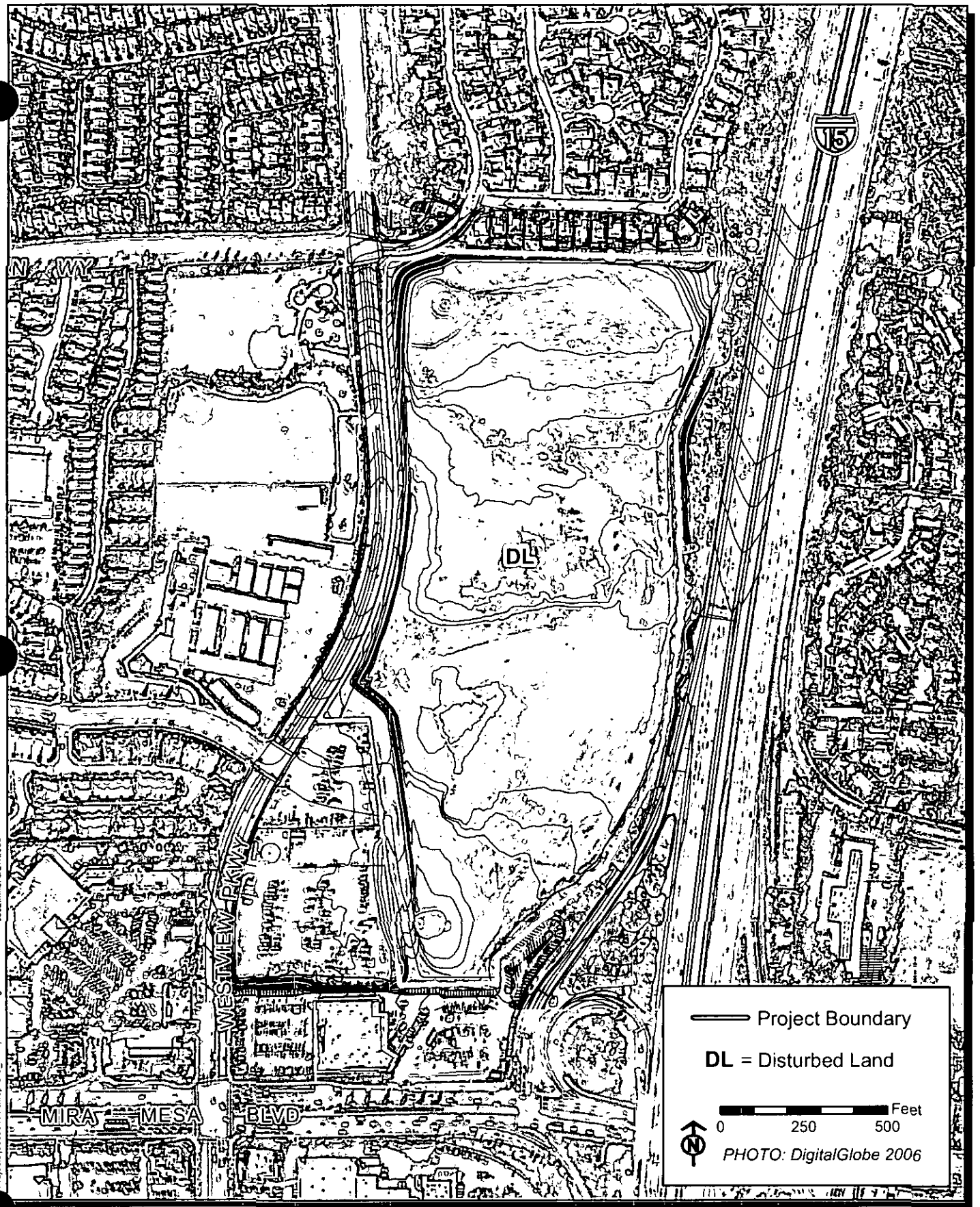
4.7.1 EXISTING CONDITIONS

The project site has been graded, (*Figure 4.7-1, Biological Resources*) as a result of previous approvals authorized by the City under a grading permit dated April 25, 1974 and as approved by the City Engineer and recorded under Permit No. 16126-D. The project site is relatively flat, ranging from approximately 480 to 505 feet above mean sea level (AMSL) in elevation. The western and northwestern portions of the site contain 2:1 slopes. The site was previously used as a staging area and was graded and filled in the past due to surrounding development. The grading and fill was authorized by the City under a grading permit dated April 25, 1974. The site was used as a spoil/stockpile site for surrounding development projects. The site varies from 20 to 25 feet of cut areas to approximately 50 feet of fill. Two desilting basins are located at the northwest and southwest corners of the site.

As described in *Section 4.2*, off-site traffic improvements are required to mitigate for impacts to traffic from the proposed development of the project site. The area proposed for the off-site traffic improvements located along Black Mountain Road north of Mercy Road consists of disturbed land located partially within the MHPA of the City's MSCP Subarea Plan (*Figure 4.7-2, Biological Resources-Off-Site Impact Map*). Los Peñasquitos Creek is located just north of the road improvements and a tributary to the creek is located just east of the proposed road improvement work area. The surrounding area is currently very urbanized and includes traffic and human activity from existing Black Mountain Road, Rancho Peñasquitos Equestrian Center, and Los Peñasquitos Canyon Preserve.

Soil Types

Soil types within the project site consist of topsoil, undocumented fill, previously-placed fill, and alluvium within the Linda Vista Formation and Stadium Conglomerate geologic units. These soils generally consist of loose- to medium-dense silty to clayey sand and silty to sandy clay with gravel and cobbles (Geocon 2007).



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Casa Mira View EIR

Biological Resources Map

FIGURE 4.7-1

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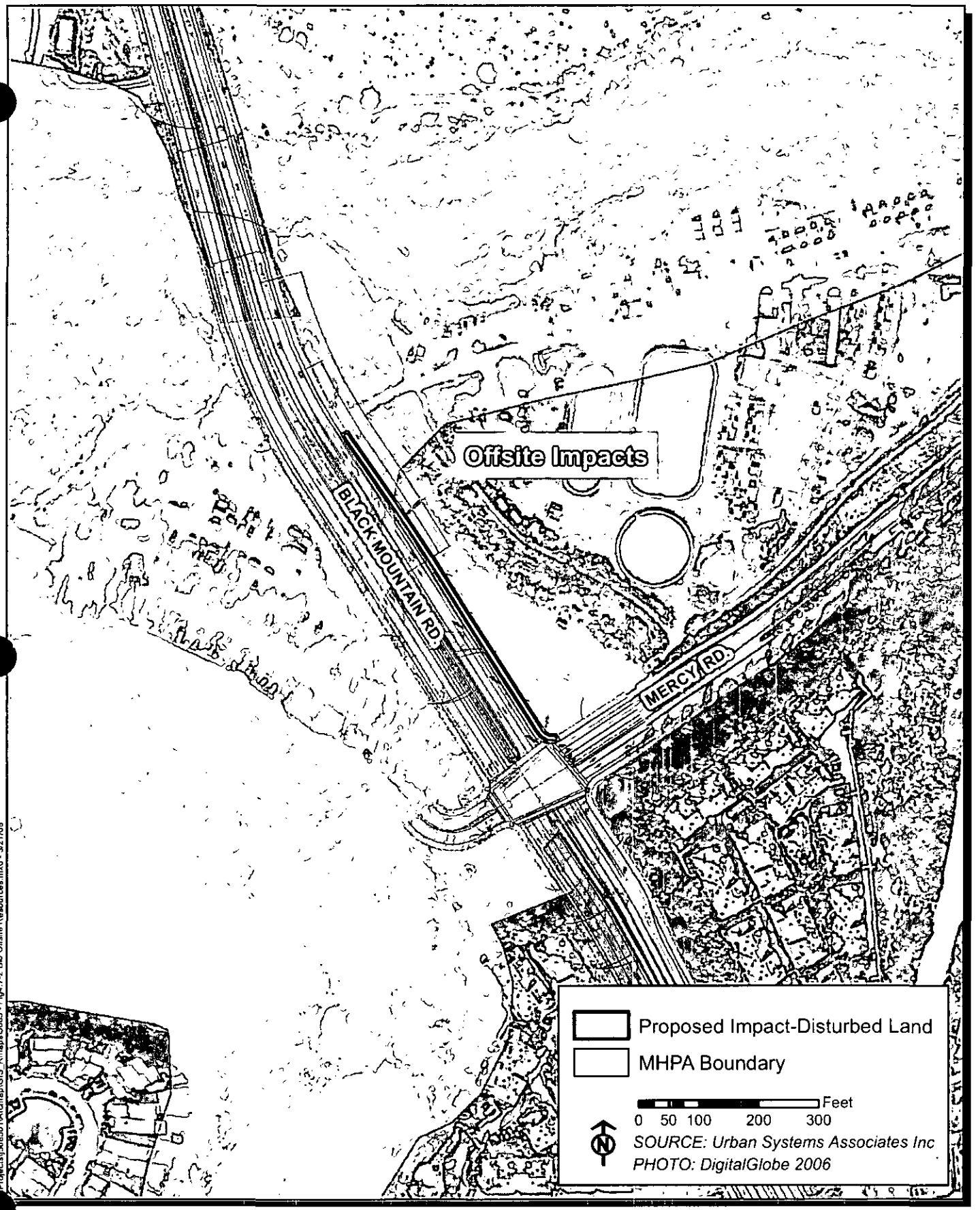

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Casa Mira View EIR

Biological Resources – Offsite Impacts

FIGURE 4.7-2

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Vegetation

One land cover type, disturbed land, is present within the project site limits as shown in *Table 4.7-1, On- and Off-Site Vegetation Land Uses* and *Figure 4.7-1, Biological Resources* and *Figure 4.7-2, Biological Resources Off-Site Impact Map*. As shown in *Table 4.7-1, On- and Off-Site Vegetation and Land Uses*, and *Figure 4.7-1* and *Figure 4.7-2*, there are no native plant communities located within the Casa Mira View project site. All of the road improvements and required staging area would also be located in a disturbed land area devoid of vegetation or with scattered weed species.

TABLE 4.7-1
On- and Off-Site Vegetation and Land Uses

Vegetation/Land Cover	Tier	Acreage
Disturbed Land, On site	IV	41.30
Disturbed Land, Off site	IV	0.18
Total		**41.48**

Disturbed Land

The disturbed land within the project boundary is predominately characterized as bare ground with exposed soil gravel and cobbles, as described above. Plant species, where present, are dominated by non-native grass and weedy forbs including foxtail chess (*Bromus madritensis* ssp. *Rubens*), slender wild oat (*Avena Barbata*), and perennial ryegrass (*Lolium perenne*). Non-native broad-leaved weeds include Australian saltbush (*Atriplex semibaccata*), Russian thistle (*Salsola tragus*), and tocalote (*Centaurea melitensis*). Along the eastern property line, adjacent to the I-15 corridor, there is a line of planted trees. These trees are all non-native species including eucalyptus (*Eucalyptus* sp.) and Monterey Pine (*Pinus radiata*). Along the northern property line are a number of ornamental plant species that have been planted by adjacent property owners. The site has been consistently maintained for the purpose of providing a soil stockpile site for the previous landowner and as such, vegetation cover is very sparse.

The off-site area mapped as disturbed land is predominantly bare ground with exposed soil and gravel and that also has been covered with wood chips. The area was recently impacted for the installation of the Rancho Bernardo Pipeline No. 2 but even prior to that project; the area consisted of disturbed land. Plant species occur very sparsely within the proposed impact and work area, but, where present, are dominated by weedy forbs including Russian thistle, tocalote, bristly ox-tongue (*Picris echioides*), black mustard (*Brassica nigra*), and foxtail chess (*Bromus madritensis* ssp. *rubens*). These plant species are all very low growing and provide no habitat for wildlife species.

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Vernal Pools

Due to the known occurrence of vernal pools within the Mira Mesa region, the site was evaluated for the potential of vernal pools to currently occur or to occur in the future. During the site visit, areas that appeared to hold water were noted based on the observation of a cracked surface layer of soil. However, due to the largely sandy composition of the soil, the cracked layer is very thin and easily broken revealing a layer of dry, loose sand underneath, thus indicating that water is not held for a long enough time to indicate presence of vernal pools or ephemeral ponding. In addition, due to the presence of imported soils at varying depths up to 50 feet, the opportunity for the presence of a clay layer is nonexistent. The areas that have been cut have now currently been filled with import soils of unknown origin. No vernal plant species were observed on the site. In addition, the City of San Diego Vernal Pool Inventory of 2002-2003 does not indicate the previous known presence of vernal pools on this site (City of San Diego 2007j). Thus there is no potential for current or future vernal pools to occur within the project site.

Flora

A total of 27 species of vascular plants, 7 native and 20 non-native, was recorded from the on-site area. A total of nine vascular plants species, all non-native, was recorded within the off-site traffic improvement area. This inventory of species does not include ornamental and horticultural species that are not naturalized in California. The native species observed on site were generally observed along the edges or sprouting from the graded slope adjacent to Westview Parkway. These species were likely brought in with the fill soil. The low plant diversity and predominance of non-native species is indicative of the prolonged and continuing disturbance to the site. Cover of plant species is very low and distribution is sparse. No special status plant species would be expected to occur on or off site due to its disturbed nature.

Wildlife

No amphibian, reptile, or mammal species were detected on site during the survey. Based on the presence of a few scattered burrows within the berm along the eastern portion of the site, it is likely that California ground squirrel (*Spermophilus beecheyl*) has inhabited the site, although all of the burrows appeared to be currently inactive due to collapse of the entrance or presence of spider webs.

Eleven bird species were detected on site. Most bird species observed are common, disturbance-adapted species typically found in urban and suburban environments, such as house finch (*Carpodacus mexicanus*), American crow (*Corvus brachyrhynchos*), and mourning dove (*Zenaida macroura*). There is almost no cover for wildlife species on site and no opportunities for nesting for most birds, except along the eastern property line where trees are present.

No state- or federally-listed threatened or endangered wildlife species were observed within the study area and are not expected to occur, due to the low-quality habitat on site, the surrounding development, and the activity that the site has regularly received for grading and fill. ~~One special status species,~~ The California horned lark (*Eremophila alpestris actia*) was observed foraging on site. This species ~~is~~was recently removed (as of April 28, 2008) from the state listing for a California Species of Special Concern; however, it is still afforded protective measures per Sections 3503 and 3503.5 of the Fish and Game Code. The horned lark could also breed on site. In addition, raptor species could nest within the line of trees located along the eastern property line.

No wildlife species were observed within the off-site traffic improvement area and, due to the proximity to the existing roadway, narrow width of the work area, and lack of vegetation cover with any stature, none are expected to occur.

Regulatory Resource Planning

The City is a participant in the Multiple Species Conservation Program (MSCP), a comprehensive, long-term habitat conservation program designed to provide permit-issuance authority for take of covered species to the local regulatory agencies. The MSCP is implemented in the City through its Subarea Plan. The project is within a Development Area identified in the Subarea Plan; it has not been identified as a strategic preserve nor is it located within or adjacent to the Multi-Habitat Planning Area (MHPA), with the exception of one off-site traffic improvement area. This off-site area is located within and adjacent to the City's MHPA. The traffic improvement area is immediately adjacent to an existing road and consists of disturbed land (City of San Diego 1997). Approximately 1,600 square feet of the off-site traffic improvements, including the staging area, are located within the MHPA.

4.7.2 IMPACT

Issue 1: Would the proposed project result in a reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals?

According to the City's Significance Determination Thresholds, biological impacts may be significant if the project would cause a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies, or regulations, or by the California Department of Fish and Game (CDFG) or U.S. Fish and Wildlife Services (USFWS).

The project site consists of a disturbed vacant lot, surrounded by existing development. There are no unique, rare, endangered, sensitive or fully protected species of plants or animals located within the project boundary. Development of the site would result in direct impacts to 41.20

acres of disturbed land. Disturbed land is considered a Tier IV (other uplands) habitat type by the City, and mitigation is not required. Due to the developed nature of the surrounding environment, development of the proposed project site would not result in indirect impacts to any unique, rare, endangered, sensitive, or fully protected species of plants or animals.

~~One special status bird species,~~ The California horned lark, has a high potential to nest on site. This species nests on the ground but typically places its nest near vegetation, which is limited on site. Development of the site could potentially impact this species during nesting if the site is graded during the breeding season, which typically occurs from March 15 until August 15 (Unitt 2004).

Off-Site Traffic Improvements

Offsite traffic improvements to Black Mountain Road north of Mercy Road include widening on the northbound lanes along the eastern side of the road (*Figure 4.7-2, Biological Resources-Off-Site Impact Map*). The widening activities would result in extending the pavement to the east approximately 7 feet at Mercy Road, tapering to meet the existing pavement approximately 600 feet north of the Mercy Road intersection. Construction would require a 10-foot-wide staging area. The off-site traffic improvements located along Black Mountain Road north of Mercy Road are located partially within the MHPA of the City's MSCP Subarea Plan (*Figure 4.7-2, Biological Resources-Off-Site Impact Map*). Los Peñasquitos Creek is located just north of the road improvements and a tributary to the creek is located just east of the proposed road improvement work area. The surrounding area is currently very urbanized and includes traffic and human activity from existing Black Mountain Road, Rancho Peñasquitos Equestrian Center, and Los Peñasquitos Canyon Preserve. Areas west of Black Mountain Road are not expected to be of concern due to the overall high level of human activity near the road.

As described in *Section 4.2*, off-site traffic improvements are required to mitigate for impacts to traffic from the proposed development of the project site. Improvements to Black Mountain Road north of Mercy Road include widening on the northbound lanes along the eastern side of the road (*Figure 4.7-2, Biological Resources-Offsite Impact Map*). The widening activities would result in extending the pavement to the east approximately 7 feet at Mercy Road, tapering to meet the existing pavement approximately 600 feet north of the Mercy Road intersection. Construction would require a 10-foot-wide staging area. All of the road improvements and required staging area would be located in a disturbed area devoid of vegetation. The off-site traffic improvements for the Casa Mira View project would not result in any direct impacts to sensitive biological resources (i.e., special-status plants or wildlife; jurisdictional waters; or wildlife corridors).

Los Peñasquitos Creek is located just north of the road improvements and a tributary to the creek is located just east of the proposed road improvement work area. No long-term indirect impacts

to off-site biological resources are anticipated. The surrounding area is currently very urbanized and includes traffic and human activity from existing Black Mountain Road, Rancho Peñasquitos Equestrian Center, and Los Peñasquitos Canyon Preserve. Areas west of Black Mountain Road are not expected to be of concern due to the overall high level of human activity near the road. The off-site traffic improvements associated with Black Mountain Road north of Mercy Road could result in indirect impacts to sensitive biological resources due to the fact that a portion of the traffic improvement is located within the MHPA of the City's MSCP Subarea Plan and that sensitive habitat is located within Los Peñasquitos Creek and the MHPA areas. These short-term indirect impacts could include dust, noise, lighting, sedimentation, erosion, and pollutant runoff. If raptors nest in trees located within 500 feet of the construction area, short-term indirect impacts could occur if construction takes place during the breeding season. Short-term impacts resulting from increased noise or human activity could occur to special-status wildlife occurring within the MHPA within 500 feet of the construction area. An MHPA boundary adjustment is not required or proposed by the project. The proposed road construction would include heavy equipment and concentrated human activity within and adjacent to the MHPA along the east side of Black Mountain Road. Therefore, construction of the proposed off-site traffic improvements could result in significant short-term indirect impacts to special-status wildlife species and sensitive vegetation communities.

4.7.3 SIGNIFICANCE OF IMPACT

Although no direct impacts would result due to construction at the Casa Mira View project site there is a potential for indirect noise impacts to result to nesting raptors on site. Direct impacts would be avoided through compliance with the Migratory Bird Treaty Act. Indirect noise impacts would be avoided during the breeding season through preconstruction surveys and adherence to appropriate noise buffer requirements.

The off-site traffic improvements would result in potential significant indirect impacts to the MHPA as a result of noise, lighting, dust, sedimentation, erosion, and pollutant runoff. Compliance with the Land Use Adjacency Guidelines would reduce indirect impacts to the MHPA to below a level of significance.

4.7.4 MITIGATION MONITORING AND REPORTING

The following mitigation measure shall be implemented to reduce potential impacts to the California horned lark to below a level of significance:

BIO-1 To avoid direct impacts to the California horned lark, which nests on the ground and could nest on site, nesting bird surveys shall be conducted within 72 hours of any vegetation clearing if development occurs between March 15 and August 15. If

occupied nests are present within 500 feet of the construction area, impacts to vegetation shall be avoided until the juvenile birds have fledged.

In addition, implementation of mitigation measures LU-1, LU-2 and LU-3 (see *Section 4.1, Land Use*) would reduce off-site short-term indirect significant impacts to special status wildlife species and sensitive vegetation communities to below a level of significance.

4.7.5 IMPACT

Issue 2: Would the proposed project result in interference with the nesting, foraging, or movement of any resident migratory fish or wildlife species?

According to the City's Significance Determination Thresholds, biological impacts may be significant if the project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors; including linkages identified in the MSCP Plan, or impede the use of native wildlife nursery sites.

Bird species potentially present on site may nest within the line of trees located along the eastern fence line. These potential nesting species include raptors and a variety of songbirds. These species are protected under the Migratory Bird Treaty Act (MBTA). Avoidance measures consistent with MBTA requirements are described below.

Off-Site Traffic Improvements

As mentioned in *Section 4.7.2*, off-site traffic improvements located along Black Mountain Road north of Mercy Road could result in short-term indirect significant impacts if raptors nest in trees located within 500 feet of the construction area and construction activities take place during the breeding season. Refer to *Section 4.7.4* for the identified mitigation measures.

4.7.6 SIGNIFICANCE OF IMPACT

Potential short-term construction related impacts could result to bird species nesting in the line of trees located along the eastern edge of the project site. Significant impacts would result if grading activities occur during the breeding season of this species.

4.7.7 MITIGATION MONITORING AND REPORTING

Implementation of mitigation measures BIO-1, BIO-2, and BIO-3 would reduce the potential significant impact on nesting birds to below a level of significance:

BIO-2 If the site has a potential to support nests and nesting raptors are present during grading and/or construction activities, compliance with the Migratory Bird Treaty Act/Section 3503 would preclude the potential for direct impacts.

BIO-3 If there is a potential for indirect noise impacts to nesting raptors, prior to any grading within the development area during the raptor breeding season (~~February 1~~ January 15 through ~~September~~ August 15) the biologist shall ensure that no raptors are nesting. If construction occurs during the raptor breeding season a preconstruction survey shall be conducted and no construction shall be allowed within 300 to 500 feet of any identified nest(s) until the young fledge. Should the biologist determine that raptors are nesting, an active nest shall not be removed until after the breeding season.

The following mitigation measure would reduce potential off-site impacts to nesting birds along the Black Mountain Road off-site traffic improvement area to less than significant:

BIO-4 To avoid indirect impacts to raptors nesting in adjacent trees east of the work area, a nesting raptor survey shall be conducted by a qualified biologist within 72 hours prior to the start of grading if construction occurs between January 15 and August 15. If occupied nests are present within 500 feet of the construction area, construction must be avoided to the 500-foot buffer area around the nest until the juvenile birds have fledged.

4.7.8 IMPACT

Issue 3: Would the proposed project result in an impact to sensitive habitat (including but not limited to streamside vegetation, wetlands, coastal sage scrub, annual non-native grasses)?

According to the City's Significance Determination Thresholds, biological impacts may be significant if the project would cause a substantial adverse impact on more than 0.01 acre of wetlands (including but not limited to marsh, vernal pool, riparian, etc.) through direct removal, filling, hydrological interruption, or other means.

The project site consists of a total of 41.48 acres of disturbed land within both on- and off-site areas. Disturbed land is considered a Tier IV (other uplands) habitat type for which mitigation is not required. No special-status plant species are present or expected on or off site. No direct impacts to special-status plant species would result from the development of the project. In addition, no jurisdictional waters or vernal pools are located on site, and based on existing conditions, there is no future potential for vernal pools to exist on site. Therefore, no direct impacts to jurisdictional waters or vernal pools would result from the proposed project. Due to the built-up nature of the surrounding environment, indirect impacts to sensitive habitats are not expected.

4.7.9 SIGNIFICANCE OF IMPACT

No direct or indirect impacts to sensitive habitats would result from implementation of the project.

4.7.10 MITIGATION MONITORING AND REPORTING

No mitigation measures are required.

4.7.11 IMPACT

Issue 4: Would the proposed project result in the introduction of invasive species of plants into the area?

According to the City's Significance Determination Thresholds, biological impacts may be significant if the project would cause an introduction of invasive species of plants into a natural open space area.

A landscape plan has been prepared for the proposed project and is included as *Figure 3.2-5a, Landscape Plan,* and *Figure 3.2-5b, Landscape Plan Legend and Notes*. The plant pallet identified in the conceptual landscape plan does identify a few invasive species (e.g., Mexican fan palm, date palm (*Phoenix dactyifera*) and English holly (*Ilex species*)). However, since the areas surrounding the project site are developed and no open space areas or designated MHPA areas are located within the vicinity of the project area, potential impacts associated with the introduction of invasive species would be less than significant. The project's landscape plan has been reviewed by the City Landscape staff and would comply with all applicable City of San Diego landscape ordinances and standards.

Off-Site Traffic Improvements

No landscaping is proposed in association with the off-site traffic improvements. Therefore, the project would not introduce invasive species in this area. No impact would result.

4.7.12 SIGNIFICANCE OF IMPACT

No impacts would result from implementation of the project.

4.7.13 MITIGATION MONITORING AND REPORTING

No mitigation measures are required.

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4.7.14 IMPACT

Issue 5: Would the proposal affect the long-term conservation of biological resources as described in the MSCP or any other local, regional, or statewide conservation plans?

According to the City's Significance Determination Thresholds, biological impacts may be significant if the project would:

- Cause a conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan, either within the MSCP plan area or in the surrounding region
- Introduce land use within an area adjacent to the MHPA that would result in adverse edge effects
- Cause a conflict with any local policies or ordinances protecting biological resources
- Cause a substantial adverse impact on any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats or Tier IIIB Habitats as identified in the Biology Guidelines of the Land Development Manual or other sensitive natural community identified in local or regional plans, policies, regulation or by the CDFG or USFWS.

The project site is not part of a habitat or wildlife corridor. The proposed project site is within an area designated as "Development Area" in the City of San Diego's Subarea Plan; it has not been identified as a strategic preserve nor is it located within or adjacent to the MHPA (City of San Diego 1997). Development of the site would not affect existing habitat linkages or corridors, or other long-term conservational efforts of biological resources.

Off-Site Traffic Improvement

As discussed above in *Sections 4.7.2* and *4.7.4*; the off-site traffic improvements could result in indirect impacts to sensitive biological resources since a portion of the traffic improvements are located within the MHPA of the City's MSCP Subarea Plan.

4.7.15 SIGNIFICANCE OF IMPACT

The project site would not affect the long-term conservation of biological resources as described in any local, regional, or statewide conservation plan. Therefore, no conflicts to such plans would result, and no impacts would occur.

The off-site traffic improvements would result in potential significant short-term indirect impacts to the MHPA as a result of noise, lighting, dust, sedimentation, erosion, and pollutant runoff.

4.7.16 MITIGATION MONITORING AND REPORTING

Implementation of mitigation measures LU-1, LU-2 and LU-3 would reduce off-site short-term indirect significant impacts to special status wildlife species and sensitive vegetation communities to below a level of significance. No other mitigation measures are required.

4.8 AESTHETICS, NEIGHBORHOOD CHARACTER, AND VISUAL QUALITY

4.8.1 EXISTING CONDITIONS

On-Site Land Use

The project site is currently undeveloped but has been graded by the previous owner of the property in conjunction with neighboring development (refer to *Figure 2.2-1, Aerial Photograph*). The site has also been used as a temporary spoil/stockpile site for surrounding development projects. Two desilting basins were constructed during this process and are located at the northwest and southwest corners of the site.

Off-Site Land Use

As discussed in *Section 2.3, Surrounding Land Uses* of this EIR and illustrated in *Figure 2.3-1, Existing Land Uses*, existing development and major transportation corridors surround the project site. Single-family residential subdivisions are located to the north and northwest of the project site. A neighborhood park (Westview Park) and Hage Elementary School are located across the street on the west side of Westview Parkway. South of the site is Mesa Shopping Center and an existing park and ride facility maintained by Caltrans. Along the easterly property line is Interstate 15 (I-15).

Neighborhood Character

Since its annexation to the City in the 1950s, Mira Mesa has grown into the largest community in the City of San Diego (City of San Diego 1992). In the late 1960s, a housing-boom occurred in the area that extends from I-15 in the east to I-805 in the west. The proposed project site is the only substantial undeveloped contiguous land located north of Mira Mesa Boulevard. *Figure 4.1-4, Mira Mesa Community Recommended Residential Densities* identifies the project site as "medium-high density." This is the highest residential density range proposed in the community. In describing its medium-high density land use designation, the Mira Mesa Community Plan states that "this is the highest residential density range proposed in Mira Mesa. Areas designated for medium-high density consist of relatively large parcels that offer wide latitude in site design and building type. Medium-high density is proposed for sites that are convenient to freeways, major streets, public transit, commercial services, and recreational uses" (City of San Diego 1992). In the project vicinity, the neighborhood character can best be described as a suburban node with mid-rise and low-rise structures. Residential uses are generally within walking distance to schools, shopping areas, and recreation. Existing development immediately adjacent to the project area includes an elementary school, a neighborhood park, low-density residential, and a large commercial center, with a major transportation corridor just to the east. Together, this

mix of land uses promotes walkability. As such, while the neighborhood character is suburban by nature, it possesses many of the traits of a dense urban area.

The Mira Mesa Community Plan envisioned the junction of Mira Mesa Boulevard and I-15 as developing into one of the densest areas in the entire community, allowing up to 45 residential dwelling units per acre (City of San Diego 1992). By design, various land uses are clustered in this area, as previously described.

Light, Glare, and Shading

The project is in a built-up area where night lighting is a common feature. Light sources in the area include street lights, building lighting, illuminated signs, security lighting, sidewalk lighting, and parking lot lighting at the commercial center just south of the project site. There is currently no lighting on the project site. The subject property is not shaded by any structures, and there is no substantial glare in the project area.

