

be reduced to below a level of significance. Implementation of the mitigation measure is assured through its incorporation into the project's MMRP.

Reference: FEIR Section 7.2.13

B. Findings Regarding Mitigation Measures Which are the Responsibility of Another Agency (CEQA §21081(a)(2)) and CEQA Guidelines §15091(a)(2))

The City, having reviewed and considered the information contained in the Final EIR, finds pursuant to CEQA §21081(a)(2) and CEQA Guidelines §15091(a)(2) that there are no changes or alterations which could reduce significant impacts that are within the responsibility and jurisdiction of another public agency.

C. Findings Regarding Infeasible Mitigation Measures (CEQA §21081(a)(3) and CEQA Guidelines §15091(a)(3))

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings, and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), finds that specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR (Project No. 146803/SCH No. 2008061058) regarding Landform Alteration/Visual Quality/Neighborhood Character (Landform Alteration, Public Views) and Greenhouse Gas (GHG Emissions, GHG Plans Consistency) impacts, as described below:

While all feasible mitigation measures are proposed, these impacts have the potential to remain significant and unmitigated should the mitigation measures fail to be implemented. Therefore, they are appropriately categorized under this finding.

LANDFORM ALTERATION/VISUAL QUALITY/ NEIGHBORHOOD CHARACTER (LANDFORM ALTERATION)

Potentially Significant Effect

Both the Annexation and No Annexation Scenarios would encroach into 15 percent of the steep slope acreage on-site, which exceeds the encroachment allowance, as no encroachment into steep slopes would be permitted under the ESL. Thus, supplemental findings must be made in support of the ESL deviation. In addition, both the Annexation Scenario and the No Annexation Scenario would result in the construction of a retaining wall that exceed the 6-foot height and 50-foot length significance criteria. As such, under San Diego thresholds, there would be a significant impact associated with landform alteration.

The No Annexation Scenario would result in additional landform impacts over the Annexation Scenario due to the construction of a 1.76-million-gallon reservoir and the additional manufactured slope needed to accommodate the proposed water and sewer lines.

Facts in Support of Finding

The proposed project incorporates methods of reducing the impact, such as setbacks. To further reduce the visual landform alteration impacts of the project, mitigation measure VIS-1 will be implemented. This measure requires contour grading of manufactured slopes to be shown on the grading plans prior to issuance of a grading permit. This measure also requires landscaping techniques using plant material of varying heights in conformance with San Diego's Landscape Regulations and Manual to create an undulated slope appearance. These measures will reduce the visual impact of the proposed grading and retaining walls.

Rationale and Conclusion

Even with the design features incorporated in the proposed project and implementation of VIS-1, development in this location will require substantial landform alteration and impacts will remain significant and unmitigated. There is no feasible method to further reduce grading to avoid ESL slopes or eliminate the proposed retaining wall. As the proposed retaining wall will be in excess of San Diego's threshold (over 6 feet tall and 50 feet long) with the implementation of mitigation, this landform alteration impact would remain significant.

Reference: FEIR Section 4.2.3

LANDFORM ALTERATION/VISUAL QUALITY/NEIGHBORHOOD CHARACTER (PUBLIC VIEWS)***Potentially Significant Effect***

While Mast Boulevard is not a designated scenic view corridor, it is considered a public viewing area that provides views of open space hillsides, which are significant visual resources per the General Plan and Community Plan. Both the Annexation and No Annexation Scenarios' residential units and landscaping would block the majority of the view of this open space from Mast Boulevard. Considering the scale of the view blockage, in accordance with San Diego's Significance Determination Thresholds, the proposed project view blockage impacts would be significant.

Facts in Support of Finding

The proposed project incorporates methods of reducing the impact of the proposed structures to public views, such as landscaping and setbacks. However, due to the landform, development will remain visible and will impact views of open space from Mast Boulevard. No feasible mitigation is available to avoid the significant view impacts of development at this site.

Rationale and Conclusion

Even with the design features incorporated in the proposed project, development in this location will be visible from public views and would block public views of open space. Due to the lower elevation of the Mast Boulevard roadway relative to the development pads, reduction of building height and use of lower profile landscaping will not significantly reduce the open space view blockage impact. The No Annexation Scenario and several project alternatives will reduce the view blockage through a reduction of homes along Mast Boulevard; however, this impact will remain significant. Scenic value along Mast Boulevard will be significantly reduced through the implementation of the project. Thus, project impacts will remain significant and unmitigated.

Reference: FEIR Section 4.2.4

GREENHOUSE GAS (GHG EMISSIONS)

Potentially Significant Effect

The GHG-reducing design features and adopted regulations for the Annexation and No Annexation Scenarios equate to a 30.2 percent reduction in BAU emissions and therefore meet San Diego's interim threshold of 28.3 percent reduction relative to BAU so long as the state is able to implement the LCFS program. The City is mindful that the project would only achieve a 25.6 percent reduction in BAU emissions without reliance on the state's implementation of the LCFS program, which is currently under judicial review by the 9th Circuit Court of Appeals. Should the LCFS be invalidated, the project would not meet San Diego's 28.3 percent reduction relative to BAU, the project would not meet the City's interim threshold, and the impacts would be significant. Accordingly, the City is making the conservative assumption that the LCFS program is not in effect and has categorized the project's GHG impacts as significant and unmitigated. The City finds that there are several social and other considerations that make it infeasible to adopt further GHG-reducing measures, and, therefore, for the reasons identified herein and in the Statement of Overriding Considerations, the City finds the significant unmitigated impacts acceptable.

Facts in Support of Finding

As identified in the EIR, the proposed project incorporates methods of reducing GHG emissions through project design features which would result in increased energy and water use efficiencies that exceed the standards in Title 24 of the Building Code and the California Green Builder Program. The project is 35 percent more energy efficient than BAU and 20 percent more water efficient than BAU. It is 20 percent more energy efficient than 2008 Title 24 and 25 percent more energy efficient than 2005 Title 24. It may be technically feasible to increase the project's GHG reductions further, through even more enhanced green building design including, but not limited to, installation of on-site renewable energy, water-reuse/grey water systems for irrigation, operational waste recycling programs, advanced glazing and insulation materials use, and use of alternate HVAC systems, however, there are several social and other considerations that make these additional measures infeasible including the following:

1. Exacting additional GHG reductions through additional enhanced green building design would conflict with City Council Policy 600-27. City Council Policy 600-27 offers a voluntary incentive for an applicant to meet enhanced green building design levels in exchange for expedited permit processing. Here, the applicant elected not to enroll in the expedited permit processing program and did not receive the benefit of expedited permit processing. Accordingly, it would conflict with these City policies for City to impose enhanced green building design features on the applicant in an effort to further mitigate GHG emissions. (http://docs.sandiego.gov/councilpolicies/cpd_600-27.pdf).
2. Exacting additional GHG reduction through additional enhanced green building design would conflict with General Plan Conservation Element Policy CE-A.5 that seek to "Develop and implement sustainable building standards for new and significant remodels of residential and commercial buildings to maximize energy efficiency, and to achieve overall net zero energy consumption by 2020 for new residential buildings and 2030 for new commercial buildings." The techniques for achieving the net zero energy policy in the Policy CE-A.5 are the same as the enhanced green building design. However, this project is proposed for approval seven years in advance of the 2020 deadline for achieving net zero energy policy. Accordingly, it would conflict with Policy CE-A.5 to require the applicant to install enhanced green building design features in an effort to achieve net zero energy in advance of 2020 to further mitigate GHG emissions.
3. Another consideration that justifies the infeasibility finding is General Plan Policy CE-A.1, which states that the City should "influence state and federal efforts to reduce greenhouse gas emissions so that

implementation requirements are equitably applied throughout the state, and to address actions that are beyond the jurisdiction of the local government.” As noted on page CE-7 of the General Plan, more than half the region’s GHG emissions come from vehicle emissions. Local governments control vehicle emissions through locating development near transit centers and existing higher density developed areas. Through the proposed project, the City is controlling vehicle emissions by clustering the residential development planned for East Elliott Community Planning Area into the project site near existing development in Santee and a bus route. However, the City cannot control the carbon levels in vehicle fuel or force auto manufacturers to construct more fuel efficient vehicles. Such programs are within the exclusive power and control of the state and federal government. It would be inconsistent with General Plan Policy CE-A.1 to impose enhanced green building design features on the applicant due to the potential inability of the state to implement ~~run~~ its Low Carbon Fuel Standard program. That would inequitably shift the GHG reduction burden from the state to the local government and the applicant. Statewide, the transportation sector/vehicle emissions are the largest contributor to GHG levels at 38 percent while commercial and residential buildings combined account for only 9 percent. (CARB Scoping Plan at p. 11 (2008); http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf). It would also be a poor use of resources to shift the burden to the local government and the applicant because the state has the ability to reform the Low Carbon Fuel Standard to overcome the legal obstacles that are the subject of the 9th Circuit Court of Appeals case by weighting the carbon content of in-state and out-of-state fuels the same. Accordingly, if the 9th Circuit were to overturn the LCFS program, there is little reason to believe the state would not reform the program to continue to achieve the GHG reduction benefits that come from low carbon fuels.

4. Another consideration is that City does not have an “adopted” GHG threshold, but is using an “interim” approach based on CARB’s 2008 Scoping Plan that is the basis for the 28.3 percent BAU GHG threshold. That threshold was established at a time when the state projected higher economic growth. In 2011, CARB revised the Scoping Plan to account for lower projected GHG-emissions from lower projected economic growth in the State. (2011 Scoping Plan, Attachment D Final Supplement to AB 32 Scoping Plan Functional Equivalent Document, pp. 10-11, and 20.) Therefore, while the City’s GHG interim significance threshold remains 28.3 percent, among the considerations the City is permitted to make in determining whether additional mitigation is feasible for projects such as Castlerock that come close to the 28.3 percent threshold, despite implementing several substantial GHG-reducing energy efficiency and water conservation measures, is that the City’s 28.3 percent BAU interim threshold may be conservatively high because it does not take into account the state’s reduced economic growth projections. The project has complied with the interim guidelines by performing the required GHG analysis in the interim. The City further notes that when it comes to establishing significance thresholds, the City Significance Determination Thresholds guidelines affirms that “They are not intended to be stand alone policies and are to be used in conjunction with commonly accepted professional standards, judgments, and practices. These guidelines should be updated when necessary in response to changes in CEQA, case law, and refinement of recognized scientific analysis of impact thresholds. The City of San Diego has been using these thresholds since 1991 and has provided regular updates. Section 15064.7 of the CEQA Guidelines encourages public agencies to develop and publish such analytical tools. These thresholds include information on 19 environmental issues as listed in, and to be used in conjunction with, the Initial Study Checklist. They provide technical guidance in evaluating the potential significance of a project’s environmental impact and provide a consistent and objective basis for determining the level of impacts. They also recognize that the level of impacts depend upon a multitude of factors such as project setting, design, construction, etc. The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the agency involved, based to the extent possible on scientific and factual data. An ironclad definition of a significant impact is not possible because the significance of an activity may vary with the setting. For example, an activity which is not significant in an urban area may be significant in a

rural area (CEQA Guidelines Section 15064).” The same judgment the City exercises in establishing whether the context of the project calls for a different significance conclusion than the City’s published significance standards is the judgment the City exercises when deciding whether it is good policy to require additional mitigation from a project that comes close to meeting such standards, yet, due to the use of an overly conservative 2008 Scoping Plan as a precaution against pending litigation against the state’s Low Carbon Fuel Standard, is still significant and unmitigated.

5. Another consideration is that an agency may also decline to adopt a mitigation measure that will not provide substantial additional mitigation beyond the measures that it does adopt. *Citizens for Open Gov’t V. City of Lodi* (2012) 205 Cal. App. 4th 296, 323; *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1989) 209 Cal. App. 3d 1502, 1519. In addition, mitigation is provided where it “substantially lessens”, not just “avoids” a significant environmental effect. (Pub. Res. Code section 21002; 14 C.C.R. section 15091(a)(1).) An agency may find that it does not need to take further steps to mitigate an impact where mitigation measures substantially lessen the significant impact. Here, mitigation is provided at 25.6 percent BAU (assuming the LCFS program is not implemented), which is 2.7 percent short of the City’s conservative 28.3 percent BAU threshold. Accordingly, the City finds mitigation that “substantially lessens” the project’s GHG impacts has been provided.

Rationale and Conclusion

The project includes significant GHG-reducing features. As previously indicated in these findings, with the implementation of the LCFS program, the project’s GHG impacts are below a level of significance. However, the project would not meet the City’s conservative threshold without application of the LCFS. Given the uncertainty related to the legal status of the LCFS, in order to conserve City resources, should the LCFS program be overturned by the courts, the City has categorized the impact as significant and unmitigated. The City further finds that while it may be technically and economically possible to increase the project’s GHG reductions further, through more enhanced green building design including, but not limited to installation of on-site renewable energy, water-reuse/grey water systems for irrigation, operational waste recycling programs, advanced glazing and insulation materials use, use of alternate HVAC systems, and such, due to social and other considerations described above, these measures are not feasible. Therefore, in a circumstance where the LCFS program is overturned, as evaluated against the San Diego 28.3 percent BAU reduction goal, Project impacts would remain significant and unmitigated.

Reference: FEIR Section 4.9

GREENHOUSE GAS (GHG PLAN CONSISTENCY)

Potentially Significant Effect

In a circumstance where the LCFS program is determined not to comply with the law, as evaluated per San Diego’s current interim GHG guidelines (i.e., the 28.3 percent reduction relative to BAU threshold), neither the Annexation Scenario nor the No Annexation Scenario would achieve the target reduction in the absence of credit for the LCFS. Therefore, in such a circumstance, while the project is consistent with many of the General Plan Greenhouse Gas policies and some of those policies make further GHG reduction infeasible, the project would not be consistent with the goals and strategies set forth in San Diego current interim GHG guidelines aimed at reducing GHG emissions from land use and development.

Facts in Support of Finding

The project would participate in the CALGreen program and includes features to reduce greenhouse gas emissions consistent with many of the City’s applicable plans and policies. These features are incorporated into the project. With the inclusion of these features, the project would meet San Diego and state GHG reduction levels but would not meet San Diego’s GHG reduction threshold of significance in the absence of applying credit for implementation

of the LCFS program. Providing mitigation beyond those features would not be feasible due to the reasons stated in the Facts Supporting Infeasibility Finding Greenhouse Gas (GHG Emissions). Thus, in a circumstance where the LCFS program is determined not to comply with the law, the project's inconsistency with the San Diego interim threshold would cause the project's consistency with the City's GHG reduction plan to remain significant and unmitigated.

Rationale and Conclusion

The project would be conditioned to include GHG-reducing features. However, even with these features, the project would not meet the City's threshold without application of credit for implementation of the LCFS program. Given the uncertainty related to the legal status of the LCFS, the City has taken a conservative approach and categorized the project's consistency with the City's GHG reduction plans significant and unmitigated. While it may be economically and technically possible to increase the project's GHG reductions further, through more enhanced green building design such as installation of on-site renewable energy, water-reuse/grey water systems for irrigation, operational waste recycling programs, advanced glazing and insulation materials use, use of alternate HVAC systems, and such, they are infeasible for the reasons stated in the Facts Supporting Infeasibility Finding Greenhouse Gas (GHG Emissions). Therefore, in a circumstance where the LCFS Program is overturned, as evaluated against the San Diego interim thresholds 28.3 percent BAU reduction standard, the project's consistency with the City's GHG reduction plan remains significant and unmitigated.

Reference: FEIR Section 4.9

D. Findings Regarding Alternatives Considered and Rejected

Pursuant to CEQA Guidelines §15126.6, the range of potential alternative to the proposed project shall include those that could feasibly accomplish most the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency, but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the Lead Agency's determination. Additional information explaining the choice of alternative may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are (i) failure to meet most the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

Alternatives considered but rejected include the No Mast Boulevard Traffic Impact Alternative, No Traffic Impact Alternative, and Alternate Location Alternative. The No Mast Boulevard Traffic Impact Alternative would require a reduction of units to 68 to eliminate the project impact at Mast Boulevard. The No Traffic Impact Alternative would reduce units further to 20 to 30 units to avoid all project traffic impacts. The No Mast Boulevard Traffic Impact Alternative and No Traffic Impact Alternative would not meet the majority of the main project goals and were therefore rejected. The Alternative Location Alternative was dismissed because no other site(s) under the applicant's ownership in the East Elliott area would be able to provide a development that would meet the majority of the project objectives. The sites under the applicant's ownership are located within the MHPA, have limited development potential and development on those parcels would likely result in increased environmental compared to the proposed project. Other sites not under the ownership of the applicant would not be reasonably acquired and, therefore, would not be feasible alternatives. Also, no other residentially zoned land exists in the East Elliott area.

E. Findings Regarding Alternatives Considered In EIR

The FEIR examined four alternatives: No Project (No Development) Alternative; Reduced Grading Alternative; Densification Alternative; and Wetland Avoidance Alternative. These project alternatives are summarized below, along with the findings relevant to each alternative.

Because the proposed project could cause one or more unavoidable significant environmental effects the City must consider the feasibility of alternatives to the proposed project, evaluating whether these alternatives could avoid or substantially lessen the proposed project's unavoidable significant

environmental effects while achieving most of its objectives. The project includes many basic objectives identified above in section II. D. of these Findings and all the alternatives analyzed (except the CEQA-required No Project Alternative) meet most of the basic objectives, but the following six objectives are the primary objectives:

1. Provide residential development that is consistent with the location and the goals and objectives of the adopted Community Plan, San Diego's General Plan, Mission Trails Design Guidelines, and MSCP. This includes providing approximately 500 residential units with necessary infrastructure and MTRP access and open space consistent with the MSCP.
2. Provide new residential development which is consistent with existing residential development patterns in the surrounding area.
3. Implement "smart growth" principles through the provision of new housing in a location in proximity to existing infrastructure and services.
4. Provide a variety of housing types which can provide suitable housing for different segments of income levels of the population and that would help San Diego and the region meet its housing goals.
5. Provide primary access to the site from a four-lane major roadway and regional access via the state highway system. Avoid traffic impacts on adjacent residential streets.
6. Maximize tax revenues and job creation.

Social Infeasibility/Other Considerations

Under CEQA, "[i]t is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects . . . The Legislature further finds and declares that in the event specific economic, *social, or other conditions* make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof." (Pub. Resources Code, §21002; *emphasis added*.) Moreover, CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account, economic, *social*, legal, and technological factors." (CEQA Guidelines § 15364; *emphasis added*.)

As indicated by the case law below, alternatives and mitigation measures may be determined infeasible on the grounds that they conflict with City policy or the project's stated goals and objectives.

In *California Native Plant Soc'y v City of Santa Cruz* (2009) 177 Cal. App. 4th 957, 1001, the court recognized that an agency's determination whether to reject the alternatives discussed in the EIR, and approve the proposed project, allows the agency to weigh policy considerations. The City of Santa Cruz found the alternatives infeasible because they would not accomplish its policy goals of promoting transportation alternatives and access to persons with disabilities. The court concluded that CEQA language allowing the agency to determine infeasibility based on *social and other considerations* demonstrates that an agency can find an alternative infeasible because it is *undesirable as a matter of policy*. See also *Defend the Bay v. City of Irvine* (2004), 119 Cal. App. 4th 1261, (upholding City's finding that it was infeasible to impose on-site and off-site mitigation measures for project's impact to 3,100 acres of prime farmland because it would "impede the City from achieving its General Plan goals and objectives for housing and improving the existing jobs/housing imbalance in the City"). See also *Cherry Valley Pass Acres and Neighbors v. City of Beaumont Sunny Cal Egg Poultry Company* (2010), 190 Cal. App. 4th 316 (upholding findings of infeasibility for mitigating loss of agricultural resources due to economic and social infeasibility).

