

## **EXHIBIT C**

### **MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

#### **OTAY MESA COMMUNITY PLAN UPDATE ENVIRONMENTAL IMPACT REPORT**

No. 30330/304032  
SCH No. 2004651076

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 Development Services Department Advanced Planning and Engineering Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No. 30330/304032, SCH No. 2004651076 are further described below.

#### **LAND USE**

##### **Mitigation Framework**

**LU-1a:** Future development project types that are consistent with the CPU, base zone regulations, and the supplemental regulations for CPIOZ Type A and can demonstrate that there are no biological resources present on the project site can be processed ministerially and would not be subject to further environmental review under CEQA. Development proposals that do not comply with the CPIOZ Type A supplemental regulations shall be subject to discretionary review in accordance with CPIOZ Type B and the Mitigation Framework LU-2 and BIO 1-4 in Section 5-4, Biological Resources.

**LU-1b:** Future development project types that are consistent with the CPU, base zone regulations, and the supplemental regulations for CPIOZ Type A and can demonstrate that there are no archaeological resources present on the project site can be processed ministerially and would not be subject to further environmental review under CEQA. Development proposals that do not comply with the CPIOZ Type A supplemental regulations shall be subject to discretionary review in accordance with CPIOZ Type B and the Mitigation Framework HIST-1 in Section 5-5, Historical Archaeological Resources.

Mitigation for direct impacts to sensitive vegetation, wetlands, and vernal pools from construction of community plan circulation/mobility element roads, collector streets essential for area circulation, and necessary maintenance/emergency access roads within the MHPA shall be accomplished with implementation of Mitigation Framework measures BIO-1 through BIO-4.

### ***Boundary Adjustments***

Potential impacts to MHPA preservation configuration as a result of MHPA boundary adjustments shall be addressed through the required MHPA Boundary Line equivalency analysis. Impacts would be less than significant; therefore, no mitigation is required.

### ***MHPA Land Use Adjacency Guidelines***

MHPA adjacency impacts would be addressed at the project-level. Projects adjacent to the MHPA would incorporate features into the project and/or permit conditions that demonstrate compliance with the MHPA Land Use Adjacency Guidelines. To ensure avoidance or reduction of potential MHPA impacts resulting from new development adjacent to the MHPA, the following Mitigation Framework measures shall be required for all future projects as part of the subsequent environmental review and development permit processing:

**LU-2:** All subsequent development projects that are implemented in accordance with the CPU which is adjacent to designated MHPA areas shall comply with the Land Use Adjacency Guidelines of the MSCP in terms of land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management requirements. Mitigation measures include, but are not limited to: sufficient buffers and design features, barriers (rocks, boulders, signage, fencing, and appropriate vegetation) where necessary, lighting directed away from the MHPA, and berms or walls adjacent to commercial or industrial areas and any other use that may introduce construction noise or noise from future development that could impact or interfere with wildlife utilization of the MHPA. The project biologist for each proposed project would identify specific mitigation measures needed to reduce impacts to below a level of significance. Subsequent environmental review would be required to determine the significance of impacts from land use adjacency and compliance with the Land Use Adjacency Guidelines of the MSCP. Prior to approval of any subsequent development project in an area adjacent to a designated MHPA, the City of San Diego shall identify specific conditions of approval in order to avoid or to reduce potential impacts to adjacent the MHPA.

Specific requirements shall include:

- Prior to the issuance of occupancy permits, development areas shall be permanently fenced where development is adjacent to the MHPA to deter the intrusion of people and/or pets into the MHPA open space areas. Signage may be installed as an additional deterrent to human intrusion as required by the City.
- The use of structural and nonstructural best management practices (BMPs), including sediment catchment devices, shall be required to reduce the potential indirect impacts associated with construction to drainage and water quality. Drainage shall be directed away from the MHPA or, if not possible, must not drain directly into the MHPA. Instead, runoff shall flow into sedimentation basins, grassy swales, or mechanical trapping

devices prior to draining into the MHPA. Drainage shall be shown on the site plan and reviewed satisfactory to the City Engineer.

- All outdoor lighting adjacent to open space areas shall be shielded to prevent light over-spill off-site. Shielding shall consist of the installation of fixtures that physically direct light away from the outer edges of the road or landscaping, berms, or other barriers at the edge of development that prevent light over spill.
- The landscape plan for the project shall contain no exotic plant/invasive species and shall include an appropriate mix of native species which shall be used adjacent to the MHPA.
- All manufactured slopes must be included within the development footprint and outside the MHPA.
- All brush management areas shall be shown on the site plan and reviewed and approved by the Environmental Designee. Zone 1 brush management areas shall be included within the development footprint and outside the MHPA. Brush management Zone 2 may be permitted within the MHPA (considered impact neutral) but cannot be used as mitigation. Vegetation clearing shall be done consistent with City 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 Zone 2 area shall be the responsibility of a homeowners association or other private party.
- Access to the MHPA, if any, shall be directed to minimize impacts and shall be shown on the site plan and reviewed and approved by the Environmental Designee.

Land uses, such as recreation and agriculture, that use chemicals or generate by-products such as manure, that are potentially toxic or impactful to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. Such measures shall include drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials. Regular maintenance should be provided. Where applicable, this requirement shall be incorporated into leases on publicly owned property as leases come up for renewal.