Local Regulations

Height Regulations

The underlying zoning for the project site is designated as residential-multiple unit zone (RM-3-7). Section 131.0429 of the San Diego Municipal Code (2000) indicates a maximum structure height of 40 feet for RM-3-7 zones. The project is proposing a rezone from RM-3-7 to RM-3-8. This zone change would allow the maximum building height to increase from 40 to 50 feet. By introducing four different roof designs and various architectural features and elements into the overall building design, the maximum height of the structures is 63 feet above finish grade level. However, the City calculates building height by computing from existing grade or finished grade, whichever is lower. In order to make the site more level, up to 20 feet of fill is required in some places. Under the City's definition of height, the buildings could be as high as 80 feet, but the buildings would actually only be 63 feet above finished ground level. A deviation is being processed to address this technicality.

Lighting Regulations

Lighting within the City of San Diego is controlled by the City of San Diego's Outdoor Lighting Regulations per Section 142.0740 of the Municipal Code. The City's Outdoor Lighting Regulations are intended to protect surrounding land uses as well as astronomical activities at the Palomar and Mt. Laguna observatories from excessive light generated by new development. The applicable Outdoor Lighting Regulations require that outdoor light fixtures associated with new multifamily development include:

- Outdoor lighting fixtures that are used to illuminate a premise or an architectural feature on private property shall be directed or shaded so that light does not fall onto surrounding properties or create glare hazards within public rights-of-way.
- All outdoor lighting, including search lights, shall be turned off between 11:00 PM and 6:00 AM except:
    - Outdoor lighting used for security purposes or to illuminate walkways, roadways, equipment yards, and parking lots may remain lighted after 11:00 pm only when low pressure sodium outdoor lighting fixtures are used.

Outdoor lighting used to illuminate recreational activities that are not in a residential zone may continue after 11:00 PM only when equipped with automatic timing devices and shaded to minimize light pollution.

Glare Regulations

Glare within the City of San Diego is controlled by the City of San Diego's Municipal Code 142.0730. The City's Glare Regulations include the following:

- A maximum of 50 percent of the exterior of a building may be comprised of reflective material that has a light reflectivity factor greater than 30 percent.

Reflective building materials shall not be permitted where the City Manager determines that their use would contribute to potential traffic hazards, diminished quality of riparian habitat, or reduced enjoyment of public open space.

4.8.2 IMPACT

Issue 1: Would the project result in a project bulk, scale, materials, or style that would be incompatible with surrounding development?

Issue 2: Would the project result in substantial alteration to the existing character of the area?

According to the City's Significance Determination Thresholds (2007), neighborhood character impacts may be significant if the project would:

- Exceed the allowed height or bulk regulations and existing patterns of development in the surrounding area by a significant margin
- Have an architectural style or use building materials in stark contrast to adjacent development where the adjacent development follows a single or common architectural theme

- Result in the loss, isolation, or degradation of a community identification symbol or landmark (i.e., a stand of trees, coastal bluff, historic landmark), which is identified in the General Plan, applicable community plan or coastal program
- Substantially conflict with the natural topography or visual character of the area by creating an architectural style that is in stark contrast with the surrounding environment through excessive bulk, signage, or architectural features
- Be located in a highly visible area (e.g., on a canyon edge or adjacent to an interstate highway) and would strongly contrast with the surrounding development or natural topography through excessive bulk, signage, or architectural projects
- Propose a land use type which is substantially different from the surrounding area.

Neighborhood Character

The project would be built consistent with existing patterns of development in the surrounding area. As described above in *Section 4.8.1, Existing Conditions*, the existing neighborhood consists of single-family residential uses to the north; I-15, business, commercial, and residential uses to the east; big box commercial uses to the south; and educational and neighborhood facilities to the west. As such, the proposed denser multifamily residential project would provide a transitional use between the transportation corridor of I-15 and the business and big box commercial uses in the east and south as well as the single-family residential uses, educational facility, and neighborhood park to the north and west. The multifamily residential project would not conflict with existing patterns of dense, mixed-use development in the neighborhood. Therefore, the project would not result in a land use type which is substantially different from the surrounding area or result in substantial alteration to the existing character.

The area surrounding the project does not have a particular theme or style, but rather represents a composite of characteristics created by the individual development types that occur in the project vicinity. Each of the three proposed residential buildings would be constructed to include a mixture of four architectural styles: Modern Mediterranean, Modern Italian, Spanish, and Eclectic. The proposed mixture of architectural styles, building materials, paint colors, and landscaping would be used together to provide a unique character for each of the proposed residential buildings. The project would be consistent with the surrounding environment, and would not result in a stark contrast to the surrounding development in the area. The project site is currently located in the City's RM-3-7 zone, which has a maximum allowable height of 40 feet. The applicant has requested that the site be rezoned as RM-3-8, which has a maximum allowable height of 50 feet. As discussed above, the proposed buildings would be 63 feet above finished ground level; however, according to the City's definition of height, due to the existing graded slope consisting of up to approximately 20 feet, the buildings could be as high as 80 feet. This is

greater than the height of surrounding buildings and it exceeds the City's height requirement for both RM-3-7 and RM-3-8 zones. The developer has applied for a Planned Development Permit (PDP), which would allow a deviation from the City's height requirement.

It is noted that the City's Draft General Plan's Urban Design Element, Policy B.1a states that, "taller or denser development is not necessarily inconsistent with older, lower-density neighborhoods but must be designed with sensitivity to existing development. For example, new development should not cast shadows or create wind tunnels that will significantly impact existing development and should not restrict vehicular or pedestrian movements from existing development." This project has been designed with a large 85-foot side yard set back along the north property line. As analyzed below, the project would not create shadows that would significantly impact the existing surrounding development. Also, due to the design, the project would not restrict vehicular or pedestrian movement from existing development. Therefore, with City review and approval of the proposed zone change, PDP and deviation, the project is consistent with surrounding land uses, the majority of the goals and policies of the related plans, and is consistent with existing patterns of development in the project vicinity.

The project also proposes to construct noise walls adjacent to the recreational areas. An 8-foot tall, 419-foot-long noise wall would be constructed just outside the 5-foot rear yard set back area between the northern recreational area and I-15. I-15 is not designated as a scenic corridor; therefore, construction of an 8-foot noise wall located along I-15 would not result in a significant visual impact. A second 8-foot tall (440 feet long) noise wall would be constructed along the eastern and southern portions of the southern recreational area which is set back 5-feet from the property line, adjacent to an existing Caltrans park and ride facility located immediately south of the site. Since the noise walls would be located in set back areas and would exceed 6 feet in height and/or 50 feet in length, a deviation is required. However, due to existing uses located adjacent to this noise wall (i.e., park and ride facility, commercial uses and Mira Mesa Boulevard, which is not designated as a scenic roadway) impacts from the proposed noise walls would be less than significant. It is also noted that Boston ivy, creeping fig, and project trees such as Carolina cherry, Goldenrain (Koelreuteria paniculata), and/or Bradford pear (*Pyrus calleryana*) would be planted along both noise walls to further reduce visual impacts of these project features.

The bulk of the buildings on the project site would be greater than the existing development in the project area; however, it would be located in an area that includes transportation corridors and big box commercial uses. In addition, each residential building would incorporate a unique mixture of the four different architectural styles which would further breakdown the scale of each building by the use of comparison and contrast. It is noted that each architectural style has different roof lines which creates variety at a distance on the upper skyline of the buildings, and the varying color palette of each style serves to further enhance variety at the pedestrian scale.

The project would be located in a highly visible area, adjacent to I-15. Views to the project site would mainly be afforded from motorists traveling along I-15, Mira Mesa Boulevard, Westview Parkway, Capricorn Way, Dauntless Street, Avenger Road, and Spitfire Road. In addition, the project site would be viewed from the adjacent surrounding land uses. However, the development would not strongly contrast with the surrounding development or the natural topography of the area, due to the developed nature of the surrounding area and the limited amount of undisturbed topography in the project vicinity. While the project would provide bulk and height to the area, due to its location adjacent to big box commercial uses and I-15, the project would be largely consistent with the surrounding visual character.

Visual simulations were prepared from six viewpoints to represent a range of visual conditions and sensitive views that occur in the project area. The viewpoints were identified based on the viewshed from which the project is likely to be seen. The viewpoints, including a key to the photo locations, are illustrated in *Figures 489-1* through *4.8-7*. The change in visual character at each of the viewpoints is discussed below. For each viewpoint, landscaping is shown at approximately 50 percent maturity.

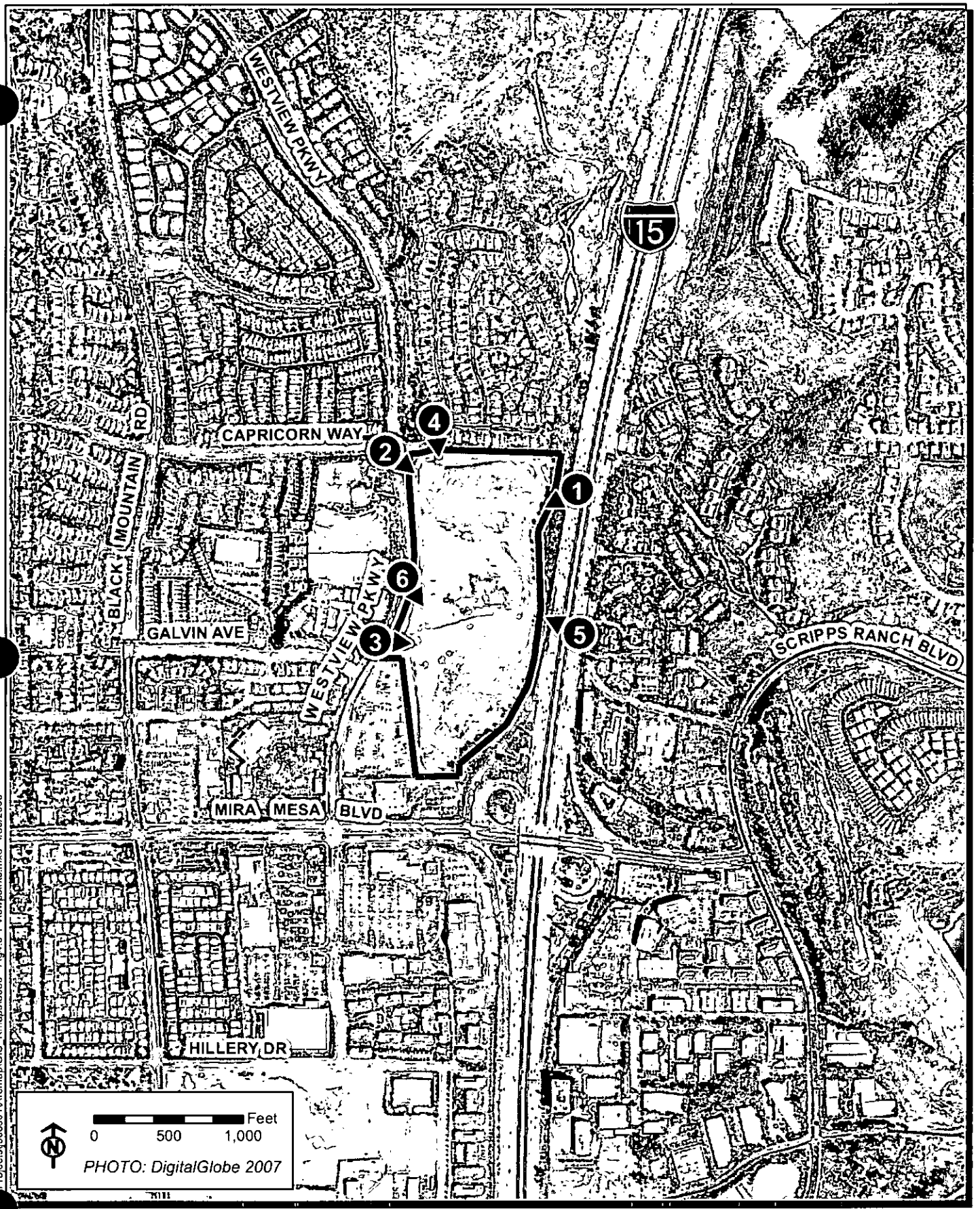
Viewpoint No. 1 – Southbound I-15. Views from southbound I-15 consist of an existing ditch, a disturbed slope and vacant lot, and existing trees at the head of the slope. Westerly views for I-15 travelers currently include a vacant graded site, but for most I-15 views of the immediately surrounding area, views are of large scale development including residential and commercial uses. As shown in *Figure 4.8-2, Viewpoint 1*, with implementation of the project, travelers along southbound I-15 would have direct views to the proposed residential structures. The project would be visible to I-15 travelers for approximately 10 to 15 seconds given typical freeway travel speeds. While the project would represent an increase of mass and bulk, architectural design and landscaping would soften views. Also, views would be brief and not substantially different from views of surrounding areas of Mira Mesa from I-15. Therefore, the project would not substantially degrade the existing visual character or quality of the site or surroundings.

Viewpoint No. 2 - Westview Parkway/Capricorn Way. Southeasterly views of the project site from the intersection of Westview Parkway and Capricorn Way currently consist of an approximately 20-foot graded slope leading up to a vacant lot. As shown in *Figure 4.8-3, Viewpoint 2*, once the project is constructed, travelers along this intersection would view landscaping on the slope with residential structures in the background. The visual contrast would be strong, but the setback of the proposed structures and the quantity and breadth of proposed trees and other landscape materials proposed along the graded slope would soften the views from this viewpoint. Architectural features of the project including varying rooflines, colors, and design serve to provide visual interest and break up the scale of the project. Views from Westview Parkway would block existing views of I-15, and would not be out of character

with the typically suburban views of the Mira Mesa community. Overall, the project would not result in a substantial alteration to the existing visual character or quality of the area, and would not be incompatible with surrounding development.

Viewpoint No. 3 – Westview Parkway. This viewpoint is located just north of Galvin Avenue along Westview Parkway looking east towards the project site. Existing views from this viewpoint consist of a disturbed graded slope of approximately 20 feet, with construction erosion control features such as straw matting and silt fencing, rising up to a vacant lot. As illustrated in the visual simulation of this viewpoint, once the project is constructed, views would change from a vacant graded lot to that of the project's clubhouse, softened by an array of landscaping (*Figure 4.8-4, Viewpoint 3*). The visual contrast would be moderate to strong, but the slope and setback of the proposed structures, and the quantity and breadth of proposed trees and other landscape materials proposed along the graded slope would soften the views from this viewpoint. Views would be consistent with the character of the Mira Mesa community. Overall, the project would not result in a substantial alteration to the existing visual character or quality of the area, and would not be incompatible with surrounding development.

Viewpoint No. 4 – Capricorn Way. Capricorn Way represents views from travelers along this roadway and the single-family residential development located immediately north of the project site. Views from this viewpoint currently consist of trees, and a graded slope of approximately 20 feet in height, rising up to a vacant lot. As shown in *Figure 4.8-5, Viewpoint 4*, once the project is constructed, travelers along Capricorn Way would see the proposed landscaping (shown at 50 percent maturity) and proposed residential structures. Mini-parks and play areas are proposed between the massing of the residential units. Once the proposed landscaping has reached full maturity, residents located immediately north of the project site would not have direct views to the structures due to the difference in topography and the existing and proposed landscaping located between these two uses (see *Figure 3.2-6c, Landscape Elevations*). Short-term views from this viewpoint would result in a strong contrast and over time, would be softened and enhanced by project landscaping. Views would be consistent with the character of the Mira Mesa community. Overall, the project would not result in a substantial alteration to the existing visual character or quality of the area, and would not be incompatible with surrounding development.



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Viewpoint Photos Key Map

FIGURE 4.8-1

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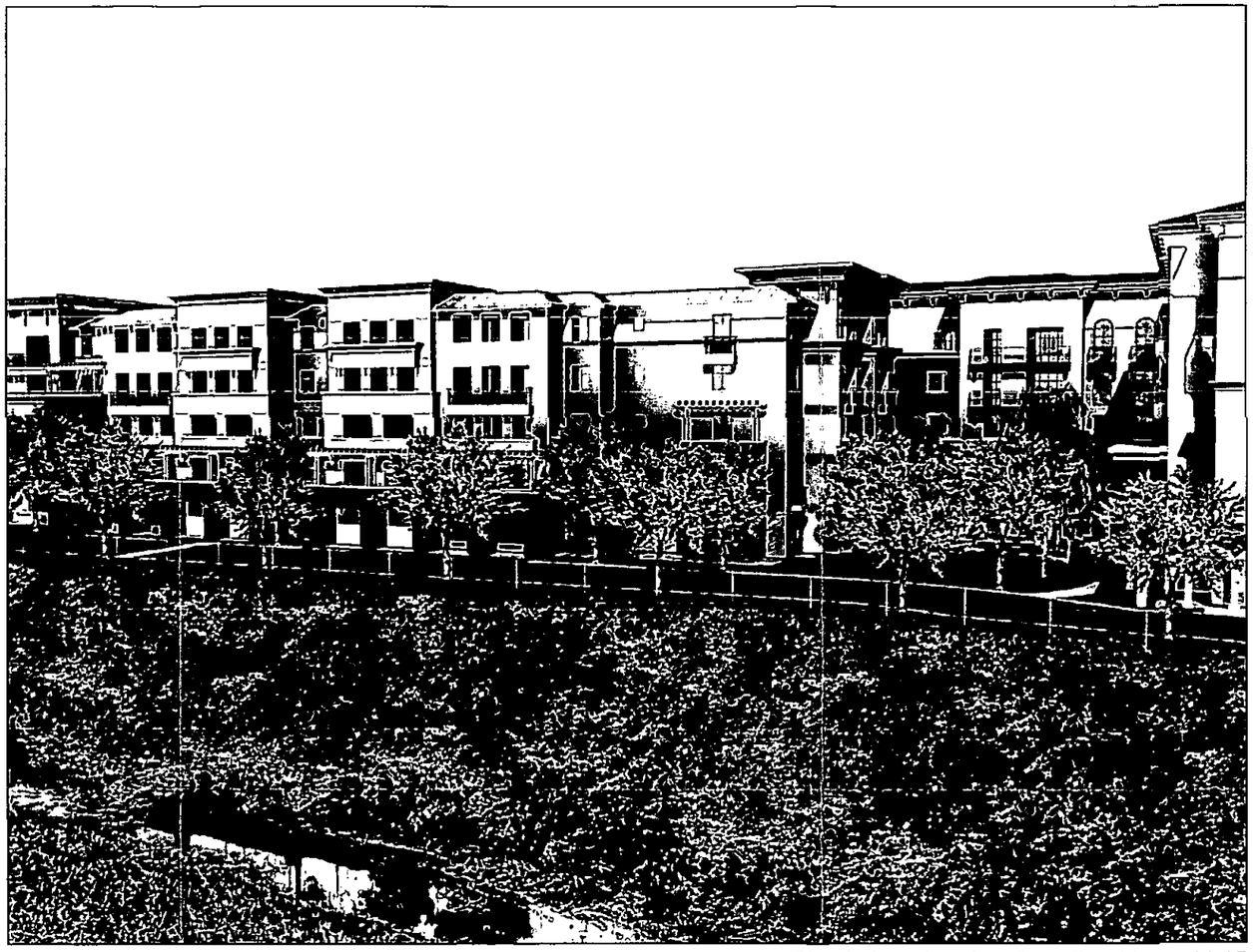
Existing view from Southbound I-15



Simulation of project from Southbound I-15

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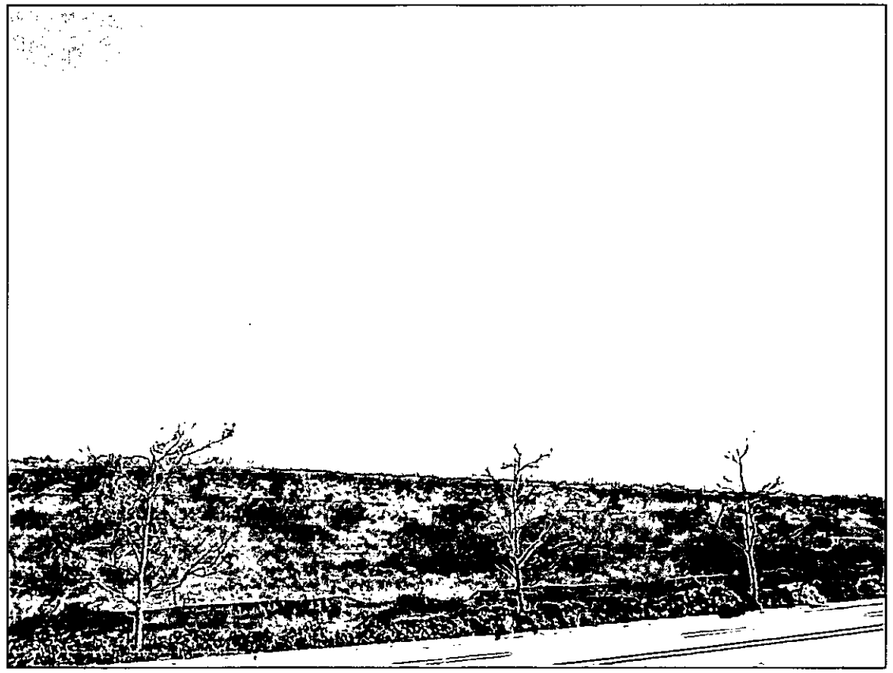
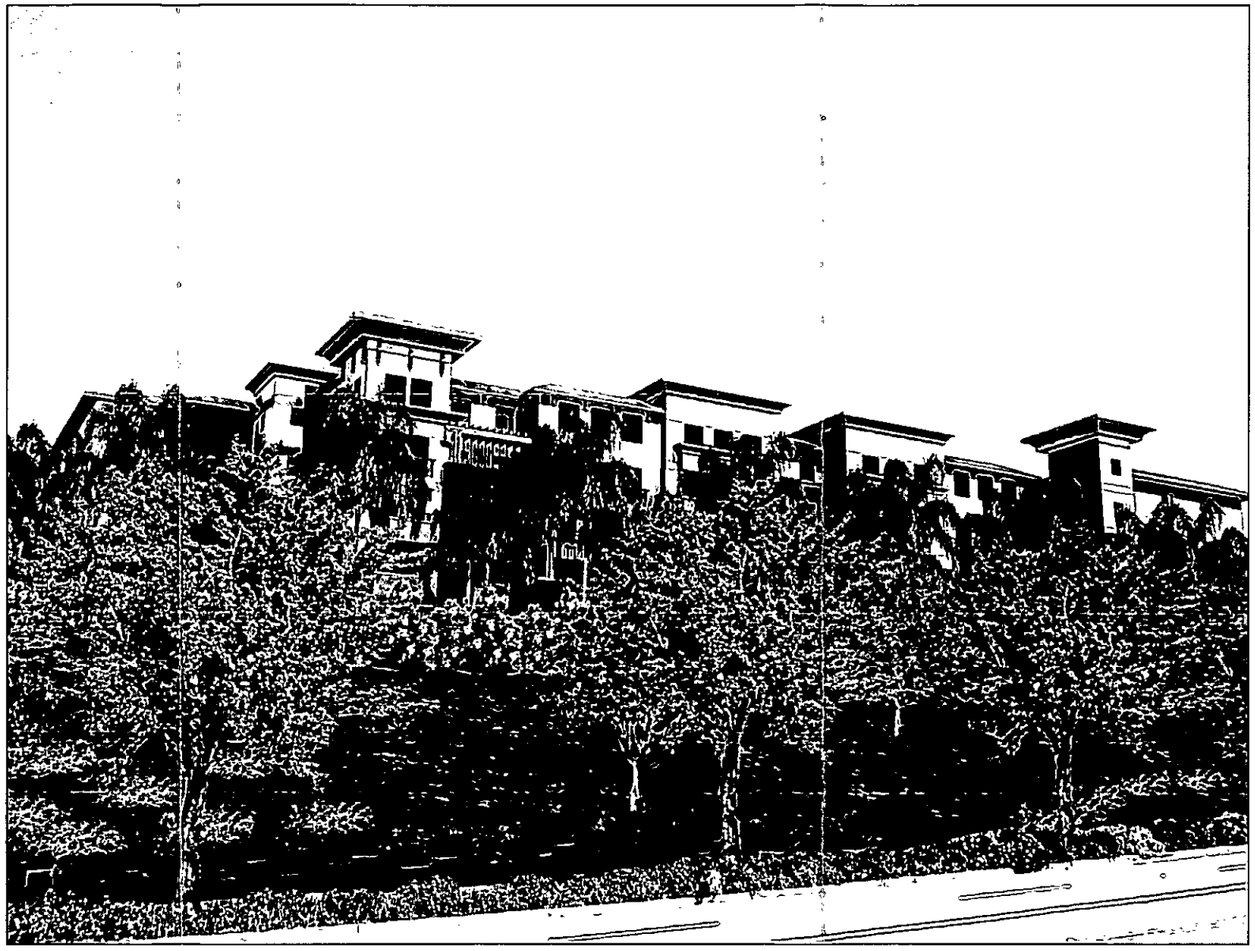
Viewpoint 1 - View from Southbound I-15

FIGURE 4.8-2



Existing view from the intersection of Westview Parkway and Capricorn Way - Looking Southeast



Simulation of project from the intersection of Westview Parkway and Capricorn Way, showing landscaping at 50 percent maturity

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FIGURE 4.8-3

Viewpoint 2 - View from Westview Parkway/Capricorn Way Intersection - Looking Southeast

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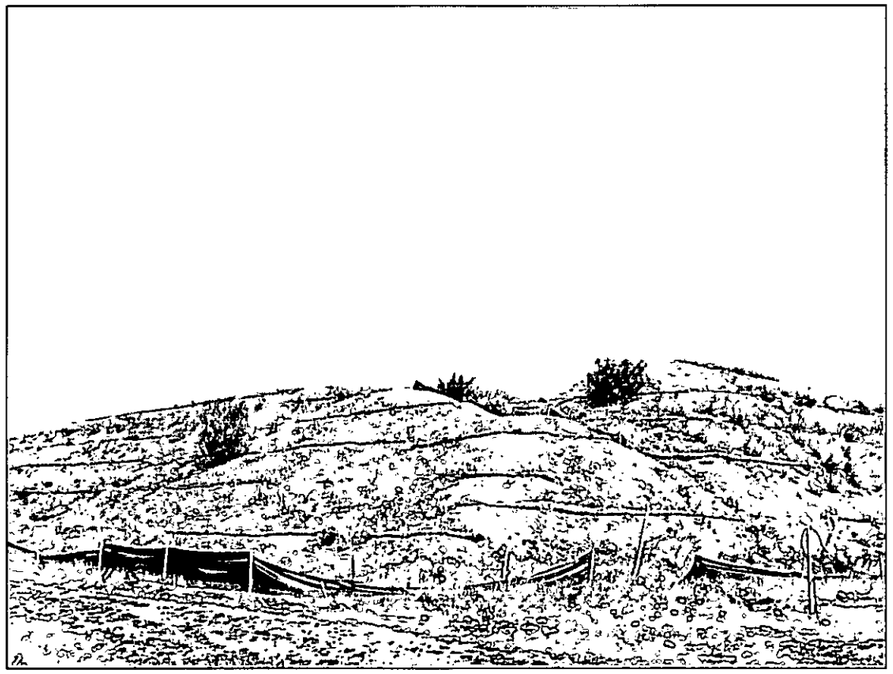
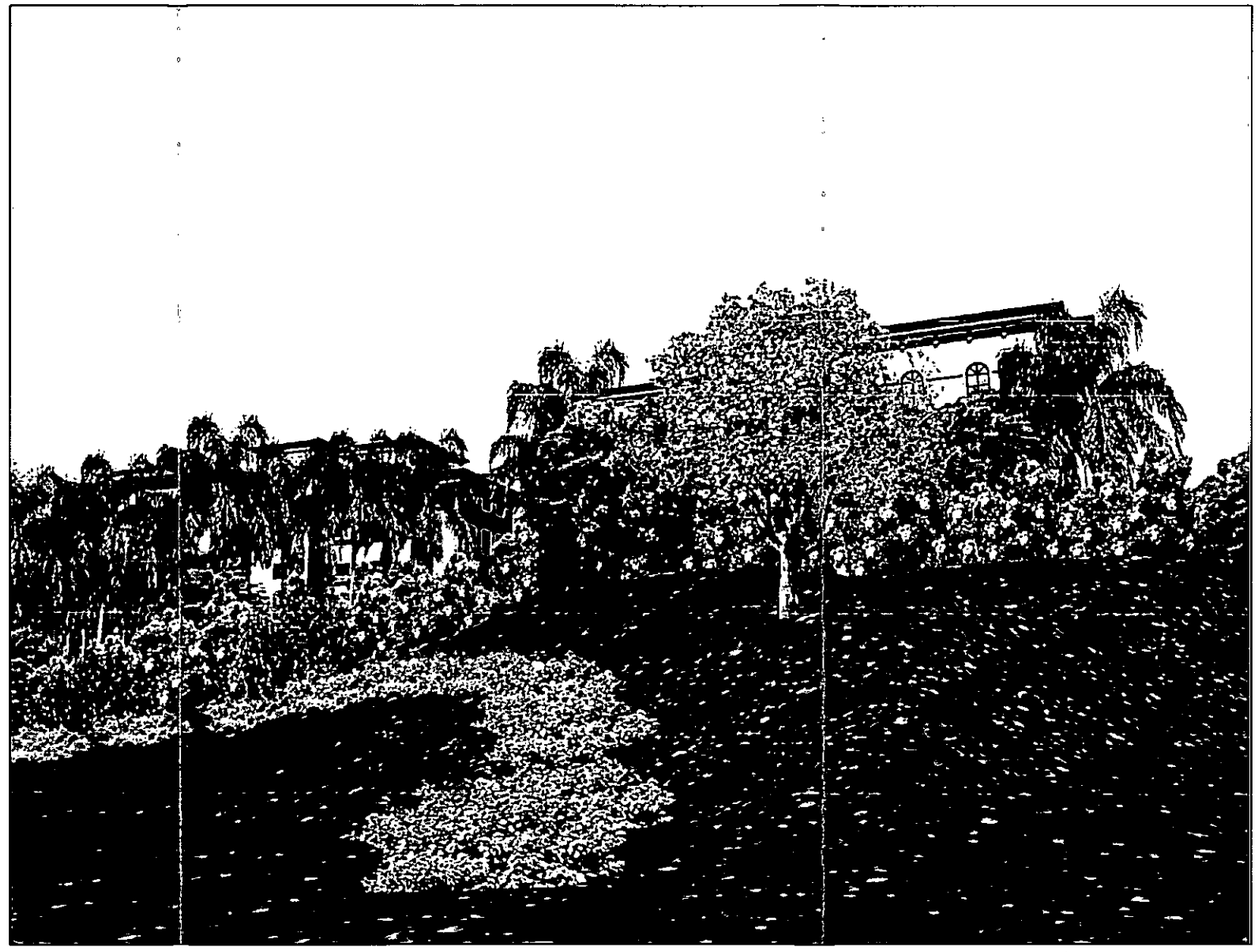


Existing view from Westview Parkway, looking east



Simulation of project from Westview Parkway, showing landscaping at 50 percent maturity

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Viewpoint 3 - View from Westview Parkway Looking East

FIGURE 4.8-4

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Existing view from Capricorn Way

Simulation of project from Capricorn Way, showing landscaping at 50 percent maturity

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Viewpoint 4 - View from Capricorn Way

FIGURE 4.8-5

Viewpoint No. 5 – Northbound I-15. *Figure 4.8-6, Viewpoint 5*, shows views from motorists traveling northbound on I-15. In addition, this viewpoint represents views from local streets and the residential community located immediately east of I-15. Prior to the development of the project, westerly views from northbound I-15 consist of southbound I-15 including signage, the existing row of trees along the project site, and the skyline. As shown in *Figure 4.8-6, Viewpoint 5*, once the project is constructed, travelers along I-15 would see the proposed development with additional landscaping between the development and I-15. Views would be afforded for approximately 10 to 15 seconds given typical freeway speeds. As previously stated, westerly views from I-15 of the Mira Mesa Community consists of large scale development including residential and commercial uses, and implementation of the Casa Mira View project site would not represent a substantial alteration in character of the community. For these reasons, the project would not result in a substantial alteration to the existing visual character or quality of the area, and would not be incompatible with surrounding development.