In *Sierra Club v County of Napa* (2004) 121 Cal, App. 4th 1490, 1503, the Court held that the project applicants' letter demonstrating that project could not be reconfigured to accommodate impact-reducing alternative was sufficient to support finding of infeasibility.

In *Association of Irrigated Residents v County of Madera* (2003) 107 Cal. App. 4th 1383, 1401, the Court held evidence that a reduced-size project would not fully meet project objectives to enhance profits, and might not be economically viable, was sufficient to support infeasibility finding.

Finally, in *Sequoyah Hills Homeowners Ass'n v City of Oakland* (1993) 23 Cal. App. 4th 704, 715, the Court held that the project applicant's comments, based on market surveys, that lower density project would be inconsistent with objective of providing least expensive single-family housing in area supported infeasibility finding.

Pursuant to Section 15091(a)(3) of the CEQA Guidelines, this criterion is applicable when there is evidence that social and/or other issues render alternatives infeasible. Specifically, for the proposed project social and other infeasibility can include, but are not limited to, the following conditions: (a) the alternatives conflict with General Plan, East Elliott Community Plan (EECP), and/or other related land use plan and design goals and policies; (b) the alternatives conflict with stated project goals and objectives; and (c) the alternatives cannot be implemented within a reasonable period of time.

Finding for All Alternatives

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings, and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), hereby finds that specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the project alternatives identified in the FEIR as described below. More, specifically, based upon the administrative record for the project, the City makes the following findings concerning the alternatives to the proposed project:

NO PROJECT (NO DEVELOPMENT) ALTERNATIVE

Summary Description of Alternative

The No Project (No Development) Alternative addresses the situation that would occur if the proposed project did not go forward and the project site remained in its existing condition.

Rationale for Selecting this Alternative for Analysis

This alternative was selected for analysis because it allows decision makers to compare the impacts of approving the project with the impacts of not approving the project and is required to be analyzed and considered pursuant to CEQA Guidelines Section 15126.6(e)(3)(B).

Potentially Significant Effects and Grounds for Infeasibility

Under this alternative, the project site would remain in its current undeveloped condition. Continued use of the project site in its existing condition would result in no significant impacts, except impacts to biology from continued off-road vehicle trespass. However, this alternative would not meet the basic or the most important project objectives or provide the same level of land use benefits as the proposed project. Therefore, the grounds for infeasibility are that it conflicts with the City's social and other considerations.

Facts in Support of Finding

While adoption of the No Project (No Development) Alternative would avoid the proposed project's significant impacts, the majority of the project objectives would not be attained. Specifically, it would not provide a residential development consistent with the applicable land use plans and adjacent area, provide a variety of housing types to meet housing goals, accomplish the smart-growth principles through the provision of pedestrian-friendly access between residential units and open space areas, or maximize tax revenues and job creation. No site access would be provided under this alternative. Since this alternative would not meet most of the project objectives, the No Project (No Development) Alternative would be considered infeasible.

Reference: FEIR Section 9.2

REDUCED GRADING ALTERNATIVE

Summary Description of Alternative

The Reduced Grading Alternative would reduce the graded acreage from approximately 108 acres to 94 acres and avoid encroachment into steep slopes on the project site, which would substantially reduce the development footprint. The Reduced Grading Alternative would reduce the number of dwelling units from a maximum of 430 to approximately 200 units (a 54 percent reduction). All of the units under this alternative would be detached single-family homes on single-family lots. Because providing direct project access via Mast Boulevard would require grading of steep slopes, this alternative would provide access through the City of Santee via Moana Kia Lane from Medina Drive. The design changes associated with the Reduced Grading Alternative include: (1) avoidance of steep slopes; (2) reduction in the number of single-family units to 200 units; (3) single-family units along Mast Boulevard in place of green court; (4) elimination of dedicated parkland; and (5) access via Moana Kia Lane in Santee.

Rationale for Selecting this Alternative for Analysis

This alternative was selected for analysis because some comments received following the Notice of Preparation indicated concerns regarding the project's direct access to Mast Boulevard, and the project's compliance with the City of San Diego's ordinances protecting hillsides and the MHPA. Some commenters supported no development or reduced density development. As the no project alternative already analyzed the no development alternative, the reduced grading alternative provided a means to allow decision makers to compare the impacts of approving the project with the impacts of approving a reduced density project.

Potentially Significant Effects and Ground for Infeasibility

Due to its substantially reduced footprint, greater open space preservation, reduced grading requirements and fewer number of dwelling units, this alternative would result in a reduction in impacts as compared to the project in regard to the following issues: land use, landform alteration/visual quality; air quality; biological resources; cultural resources; health, safety and hazardous materials; hydrology and water quality; geology and soils; greenhouse gas emissions; noise; paleontological resources; transportation/circulation; and public facilities and services. The Reduced Grading Alternative would not, however, avoid the project's significant, unmitigable impacts associated with visual quality or greenhouse gases. Upon further analysis, it was determined that this alternative would meet most of the basic project objectives, it would not meet some of the primary project objectives. Therefore, the grounds for infeasibility are that it conflicts with the project's social and other would not meet most of the project objectives.

Facts in Support of Finding

The Reduced Grading Alternative would only partially meet important objective 1 through the provision of some housing in the location identified in the Community Plan and provide access to the MTRP open space consistent, however the number of units provided by this alternative would be much lower than (i.e., less than half) the number specified by the Community Plan. The Reduced Grading Alternative would achieve important objective 2 through the provision of low-density, single-family housing, similar to the surrounding land use patterns. The important objective 3, which calls for the implementation of "smart growth" principles, would be partially met because the Reduced Grading Alternative would provide bike and pedestrian access to the open space areas promoting a pedestrian-friendly environment, but overall it would not meet important objective 3 because with only 200 single-family units, the Reduced Grading Alternative does not provide the density or variety of housing and uses typically associated with "smart growth." Likewise, this alternative would not meet important objective 4 (a variety of housing types), or important objective 5 (primary access from a 4-lane major roadway). Because this project would access the general system of streets through the City of Santee via Moana Kia Lane from Medina Drive, it would not meet the important project objective of minimizing traffic impacts on adjacent residential streets. Important objective 6 calling for maximization of tax revenue would not be met because the property tax

revenues from 200 single family homes would be less than the tax revenues created by constructing the proposed project's approximately 422 to 430 units. Important objective 6 calling for maximization of jobs would not be met because the direct and indirect jobs created from 200 single-family homes would be less than the jobs created by constructing the proposed project's approximately 422 to 430 units.

The Reduced Grading Alternative would meet the objective of coordinating public facilities and infrastructure of various districts in the region. It would also meet the objective of reducing the risk of wildfires by implementing a brush management program. In summary, this alternative was proper to study because it met many of the project objectives, however, this alternative would only fully meet one objective and partially meet two objectives that are most important to the City, while not meeting three objectives that are most important to the City. Accordingly, as the project alternative would not fully meet most of the most important project objectives, this alternative is considered infeasible.

Reference: FEIR Section 9.3

DENSIFICATION ALTERNATIVE

Summary Description of Alternative

This alternative reduces landform alteration, while maintaining the number of units proposed under the project. The Densification Alternative would account for 400 units (a 7 percent reduction) over 85 acres (a 22 percent reduction). The housing mix proposed under this alternative would consist of 210 multi-family and 190 single-family residential dwelling units. Because providing direct project access via Mast Boulevard would require grading of steep slopes; this alternative would require the provision of access via the City of Santee (Moana Kia Lane). The design changes associated with this alternative include: (1) conversion of the small-lot green court development area at Mast Boulevard to 210 multi-family homes; (2) reduction in the number of single-family units to 190; (3) avoidance of steep slopes; (4) a public park would be provided in the northern portion of the site; and (5) access would be provided from Santee, via Moana Kia Lane.

Rationale for Selecting this Alternative for Analysis

This alternative was selected for analysis because some comments received following the Notice of Preparation indicated concerns regarding the project's direct access to Mast Boulevard, and the project's compliance with the City of San Diego's ordinances protecting hillsides and the MHPA. As the no project alternative already analyzed the no development alternative and the reduced grading alternative analyzed a reduced density alternative, this densification alternative provides a means to allow decision makers to compare the impacts of approving the project with the impacts of approving a slightly smaller, but more dense project on a smaller development footprint.

Potentially Significant Effects and Grounds for Infeasibility

The Densification Alternative would reduce the landform alteration impacts by reducing grading, but may increase visual quality impacts associated with views and bulk and scale, due to the addition of multi-family dwelling units. By reducing the development footprint and required grading, preserving more undisturbed open space, and slightly reducing the number of dwelling units, impacts would be reduced as compared to the project in regard to the following issues: land use, visual quality (landform alteration); air quality; biological resources; cultural resources; health, safety and hazardous materials; hydrology and water quality; geology and soils; greenhouse gas emissions; noise; paleontological resources; transportation/circulation; and public facilities and services. Significant and unmitigated project impacts to visual quality (landform alteration and views) and greenhouse gases would also be significant and unmitigated under this alternative. Due to the inclusion of multi-family homes and increased density, this alternative would increase impacts related to views, bulk and scale, and conformity with development patterns in the area. Upon further analysis, it was determined this although this alternative would meet most of the basic project objectives, it would not meet some of the project objectives the City considers most important. In addition, it would increase other environmental impacts. Therefore, the grounds for infeasibility are that it conflicts with the project's social goals and may result in an increase in visual quality impacts when compared to the proposed project, while not avoiding other project impacts.

Facts in Support of Finding

The Densification Alternative would meet most of the basic project objectives. The Densification Alternative would meet the objective of coordinating public facilities and infrastructure of various districts in the region. It would also meet the objective of reducing the risk of wildfires by implementing a brush management program. With 400 units (20 percent below the maximum allowed in the Community Plan), the project would meet the goal of developing approximately 500 units allowed in the Community Plan. This alternative would provide residential units near infrastructure and services consistent with the applicable land use plans (important objectives 1 and 3). While this alternative would provide a variety of housing types consistent with important objective 4, the provision of dense multi-family units would not be consistent with residential development patterns in the surrounding area (important objective 2). Important objectives 5 (primary access from a four-lane major roadway and avoiding traffic impacts on adjacent residential streets) would also not be met because this project would access the general system of streets through the City of Santee via Moana Kia Lane from Medina Drive thus impacting adjacent residential streets. Important objective 6 calling for maximization of tax revenue would not be met because the property tax revenues from 400 units would be less than the tax revenues created by constructing the proposed project's approximately 422 to 430 units. Important objective 6 calling for maximization of jobs would not be met because the direct and indirect jobs created from 400 units would be less than the jobs created by constructing the proposed project's approximately 422 to 430 units. While this alternative would meet most of the basic project objectives, it may increase visual quality impacts without substantially reducing significant project impacts and only meets half of the objectives the City considers most important. For these reasons, this alternative was considered infeasible.

Reference: FEIR Section 9.4

WETLAND AVOIDANCE ALTERNATIVE

Summary Description of Alternative

The Wetland Avoidance Alternative would reduce the amount of graded acreage from approximately 108 acres under the project to 90 acres and the number of dwelling units from a maximum of 430 to approximately 265 single-family units (a 38 percent reduction). Under the proposed project, approximately 0.07 acre of jurisdictional wetlands and 0.40 acre of non-wetland waters/streambeds would be impacted on-site. The Wetland Avoidance Alternative would avoid these jurisdictional impacts by reducing grading and incorporating bridges. Project site access would be provided by a right in/out driveway on Mast Boulevard as well as a connection to the existing residential area just east of the project site via Grass Valley Lane.

Rationale for Selecting this Alternative for Analysis

This alternative was selected for analysis because some comments received following the Notice of Preparation indicated concerns regarding the project's compliance with the City of San Diego's ordinances protecting wetland and drainages and pursuant to wetland permitting requirements. As the no project alternative already analyzed the no development alternative, the reduced grading alternative analyzed a reduced density alternative, and the densification alternative analyzed more dense project on a smaller footprint, this Wetlands Avoidance Alternative provides a means to allow decision makers to compare the impacts of approving the project with the impacts of approving a project with no impact on jurisdictional wetland resources.

Potentially Significant Effects and Grounds for Infeasibility

Due to its substantially reduced footprint, greater open space preservation, reduced grading requirements and fewer number of dwelling units, this alternative would result in a reduction in impacts as compared to the project in regard to the following issues: land use, landform alteration/visual quality; air quality; biological resources; cultural resources; health, safety and hazardous materials; hydrology and water quality; geology and soils; greenhouse gas emissions; noise; paleontological resources; transportation/circulation; and public facilities and services. The Wetland Avoidance Alternative would

not, however, avoid the project's significant, unmitigable impacts associated with visual quality and greenhouse gases. Upon further analysis, it was determined that although this alternative would meet most of the basic project objectives, it would not meet some of the project's primary objectives. Therefore, the grounds for infeasibility are that it conflicts with the project's social and the Community Plan goal of developing approximately 500 units in this location.

Facts in Support of Finding

The Wetland Avoidance Alternative would meet most of the basic project objectives. The Wetlands Avoidance Alternative would meet the objective of coordinating public facilities and infrastructure of various districts in the region. It would also meet the objective of reducing the risk of wildfires by implementing a brush management program. The Wetlands Avoidance Alternative would partially meet objective 1 through the provision of some housing in the location identified in the Community Plan and provide access to the MTRP open space consistent, however the number of units provided by this alternative would be much lower than (i.e., a little more than half) the maximum number specified by the Community Plan so it does not contain the density or variety typical of a "smart growth" community. Since this alternative would provide just a little more than half the units called for, this alternative only partially meets objectives 1 and 3. The provision of single-family homes would be consistent with the surrounding development (objective 2). This alternative would not provide a variety of housing types (objective 4). Objective 5 (primary access from a four-lane major roadway and avoiding traffic impacts on adjacent residential streets) would also not be met because this project would access the general system of streets through the City of Santee via Grass Valley Lane thus impacting adjacent residential streets. Project site access would also be provided by a right in/out driveway on Mast Boulevard, but this is not primary access from a four-lane major roadway.

Important objective 6 calling for maximization of tax revenue would not be met because the property tax revenues from 265 units would be less than the tax revenues created by constructing the proposed project's approximately 422 to 430 units. Objective 6 calling for maximization of jobs would not be met because the direct and indirect jobs created from 265 units would be less than the jobs created by constructing the proposed project's approximately 422 to 430 units. While this alternative would meet most of the basic project objectives, it only meets one of the objectives the City considers most important and partially meets two of the objectives the City considers most important, while not meeting three of the objectives the City considers most important. For these reasons, this alternative was considered infeasible. It is noted that this alternative would substantially increase costs by including several bridges while reducing revenue due to decreased units, and may not be financially feasible. However, the grounds for infeasibility are based upon social and other considerations, not economic infeasibility.

Reference: FEIR Section 9.5

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Guidelines Section 15093, CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project.

If the specific economic, legal, social, technological, or other benefits, including considerations for the provision of employment opportunities for highly trained workers outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code section 21081.

CEQA further requires that when the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record.

Pursuant to Public Resources Code Section 21081(b) and Guidelines Section 15093, the City has balanced the benefits of the proposed project against unavoidable adverse impacts to visual resources associated with the project and has adopted all feasible mitigation measures with respect to these

significant and unavoidable impacts, and that no additional feasible mitigation is available to further reduce significant impacts.

The City also has examined alternatives to the proposed project, which are rejected based on the fact that they would not meet some or all of the identified project objectives, would not avoid or substantially reduce certain project-related environmental impacts, and/or would potentially result in significant impacts in addition to those associated with the project.

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to new jobs, stronger tax base, and implementation of an agency's economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs. See *Towards Responsibility in Planning v. City Council* (1988) 200 Cal App. 3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal App. 3d 1029; *City of Poway v. City of San Diego* (1984) 155 Cal App. 3d 1037; *Markley v. City Council* (1982) 131 Cal App. 3d 656.

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

The City, after balancing the specific economic, legal, social, technological, and other benefits of the proposed project, has determined and expressly finds that the unavoidable adverse environmental impacts to landform alteration/visual quality/neighborhood character (landform alteration, public views) are considered "acceptable" due to the following specific considerations which outweigh the unavoidable adverse environmental impacts of the proposed project:

A. Regional Economic Prosperity

- The project will include revitalization of an underutilized property to ensure future economic vibrancy. The resulting project will function as an integrated community with a single aesthetic concept and participate in the Green Builders Program consistent with smart growth concepts.
- The project will help implement the policies of the Economic Prosperity Element of the City's General Plan by providing workforce housing accessible to employment areas and a high-quality, convenient lifestyle necessary to attract skilled employees.
- By building on a site designated for development and retaining open space consistent with the MSCP, the project adds needed housing while preserving other lands for open space.
- The proposed project will create a substantial number of jobs, providing all levels of construction employment opportunities. Other jobs related to maintenance of the proposed homes and infrastructure would also be generated. The total construction cost for the project is estimated at \$156,089,453 million, which will benefit the local economy through increased employment opportunities in construction and related industries. Specifically, it is estimated that approximately 648 "development specific" jobs would be created in the construction trades (DPF&G² 2013).

²DPF&G's calculations were based on 430 homes. The No Annexation Scenario's 422 homes would generate slightly smaller construction costs and jobs.

- In addition to the 648 construction jobs, the project is estimated to create 2 new public safety jobs, 8 new teaching jobs, 5 new ancillary jobs (i.e. home maintenance-related jobs), and 544 jobs from workforce growth from new residents for a total of 559 jobs (DPF&G³ 2013).
- Through the creation of these new jobs, the project will increase the tax base in the City. In addition, the project's work force growth jobs create new opportunities for local business to provide goods and services including, but not limited to, food and beverage, retail, parking, marketing and advertising.

B. Biological Benefits

- In the existing condition, the vernal pools and upland areas are at risk of damage because third parties trespass the land for off-roading and other purposes. The project would add the vernal pools to the MHPA and preserve approximately 95 acres within the MHPA, where it would be subject to the protections of a conservation easement restricting such uses. The City of San Diego would receive the open space land without having to pay fair market rates to purchase ownership of the lands. In addition, Pardee will provide a funding mechanism to manage the vernal pool lands and preserve them in perpetuity.
- The proposed MHPA boundary line adjustment would ultimately improve the habitat value in the MHPA.

C. Recreational Benefits

- The proposed project will construct a multi-use pathways further connecting the community to Mission Trails Regional Park. This trail would accommodate bicyclist, pedestrian, and equestrian uses, and include a trail head.
- The proposed project will provide a 4-acre public park (3 acres usable) and up to 0.64 acre (up to 0.49 acre usable) of pocket parks.

D. Housing Benefits

- To provide a variety of housing options consistent with the surrounding area and the City's General Plan Housing Element, the project provides single-family homes on single lots and single-family homes on shared lots.
- The project will provide increased housing adjacent an already urbanized area with bus routes and employment opportunities, thus integrating and coordinating transportation and land uses. It also integrates the residential project with the open space trail system promoting a pedestrian

³DPF&G's calculations were based on 430 homes. The No Annexation Scenario's 422 homes would generate slightly smaller construction costs and jobs.

friendly community. This benefits the City because it assists in the implementation of the General Plan City of Villages strategy and regional smart growth principles.