Views from existing residents located on the hilltop to the east would have direct views to the roofs of the development; however, these views would be approximately 450 feet from the project site, across I-15, and would be distant. It is also noted that the rooftop equipment would be organized, symmetrically coordinated, and that the surface color would blend in with the surrounding building colors. This distant westerly view across I-15 would represent a change from that of a developed suburban area with a vacant lot, to that of a flow of continuous development along I-15. From this perspective, the project would blend in with the existing pattern development, and would not result in a substantial alteration to the existing visual character or quality of the area or be incompatible with surrounding development.

Viewpoint No. 6 – Westview Parkway. This viewpoint is located along Westview Parkway between Hage Elementary School and Westview Park and represents public views of the project site from the west, including those for travelers along Westview Parkway. This viewpoint also represents views from students, staff, and visitors at Hage Elementary School. Views currently consist of a Westview Parkway and associated landscaping, and a disturbed graded slope leading up to a vacant lot. As illustrated in the visual simulation of this viewpoint, once the project is constructed, views would change to a multistory residential development including its entrance, landscaping, residential structures, and clubhouse (see *Figure 4.8-7, Viewpoint 6*). The visual change would be strong, but views would be consistent with the character of the Mira Mesa community. Also, the slope and setback of the proposed structures, and the quantity and breadth of proposed trees and other landscape materials would soften the views from this viewpoint. Overall, the project would not result in a substantial alteration to the existing visual character or quality of the area, and would not be incompatible with surrounding development.

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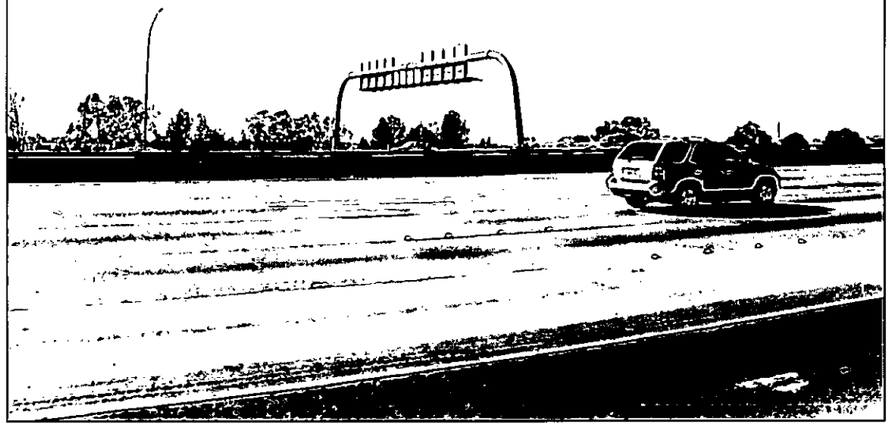
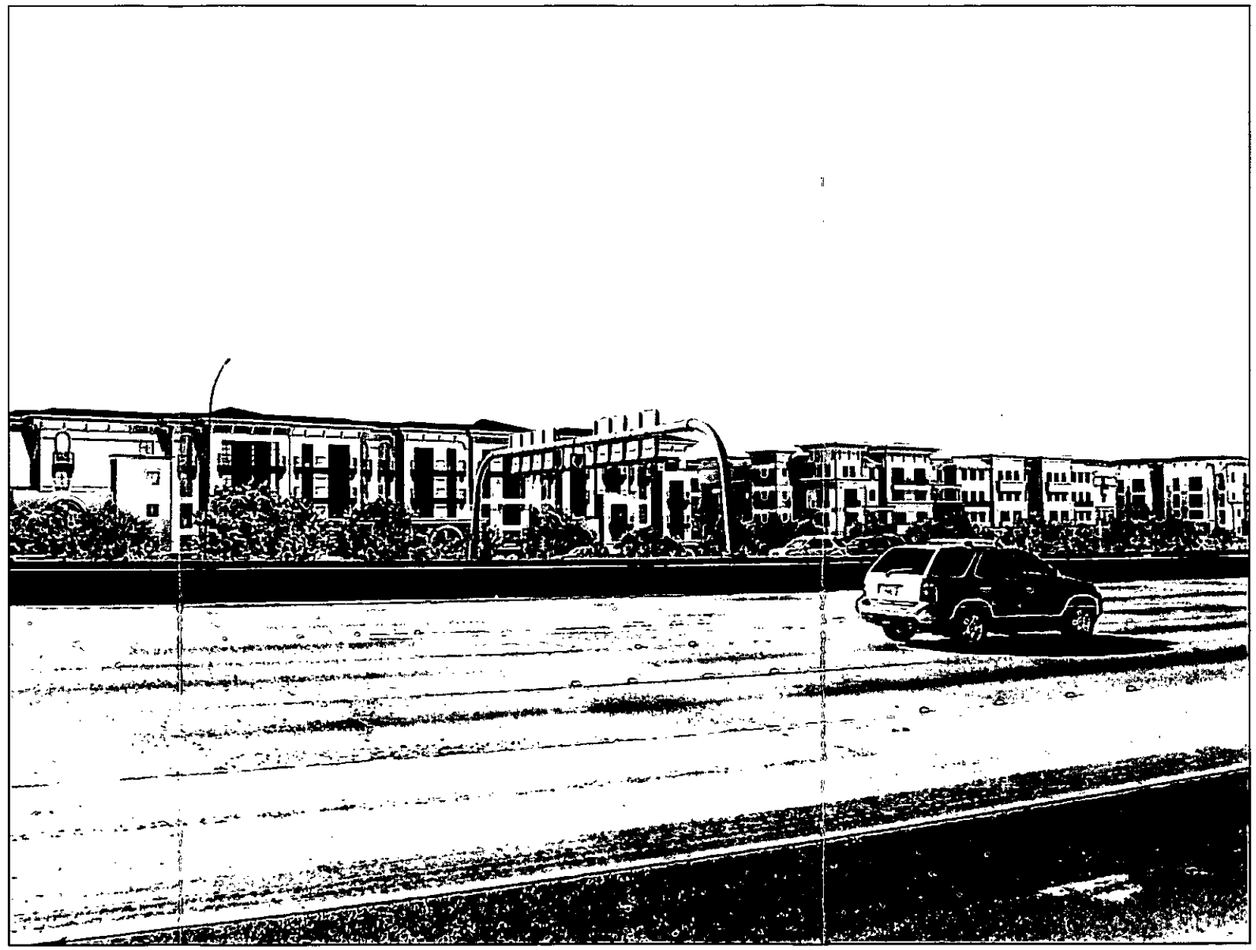


Existing view from Northbound I-15



Simulation of project from Northbound I-15

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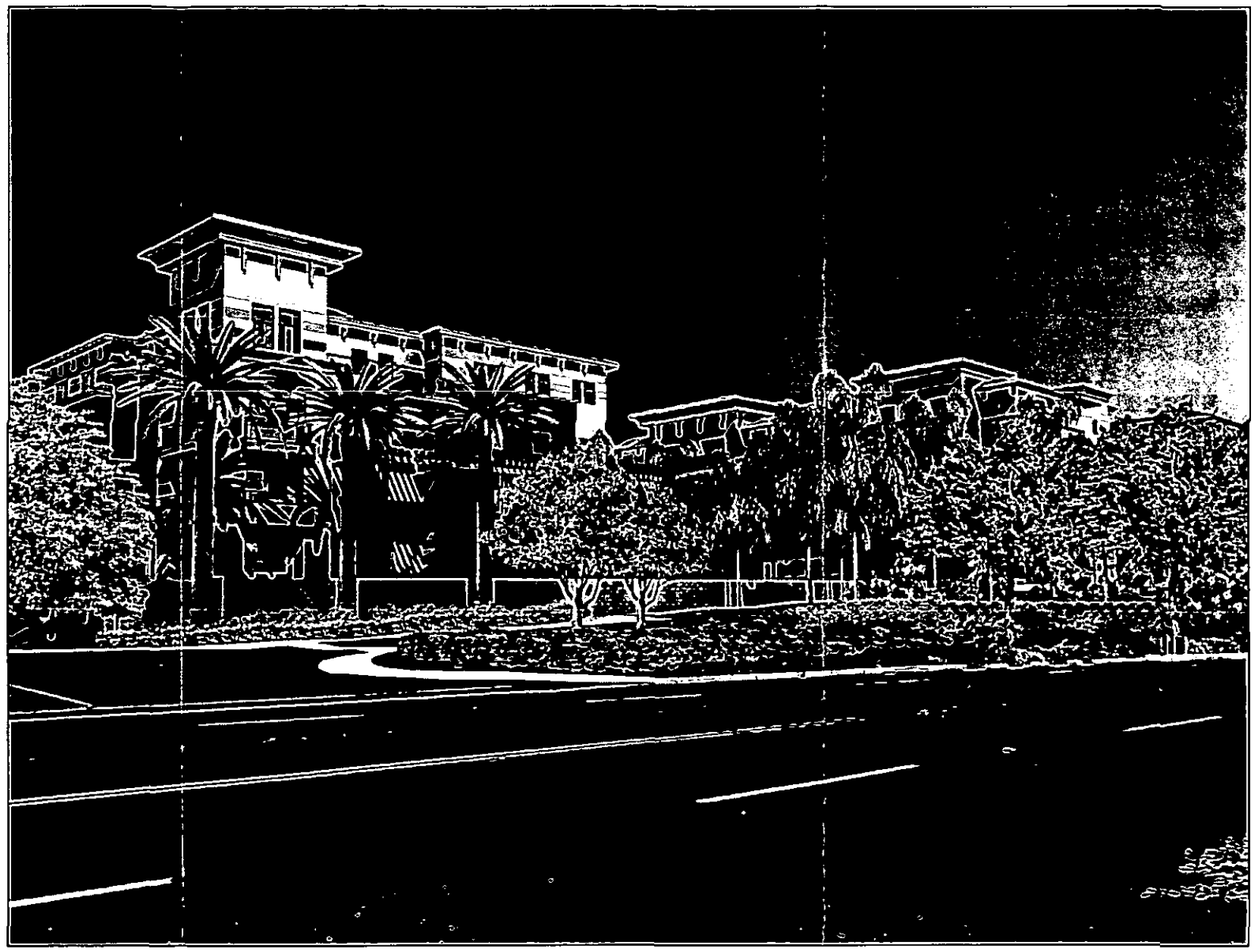
Viewpoint 5 - View from Northbound I-15

FIGURE 4.8-6

Existing view from Westview Parkway, looking southeast



Simulation of project from Westview Parkway, showing landscaping at 50 percent maturity

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Viewpoint 6 - View from Westview Parkway Looking Southeast

FIGURE 4.8-7

The project site is currently vacant and does not contain any community identification symbols or landmarks.

4.8.3 SIGNIFICANCE OF IMPACT

The project would be consistent with existing patterns of development and impacts would be less than significant.

4.8.4 MITIGATION MONITORING AND REPORTING

No mitigation measures would be required.

4.8.5 IMPACT

Issue 3: Would the project result in the obstruction of any vista or scenic view from a public viewing area?

According to the City's Significance Determination Thresholds (2007), aesthetic/visual quality impacts may be significant if the project would:

- Block a view through a designated public view corridor as shown in an adopted community plan, the General Plan, or the Local Coastal Program
- Cause substantial view blockage of a public resource (such as the ocean)
- Exceed the allowed height or bulk regulations, resulting in a view blockage.

Visual Resources

The project site is not identified in the Community Plan, General Plan, or Local Coastal Program as being located within a designated public view corridor. There are no public resources in the area that would be potentially blocked by the project. Residential neighborhoods surrounding the Miramar Reservoir in Miramar Ranch and Scripps Ranch have the potential for long-distance ocean views on clear days; however, the proposed project would not interfere with these viewsheds. Existing views to Miramar Reservoir are not obtainable from the project site or from the immediately surrounding area due to existing development and the topography of the project area; therefore the project would not result in a view blockage to Miramar Reservior. The project would block views from the adjacent school, park, and residential uses to I-15 and the adjacent developed hillside; however, there are no designated scenic resources or view corridors within this area. It is noted that Boston Ivy, creeping fig, and project trees such as Caroline cherry, Goldenrain and/or Bradford Pear would be planted along both noise walls to further reduce visual impacts of these project features.

4.8.6 SIGNIFICANCE OF IMPACT

The project would not result in significant adverse impacts on scenic vistas or scenic views.

4.8.7 MITIGATION MONITORING AND REPORTING

No mitigation measures would be required.

4.8.8 IMPACT

Issue 4: Would the proposal create substantial light, glare, or shading?

According to the City's Significance Determination Thresholds (2007), light, glare and shading impacts may be significant if the project would:

- Be moderate to large in scale--more than 50% of any single elevation of a building's exterior is built with a material with a light reflectivity greater than 30%, and the project is adjacent to a major public roadway or public area
- Shed substantial light onto adjacent property or would emit a substantial amount of ambient light into the nighttime sky
- Conflict with the street lighting standards according to the City of San Diego Street Design Manual
- Cast a shadow that would substantially interfere with adjacent usable outdoor spaces associated with residential, recreational, institutional (i.e., schools or convalescent homes) or commercial uses (e.g., outdoor eating areas).

Lighting

The project is proposed to be located adjacent to major commercial and residential areas that already emit large quantities of light into the nighttime sky. As discussed in *Chapter 3.0, Project Description*, the project proposes to provide lighting throughout the exterior of the project site. Specifically, lighting would be provided around the residential buildings, pedestrian paseos, and other recreational areas. All lights would be shielded and would consist of full cutoff optics. Along the northern boundary of the proposed project, all lighting would be located at least 100 feet from the residential uses to the north. Given these factors, the contribution of light emitted from the project site would be less than significant.

Glare

The project would incorporate glass into the façade of the residential buildings. While specific windows types have not yet been determined, as described in *Section 3.2.1*, the project applicant

would provide windows that possess less than 30 percent reflectance. As a result, the reflection of natural or artificial light off of the structural façade would not represent a safety impact to motorists on surrounding roadways or I-15, which is adjacent to the project site. Impacts would be less than significant.

Shading

Within urban settings, buildings commonly cast shadows on adjacent and nearby properties. Shading can have positive consequences, such as cooling effects during warm weather, and negative consequences, such as the loss of natural light for solar energy purposes or loss of warming influences during cool weather.

Shading from structures is a function of the location and dimensions of structures, the presentation of the ground surface to the sun relative to the earth's axis, and the sun's position in the sky relative to the ground. The sun's position in the sky changes as the seasons progress from summer to winter in both the northern and southern hemisphere. These factors influence the length and position of shadows. During any season, the sun is in its most nearly vertical position relative to the ground surface, at approximately 12 noon. This is when shadows are the shortest. On June 21 (summer solstice), the sun is the highest in the sky and shadows are the shortest. As winter approaches, the sun's angle relative to the earth's horizon changes and shadow lengths become longer. On December 21 (winter solstice), the sun is lowest in the sky, and shadows are greatest. During the spring and fall equinox, the sun rises exactly in the east and the sun is directly above the equator.

A shadow analysis was conducted in order to assess the shadow effect of the project on adjacent areas. The focus of this analysis was determining the effects of shadows cast at different times of the year by the project on off-site land uses. The results of this analysis are summarized below.

Summer Solstice (June 21-22)

As shadows are shortest on this day, the impact would be the most minimal of any day of the year. *Figure 4.8-8, Summer Solstice Shadows*, depicts predicted shadow lengths at 9:00 AM, 12:00 PM and 3:00 PM. At 9:00 AM, the shadows would extend westerly and the structures would shade landscaped portions of the project site up to Westview Parkway. All shadows would be confined to the subject property. After 9:00 AM, the shadows would begin to move easterly. At 12:00 PM, the shadows from the project would remain confined to the subject property, and would be virtually nonexistent. At 3:00 PM the shadows would continue to extend easterly and would remain confined to the subject property. After 3:00 PM, the shadows would continue to move easterly. No structure would be permanently shaded during the summer solstice.

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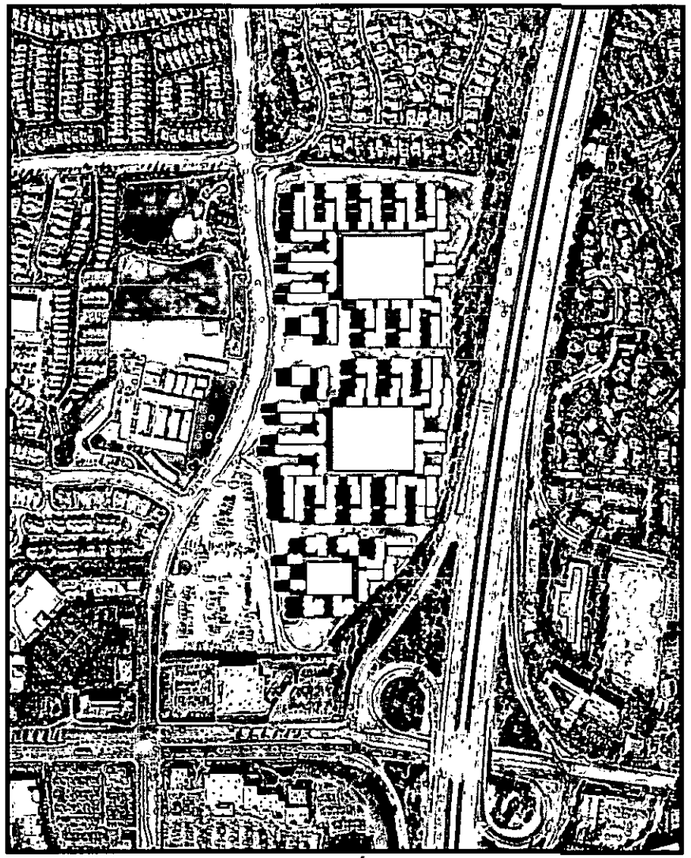
Summer Solstice Shadows



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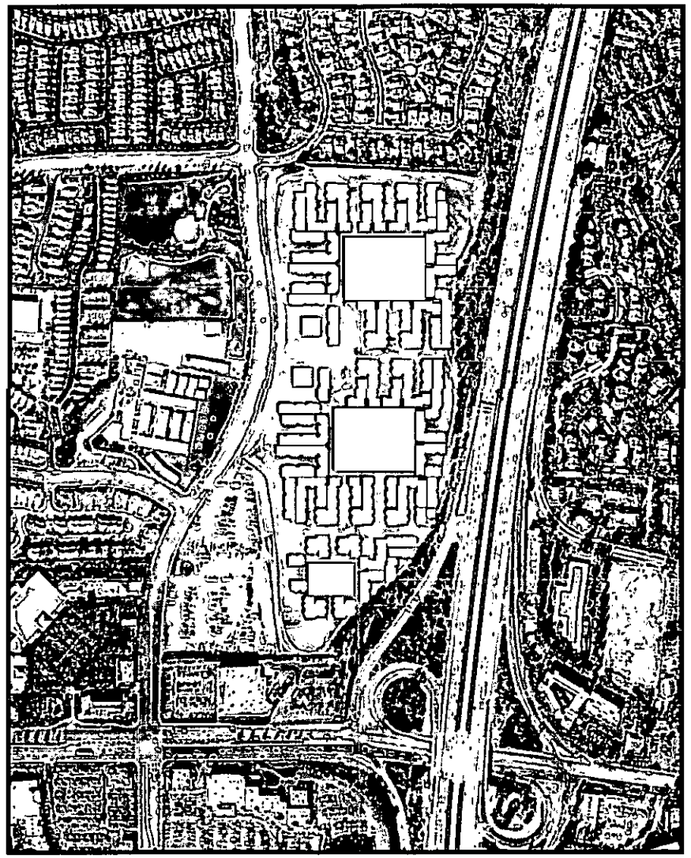
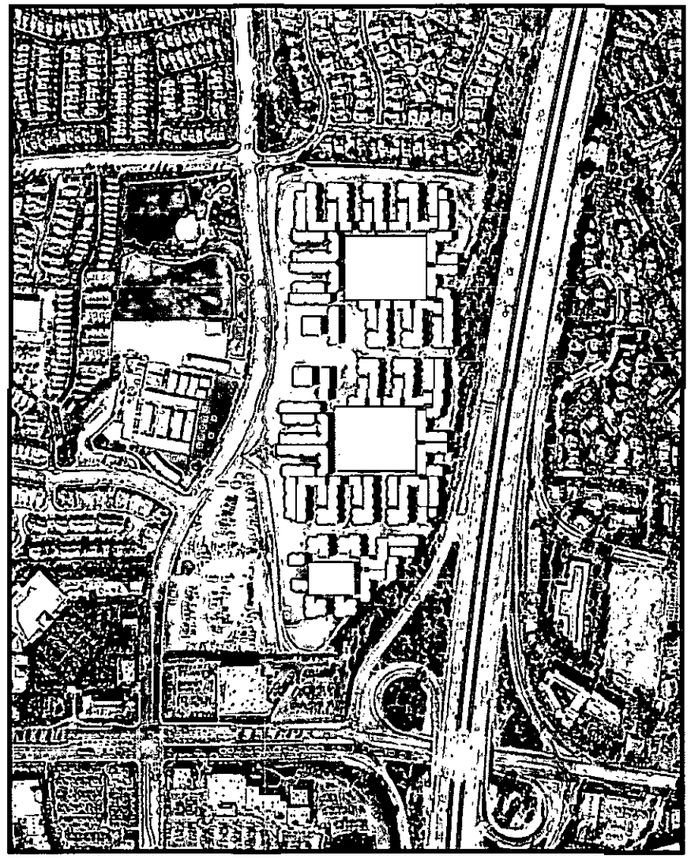


12pm



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Summer Solstice Shadows

FIGURE 4.8-8

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Spring and Fall Equinox (March 20-21 and September 22-23)

During the spring and fall equinox, shadow lengths are mid-way between summer and winter solstice. The spring and fall equinox have shadows of equal length during all times of the day, therefore, only one set of figures are shown to reflect both the spring and fall equinox predicted shadow lengths at 9:00 AM, 12:00 PM and 3:00 PM (see *Figure 4.8-9, Spring and Fall Equinox Shadows*). On this day at 9:00 AM, the shadows would extend northwesterly. The structures would shade landscaped areas of the project site, as well as portions of Westview Parkway. At 12:00 PM, shadows from the proposed development would extend to the north but would remain confined to the project site. At 3:00 PM, the project shadows would be cast northeasterly. Again, shadows would continue to remain confined to the project site. After 3:00 PM the shadows would continue in a northeasterly direction.

Winter Solstice (December 21-22)

The sun's angle is at its lowest angle during winter solstice, therefore the shadows are longest, and potential shadow impacts are greatest. *Figure 4.8-10, Winter Solstice Shadows*, depicts predicted shadow lengths at 9:00 AM, 12:00 PM and 3:00 PM. At 9:00 AM, the project would cast shadows in a northwesterly direction. Portions of Westview Parkway would be completely shaded, as would several residences to the north of the project site. Additionally, a portion of the parking lot at Hage Elementary would be shaded. At 12:00 PM, shadows from the project would cast predominately to the north and would remain confined to the subject property, with the exception of minor shading of two or three backyards in the residential neighborhood to the north of the project site. At 3:00 PM, the project would cast shadows in a northeasterly direction. Portions of the northeastern proposed recreation area and approximately 11 private yards of residents located immediately to the north of the project site would become shaded at this time. The shading impacts of the project, as depicted on *Figure 4.8-10, Winter Solstice Shadows,* would occur for a short period of time throughout the day due to the sun's motion in the sky.

4.8.9 SIGNIFICANCE OF IMPACT

No significant light or glare impacts would result from the project. Outdoor lighting would be in keeping with the urbanized area which surrounds the site. The light reflectivity of the glass materials would be less than the threshold of 30 percent. In addition, the site would be required to comply with the City's Outdoor Lighting Regulations.

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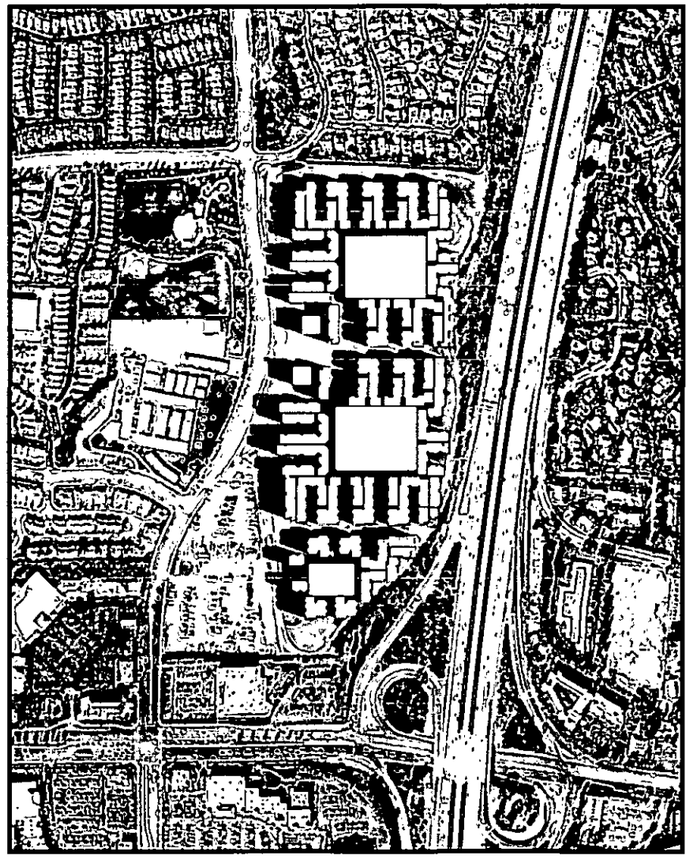
Spring and Fall Equinox Shadows



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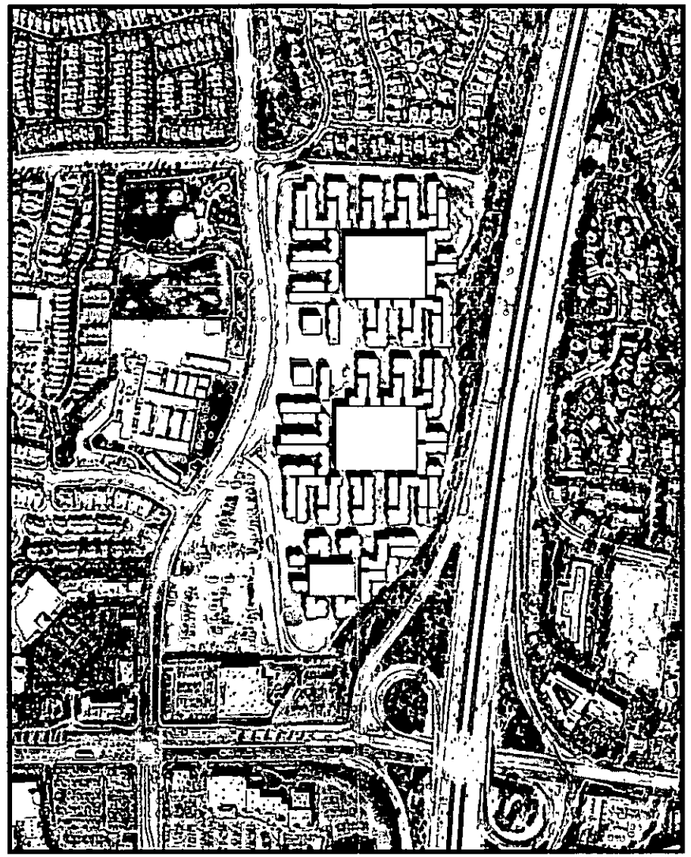

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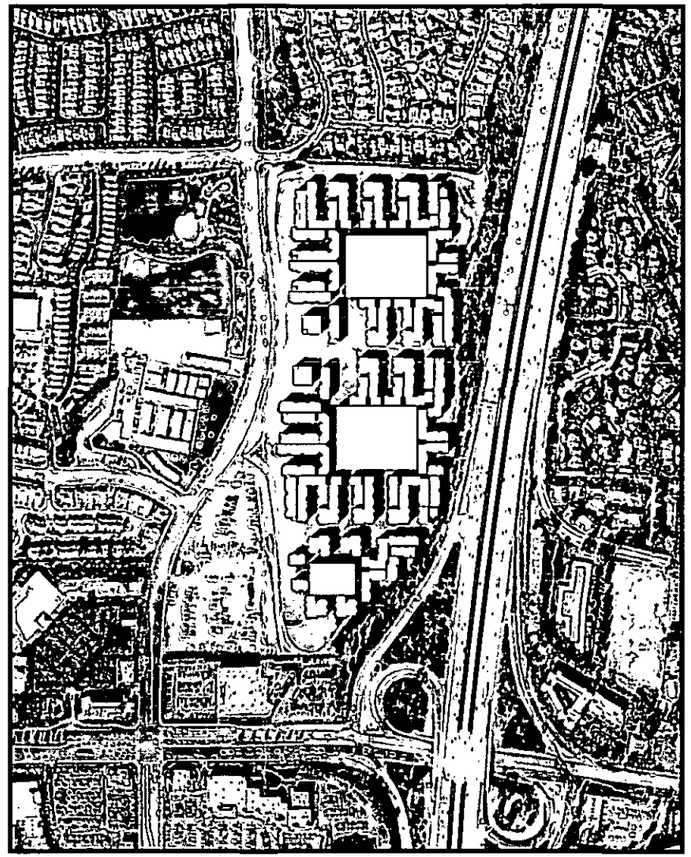

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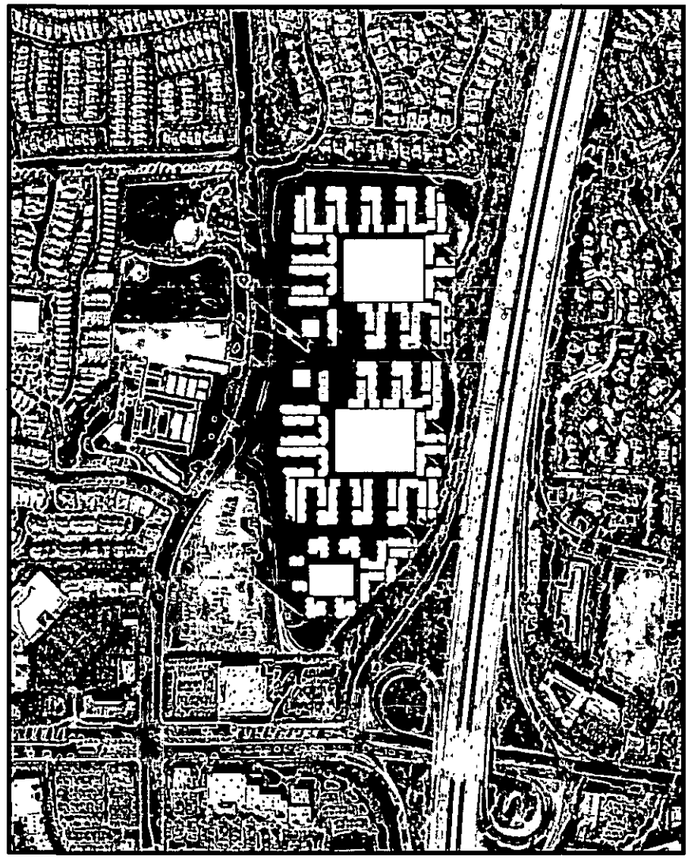
Spring and Fall Equinox Shadows

FIGURE 4.8-9

Winter Solstice Shadows



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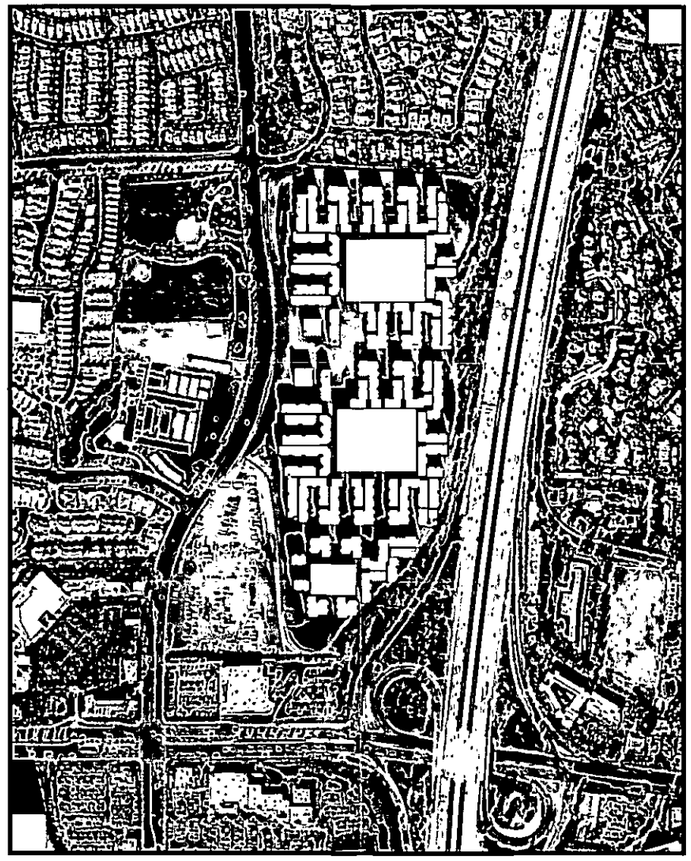

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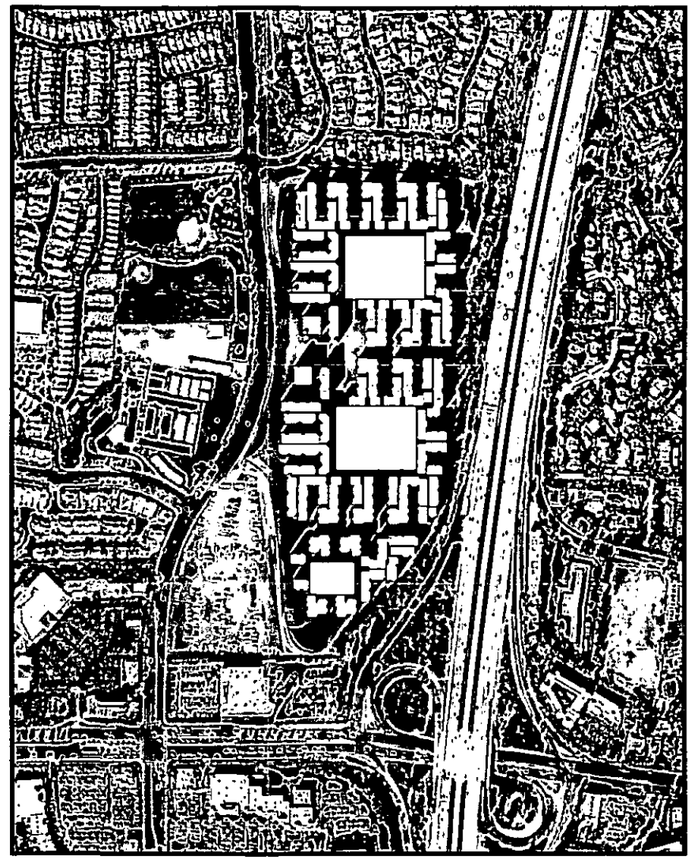

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Casa Mira View EIR **Winter Solstice Shadows** FIGURE 4.8-10

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Portions of Hage Elementary parking lot and the outdoor usable residential spaces located just north of the project site would be shaded by the proposed project during the winter solstice. The shading that would occur on these areas would not affect the entire available outdoor usable areas of private residences, would occur on up to 11 private yards, and would occur for a short period of time throughout the day during the spring and fall equinox and winter solstice. No shading of off-site uses would result during the summer solstice. The land uses that would be shaded are not considered shade-sensitive. The temporary shading of portions of these private yards would not substantially interfere with these yards and therefore would not result in a significant impact.

4.8.10 MITIGATION MONITORING AND REPORTING

No mitigation measures would be required.

4.9 HYDROLOGY/WATER QUALITY

This section provides a summary of existing water quality conditions, plans, and guidelines regulating water quality, and the proposed project's impacts to water resources.

Information presented in this section was obtained from the Water Quality Technical Report prepared for the project by Leppert Engineering in 2007 (Leppert 2007a), as well as the Drainage Study prepared by Leppert Engineering in 2007 (Leppert 2007b). These technical reports are contained in *Appendix G* and *F*, respectively.

4.9.1 EXISTING CONDITIONS

Water Resources

Surface Water

The San Diego region has thirteen principal stream systems originating in the western highlands that flow to the Pacific Ocean. Most of the streams of the San Diego region are interrupted in character, having both perennial and ephemeral components due to the rainfall pattern and the development of surface water impoundments. According to the Basin Plan, the nearest surface waters to the project site are Los Peñasquitos Creek and Carmel Valley Creek, which flow westward to the Los Peñasquitos Lagoon and then the Pacific Ocean.

The project site is located within the Peñasquitos Hydrologic Unit (Unit 6.00) of the San Diego Region. This unit is defined in the *Water Quality Control Plan for the San Diego Basin* (1994), referred to as the Basin Plan. The Peñasquitos Hydrologic Unit is a triangular-shaped area of about 170 square miles extending from Poway to La Jolla. The unit is generally bordered to the north by the San Dieguito River watershed and to the south by the San Diego River watershed. Development within the hydrologic unit consists of a variety of land uses including high-density commercial and residential uses in the University and Mira Mesa areas, medium-density residential areas, and open space areas such as Los Peñasquitos Canyon, the area around MCAS Miramar, the Del Mar Mesa, and Rose Canyon. The unit is relatively dry with annual precipitation levels ranging from approximately 8 inches along the coast to over 18 inches at the inland reaches.

The project is located within the Miramar Reservoir HA (6.10), one of five hydrologic areas (HAs) in The Peñasquitos Hydrologic Unit. The Miramar Reservoir HA is further broken down into subareas, and the project lies within the Los Peñasquitos Lagoon Hydrologic Subarea.

Flooding

The Federal Emergency Management Agency (FEMA) provides all floodplain information through the publication of Flood Insurance Rate Maps (FIRMs). All FIRMs delineate the location of 100- and 500-year floodplains. Based on these maps, the project is not located within a delineated 100- or 500-year floodplain.

Groundwater

A groundwater basin is defined as a hydrogeologic unit containing one large aquifer as well as several connected and interrelated aquifers. All major drainage basins in the San Diego Region contain groundwater basins. As stated in the San Diego Water Quality Control Plan for the San Diego Basin, groundwater within these basins are relatively small and shallow as marine sediments near the coast and granitic rock further inland have low permeability. Only a small portion of the region is underlain by permeable geological formations that can accept, transmit, and yield appreciable quantities of groundwater. As a result, usable groundwater in the region occurs outside the principle basins and can be defined to include all subsurface waters that occur in fully saturated zones within soils, and other geologic formations (San Diego Regional Water Quality Control Board 1994).

The project site is located in the 3.8-square mile Poway Valley Groundwater Basin. Drained by the Poway and Los Peñasquitos Creeks, this basin underlies a portion of Poway Valley in west-central San Diego County. (California Department of Water Resources 2003). The principal water-bearing units within this basin include alluvium and residuum. Natural recharge of the basin is from direct precipitation on the valley floor and infiltration along Poway Creek, which flows into the basin from the east. The general groundwater flow is to the west, towards Los Peñasquitos Canyon in the Soledad basin.

Water Quality

Water quality is affected by sedimentation caused by erosion, by runoff carrying contaminants, and by direct discharge of pollutants (point-source pollution). As land is developed, the new impervious surfaces send an increased volume of runoff containing oils, heavy metals, pesticides, fertilizers, and other contaminants (non-point source pollution) into adjacent watersheds.

Storm water that accumulates on impervious surfaces, such as parking lots, roof tops, and streets, drains directly and indirectly to waters of the United States. The City of San Diego's storm water conveyance system is separate from the sanitary sewer system and therefore does not receive any treatment prior to being discharged into streams, bays, and the ocean. The primary pollutants of concern in urban runoff are sediments, nutrients, heavy metals, organic compounds, trash and

debris, oils, bacteria, and pesticides. Construction-related pollutants include sediment, concrete, paints and solvents, and hazardous materials associated with operation and maintenance of heavy equipment.

Under Section 303(d) of the Clean Water Act (CWA), the State Water Resources Control Board (SWRCB), is required to develop a list of water quality limited segments for jurisdictional waters of the United States. The waters on the list do not meet water quality standards, and therefore the Regional Water Quality Control Board (RWQCB) was required to establish priority rankings and develop action plans, called Total Maximum Daily Loads (TMDL), to improve water quality. The EPA approved the San Diego RWQCB's 303(d) list of Water Quality Limited Segments in July 2003. The list includes pollutants causing impairment to receiving waters or, in some cases, the condition leading to impairment.

The Los Peñasquitos Lagoon is included in the most recent list of Clean Water Act Section 303(d) impaired water bodies with constituents of concern being sedimentation and siltation (SWRCB 2006).

Regulations

Several local, state, and federal regulations govern discharges associated with construction and post-construction storm water runoff to protect the water quality of receiving waters. The following is a summary of the regulatory framework that has been established to protect water resources.

Federal

Clean Water Act

The CWA was designed to restore and maintain the chemical, physical, and biological integrity of the waters in the U.S. The CWA also directs states to establish water quality standards for all waters of the U.S. and to review and update such standards on a triennial basis. Other provisions of the CWA related to basin planning include Section 208, which authorizes the preparation of waste treatment management plans, and Section 319, which mandates specific actions for the control of pollution from nonpoint sources. The EPA has delegated responsibility for implementation of portions of the CWA to the SWRCB and the RWQCBs, including water quality control planning and control programs, such as the National Pollutant Discharge Elimination System (NPDES) program. The NPDES program is a set of permits designed to implement the CWA that apply to various activities that generate pollutants with potential to impact water quality.

Section 303 of the CWA requires states to adopt water quality standards for all surface waters of the U.S. Section 304(a) requires the EPA to publish water quality criteria that accurately reflect

the latest scientific knowledge on the kind and extent of all effects on health and welfare that may be expected from the presence of pollutants in water. Where multiple uses exist, water quality standards must protect the most sensitive use. Water quality standards are typically numeric, although narrative criteria based upon biomonitoring methods may be employed where numerical standards cannot be established or where they are needed to supplement numerical standards. Section 303(c)(2)(b) of the CWA requires states to adopt numerical water quality standards for toxic pollutants for which EPA has published water quality criteria and which reasonably could be expected to interfere with designated uses of a water body.

NPDES Permit Program–Phase I

In November 1990, under Phase I of the urban runoff management strategy, the EPA published NPDES permit application requirements for municipal, industrial, and construction storm water discharges. The application requirements for municipalities were directed at municipalities which own and operate separate storm drain systems serving populations of 100,000 or more, or which contribute significant pollutants to waters of the U.S., and required such agencies to obtain coverage under municipal storm water NPDES permits.

Municipalities were required to develop and implement an urban runoff management program to address activities to reduce pollutants in urban runoff and storm water discharges that were contributing a substantial pollutant load to their systems. Rather than establishing numeric effluent limits, the EPA established narrative effluent limits for urban runoff, including the requirement to implement appropriate Best Management Practices (BMPs).

NPDES Permit Program–Phase II

The Phase II Final Rule, published in the Federal Register on December 8, 1999, requires NPDES permit coverage for storm water discharges from:

- Certain regulated small municipal separate storm sewer systems (MS4s)
- Construction activity disturbing between one and five acres of land (i.e., small construction activities).

In addition to expanding the NPDES Program, the Phase II Final Rule included minor revisions for certain industrial facilities. As with Phase I, the Phase II Program requires the development and implementation of storm water management plans to reduce pollutant discharges.

State

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act authorizes the SWRCB to adopt, review, and revise policies for all waters of the state (including both surface and groundwater) and directs the RWQCB to develop regional Basin Plans. Section 13170 of the California Water Code also authorizes the SWRCB to adopt water quality control plans on its own initiative. The Water Quality Control Plan for the San Diego Basin (9) is designed to preserve and enhance the quality of water resources in the San Diego Region for the benefit of present and future generations. The purpose of the plan is to designate beneficial uses of the Region's surface and ground waters, designate water quality objectives for the reasonable protection of those uses, and establish an implementation plan to achieve the objectives.

All projects resulting in discharges, whether to land or water, are subject to Section 13263 of the California Water Code and are required to obtain approval of Waste Discharge Requirements (WDRs) from the RWQCBs. Land and groundwater-related WDRs (i.e., non-NPDES WDRs) regulate discharges of process and wash-down wastewater and privately or publicly treated domestic wastewater. WDRs for discharges to surface waters also serve as NPDES permits. These regulations are applicable to the Casa Mira View project.

NPDES Permits

In California, the SWRCB and its RWQCBs administer the NPDES permit program. The NPDES permits cover all construction and subsequent drainage improvements that disturb one acre or more, industrial activities, and municipal separate storm drain systems. Construction and industrial activities are typically regulated under statewide general permits that are issued by the SWRCB. The SWRCB also issued a statewide general small MS4 storm water NPDES permit for public agencies that fall under that Phase II NPDES regulations.

The NPDES permit system was established in the CWA to regulate both point source discharges (a municipal or industrial discharge at a specific location or pipe) and nonpoint source discharges (diffused runoff of water from adjacent land uses) to surface waters of the U.S. For point source discharges, each NPDES permit contains limits on allowable concentrations and mass emission of pollutants contained in the discharge. For nonpoint source discharges, the NPDES program establishes a comprehensive storm water quality program to manage urban storm water and minimize pollution of the environment to the maximum extent practicable. The NPDES program consists of characterizing receiving water quality, identifying harmful constituents, targeting potential sources of pollutants, and implementing a comprehensive storm water management program.

The reduction of pollutants in urban storm water discharge to the maximum extent practicable through the use of structural and nonstructural BMPs is one of the primary objectives of the water quality regulations for MS4s. BMPs typically used to manage runoff water quality including controlling roadway and parking lot contaminants by installing filters with oil and grease absorbents at storm drain inlets, cleaning parking lots on a regular basis, incorporating peak-flow reduction and infiltration features (such as grass swales, infiltration trenches, and grass filter strips) into landscaping, and implementing educational programs.

Local

San Diego Basin Plan

The Water Quality Control Plan for the San Diego Basin (Basin Plan) sets forth water quality objectives for constituents that could potentially cause an adverse effect or impact on the beneficial uses of water. Specifically, the San Diego Basin Plan is designed to accomplish the following:

- Designate beneficial uses for surface and ground waters
- Set the narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state's anti-degradation policy
- Describe implementation programs to protect the beneficial uses of all waters within the region
- Describe surveillance and monitoring activities to evaluate the effectiveness of the Basin Plan.

The Basin Plan incorporates by reference all applicable SWRCB and RWQCB plans and policies.

Municipal Storm Water Permit

The City of San Diego, County of San Diego, and 19 other cities or jurisdictions in the region were issued a NPDES Municipal Storm Water Permit on January 24, 2007 by the San Diego RWQCB (Order No. R9-2007-0001). The recently issued permit renews Permit No. CAS0108758, which was first issued on July 16, 1990 (Order No. 90-42) and later renewed on February 21, 2001. The permit requires the development and implementation of BMPs in development planning and construction of private and public development projects. Development projects are also required to include BMPs to reduce pollutant discharges from the project site in the permanent design. BMPs associated with the final design are described in the Model Standard Urban Storm Water Mitigation Plan (SUSMP). In addition, the City of San

Diego's Storm Water Standards Manual, revised May 3, 2003, applies to any project requiring permit approval.

San Diego Municipal Code (SDMC) §43.03

The City of San Diego enacted San Diego Municipal Code (SDMC) §43.03 entitled Storm Water Management and Discharge Control in 1993 to make it unlawful for any person to discharge non-storm water into the City's storm water conveyance system. In 1999, the City Council changed the policy in directing the Storm Water Pollution Prevention Program to implement an administrative civil penalties and citation process. The City revised the storm water ordinance in 2001 to be consistent with the current Municipal Storm Water Permit and moved sections of the ordinance pertaining to development into the Land Development Code (grading and drainage regulations).

San Diego Municipal Code (SDMC) §142.0131

The City's grading ordinance requires grading plans to be designed and performed in conformance with applicable City Council policies and the standards established in the Land Development Manual. The Land Development Manual includes requirements for erosion control, drainage, and landscaping.

4.9.2 IMPACT

Issue 1: Would the proposal result in an increase in impervious surfaces or a substantial alteration of on- and off-site drainage patterns affecting the rate and volume of surface runoff?

According to the City's Significance Determination Thresholds (2007), compliance with the State and City Water Quality Standards is assured through permit conditions provided by the City's Entitlement Division Engineering Section.

Construction of the project would introduce impervious surfaces, such as driveways, streets, sidewalks, hardscape, and rooftops. The development of the property, as proposed, would result in an increase in runoff when compared to the existing site conditions. Based on the Drainage Study, runoff from the site would increase by 4.12 percent with construction of the project. Pre- and post-construction runoff values for each basin were calculated and can be found in the Drainage Study (*Appendix F*). Despite the increase in runoff, the Drainage Study concluded that the existing storm water conveyance system has the capacity and integrity to transport the anticipated flow rates and volumes from a 50-year frequency storm for 6-hour duration storm events. The increase in runoff is not expected to result in substantial erosion or subsequent sedimentation with the implementation of temporary BMPs during construction, and permanent BMPs incorporated into the project's design. As a result, the proposed project would not

significantly affect the rate or volume of surface runoff, and impacts would be less than significant.

4.9.3 SIGNIFICANCE OF IMPACT

Although, the increase in impervious surfaces would alter the rate and volume of runoff from the site as described above in *Section 4.9.2*; however, based on the Drainage Study, the increase in runoff would not result in a significant impact to existing drainage patterns or storm water conveyance systems. In addition, the existing storm drain system is capable of conveying the additional flow from the project. Therefore, no impacts to hydrology would result.

4.9.4 MITIGATION MONITORING AND REPORTING

No mitigation measures would be required.

4.9.5 IMPACT

Issue 2: Would the proposal result in an increase in pollutant discharge, including downstream sedimentation, to receiving waters during or following construction? Would the proposal discharge identified pollutants to an already impaired water body?

According to the City's Significance Determination Thresholds (2007), compliance with the State and City Water Quality Standards is assured through permit conditions provided by the City's Entitlement Division Engineering Section.

During construction of the project, grading would occur leaving soils exposed to wind and water erosion. Approximately 334,000 cubic yards of material would be imported to the site to achieve the final grade. The fill material would have a high erosion potential during the construction phase and would be susceptible to off-site transport by runoff and vehicles and equipment tracking. Haul trucks leaving the site would be particularly prone to depositing soil on nearby roadways without adequate tracking controls.

A total of 41 acres would be graded over a one-year period. In addition to temporarily increasing the erosion potential of the site, construction materials, such as concrete, oils, fuel, lubricants, paint, trash, and other deleterious materials stored on site could be exposed to rainwater and runoff, and discharge these pollutants through the storm water conveyance system to downstream receiving waters.

Following construction, the erosion potential and subsequent sedimentation concerns would be low due to the hardscape and landscape designed to permanently stabilize the site. However,

pollutants such as oil and grease, fertilizers, pesticides, herbicides, pet waste, and trash could be transported from the site in storm water and urban runoff.

The proposed project would potentially discharge pollutants to an already impaired water body. Runoff from the site could enter Los Peñasquitos Creek or Carmel Valley Creek which eventually flow to the Los Peñasquitos Lagoon approximately 8 miles downstream. The Los Peñasquitos Lagoon is included in the most recent list of Clean Water Act Section 303(d) impaired water bodies with constituents of concern being sedimentation and siltation (SWRCB 2006).

The project is considered a "priority project" per the City of San Diego Storm Water Standards since it would consist of an attached residential development of ten or more units. As previously discussed, the City's Municipal code requires project compliance with NPDES for storm water discharges and general construction activities, regular cleaning or sweeping of parking lots and impervious areas, and implementation of storm water BMPs.

Implementation of erosion control and sediment control measures required by City ordinances, and regulations and conditions set forth in the SWPPP would reduce sediment and pollutant transport from the site.

4.9.6 SIGNIFICANCE OF IMPACT

Implementation of the site design, source control, and treatment control measures identified in the project's Water Quality Technical Report, as well as adherence to BMPs mandated by the City's ordinances would preclude water quality impacts.

4.9.7 MITIGATION MONITORING AND REPORTING

No mitigation measures would be required.

4.9.8 IMPACT

Issue 3: What short-term and long-term effects would the project have on local and regional water quality? What types of pre- and post-construction Best Management Practices (BMPs) would be incorporated into the project to minimize impacts to local and regional water quality?

According to the City's Significance Determination Thresholds (2007), compliance with the State and City Water Quality Standards is assured through permit conditions provided by the City's Entitlement Division Engineering Section.

Short Term

As discussed above for Issue 2, short-term impacts to water quality could occur during the construction phase when soils are exposed to wind and water erosion and construction materials could come in contact with rain water and runoff. Transport of sediment and pollutants to nearby water resources or to the storm water conveyance system could contribute to the degradation of local and regional water quality. Prior to construction, a SWPPP would be prepared to identify BMPs to minimize off-site sediment transport and address hazardous materials management for the duration of the project. In addition, the grading plans would be subject to City approval, and would require measures to comply with the City's municipal storm water permit. BMPs required to comply with the City's permit include, but are not limited to: sediment basins to temporarily retain runoff during construction, tracking controls to minimize mud tracked onto roadways, perimeter sediment control consisting of silt fence and/or straw wattles, and temporary stabilization measures such as hydromulch and rock aprons.

Long Term

Long-term use of the property would generate potential pollutants related to the use of pesticides and herbicides on landscaped areas, trash, and automobile by-products such as oil, grease, brake linings, and fuel. These materials could be transported in runoff and discharged into downstream areas, ultimately reaching the Los Peñasquitos Lagoon and the Pacific Ocean.

Fertilizers and pesticides used on landscaping could lead to increased nutrients in project runoff. Excessive discharge of nutrients to Los Peñasquitos Lagoon and the Pacific Ocean could contribute to excessive aquatic algae, plant growth, and degradation of water quality. Trash and debris generated after development of the property, including paper, plastic, leaves, and food wastes could also impact water quality. Excess organic matter could contribute to a high biochemical oxygen demand in Los Peñasquitos Lagoon and thereby impact water quality. According to the Water Quality Technical Report, sediment, nutrients, trash and debris, oxygen demanding substances, oil and grease, bacteria and viruses, and pesticides are the primary constituents of concern during the post-construction phase.

Filter media would be installed on curb inlets and private grate inlets to capture trash, debris, oil, grease and other pollutants before exiting the project area and entering the City's storm water conveyance system. The north and west perimeter would be landscaped and several mini-parks would be constructed within the development, which would promote some infiltration and reduce runoff. In addition, the Water Quality Technical Report includes site design BMPs, source control BMPs, individual priority project BMPs, and structural treatment BMPs to meet the City's standards. These BMPs along with other site-specific BMPs developed during the City's design review process would reduce runoff, intercept pollutants, and minimize degradation of water quality to downstream resources.

4.9.9 SIGNIFICANCE OF IMPACT

Implementation of the site design, source control, and treatment control measures identified in the project's Water Quality Technical Report, as well as adherence to BMPs mandated by the City's ordinances, would reduce direct short- and long-term water quality impacts associated with the project.

4.9.10 MITIGATION MONITORING AND REPORTING

No mitigation measures would be required.

4.10 GEOLOGIC CONDITIONS

The following discussion summarizes the Geotechnical Investigation Report for the project that was prepared by Geocon in 2007. The complete report is contained in *Appendix H* of this EIR.

4.10.1 EXISTING CONDITIONS

Site History

The proposed project site is currently undeveloped but has been graded by the previous owner of the property in conjunction with neighboring development. The site was used by the previous land owner as a spoil/stockpile site for surrounding development projects. The site varies from 20 to 25 feet of cut areas to approximately 50 feet of fill. Approximately 2:1 slopes are present along the western and northwestern portions of the site. The grading and fill was authorized by the City under a grading permit dated April 25, 1974 (Permit No. 16126-D). Two desilting basins were created as part of project grading, and are located at the northwest and southwest corners of the site.

Soil and Geologic Conditions

The project site is underlain by four surficial soil types and two geologic formations. The surficial soil consists of topsoil, undocumented fill, previously placed fill, and alluvium. The geologic units consist of the Lindavista Formation and Stadium Conglomerate. The surficial soil and geologic units are further described below.

Geologic Units

Lindavista Formation

The Lindavista Formation is characterized as sedimentary material that is very dense, damp to moist, and reddish brown and grey in color. It consists of silty, fine- to medium-grained sandstone with traces of gravel. It is exposed at grade and underlies the fill in the west-central portion of the site. Soil generated from this formation generally possesses a very low to low expansive potential (Geocon 2007). Slopes composed of the Lindavista Formation are generally stable at inclinations of 2:1, or flatter.

Stadium Conglomerate

The Stadium Conglomerate consists of dense to very dense, damp, olive to yellowish brown and reddish brown, weakly to strongly cemented, gravel and cobble conglomerate in a matrix of clay and sand with interbeds of silty sandstone. This geologic unit is exposed at the ground surface in the northeastern portion of the site and within the slope along the western side of the site. Soil

generated from this formation generally possesses a very low to low expansive potential (Geocon 2007). Slopes composed of Stadium Conglomerate are generally stable at inclinations of 2:1, or flatter.

Soil Types

Undocumented Fill

Undocumented fill exists in the central portion of the site, to a maximum depth of approximately 8.5 feet below existing grade. It overlies previously placed fill and formational materials. The undocumented fill consists of loose to medium dense and firm to stiff, damp to wet, yellowish brown to gray, silty to clayey sand and silty to sandy clay with up to approximately 20 percent gravel and cobbles.

Previously Placed Fill

Previously placed fill is exposed at existing grade in the northern and southern portions of the site and underlies the undocumented fill in the west-central portion of the site. It exists to a maximum depth of approximately 75 feet. In addition, a fill slope exists at the northwestern portion of the site with a maximum height of approximately 25 feet. The previously placed fill consists of loose to dense and firm to stiff, silty to clayey sand and sandy clay with up to approximately 40 percent gravel and cobbles. This material is dry to moist and yellowish brown to grey in color.

Topsoil

The topsoil on site consists of loose, moist, brown to reddish brown, silty to clayey sand. Topsoil within the project site exists up to a maximum depth of 1.5 feet, overlying the formational materials.

Alluvium

Alluvium with a thickness of less than 2 feet is located at the base of the previously placed fill, along the northwestern portion of the site. It consists of medium dense, damp to moist, dark brown to reddish brown, clayey sand with gravel and cobbles. Alluvial deposits of approximately 5 feet in thickness underlie the fill material within the project site.

Geologic Hazards

The project site is located in geologic hazard category 52 as shown on the City of San Diego's Seismic Safety Study maps (City of San Diego 1995). Category 52 is characterized as other level

areas, gently sloping to steep terrain, and favorable geologic structure. Low risk to public safety is associated with this hazard category.

Soil Suitability

Undocumented fill soil is composed of compressible materials and would pose a significant risk to future development because it is unsuitable to support building foundations. Additionally, the previously placed fill and topsoil are considered unsuitable to support construction of the proposed project. The Lindavista Formation and Stadium Conglomerate are anticipated to provide adequate support characteristics in their natural state for the project (Geocon 2007).