E. Social Benefits/Implementation of Applicable Planning Goals, Policies and Objectives

- The proposed project will construct a multi-use trail along the southern and eastern project boundary providing safe non-vehicular access to and through the site.
- The project includes a public park on-site. The park would be available to future residents of the development as well as other existing residents in the area.
- The project design and components will guide physical development toward a desired image that is consistent with the social, economic and aesthetic values of the City through its consistency with the following guiding principles, goals, and policies of the City's General Plan and East Elliott Community Plan:
 - A. Provides residential, park, open space, and recreation uses as designated in the Land Use Element.
 - B. Provides a variety of several housing types to promote Land Use Element's goal of providing balanced neighborhoods.
 - C. Provides interior streets, improvements to Mast Boulevard, sidewalks, and a multi-use trail that connects to a larger trail system and is located near a bus route to promote the Mobility Element's goal of a balanced, multi-modal transportation network.
 - D. Provides single-family and green court residential units adjacent to existing residential development in Santee on its east side and approximately 95 acres of conserved open space adjacent to partially unconserved open space on its west side along with landscaping and brush management plans that use native plant species all to promote the Urban Design Element goal of integrating new development with the natural landscape and within the framework of an existing community.
 - E. To be consistent with the Economic Prosperity Element, the project provides housing to support the workforce for the area employment centers, provide construction job opportunities, and does not displace land set aside for an employment use.
 - F. To be consistent with the Public Facilities, Services, and Safety Element, the project provides resources and/or constructs facilities necessary to provide for school/educational, library, water, sewer, solid and flood control services. The project features incorporate a Fire Protection Plan to enhance safety features of project in this fire hazard zone.
 - G. To be consistent with the Recreational Element, the project provides 4.0 gross acres of public parks, 0.64 gross acre of pocket parks with a public recreational use easement, approximately 95 acres of open space land, and a multi-purpose trail system. The open space contribution would protect areas that are not currently protected and are subject to off-roading activities by trespassers. This extensive acreage contribution (approximately 46 percent of the project site) with its trail system improvements provides significant regional recreational resource which is determined to be the functional equivalent of contribution to a regional recreation and aquatics center. Additionally, the public recreational use easement over the pocket parks provides the functional equivalent of a larger public park space as residents and members of the general public can exercise and traverse through its landscaped pathways and recreate on the pocket park lawns.

- H. To be consistent with the various Conservation Element goals, the project implements energy efficiency and water conservation measures through the California Green Builder program and compliance with green building codes. In the Annexation Scenario, it utilizes reclaimed water to irrigate project landscaping. It also implements a waste management plan and complies with state and federal air quality standards. Additionally, it implements storm water best management practices and revegetates graded areas to control runoff, sedimentation, and erosion both during and after construction to protect water quality. It dedicates approximately 46 percent of the project site for newly protected open space and limits impacts to slopes through contour grading, retaining walls, and revegetation techniques.
 - I. To be consistent with the Noise Element, the project does not generate significant noise levels and construction noise would comply with the City's Noise Abatement Ordinance. The project also protects future residents from noise levels on Mast Boulevard through construction of residences with noise attenuation features.
 - J. To be consistent with the Historic Preservation Element, the project performed a surface survey that concluded none of the historic sites within the development footprint are significant, indexes the historic site within open space, and the project will further protect potential subsurface cultural and paleontological resources during project grading through approved mitigation measures.
 - K. To be consistent with the Housing Element, the project adds between 422 and 430 residential units to the area's housing stock using a variety of single family homes and single-family shared lots green court units.
 - L. A clean and sustainable environment.
 - M. A high aesthetic standard.
- The project design and components will implement the following goals and policies of the East Elliott Community Plan.
 - A. Providing for the orderly development of East Elliott;
 - B. To assure standard public facilities and services commensurate with the proposed project, as well as development of the planning area;
 - C. To provide approximately the maximum 500 residential units (only 14-16 percent less) called for in the community plan;
 - D. To provide development that is sensitive and similar in scale to adjacent development in Santee in terms of the type, lot size and density of development;
 - E. To provide development with architectural styles consistent with the Mission Trails Regional Park and Mission Trails Design District architectural criteria; and
 - F. To fulfill the open space management guidelines.
 - The project also will be consistent with other applicable land use plans, including the Multiple Species Conservation Plan, Airport Land Use Compatibility Plan, San Diego Municipal Code zoning, regulations pertaining to Environmentally Sensitive Lands (with approved deviations), and the Mission Trails Design District.

F. Sustainability Benefits

- The project will be located on a site designated for residential development near services, public transit, and existing development.
- The proposed project will include several sustainable building features consistent with the voluntary Sustainable Development goals contained in the General Plan's Conservation Element. Additionally, the project includes green features consistent with the Green Builders Program.
- The project will assist in implementing recommendations of the Mission Trails Design Guidelines.

G. Maximize Efficient Use of the Project Site

- The project optimizes the use of the site, which possesses characteristics ideal for locating a residential facility. These characteristics include, but are not limited to a vacant site immediately adjacent to existing residential development with relatively low biological value compared to other parts of East Elliott making it a suitable place to cluster development and to assist the East Elliott Community Planning Area in making a contribution to the City's housing and affordable housing inventory.

H. Annexation Agreement Benefits

- The Annexation Agreement benefits that run to San Diego include applicant's payment of inclusionary housing fees to San Diego despite detachment of the project from the City of San Diego's jurisdiction, the dedication of approximately 95 acres of open space for San Diego's use in meeting acreage goals of the MSCP, and the allocation of regional housing credits for San Diego's use in meeting its regional housing allocation quotas.

VIII. CONCLUSION

For the foregoing reasons, the City concludes that the proposed project will result in numerous public benefits beyond those required to mitigate project impacts. Therefore, the City has adopted these Findings and SOCs.

EXHIBIT C**MITIGATION MONITORING AND REPORTING PROGRAM**

GENERAL AND COMMUNITY PLAN AMENDMENT, REZONE, VESTING TENTATIVE MAP WITH PUBLIC RIGHT-OF-WAY AND EASEMENT VACATIONS, SITE DEVELOPMENT PERMIT/ PLANNED DEVELOPMENT PERMIT WITH A MULTIPLE HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT, RESOLUTION IN SUPPORT OF ANNEXATION, ESTABLISHMENT OF PUBLIC FACILITIES FINANCING MECHANISMS, POTENTIAL OUT-OF-SERVICE AGREEMENT, PUBLIC RIGHT-OF-WAY, AND UTILITY EASEMENT VACATION, PROJECT NO. 10046

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No.10046 shall be made conditions of General and Community Plan Amendment, Rezone, Vesting Tentative Map with Public Right-of-Way and Easement Vacations, Site Development Permit/ Planned Development Permit with a Multiple Habitat Planning Area Boundary Line Adjustment, Resolution in Support of Annexation, Establishment of Public Facilities Financing Mechanisms, potential Out-of-Service Agreement, Public Right-of-Way, and Utility Easement Vacation, as may be further described below.

GENERAL

1. Prior to issuance of any construction permit, including but not limited to, the first grading permit, demolition plans/permits, and building plans/permits, the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division shall verify that the appropriate Mitigation Measures regarding Landform Alteration/Visual Quality/Neighborhood Character; Air Quality; Biological Resources; Historical Resources (Archaeological); Human Health/Public Safety/Hazardous Materials; Noise; Paleontological Resources; Traffic/Circulation; and Public Services have been included on the appropriate construction, grading, and/or building plans, included under the heading "Environmental Mitigation Requirements". In addition, the requirements for a Preconstruction Meeting shall be noted on all construction documents.
2. Prior to the commencement of any 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, Applicant, and all qualified monitors for the project (biologist, archaeologist, paleontologist, geologist) and other parties of interest.

A. LANDFORM ALTERATION/VISUAL QUALITY/NEIGHBORHOOD CHARACTER

Both the Annexation and No Annexation Scenarios would encroach into 15 percent of the steep slope acreage on-site, which exceeds the encroachment allowance, as no encroachment into steep slopes would be permitted under the ESL. In addition, both the Annexation Scenario and the No Annexation Scenario would result in the construction of retaining walls that exceed the 6-foot height and 50-foot length significance criteria. Under San Diego thresholds, this is considered a significant impact associated with landform alteration.

The No Annexation Scenario would result in additional landform impacts over the Annexation Scenario due to the construction of a 1.76-million-gallon reservoir and the additional manufactured slope needed to accommodate the proposed water and sewer lines.

Landform Alteration

Prior to issuance of grading permits, for both the Annexation and No Annexation scenarios, the project applicant shall implement the following measures to the satisfaction of the City Engineer:

VIS-1: As a condition of the VTM approval and prior to the issuance of a grading permit for both the Annexation and No Annexation Scenarios, the Mayor's designee shall verify that the grading plans provide contour grading of manufactured slopes. Resident Engineers with San Diego's Department of Engineering and Capitol Projects/Field Engineering shall inspect the grading to ensure conformance with approved grading plans. In addition, landscaping techniques using plant material of varying heights in conformance with San Diego's Landscape Regulations and Manual shall be used in conjunction with contour grading to create an undulated slope appearance.

B. AIR QUALITY

To reduce emissions of ROG, low-VOC content architectural coatings must be used. Thus, prior to issuance of grading or building permits, for both the annexation and no annexation scenarios, the project applicant shall implement the following measures to the satisfaction of the City Engineer:

AIR-1: The applicant shall use exterior and interior coatings with a VOC content of 30 grams per liter or less during construction.

C. BIOLOGICAL RESOURCES

Vegetation Communities

Grading for the **Annexation Scenario**, both on- and off-site would result in potentially significant impacts to sensitive vegetation communities (coastal sage scrub, grasslands, and jurisdictional waters and wetlands, including vernal pools); sensitive plant species (San Diego barrel cactus, San Diego goldenstar, and variegated dudleya); sensitive wildlife species (California gnatcatcher, San Diego fairy shrimp, birds covered by the MBTA, and raptors).

- BIO-1: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity, project upland impacts shall be mitigated in accordance with the San Diego LDC Biology Guidelines. On-site impacts shall be mitigated through dedication of 13.80 acres of Tier I habitat inside the MHPA, 32.00 acres of Tier II or better habitat inside the MHPA, and 25.41 acres of Tier IIIB or better habitat inside the MHPA (refer to Table 4.4-4). Off-site impacts shall be mitigated through dedication of 0.28 acre of Tier I habitat within the MHPA, 0.13 acre of Tier II or better habitat within the MHPA and 0.42 acre of Tier IIIB or better habitat within the MHPA (Table 4.4-5). Mitigation land shall be provided on-site or in the East Elliott area. Mitigation land shall be conveyed to the City, as described in BIO-4.
- BIO-2: After landslide remediation testing but prior to issuance of permits to remediate any landslides, a final landslide remediation plan shall be prepared and submitted to the City for approval. This plan shall quantify and address remedial grading impacts to sensitive habitats, if any, in accordance with the San Diego Biology Guidelines and shall require habitat revegetation and remediation of the areas impacted by landslide testing and/or stabilization activities at a 1:1 ratio. Performance criteria for the revegetation area shall include 60 percent of the reference site for shrubs and a 50 percent of the reference site for herbaceous cover, with a 75 percent diversity rate relative to the reference site at the end of the five year maintenance and monitoring period.
- BIO-3: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity (except those necessary for geologic testing and/or landslide remediation), the grading plans shall include the following required measures:

Prior to project grading or vegetation clearance activities, the Owner/Permittee shall arrange to schedule a preconstruction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, Project Biologist, and the City's MMC Section, in addition to owner/permittee or designee and the construction crew. The project biologist shall conduct an educational session at this meeting regarding the need to avoid impacts outside of the approved development area and to protect sensitive flora and fauna (i.e. explain flag system for removal or retention, limit vegetation removal/demolition areas to fall only outside of sensitive biological areas).

A biological monitor shall be present during any/all construction activities. The project biologist shall supervise the installation of the limit of work fence to protect biological resources and during construction be on-site to prevent any new disturbances to sensitive habitat, plants and animals on-site. Any unforeseen impacts to sensitive biological resources shall be mitigated in accordance with the San Diego LDC and MSCP, to the satisfaction of the City and, as applicable, Resource Agencies. Prior to the release of the construction bond, a final monitoring report shall be submitted to the City.

BIO-4: After all restoration efforts have been signed off and accepted by the City, the on-site MHPA shall be conveyed to the City's MCSP preserve through one of the following:

- a) Dedication. The Owner/Permittee/Applicant shall convey the mitigation area in fee title to the City, or other conservation entities found acceptable by the City, USFWS, or CDFG through an irrevocable offer of dedication via the Final Maps. Conveyance of any land in fee shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities and manufactured slopes (with the exception of those that might be associated with the potential landslide area; San Diego Biology Guidelines 2002).
- b) Covenant of Easement. To the extent consistent with MSCP Implementing Agreement, the Owner/Permittee/Applicant must agree to a covenant of easement for the management of the mitigation area in perpetuity, recorded against the title of the property with the USFWS and the CDFG names as third party beneficiaries. Identification of permissible

passive activities and any other conditions of the permit must be incorporated into the covenant. (San Diego Biology Guidelines 2002).

- c) Any other method of transfer permitted by the City's MSCP Subarea Plan or Implementing Agreement. To the extent consistent with MSCP Implementing Agreement and to facilitate MHPA conveyance, any non-fee areas located in the MHPA shall be lotted separately, with a covenant of easement, and be maintained in perpetuity by the Owner/Permittee/Applicant, unless otherwise agreed to by the City. All other on-site areas can be conveyed through any of the above methods.

Sensitive Plants

BIO-5: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity on-site, a qualified biologist shall submit final translocation plans for San Diego goldenstar, variegated dudleya and San Diego barrel cactus prepared in accordance with the San Diego Biology Guidelines for approval by the staffs of Environmental Analysis Section (EAS), MSCP, and applicable Resource Agencies. These plans shall provide for the translocation of San Diego goldenstar from the 0.04 acre to be impacted by development within the MHPA to suitable areas within the MHPA; the relocation of 1,000 square feet of variegated dudleya within the impact area to suitable areas within the MHPA; and the relocation of 41 individuals of San Diego barrel cacti impacted in the MHPA to suitable areas within the MHPA. The translocation plans shall include (but are not limited to) requirements for site preparation, seed and plant collection, planting methods, maintenance and monitoring, and success criteria. Success criteria shall include:

Variegated dudleya

- 1) The establishment of a self-sustaining population of the translocated species with a minimum survivorship of 80 percent, with 20 percent of the surviving individuals being mature flowering plants in any of the five monitoring years at the translocation site (without supplemental water);
- 2) Less than 10 percent of the translocation and enhancement area shall be covered by exotic weeds at the end of five years; and
- 3) The translocated individuals shall have survived without supplemental watering for at least two years.

San Diego goldenstar

- 1) The establishment of a self-sustaining population of San Diego goldenstar with a minimum survivorship of 80 percent of translocated individuals;
- 2) Fifteen Twenty percent of the surviving individuals will be mature flowering plants in any of the five monitoring years at the translocation site (without supplemental water);
- 3) Prior to the end of the five-year maintenance and monitoring period, the translocated individuals shall have survived without supplemental watering for at least two years; and
- 4) Individuals lost to herbivory or other causes will be replaced with seed grown plants and/or salvaged plants from the impact area outside of the MHPA such that, at the end of five years, 80 percent of the estimated number of individuals present in the impacted area (0.10 acre for the No Annexation Scenario) will be growing at the translocation site.
- 5) The enhancement and restoration of approximately 1.0 acre of the native grassland habitat at the translocation site. In addition, a 100-foot protective buffer will be maintained (i.e., weeded) around the translocation site.
- 6) A total of 0 percent coverage by Cal-IPC (2006) High, Moderate, and Alert species and no more than 10 percent of the enhancement site will be covered by exotic weeds at the end of five years.

San Diego barrel cactus

- 1) The establishment of a self-sustaining population of coast barrel cactus with a minimum 1:1 survivorship for either the 41 translocated individuals salvaged from within the MHPA under the Annexation Scenario or the 40 translocated individuals salvaged from within the MHPA under the No Annexation Scenario; and
- 2) Prior to the end of the three-year maintenance and monitoring period, the translocated individuals will have survived without supplemental watering for at least one year.

As plant populations fluctuate from season to season and year to year, a final survey shall be undertaken to identify the individual number or acreage of variegated dudleya, San Diego barrel cacti, and San Diego goldenstar present within the development impact area. Any variegated dudleya, San Diego barrel cacti, or San Diego goldenstar plants found in the final survey within the project development impact area (excluding the San Diego golden star within the potential landslide remediation area) shall be included in the transplantation effort and the final translocation plans.

San Diego goldenstar impacts from potential landslide remediation shall be addressed in the San Diego goldenstar transplantation and landslide remediation plan. After landslide remediation testing but prior to issuance of permits necessary for landslide remediation, a San Diego goldenstar transplantation and landslide remediation plan shall be prepared, if necessary, and approved by the City. This plan shall quantify and address remedial grading impacts to San Diego goldenstar in accordance with the San Diego LDC Biology Guidelines. San Diego goldenstar impacted through landslide remediation activities shall be mitigated through preservation within the East Elliott community in the MHPA. Prior to any needed landslide remediation, a San Diego goldenstar survey shall be completed of the proposed preservation area to verify adequate San Diego goldenstar acreage is available for preservation. Preservation land shall be conveyed to the City via methods indicated in BIO-4.

Sensitive Wildlife

- BIO-6: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity, the Mayor (or appointed designee) shall verify that the following project requirements regarding the MBTA are shown on the construction plans:
No clearing, grubbing, grading, or other construction activities shall occur between February 15 and August 15, the bird nesting season, unless a qualified biologist monitors vegetation clearing operations to search for and flag active nests so that they can be avoided.
- BIO-7: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity, the Mayor (or appointed designee) shall verify that the following project requirements regarding raptors are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between February 15 and August 15, the raptor nesting season, unless a qualified biologist completes a pre-construction survey to locate active raptor nests (if any). If active raptor nests are present, no grading or removal of habitat shall take place within 300 feet of active nesting sites during the nesting/breeding season (February 15 through August 15).

BIO-8: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction related activity, the Mayor (or appointed designee) shall verify that the 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 Mayor:

A. A qualified biologist (possessing a valid ESA 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 A-weighted 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 USFWS within the breeding season prior to the commencement of any construction. If gnatcatchers are present, then the following conditions must be met:

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

II. 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 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 Mayor 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

- III. 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 Mayor, 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.

- B. If coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the Mayor 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:

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

BIO-9: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity, the applicant shall provide the City with a copy of any required State or Federal permit necessary for the take of San Diego fairy shrimp.