Faulting and Seismicity

Based on commonly accepted definition provided by the California Mining and Geology Board, an active fault is a fault which has had surface displacement within Holocene time (approximately the last 11,000 years). The State Geologist has defined a potentially active fault as any fault considered to have been active during Quaternary time (last 1,600,000 years). These definitions are used in delineating earthquake fault zones as mandated by the Alquist-Priolo Earthquake Faulting Zones Act. The intent of this act is to assure that any urban development planned on or near traces of active faults is planned in accordance with seismic safety considerations, thereby reducing potential damage due to fault surface rupture.

The project site is located within seismically-active southern California. However, the site is not located within an earthquake fault zone and there are no active, potentially active, or inactive faults that transect the project site. Known active faults are located within 50 miles of the property, with the nearest being the Rose Canyon Fault located approximately 9 miles west of the site. Earthquakes that might occur on the Rose Canyon Fault Zone or other faults within the area are potential generators of significant ground motion at the site. The three closest other active faults include the Coronado Bank (22 miles west of the site), Newport-Inglewood (24 miles southwest of the site), and Elsinore-Julian (29 miles northeast of the site).

The Rose Canyon Fault has a maximum credible magnitude of 7.2 and is considered to be representative of the potential for seismic ground shaking within the property. The estimated maximum credible peak ground acceleration was calculated to be 0.28g (Geocon 2007).

Liquefaction

Liquefaction is a phenomenon in which loose saturated and relatively cohesionless soil deposits located beneath the groundwater table lose strength during strong ground motions. Primary factors controlling liquefaction include intensity and duration of ground accelerations, characteristics of the subsurface soil, *in situ* stress conditions, and depth to groundwater. The potential for liquefaction occurring at the site is considered to be very low (Geocon 2007).

Tsunamis and Seiches

Tsunamis are large sea waves caused by submarine earthquakes or volcano eruptions, and seiches are the movement of an inland body of water due to the movement of seismic forces. The potential for tsunamis to occur at the site is considered to be very low due to the relatively large distance from the coastline to the site (approximately 8 miles). The potential for seiches to occur is considered to be very low due to the existing topography separating the project site and Miramar Reservoir, which is 0.7 miles east of the project site.

Groundwater

Groundwater conditions were not observed during the geotechnical investigation (Geocon 2007).

4.10.2 IMPACT

Issue 1: Would the proposed project expose people or property to geologic hazards such as earthquakes, landslides, liquefaction, ground failure, or similar hazards?

According to the City's Significance Determination Thresholds (2007), geologic impacts may be significant if the project would:

- Expose people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure or similar hazards
- Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in an on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

Soil Suitability

The Lindavista Formation and Stadium Conglomerate are considered suitable to support construction of the proposed project (Geocon 2007). During site preparation, portions of the site would be underlain by compacted fill ranging from less than 5 feet to approximately 85 feet thick. The proposed structures within the northern and southern portions of the site would be underlain by varying differential fill thicknesses. Settlement of fill materials could result from gravity loading and collapse upon wetting due to rainfall and/or landscape irrigation. These activities could occur over a relatively extended time period. The majority of the previously placed fill has existed for approximately 12 to 15 years, and a portion of the expected settlement has likely already occurred (Geocon 2007). However, the potential for differential settlement of the fill materials could continue to occur within the project site. Additionally, the topsoil and undocumented fill are not considered suitable for the support of settlement-sensitive structures. These soils would be removed and re-compacted during remedial grading operations, as outlined in the recommendations included in the Geotechnical Investigation Report and discussed in

Chapter 3.0, Project Description. Adherence to these recommendations would ensure suitable soil conditions for the proposed project. Therefore, impacts would be less than significant.

Slope Stability

As indicated previously, formational materials are considered adequate for the support of structural loads and compacted fill. The Lindavista Formation and Stadium Conglomerate are documented as containing slopes that are generally stable at inclinations of 2:1 or flatter. As such, no significant impact resulting from exposure to landslides or mudslides would occur.

Faulting and Seismicity

According to the Uniform Building Code (UBC), the project site is located within Seismic Zone 4. The project could be subject to a seismic event with an earthquake magnitude of 7.2 on the Rose Canyon Fault Zone. Earthquake design in accordance with the currently adopted UBC would be sufficient to safeguard the project against major structural failures and loss of life.

With the exception of strong seismic shaking, significant geologic hazards were not identified that would adversely affect the proposed project (Geocon 2007). The project site is not located within an Alquist-Priolo Fault Zone. Ground surface rupture, lurching, or cracking of the ground surface as a result of nearby or distant seismic events are considered unlikely (Geocon 2007).

No special seismic design considerations other than those recommended in the Geotechnical Investigation Report are required, and no significant impact is expected to occur. Site-specific design criteria and recommendations can be found in the Geotechnical Investigation Report in *Appendix H*. Therefore, impacts to people or structures from earthquakes would be less than significant.

Liquefaction

The risk of liquefaction is very low on the proposed project site due to the lack of a near surface permanent groundwater condition and the dense nature of the previously compacted fill and formational materials. Therefore, potential impacts to people or property from liquefaction would be less than significant.

Tsunamis and Seiches

The project site is located approximately 8 miles east of the Pacific Ocean. The potential for a tsunami to occur at the project site is considered to be very low due to its distance to the Pacific Ocean. It should also be noted that the Miramar Reservoir is located approximately 0.7 mile east of the project site. A hillside and I-15 separate the project site from this body of water; therefore,

the potential for the project to expose people or structures to seiches would be very low. Impacts would be less than significant.

Groundwater

As previously mentioned, groundwater was not identified in the geotechnical investigation and is not expected to be encountered during construction of the proposed project. Groundwater would not significantly impact project development (Geocon 2007).

4.10.3 SIGNIFICANCE OF IMPACT

Proper engineering design, utilization of standard construction practices, adherence to the erosion control standards established by the City's Grading Ordinance, implementation of BMPs required by the Storm Water Pollution Prevention Plan, and implementation of the recommendations found in the Geotechnical Investigation Report (Geocon 2007) would ensure that the potential for geological impacts would be less than significant.

4.10.4 MITIGATION MONITORING AND REPORTING

No mitigation measures would be required.

4.10.5 IMPACT

Issue 2: Would the proposed project increase the potential for erosion of soils on or off-site?

According to the City's Significance Determination Thresholds (2007), geologic impacts may be significant if the project would result in a substantial increase in wind or water erosion, either on or off site.

Erosion

The project site currently consists of a vacant lot with exposed soils and contains a moderate to high erosion potential. The potential of erosion would increase during construction as a result of vehicles and heavy equipment accelerating the erosion process. Wind erosion could occur on bare soils or where vehicles and equipment cause dust. The project would result in approximately 335,000 cubic yards of soil to be imported to the site. Approximately 1,522 cubic yards of fill material is estimated to be graded per day, and grading activities would also result in erosion. However, potential erosion impacts would be avoided by adherence to the erosion control standards established by the City's Grading Ordinance and through implementation of BMPs required by the SWPPP (refer to *Section 4.8, Water Quality* for more information). Therefore, construction impacts related to erosion would be less than significant.

4.10.6 SIGNIFICANCE OF IMPACT

Adherence to erosion control standards in the City's Grading Ordinance as well as BMPs required by the project SWPPP would ensure that the potential for impacts would be less than significant.

4.10.7 MITIGATION MONITORING AND REPORTING

No mitigation measures would be required.

4.11 ENERGY CONSERVATION

4.11.1 EXISTING CONDITIONS

Electricity and natural gas service in the City of San Diego are provided by San Diego Gas and Electric (SDG&E). The project applicant has received a letter from SDG&E (*Appendix E*) stating that they will serve the project.

Forecasting the demand for future energy consumption is performed on a continual basis by SDG&E, primarily from installation of transmission and distribution lines. In situations where projects with large power loads are planned, this is considered together with other loads in the project vicinity, and electrical substations are upgraded. Direct impacts to electrical and natural gas facilities are addressed and mitigated by SDG&E at the time incoming development projects occur.

CEQA Guidelines Appendix F, Energy Conservation, requires that EIRs include a discussion of potential energy impacts of a proposed project, with emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. The potentially significant energy implementation requirements of the proposed project are therefore discussed below.

Electricity

The distribution lines in the project area are located underground. Each year, SDG&E allocates capital funds for the purposes of converting overhead electric distribution lines. Under the provisions of Rule 20A established by the California Public Utilities Commission, the City may designate major streets for undergrounding the overhead lines. In general, all new commercial, industrial, and residential developments are required to accept underground service.

SDG&E has the capacity to meet the present demand for electrical service and there are no service deficiencies in the existing distribution system. In addition, a variety of energy conservation programs are provided by SDG&E to City residents and businesses. These programs include:

- Conducting surveys to determine energy use and recommending energy efficiency measures to reduce energy use
- Providing discounts for retrofitting lighting, refrigeration, and mechanical equipment with energy efficient technologies
- Incentives for using energy during non-peak hours to reduce the peak-hours demand.

Title 24 of the California Administrative Code sets efficiency standards for new construction, regulating energy consumed for heating, cooling, ventilations, water heating, and lighting. These building efficiency standards are enforced through the building permit process.

The City of San Diego Council Policy 900-14 encourages private sector developers to voluntarily participate in a program to conserve energy. Projects which meet the criteria of the Community Energy Partnership Program such as compliance with the EPA Energy Star for Buildings Program, and to exceed Title 24 requirements for residential buildings by at least 30 percent, would have ministerial plan checks for such projects expedited as an incentive. Title 24 has mandatory measures for insulation, exterior doors, infiltration and moisture control, space conditioning, water heating and plumbing, and lighting.

Natural Gas

SDG&E receives its natural gas from many different sources. Through the existing interstate pipeline system, SDG&E receives natural gas from the San Juan Basin (New Mexico), Permian Basin (west Texas), Rocky Mountains, and Western Canada in addition to some small amounts from California producers.

According to SDG&E, the current natural gas distribution system is in good operating condition and is adequate to meet the current demand. No improvements are planned at this time.

4.11.2 IMPACT

Issue 1: Would the construction and operation of the proposed project result in the use of excessive amounts of electrical power? Would the proposed project result in the use of excessive amounts of fuel or other forms of energy (e.g., natural gas, oil)?

Impacts to energy may be significant if the project would generate a demand for energy (electricity or natural gas) that would exceed the planned capacity of the energy suppliers.

Energy

Electricity would be required for operation of the project. In addition, natural gas would be used for community amenities such as pool heaters and boilers for residential hot water heating mounted on the roofs. Electrical utilities would be placed underground. No adverse effects to non-renewable energy resources are anticipated with development of the site, and the project would not result in the use of excessive amounts of fuel or energy. SDG&E estimates that the average multifamily unit has a daily consumption of 3.0-kilowatt hours (kWh) of electricity. Therefore, the 1,848 unit project would consume approximately 5,544 kWh of electricity each

day. SDG&E has indicated that the current energy system would be sufficient to service the project.

Energy usage would not be excessive and would be minimized by several energy-efficient components that would be included in the building design. Energy-efficient components would include:

- Installation of energy-efficient lamps and fixtures in parking structure common areas
- Use of timers to control exterior landscape and accent lighting to minimize unnecessary electricity use
- Motion sensors for indoor closet and hall fixtures
- Low watt exit signage.

In addition to the energy efficient components provided above, the project would comply with the UBC and Title 24 requirements for building materials and insulation in order to reduce unnecessary loss of energy.

This project would not result in the need to develop additional sources of energy. Based on the analysis above, the project would not cause a significant impact to energy.

4.11.3 SIGNIFICANCE OF IMPACT

The project would increase demand for energy in the project area and SDG&E's service area. However, no adverse effects on non-renewable resources are anticipated because the project would follow Title 24 and UBC requirements for energy efficiency.

4.11.4 MITIGATION MONITORING AND REPORTING

No mitigation measures would be required.

CHAPTER 5.0 EFFECTS FOUND NOT TO BE SIGNIFICANT

Section 15128 of the CEQA Guidelines requires that an EIR briefly describe potential environmental effects that were determined not to be significant and therefore were not discussed in detail in the EIR. The City's Environmental Analysis Section of the Development Review Division determined that an EIR should be prepared for the project to examine the following potentially significant issues: land use, traffic and circulation, air quality, noise, aesthetics/neighborhood character/visual quality, public facilities and services, paleontological resources, water quality, geologic conditions, energy conservation, and biological resources. The environmental issues discussed in the following sections are not considered significant, and the reasons for the conclusion of non-significance are discussed below.

5.1 AGRICULTURAL RESOURCES/NATURAL RESOURCES/MINERAL RESOURCES

The project site is currently undeveloped. It was graded by a previous property owner in conjunction with neighboring development, and there are currently no existing uses on the site. The site does not contain prime farmland, unique farmland, or farmland of statewide importance, as designated by the California Department of Conservation (2002). Furthermore, the site is not subject to a Williamson Act contract (California Government Code Section 51200 et seq.). The project does not contain soils which qualify for a class I or II rating; or soils which qualify for a Storie Index Rating of 80 to 100 in the U.S. Department of Agriculture, Soil Conservation Service land use capability classification, which constitutes soil suitability for agricultural resources. Current soils at the project site consist of undocumented fill, previously placed fill, top soil, and alluvium. These soils are considered unsuitable for the support of agricultural resources. Therefore, no such impact would result.

According to the California Department of Conservation (DOC 1996), the project site is located within two Mineral Resource Zones (MRZs). The project site is located primarily within MRZ-2 and partially within MRZ-3. In MRZ-2 areas, adequate information indicates that significant mineral deposits are present, or it is judged that a high likelihood exists for their presence. MRZ-3 areas contain mineral deposits, the significance of which cannot be evaluated from the available data (DOC 1996). While the majority of the site has been categorized as MRZ-2, it should be noted that the property is not currently being used for mineral resource extraction and is zoned for residential use rather than mining uses. Further, the project site is in a highly urbanized area, surrounded by residential development and other urban uses such as an elementary school and neighborhood park; therefore, the project site would not be suitable for mining if mineral deposits were located on site. Given these factors, while the project would be located on MRZ-2 land, no such impact would result.

5.2 HISTORICAL RESOURCES

Historical resources typically include properties eligible or potentially eligible for the National Register of Historic Places, as well as those that may be significant pursuant to state and local laws and registration programs such as the California Register of Historical Resources or the City of San Diego Historical Resources Register. No historical land uses have been documented on the project site or at nearby properties including the areas associated with the offsite traffic improvements. The proposed project would not impact a prehistoric or historic building, structure, or site, or any existing religious or sacred uses. In addition, the project would not disturb any human remains. As such, significant impacts to historical resources would not result.

5.3 HUMAN HEALTH/PUBLIC SAFETY/HAZARDOUS MATERIALS

No health hazards or health risks are anticipated with the project or off-site traffic improvements. No increased risk of explosion or release of hazardous materials is expected. Given the urban setting of the site, no increased fire hazards are expected with flammable brush, grass, or trees.

The project is not expected to generate hazardous emissions. During construction, standard BMPs would be applied to ensure that all hazardous materials are handled and disposed of properly and that no hazards occur during this phase of the project. No part of the project involves the handling of acutely hazardous materials, substances, or waste. Therefore, no significant impacts to off-site areas, including Hage Elementary School, would occur.

Some temporary traffic hazards could occur during construction activities and might interfere with emergency response plans or evacuation plans. As identified in *Section 4.2, Traffic and Circulation* a traffic control plan would be developed to reduce the potential of project construction interfering with emergency response plans. As such, the project would not significantly impair implementation of or physically interfere with an adopted emergency response or evacuation plan.

Geocon conducted an Environmental Site Assessment (ESA) of the subject property (2006). The project's hazardous materials studies included regulatory database searches for the project site; no hazardous materials sites were identified on site (Geocon 2006). In addition, no significant hazardous sites were listed within the project vicinity in the database search. Details of the results can be found in *Appendix J.*

No long-term operational impacts associated with human health, public safety, and/or hazardous materials are anticipated to occur from the development of a residential community.

5.4 POPULATION AND HOUSING

The project would generate 1,848 residential units and would not displace any existing housing. The types of housing and associated amenities of the project would conform with those described in the Community Plan for this area. As previously discussed, the applicant would provide affordable housing by restricting the prices of 140 units on site and additional 45 units at a separate residential complex within the Mira Mesa Community as discussed in *Section 3.2.1*. No population and housing impacts would result.

CHAPTER 6.0 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

CEQA Section 15126.2(c) requires the evaluation of:

> [u]ses of nonrenewable resources during the initial and continued phases of the project [that] may be irreversible since a large commitment of such resources makes removal or non-use thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as a highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

The predominant irreversible environmental change that would occur as a result of project implementation would be the planned commitment of land resources to urban/developed uses. The project would irreversibly alter the previously graded vacant site to residential and associated uses for the foreseeable future. This would constitute a permanent change. Once construction occurs, reversal of the land to its original condition is highly unlikely. Other permanent changes would include more traffic and noise, permanent landform alternation, and an increased human presence in the area. Irreversible commitments of energy resources would occur with the proposed project. These resources would include electricity, natural gas, potable water, and building material.

Construction of the development would result in incremental demands on lumber and forest products, sand and gravel, asphalt, petrochemicals, and other materials. Construction would also incrementally reduce existing supplies of fuel oil, natural gas, and gasoline.

CHAPTER 7.0 GROWTH INDUCEMENT

Section 15126.2(d) of the CEQA Guidelines mandates that the growth-inducing impact of the project be discussed. This guideline states that the growth inducing analysis is intended to address the potential for the project to "foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment," and to "encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively," through extension or expansion of existing services, utilities, or infrastructure.

Further, as discussed in *Chapter 5.0, Effects Found Not to be Significant*, the CEQA Appendix G checklist (part XII, Population and Housing) also indicates that a CEQA document address the project's likelihood to induce substantial population growth in an area, whether directly or indirectly, in the surrounding environment. For example, population growth resulting from proposed residential development projects and new employees hired for proposed commercial and industrial development projects represent direct forms of growth. Examples of projects that indirectly induce growth are the expansion of urban services into a previously unserved or underserved area, the creation or extension of transportation links, or the removal of major obstacles to growth. Direct forms of growth may have secondary effects of expanding the size of local markets and attracting additional economic activity to an area.

Typically, the growth-inducing potential of a project would be considered significant if it stimulates population growth or a population concentration above what is assumed in local and regional land use plans, or in projections made by regional planning authorities such as the San Diego Association of Governments (SANDAG). Significant growth impacts could also occur if the project provides infrastructure or service capacity to accommodate growth levels beyond those anticipated by local or regional plans and policies.

No feature of the proposed project has the capacity to considerably alter the characteristics of the surrounding human population. Using the City's Significance Determination Thresholds for growth inducement, the project would not result in significant impacts associated with its guidelines: **(1)** induce substantial population growth in an area; **(2)** substantially alter the planned location, distribution, density, or growth rate of the population of an area; **(3)** include extensions of roads or other infrastructure not assumed in the community plan or adopted Capital Improvement Project list, when such infrastructure exceeds the needs of the project and could accommodate future development. These conclusions are presented below.

The project would involve the construction of multifamily residential uses and related amenities. The development would increase the existing population and housing for the project area by adding 1,848 units and approximately 4,805 residents; however, the project is consistent with the

projections contained in the City's General Plan and SANDAG's projections. Therefore, the project would not increase population and housing above what has been planned for by the City.

The project would foster a relatively minor, temporary increase in economic growth through construction of the project. Since the construction period would be short term (approximately 60 months for all three phases), no sustained economic growth is expected to result with project implementation.

The site is designated as a medium-high density residential use (RM-3-7) in the Mira Mesa Community Plan, and development of the site would include a zone change to RM-3-8. This zone change would not result in population growth above the City or SANDAG's projections. As the site is located within a community that is nearly built out, all major public services and utilities currently service the project area. Some utilities, such as water and sewer, already transverse the site, and electrical utilities are located along Westview Parkway and other existing roadway infrastructure. Therefore, growth inducement would not occur as a result of the extension of these facilities into a new area.

The project would not displace any housing or people since the site is currently vacant and has never been developed with housing. For these reasons, approval of the project would not result in significant growth-inducing impacts.

CHAPTER 8.0 CUMULATIVE IMPACTS

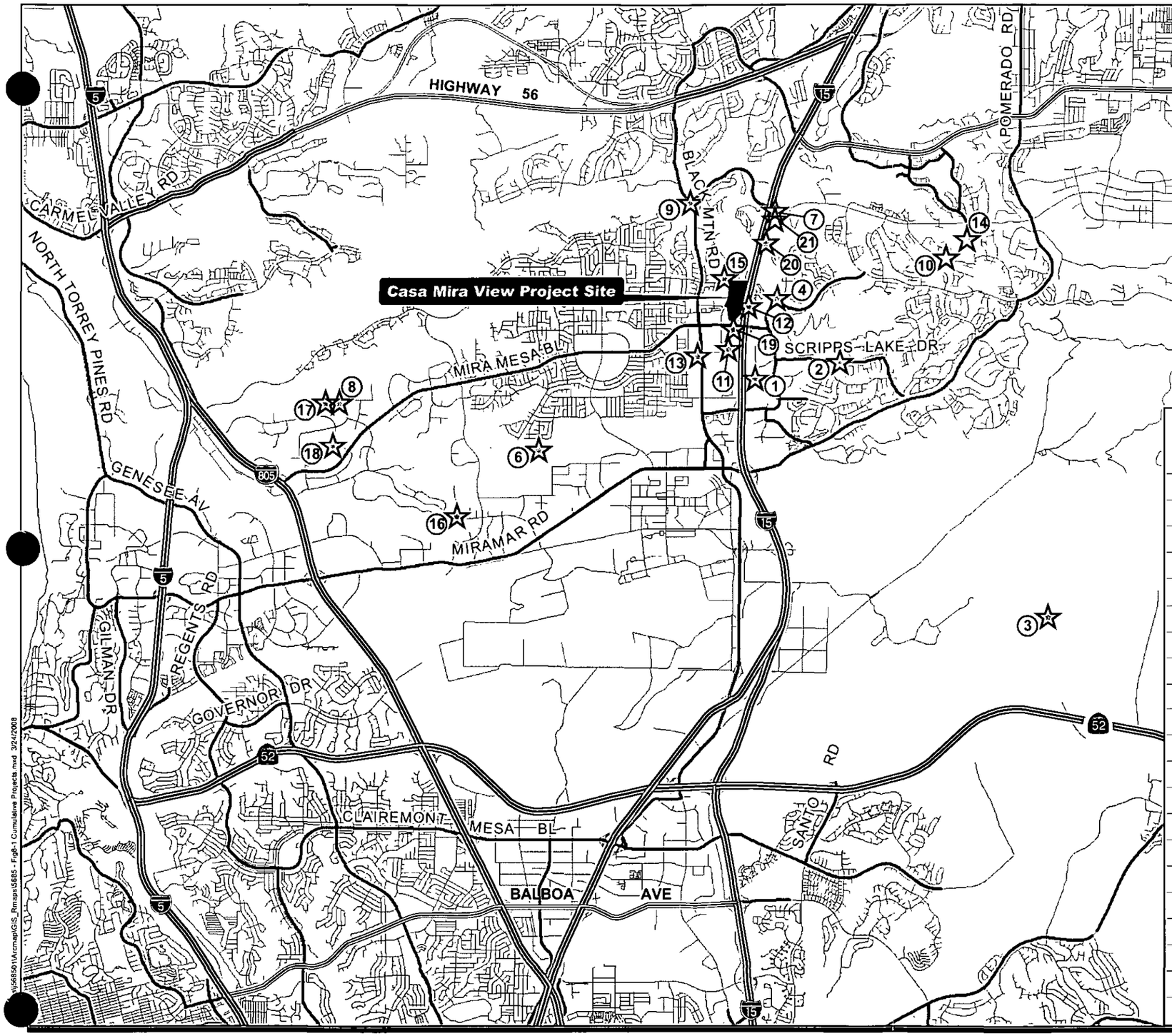
In many cases, the impact of a single project may not be significant, but the cumulative impact may be significant when combined with other projects. Section 15355 of the CEQA Guidelines defines cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines Section 15130(b) states that "the discussion [of cumulative impacts] need not provide as great detail as is provided for the effects attributable to the project alone." Section 15130(b) further states that a cumulative impacts "discussion should be guided by standards of practicality and reasonableness."

Cumulative impacts can occur from the interactive effects of a single project. For example, the combination of noise and dust generated during construction activities can be additive and can have a greater impact than either noise or dust alone. However, substantial cumulative impacts more often result from the combined effect of past, present, and future projects located in proximity to the project under review. Therefore, it is important for a cumulative impacts analysis to be viewed over time and in conjunction with other related past, present, and reasonably foreseeable future developments whose impacts might compound or interrelate with those of the project under review.

CEQA Guidelines Section 15130(b)(1)(A) allows for the preparation of a "list of past, present, and probable future projects" as a viable method of determining cumulative impacts. This discussion utilizes that approach: an initial list and description of related projects, followed by a discussion of the effects that the proposed project (combined with the list) may have on each environmental category of concern (e.g., traffic and noise). Consistent with CEQA, this discussion is guided by the standards of practicality and reasonableness.

The locations of the cumulative projects are depicted in *Figure 8-1, Cumulative Projects*. A brief description of each cumulative project is presented below; the numbers in the list correspond to the locations shown in *Figure 8-1*.

1. *Scripps Ranch High School Expansion*: Construction of 10 classrooms (about 14,000 sq ft) and four laboratories (about 5,000 sq ft). (Completed in 2002.)
2. *Miramar Water Treatment Plant Upgrade and Expansion*: Upgrading existing facility from 140 to 215 million gallons per day. (Under construction, with expected completion in 2010.)
3. *MCAS Miramar Housing Project*: A total of 1,600 multifamily housing units and supporting infrastructure. (Approved: EIS was certified; construction has yet to begin.)



Project #	Project Name
1	Scripps Ranch High School Expansion
2	The Miramar Water Treatment Plant Upgrade and Expansion
3	Marine Housing Proposal
4	Scripps Ranch Business Park
5	Emergency Storage Project and San Vicente Pipeline
6	Stone Creek
7	Scripps Gateway
8	Carroll Canyon Business Park
9	Los Penasquitos Canyon CAC
10	Scripps Cypress Pointe/Cypress Pointe
11	Miramar College Expansion
12	Erma Road Project
13	Mira Mesa Bus Rapid Transit Station
14	T-Mobile Angelique Street
15	Westview
16	Petco headquarters
17	Qualcomm Building W
18	Qualcomm Building N
19	Direct Access Ramp to I-15
20	I-15 Managed Lanes Project
21	Scripps Gateway South

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Casa Mira View EIR

Cumulative Projects

FIGURE 8-1

4. *Scripps Ranch Business Park*: Total 386 acres of industrial uses. (Approved by City: half complete; several lots remain vacant.)
5. *San Diego County Water Authority Project—Emergency Storage Project and San Vicente Pipeline*: Project extends over 1,069 surface acres, 190 ft deep, 14 shoreline miles. The project includes an advanced water treatment facility of 16 MGD. (Under construction; expected completion in 2012.)
6. *Stone Creek*: The 300-acre site proposed 9,800 residences and 730,000 sq ft of commercial space. The project has been revised to reduce the total multifamily and single-family units to 5,500 units and approximately 924,000 sq. ft of commercial and industrial use. The project is in process of being revised again. (Currently under City review.)
7. *Scripps Gateway*: Mixed-use development consisting of hotels, restaurants, a gas station, and retail uses on approximately four acres. (Constructed.)
8. *Carroll Canyon Business Park*: Business park. (Amendment in process to allow for self-storage use on one lot; permits issued March 11, 2008.)
9. *Los Peñasquitos Canyon CAC*: City ranger station proposed for Black Mountain Road and Mercy Road. (Approved: postponed until 2009.)
10. *Scripps Cypress Pointe*: Development of 83 single-family residential units within a 40-acre lot. (EIR being prepared and under review by City staff.)
11. *Miramar College Expansion*: Infrastructure upgrades to the north end of campus (25–30 acres) and the construction of a three-story library building (80,000 square feet), and two 2-story classroom buildings (40,000 sq ft). (Currently under City review.)
12. *Erma Road Project*: A proposal to construct, on an approved project site, 90 condominium units (Scripps Wisteria). (Under City review.)
13. *Mira Mesa Bus Rapid Transit Station*: Construction of a new bus rapid transit station. (Approved and under construction.)
14. *T-Mobile Angelique Street*: Conditional use permit for the installation of six antennas plus an equipment shelter. (Approved.)
15. *Westview*: Single-family and multifamily residential development. (Completed.)
16. *Petco Headquarters*: 189,700sq ft office building (six stories), 394,670 sq ft parking garage, 12.197-acre site. (Recommended for City approval.)
17. *Qualcomm Building W*: Twelve-story research and development center, seven-story parking structure. (Project approved by City.)

18. *Qualcomm Building N*: Covering 18.02 acres, 475,218 sq ft research center. (Project approved by City.)

19. *Direct Access Ramp to I-15*: Caltrans project. Direct Access Ramp (DAR) to connect local street traffic in Mira Mesa to the Managed Lanes facility on I-15. ~~Four~~ Two locations are currently being analyzed for implementation of the DAR with I-15 at Hillery Drive~~,~~ and Galvin Avenue~~, Maya Linda Road, and at an Eastern Connection~~. (Project in planning stage – EIR being prepared.)

20. *I-15 Managed Lanes Project*: Caltrans project. Creation of managed lanes to provide capacity for buses and carpools within the median divide of I-15. (Project approved by Caltrans and under construction.)

21. *Scripps Gateway South (Med-Impact Site):* An approved 650,000 sq ft corporate office project is currently being revised. The current proposal includes 350,000 sq ft of retail and 4000,000 sq ft of commercial office use. (Currently under City review.)

8.1 CUMULATIVE EFFECTS FOUND TO BE SIGNIFICANT

8.1.1 TRAFFIC AND CIRCULATION

The traffic analysis presented in *Section 4.2, Traffic/Circulation/Parking*, includes a cumulative traffic scenario for the year 2030. As stated therein, the street segments at Mira Mesa Boulevard (I-15 SB on-ramps to Westview Parkway) and Black Mountain Road (Mercy Road to Park Village Drive) are projected to operate at unacceptable LOS, which would result in cumulatively significant impacts.

Also, the following intersections would result in unacceptable LOS in the cumulative 2030 scenario, which would result in cumulatively significant impacts:

- Mercy Road/Black Mountain Road
- Hillery Drive/Black Mountain Road
- Gold Coast Drive/Black Mountain Road
- Mira Mesa Boulevard/Black Mountain Road.