BIO-10: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity, a final restoration and management plan for San Diego fairy shrimp shall be completed, reviewed, and approved by the applicable Resource Agencies. This plan shall address the restoration of a minimum of 1,260 square feet of pools (3:1 mitigation ratio) and enhancement of the existing five pools to be preserved. The restoration plan shall identify collection and restoration methodology and activities, outline a monitoring and maintenance program, and include success criteria that must be met before the restoration program is deemed to be complete. Restoration activities shall include recontouring basins and populating the restored basins with appropriate vernal pool species, including San Diego fairy shrimp, from the impacted pools and/or a source approved by the USFWS. Required maintenance activities (e.g., weeding) shall be identified. BMZ-2 shall not be allowed within the vernal pool preserve area or vernal pool restoration area. The area shall be fenced and monitored for 5 years or until success criteria are met, whichever occurs first. Success criteria include:

- For each of the restored vernal pools, the area of vernal pool vegetation shall be defined for purposes of this section as coincident with the area supporting a combined relative pool species cover of more than 50 percent, measured within 45 days of the disappearance of standing water. In a drought year, this criterion shall be considered to be met if the total relative cover by vernal pool species equals that of the averaged value of control vernal pools having similar hydrological characteristics in that year and if the qualifying area has met this criterion in a previous monitoring year.

- For each of the restored vernal pools, the total absolute vegetative cover in areas of qualified vernal pool vegetation, not including target weed species, shall equal or exceed 50 percent of the averaged value of control vernal pools having similar hydrological characteristics.
- The restored vernal pools shall support reproducing populations of a minimum number of vernal pool plant species equivalent to that supported by the control vernal pools. Equivalence is met if (1) the vernal pool species richness value for the restored vernal pools is equal to or greater than the minimum value found in the control vernal pools and (2) the value of vernal pool species richness in the restored vernal pools is equal to or greater than that of the control vernal pools.
- The restored vernal pools shall support populations of at least two vernal pool indicator species, including San Diego fairy shrimp.
- Within each preserved vernal pool, California Invasive Plant Council List High, Moderate, and Alert species shall not be present. Within each restored vernal pool, the relative cover of non-native species shall not exceed five percent.
- At the end of the five-year monitoring program, required native grassland upland cover values in the vernal pool restoration area would be 60 percent of the control site for native grass cover and 50 percent of the control site for herbaceous cover.
- The native grassland within the vernal pool restoration area shall be considered to meet the diversity and composition criteria if 75 percent of its upland plant taxa are shared with the control site after the five-year monitoring period.
- Within the native grassland upland habitat in the vernal pool restoration area, the relative cover of all non-native species shall not exceed an absolute value of 10 percent. Within the extended weed control area, no California Invasive Plant Council List High, Moderate, and Alert species shall be present. Prior to the end of the monitoring period, the restored vernal pools shall demonstrate hydrological patterns of duration, periodicity, and depth of inundation which fall within the range of variation observed in the control vernal pools.

Jurisdictional Waters, Wetlands and Vernal Pools

BIO-11: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction

related activity on-site, the applicant shall obtain all appropriate USACE permit, CDFG Streambed Alteration Agreement, and RWQCB Water Quality Certification. Mitigation shall proceed according to permitting requirements of the applicable Resource Agencies and shall consist of a minimum 2:1 mitigation ratio of preservation/creation/restoration/ enhancement. The wetland mitigation shall include a minimum 1:1 creation component to ensure no net loss of wetlands. As such, mitigation shall include a minimum of 0.07 acre wetland creation, 0.07 acre wetland preservation/ enhancement, and 0.80 acre of non-wetland preservation within the Santee Subarea watershed (see Table 4.4-7).

- BIO-12: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any Construction-related activity on-site, a qualified biologist shall submit a final wetland mitigation plan to the USACE, RWQCB, San Diego (Park and Recreation, EAS, and MSCP), and CDFG for review and approval. This plan shall be prepared in accordance with the San Diego Biology Guidelines and shall include, at minimum, 0.07 acre of wetland creation. The wetland mitigation plan shall include a performance standard of 90 percent native cover and support 80 percent of the target species within the wetland creation area by the end of the 5 year maintenance and monitoring period. A conceptual wetland mitigation plan has been prepared and is included in Appendix B 6. This plan covers the creation of 0.37 acre of riparian scrub on-site (see Figure 4.4-3), exceeding the wetland creation mitigation component requirement. The project would preserve 0.93 acre of USACE/RWQCB/CDFG jurisdictional habitat, and 0.65 acre of City wetlands on-site, which would exceed the preservation mitigation requirement.

Grading for the **No Annexation Scenario**, both on- and off-site would result in significant impacts to sensitive vegetation communities (coastal sage scrub, grasslands, and jurisdictional waters and wetlands, including vernal pools); sensitive plant species (San Diego barrel cactus, San Diego goldenstar, variegated dudleya, and San Diego ambrosia); sensitive wildlife species (California gnatcatcher, San Diego fairy shrimp, raptors, least Bell's vireo, and southwestern willow flycatcher).

Vegetation Communities

- BIO-13: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity, project upland impacts shall be mitigated in accordance with the San Diego LDC Biology Guidelines. On-site impacts (including the water tank and access road) shall be mitigated through dedication of 13.82 acres of Tier I

habitat inside the MHPA, 33.67 acres of Tier II or better habitat inside the MHPA, and 25.33 acres of Tier IIIB or better habitat inside the MHPA (refer to Table 4.4-8). Off-site impacts from grading on the SDG&E parcel, utility improvements, and Street 'E' shall be mitigated through dedication of 0.28 acre of Tier I habitat within the MHPA, 0.80 acre of Tier II or better habitat within the MHPA and 0.58 acre of Tier IIIB or better habitat within the MHPA (Table 4.4-10). Overall, the project shall provide 14.10 acre of Tier I, 34.47 acres of Tier II or better habitat, and 25.91 acres of Tier IIIB or better habitat. Mitigation land shall be provided on-site or in the East Elliott area. Mitigation land shall be conveyed to the City, as described in measure BIO-4.

Prior to the conveyance of the MHPA open space to San Diego, a coastal sage scrub restoration plan shall be approved by San Diego and the applicable Resource Agencies. The coastal sage scrub restoration plan shall restore 1.25 acre of coastal sage scrub temporarily impacted by infrastructure improvements along Mast Boulevard to pre-impact conditions or better. The restoration sites must achieve 75 percent native species cover and 95 percent native species composition relative to the reference sites at the end of the five year maintenance and monitoring period. Implementation of the plan shall be completed by a qualified habitat restoration consultant, to be approved by the applicant, applicable Resource Agencies and San Diego.

Mitigation measure BIO-2 indicated under Section 4.4.3.3 shall be implemented by the No Annexation Scenario to reduce potential landslide remediation impacts to sensitive habitat.

To ensure that grading operations do not inadvertently impact sensitive vegetation communities, the applicant shall implement mitigation measure BIO-3 indicated under Section 4.4.3.3. Mitigation measure BIO-4 indicated under Section 4.4.3.3 shall be implemented to convey the on-site portions of the MHPA to the City.

Sensitive Plants

- BIO-14: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity, a qualified biologist shall submit final translocation plans for San Diego goldenstar, variegated dudleya and San Diego barrel cactus to the City prepared in accordance with the San Diego Biology Guidelines for approval by the staffs of Environmental Analysis Section (EAS) and MSCP. These plans shall provide for the transplantation of San Diego goldenstar from the 0.10 acre to be impacted by development within the MHPA to suitable areas within the MHPA; the relocation of 1,000 square feet of variegated dudleya within the impact area to

suitable areas within the MHPA; and the relocation of 40 individuals of San Diego barrel cacti impacted in the MHPA to suitable areas within the MHPA. The translocation plans shall include (but are not limited to) requirements for site preparation, seed and plant collection, planting methods, maintenance and monitoring, and success criteria. Success criteria shall include:

Variegated dudleya

- (1) The establishment of a self-sustaining population of the translocated species with a minimum survivorship of 80 percent, with 20 percent of the surviving individuals being mature flowering plants in any of the five monitoring years at the translocation site (without supplemental water);
- (2) Less than 10 percent of the translocation and enhancement area shall be covered by exotic weeds at the end of five years; and
- (3) The translocated individuals shall have survived without supplemental watering for at least two years.

San Diego goldenstar

- (1) The establishment of a self-sustaining population of San Diego goldenstar with a minimum survivorship of 80 percent of translocated individuals;
- (2) Twenty percent of the surviving individuals will be mature flowering plants in any of the five monitoring years at the translocation site (without supplemental water);
- (3) Prior to the end of the five-year maintenance and monitoring period, the translocated individuals shall have survived without supplemental watering for at least two years; and
- (4) Individuals lost to herbivory or other causes will be replaced with seed grown plants and/or salvaged plants from the impact area outside of the MHPA such that, at the end of five years, 80 percent of the estimated number of individuals present in the impacted area (either 0.06 acre for the Annexation Scenario or 0.10 acre for the No Annexation Scenario) will be growing at the translocation site.
- (5) The enhancement and restoration of approximately 1.0 acre of the native grassland habitat at the translocation site. In addition, a 100-foot protective buffer will be maintained (i.e., weeded) around the translocation site.
- (6) A total of 0 percent coverage by Cal-IPC (2006) High, Moderate, and Alert species and no more than 10 percent of the enhancement site will be covered by exotic weeds at the end of five years.

San Diego barrel cactus

- (1) The establishment of a self-sustaining population of coast barrel cactus with a minimum 1:1 survivorship for either the 41 translocated individuals salvaged from within the MHPA under the Annexation Scenario or the 40 translocated individuals salvaged from within the MHPA under the No Annexation Scenario.
- (2) Prior to the end of the three-year maintenance and monitoring period, the translocated individuals will have survived without supplemental watering for at least one year.

As plant populations fluctuate from season to season and year to year, a final survey shall be undertaken to identify the individual number or acreage of variegated dudleya, San Diego barrel cacti, or San Diego goldenstar present within the development impact area. Any variegated dudleya, San Diego barrel cacti, or San Diego goldenstar plants found in the final survey within the project development impact area (excluding the San Diego golden star within the potential landslide remediation area) shall be included in the transplantation effort and the final translocation plans.

San Diego goldenstar impacts from potential landslide remediation shall be addressed in the San Diego goldenstar transplantation and landslide remediation plan. After landslide remediation testing but prior to issuance of permits necessary for landslide remediation, a San Diego goldenstar transplantation and landslide remediation plan shall be prepared, if necessary, and approved by the City. This plan shall quantify and address remedial grading impacts to San Diego goldenstar in accordance with the San Diego LDC Biology Guidelines. San Diego goldenstar impacted through landslide remediation activities shall be mitigated through preservation within the East Elliott community in the MHPA. Prior to any needed landslide remediation, a San Diego goldenstar survey shall be completed of the proposed preservation area to verify adequate San Diego goldenstar acreage is available for preservation. Preservation land shall be conveyed to the City via methods indicated in measure BIO-4.

BIO-15: Prior to the issuance of a Notice to Proceed for any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity off-site,, a USFWS permit shall be obtained and a two-year San Diego ambrosia critical habitat enhancement plan shall be prepared and implemented by a qualified biologist. This plan shall include specific weeding and soil decompaction requirements for project impacts to San Diego ambrosia critical habitat, with the intent to keep the habitat open for potential future San Diego ambrosia establishment. While not anticipated, any San Diego ambrosia located within the temporary impact area shall be flagged by the qualified biologist and avoided, or shall be salvaged and replanted in compliance with the San Diego

ambrosia critical habitat enhancement plan. This plan shall be subject to the approval of San Diego and USFWS.

If the off-site improvements are redesigned to avoid impacts to San Diego ambrosia critical habitat and the applicant obtains concurrence from the City and USFWS that the impact would be less than significant, this condition shall be void.

Sensitive Wildlife

Measures BIO-6 to BIO-10 shall be implemented for impacts to nesting birds (including raptors and coastal California gnatcatcher) and San Diego fairy shrimp. The project impact occupied gnatcatcher habitat in the MHPA shall be mitigated through habitat mitigation BIO-13.

The No Annexation Scenario shall implement the following mitigation measures BIO-16 and BIO-17 to address off-site utility improvement impacts to least Bell's vireo and southwestern willow flycatcher:

BIO-16: Prior to the issuance of a Notice to Proceed for any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity off-site, the MMC (or appointed designee) shall verify that the following project requirements regarding the least Bell's vireo are shown on the off-site utility improvement plans:

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

- A. A qualified biologist (possessing a valid ESA Section 10(a)(1)(A) Recovery Permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [dB(a)] hourly average for the presence of least Bell's vireo. Surveys for these species shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of construction. If the least Bell's vireo is present, then the following conditions must be met:
 - I. 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

- II. 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 Mayor at least two weeks prior to the commencement of construction activities. Prior to the commencement of any 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
- III. 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 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 Mayor, 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.

- B. If least Bell's vireo is not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the Mayor and applicable Resource Agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:
 - I. 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.
 - II. If this evidence concludes that no significant impacts to this species are anticipated, no mitigation measures would be necessary.

BIO-17: Prior to the issuance of a Notice to Proceed for any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity off-site, the MMC (or appointed designee) shall verify that the following project requirements regarding the southwestern willow flycatcher are shown on the off-site utility improvement plans:

No clearing, grubbing, grading, or other construction activities shall occur between May 1 and August 30, the breeding season of the southwestern willow flycatcher, until the following requirements have been met to the satisfaction of the Mayor:

- A. A qualified biologist (possessing a valid ESA Section 10(a)(1)(A) Recovery Permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [dB(a)] hourly average for the presence of southwestern willow flycatcher. Surveys for these species shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of construction. If the southwestern willow flycatcher is present, then the following conditions must be met:
 - I. Between May 1 and August 30, no clearing, grubbing, or grading of occupied southwestern willow flycatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and

- II. Between May 1 and August 30, 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 southwestern willow flycatcher 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 Mayor at least two weeks prior to the commencement of construction activities. Prior to the commencement of any 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
- III. 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 southwestern willow flycatcher. 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 30).

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 Mayor, 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.

- B. If southwestern willow flycatcher is not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the Mayor and applicable Resource Agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between May 1 and August 30 as follows:
 - I. If this evidence indicates the potential is high for southwestern willow flycatcher to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
 - II. If this evidence concludes that no significant impacts to this species are anticipated, no mitigation measures would be necessary.

Jurisdictional Waters, Wetlands and Vernal Pools

Mitigation for **No Annexation Scenario** disturbances waters/wetlands that are under the jurisdiction of the USACE, RWQCB, CDFG, and San Diego would entail the following:

- BIO-18: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity, the applicant shall obtain the appropriate USACE permit, CDFG Streambed Alteration Agreement, and RWQCB Water Quality Certification. Mitigation shall proceed according to permitting requirements of the applicable Resource Agencies and shall consist of a minimum 2:1 ratio of preservation/creation/ restoration/enhancement for permanent impacts (see Table 4.4-13). The 2:1 wetland impact ratio shall include a 1:1 creation component to ensure no net loss of wetlands. Mitigation shall include a minimum of 0.09 acre wetland creation, 0.09 acre wetland preservation/enhancement, and 0.80 acre of non-wetland preservation within the Santee Subarea watershed. Temporary jurisdictional impacts shall be mitigated through restoration of the temporarily impacted area to the existing conditions.
- BIO-19: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity, a qualified biologist shall submit a final wetland mitigation plan to the City (Park and Recreation, EAS, and MSCP), and applicable Resource Agencies for review and approval. This plan shall be prepared in accordance with

the San Diego Biology Guidelines and shall address a minimum of 0.09 acre of wetland creation. If the off-site utility improvements cannot be designed to avoid jurisdictional areas adjacent to West Hills Parkway bridge, the wetland mitigation plan shall also address 0.43 acre of off-site restoration within the temporary impact area. If the off-site improvements are redesigned to avoid impacts to jurisdictional wetland habitat and the applicant obtains concurrence from San Diego and applicable Resource Agencies that the impact would be less than significant, this condition would be void.

The wetland mitigation plan shall include a wetland creation area performance standard of 90 percent native cover and 80 percent of the target species supported by the end of the five year maintenance and monitoring period. Also, the wetland mitigation plan shall include the following temporary impact restoration area performance standards: (1) 90 percent of the original cover and species diversity shall be achieved at the end of the five maintenance and monitoring period, and (2) the weed cover of the restored site shall be less than five percent for annual weeds and zero percent for perennial weeds at the end of the five maintenance and monitoring period.

The **Annexation Scenario** would potentially result in significant impacts to the MHPA without the incorporation of mitigation. The proposed BLA associated with the Annexation Scenario would not result in a preserve that is functionally equivalent to the adopted MHPA, as there would be an overall loss of habitat value and covered species. The project would result in a loss of habitat value in the MHPA, as the Annexation BLA would remove coastal sage scrub (Tier II) and replace it with non-native grassland (Tier III). The project would potentially result in significant impacts to the following covered species through habitat loss or reduction in plant populations: coastal California gnatcatcher, San Diego goldenstar, variegated dudleya, and San Diego barrel cactus.

MHPA Adjustment

To ensure that the proposed BLA would result in a preserve that is functionally equivalent to the adopted MHPA, measures BIO 1, BIO-2, BIO-4, and BIO-5 and the following BIO-20 shall be implemented:

BIO-20: Prior to the conveyance of the MHPA open space to San Diego, a native grassland restoration plan shall be approved by San Diego and the applicable appropriate Resource Agencies. The native grassland restoration plan shall restore non-native grassland to native grassland with the intent of ensuring no loss of habitat value occurs as a result of the MHPA boundary line adjustment. Restoration activities shall avoid significant impacts to sensitive plant and animal species. The restoration sites must achieve 90 percent cover relative to the reference sites in

five years. Implementation of the plan shall be completed by a qualified habitat restoration consultant, to be approved by the applicant, applicable Resource Agencies and San Diego.

A conceptual native grassland restoration plan has been prepared and is included as Appendix B-10. This plan requires the restoration of 2.79 acres of non-native grassland to native grassland for the Annexation Scenario.

Indirect Effects

In order to ensure consistency with the MSCP Subarea Plan Land Use Adjacency Guidelines, the following measure shall be implemented:

BIO-21:

1. Prior to the issuance of a Notice To Proceed for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Assistant Deputy Director (ADD; or designee) shall verify that the project is in compliance with the MSCP Subarea Plan's Land Use Adjacency Requirements and that the following site specific requirements are noted on the grading plans under the heading Environmental Requirements:
 - A. Drainage. Project runoff shall be controlled so that water quality or hydrology impacts to the MHPA do not occur. All drainage from proposed roads and structures associated with the proposed project shall be directed into a storm drain system. Manufactured slope and residential lot runoff in the vicinity of vernal pools shall be controlled to avoid impacts to vernal pools.
 - B. Toxics. The project shall not result in the introduction of toxics into the MHPA.
 - C. Lighting. All lighting associated with the project shall be shielded and directed away from the MHPA.
 - D. Noise. The project shall not increase ambient noise levels in a manner that would result in impacts to biological resources in the MHPA. Excessively noisy uses (i.e. construction) or activities adjacent to breeding areas must incorporate noise reduction measures to reduce noise below 60 dB and/or be curtailed during the general and sensitive bird breeding season (February 1-September 15) per the City and applicable Resource Agency protocol.
 - E. Barriers. Where adjacent to the MHPA, the project shall be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access

to appropriate locations and reduce domestic animal predation. The project shall not obstruct any habitat linkages, including wildlife movement between or within any MHPA. Any barriers to prevent human intrusion shall be designed to allow wildlife to continue to pass through if the existing area provides habitat linkage or significant wildlife movement.