Implementation of the Caltrans DAR cumulative project would locate a new I-15 ramp at one of ~~four~~ two proposed locations. However, it is currently unknown as to which of the ~~four~~ two DAR alternatives would be implemented by Caltrans, and traffic impacts would be fully analyzed during the Caltrans EIR review process for the DAR project. It is anticipated that traffic resulting from the DAR project, regardless of location, may result in a redistribution of traffic in the Mira Mesa community and not necessarily a substantial increase, although an increase in bus traffic would likely result. Overall, combined with other reasonably foreseeable projects, the Casa Mira

View project would result in cumulatively significant traffic impacts, regardless of the location Caltrans selects for its DAR project.

Refer to *Section 4.2* for a complete discussion of the project's cumulative effects on traffic and circulation.

8.1.2 AIR QUALITY

As discussed in *Section 4.3, Air Quality*, implementation of the project would result in significant VOC, CO, and PM_{10} emissions. The cumulative effect of the project and other projects in the vicinity would incrementally contribute to the San Diego Air Basin's (SDAB's) levels of PM_{10}, ROG, NO_x, CO, O_3, and SO_2. Given that the SDAB is in nonattainment for ozone and that the project would exceed the regional daily emissions threshold for an ozone precursor (VOC), the project would result in a cumulative regional operations impact. Also, while the Draft EIR for the Caltrans DAR project is not yet completed, the addition of the Caltrans DAR project at one of ~~four~~ two locations may result in a redistribution of traffic and not necessarily an increase in trips, although an increase in bus traffic would likely result. Regardless, whichever location Caltrans selects for its DAR project, the conclusion for the air quality cumulative impact analysis would not change; that is, regional air quality impacts would be cumulatively significant.

In addition to the above analysis, the project's contribution to global climate change was analyzed in the Air Quality Impact Report (TAHA 2008a) and is summarized below.

Global climate change refers to historical variance in Earth's meteorological conditions, which are measured by wind patterns, storms, precipitation, and temperature. There is general scientific agreement that the Earth's average surface temperature has increased by 0.3 °C to 0.6 °C over the past century. The reasons behind the increase in temperature are not well understood and are the subject of intense research activity. Many scientific studies have been completed to determine the extent to which greenhouse gas (GHG) emissions from human sources (e.g., fossil fuel combustion) affect the Earth's climate. The interrelationships between atmospheric composition, chemistry, and climate change are very complex. For example, historical records indicate a natural variability in surface temperature. Historical records also indicate that atmospheric concentrations of a number of GHGs have increased significantly since the beginning of the industrial revolution. As such, significant attention is being given to anthropogenic (human-caused) GHG emissions.

Many chemical compounds found in the earth's atmosphere act as GHGs. These gases allow sunlight to enter the atmosphere freely. When sunlight strikes the earth's surface, some of it is reflected back towards space as infrared radiation (heat). GHGs absorb this infrared radiation and trap the heat in the atmosphere. Over time, the amount of energy sent from the sun to the Earth's

surface should be approximately equal to the amount of energy radiated from earth back into space, leaving the temperature of the earth's surface roughly constant. Some GHGs are emitted naturally (e.g., water vapor), while others are exclusively human-made (e.g., gases used for aerosols). According to the California Energy Commission, emissions from fossil fuel consumption represent approximately 81% of GHG emissions in California, and fossil fuel consumption for transportation creates 41%t of California's GHG emissions.

The State of California has traditionally been a pioneer in efforts to reduce air pollution, dating back to 1963 when the California New Motor Vehicle Pollution Control Board adopted the nation's first motor vehicle emission standards. AB 1493, signed by California's governor in July 2002, requires passenger vehicles and light-duty trucks to achieve maximum feasible reduction of GHG emissions by model year 2009. AB 1493 was enacted based on recognition that passenger cars are significant contributors to the state's GHG emissions.

Following the passage of AB 1493, the CARB established limits that would result in approximately a 22% reduction in GHG emissions from new vehicles by 2012 and approximately a 30% reduction by 2016. The CAA reserves the control of emissions from motor vehicles for the federal government, with the exception of California, due to its early activity and special conditions (i.e., high density of motor vehicles and topography conducive to pollution formation in heavily populated basins), and any states that opt for the California regulations. For California to implement a modification such as that represented in AB 1493, it must, per the language of the CAA, request a waiver (Sec. 209(b)1). The USEPA has denied California's request for a waiver, thereby possibly delaying CARB's proposed implementation schedule.

On September 27, 2006, Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, was enacted by the State of California. The legislature stated that "global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California." AB 32 caps California's GHG emissions at 1990 levels by 2020. AB 32 defines GHG emissions as all of the following gases: carbon dioxide (CO_2), methane (CH_4), Nitrous Oxide (N_2O), hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. This bill represents the first enforceable statewide program in the United States to cap all GHG emissions. International actions would be necessary to fully address the issue of global warming. AB 32 lays out a program inventory to reduce GHG emissions in California and from power generation facilities located outside the state that serve California residents and businesses.

According to AB 32, CARB is responsible for monitoring and regulating sources of GHG emissions in order to reduce those emissions. CARB has adopted a list of discrete early action measures to reduce GHG emissions. By January 1, 2008, CARB must define the 1990 baseline emissions for California and adopt that baseline as the 2020 statewide emissions cap. CARB is then tasked with establishing a set of rules scheduled for adoption by January 1, 2010, for reducing GHG emissions to achieve the emissions cap by 2020. These rules must take effect no

later than 2012. In designing emission reduction measures, CARB must aim to minimize costs, maximize benefits, improve and modernize California's energy infrastructure, maintain electric system reliability, maximize additional environmental and economic co-benefits for California, and complement the State's efforts to improve air quality.

California Senate Bill (SB) 97, passed in August 2007, is designed to work in conjunction with CEQA and AB 32. CEQA requires that the State Office of Planning and Research (OPR) prepare and develop guidelines for the implementation of CEQA by public agencies. SB 97 requires OPR, by July 1, 2009, to prepare, develop, and transmit to the State Resources Agency guidelines for the feasible mitigation of GHG emission as required by CEQA, including but not limited to effects associated with transportation or energy consumption. The Resources Agency would be required to certify and adopt the guidelines by January 1, 2010, and OPR would be required to periodically update the guidelines to incorporate new information or criteria established by CARB pursuant to the California Global Warming Solutions Act of 2006. SB 97 would apply retroactively to any environmental impact report, negative declaration, mitigated negative declaration, or other document under CEQA that has not been certified or adopted by the CEQA lead agency. In addition, SB 97 exempts transportation projects funded under the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, or projects funded under the Disaster Preparedness and Flood Prevention Bond Act of 2006. It should be noted that the USEPA does not currently regulate GHG emissions.

Estimated GHG emissions generated by the proposed project are summarized in *Table 8-1, Estimated Annual Greenhouse Gas Emissions* below. Because no significance thresholds have yet been established for GHG emissions, no conclusions regarding the significance of impacts associated with GHG emissions from the proposed project can be made.

TABLE 8-1
Estimated Annual Greenhouse Gas Emissions

Emission Source	Carbon Equivalent (tons per year)		
	CO_2[1]	CH_4[2]	N_2O[2]
Mobile Emissions	21,075	32	493
Natural Gas Emissions	4,222	11	3
Electricity Emissions	3,797	<1	5
Total Carbon Equivalent Emissions	29,638		

[1] Mobile and natural gas emissions were obtained from URBEMIS2007. Electricity emissions were obtained from California Action Registry General Reporting Protocol (March 2007).
[2] Emissions were obtained from California Climate Action Registry Reporting Protocol (March 2007).
Source: Terry A. Hayes Associates 2008a. Table 3-7, Estimated Annual Greenhouse Gas Emissions.

8.1.3 PUBLIC FACILITIES AND SERVICES (SOLID WASTE)

As discussed in *Section 4.4, Public Facilities and Services* because the project proposes more than 50 residential units and would result in a change in land use density, it would result in significant impacts to solid waste disposal services. Cumulative projects numbers 1 through 8 and 11 through 24 would also contribute to cumulative solid waste impacts. Combined with other projects in the Mira Mesa community and the region, the impact on landfill capacity would be cumulatively significant due to the general shortage of suitable landfill disposal areas. Waste management actions (e.g., provisions for recycling) incorporated into the proposed development would help reduce the contribution of the project to solid waste disposal impacts; however, full mitigation of the cumulative impact would require actions which are beyond the control of any one project (e.g., new landfills). Therefore, the project's contribution to cumulative impacts on solid waste disposal would be significant and not mitigated.

8.2 CUMULATIVE EFFECTS FOUND NOT TO BE SIGNIFICANT

Based on the analyses contained in *Chapter 4.0* of this EIR, the project's contribution to cumulative land use, noise, aesthetics, public facilities (except solid waste), paleontology, water quality, geologic conditions, energy conservation, and biological resources impacts would not be cumulatively considerable, as analyzed below.

8.2.1 LAND USE

The project would be consistent with the existing General Plan, proposed Draft General Plan, and Mira Mesa Community Plan land use designations. Through the implementation of a zone change and planned development permit, the project would be consistent with the zoning designation. Cumulative projects would be required to comply with the City General Plan and the Mira Mesa Community Plan. Projects that are not consistent with the General Plan land use designation and zone designation, such as the DAR cumulative project, would require implementation of a General Plan amendment and/or zone change. The project's proposed uses and densities combined with other planned development in the Mira Mesa Community Plan area would be consistent with the Community Plan and thus would not result in a significant cumulative land use impact.

8.2.2 *PUBLIC FACILITIES*

The project would involve an incremental increase in demand for public facilities. Although the project may combine with others to result in enrollment over capacity, pursuant to SB50, this impact must be considered by local agencies to be fully mitigated through payment of developer fees to the San Diego Unified School District. Therefore, cumulative impacts would not be significant. Coordination with and adherence to the City public facility fee structures would

eliminate adverse cumulative impacts to library, park, water, wastewater, police, and fire services. Therefore, no direct or cumulative impacts would result. The provision of libraries and parks is a planning facilities concern.

8.2.3 NOISE

As described in *Section 4.5, Noise* the project would result in a significant increase in the existing ambient noise levels that would be fully mitigated to below a level of significance. Over time, as development continues in the Mira Mesa community, the ambient noise level would increase as traffic volumes increase and a general increase in urban activities/human presence occurs. Cumulative projects numbers 4 (Scripps Park Business Park), 7 (Scripps Gateway), 17 (Westview), 23 (Direct Access Ramp at I-15), and 24 (I-15 Managed Lanes), in combination with the project, have the potential to increase the ambient noise level from traffic noise in the project vicinity. However, the project is located in a highly urbanized area. The area surrounding the project site is fully developed. As such, construction activity would not cumulatively increase construction noise levels in conjunction with the other reasonably foreseeable projects. During the operational phase, noise levels from the project would be similar to the existing ambient noise level generated by land uses surrounding the project site.

Implementation of the Caltrans DAR project would locate a new I-15 ramp at one of ~~four~~ two proposed locations, which correspond to existing or proposed residential sites in the Mira Mesa community. ~~Any of the four~~Either DAR alternative ramp location~~s~~ would potentially result in increased ambient noise levels to adjacent residential land uses and other sensitive noise receptors, such as visitors to parks and schools. However, it is currently unknown as to which of the two~~four~~ DAR alternatives would be implemented, and traffic generated noise impacts associated with the DAR project would be analyzed during the Caltrans EIR review process for the DAR project. It is anticipated that traffic resulting from the DAR project, regardless of location, would result in a redistribution of traffic in the Mira Mesa community and not necessarily a substantial increase, although bus traffic would likely increase. Overall, combined with other reasonably foreseeable projects, it is not anticipated that the Casa Mira View project would result in cumulatively significant noise impacts, regardless of the location Caltrans selects for its DAR project.

8.2.4 PALEONTOLOGY

As discussed in *Section 4.6, Paleontological Resources* there is the potential for paleontological resources to occur on site. Monitoring on site during grading and submittal of a monitoring results report is required along with fossil recovery and curation. Monitoring would be required for any future project in the Mira Mesa Community Plan area that has the potential to impact such resources. Implementation of a paleontological mitigation program would avoid or reduce

impacts to below a level of significance. As such, the project, in combination with future projects, would not result in cumulatively considerable impacts to paleontological resources.

8.2.5 BIOLOGICAL RESOURCES

The project site consists of a disturbed vacant lot surrounded by existing development. There are no unique, rare, endangered, sensitive, or fully protected species of plants or animals located within the project boundary. Potential short-term construction-related impacts could result to bird species nesting in the line of trees located along the eastern edge of the project site. Significant impacts would result if grading activities occur during the breeding season of this species. Implementation of the biological mitigation measures would avoid or reduce impacts to below a level of significance. It is anticipated that other future projects in the Mira Mesa Community Plan Area would mitigate for project impacts to nesting raptors in a similar manner. Therefore, this short-term biological impact would not be cumulatively considerable.

The City's Subarea Plan contributes to the regional MSCP for preservation and mitigation of sensitive biological resources within southwestern San Diego County. The Subarea Plan is intended to mitigate for any cumulative biological resource impacts within the City's jurisdiction.

The off-site traffic improvements are located partially within the MHPA and are within 500 ft of other portions of the MHPA, and therefore, required to comply with the City's MSCP Land Use Adjacency Guidelines. No direct impacts would occur from the construction of the off-site traffic improvements. Development of the site and off-site traffic improvements in adherence to Subarea Plan requirements, as described in *Section 4.1, Land Use*, would not result in cumulative impacts to biological resources within the City.

8.2.6 AESTHETICS

As analyzed in *Section 4.9, Aesthetics, Neighborhood Character, and Visual Quality* the project would not result in significant visual or neighborhood character impacts. The project would be consistent with existing patterns of development and would contribute to a gradual change in visual character of the Mira Mesa community with the conversion of disturbed vacant land to a multifamily residential use. These visual changes would be most evident from adjacent streets that have views of the site as well as I-15 and other immediately neighboring land uses. Implementation of the cumulative projects, especially the Galvin DAR cumulative project, would continue to add to the sense of an urban community. Since, the project site is located within a built-up urban node; the cumulative development would not represent a substantial cumulative degradation in visual quality. In addition, the project would not result in any impacts to General Plan designated scenic views. Therefore, significant cumulative impacts related to neighborhood character are not anticipated.

The project would introduce a new source of light and glare to the MMCP area. Future projects are also anticipated to contribute new sources of light and glare as projects are constructed. Each project would be required to address the effects of light and glare on sensitive receptors and provide mitigation as necessary. As described in *Section 4.9, Aesthetics, Neighborhood Character, and Visual Quality* the project is not anticipated to result in substantial light and glare because the project incorporates the use of low-pressure sodium lighting, all outdoor lighting would be shielded and directed away from adjacent land uses, and the project would comply with applicable City of San Diego Municipal Code regulations. Therefore, the project's contribution to light and glare impacts is not cumulatively considerable and no significant impacts would occur.

8.2.7 WATER QUALITY

Grading during project construction would result in exposed soils and temporary spoil stockpiles. Fuels and lubricants used for heavy equipment and solid and liquid wastes generated during construction activities would be temporarily stored within the project area. Stormwater that comes in contact with exposed soil, trash, construction debris, and hazardous material has the ability to transport these potential pollutants and discharge them to nearby waterways or other sensitive resources. Routine use of the proposed project following the completion of construction would have the potential to contribute to the degradation of nearby surface waters by generating urban runoff. Runoff from the parking lot, sidewalks, and landscaping could carry pollutants such as bacteria, oil and grease, sediment, nutrients, and heavy metals to the City's storm drain system.

The project, in conjunction with other future projects, may potentially affect water quality on a cumulative scale; however, future projects are required to comply with applicable federal, state, and city regulations for stormwater and construction discharges, including the application of BMPs, which would reduce cumulative impacts to water quality to a level below significance. The increase in impervious surfaces as a result of the proposed project would alter the rate and volume of runoff from the site; however, the increase in runoff would not constitute a significant impact to existing drainage patterns or stormwater conveyance systems. As described in *Section 4.10*, the project would implement BMPs and project-specific measures to reduce potential effects. The project would be in compliance with State and City water quality standards. Thus, the project would not combine with existing urban runoff or that of cumulative projects. Compliance with stormwater standards would preclude a cumulatively considerable contribution to downstream water quality.

8.2.8 GEOLOGIC CONDITIONS

Proper engineering design, utilization of standard construction practices, adherence to the erosion control standards established by the City's Grading Ordinance, implementation of BMPs

required by the SWPPP, and implementation of the recommendations found in the Geotechnical Investigation Report (Geocon 2007) would ensure that the potential for geological impacts resulting from the project would be less than significant. In addition, implementation of grading BMPs required by the project SWPPP would ensure that the potential for impacts would be less than significant. The on-site geologic hazards would be avoided by standard remedial grading measures and would not combine with any off-site hazards to create cumulative geologic impacts.

8.2.9 ENERGY CONSERVATION

The project would result in an increased demand for energy resources, as discussed in *Section 4.12, Energy Conservation*. However, as with the proposed project, all new development projects would also be required to follow Title 24 and UBC requirements for energy efficiency. With these conservation measures, the project would not have a cumulatively considerable effect on energy supplies.

CHAPTER 9.0 ALTERNATIVES

CEQA requires that an EIR evaluate a "reasonable" range of alternatives. According to the CEQA Guidelines, an EIR "shall describe a range of reasonable alternatives to the project, or to the location of the 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" (14 CCR 15126.6(a)). Specifically, the Guidelines require the analysis of the No Project Alternative and alternatives which would be "capable of avoiding or substantially lessening any significant effects of the project" (14 CCR 15126.6(b)). The Guidelines also require a discussion of why other alternatives were rejected if they were considered in developing the project and still would meet the project objectives. Although an exhaustive analysis is not necessary, an EIR "must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation" (14 CCR 15126.6(a)).

Pursuant to the guidelines stated above, a range of alternatives to the project are considered and evaluated in this EIR. These alternatives were developed in the course of project planning, environmental review, and public hearings. The discussion in this section provides:

1. A description of alternatives considered.
2. An analysis of whether the alternatives meet most of the objectives of the proposed project.
3. A comparative analysis of the proposed project and the alternatives under consideration. Per CEQA Guidelines Section 15126.6(c), the focus of this analysis is to determine: **(1)** if alternatives are capable of eliminating or reducing the significant environmental effects of the project, **(2)** the feasibility of alternatives, and **(3)** whether an alternative meets most of basic project objectives.

   Factors that may be taken into account when addressing the feasibility of alternatives include site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to alternative sites (14 CCR 15126.6(f)(1)).

The project objectives for the Casa Mira View project are listed in *Section 3.1* of this EIR and restated here for reference purposes:

1. Provide 1,848 multifamily residential units within the Mira Mesa Community.
2. Provide a variety of multifamily residential types to serve the residents of Mira Mesa.

3. Provide the greatest amount of housing for a variety of workers commuting to the employment centers of Mira Mesa and Sorrento Mesa.
4. Provide on-site affordable housing units in proportion to other market-rate housing units, and pursuant to the City's inclusionary housing ordinance.
5. Provide recreational and open space amenities for residents of the 1,848 Casa Mira View units.
6. Promote smart growth principles by locating high-density residential uses on Mira Mesa's last large, vacant site in a predominantly urbanized area.
7. Develop a project that is consistent with and fulfills the rights vested under the existing development agreement for the project and project site.
8. Fulfill the Mira Mesa Community Plan's desired development intensity for the site.

Alternatives have been considered in an effort to meet the objectives of the CEQA Guidelines and the City of San Diego.

9.1 ALTERNATIVES CONSIDERED BUT REJECTED

9.1.1 OFF-SITE ALTERNATIVES

Off-site alternative locations were considered as part of the alternatives process. The key question and first step in analysis of the off-site location "is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location" (14 CCR 15126.6(f)(2)(A)).

It should be noted that the availability of an alternative site does not in and of itself reduce impact potential. It is expected that developing a similar project would result in a similar array of project impacts and would simply transfer this impact potential to areas surrounding the alternate site location. For these reasons, an alternate site location would not necessarily be preferred over the proposed project site.

As stated in *Section 4.1, Land Use* the Mira Mesa Community is largely built out and no other large undeveloped parcels remain. Since the applicant cannot reasonably acquire, control, or otherwise have access to an alternative site within the Mira Mesa Community, there are no other feasible locations.

9.1.2 GALVIN DIRECT ACCESS RAMP ALTERNATIVE

As described in *Chapter 8.0*, as part of a separate project proposed by Caltrans, a Direct Access Ramp (DAR) to I-15 is being proposed to connect local street traffic in Mira Mesa to the

Managed Lanes facility on I-15. Caltrans is currently considering ~~four~~ two locations for implementation of the DAR: at Hillery Drive~~,~~ and Galvin Avenue~~, Maya Linda Road, and an eastern connection~~. Should Caltrans select the Galvin Avenue location, the southern part of the Casa Mira View project site would be built with the DAR and the project as proposed would not be able to be constructed.

The Galvin Avenue DAR Alternative would consist of the development of 1,620 multifamily residential dwelling units within two residential buildings, in the same location as the proposed buildings 1 and 2. This alternative would reduce the number of residential units, and therefore would reduce the traffic volume generated by the project. However, the DAR alternative would impair traffic circulation by depriving the project site of one of its major ingress/egress points along Westview Parkway, and hence this alternative would worsen traffic/circulation impacts by forcing all of the project traffic to one site entry, and by adding traffic associated with the DAR to the street network in the vicinity of the Casa Mira View project site. Therefore, this alternative does not offer substantial benefits in terms of impact avoidance or reduction. In addition, this alternative would not add anything to the analysis of this EIR because its density falls between that of the proposed project (1,848 units) and one of the alternatives already being studied (1,032 units). Also important, because the applicant and City do not have the authority to implement the Caltrans DAR project at the Galvin Avenue location, this alternative was not examined in detail.

9.1.3 SUBTERRANEAN PARKING ALTERNATIVE

A Subterranean Parking Alternative involving the construction of an underground parking garage, in an effort to avoid the need for the project's height deviations was considered. However, as analyzed in detail in *Section 4.9* of this EIR, height and aesthetics were not determined to be significant impacts of the project. Since this alternative would not reduce significant impacts of the project, it was not examined in detail. In addition, excavation required for construction of a subterranean parking garage would result in additional construction noise and air quality (dust) impacts, and also greater impacts to paleontology, when compared to the project.

9.2 ALTERNATIVES UNDER CONSIDERATION

Pursuant to CEQA Guidelines Section 15126.6, an analysis of alternatives is presented in this document to provide decision makers with a range of possible alternatives to be considered. The discussion in this EIR focuses on three alternatives: the No Project Alternative; a 570-Unit alternative and a 1,032-Unit Alternative. These alternatives are directed at avoiding or lessening environmental impacts of the project as identified in this EIR. The alternatives were identified by the City in their November 19, 2007, scoping letter for the project. The analysis of alternatives in

this chapter provides a comparison analysis of the alternatives' effects in contrast to those anticipated for the project.

As presented in *Chapters 4.0* and *9.0* of this EIR, the project's identified significant impacts are to traffic, air quality, public facilities, noise, paleontology, and biology. Of these, traffic, air quality, public facilities (cumulative), and noise would all result in significant and unmitigable impacts, even though mitigation measures are available to at least partially reduce these impacts. For paleontology, and biology, mitigation measures have been identified that would fully reduce impacts to less than significant. The remaining topics evaluated in *Chapters 4.0* and *5.0* would not result in significant impacts.

9.2.1 NO PROJECT ALTERNATIVE

CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate a "no project" alternative along with its impact. The purpose of describing and analyzing a no project alternative is to allow a lead agency to compare the impacts of approving the project to the impacts of not approving it. Specifically, Section 15126.6(e)(3)(B) requires that an EIR, for a development project on identifiable property, address the no project alternative as a "circumstance under which the project does not proceed." In other words, the no project alternative assumes that the project site would not be developed with the currently proposed project and that the project site would remain in its present undeveloped condition.

It should be noted that even if the Casa Mira View project were not approved by the City, the project site could still potentially be developed with 1,848 residential uses due to the Mira Mesa Community Plan designation of medium-high density residential use, as well as the existing development agreement which indicates that the site would be developed with 1,848 residential dwelling units.

Transportation/Circulation/Parking

This alternative would not promote additional vehicle trips along I-15, Mira Mesa Boulevard, and vicinity roadways. Therefore, significant impacts, including the significant and unmitigable impacts that would result with the project, would be avoided.

Air Quality

This alternative would not produce construction dust or air quality emissions from residents' or visitors' vehicles to and from the site. Therefore, no air quality effects would result.

Noise

This alternative would not result in noise impacts to future residents from the site's adjacency to I-15. Therefore, noise impacts associated with the project would be avoided.

Public Facilities and Services

Under this alternative, the project site would remain undeveloped. Therefore, no impacts to the City's existing solid waste disposal service would result.

Paleontological Resources

This alternative would not result in any grading or other ground disturbing activities that have the potential to impact paleontological resources. Therefore, no potential impacts to paleontological resources would result.

Biological Resources

This alternative would not result in impacts to the row of non-native trees located along I-15. These trees are considered potential nesting grounds for migratory birds. Therefore, since this alternative would not result in impacts to on-site trees, potential impacts to nesting raptors would not result.

Land Use

Under this alternative, the project site's existing zoning and community plan designations would remain and the site would remain vacant. This alternative would reduce the project's conflicts with the City's MSCP Subarea Plan since no off-site improvements associated with the Black Mountain Road traffic mitigation would be required.

Aesthetics

This alternative would not result in any development on the project site. Therefore, no change to the existing visual and community character setting would occur, and no impacts would result.

Water Quality

Under this alternative, no development of the site would occur; therefore, no impacts to water quality would result.

Geologic Conditions

Since no development would occur, no geology impacts would occur under the No Project Alternative.

Human Health/Public Safety/Hazardous Materials

This alternative would not result in development on the project site, and impacts associated with human health/public safety/hazardous would not occur.

Energy Conservation

Under this alternative, no development of the site would occur, therefore, no impacts to energy resources would result and no energy conservation measures would be implemented.

9.2.2 570-UNIT ALTERNATIVE

This alternative was prepared in response to the City's Scoping Letter for the project which identified that the EIR address a Reduced Density/Reduced Height Alternative. This alternative would have the same footprint as the project and would be developed with fewer residential units. In an effort to evaluate an alternative that would reduce the project's greatest impacts, (i.e., significant and unmitigable traffic impacts to the Mira Mesa Boulevard roadway segment between Westview Parkway and Black Mountain Road, the Black Mountain Road street segment from Mercy Road to Park Village Drive, and the cumulative impacts to the Mira Mesa Boulevard/ I-15 SB ramp), the project traffic engineer calculated the reduced number of units that could be provided that would reduce these impacts to less than significant.

As calculated, a reduction of 1,278 dwelling units from the project's 1,848 units, for a total 570 multifamily dwelling units, would be necessary to reduce these two traffic impacts to below a level of significance (USA 2007). This alternative would also result in a proportional reduction to the amount of affordable housing units provided on site. The Reduced Density/Reduced Height Alternative could provide the 570 units in two-story residential buildings. This alternative would reduce impacts to traffic and circulation, air quality, and noise.

The Reduced Density/Reduced Height Alternative would not achieve project objectives 1, 3, 4, 7, or 8, since it would not provide 1,848 units, and would not provide the greatest amount of a variety of housing for workers in the area. It would also not provide affordable housing units when compared to the project, given the substantial reduction in the number of market-rate units. Further, it would not be consistent with and fulfills the rights vested under the existing development agreement for the project since it would not provide 1,848 units, and it would not fulfill the Mira Mesa Community Plan's desired development intensity for the site. As such, this

alternative would not feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen some of the significant effects of the project.

Transportation/Circulation/Parking

This alternative was developed to avoid the traffic impacts of the project by proposing to develop no more than 570 multifamily residential units. The development of 570 dwelling units would fully reduce significant traffic impacts to a level below significance. Therefore, impacts associated with transportation and circulation would be less than those for the project.

Air Quality

This alternative would result in lower air quality emissions from construction and from vehicles traveling to and from the project site during the operational phase of the project. Therefore, impacts associated with air quality would be less than what would result from the project, but operations impacts would still be significant and unmitigable.

Noise

This alternative would result in fewer vehicle trips in the project area than that of the project. Therefore, long-term on-site noise impacts to future residents would be less than from what would be generated by the project, and impacts would be avoided. However, this alternative would also result in the development of multiple residential buildings in which phased development would result in significant short-term construction related noise impacts to future on-site residents. Therefore, this alternative would result in similar significant and unmitigable short-term construction noise impacts as the project.

Public Facilities and Services

This alternative would still result in the development of more than 500 dwelling units. Therefore, cumulative impacts to solid waste disposal services would still result in a significant impact. This alternative would not avoid the project's significant and unmitigable cumulative solid waste impacts.

Paleontological Resources

As with the project, construction of this alternative would involve grading and other earth moving activities. The exact grading quantities are not known for this alternative; however, since the site has been graded in the past and both the Lindavista Formation and Stadium Conglomerate are exposed at grade (Geocon 2007), grading activities may encounter significant

paleontological resources. Therefore, this alternative would result in similar paleontological resource impacts as the project.

Biological Resources

As with the project, impacts to the row of trees adjacent to I-15 would potentially result in impacts to nesting raptors. However, biological resource impacts would also be reduced, because off-site traffic mitigation measure TRAF-2 along Black Mountain Road would not need to be implemented, and therefore potential indirect impacts to Los Peñasquitos Creek and MHPA areas would be avoided.

Land Use

With implementation of 570 units, this alternative would result in inconsistencies with the existing community plan land use designation and with the number of units contemplated by the development agreement, and impacts would be greater when compared to the project. However, this alternative would avoid the off-site traffic improvements along Black Mountain Road north of Mercy Road and therefore potential conflicts with the MSCP Subarea Plan would not result. Therefore, this alternative would result in different impacts but the level of significance is similar to that of the project.

Aesthetics

Under this alternative, the site would still result in the change from a vacant lot to a developed lot with residential uses; however, the intensity of the uses would be less than the project. Therefore, this alternative would result in a similar level of significance, that is, less than significant.

Water Quality

No major differences in the project impact analysis for water quality would result, since this alternative would construct a project on the same footprint. As with the project, no significant impacts to water quality would result.

Geologic Conditions

This alternative would result in the development of the project site with residential structures and amenities, similar to the project. Therefore, impacts to geologic conditions would be similar and less than significant.

Human Health/Public Safety/Hazardous Materials

Since development would be similar to the project and on the same footprint, impacts to human health/public safety/hazardous materials would be similar and less than significant.

Energy Conservation

This alternative would result in the development of 570 multifamily residential units; therefore, the amount of energy being used at the project site would be less than when compared to the project. Impacts for both this alternative and the project would be less than significant.

9.2.3 1,032-UNIT ALTERNATIVE

This alternative was prepared in response to the City's Scoping Letter for the project which identified that the EIR address a Reduced Density/Reduced Height Alternative. The 1,032-Unit Alternative would utilize the same footprint as the project and would be developed with fewer residential units. This alternative would reduce the project's significant (but mitigable) traffic impacts at the Black Mountain Road street segment from Mercy Road to Park Village Drive. This would not only eliminate a significant traffic impact, but also the resulting biology impact along Black Mountain Road. The project traffic engineer calculated the reduced number of units that could be provided that would reduce these impacts to less than significant.

As calculated, a reduction of 816 dwelling units from the project's 1,848 units, for a total 1,032 multifamily dwelling units, would be necessary to reduce the project's traffic impacts to below a level of significance (USA 2007). This alternative would also result in a proportional reduction to the amount of affordable housing units provided on site. The 1,032-Unit Alternative could provide the 1,032 units in four-story residential buildings.

The 1,032-Unit Alternative would not achieve project objectives 1, 3, 4, 7, or 8, since it would not provide 1,848 units, and would not provide the greatest amount of a variety of housing for workers in the area. It would also not provide affordable housing units when compared to the project, given the substantial reduction in the number of market-rate units. Further, it would not be consistent with or fulfill the rights vested under the existing development agreement for the project since it would not provide 1,848 units, and it would not fulfill the Mira Mesa Community Plan's desired development intensity for the site. As such, this alternative would not feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen some of the significant effects of the project.

Transportation/Circulation/Parking

This alternative was developed to avoid the traffic impacts of the project by proposing to develop no more than 1,032 multifamily residential units. The development of 1,032 dwelling units would reduce the need for off-site traffic impacts along Black Mountain Road north of Mercy Road. However, other significant traffic impacts would still result. Therefore, impacts associated with transportation and circulation would be less than those for the project.

Air Quality

This alternative would result in lower air quality emissions from construction and from vehicles traveling to and from the project site during the operational phase of the project. Therefore, impacts associated with air quality would be less than what would result from the project, but operational impacts would still be significant and unmitigable.

Noise

This alternative would result in fewer vehicle trips in the project area than that of the project. Therefore, long-term on-site noise impacts to future residents would be less than from what would be generated by the project. However, this alternative would also result in the development of multiple residential buildings in which phased development would result in significant short-term construction related noise impacts to future on-site residents. Therefore, this alternative would result in similar significant and unmitigable short-term construction noise impacts as the project.

Public Facilities and Services

This alternative would still result in the development of more than 500 dwelling units. Therefore, cumulative impacts to solid waste disposal services would still result in significant impacts. Therefore, this alternative would not avoid the project's significant and unmitigable cumulative solid waste impacts.

Paleontological Resources

As with the project, construction of this alternative would involve grading and other earth moving activities. The exact grading quantities are not known for this alternative; however, since the site has been graded in the past and both the Lindavista Formation and Stadium Conglomerate are exposed at grade (Geocon 2007), grading activities may encounter significant paleontological resources. Therefore, this alternative would result in similar paleontological resource impacts as the project.

Biological Resources

As with the project, impacts to the row of trees adjacent to I-15 would potentially result in impacts to nesting raptors. However, biological resource impacts would also be reduced, because off-site traffic mitigation measure TRAF-2 along Black Mountain Road would not need to be implemented, and therefore potential indirect impacts to Los Peñasquitos Creek and MHPA areas would be avoided.

Land Use

This alternative would not be consistent with the City's community plan land use designation or with the number of units contemplated by the development agreement. However, this alternative would avoid the off-site traffic improvements along Black Mountain Road north of Mercy Road and therefore potential conflicts with MSCP Subarea Plan would not result. Therefore, this alternative would result in different impacts but the level of significance is similar to that of the project.

Aesthetics

This alternative would result in similar design in terms of character, bulk, scale, materials and style. The height of the proposed buildings may be reduced; however, a deviation would still be required. Similar to the project, this alternative would not significantly contrast with surrounding development, substantially alter the existing or planned character of the area, or affect landmark or distinctive trees. As with the project, impacts would be less than significant.

Water Quality

No major differences in the project impact analysis for water quality would result, since this alternative would construct a project with a similar site plan. As with the project, no significant impacts to water quality would result.

Geologic Conditions

As with the project, construction of this alternative would involve grading and other earth moving activities. Therefore, this alternative would result in similar geology impacts as the project.

Human Health/Public Safety/Hazardous Materials

Since the development footprint and development type are similar to the project, impacts to human health/public safety/hazardous materials would be similar, that is, less than significant.

Energy Conservation

This alternative would result in the development of 1,032 multifamily residential units. Therefore, it would generate the need for less energy resources than the project. Similar energy conservation measures would need to be incorporated into this alternative's design.

9.3 SUMMARY MATRIX

A matrix displaying the major characteristics and significant environmental effects of each alternative is provided in *Table 9-1* to summarize the comparison. The matrix also indicates whether the alternative meets the project objectives as defined in *Section 3.1*.

9.4 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The No Project Alternative (i.e., the no development alternative) would be the environmentally superior alternative because it would minimize several impacts moreso than the two Reduced Density/Reduced Height Alternatives. However, CEQA Guidelines Section 15126.6(e)(2) states that if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. In this case, the environmentally superior alternative is the 570-Unit Alternative, which would reduce some of the project's identified significant environmental impacts, but would not meet most of the project objectives. Also, as with the project, the 570-Unit Alternative would still result in cumulatively significant and unmitigable impacts to air quality, solid waste, and significant impacts to paleontology and biology.

TABLE 9-1
Alternatives Summary

Environmental Issue	No Project Alternative*	570-Unit Alternative	1,032-Unit Alternative
Transportation/ Circulation	Impacts avoided	Impacts reduced	Impacts reduced but still significant and unmitigable
Air Quality	Impacts avoided	Impacts avoided	Impacts reduced but still significant and unmitigable
Noise	Impacts avoided	Impacts reduced but still significant and unmitigable	Impacts reduced but still significant and unmitigable
Public Facilities and Services	Impacts avoided	Similar; solid waste impacts still significant and unmitigable	Similar; solid waste impacts still significant and unmitigable
Paleontology	Impacts avoided	Similar; impacts still significant	Similar; impacts still significant
Biology	Impacts avoided	Impacts reduced but still significant	Impacts reduced still significant
Land Use	Impacts avoided	Similar	Similar
Aesthetics	Impacts avoided	Similar	Similar
Water Quality	Impacts avoided	Similar	Similar
Geology	Impacts avoided	Similar	Similar
Human Health/ Public Safety/ Hazardous Materials	Impacts avoided	Similar	Similar
Energy Conservation	Impacts avoided	Similar	Similar
Meets Most Project Objectives?	No	No	No

*It should be noted that even if the Casa Mira View project were not approved by the City, the project site could still potentially be developed with 1,848 residential uses due to the Mira Mesa Community Plan designation of medium-high density residential use, as well as the existing development agreement which indicates that the site would be developed with 1,848 residential dwelling units.

CHAPTER 10.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) Section 21081.6 requires that a mitigation monitoring and reporting program (MMRP) be established upon certification of an environmental impact report (EIR). It stipulates that "the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation."

This MMRP has been developed in compliance with Section 21081.6 of CEQA and identifies **(1)** mitigation measures to be implemented prior to, during, and after construction of the Casa Mira View project; **(2)** the individual/agency responsible for that implementation; and **(3)** criteria for completion or monitoring of the specific measures.

10.1 GENERAL

Prior to issuance of a Notice to Proceed (NTC), the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division shall verify that the following Mitigation Measures have been included in entirety on the submitted construction documents and contract specifications, and included under the heading, "Environmental Mitigation Requirements." In addition, the requirements for a Preconstruction Meeting shall be noted on all construction documents.

Prior to the commencement of work, a Preconstruction Meeting (Pre-con) shall be conducted and include the City of San Diego's Mitigation Monitoring Coordination (MMC) Section, Resident Engineer, Building Inspector, Project Biologist/Archaeologist/Paleontologist, Applicant and other parties of interest.

Evidence of compliance with other permitting authorities is required, if applicable. Evidence shall include either copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.

10.2 LAND USE

The project shall incorporate or comply with the measures provided below to the satisfaction of the City Development Services Department during construction. The City Development Services Department shall verify that future development plans have incorporated or complied with the following measures:

LU-1 Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the ADD of the Entitlements Division verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below:

A. Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of the Entitlements Division stating that a qualified Biologist, as defined in the City of San Diego Biological Resource Guidelines (BRG), has been retained to implement the revegetation plan.

B. At least thirty days prior to the pre-construction meeting, a second letter shall be submitted to the MMC section, which includes the name and contact information of the Biologist and the names of all persons involved in the Biological Monitoring of the project.

C. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant relocation requirements and timing, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated.

D. The qualified biologist (project biologist) shall attend the first preconstruction meeting.

LU-2 In addition the following mitigation measures related to the MHPA Land Use Adjacency Guidelines shall be implemented:

A. Prior to initiation of any construction-related grading, the construction foreman shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor.

B. The limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing or grading. The project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance within and surrounding sensitive habitats as shown on the approved Exhibit A. The limits of grading shall be defined with silt fencing or orange construction fencing and checked by the biological monitor before initiation of construction grading.

C. No invasive non-native plant species shall be introduced into areas adjacent to the MHPA. Landscape plans shall not contain invasive, non-native species.

D. All lighting adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields.

E. All construction activities (including staging areas and/or storage areas) shall be restricted to the development area as shown on the approved Exhibit A. No equipment maintenance shall be conducted within or near the adjacent open space and/or sensitive areas and shall be restricted to the development area as shown on the approved Exhibit A. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved Exhibit A.

F. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space. Drainage from all development areas adjacent to the MHPA shall be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices as specified by the City Engineer.

G. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading. All construction related debris shall be removed off-site to an approved disposal facility.

LU-3 Should construction occur during the breeding season of the coastal California gnatcatcher (March 1 through August 15), and least Bell's vireo (March 15 and ~~August~~ September 15), the following mitigation measures shall be required and implemented:

A. COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)- Prior to the issuance of any grading permit the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of the coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager:

1. A Qualified Biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [db(a)] hourly average for the presence of the coastal California gnatcatcher. Surveys for the coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If coastal California gnatcatchers are present, then the following conditions must be met:

    a. Between March 1 and August 15, no clearing, grubbing, or grading of occupied coastal California gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and

    b. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied coastal California gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; or

    c. At least two weeks prior to the commencement of construction activities, under the direction of a Qualified Acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will

not exceed 60 dB(A) hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. if the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

2. If coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the city manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:

   a. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.

   b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

B. LEAST BELL'S VIREO (State Endangered/Federally Endangered) - Prior to the issuance of any grading permit, the City Manager (or appointed designee)

shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 15 and ~~August~~ September 15, the breeding season of the least Bell's vireo, until the following requirements have been met to the satisfaction of the City Manager:

1. A Qualified Biologist (possessing a valid Endangered Species Act Section subject to construction noise levels exceeding 60 decibels [db(a)] hourly average for the presence of the least Bell's vireo. Surveys for the least Bell's vireo shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If the least Bell's vireo are present, then the following conditions must be met:

    a. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and

    b. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied least Bell's vireo habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with *monitoring noise level experience with listed animal species)* and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; or

    c. At least two weeks prior to the commencement of construction activities, under the direction of a Qualified Acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will

not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 15).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

2. If least Bell's vireo are not detected during the protocol survey, the Qualified Biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March ~~17~~15 and September 15 as follows:

   a. If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.

   b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

10.3 TRAFFIC AND CIRCULATION

The Casa Mira View project shall provide improvements to intersections and street segments to mitigate direct or cumulative impacts to these locations. *Figure 4.2-8* shows the locations and

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description of the improvements to be provided by the project. The mitigation measures required by the project are discussed below.

TRAF-1 Prior to the issuance of a building permit for the first residential dwelling unit, the applicant shall assure, to the satisfaction of the City Engineer, construction of a northbound right-turn lane at the intersection of Mira Mesa Boulevard and Black Mountain Road. This mitigation would reduce impacts, to the intersection Mira Mesa Boulevard and Black Mountain Road, to below a level of significance and would partially mitigate the project's significant impacts to the Mira Mesa Boulevard street segment from Westview Parkway to Black Mountain Road.

For the direct and cumulatively significant impacts along the Mira Mesa Boulevard street segment, between Westview Parkway and Black Mountain Road, unmitigable impacts would result. To fully mitigate for the project's impact, the existing road would require widening to 8 lanes from its current configuration of 7 lanes. Further widening of this segment of Mira Mesa Boulevard would require eminent domain by the City to remove existing structures along this street segment, including private commercial businesses. As such it is considered infeasible and would remain unmitigated. Implementation of mitigation measures TRAF-1 would improve the traffic conditions for street segments on Mira Mesa Boulevard; however, not to a level below significance.

TRAF-2 Prior to the issuance of a building permit for the second building (811th residential dwelling unit), the applicant shall assure, to the satisfaction of the City Engineer, construction of a third northbound and a third southbound thru lanes and transitions on Black Mountain Road from Mercy Road transitioning to four lanes prior to the Penasquitos Canyon Creek Bridge. This mitigation would fully mitigate the project's impacts to the intersection of Mercy Road and Black Mountain Road and partially mitigate the project's significant impacts to the Black Mountain Road (Mercy Road to Park Village Drive) street segment.

To fully mitigate for the project's significant impact along this roadway segment, a full 6-lane widening of the entire segment from Mercy Road to Park Village Drive would be required. However, because full widening would require bridge widening, elimination of the existing planted median, and relocation of a major water line, the full widening is not feasible. Therefore, the applicant shall provide feasible mitigation, that is, 6-lane widening of Black Mountain Road, for approximately 960 feet north of Mercy Road, until the existing Black Mountain Road bridge.

Approximately 290 feet of Black Mountain Road from the Penasquitos Canyon Creek Bridge to Park Village Drive would not be widened to 6-lanes and would remain unmitigated.

TRAF-3 Prior to the issuance of a building permit for the first residential dwelling unit, the applicant shall assure, to the satisfaction of the City Engineer, construction of a northbound right-turn lane at the intersection of Black Mountain Road and Hillery Drive. This mitigation would reduce impacts, to the Black Mountain Road and Hillery Drive intersection, to below a level of significance.

TRAF-4 Prior to the issuance of a building permit for the first residential dwelling unit, the applicant shall assure, to the satisfaction of the City Engineer, widening of eastbound and westbound approaches and assure an additional westbound right-turn lane at the intersection of Black Mountain Road and Gold Coast Drive. This mitigation would reduce impacts, to the intersection of Gold Coast Drive and Black Mountain Road, to below a level of significance.

TRAF-5 Prior to the issuance of a building permit for the first residential dwelling unit, the project applicant shall either provide a fair-share contribution of $1,572,000 towards the construction of the I-15 'managed lanes south segment' project or provide a fair share contribution distributed by building and totaling $1,572,000 (in 2008 dollars) in the following manner: Prior to the issuance of a building permit for the first residential building permit, the applicant shall provide a fair-share contribution of $700,000 (in 2008 dollars). Prior to the issuance of a building permit for the second building (811th residential unit), the applicant shall provide a fair-share contribution of $700,000 (in 2008 dollars). Prior to the issuance of a building permit for the third building (1,621st residential unit), the applicant shall provide a fair-share contribution of $172,000 (in 2008 dollars) towards the construction of the I-15 'managed lanes south segment' project. This contribution is to be paid subject to the satisfaction of the City Engineer. The fair-share contribution would partially mitigate the Mira Mesa Boulevard/ I-15 SB ramp cumulative impact and the Mira Mesa Boulevard street segment from I-15 onramps to Westview Parkway; however, there is no certain method of determining whether or not the fair-share contribution to Caltrans would actually fully mitigate the project's cumulative contribution to significant impacts at this intersection, and if construction of the managed lanes south segment project is not completed by Caltrans, impacts would remain unmitigated.

TRAF-6 Prior to the issuance of a building permit for the first residential dwelling unit, the applicant shall assure, to the satisfaction of the City Engineer, an extension of the westbound dual-left turn lanes on Mira Mesa Boulevard as well as provide striping, signing, and modifications to increase the storage for the southbound left turn lanes on Westview Parkway in order to increase the capacity of this intersection and increase the capacity of street segments on Mira Mesa Boulevard. This mitigation

measure would partially reduce impacts to the Mira Mesa Boulevard street segment from the I-15 on-ramps to Westview Parkway.

10.4 AIR QUALITY

The project shall incorporate or comply with the measures provided below to the satisfaction of the City Development Services Department during construction. The City Development Services Department shall verify that future development plans have incorporated or complied with the following measures:

AQ-1 During the construction phase, contractors shall maintain equipment and vehicle engines in good condition and in proper tune per manufacturers' specifications. Construction equipment utilized for grading and excavation shall be equipped with a diesel oxidation catalyst of reducing NO_x emissions by 40 percent. As feasible, contractors shall utilize electricity from power poles rather than temporary diesel or gasoline generators. Heavy-duty haul/delivery trucks shall be prohibited from idling in excess of five minutes, both on and off site, to be consistent with State law.

AQ-2 Construction activity that affects traffic flow on the arterial system shall be limited to off-peak hours, as feasible. In addition, construction parking shall be configured to minimize traffic interference.

No feasible mitigation measures are available to reduce long-term operational PM_{10}, CO, and VOC emissions to less than significant levels. The majority of the operational air quality impacts are a result of the estimated 11,088 average daily trips generated by the project (USA 2008a). While the project has included shuttle services, which would serve to reduce operational emissions, the amount of reduction is difficult to quantify. Also, it is not feasible for the applicant to require emission control devices be implemented on private vehicles associated with the project. There are no other feasible mitigation measures to reduce mobile source emissions to less than significant levels. Therefore, the project would result in a significant and unavoidable regional operations impact from PM_{10}, CO, and VOC emissions.

10.5 PUBLIC FACILITIES AND SERVICES

The project shall incorporate or comply with the measures provided below to the satisfaction of the City Development Services Department. The City Development Services Department shall verify that future project plans have incorporated or complied with the following measures:

Entitlements Plan Check

PFS-1 Prior to the issuance of any construction permit, including but is not limited to, demolition, grading, building or any other construction permit, the Assistant Deputy Director (ADD) Environmental Designee shall verify that the all the requirements of the Refuse & Recyclable Materials Storage Regulations and all of the requirements of the waste management plan are shown and noted on the appropriate construction documents. All requirements, notes and graphics shall be in substantial conformance with the conditions and exhibits of the associated discretionary approval.

PFS-2 The construction documents shall include a waste management plan that addresses the following information and elements for demolition, construction, and occupancy phases of the project as applicable:

(a) tons of waste anticipated to be generated

(b) material type of waste to be generated

(c) source separation techniques for waste generated

(d) how materials will be reused on site

(e) name and location of recycling, reuse, or landfill facilities where waste will be taken if not reused on site

(f) a "buy recycled" program

(g) how the project will aim to reduce the generation of construction/ demolition debris

(h) a plan of how waste reduction and recycling goals will be communicated to subcontractors

(i) a time line for each of the three main phases of the project as stated above

(j) a list of required progress and final inspections by City staff.

PFS-3 The plan shall strive for a goal of 50% waste reduction.

PFS-4 The plan shall include specific performance measures to be assessed upon the completion of the project to measure success in achieving waste minimization goals.

PFS-5 The Plan shall include notes requiring the Permittee to notify MMC and ESD when:

(a) a demolition permit is issued

(b) demolition begins on site

(c) inspections are needed. The permittee shall arrange for progress inspections, and a final inspection, as specified in the plan and shall contact both MMC and ESD to perform these periodic site visits during demolition and construction to inspect the progress of the project's waste diversion efforts.

When Demolition ends, notification shall be sent to:

Mitigation Monitoring Coordination (MMC) Environmental Review Specialist
9601 Ridgehaven Court , Ste. 320, MS 1102 B
San Diego, CA 92123 1636
(619) 980 7122

Development Service Department, Environmental Services Department (ESD)
9601 Ridgehaven Court, Ste. 320, MS 1103 B
San Diego, CA 92123 1636
(858) 627-3303

PFS-6 Prior to the issuance of any grading or building permit, the applicant shall receive approval, in writing, from the ADD of Entitlements Division, environmental designee (MMC) that the waste management plan has been prepared, approved, and implemented. Also prior to the issuance of any grading or building permit, the applicant shall submit written evidence to the ADD that the final Demolition/Construction report has been approved by MMC and ESD. This report shall summarize the results of implementing the above Waste Management Plan elements, *including: the actual waste generated and diverted from the project, the* waste reduction percentage achieved, and how that goal was achieved, etc.

A. Pre Construction Meeting

1. Demolition Permit - Prior to issuance of any demolition permit, the permittee shall be responsible to obtain written verification from MMC indicating that the permittee has arranged a preconstruction meeting to coordinate the implementation of the MMRP. The Precon Meeting that shall include: the Construction Manager, Demolition/Building/Grading Contractor; MMC; and ESD and the Building Inspector and/or the Resident Engineer (RE) (whichever is applicable) to verify that implementation of the waste management plan shall be performed in compliance with the plan approved by Entitlements Division and the San Diego Environmental Services

Department (ESD), to ensure that impacts to solid waste facilities are mitigated to below a level of significance.

2. At the Precon Meeting, the Permittee shall submit three (3) reduced copies (11x17 inches) of the approved waste management plan, which two (2) copies are to be distributed to MMC and one (1) ESD.

3. Prior to the start of demolition, the Permittee and/or the Construction Manager shall submit a construction/demolition schedule to MMC and ESD.

   a. Grading and Building Permit - Prior to issuance of any grading or building permit, the Permittee shall be responsible to arrange a preconstruction meeting to coordinate the implementation of the MMRP. The Precon Meeting shall include: the Construction Manager, Building/Grading Contractor, MMC, ESD, and the Building Inspector and/or the Resident Engineer (RE) (whichever is applicable) to verify that implementation of the waste management plan shall be performed in compliance with the plan approved by Entitlement Division and the ESD, to ensure that impacts to solid waste facilities are mitigated to below a level of significance.

4. The Permittee and/or Construction Manager shall call for inspections by the RE/BI and both MMC and ESD, who will periodically visit the demolition/construction site to verify implementation of the waste management plan. The Consultant Site Visit Record (CSVR) shall be used to document the Daily Waste Management Activity/progress.

5. Within 30 days after the completion of the implementation of the MMRP, for any demolition or construction permit, a final results report shall be submitted to both MMC and ESD for review and approval to the satisfaction of the City. MMC will coordinate the approval with ESD and issue the approval notification.

6. Prior to final clearance of any demolition permit, issuance of any grading or building permit, release of the grading bond and/or issuance of any Certificate of Occupancy, the permittee shall provide documentation to the ADD of the Entitlements Division that the waste management plan has been effectively implemented.

10.6 NOISE

The following measures shall be implemented to reduce exterior noise levels for multifamily residences during construction, to the satisfaction of the City Development Services Department. The City Development Services Department shall verify that future development plans incorporate or comply with the following measures:

NOI-1 All construction equipment shall be equipped with mufflers and other suitable noise attenuation devices. This would reduce construction noise levels by at least 5 dB(A).

NOI-2 Grading and construction contractors shall use quieter equipment as opposed to noisier equipment (such as rubber-tired equipment rather than track equipment).

NOI-3 Equipment staging areas shall be located on the southeastern portion of the project site, as far away as possible from single-family residences and the Willard B. Hage Elementary School.

NOI-4 During building construction, the construction contractor shall implement sound attenuation blankets with a Sound Transmission Class rating of ten or more along the northern portion of the project site. The sound attenuation blankets shall break the line-of-sight between construction activities and the single-family residences adjacent to the project site. The sound attenuation blankets shall remain in place as long as construction activity is located within 175 feet of the single-family residences. This would reduce construction noise levels by 10 dB(A) at single-family residences located north of the project site.

NOI-5 During building construction, a five-foot temporary noise barrier (e.g., solid wood) shall be constructed by the construction contractor along the western portion of the project site such that line-of-sight between construction activities and the Willard B. Hage Elementary School is blocked. The five-foot noise barrier shall remain in place as long as construction activity is located within 175 feet of the elementary school. This would reduce construction noise levels by 5 dB(A) at the Willard B. Hage Elementary School.

NOI-6 The construction contractor shall establish a noise disturbance coordinator. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early in the day, bad muffler, etc.) and shall be required to implement measures such that the complaint is resolved to the satisfaction

of the City Engineering Department. Signs posted at the construction site shall list the telephone number for the disturbance coordinator.

NOI-7 During building construction, a five-foot temporary noise barrier (e.g. solid wood) shall be constructed such that the line-of-sight is blocked between construction activity and new dwelling units. The five-foot noise barrier that blocks the line-of-sight from construction activity to new dwelling units constructed on the project site shall remain in place until buildings are constructed during phases 2 and 3.

NOI-8 Lease agreements for residents occupying Phase 1 and Phase 2 dwelling units shall include notification of on-going phases 2 and 3 construction activity.

NOI-9 An eight-foot permanent noise barrier (e.g., earth berm, solid wall, or some combination therefore) shall be constructed between the northeastern recreation area and I-15.

With implementation of NOI-1 through NOI-6, construction noise levels at the single-family residences north of the project site, the Willard B. Hage Elementary School, and single-family residences northwest of the project would be reduced to below the 75 dB(A) construction noise threshold. Therefore, construction noise would result in a less-than-significant impact to off-site receptors after implementation of mitigation.

Mitigation measures NOI-1 and NOI-7 would each reduce construction noise levels at Phase 1 dwelling units by 5 dB(A), reducing the noise levels at Building 1 to 79 dB(A). This would exceed the 75 dB(A) significance threshold and, as such, construction noise would result in a short-term significant and unavoidable impact to new on-site residences.

Mitigation measure NOI-9 would reduce exterior noise levels at the northeastern recreational area by approximately 7 dB(A). This would result in maximum exterior noise levels of approximately 59.6 dB(A); which is below the 60 dB(A) significance threshold. Therefore, impacts from the northeastern recreational area would be reduced to less than significant levels.

10.7 PALEONTOLOGY

The following measures shall be implemented to reduce potential impacts to paleontological resources, to the satisfaction of the City Development Services Department. The City Development Services Department shall verify that future development plans have incorporated or complied with the following measures:.

PALEO-1 The following shall be implemented:

I. Prior to Permit Issuance

A. Entitlement Division 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 8AM 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 on the next business day 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. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines 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.

10.8 BIOLOGICAL RESOURCES

The following measures shall be implemented to reduce potential impacts to biological resources to the satisfaction of the City Development Services Department. The City Development Services Department shall verify that future development plans have incorporated or complied with the following measures:

BIO-1 To avoid direct impacts to the California horned lark, which nests on the ground and could nest on site, nesting bird surveys shall be conducted within 72 hours of any vegetation clearing if development occurs between March 15 and August 15. If occupied nests are present within 500 feet of the construction area, impacts to vegetation shall be avoided until the juvenile birds have fledged.

In addition, implementation of mitigation measures LU-1, LU-2 and LU-3 (see *Section 4.1, Land Use*) would reduce off-site short-term indirect significant impacts to special status wildlife species and sensitive vegetation communities to below a level of significance.

Implementation of mitigation measures BIO-1, BIO-2, and BIO-3 would reduce the potential significant impact on nesting birds to below a level of significance:

BIO-2 If the site has a potential to support nests and nesting raptors are present during grading and/or construction activities, compliance with the Migratory Bird Treaty Act/Section 3503 would preclude the potential for direct impacts.

BIO-3 If there is a potential for indirect noise impacts to nesting raptors, prior to any grading within the development area during the raptor breeding season (~~February 1~~January 15 through ~~September~~ August 15) the biologist shall ensure that no raptors are nesting. If construction occurs during the raptor breeding season a preconstruction survey shall be conducted and no construction shall be allowed within 300 to 500 feet of any

identified nest(s) until the young fledge. Should the biologist determine that raptors are nesting, an active nest shall not be removed until after the breeding season.

The following mitigation measure would reduce potential off-site impacts to nesting birds along the Black Mountain Road off-site traffic improvement area to less than significant:

BIO-4 To avoid indirect impacts to raptors nesting in adjacent trees east of the work area, a nesting raptor survey shall be conducted by a qualified biologist within 72 hours prior to the start of grading if construction occurs between January 15 and August 15. If occupied nests are present within 500 feet of the construction area, construction must be avoided to the 500-foot buffer area around the nest until the juvenile birds have fledged.

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CHAPTER 13.0 CERTIFICATION PAGE

City of San Diego

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CANDIDATE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE ENVIRONMENTAL IMPACT REPORT FOR THE CASA MIRA VIEW PROJECT

333
12/09

Project No. 91647
SCH No. 2007111095
September 2008

I. INTRODUCTION

The following Findings and Statement of Overriding Considerations are made for the Environmental Impact Report (EIR) for the Casa Mira View project (project). The EIR (City of San Diego Project No.91647 and SCH No. 2007111095), which is incorporated by reference herein, analyzes the significant and potentially significant environmental impacts which may occur as a result of the project.

The California Environmental Quality Act (CEQA) [California Public Resources Code (Section 21000 et. seq. and the State CEQA Guidelines (Title 14, California Code of Regulations Section 15000 et. seq.] require that no public agency shall approve or carry out a project which identifies one or more significant environmental effects of a 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 mitigate or avoid the significant environmental effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

[CEQA, Section 21081(a); Guidelines, Section 15091(a).]

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

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

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

II. PROJECT DESCRIPTION AND PURPOSE

The proposed project site is located in the Mira Mesa Community within the City of San Diego at the southeastern corner of Westview Parkway and Capricorn Way. The residential project would develop three five-story residential structures, containing a total of 1,848 multifamily dwelling units, on approximately 41 acres. Each residential building area would contain a parking structure, supporting recreational uses and amenities, guest parking areas, and shuttle pick-up areas. The project's design would result in each of the residential buildings wrapping around an above grade parking structure. In addition to the residential and parking structures, the project proposes to develop a clubhouse building within residential building areas 1 and 2. The project applicant has agreed to provide a total of 185 affordable housing units, including 145 units to be located on site and 40 units within the Legacy Apartments (located approximately 0.6 miles south of the project site near the intersection of Westview Parkway and Hillery Drive).

Five retaining walls would be constructed along the outer eastern perimeter of the project site and one sound wall would be constructed along the outer perimeter of the northern recreational area. A private storm drain system would be incorporated into the project design. The existing on-site storm drains would be realigned to underlie the building structures. In addition, new storm drains would be installed throughout the residential building areas, mini-parks and other

recreational areas, and around the perimeter of the project site (within the emergency vehicle roadway).