- F. Invasives. The project landscape plant palette for areas adjacent to the MHPA shall only include only native and low-fuel plant species. Project landscaping shall not include invasive plants adjacent to the MHPA.
- G. Brush management. No brush management shall occur within the vernal pool preserve. BMZ-1 shall not be allowed within the MHPA. BMZ-2 may be located in the MHPA upon granting of an easement to San Diego (or other acceptable agency). Brush management zones shall not be greater in size than is currently required by San Diego's regulations. The amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with San Diego standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the BMZ-2 area shall be the responsibility of a homeowners association or other private party.

Draft Vernal Pool Management Plan

The following measure shall be implemented to ensure that the project and associated vernal pool plans are consistent with the San Diego VPMP.

BIO-22: In accordance with the San Diego/USFWS Planning Agreement, prior to grading permit issuance, following take authorization from the USFWS, applicant shall submit the project for Substantial Conformance Review (Process 1) to assure the project's final restoration and management plan consistency with the following:

- The then current draft or final Vernal Pool Habitat Conservation Plan;
- The then current preliminary or final Vernal Pool Preserve Areas;
- The restoration, management and monitoring plan identified in measure BIO-10 is consistent with the then current draft Vernal Pool Management Plan;
- The requirement to provide funding in perpetuity for management and monitoring of the vernal pool preserve;
- The then current proposed or final ESL/wetland amendments; and

- The required MSCP conservation covenant of easement has been placed over the project's on-site (or any project-related off-site) vernal pool preserve.

The **No Annexation Scenario** would potentially result in several significant impacts to the MHPA without the incorporation of mitigation. The proposed boundary adjustment associated with the No Annexation Scenario would not result in a preserve that is functionally equivalent to the adopted MHPA. The project would significantly impact sensitive habitat within the MHPA. The project would impact covered species located within the MHPA, and impacts to San Diego goldenstar, variegated dudleya, San Diego barrel cactus, and coastal California gnatcatcher would be potentially significant.

Without conditioning the project to be consistent with the Land Use Adjacency Guidelines contained in the San Diego's MSCP Subarea Plan, the operation of the No Annexation Scenario could potentially result in significant indirect impacts to the MHPA. While the project operation is anticipated to have a less than significant indirect impact to the MHPA, mitigation shall be required to ensure compliance with the MHPA adjacency guidelines.

MHPA Adjustment

The proposed boundary adjustment associated with the No Annexation Scenario would not potentially result in a preserve that is not functionally equivalent to the adopted MHPA. As such, mitigation measure BIO-21 (see above) is required.

Indirect Effects

Mitigation measure BIO-8 and BIO-21 identified above for the Annexation Scenario shall also apply to the No Annexation Scenario. These measures shall ensure no indirect impacts to the MHPA or coastal California gnatcatcher occur.

Additional mitigation, identified as measures BIO-16 and BIO-17 above, would be required under development of the No Annexation Scenario for potential indirect impacts to least Bell's vireo and southwestern willow flycatcher as a result of off-site improvements to the West Hills Parkway Bridge.

Mitigation measures indicated in Section 4.4.3 would mitigate UXO biological impacts within the development footprint and potential landslide remediation area. UXO clearance impacts outside of the project grading footprint would be mitigated through the following measure.

BIO-23: Prior to issuance of a grading permit, either the applicant shall provide documentation to the City of San Diego that the USACE completed subsurface UXO clearance of the entire site, or a RAWP shall be prepared and implemented in accordance with requirements and procedures of the DTSC and San Diego, in consultation with the USACE.

Prior to project UXO clearance activities, a Draft RAWP shall be prepared by a qualified contractor and approved by San Diego, DTSC, the City and USACE. Implementation of the plan may ultimately be completed by the applicant's qualified consultant or USACE. This plan shall minimize UXO clearance activity impacts to biological resources. The UXO removal plan shall include the following measures:

1. To avoid impacts to nesting birds protected by the MBTA, UXO activities should take place outside of the nesting season (February 15 through August 15). If UXO activities are to take place during the nesting season, a qualified biologist shall be present during vegetation clearing operations to search for and flag active nests so that they can be avoided.
2. Prior to UXO activities, a survey shall be conducted by a qualified biologist to locate active raptor nests (if any). If active raptor nests are present, no UXO activities shall take place within 300 feet of active nesting sites during the nesting/breeding season (February 15 through August 15). The qualified biologist shall flag any active raptor nest located and demarcate the 300-foot buffer area.
3. Prior to UXO activities, a survey shall be conducted by a qualified biologist to confirm the presence or absence of the California gnatcatcher and, if found to be present, to locate active nests (if any). If active nests are present, no UXO activity shall take place within 500 feet of active nesting sites during the nesting/breeding season (February 15 through August 15). The qualified biologist shall flag any active California gnatcatcher nest located and demarcate the 500-foot buffer area. Should active nests be abandoned prior to the end of the expected breeding season, UXO activities may continue.
4. Subsurface UXO clearance and removal activities shall occur prior to the commencement of any other proposed restoration, creation, or translocation activities.
5. A qualified biologist shall attend a pre-UXO clearance meeting with workers. If UXO clearance is to be completed during the bird breeding season, the qualified biologist shall review required nesting avoidance measures. The qualified biologist shall also go over available sensitive habitat (including jurisdictional habitat), plants and wildlife maps, and associated avoidance measures.
6. A biologist shall be present during UXO clearance to direct UXO clearance workers to avoid vegetation and drainage alteration impacts within sensitive habitat and jurisdictional areas. If avoidance is not possible, clearance activities

within jurisdictional areas shall be delayed until the jurisdictional agency is consulted and any required jurisdictional permitting is completed. The biological monitor shall submit a final monitoring report that identifies any significant biological impacts and associated mitigation. Mitigation shall be provided in compliance with the City's LCD Biological Guidelines.

7. Should "detonation in place" or any other UXO removal activities result in disturbance to habitat on-site within the proposed open space, restoration shall be completed with in-kind vegetation, or, if in a proposed restoration area, in accordance with the applicable restoration plan (Appendices B-4, B-5, and B-10). If habitat impacted includes San Diego barrel cactus, variegated dudleya, San Diego golden star and/or Robinson's peppergress, these plant species shall be replaced at a minimum 1:1 ratio.
8. Prior to time the detonation of an UXO is planned, sandbags filled with construction grade sand shall be utilized to tamp the detonation and minimize damage to nearby trees and shrubs. The preparation shall be thoroughly soaked with water and the immediate area watered well to minimize the possibility of secondary fires.

D. HISTORICAL RESOURCES

In order to mitigate the potential for uncovering significant impacts to subsurface archaeological resources, the following conditions of approval shall be placed on the project (applicable to both the Annexation Scenario and No Annexation Scenario).

CUL-1:

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the ADD Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to MMC identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written 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 (one-quarter mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from SCIC, 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.
3. The PI may submit a detailed letter to MMC requesting a reduction to the one-quarter mile radius.

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, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or

suggestions concerning the Archaeological Monitoring program with the CM and/or Grading Contractor.

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

- a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
- b. The AME 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 site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor(s) Shall be Present During Grading/Excavation/Trenching (including UXO clearance Grading/Excavation/Trenching)

1. The Archaeological Monitor shall be present full time during all soil disturbing and grading/ excavation/ trenching activities which could result

in impacts to archaeological resources as identified on the AME. The CM is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances Occupational Safety and Health Administration (OSHA) safety requirements may necessitate modification of the AME.

2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
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 modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources 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.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - 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.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program which has been reviewed by the Native American consultant/monitor, 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. Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California PRC (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the

appropriate Senior Planner in the EAS of the Development Services Department to assist with the discovery notification process.

2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains ARE determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,

- c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.

- d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains are NOT Native American

- 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
- 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
- 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. 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 8 a.m. of the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.

c. Potentially Significant Discoveries

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

d. The PI shall immediately contact MMC, or by 8 a.m. of 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 and/or weekend work becomes necessary during the course of construction

1. The CM 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.

VI. 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 HRG (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the

Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.

- a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's HRG, and submittal of such forms to the SCIC 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 Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area;

that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

3. The cost for curation is the responsibility of the property owner.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
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.
3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy 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 and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

CUL-2: CA-SDI-10054 shall be tested and indexed in accordance with the San Diego HRGs. The indexing program shall include the following steps which shall be completed prior to issuance of a grading permit:

- Complete a surface collection of prehistoric materials using a grid-based plotting system.
- Complete up to 10 STPs in area of positive surface material and in areas with potential subsurface deposit.
- A qualified biologist shall be consulted during STP location selection and be present during STPs to ensure significant impacts to sensitive habitats (including jurisdictional habitats), sensitive plants and sensitive wildlife are avoided.
- A qualified UXO consultant shall be present to protect the health and safety of archeological testing, indexing and recovery work.
- Complete three sample units of one square meter in size.
- Prepare a site map with locations of collected items, STPs, sample units, and surface features.
- Clean, separate, and analyze the recovered artifacts and ecofacts. Submit one organic sample for radiocarbon analysis.
- Complete a report of finding and interpretations using the San Diego Archaeological Resource Management Report format.

These combined efforts would provide sufficient information to establish a general finding with regard to the quantity, quality, and variety of the archaeological materials that are present at this location and allow for the placement of this resource into the developing model of site settlement and chronology for the East Elliott region.

E. HUMAN HEALTH/PUBLIC SAFETY/HAZARDOUS MATERIALS

Under the purview of the USACE, this UXO safety risk would be remediated through proper removal actions. The following standard requirements and procedures shall be implemented prior to the issuance of building or grading permits (For Both Annexation and No Annexation Scenarios) to ensure the proper handling of the removal of UXO to reduce these risks:

HAZ-1: Prior to issuance of a grading permit, either the applicant shall provide documentation to the City of San Diego that the USACE completed subsurface UXO clearance of the entire site, or a RAWP shall be prepared and implemented in accordance with requirements and procedures of the DTSC and San Diego, in consultation with the USACE.

The RAWP, including a Health and Safety Plan, shall be prepared by a qualified contractor prior to grading (phase 1) or occupancy (phase 2) in accordance with requirements and procedures of the DTSC. The RAWP shall thoroughly describe investigations and disposal activities. The draft RAWP shall be reviewed and

approved by San Diego and the DTSC, in consultation with the USACE. At a minimum, the RAWP shall include the following performance criteria:

- Prior to initiation of UXO clearance activities, the West Hills High School Principal and Executive Director of Facilities, and adjacent residents shall be notified.
- Implementation of the RAWP shall be performed by a qualified contractor.
- Access into the work sites shall be limited to the contractor personnel specifically authorized to enter the work site.
- Prior to initiation of demolition operations, all nonessential personnel shall be evacuated to a distance outside the fragmentation zone of the UXO to be detonated; radio communication shall be maintained between all concerned parties.
- Detonation activities completed at the site shall occur outside of typical school hours, as feasible, to avoid disruptions to West Hills High.
- The area shall be secured prior to authorizing the detonation of explosive charges. Signs shall be posted announcing blasting danger and guards shall be stationed at all likely pedestrian/recreational user entrances.
- When a detonation-in-place is to occur, contractor personnel shall be posted in a 360-degree radius around the detonation site, at a safe distance.
- No disposal procedures shall be applied until the item has been positively identified. After the inspection has been completed, and providing there are no residual hazards, the UXO Senior Supervisor shall authorize the resumption of site operations. In the event that an UXO cannot be destroyed on-site, or if an unidentified UXO is located, the Safety Representative shall be notified for appropriate assistance.

The RAWP shall detail the environmental investigations and define the procedures for disposing of UXO determined unsafe to move or handle (e.g., detonation-in-place disposal). Also to be included as part of the RAWP is an Explosive Safety Submission report that outlines the safety aspects associated with investigating and removing UXO. The potential for encountering UXO during the removal action poses a risk to on-site workers, nearby populations, and the environment. The Health and Safety Plan is an integral component of the RAWP and shall include safety precautions that all personnel must adhere to during implementation of the work plan. Violation of UXO-related safety precautions shall be grounds of dismissal.

The Health and Safety Plan shall also provide instructions for workers on standard work practices, hazard communication, identification, handling, removal, transportation, and detonation. These precautions may include, but are not limited to, the following:

- Prior to time the detonation of an UXO is planned, sandbags filled with construction grade sand shall be utilized to tamp the detonation and minimize damage to nearby trees and shrubs. The preparation shall be thoroughly soaked with water and the immediate area watered well to minimize the possibility of secondary fires.
- Carry blasting caps in approved containers, and keep them out of the direct rays of the sun.
- Do not use explosives or accessory equipment that are obviously deteriorated or damaged. They may detonate prematurely or fail completely.
- Disposal operations shall not be initiated until at least one-half hour after sunrise and shall be concluded by at least one-half hour prior to sunset.
- Restrict and control access to the disposal site to a minimum of authorized personnel necessary for safe conduct of the disposal operations.
- Do not carry fire- or spark-producing devices into a disposal site except as specifically authorized.
- Sector 4 (which includes the project site) has vegetation comprised primarily of relatively thin vegetation cover, primarily grasslands and mixed chaparral, requiring minimal vegetation trimming in order to accomplish the subsurface investigations. Based on other removal actions in this sector, the procedure for clearance is described below. The project site shall be surveyed and marked out in 100-by-100-square-foot grids.
- A Schonstedt detector shall be used to locate surface and subsurface anomalies.
- Motor vehicles shall be restricted to existing, actively used roads, during normal operations.
- Personnel shall drive as near as practical to the work site and walk into and out of the grid(s).
- In the event of a medical or fire emergency, vehicles shall be utilized wherever necessary.

The project site contains varying terrain, thus different sweep techniques, to include varying sweep line intervals, may be required based on the terrain. If the

terrain is too steep to sweep safely, that portion of the grid not swept shall be mapped; and it would become the team leader's responsibility to devise the clearance method(s) suitable to the specific grid to assure complete clearance.

During the removal, all personnel shall receive highly specialized training. Personnel shall be briefed of safety regulations every day. Hazards of unexploded munitions shall be explained at each briefing, including other risks, such as those posed by rattlesnakes and poison oak, etc. Should UXO items be discovered during removal actions, proper procedures (as detailed in the RAWP) shall be followed to ensure safe disposal. For example, a metal containment system may be placed around the item and then detonated by remote control from a safe distance.

All UXO shall undergo an initial assessment to identify the piece of ordnance. No disposal procedures shall be applied until the item has been positively identified. In the event that an UXO cannot be destroyed on-site, or if an unidentified UXO is located, a Safety Representative shall be notified for appropriate assistance in accordance with applicable regulations.

F. NOISE

Noise levels would exceed the City's adopted exterior noise compatibility level of 65 CNEL and interior noise limit of 45 CNEL at the residences adjacent to Mast Boulevard for both the Annexation Scenario and the No Annexation Scenario. This is regarded as a significant direct impact.

NOS-1: Prior to the issuance of any building permits, the applicant shall submit building plans to the satisfaction of the City Engineer, showing 3- to-4-foot-high noise barriers along the southern boundary (see Figure 4.10-3) which shall result in noise levels for ground-floor exterior usable areas below 65 dB(A) CNEL. Noise barrier heights are relative to the pad elevations as illustrated in Figure 4.10-3.

NOS-2: Prior to the issuance of building permits for the residential units abutting Mast Boulevard that have exterior noise levels exceeding 60 CNEL (see Figure 4.10-4), a detailed acoustical analysis shall be required to ensure that interior noise levels would be below the 45 CNEL standard. The analysis shall consider all habitable rooms of the units along the southern pad edges adjacent to Mast Boulevard.

Where exterior noise levels are projected to exceed 60 CNEL for residential units along the southern boundary adjacent to Mast Boulevard (see Figure 4.10-4), windows shall be closed in order to achieve the necessary exterior-to-interior noise reduction (45 dBA CNEL). Consequently, the design for these affected units shall include a ventilation or air conditioning system to provide a habitable interior environment when windows are closed.

- NOS-3:** Prior to the issuance of a building permit for the sewer lift station at the intersection of Street A and the emergency access road, the applicant shall submit building plans to the City Engineer. The lift station shall be designed with noise containment features to be at or below the allowable decibel level at the property line. An acoustical study shall be performed that would confirm engineering and architectural design and materials would reduce noise impacts to below 40 dB(A) L_{eq} at the property line per San Diego Municipal Code 59.5.0401. Based on noise containment features at other sewer lift stations in the San Diego, there is substantial evidence to support that it is feasible to design noise containment systems for sewer lift stations that will achieve the 40 dB(A) L_{eq} performance standard.

G. PALEONTOLOGICAL RESOURCES

- PAL-1:** Both the Annexation Scenario and No Annexation Scenario shall include the following condition to reduce paleontological impact to below a level of significance.

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the 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 MMC identifying the PI for the project and the names of all persons involved in the paleontological monitoring program, as defined in the 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, CM and/or Grading Contractor, RE, 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
 - a. 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 such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. 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.
3. The monitor shall document field activity via the CSV. The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

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

C. Determination of Significance

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

IV. Night and/or Weekend Work

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

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

a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSV and submit to MMC via fax by 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 PRP 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, in no case, shall 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.

H. TRAFFIC/CIRCULATION

Street Segments

According to San Diego and CMP standards, all street segments would operate at an acceptable LOS D or better in the existing, near-term and year 2030 conditions, with and without the project for both scenarios, with one exception. Mast Boulevard, between the SR-52 northbound ramps and West Hills Parkway, would operate at unacceptable levels under all analysis scenarios. Since the addition of project traffic would cause the volume to capacity ratio to increase over San Diego's threshold (refer to Table 4.12-7) in all analysis scenarios (i.e., existing plus project, near-term plus project, and year 2030 plus project), the project would have a significant direct and cumulative impact to the Mast Boulevard segment, between the SR-52 northbound ramps and West Hills Parkway.

The proposed project shall implement the following mitigation measure to reduce the project's significant impact to Mast Boulevard between the SR-52 northbound ramps and West Hills Parkway:

- TRF-1: Prior to the issuance of occupancy permits, the applicant shall widen Mast Boulevard between the SR-52 northbound ramps and West Hills Parkway from four lanes to five and provide a raised median (see Figure 4.12-10). This includes signal modifications at the Mast Boulevard and West Hills Parkway intersection to account for the new lane provided.
- TRF-2: Prior to the issuance of building permits, the Applicant shall install a traffic signal at the West Hills High School (West Access) and Mast Boulevard intersection to the satisfaction of the City Engineer.

To mitigate the traffic impacts at the intersection of Mast Boulevard and West Hills Parkway in the near-term condition (i.e., direct impact) for the Annexation and No Annexation scenarios, TRF-1 shall be implemented.

Intersections

For both scenarios, all intersections would operate at an acceptable LOS, with the exception of the Mast Boulevard at West Hills Parkway (near-term), Mast Boulevard at West Hills High School (west access; all analysis scenarios), and, Mission Gorge Road at Carlton Hills Boulevard (near-term and year 2030) intersections. The addition of project traffic would cause traffic conditions to exceed of the threshold shown in Table 4.12-7 at the Mast Boulevard at West Hills Parkway (near-term), and Mast Boulevard at West Hills High School (west access; all analysis scenarios). Thus, the project would have a significant direct/cumulative impact to Mast Boulevard at West Hills High School (west access) and a significant direct impact to Mast Boulevard at West Hills Parkway. While the Mission Gorge Road at Carlton Hills Boulevard intersection would operate at unacceptable levels in the near-term and year 2030 conditions, the project impact would not exceed San Diego's threshold (refer to Table 4.12-7) and would be less than significant.