Grading would be required to accommodate the development. Approximately 334,000 cubic yards of material would be imported to level the site at approximately 500 to 505 feet AMSL

The project includes off-site road improvements to construct a traffic signal at the intersection of Westview Parkway and the project's main access, relocation of the park driveway to be located at the signalized location, restriping of Westview Parkway to accommodate the signal, and a signal interconnect between the existing signals at Westview Parkway at Galvin Avenue, Capricorn Way and the new signal at the project access. The improvements would also include a connection to the existing public road and signal at Galvin Avenue and Westview Parkway to provide a second signalized access to the project site. In addition, off-site traffic improvements associated with the existing surrounding roadway infrastructure would be provided as part of traffic mitigation measures.

Implementation of the project would require the following discretionary actions: a Vesting Tentative Map (VTM), Site Development Permit (SDP), Planned Development Permit (PDP), a rezone, and several easement vacations.

The primary goals of the project include:

- Provide 1,848 multifamily residential units within the Mira Mesa Community
- Provide a variety of multifamily residential types to serve the residents of Mira Mesa
- Provide the greatest amount of housing for a variety of workers commuting to the employment centers of Mira Mesa and Sorrento Mesa
- Provide on-site affordable housing units in proportion to other market-rate housing units, and pursuant to the City's inclusionary housing ordinance
- Provide recreational and open space amenities for residents of the 1,848 Casa Mira View units
- Promote smart growth principles by locating high-density residential uses on Mira Mesa's last large, vacant site in a predominantly urbanized area
- Develop a project that is consistent with and fulfills the rights vested under the existing development agreement for the project and project site
- Fulfill the Mira Mesa Community Plan's desired development intensity for the site.

III. ISSUES ADDRESSED IN EIR

The EIR contains an environmental analysis of the potential impacts associated with implementing the proposed project. The major issues that are addressed in this EIR were determined to be potentially significant based on review by the City. These issues include land use, traffic and circulation, air quality, public facilities and services, noise, paleontology, and biological resources.

IV. FINDINGS REGARDING IMPACTS THAT CAN BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE (PUBLIC RESOURCES CODE §21081(a)(1))

The City, having reviewed and considered the information contained in the EIR, finds pursuant to Public Resources Code Section 21081(a)(1) and Guidelines Section 15091(a)(1) that changes or alterations have been required in, or incorporated into, the Project which would mitigate, avoid, or substantially lessen to below a level of significance the following potentially significant environmental effects identified in the EIR on land use (direct), local traffic (direct and cumulative), public facilities and services (direct), noise (direct), paleontology (direct), and biological resources (direct and indirect).

A. Land Use (Direct and Indirect)

Potential Impacts: The project (specifically, construction of the Black Mountain Road north of Mercy Road off-site traffic improvements) would result in a significant but mitigable conflict with the MSCP Subarea Plan related to biological resources.

Facts in Support of Findings: The project's conflict with the MSCP Subarea Plan would be mitigated to below a level of significance with implementation of Mitigation Measures LU-1, LU-2, and LU-3 as identified in the Final EIR. Specifically, Mitigation Measures LU-1 would require the applicant to retain the services of a qualified biologist per the City's Biological Resource Guidelines.

Implementation of Mitigation Measure LU-2 would ensure the project would conform to the MSCP Land Use Adjacency Guidelines (a through f) and that any potential indirect impacts on the open space preserve area and the adjacent MHPA would be reduced to less than significant levels.

In addition, Mitigation Measure LU-3 provides measures to be implemented if construction activities must occur during the breeding season for the coastal California gnatcatcher or least Bell's vireo. This measure requires that a qualified biologist survey habitat areas in accordance to the protocol survey guidelines established by the U.S. Fish and Wildlife Service. If California gnatcatchers and/or least Bell's vireo are present, then no construction activities shall occur during the breeding season until the requirements provided within mitigation measure LU-3 have

been met to the satisfaction of the City Manager. If no California gnatcatchers and/or least Bell's vireo are found to be present and evidence concludes that no impacts to these species are anticipated then project construction may proceed without restrictions.

B. Local Traffic (Direct and Cumulative)

Potential Impacts: The project would have significant direct impact on the following intersections:

- Hillery Drive/Black Mountain Road
- Gold Coast Drive/Black Mountain Road
- Mira Mesa Boulevard/Black Mountain Road.

The project would have a significant cumulative impact on the following intersections:

- Mercy Road/Black Mountain Road
- Hillery Drive/Black Mountain Road
- Gold Coast Drive/Black Mountain Road
- Mira Mesa Boulevard/Black Mountain Road.

Facts in Support of Findings: The project's significant direct and cumulative impacts to intersections would be mitigated to a below a level of significance with implementation of Mitigation Measures TRAF-1 through TRAF-4 as identified in the Final EIR. Intersection impacts to Mira Mesa Boulevard and Black Mountain Road would be fully mitigated by the implementation of Mitigation Measure TRAF-1, which would require the applicant to assure, by permit, the construction of a northbound turn lane at the intersection on Mira Mesa Boulevard and Black Mountain Road. The Mercy Road and Black Mountain Road intersection would be fully mitigated through the implementation of Mitigation Measure TRAF-2, which would require the applicant to assure, by permit, the construction of a third northbound and third southbound thru lanes and transitions on Black Mountain Road from Mercy Road transitioning to four lanes prior to the Peñasquitos Canyon Creek Bridge. Impacts related to the Hillery Drive and Black Mountain Road intersection would be fully mitigated with the implementation of Mitigation Measure TRAF-3, which would require the applicant to assure, by permit, the construction of a northbound right turn lane at the intersection of Black Mountain Road and Hillery Drive. In addition, impacts to the Gold Coast Drive and Black Mountain Road intersection would be fully mitigated with the implementation of Mitigation Measure TRAF-4, which would require the applicant to assure, by permit, the widening of eastbound and westbound approaches and assure an additional westbound right turn lane at the intersection of Black Mountain Road and Gold Coast Drive. Therefore, implementation of Mitigation Measures TRAF-1 through TRAF-4 would reduce intersection direct and cumulative impacts to less than significant levels.

C. **Air Quality (Direct and Cumulative)**

Potential Impacts: The project would result in the exceedance of the maximum daily construction emissions threshold related to NO_X, resulting in a significant direct short-term air quality impact.

Facts in Support of Findings: Mitigation Measure AQ-1 would require: contractors to maintain equipment and vehicle engines in good condition and in proper tune per manufacturers' specifications; grading and excavation equipment to be equipped with a diesel oxidation catalyst of reducing NO_X emissions by 40%; utilize electricity from power poles (as feasible); and heavy duty haul/delivery trucks to be prohibited from idling in excess of five minutes both on and off site. In addition, Mitigation Measure AQ-2 would require that construction activity that affects traffic flow on the arterial system be limited to off-peak hours (as feasible) and that construction parking be configured to minimize traffic interference. With implementation of Mitigation Measures AQ-1 and AQ-2, direct short-term construction NO_X emissions would reduce to below a level of significance.

D. **Public Facilities and Services (Direct)**

Potential Impacts: The project would have a significant direct impact on the Miramar Landfill capacity.

Facts in Support of Findings: Implementation of Mitigation Measures PFS-1 through PFS-6 would reduce direct impacts to the Miramar Landfill to below a level of significance by requiring the preparation of a waste management plan and specific provisions of a waste management plan. These measures would result in avoidance of substantial increase in the demand for landfill related to the project. Therefore, direct impacts to the Miramar Landfill would be reduced to less than significant levels.

E. **Noise (Direct)**

Potential Impacts: The project would have a significant direct short-term construction impact on the adjacent educational and residential uses surrounding the project site and a significant direct long-term noise impact to future sensitive receptors attending the northeastern outdoor recreational uses.

Facts in Support of Findings: Implementation of Mitigation Measures NOI-1 and NOI-2 would require restrictions on construction equipment. Mitigation Measure NOI-3 implements restrictions on the location of the proposed staging areas. Implementation of Mitigation Measures NOI-4, NOI-5 and NOI-7 would require the use of sound attenuation devices such as sound attenuation blankets and temporary noise barriers. Mitigation Measure NOI-6 would require that a noise disturbance coordinator be established by the construction contractor to

respond to any local complaints about construction noise. In addition, NOI-8 would ensure that future on-site residents would be notified about the remaining phases of the project and future construction activities. Therefore, implementation of Mitigation Measures NOI-1 through NOI-8 would reduce significant short-term construction related noise impacts to below a level of significance.

In addition, Mitigation Measure NOI-9 would require the construction of a permanent noise barrier between the northeastern recreation area and I-15. Implementation of Mitigation Measure NOI-9 would reduce impacts to future on-site residents at the northeastern recreational area to less than significant levels.

F. Paleontology (Direct)

Potential Impacts: Implementation of the project would have the potential for significant direct impacts to paleontological resources.

Facts in Support of Findings: Potential direct impacts would be mitigated to below a level of significance by implementation of Mitigation Measure PALEO-1; which requires that a qualified paleontologist and/or paleontological monitor implement a paleontological monitoring program. The monitor would be present full-time on site during grading/excavation/trenching activities, diverting or halting construction activity in the area of discovery if fossil remains are found to allow recovery and curation of fossils, recordation of fossils at the San Diego Natural History Museum, and documenting findings in a Monitoring Report. With implementation of these actions contained in Mitigation Measure PALEO-1, the project's direct impacts on paleontological resources would be mitigated to below a level of significance.

G. Biological Resources (Direct and Indirect)

Potential Impacts: The project would have the potential to result in significant direct impacts to the California horned lark. In addition, construction of the project site and associated off-site traffic improvements would result in potential significant indirect impacts to biological resources.

Facts in Support of Findings: The California horned lark, has a high potential to nest on site. Development of the site could potentially impact this species during nesting if the site is graded during the breeding season. Implementation of Mitigation Measure BIO-1 would avoid potential direct impacts to the California horned lark, by requiring nesting bird surveys within 72 hours of any vegetation clearing if development occurs within the breeding season. If occupied nests are present within 500 feet of the construction area, impacts to vegetation shall be avoided until the juvenile birds have fledged. Therefore, implementation of Mitigation Measure BIO-1 would reduce indirect impacts to the California horned lark to less than significant levels.

Some bird species present or potentially present on site may nest within the line of trees along the eastern fenceline. Short-term indirect impacts that could potentially result from project construction include dust, noise, lighting, sedimentation, erosion, and pollutant run-off. Mitigation Measure BIO-1 would also apply to reduce impacts to nesting birds. In addition, Mitigation Measure BIO-2 would ensure compliance with the Migratory Bird Treaty Act. Mitigation Measure BIO-3 would require a biologist to ensure that no raptors are nesting within the development area during the raptor breeding season; if construction occurs during the raptor breeding season a preconstruction survey would be conducted and no construction would be allowed within 300 to 500 feet any identified nests until the young have fledged; if the biologists determines that raptors are nesting, an active nest shall not be removed until after the breeding season. Implementation of Mitigation Measures BIO-1, BIO-2, and BIO-3 would reduce potential indirect impacts to bird species to less than significant levels.

The off-site traffic improvements could result in indirect impacts to sensitive biological resources due to the fact that a portion of the road improvement (approximately 1,600 square feet) is located within the MHPA of the City's MSCP Subarea Plan and sensitive habitat is located within Los Peñasquitos Creek. These short-term indirect impacts could include dust, noise, lighting, sedimentation, erosion, and pollutant run-off. Implementation of Mitigation Measure BIO-4 would reduce potential significant off-site impacts to nesting beds to less than significant levels. In addition, implementation of Mitigation Measures LU-1 and LU-2 would reduce off-site short-term indirect impacts to special status wildlife species and sensitive vegetation communities to below a level of significance. Therefore, implementation of Mitigation Measures BIO-4, LU-1, and LU-2 would reduce potential indirect impacts to sensitive biological resources to below a level of significance.

V. FINDINGS REGARDING INFEASIBLE MITIGATION MEASURES AND ALTERNATIVES (PUBLIC RESOURCES CODE SECTION 21081(a)(3))

The City, having reviewed and considered the information contained in the EIR, finds pursuant to Public Resources Code Section 21081(a)(3) and Guidelines Section 15091(a)(3) that (i) the EIR considers a reasonable range of project alternatives, and (ii) specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the project alternatives identified in the EIR as well as other alternatives or mitigation measures which would reduce the following impact to below a level of significance.

A. Infeasibility of Mitigation for Significant Unmitigated Impacts

1. Local Traffic (Direct and Cumulative)

Potential Impacts: The project would have significant direct and cumulative impacts on the following street segments:

- Mira Mesa Boulevard (Westview Parkway to I-15)
- Mira Mesa Boulevard (Westview Parkway to Black Mountain Road)
- Black Mountain Road (Mercy Road to Park Village Drive).

Facts in Support of Findings: Mitigation Measure TRAF-1 would implement the construction of a northbound right-turn lane at the intersection of Mira Mesa Boulevard and Black Mountain Road, as identified in the Mira Mesa Community Plan. This mitigation measure would reduce impacts to the Mira Mesa Boulevard/Black Mountain Road intersection to less than significant levels; however, the direct and cumulative significant impact along the Mira Mesa Boulevard street segment (Westview Parkway to Black Mountain Road) would remain significant and not be fully mitigated. To fully mitigate this street segment impact, the existing road would require widening to eight lanes from its current configuration of seven lanes. Further widening of this segment of Mira Mesa Boulevard would require eminent domain by the City to remove existing structures along this street segment, including private commercial businesses. As such it is considered infeasible and would remain unmitigated. Implementation of mitigation measures TRAF-1 would improve the traffic conditions for street segments on Mira Mesa Boulevard; however, not to a level below significance.

Implementation of Mitigation Measure TRAF-2 would result in the construction of a third northbound and a third southbound thru lanes and transitions on Black Mountain Road from Mercy Road transitioning to four lanes prior to the Penasquitos Canyon Creek Bridge. This mitigation would fully mitigate the project's impacts to the intersection of Mercy Road and Black Mountain Road and partially mitigate the project's significant impacts to the Black Mountain Road (Mercy Road to Park Village Drive) street segment. To fully mitigate for the project's significant impact along this roadway segment, a full six-lane widening of the entire segment from Mercy Road to Park Village Drive would be required. However, because full widening would require bridge widening, elimination of the existing planted median, and relocation of a major water line, the full widening is not feasible. Therefore, the applicant would provide feasible mitigation, that is, six-lane widening of Black Mountain Road, for approximately 960 feet north of Mercy Road, until the existing Black Mountain Road bridge. Approximately 290 feet of Black Mountain Road from the Penasquitos Canyon Creek Bridge to Park Village Drive would not be widened to six lanes and would remain unmitigated.

In addition, Mitigation Measure TRAF-6 would extend the westbound dual-left turn lanes on Mira Mesa Boulevard as well as provide striping, signing, and modifications to increase the storage for the southbound left turn lanes on Westview Parkway in order to increase the capacity of this intersection and increase the capacity of street segments on Mira Mesa Boulevard. This

mitigation measure would partially reduce impacts to the Mira Mesa Boulevard street segment from the I-15 on-ramps to Westview Parkway.

Therefore, impacts to street segments on Mira Mesa Boulevard (Westview Parkway to I-15), Mira Mesa Boulevard (Westview Parkway to Black Mountain Road) and Black Mountain Road (Mercy Road to Park Village) would remain significant and not fully mitigated.

2. Freeway Traffic (Cumulative)

Potential Impacts: The project would have a significant cumulative impact on the Mira Mesa Boulevard/I-15 Southbound onramp.

Facts in Support of Findings: Mitigation Measure TRAF-5 would require, prior to the issuance of a building permit for the first residential dwelling unit, the project applicant to either provide a fair-share contribution of $1,572,000 towards the construction of the I-15 'managed lanes south segment' project or provide a fair share contribution distributed by building and totaling $1,572,000 (in 2008 dollars) in the following manner: Prior to the issuance of a building permit for the first residential building permit, the applicant shall provide a fair-share contribution of $700,000 (in 2008 dollars). Prior to the issuance of a building permit for the second building (811th residential unit), the applicant shall provide a fair-share contribution of $700,000 (in 2008 dollars). Prior to the issuance of a building permit for the third building (1,621st residential unit), the applicant shall provide a fair-share contribution of $172,000 (in 2008 dollars) towards the construction of the I-15 'managed lanes south segment' project. This contribution is to be paid subject to the satisfaction of the City Engineer. The fair-share contribution would partially mitigate the Mira Mesa Boulevard/ I-15 SB ramp cumulative impact and the Mira Mesa Boulevard street segment from I-15 on-ramps to Westview Parkway; however, there is no certain method of determining whether or not the fair-share contribution to Caltrans would actually fully mitigate the project's cumulative contribution to significant impacts at this ramp, and if construction of the managed lanes south segment project is not completed by Caltrans, impacts would remain unmitigated.

3. Air Quality (Direct and Cumulative)

Potential Impacts: The project would result in significant direct and cumulative PM_{10}, CO, and VOC emission impacts to the ambient air quality.

Facts in Support of Findings: There are no feasible mitigation measures available to reduce long-term operational PM_{10}, CO, and VOC emissions to less than significant levels. The majority of the operational air quality impacts are a result of the estimated 11,088 average daily trips generated by the project. While the project has included shuttle services, which would serve to reduce operational emissions, the amount of reduction is difficult to quantify. Also, it is not feasible for the applicant to require emission control devices on private vehicles associated with

the project. There are no other feasible mitigation measures to reduce mobile source emissions to less than significant levels. The project would result in significant and unavoidable regional operations impacts from PM_{10}, CO, and VOC emissions.

4. Public Facilities and Services (Cumulative)

Potential Impacts: The project would have significant cumulative impacts on the Miramar Landfill capacity due to general shortage of suitable landfill disposal areas.

Facts in Support of Findings: No project related mitigation measures exist to mitigate for these cumulative impacts. Implementation of mitigation measures PFS-1 through PFS-6 provides the requirements of the Waste Management Plan, which would reduce project related waste. While waste management actions, such as compliance with City Ordinance No. 0-2008-30 (which requires curbside recycling for single and multifamily residential uses) and Ordinance No. 0-19420 (which requires at least a 50% of construction and demolition debris by recycling, reusing or donating usable materials to facility the City to meet the requirements of Assembly Bill 939), taken by the proposed development would help reduce the contribution of the project to solid waste disposal impacts; full mitigation of the cumulative impact requires actions beyond the control of any one project (e.g., new landfills).

5. Noise (Direct)

Potential Impacts: The project would have significant direct short-term construction related noise impacts to future residents on the project site.

Facts in Support of Findings: The project's significant direct impacts to short-term construction noise would be mitigated with implementation of Mitigation Measures NOI-1 through NOI-8 as identified in the Final EIR. Implementation of these mitigation measures would require the following provisions: (1) require that all construction equipment be equipped with mufflers and other suitable noise attenuation devices; (2) require grading and construction contractors to use quieter equipment; (3) locate equipment staging areas to the southeastern portion of the project site; (4) provide sound attenuation blankets with Sound Transmission Class rating of ten or more along the northern portion of the project site; (5) construction of a five-foot temporary noise barrier along the western portion of the project site; (6) establish a noise disturbance coordinator whom would determine the cause of the noise complaint and would be required to implement measures to resolve the complaint to the satisfaction of the City's Engineering Department; (7) construction of a five-foot temporary noise barrier between construction activity to new dwelling units constructed on the project site; and (8) require that lease agreements for building 1 and 2 provide notification of on-going construction activity for construction phases 2 and 3. These measures would result in a 5 dB(A) noise reduction for dwelling units at Building 1, reducing the noise levels at Building 1 to 79 dB(A) which exceeds

the 75 dB(A) significance threshold resulting in a short-term significant and unavoidable impact to future on-site residences.

B. Infeasibility of Project Alternatives to Reduce or Avoid Significant Impacts

The EIR for the Casa Mira View project examined several project alternatives in terms of their ability to meet the primary objectives of the project and eliminate or further reduce its significant environmental effects. Based on these two parameters, the following alternatives are considered: (1) No Project Alternative, (2) 570-Unit Alternative, and (3) 1,032-Unit Alternative. This range includes various degrees of development. These alternatives are summarized below.

1. No Project Alternative

The No Project Alternative assumes that the project site would not be developed with the currently proposed project and that the project site would remain in its present undeveloped condition. It should be noted that even if the Casa Mira View project were not approved by the City, the project site could still potentially be developed with 1,848 residential uses due to the Mira Mesa Community Plan designation of medium-high density residential use, as well as the existing development agreement which indicates that the site would be developed with 1,848 residential dwelling units.

Potential Impacts: A summary of the environmental impacts of this alternative as compared to the project and other alternatives is provided in *Table ES-2* of this EIR. This alternative could result in the project site remaining in it current state as a disturbed vacant undeveloped lot and therefore no impacts would result.

Facts in Support of Findings: The No Project Alternative is rejected as infeasible because it would not provide housing that is needed to help meet regional demand.

2. 570-Unit Alternative

This alternative would have the same footprint as the project and would be developed with fewer residential units (i.e., 570 units). In an effort to evaluate an alternative that would reduce the project's greatest impacts, a reduction of 1,278 dwelling units from the project's 1,848 units, would be required resulting in a total of 570 multifamily dwelling units. Access to the site would remain the same for this alternative. However, the off-site traffic improvements would not be part of this alternative.

Potential Impacts: The 570-Unit Alternative is necessary to reduce significant unmitigable traffic impacts to below a level of significance (USA 2007). This alternative would also result in a reduction to the amount of affordable housing units provided on site. This reduced density alternative could provide the 570 units in two-story residential buildings. This alternative would reduce impacts to traffic and circulation, air quality, noise, land use, aesthetics and energy

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conservation. However, impacts to public facilities and services, paleontology, biology, water quality, geology, and human health/public safety/hazardous materials would be similar to the project.

Facts in Support of Findings: The 570-Unit Alternative would not achieve project objectives 1, 3, 4, 7, or 8, since it would not provide 1,848 units, and would not provide the greatest amount of housing for a variety of workers in the area. It would also not provide affordable housing units when compared to the project, given the substantial reduction in the number of market-rate units. Further, it would not be consistent with or fulfill the rights vested under the existing development agreement for the project since it would not provide 1,848 units, and it would not fulfill the Mira Mesa Community Plan's desired development intensity for the site. As such, this alternative would not feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen some of the significant effects of the project.

3. 1,032-Unit Alternative

The 1,032-Unit Alternative would utilize the same footprint as the project and would be developed with fewer residential units. The project traffic engineer calculated the reduced number of units that could be provided that would reduce significant but mitigable traffic impacts to less than significant. As calculated, a reduction of 816 dwelling units from the project's 1,848 units, for a total 1,032 multifamily dwelling units, would be necessary to reduce the project's mitigable traffic impacts to below a level of significance (USA 2007). This alternative would also result in a reduction to the amount of affordable housing units provided on site. The 1,032-Unit Alternative could provide the 1,032 units in four-story residential buildings. Access to the site would remain the same for this alternative, and off-site traffic impacts would also be a part of this alternative.

Potential Impacts: This alternative would reduce the project's significant (but mitigable) traffic impacts at the Black Mountain Road street segment from Mercy Road to Park Village Drive. This would not only eliminate a significant traffic impact, but also the resulting biology impact along Black Mountain Road. In addition to reducing the project's significant but mitigable traffic and biological impacts this alternative would also reduce impacts to air quality, noise, and energy conservation. However, impacts to public facilities and services, paleontology, land use, aesthetics, water quality, geology, and human health/public safety/hazardous materials would be similar to the project.

Facts in Support of Findings: The 1,032-Unit Alternative would not achieve project objectives 1, 3, 4, 7, or 8, since it would not provide 1,848 units, and would not provide the greatest amount of housing for a variety of workers in the area. It would also not provide affordable housing units when compared to the project, given the substantial reduction in the number of market-rate units. Further, it would not be consistent with or fulfill the rights vested under the existing development agreement for the project since it would not provide 1,848 units, and it would not fulfill the Mira

Mesa Community Plan's desired development intensity for the site. As such, this alternative would not feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen some of the significant effects of the project.

4. Alternatives Considered but Rejected in the EIR

a. Off-Site Alternative

Off-site alternative locations were considered as part of the alternatives process. The key question and first step in analysis of the off-site location "is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location" (14 CCR 15126.6(f)(2)(A)).

It should be noted that the availability of an alternative site does not in and of itself reduce impact potential. It is expected that developing a similar project would result in a similar array of project impacts and would simply transfer this impact potential to areas surrounding the alternate site location. For these reasons, an alternate site location would not necessarily be preferred over the proposed project site.

As stated in *Section 4.1, Land Use*, the Mira Mesa Community is largely built out and no other large undeveloped parcels remain. Since the applicant cannot reasonably acquire, control, or otherwise have access to an alternative site within the Mira Mesa Community, there are no other feasible locations. In addition, locating the residential buildings outside the Mira Mesa Community would not achieve project objectives 1, 2, 3, 7, and 8.

b. Galvin Direct Access Ramp Alternative

The City requested that the applicant consider a Galvin Direct Access Ramp (DAR) Alternative. As described in *Chapter 8.0*, as part of a separate project proposed by Caltrans, a DAR to I-15 is being proposed to connect local street traffic in Mira Mesa to the Managed Lanes facility on I-15. Caltrans is now considering two locations for implementation of the DAR: at Hillery Drive and at Galvin Avenue. The connections at Maya Linda Road and an eastern connection have been dropped from consideration. Should Caltrans select the Galvin Avenue location, the southern part of the Casa Mira View project site would be built with the DAR and the project as proposed would not be able to be constructed.

The Galvin Avenue DAR Alternative would consist of the development of 1,620 multifamily residential dwelling units within two residential buildings, in the same location as the proposed buildings 1 and 2. This alternative would reduce the number of residential units, and therefore would reduce the traffic volume generated by the project. However, the DAR alternative would impair traffic circulation by depriving the project site of one of its major ingress/egress points along Westview Parkway, and hence this alternative would worsen traffic/circulation impacts by forcing all of the project traffic to one site entry, and by adding traffic associated with the DAR

to the street network in the vicinity of the Casa Mira View project site. Therefore, this alternative does not offer substantial benefits in terms of impact avoidance or reduction. Also important, because the applicant and City do not have the authority to implement the Caltrans DAR project at the Galvin Avenue location, this alternative was not examined in detail.

c. Subterranean Parking Alternative

The City requested that the applicant consider a Subterranean Parking Alternative involving the construction of an underground parking garage, in an effort to avoid the need for the project's height deviations. However, as analyzed in detail in *Section 4.9* of this EIR, height and aesthetics were not determined to be significant impacts of the project. Since this alternative would not reduce significant impacts of the project, it was not examined in detail. In addition, excavation required for construction of a subterranean parking garage would result in additional construction noise and air quality (dust) impacts and also greater impacts to paleontology, when compared to the project.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS (PUBLIC RESOURCES CODE SECTION 21051(b))

Public Resources Code Section 21081(b) prohibits approval of a project with significant, unmitigable adverse impacts resulting from infeasible mitigation measures or alternatives unless the agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. The Casa Mira View Project could have significant, unmitigable, adverse impacts, as described above. However, the City Council finds that those impacts are outweighed by the following specific overriding economic, legal, social, technological, or other benefits of the project.

The City Council, having considered all of the foregoing, finds that each of the following specific overriding economic, legal, social, technological, or other benefits of the project outweigh the aforesaid significant, unmitigable effects on the environment. The City Council expressly finds that any of the following benefits would be sufficient to reach this conclusion:

(1) The project is vested by a previously approved 1988 development agreement for the Westview and Casa Mira View developments pursuant to City Ordinance Number 0-17178.

(2) The development agreement provided the City with many benefits by requiring a significant amount of public infrastructure over and beyond what the City could have legally demanded. This included widening portions of Black Mountain Road and Westview Parkway, which have been built; construction of Hage neighborhood park, which has been improved; improvements to a third community park, which has been completed; a community library, community swimming pool, and fieldhouse, which have

also been built. There were also significant cash distributions made for the Peñasquitos Canyon Preserve, the Library, and the Mira Mesa Community Fund, which have all been paid. In fact, all of the extraordinary benefits identified in the development agreement have been provided and accepted by the City. Because of the development agreement, many of these needed community improvements were provided in either an accelerated or a timely manner, well in advance of the proposed project, which is in contrast to what has been experienced by other communities.

(3) The project would implement a walkable planned development providing safe pedestrian access from the project to surrounding commercial/retail areas. Furthermore, the location of the project site and its adjacency to employment, local restaurants, theaters, recreation areas, and commercial uses would encourage individuals to walk to these nearby uses which would reduce traffic and parking congestion compared to other potential development.

(4) The City of San Diego currently has a very limited supply of land designated and zoned for multifamily housing. Increased housing supply would be particularly beneficial in the Mira Mesa Community because of the large commercial and employment base in that area. Housing near commercial and employment sites would help to reduce auto congestion, particularly during peak travel hours compared to other potential development.

(5) The project would contribute toward meeting the residential density target for a Town Center per the San Diego Association of Governments' (SANDAG) Smart Growth Concept Map contained in the SANDAG Regional Comprehensive Plan. The project would provide a substantial contribution toward the City of San Diego's City of Villages Strategy of Smart Growth.

(6) The project would provide affordable housing by restricting rental rates of 185 units within the Mira Mesa Community.

(7) The project would provide a free shuttle bus for use by residents of the project transporting these residents throughout the community.

(8) The project would create recreational areas on site to promote pedestrian movements with the proposed residential complex. A pedestrian paseo would encourage residents to utilize the proposed recreational club houses, recreational centers, swimming pools, cabanas, mini-parks, play areas, water park seating area, mini-park seating areas, outdoor living room areas, barbeque areas, and courtyards dispersed throughout the three residential areas, thereby reducing demand on existing public facilities.

(9) With implementation of the proposed project and the traffic mitigation measures identified in the Casa Mira View Final EIR, traffic conditions in the project area would be improved. Specifically, the intersections of Mira Mesa Boulevard at Black Mountain Road, Black Mountain Road at Mercy Road, Black Mountain Road at Gold Coast Drive and Black Mountain Road at Hillery Drive are expected to be improved with project mitigation to a degree that exceeds the impacts resulting from the project.

Available for viewing in the
Office of the City Clerk
Cab 2nd floor

CASA MIRA VIEW PROJECT

DRAFT ENVIRONMENTAL IMPACT REPORT APPENDICES

City Project No. 91647

SCH. No. 2007111095

Lead Agency:

The City of San Diego
Development Services Department
Land Development Review Division
1222 First Avenue
San Diego, CA 92101

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