I. PUBLIC SERVICES

Fire

Fire service for the No Annexation Scenario would be provided by San Diego. The primary fire and emergency medical service to the site would be provided via Station 34. The project would incrementally increase fire and emergency medical service demand by 74 calls in an area that currently does not meet response time requirements and is in need of new facilities and facility expansions (San Diego 2007b). As discussed in Section 4.13.3.1, this is not a CEQA issue. The obligation to provide adequate fire and emergency medical services is the responsibility of the City, who has addressed this issue through a condition in the project's entitlement approvals that offers six options for demonstrating that the project will meet the City's response time goals. Implementation of any one of these six options would ensure that the project would not be constructed until adequate fire protection services in accordance with the City's response time

goals were attained. These conditions of approval are not mitigation measures, but are included herein as SER-1 for tracking purposes. Accordingly, the project's impact on the environment from the potential need to construct a fire station that is too speculative to analyze at this time would not be cumulatively considerable.

SER-1: If the project is not annexed into Santee, then prior to issuance of the first certificates of occupancy for any dwelling units within the project, the applicant shall have demonstrated, to the satisfaction of the San Diego Fire Department or the Director of the Development Services Department that adequate fire protection services and emergency medical services shall be provided to all dwelling units within the project, with reference to the following specific performance criteria:

- I. Provision of fire protection service and emergency medical service within the following response time goals (or provide a level of fire protection and emergency medical service functionally equivalent to that provided by such response times):
 - A. Total response time for deployment and arrival of the first-in engine company for fire suppression incidents should be within 4 minutes 90 percent of the time. Add one minute for turnout time and one minute for dispatch time.
 - B. Total response time for deployment and arrival of the full first alarm assignment for fire suppression incidents should be within 8 minutes 90 percent of the time. Add one minute for turnout time and one minute for dispatch time.
 - C. Total response time for deployment and arrival of the full first responder or higher-level capability at emergency medical incidents should be within 4 minutes 90 percent of the time. Add one minute for turnout time and one minute for dispatch time.
 - D. Total response time for deployment and arrival of a unit with advanced life support capability at emergency medical incidents, where this service is provided by the City, should be within 8 minutes 90 percent of the time. Add one minute for turnout time and one minute for dispatch time.
- II. The above performance criteria may be met using one or more of the following feasible alternatives:

- A. Enter into an agreement with Fire Department regarding project design or other measures that enhance the level of fire protection and emergency medical service, implementation of any one of which would meet the performance criteria:
1. Installing alarm systems in habitable structures within the project with remote supervision;
 2. Installing fire sprinkler systems in habitable structures within the project;
 3. Providing a mobile Emergency Medical Services and or Fire vehicle and crew within the project; and/or
 4. Payment of an ad hoc fee or development impact fee per dwelling unit for added Fire Department/Emergency Medical Service equipment/ personnel.
- B. Reach agreement with another jurisdiction or governmental entity for provision of fire protection services and emergency medical services within the specified response times (including contribution toward the cost of any required infrastructure/equipment/services through a cost-sharing agreement or otherwise);
- C. Reach agreement between San Diego and another jurisdiction or governmental entity for provision of fire protection services and emergency medical services within the specified response times through automatic and/or mutual aid agreements; and/or
- D. Reach agreement between San Diego and another jurisdiction or governmental entity for provision of services within the specified response times through joint staffing or collocation of fire and emergency medical facilities.
- E. Implement “Fast Response Squads” consisting of two firefighter crewmembers, one of which is a paramedic, to be located in a smaller building such as a converted home or a commercial suite.
- F. Process Public Facilities Financing Plan Amendment(s) to include a new fire station. The new fire station would be located to provide response times that meet City standards and may provide support to the East Elliott, Navajo, and Tierrasanta community planning areas. The size, necessary apparatus, and location of the new fire station shall be approved by the San Diego Fire-Rescue Department and the Development Services Department. CEQA review shall be required prior to a commitment to a site selection for the fire station project. The new fire station or a temporary station that meets response times shall be

operational prior to the issuance of building permits for any dwelling units within the project.

The last option would be to construct a new facility. It cannot be determined at this time whether the expansion or construction of a new or temporary fire station would be required. If one is required, impacts associated with its future location, design and necessary apparatus are also too speculative to determine impacts at this time in this EIR. In the event that an expanded or new facility is needed, subsequent CEQA review would be required when the location and scope are known. At this time and at this level of review, there are no direct impacts associated with the construction of a new or expanded fire protection facility. Therefore, similar to other projects in California where impacts are too speculative to analyze, the City concludes impacts are less than significant.

Library

The nearest San Diego library is the San Carlos Branch; however, the project would be primarily serviced through the Serra Cooperative Library System and the Bookmobile. Projects located on or near the limits of San Diego, such as the proposed project, are served by the Serra Cooperative Library facilities and, in accordance with the San Diego Significance Thresholds (San Diego 2011), project applicants are required to make a fair share contribution to the cooperative's facilities. Accordingly, San Diego exercises its police power to impose an ad hoc fee on the project.

SER-2: If the project is not annexed into Santee, then prior to the issuance of a building permit, the applicant shall pay the ad hoc library fee identified in the East Elliott PFFP per residential building permit to be issued to support the Bookmobile or Serra Cooperative Library System.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING SITE DEVELOPMENT PERMIT NO. 19032, PLANNED DEVELOPMENT PERMIT NO. 19031, AND MHPA BOUNDARY LINE ADJUSTMENT FOR THE CASTLEROCK PROJECT NO. 10046.

Pardee Homes, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit and Planned Development Permit to construct up to 283 Single Family detached dwelling units, 147 Multi-Family detached condominium units, and a public park on a vacant 203.64 acre site known as the Castlerock project, located on the north side of Mast Boulevard between Medina Drive and West Hills Parkway, and legally described as Portions of Lots 4, 5, 8, and 9 of the Resubdivision of a part of Fanita Rancho, Map No. 1703, within the East Elliott Community Plan area, in the RS-1-8 zone which is proposed to be rezoned to the RX-1-1, RM-2-4, and OC-1-1 zones; and

WHEREAS, the project includes a Multiple Species Conservation Program (MSCP), Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment; and

WHEREAS representatives of the City of San Diego, City of Santee, Padre Dam Municipal Water District, and Pardee Homes have negotiated an agreement, for the independent review and approval of public agency decision-makers, identifying the rights and duties of said parties that would facilitate orderly development of the Castlerock project described herein (“Annexation Agreement”); and

WHEREAS, the project has two possible scenarios: The annexation scenario would allow the construction of 430 total dwelling units within the disturbed portion of the site being

detached from the City of San Diego, annexed to the City of Santee, and the Open Space portion of the site would remain within the City of San Diego as a part of the Mission Trails Regional Park. If the reorganization is not approved, the no annexation scenario allows the construction of 422 dwelling units, which would remain in the City of San Diego jurisdiction; described and identified by size, dimension, quantity, type, and location on the approved Exhibits A(1), annexation scenario; and A(2), no annexation scenario; and

WHEREAS, on XXXX, 2013, the Planning Commission of the City of San Diego considered Site Development Permit (SDP) No. 19032 and Planned Development Permit (PDP) No. 19031, and pursuant to Resolution No. XXXX-PC voted to recommend approval of the Permit; and

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

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

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That notwithstanding the development permit utilization period in San Diego Municipal Code section 126.0108, the utilization date shall be as set forth in section 1 of SDP No. 19032 and PDP No. 19031, to allow for the LAFCO process to occur.

Section 2. That it adopts the following findings with respect to SDP No. 19032 and PDP No. 19031:

SITE DEVELOPMENT PERMIT (SDMC Section 126.0504)

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan.

The development is located within the area covered by the Elliott Community Plan adopted in April 1971, as amended by Resolution No. R-307682 in September 2012 (the "East Elliott Community Plan"), which is the applicable land use plan for the project area along with the City's General Plan. Overall the project implements the goals and policies of these documents by creating a planned residential development that accommodates a portion of the housing needs within the community, providing up to 430 additional housing units, while minimizing the environmental impacts of the development and dedicating approximately 90 acres of land into the Multiple Habitat Preservation Area (MHPA).

The project design is consistent with the community's land use plan text and graphic through the provision of 430 dwelling units, dedicating approximately 90 acres of open space, implementation of contoured grading techniques, and providing the possibility of annexation into the City of Santee. As amended in 1997, the East Elliott Plan envisioned an expansion of the MHPA lands within the community through either purchase of undeveloped lots or through the dedication undeveloped land in conjunction with granting of development right. Further, the community plan anticipated that up to 500 dwelling units would be provided in the area of the project and the 430 dwelling units is consistent with the East Elliott Community Plan. The project provides the opportunity for the Cities of San Diego and Santee to annex the property into the City of Santee as identified in the East Elliott plan. The proposed Castlerock project is consistent with the City's General Plan and implements the, goals and policies through expansion of the MHPA and providing needed housing units for the region.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The development will not be detrimental to the public health, safety, and welfare. The project, together with the existing surrounding land development (grading design, provision of roadways, utilities, drainage infrastructure, preservation of open space, etc.) in the East Elliott Community Plan area conforms with a wide variety of the City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety, and welfare. The project is consistent with these City's policies and requirements. Additionally, the permit controlling the development and continued use of the single-family development proposed for this site contains conditions addressing the project compliance with the City's regulations and policies and other regional, state, and federal regulations to prevent detrimental impacts to the public

health, safety, and welfare. Compliance with these regulations along with permit conditions, the MMRP, and implementation of project design features would result in a project which will not be detrimental to the public health, safety, and welfare.

The grading proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring, or any other geological instability which would affect public health, safety and welfare as approved by the City Engineer. Flooding or severe scarring will not occur as a result of grading operations. Conditions included within the permit require the timely planting of all slopes to prevent erosion and to provide additional slope stability.

The potential presence of subsurface unexploded ordnances on the project site will be remediated through removal actions in accordance with a Removal Action Work Plan (RAWP). This plan will define safe removal strategies and methods to minimize impacts to the environment. Implementation of the RAWP and compliance with applicable regulations will reduce the health and safety risk to below a level of significance

Additionally, the project implements the MHPA within the East Elliott Community Planning Area while providing brush management zones consistent with the City of San Diego, Land Development Code and Municipal Code (LDC/MC) requirements. All brush management at the project will be conducted in a manner consistent with the Landscape Technical Manual, the City approved alterative compliance, and the applicants Fire Protection Plan proposed as a project design feature.

The project under both development scenarios will have adequate levels of essential public services available to it (including police, fire, and medical) and will not have a significant unmitigated impact on the provision of such services with the implementation of mitigation measures. Other services, such as schools, public parks, and libraries, would also be adequate for the proposed project, as would necessary utilities such as electricity, water, and sewer. The project is required to comply with several operational constraints and development controls intended to assure the continued public health, safety, and welfare. Conditions of approval address lighting, the generation of noise, the appearance of landscaping and the placement of buildings, and the development of the site specifically addresses the continued operation of the site. Storm water impacts from the proposed project would be avoided through Best Management Practices (BMPs), including site design and the installation of appropriate filtration devices. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code, and the Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse effects to those persons or other properties in the vicinity. Prior to the actual construction of residential units on the subject property, City staff will review building permit plans against the Uniform Building Code to assure that structural, mechanical, electrical, plumbing, and access components of the project are designed to protect the public's health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

The project complies with the regulations of the LDC/MC, including requirements for floor area ratio, street design, open space, grading, landscaping, etc., and all other requirements of the development criteria for its zoning, except where deviations are allowed through this Planned Development Permit/Site Development Permit (PDP/SDP).

Implementation of the project will require an allowable deviation from the Environmentally Sensitive Lands (ESL) Regulations adopted in 2000 as part of the City's LDC with respect to encroachment into steep hillsides containing sensitive biological resources. Consistent with the provisions of the LDC, the project includes deviations from certain LDC Regulations. These include: allowed building height in the RX-1-1 zone (a maximum height of thirty-three-feet where thirty-feet is allowed); seven residential lots less than four-thousand square-feet; reduced interior side yard setbacks (four-feet where five-feet is required in the R-1-1 zone), front yard setbacks (ten-feet where fifteen-feet are required in the RX-1-1 zone), front yard setbacks (three-feet where fifteen-feet is required in the RM-2-4 zone), and rear yard setbacks (ten-feet where fifteen-feet is required in the RM-2-4 zone); driveway widths that exceed forty percent of street frontage for three lots on cul-de-sacs; reduced lot front for a limited number of lots (thirty-feet where thirty-five-feet is required in the RX-1-1 zone); a reduction in parking spaces (provision of three-hundred-eighty-nine parking spaces where four-hundred-twenty are required in the RM-2-4 zone); and elimination of loading areas in the RM-2-4 zone. These deviations are justified based upon the desire to reduce grading, maximize lands dedicated to the MHPA, provide varied and interesting architecture, and create a unique community that responds to the existing built and natural environment. The above deviations are described in greater detail in the PDP findings.

B. Supplemental Findings--Environmentally Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

The East Elliott Community Plan was amended in 1997 to implement the City's adopted Multiple Species Conservation Program (MSCP) and to preserve the maximum area for the MHPA. The project has been located on the least sensitive areas of the site to the maximum extent feasible. The proposed residential development is on a location and scale consistent with the East Elliott Community Plan, and is consistent in types and intensity of use with surrounding residential developments. For the reasons set forth below, the Castlerock development will result in minimum disturbance to ESL.

With the incorporation of the mitigation measures of contour grading, strategic use of retaining walls, reduction of roadway widths, minimization of roadway curve radii, and

revegetation of graded slopes with native and drought tolerant plant materials the project will result minimum disturbance of environmentally sensitive lands and will not adversely affect environmentally sensitive lands. The Owner/Permitee has agreed to all conditions in the MMRP and the City will monitor compliance with these conditions.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

The East Elliott Community Plan was designed to minimize alterations to natural landforms. The project footprint has been located to minimize erosion, flood, and fire hazards. The development complies with the Region-wide erosion control plan. The project meets or exceeds the otherwise city-wide applicable requirements related to storm water runoff and Best Management Practices as related to storm water runoff. The project area is located out of the floodway.

The project will not result in undue or significant risks from geologic forces based on the review of geotechnical reports provided by the geotechnical consultant and project design measures. Additional geotechnical review meeting City performance standards will be provided with the construction documents for the improvement of the site in accordance with City regulations.

The project will not result in undue or significant risks from fire hazards through the implementation of the Brush Management Plan proposed in connection with the development of the site. The Brush Management Plan establishes two zones to reduce the potential of wildfires from reaching the proposed development consistent with the Landscape Technical Manual adopted by the City of San Diego, the City approved alternative compliance, and the applicant's Fire Protection Plan proposed as a project design feature. Fire protection with respect to finished landscaping and required fire protection water supplies will be provided.

As such, the development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

The site is located in and adjacent to the MHPA. The project is generally consistent with the adopted East Elliott Community Plan as envisioned in the 1997 Plan Amendment; however, a minor MHPA boundary line adjustment (BLA) is required to implement the plan. The BLA will increase the size of the MHPA and, with the mitigation measures outlined in the EIR and/or elsewhere in the administrative record, meets the requirement of providing functionally equivalent biological habitat.

The project has been sited and designed to minimize its adverse impacts to adjacent environmentally sensitive lands such as the adjoining areas of the MHPA, including by implementation of controls on runoff, noise, lighting and invasive plants, construction of

appropriate barriers, landscaping, and implementation of brush management techniques in accordance with the City's Land Development Code (including the Biology Guidelines). With the incorporation of measures contained within the MMRP, the project will not adversely impact adjacent environmentally sensitive lands, except for encroachment into steep hillsides containing sensitive natural resources for which a request for deviation from the ESL Regulations has been accepted by the City. Upon the approval of such deviation, and the implementation of the mitigation in the MMRP and conditions of the permit, the proposed development has been sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands,

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

As part of the project, an MHPA Boundary Line Adjustment is proposed to allow for modification to the MHPA boundary line on the site to conserve certain sensitive biological resources. The adjustment, as proposed, will maintain the size of the MHPA. The incorporation of conditions contained within the MMRP, the MHPA boundaries shown in the adopted MSCP Subarea Plan will be functionally equivalent to the MHPA boundary proposed by the Castlerock project. The proposed MHPA boundary with native grassland restoration will result in the equivalent overall habitat function, wildlife movement, preserve configuration and management of the MHPA. Mitigation for all impacts to the MHPA areas would be provided in accordance with the MSCP. In addition, the controls imposed on drainage and toxics, lighting, noise, barriers, invasive plant species, brush management and grading would all be consistent with the Land Use Adjacency Guidelines contained in the MSCP Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

The proposed development is located approximately fourteen inland from public beaches and local shoreline and therefore it is unlikely that on-site development will contribute to erosion of public beaches or adversely affect shoreline sand supply. The project would include BMPs in compliance with local and state regulations to ensure downstream hydrology quality is not significantly affected. Specifically, detention/desiltation basins will be provided on-site to reduce surface water runoff and reduce water runoff velocities to the extent water runoff might increase downstream siltation and contribute to the erosion of public beaches or adversely affect local shoreline sand supply.

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

The City conducted a site specific impact analysis for this proposed development and its alternatives in the EIR, which identifies the applicant's project design features, an MMRP, which when combined with implementation of the federal, state, and local rules and regulations and the Project's permit conditions are reasonably related to and are

calculated to alleviate negative impacts created by the proposed development. Findings to support the EIR's conclusion have been made, are part of this project's record, and are hereby incorporated by reference. In addition, all mitigation measures identified in the EIR that are associated with this proposed development have been adopted and are incorporated into the conditions of approval.

As described in the EIR and elsewhere in the administrative record, the permit conditions and mitigation measures alleviate the negative impact of this development except in one instance. The proposed project would have a significant visual landform alteration impact associated with construction of on-site retaining walls. No mitigation is feasible to reduce these impacts to below a level of significance, but they have been partially mitigated through the use of landscaping to provide visual relief from long or high flat walls. This impact is not an ESL issue because the proposed retaining walls would be utilized to reduce grading in ESL areas - steep slopes and biologically sensitive vegetation. All feasible mitigation reasonably related to and calculated to alleviate negative impacts created by the proposed development are incorporated into the conditions of approval.

C. Supplemental Findings--Environmentally Sensitive Lands Deviations

1. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.

Development as anticipated in the East Elliott Community Plan will cause disturbance to environmentally sensitive biological resources and steep hillsides. All feasible measures were incorporated into the project to minimize the effects of the project on environmentally sensitive lands. Among them are retaining walls, landform and contour grading, avoidance of vernal pools, planting native plant species, and incorporating water quality features to reduce storm water effects downstream. The project design includes concrete brow ditches at the base of slopes to divert drainage and eliminate indirect impacts to the vernal pools. Fire walls and other protection devices are required to provide functional equivalent levels of fire protection without encroachment of brush management into the vernal pool areas.

The project will impact habitats which constitute environmentally sensitive biological resources, including on-site impacts to upland Tier I (13.46 acres), Tier II (32.00 acres), and Tier IIB (47.59 acres), and City defined wetlands comprising 0.07 acres of land area on-site. The impacted City wetlands do not contain sensitive species; however, the sensitive upland areas do include the following rare, endangered, and threatened or narrow endemic species: San Diego barrel cactus; variegated dudleya, San Diego goldenstar, and coastal California gnatcatcher. In addition, the endangered San Diego fairy shrimp was located in basin features within sensitive upland and disturbed habitats to be impacted by the project. While the project would comply with the Land Use Adjacency Guidelines to avoid potential indirect impacts to the MHPA, the project would potentially have short-term construction impacts to the MHPA.

The MMRP includes measures to fully mitigate for sensitive biological resource impacts. Mitigation will be completed in compliance with the Land Development Code Biology Guidelines. Upland and wetland habitat mitigation would be provided through preservation and creation at the LDC Biology Guidelines mitigation ratios. Significant sensitive plant species impacts will be mitigated through translocation to suitable MHPA lands, where feasible. Where translocation is not feasible, preservation mitigation will be provided at an appropriate ration (dependent on location). Coastal California gnatcatcher impacts are less than significant because the MSCP adequately covers impacts to this species and the project complies with MSCP regulations. San Diego fairy shrimp impacts would be mitigated through vernal pool restoration and population with this species. An on-site mitigation area was established in the MHPA to compensate for the impacts. The City defined wetlands do not contain federally listed endangered species. The project design avoids impacts to and preserves five small vernal pools in the northern portion of the site. Mitigation would be provided to avoid potential indirect ESL impacts related to material storage, unauthorized intrusion, drainage, water quality, brush clearing, lighting, and noise.

The project would impact 9.43 acres of land within the MHPA, including 9.05 acres of sensitive habitat described above. Also described above, the project would fully mitigate direct and indirect impacts to habitat and sensitive species located within the MHPA. The proposed BLA with incorporated MMRP measures would result in functionally equivalent or better habitat relative to the existing MHPA boundary. Mitigation for all impacts to the MHPA areas would be provided in accordance with the MSCP and Land Development Code Biology Guidelines.

The majority of the area near Mast Boulevard is comprised of steep hillsides. Connecting a Collector classification roadway to Mast Boulevard requires that portions of these steep slopes be disturbed. Completion of the development contemplated by the East Elliott Community Plan, as shown in the 1997 plan amendment, requires disturbance of a portion of steep slopes. The project's grading was reduced significantly from that shown in the Community Plan's Land Use Plan in several areas to minimize the potential adverse effects on environmentally sensitive lands, specifically steep hillsides. Additionally, where feasible without additional impacts to steep slopes containing sensitive biological resources, the project includes landform and contour grading.

Based upon the factors described above, the project's grading design has incorporated all feasible measures to minimize impacts to hillsides, and there are no feasible measures that can further minimize the potential adverse effects on the environmentally sensitive lands as the project cannot be conducted without the "collector" roadway classification and a further reduction of dwelling units below a maximum of 430 unit level proposed for the project would be inconsistent with the East Elliott Community Plan's goal to provide approximately 500 dwelling units in this portion of the Community Plan area. The East Elliott Community Plan specifically set aside this portion of East Elliott for residential development in order to meet the City's housing goals, while preserving most of the rest of the East Elliott for open space within the MHPA. Clustering of residential development in this corner of East Elliott, instead of spreading development out over

East Elliott to achieve the housing goals, indirectly preserves steep slopes within the entirety of the community.

2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.

The project incorporates the City of San Diego Street Design Manual requirements, while endeavoring to minimize impacts to steep slopes containing sensitive biological resources. The design of the entry road from Mast Boulevard north must comply with City engineering standards as well as the East Elliott Community Plan in order to fulfill the City's mandate to protect public health and safety. In doing so, encroaching into steep slopes containing sensitive biological resources is unavoidable. The project proposes contour grading, the reduction in the roadways width, and minimizing curve radii, to minimize impacts to steep slopes containing sensitive habitat while still providing much needed housing for the community.

The project terrain, the requirement for design compatibility with adjacent projects, the requirement for a safe entry road from Mast Boulevard, the requirement to develop projects that meet the City housing goals consistent with the East Elliott Community Plan density, and the requirement to minimize impacts to views from neighboring properties impose a number of constraints relative to sensitive hillside impacts that are not of the applicant's making. Consideration of these constraints, while still being responsive to engineering, access and grading requirements, creates the need to disturb sensitive hillsides.

Given the foregoing, the request for a deviation to encroach into steep slopes containing sensitive biological resources is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making. All feasible mitigation for the sensitive biological resources will be provided in compliance with the Land Development Code Biology Guidelines.

E. Supplemental Findings--Steep Hillsides Development Area Regulations Alternative Compliance

1. The proposed development is in conformance with the Steep Hillside Guidelines.

The northern reach of the project has a series of development constraints that severely limit the developable portion of the site. These constraints include vernal pools and their watersheds, the MHPA, steep slopes, and the existing neighborhood to the east. In addition, the middle of the site is occupied by an existing and operating San Diego Gas and Electric substation. These constraints generally cannot be relocated. The project proposes contour grading, the reduction in the roadways width, and minimizing curve radii, to minimize impacts to steep slopes containing sensitive habitat while still providing much needed housing for the community. While working with and around

these features, the project has been designed to conform to the Steep Hillside Guidelines.

2. The proposed development conforms to the applicable land use plan.

The development is located within the area covered by the Elliott Community Plan adopted in April 1971, as amended by Resolution No. R-288456 in March 1997 (the "East Elliott Community Plan"), which is the applicable land use plan for the project area along with the City's General Plan. The project implements the goals and policies of these documents by creating a planned residential development that accommodates a portion of the housing needs within the community, providing up to 430 additional housing units, while minimizing the environmental impacts of the development and dedicating approximately 90 acres of land into the MHPA along with public roads and trails.

The project provides more acres of MHPA land than anticipated in the East Elliott Community Plan, while including up to 430 dwelling units, where up to 500 dwelling units are permitted. The project has been designed to be consistent with the East Elliott Community Plan and the City's General Plan and implements their plan, goals, and policies, and therefore conforms to the applicable land use plan.

3. Strict application of the steep hillside development area regulations would result in conflicts with other City regulations, policies, or plans.

Strict application of the Steep Hillside Development Area Regulations would conflict with the East Elliott Community Plan, as well as with the Housing Element and other policies of the City of San Diego General Plan that call for provision of a variety of housing types. Much of the area near Mast Boulevard and the western half of the site contain steep hillsides, of which disturbance ideally should be avoided. However, the impacts near Mast Boulevard could only be avoided through substantial roadway deviations from the City's Design Standards, which would be inconsistent with the City's mandate to protect the public health and safety. The project has been designed to limit the amount of disturbance in the remaining areas of the site. In order to develop the East Elliott Community Plan, as envisioned, impacts to steep hillsides containing sensitive biological resources cannot be avoided.

PLANNED DEVELOPMENT PERMIT (SDMC Section 126.0604)

A. Findings for all Planned Development Permits

1. The proposed development will not adversely affect the applicable land use plan.

The development is located within the area covered by the Elliott Community Plan adopted in April 1971, as amended by Resolution No. R-288456 in March 1997 (the "East Elliott Community Plan"), which is the applicable land use plan for the project area along with the City's General Plan. Overall the project implements the goals and policies of these documents by creating a planned residential development that accommodates a portion of the housing needs within the community, providing up to

430 additional housing units, while minimizing the environmental impacts of the development and dedicating approximately 90 acres of land into the MHPA.

The East Elliott Community is part of the San Diego General Plan's Land Use Element. The Annexation Scenario would amend both the San Diego General Plan Map and the East Elliott Community Plan Map to exclude the developable portions of proposed project from the General Plan and Community Plan.

The project provides more acres of MHPA land than anticipated in the Community Plan while including up to 430 dwelling units, where up to 500 dwelling units are permitted. As described in these findings, the project has been designed to be consistent with the East Elliott Community Plan and the City's General Plan and implements their plan, goals and policies, and therefore will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The development will not be detrimental to the public health, safety, and welfare. The project, together with the existing surrounding land development (grading design, provision of roadways, utilities, drainage infrastructure, preservation of open space, etc.) in the East Elliott Community Plan area, conforms with a wide variety of the City of San Diego's codes, policies, and regulations whose primary focus is the protection of the public's health, safety and welfare. The project is consistent with these City's policies and requirements. Additionally, the permit controlling the development and continued use of the single-family development proposed for this site contains conditions addressing the project compliance with the City's regulations and policies and other regional, state and federal regulations to prevent detrimental impacts to the public health, safety, and welfare. Compliance with these regulations, permit conditions, the MMRP, and project design features would result in a project which will not be detrimental to the public health, safety, and welfare.

The grading proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring, or any other geological instability which would affect public health, safety, and welfare as approved by the City Engineer. Flooding or severe scarring will not occur as a result of grading operations. Conditions included within the permit require the timely planting of all slopes to prevent erosion and to provide additional slope stability.

Additionally, the project implements the MHPA within the East Elliott Community Planning Area, while providing brush management zones consistent with the City of San Diego LDC/MC requirements. All brush management at the Castlerock project will be conducted in a manner consistent with the Landscape Technical Manual, the City approved alternative compliance, and the applicant's Fire Protection Plan included as a project design feature.

The project will have adequate levels of essential public services available to it (including police, fire, and medical) and will not have a significant impact on the

provision of such services with the implementation of mitigation measures, permit conditions, project design features, and federal, state, and local regulations. Other services, such as schools, public parks, and libraries, would also be adequate for the proposed project, as would necessary utilities such as electricity, water, and sewer.

The project is required to comply with several operational constraints and development controls intended to assure the continued public health, safety, and welfare. Conditions of approval address lighting, the generation of noise, the appearance of landscaping and the placement of buildings, and the development of the site specifically addresses the continued operation of the site. Storm-water impacts from the proposed project would be avoided through BMPs, including site design and the installation of appropriate filtration devices. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code, and the Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse effects to those persons or other properties in the vicinity. Prior to the actual construction of residential units on the subject property, City staff will review building permit plans against the Uniform Building Code to assure that structural, mechanical, electrical, plumbing, and access components of the project are designed to protect the public's health, safety, and welfare.

- 3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.**

The project complies with the regulations of the Land Development Code, including requirements for floor area ratio, street design, open space, grading, landscaping, etc. and all other requirements of the development criteria for its zones, except for deviations, which are more specifically described below.

Implementation of the Castlerock project will require an allowable deviation from the Land Development Code from the ESL and the following deviations from development regulations for the applicable zones:

- a. Building Height: A maximum of 33'-0" in height where 30'-0" is the maximum allowed in the RX-1-1 zone.
- b. Lot Area: Seven residential lots under the 4,000 square foot minimum lot area in the RX-1-1 zone.
- c. Interior Yard: 4'-0" interior side yard where 5'-0" minimum is allowed in the RX-1-1 zone; Front Yard: 10'-0" front yard where 15'-0" is allowed in the RX-1-1 zone, and 3'-0" Front Yard where 15'-0" minimum is allowed in the RM-2-4 zone; Rear Yard: 10'-0" front yard where 15'-0" minimum is allowed in the RM-2-4 zone.
- d. Driveway Width: Three lots with driveways exceeding 40% of the lot frontage.
- e. Lot Frontage: 30'-0" where 35'-0" minimum is allowed in the RX-1-1 zone.

- f. Required Parking: Providing a total of 389 off-street parking spaces in the RM-2-4 zone where 420 is required, and no loading zone in the RM-2-4 zone.

Strict application of the Steep Hillside Development Area Regulations would conflict with the East Elliott Community Plan, as well as with the Housing Element and other policies of the City of San Diego General Plan that call for provision of a variety of housing types and for residential density to be concentrated in the south west corner of East Elliott at the location of the project. Much of the area near Mast Boulevard and the western half of the site contain steep hillsides, of which disturbance ideally should be avoided. However, the impacts near Mast Boulevard could only be avoided through substantial roadway deviations from the City's Design Standards, which would be inconsistent with the City's mandate to protect the public health and safety. The project has been designed to limit the amount of disturbance in the remaining areas of the site. In order to develop the East Elliott Community Plan, as envisioned, impacts to steep hillsides containing sensitive biological resources cannot be avoided. If the density goals of East Elliott were spread out, instead of clustered in the south west corner, then such actions would create additional steep slope and biological impacts.

The project includes 11 sets of building architecture for the RX-1-1 zoned portion of the site (single-family lots). Four of the proposed homes have chimneys that exceed the code specified limit of thirty-feet. The deviation request will allow a maximum height of thirty-three-feet for these homes at the highest point (chimney). With 11 types of homes, they will be spread throughout the subdivision and located on single-family lots. The variety of architecture includes one and two story homes and reflects the desire to create a community with visual variety and avoid repetitive streetscapes. The use of varied architecture mirrors the diverse architectural styles of the adjacent community which includes one and two story homes with a wide variety of architectural styles and alternative home orientations.

The Green Court area, zoned RM-2-4, is covered by design guidelines and does not require a deviation for building height. The homes in the Green Court area may be designed up to three-stories, however, the design will comply with the forty-foot height limit of the zone.

Because of the site's steep topography, the position of the MHPA boundary, the location of the vernal pools, and required design compatibility with the abutting subdivision, the project includes seven lots that provide less than the minimum lot area of 4,000 square-feet. Since the East Elliott Community Plan promotes development of approximately 500 dwelling units within the assigned development area and the City has declared a housing emergency based upon a shortage of affordable housing, it is incumbent upon the project to maximize the project density. While seven of the two hundred and eighty three single-family lots are short of the minimum lot area, they accommodate the prospective homes and otherwise meet the intent of the underlying RX-1-1 zone. Further, the subdivision design avoids a monolithic aesthetic and creates a unique community.

The East Elliott Community Plan limits residential development to the southeastern corner of the community abutting Mast Boulevard and adjacent neighborhood in the City of Santee. However, Mast Boulevard is the logical point to access the development area. Access through the existing development in Santee would create adverse impacts to the existing neighborhood. Mast Boulevard is four-lane major roadway abutting the southern boundary of the site – across from West Hills High School - with an existing traffic signal 840-feet east of the project entry at Medina. Based upon the City's Street Design Manual, the proposed project's entry road is classified as a "collector" street; therefore, is subject to certain design criteria relative to the following: spacing from the traffic signal at Medina; the width and curve radii of the roadway; and whether single-family residential homes may access the street. The project design include fifteen (15) single-family homes that front on the collector street (Street 'A'). The requested deviation provides on-site vehicle turn-arounds that allow each vehicle exiting the individual lot a front or facing egress rather than a typical rear or backward egress. Thereby allowing each driver to see on-coming street traffic and on-coming street traffic can see vehicles leaving the lots.

Consistent with the adjacent neighborhood, the project includes 4'-0" side yards; however, this represents a deviation from the Land Development Code for the RX-1-1 zone. As described previously, the project responds to the unique characteristic of the site; therefore, does not represent a "typical" subdivision. Rather the curvilinear street system results in a wide variety of lot configurations, thereby creating the need to seek relief from the strict application of the side-yard setback established in the RX-1-1 zone. The desired deviation is not applicable to every lot, rather will be applied to specific lots as appropriate for siting each home on the specific lot.

Because the project applies the design principle of curvilinear streets rather than the standard "grid" street pattern to a site with unique characteristics such as steep slopes and isolated vernal pools, there are instances where streets do not connect, thereby resulting in a limited number of cul-de-sacs. The use of cul-de-sacs reduces the amount of street frontage available to each lot and specifically causes three lots and driveways to exceed the City's driveway to street frontage ratio of forty percent; therefore, the project seeks relief from the strict application of the forty percent ratio for those lots.

Among the project's design constraints is the challenge of providing sewer service to the entire subdivision. The western half of the site is largely comprised of steep slopes while the eastern half has less severe topographic change; however, the relative slope from north to south along the eastern boundary is generally level. The topographic condition of the site represents a design challenge for the subdivision relative to providing a gravity sewer system in which all manholes are no deeper than fifteen-feet (15'). The project includes five sewer manholes that are deeper than the current guideline of fifteen-feet (15'), specifically manholes I1 (15'-11"), H1 (17'-6"), X12 (15'-3"), X13 (16'-3"), and X14 (15'-1"). All other specifications detailed by the Public Utilities Department have been met.

The RM-2-4 zone requires that common area parking, including access parking stalls be provided for each project. The Green Court component of the project consists of 147

detached units cluster on several lots thereby constituting a multi-family element of the project; however, each home will look and feel like an individual dwelling. This includes the provision of garages and on-street parking. The homes will comply with the universal design criteria for accessible homes; therefore, accessible parking stalls will be available to each prospective home. This provides an alternative method for addressing the parking requirements of the RM-2-4 zone.

As described in the previous paragraph, the Green Court element of the project is classified as a multi-family portion of the project; however, it is designed as a single-family project. As with the accessible parking requirement, the RM-2-4 zone requires loading zones for moving vans and assorted deliveries common to apartment projects. This element of the project has been designed as a compact single-family development; it will have individual services such as trash collection and unit specific garages. Additionally, as each unit will have garages and driveways, loading and unloading can be accommodated fronting each unit/garage.

The development with its proposed deviations results in a more desirable project than could be achieved with strict compliance with the Land Development Code, for several reasons. Significant public benefits to the City of San Diego would be realized by the preservation and dedication of approximately 90 acres of land into the MHPA and by providing up to 430 housing units. The project has been designed and will be developed in accordance with the intent of the East Elliott Community Plan to assure that the residential theme, architectural character, development considerations, and other functional concepts of the East Elliott Community Plan are implemented. The proposed project would also be consistent overall with the City's General Plan.

Development areas have been sited in response to a range of environmental considerations including sensitive landforms, steep slopes, and biological habitats. Revisions to the project have been incorporated into the design by blending manufactured slopes to the existing topography, by orienting the street and development pattern to be compatible with the natural topography of the land and by significantly reducing the boundaries of the proposed development.

Overall, the project is a plan designed to work with the natural environment and the site's topographic conditions and visually prominent location to create pleasing neighborhoods while minimizing the environmental impacts of the development. In those ways, the project would fulfill a community need for additional housing products while implementing the purposes of the East Elliott Community Plan and the other applicable policy documents, and therefore will be beneficial to the community as a whole.

Strict conformance would not permit the City to fulfill the East Elliott Community Plan for all the reasons discussed above.

Section 4. That the above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

Section 5. That Site Development Permit (SDP) No. 19032 and Planned Development Permit (PDP) No. 19031, is granted to Pardee Homes, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this ordinance..

Section 6. That the MHPA boundary line adjustment as shown on Exhibit A is approved.

Section 7. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public prior to the day of its final passage.

Section 8. That the approvals for the development in Exhibit A (1) shall take effect only upon a final decision by the Local Agency Formation Commission to grant the proposed reorganization, but not less than thirty days from and after its final passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of final passage of this ordinance.

Section 9. That the approvals for the development in Exhibit A-2 shall take effect only upon a final decision by the Local Agency Formation Commission to deny the proposed reorganization, or failure of the City of Santee or Padre Dam Municipal Water District to approve the Annexation Agreement within 30 days of the City of San Diego's approval of same (or such date as extended by mutual written consent of the City of San Diego, City of Santee, Pardee Homes, and Padre Dam Municipal Water District), or the City of Santee or the Padre Dam Municipal Water District's failure to adopt the Resolution of Application for Reorganization and Resolution of Support, respectively, within 60 days (or such date as extended by mutual written consent of the City of San Diego, City of Santee, Pardee Homes, and Padre Dam Municipal Water District) of the Annexation Agreement effective date, and no

building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of final passage of this ordinance.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Shannon Thomas
Deputy City Attorney

[Initials]:[Initials]
[Month]/[Day]/[Year]
Or.Dept:DSD
O-xxxxx

ATTACHMENT: Site Development Permit No. 19032/Planned Development Permit No. 19031

Internal Order No. 23421653

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23421653

SITE DEVELOPMENT PERMIT NO. 19032
PLANNED DEVELOPMENT PERMIT NO. 19031
CASTLEROCK - PROJECT NO. 10046 [MMRP]
CITY COUNCIL

This Site Development Permit No. 19032, and Planned Development Permit No. 19031, with a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment is granted by the City Council of the City of San Diego to Pardee Homes, Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0504 and 126.0604. The 203.64 -acre site is located at 8510 Mast Boulevard in the RS-1-8 zone, with Rezones to RX-1-1, RM-2-4, and OC-1-1; of the East Elliott Community Plan. The project site is legally described as: Portions of Lots 4, 5, 8, and 9 of the Resubdivision of a part of Fanita Rancho, Map No. 1703.

Representatives of the City of San Diego, City of Santee, Padre Dam Municipal Water District, and Pardee Homes have negotiated an agreement, for the independent review and approval of public agency decision-makers, identifying the rights and duties of said parties that would facilitate orderly development of the Castlerock project described herein (“Annexation Agreement”).

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct up to 283 Single Family detached dwelling units, 147 Multi-Family detached condominium units, pocket parks, and a public park on a vacant 203.64 acre site on the north side of Mast Boulevard between Medina Drive and West Hills Parkway within the East Elliott Community Plan. The project has two possible scenarios dependent on whether the associated Reorganization is approved by the San Diego Local Agency Formation Commission. The Reorganization scenario (also referred to as the Annexation scenario) would allow the construction of 430 total dwelling units within the disturbed portion of the site, to be detached from the City of San Diego and annexed to the City of Santee, with the Open Space portion of the site would remaining within the City of San Diego as a part of the Mission Trails Regional Park. The No Reorganization scenario (also referred to as the No Annexation scenario) allows

422 dwelling units to be constructed, which would remain in the City of San Diego jurisdiction; these two scenarios are described and identified by size, dimension, quantity, type, and location on the approved Exhibits A(1), Reorganization; and A(2), No Reorganization, dated XXXXX, on file in the Development Services Department.

The project shall include:

- a. If Reorganization is approved the project shall include construction of up to 283 single-family dwelling units, 147 multi-family dwelling units for a total of 430 residential units, and up to 4.64-acres (gross) of public neighborhood, pocket parks, and a multi-use trail, as shown on Exhibits A(1);
- b. If Reorganization is not approved the project shall include up to 282 single-family dwelling units, 140 multi-family dwelling units for a total of 422 residential units, and up to 4.50-acres (gross) of public neighborhood, pocket parks, and a multi-use trail, as shown on Exhibits A(2);
- c. An MHPA Boundary Line Adjustment;
- d. An vernal pool preserve area;
- e. Irrevocable offer to dedicate approximately 90-acres of open space in fee simple to the City of San Diego;
- f. Deviations to Development Regulations as described in this permit, including height, lot area, lot and street frontage, interior yards, and parking;
- g. Landscaping (planting, irrigation and landscape related improvements);
- h. Off-street parking; and
- i. Public and private accessory improvements determined by the City of San Diego Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City of San Diego Engineer's requirements, zoning regulations, conditions of this Permit, the Castlerock Fire Protection Plan, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. If the City of Santee and Padre Dam Municipal Water District approve the Annexation Agreement within 30 days of [INSERT DATE OF FINAL PASSAGE OF CITY OF SAN DIEGO ORDINANCE APPROVING ANNEXATION AGREEMENT] (or such date as extended by mutual written consent of the City of San Diego, City of Santee, Pardee Homes, and Padre Dam Municipal Water District), then the utilization period for this Site Development

Permit/Planned Development Permit is tolled for five years or until a Local Agency Formation Commission decision on the Reorganization occurs, whichever is earlier. This Site Development Permit/Planned Development Permit must be utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within three years after the tolling period ends, unless an extension of time is approved in accordance with the San Diego Municipal Code. If the City of Santee or Padre Dam Municipal Water District fail to approve the Annexation Agreement within the 30 day period, or fail to approve a Resolution of Application for Reorganization and Resolution of Support, respectively, within 60 days of the Annexation Agreement effective date, then this permit must be utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within thirty-six months of [INSERT DATE OF FINAL PASSAGE OF CITY OF SAN DIEGO ORDINANCE APPROVING ANNEXATION AGREEMENT], unless an extension of time is approved in accordance with the San Diego Municipal Code.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the City of San Diego Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City of San Diego decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Game [CDFG] pursuant to California Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon

Owner/Permittee by the City of San Diego: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City of San Diego is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit A(1) if the project is annexed to the City of Santee, and A(2) if the project remains in the City of San Diego. Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. The development approved in this Site Development Permit No. 19032 and Planned Development Permit No. 19031 shall comply with the conditions of Vesting Tentative Map No. 1004468.

11. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

12. The Owner/Permittee shall defend, indemnify, and hold harmless the City of San Diego, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental

document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

13. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibits A(1) and A(2).

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

14. Mitigation requirements and other requirements described in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

15. The mitigation measures specified in the MMRP and outlined in **Environmental Impact Report** No. 10046, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

16. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report No. 10046, to the satisfaction of the City of San Diego Development Services Department and the City of San Diego Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City of San Diego Engineer. All mitigation measures and project features described in the MMRP shall be implemented for the following issue areas:

Land Use, Landform Alteration/Visual Quality/Neighborhood Character
Air Quality/Odor
Biological Resources
Cultural/Historical Resources
Human Health/Public Safety/Hazardous Materials
Noise
Paleontological Resources
Transportation/Circulation
Public Facilities and Services (Cumulative)

AFFORDABLE HOUSING REQUIREMENTS:

17. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City of San Diego's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

AIRPORT REQUIREMENTS:

18. Prior to issuance of any building permits, the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

ENGINEERING REQUIREMENTS:

19. All driveways and curb openings shall comply with City of San Diego Standard Drawings G-14A, G-14B, G-16 and SDG-100, satisfactory to the City of San Diego Engineer.

20. The Owner/Permittee shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City of San Diego City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City of San Diego Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

21. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement with the City of San Diego if Reorganization is not approved, or the City of Santee if Reorganization is approved for the ongoing permanent BMP maintenance.

22. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

23. The drainage system for this project will be subject to approval by the City of San Diego Engineer.

24. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City of San Diego Engineer.

25. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001, as amended by Municipal Storm Water Permit Order No. R9-2013-0001. In accordance with Order No. 2009-0009-DWQ, a Risk Level

Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

26. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City of San Diego.

GEOLOGY REQUIREMENTS:

27. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the City of San Diego, Development Services Department with applicable guidelines, laws and regulations prior to issuance of any construction permits.

28. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City of San Diego's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the City of San Diego, Development Services Department with applicable guidelines, laws and regulations prior to exoneration of the bond and grading permit close-out.

LANDSCAPE REQUIREMENTS:

29. Prior to issuance of any construction permits for grading, landscape construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the City of San Diego Land Development Manual Landscape Standards and to the satisfaction of the City of San Diego Development Services Director. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibits A(1) and A(2), on file in the Office of the Development Services Department.

30. Prior to issuance of any engineering permits for public right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City of San Diego Development Services Director for approval. Improvement plans shall take into account a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

31. Prior to Final Inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape. A City of San Diego "No Fee" Street Tree Permit, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

32. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

33. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City of San Diego Development Services Director within 30 days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

34. Prior to issuance of any construction permits for grading, Landscape Construction Documents required for the construction permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit 'A' and the Castlerock Fire Protection Plan.

35. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted, while non-combustible accessory structures may be approved within the designated Zone One area. If the Reorganization is approved, these structures will be subject to approval by the City of Santee. If the Reorganization is not approved, these structures will be subject to approval by the City of San Diego's Fire Marshall, and City of San Diego, Development Services approval.

PARKS AND RECREATION REQUIREMENTS:

36. Prior to issuance of the first building permit, the Owner/Permittee shall assure through a Park Development Agreement, the design, construction and conveyance of a 4.00 acre public park as shown on the Exhibits A(1) if reorganization is approved, and A(2), if Reorganization is not approved.

37. If the Reorganization is approved, the owner/permittee shall deed Lot "Q" to the City of Santee for recreational purposes. If the Reorganization is not approved, the owner/permittee shall deed Lot "Q" to the City of San Diego for recreational purposes.

38. The owner/permittee shall provide a pro rata share of the cost of a community recreation building and a community swimming pool, to be paid at the time of issuance of occupancy permits to the City of San Diego if the no- Reorganization project is approved. If the Reorganization is approved, owner/permittee shall satisfy this requirement through payment of Santee public facility development impact fees identified in the Annexation Agreement.

39. The owner/permittee shall deed Lots "N-P", "U", and "V" to the City of San Diego for open space purposes, in accordance with MSCP Conditions in Vesting Tentative Map No. 1004468.

40. The owner/permittee shall use gravel footings for all peeler log fencing to be maintained by the City of San Diego.

41. The owner/permittee shall insure that all irrigation proposed on City fee-owned open space be a temporary on-grade system that shall be removed upon acceptance of the revegetation by the City of San Diego Park & Recreation Department.
42. Prior to issuance of the first building permit, the Owner/Permittee shall ensure the Parks & Recreation Department review and approval of a revegetation plan that identifies all planting within the proposed City fee-owned open space has a minimum 25 month maintenance and monitoring period, that includes success criteria, prior to dedication of the property to the City of San Diego in fee-ownership.
43. The Owner/Permittee shall ensure that no City fee-owned open space shall have any brush management requirements placed on it.
44. The Owner/Permittee shall schedule an inspection with the Park & Recreation Department, Open Space Division prior to the City acceptance of grant deed for lot(s) deeded to the City. All trash, illegal use, and associated structures on the lot(s), shall be removed prior to the City acceptance.
45. Lot "A-A" shall be privately owned, used for vernal pool restoration and management purposes, and maintained by a qualified third party, approved by the City of San Diego Development Services Department.
46. The Owner/Permittee shall ensure that all remedial grading and associated infrastructure are privately owned and maintained.
47. The Owner/Permittee shall place Recreation Easements for Recreation Lots of all private park areas to allow public access. These private park areas shall be maintained by the property owner or landscape maintenance district.

PLANNING/DESIGN REQUIREMENTS:

48. If the project is not annexed to the City of Santee, then prior to issuance of the first building permit for any dwelling units within the project, the applicant shall have demonstrated, to the satisfaction of the City of San Diego Fire-Rescue Department and the Director of the City of San Diego Development Services Department that fire protection services and emergency medical services shall be provided to all dwelling units within the project via an irrevocable agreement with the City of Santee to provide these services or an equivalent alternative.
49. Owner/Permittee shall maintain a minimum of 963 off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit A(1), if the Reorganization is approved, and a minimum of 953 off-street parking spaces on Exhibit A(2), if the Reorganization is not approved. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City of San Diego decision maker in accordance with the SDMC.

50. If the project is annexed to the City of Santee, the following deviations to the City of San Diego development regulations will include:
- a. Building Height: A maximum of 33'-0" in height where 30'0" is the maximum allowed in the RX-1-1 zone.
 - b. Lot Area: Seven residential lots under the 4,000 square foot minimum lot area in the RX-1-1 zone.
 - c. Interior Yard: 4'-0" interior side yard where 5'-0" minimum is allowed in the RX-1-1 zone; Front Yard: 10'-0" front yard where 15'-0" is allowed in the RX-1-1 zone, and 3'-0" Front Yard where 15'-0" minimum is allowed in the RM-2-4 zone; Rear Yard: 10'-0" front yard where 15'-0" minimum is allowed in the RM-2-4 zone.
 - d. Driveway Width: Three lots with driveways exceeding 40% of the lot frontage.
 - e. Lot Frontage: 30'-0" where 35'-0" minimum is allowed in the RX-1-1 zone.
 - f. No loading zone in the RM-2-4 zone.
51. If the project is not detached and remains in the City of San Diego, the following deviations to development regulations will include:
- a. Building Height: A maximum of 33'-0" in height where 30'0" is the maximum allowed in the RX-1-1 zone.
 - b. Lot Area: Seven residential lots under the 4,000 square foot minimum lot area in the RX-1-1 zone.
 - c. Interior Yard: 4'-0" interior side yard where 5'-0" minimum is allowed in the RX-1-1 zone; Front Yard: 10'-0" front yard where 15'-0" is allowed in the RX-1-1 zone, and 3'-0" Front Yard where 15'-0" minimum is allowed in the RM-2-4 zone; Rear Yard: 10'-0" front yard where 15'-0" minimum is allowed in the RM-2-4 zone.
 - d. Driveway Width: Three lots with driveways exceeding 40% of the lot frontage.
 - e. Lot Frontage: 30'-0" where 35'-0" minimum is allowed in the RX-1-1 zone.
 - f. Required Parking: Providing a total of 389 off-street parking spaces in the RM-2-4 zone where 420 is required, and no loading zone in the RM-2-4 zone.
52. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.
53. Prior to issuing certificate of occupancy permits, the Owner/Permittee shall provide verification that the project design features listed in Section 3.2.1.11 of the Environmental Impact Report, Project No. 10046/ SCH No. 2004061029 and elsewhere in the EIR, or their equivalents, are included to the satisfaction of the Director of Development Services.
54. Prior to issuing certificate of occupancy permits, the Owner/Permittee shall provide verification that the greenhouse gas emissions generated directly by the project are within the projected levels per the Environmental Impact Report, Project No. No. 10046/ SCH No. 2004061029, satisfactory to the Director of Development Services.

55. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibits A(1) and A(2), or City of San Diego sign regulations.

56. The Owner/Permittee shall post a copy of each approved discretionary Permit or Vesting Tentative Map in its sales office for consideration by each prospective buyer.

57. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS

58. All construction permits for public improvements shall be consistent with the conditions in Vesting Tentative Map No. 1004468 and Exhibits A(1) and A(2).

59. Prior to the issuance of the first Certificate of Occupancy, the Owner/Permittee shall construct a raised median on Mast Boulevard between SR-52 WB Off/On Ramps and West Hills Parkway, satisfactory to the City Engineer, Caltrans, and the City of Santee.

60. Prior to the issuance of the first Certificate of Occupancy, the Owner/Permittee shall install a third 12-foot wide eastbound lane on Mast Boulevard between SR-52 Westbound Off/On Ramps and West Hills Parkway, satisfactory to the City Engineer, Caltrans and the City of Santee.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

61. Prior to approval of public improvement plans, the Owner/Permittee is required to provide a sewer study for all proposed public sewer facilities (and proposed private sewer facilities serving more than one lot) consistent with study provided with Exhibits A(1) and A(2) and in accordance with the City of San Diego's current Sewer Design Guide, if Reorganization is not approved, or Padre Dam Municipal Water District's current Sewer Design Guide, if Reorganization is approved, to determine appropriate sewer facilities needed to serve this development and to show that the existing and proposed public sewer facilities will have adequate capacity and cleansing velocities necessary to serve this development and the drainage basin in which it lies.

62. The Owner/Permittee shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved Vesting Tentative Map may require modification based on the accepted sewer study.

63. An Encroachment Maintenance and Removal Agreement (EMRA) will be required for and prior to proposed improvements of any kind, including landscape, hardscape (i.e. medians, curbs, etc.), and enriched paving, to be installed in or over easements.

64. Prior to the issuance of any building permits, the Owner/Permittee shall provide evidence, satisfactory to the City of San Diego Public Utilities Department Director, if Reorganization is not approved or Padre Dam Municipal Water District, if Reorganization is approved, indicating

that each lot will have its own sewer lateral or provide recorded CC&R's for the operation and maintenance of onsite private sewer facilities that serve more than one lot/ownership.

65. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of sewer service(s) outside of any driveway, in a manner satisfactory to the City of San Diego Director of the Public Utilities Department and the City of San Diego Engineer, if Reorganization is not approved or Padre Dam Municipal Water District, if Reorganization is approved.

66. Prior to the issuance of any certificates of occupancy, all public sewer facilities shall be completed and operational in a manner satisfactory to the City of San Diego Director of the Public Utilities Department and the City of San Diego Engineer, if Reorganization is not approved, or Padre Dam Municipal Water District, if Reorganization is approved.

67. All proposed public sewer facilities must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Sewer Design Guide and City regulations, if Reorganization is not approved, or Padre Dam Municipal Water District, standards and practices pertaining thereto, if Reorganization is approved, except as shown on Exhibits A(1) and A(2), respectively.

68. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.

69. No trees may be located within ten feet of any sewer facilities or in any sewer access easement.

70. No shrubs exceeding three feet in height at maturity may be located within 10 feet of any sewer main or within access easements.

71. In the event that Reorganization is not approved, a private sewer lift station will be provided by the Owner/Permittee on Lot 'X', as shown on Exhibit A(2), to the satisfaction of the City of San Diego Director of the Public Utilities Department and the City of San Diego Engineer. Construction of the facility shall be assured by permit and bond prior to the issuance of the first building permit.

72. Prior to the approval of any public improvement drawings, the Owner/Permittee shall provide a water study consistent with Exhibit A(2) and satisfactory to the City of San Diego Director of the Public Utilities Department if Reorganization is not approved, or Exhibit A(1) and satisfactory to the Padre Dam Municipal Water District if Reorganization is approved. The Developer will be responsible for installing all water facilities, as required by the approved water study, necessary to serve this development. Water facilities shown on the approved Vesting Tentative Map may require modification based on the accepted water study. The study shall include redundancy throughout construction phasing. If phasing of the development is proposed, then a phasing plan shall be included in the studies.

73. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the City of San Diego Director of the Public Utilities Department and the City of San Diego Engineer, if Reorganization is not approved, or Padre Dam Municipal Water District, if Reorganization is approved, as shown on Exhibits A(1) and A(2).

74. If the property is not annexed to the City of Santee, a public water tank and access road shall be provided by the Owner/Permittee on Lot 'Y' which will be conveyed to the City of San Diego Public Utilities Department in fee, as shown on Exhibit A(2), to the satisfaction of the City of San Diego Director of the Public Utilities Department and the City of San Diego Engineer. Construction of the facility shall be assured by permit and bond prior to the issuance of the first building permit.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance. If the Reorganization is approved, Owner/Permittee shall satisfy this requirement through payment of Santee development impact fees identified in the Annexation Agreement.
- The Owner/Permittee may request that the City of San Diego establish a means of collecting reimbursement (funding mechanism) from developers of other property for the Owner/Permittee 's cost of installing public improvements which are of size, length or capacity than needed to serve or mitigate the impacts of development of the project and which will serve such other property or for other property that has an obligation to construct such public improvements. "Funding mechanism" means a cost reimbursement district, reimbursement agreement, assessment district, community facilities district, infrastructure financing district, conditions of approval of land use entitlements of any benefiting developer or property owner, or any other financing mechanism available for collecting reimbursement from other developers. If the improvement is included in the East Elliott Public Facilities Financing Plan (EPPFFP), Owner/Permittee may elect to be reimbursed from development impact fees collected from other properties located within the EPPFFP, reimbursement may be in the form of either cash or credit against the Owner/Permittee 's payment of EPPFFP fees at the time the fees would otherwise be due and payable to the City.

APPROVED by the City Council of the City of San Diego on _____ and
Ordinance No. _____

Permit Type/PTS Approval No.:
Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Jeannette Temple
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

Pardee Homes
Owner/Permittee

By _____
Beth Fischer
TITLE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**