## **AIR QUALITY**

### **Mitigation Framework**

The goals, policies, and recommendations of the City combined with the federal, state, and local regulations provide a framework for developing project-level air quality protection measures for future discretionary projects. The City's process for the evaluation of discretionary projects includes environmental review and documentation pursuant to CEQA as well as an analysis of those projects for consistency with the goals, policies, and recommendations of the General Plan and CPU. In general, implementation of the policies in the CPU and General Plan would preclude or reduce air quality impacts. Compliance with the standards is required of all projects and is not considered to be mitigation. However, it is possible that for certain projects, adherence

to the regulations would not adequately protect air quality, and such projects would require additional measures to avoid or reduce significant air quality impacts. These additional measures would be considered mitigation.

Where mitigation is determined to be necessary and feasible, these measures shall be included in a Mitigation Monitoring and Reporting Program for the project.

Mitigation measures AQ-1 and AQ-2 shall be implemented to reduce project-level impacts. These measures shall be updated, expanded and refined when applied to specific future projects based on project-specific design and changes in existing conditions, and local, state and federal laws.

**AQ-1:** For projects that would exceed daily construction emissions thresholds established by the City of San Diego, best available control measures/technology shall be incorporated to reduce construction emissions to below daily emission standards established by the City of San Diego. Best available control measures/technology shall include:

- a. Minimizing simultaneous operation of multiple pieces of construction equipment;
- b. Use of more efficient or low pollutant emitting, equipment, e.g. Tier III or IV rated equipment;
- c. Use of alternative fueled construction equipment;
- d. Dust control measures for construction sites to minimize fugitive dust, e.g. watering, soil stabilizers, and speed limits; and
- e. Minimizing idling time by construction vehicles.

**AQ-2:** Development that would significantly impact air quality, either individually or cumulatively, shall receive entitlement only if it is conditioned with all reasonable mitigation to avoid, minimize, or offset the impact. As a part of this process, future projects shall be required to buffer sensitive receptors from air pollution sources through the use of landscaping, open space, and other separation techniques.

**AQ-3:** Prior to the issuance of building permits for any new facility that would have the potential to emit toxic air contaminants, in accordance with AB 2588, an emissions inventory and health risk assessment shall be prepared. If adverse health impacts exceeding public notification levels (cancer risk equal to or greater than 10 in 1,000,000; see Section 5-3-5-1(b & c)) are identified, the facility shall provide public notice to residents located within the public notification area and submit a risk reduction audit and plan to the APCD that demonstrates how the facility would reduce health risks to less than significant levels within five years of the date the plan.

**AQ-4:** Prior to the issuance of building permits for any project containing a facility identified in Table 5.3-7, or locating air quality sensitive receptors closer than the recommended buffer distances, future projects implemented in accordance with the CPU shall be required to prepare a health risk assessment (HRA) with a Tier I analysis in accordance with APCD HRA Guidelines and the Office of Environmental Health Hazard Assessment (OEHHA) Air Toxics "Hot Spots" Program Risk Assessment Guidelines (APCD 2006; OEHHA 2003).

All HRAs shall include:

1. the estimated maximum 70-year lifetime cancer risk,
2. the estimated maximum non-cancer chronic health hazard index (HHI), and
3. the estimated maximum non-cancer acute health hazard index (HHI).

Risk estimates shall each be made for the off-site point of maximum health impact (PMI), the maximally exposed individual resident (MEIR), and the maximally exposed individual worker (MEIW). The location of each of these receptors shall be specified. The lifetime cancer risk, non-cancer chronic and acute health hazard indexes for nearby sensitive receptors shall also be reported. Cancer and non-cancer chronic risk estimates shall be based on inhalation risks. HRAs shall include estimates of population exposure, including cancer burden, as well as cancer and non-cancer chronic and acute risk isopleths (contours). The HRA shall identify best available control technology (BACT) required to reduce risk to less than 10 in 1,000,000.

## **BIOLOGICAL RESOURCES**

### **Mitigation Framework**

Mitigation is required for impacts that are considered significant under the City of San Diego's Biology Guidelines (2012) and the City of San Diego's CEQA Significance Determination Thresholds (2011d). All impacts to sensitive biological resources shall be avoided to the maximum extent feasible and minimized when avoidance is not possible. For future projects that are consistent with the CPU, base zone regulations and the supplemental regulations for CPIOZ Type A and can demonstrate that no biological resources are present, the project can be processed ministerially and would not be subject to further environmental review under CEQA. Future development which does not comply with CPIOZ Type A shall be subject to review in accordance with CPIOZ B and shall implement the Biological Resources Mitigation Framework detailed below. Where impacts are not avoidable or cannot be minimized, mitigation shall be required to reduce significant impacts to below a level of significance. Mitigation measures typically employed include resource avoidance, restoration, or creation of habitat, dedication, or acquisition of habitat, or payment into the City of San Diego's Habitat Acquisition Fund or other City-approved mitigation bank. Mitigation measures shall be determined and implemented at the project-level. Adherence to the recommendations below is anticipated to minimize impacts to sensitive biological resources.

**BIO-1:** To reduce potentially significant impacts that would cause a reduction in the number of unique, rare, endangered, sensitive, or fully protected species of plants or animals, if present within the CPU area, all subsequent projects implemented in accordance with the CPU shall be analyzed in accordance with the CEQA Significance Thresholds, which require that site-specific biological resources surveys be conducted in accordance with City of San Diego Biology Guidelines (2012). The locations of any sensitive plant species, including listed, rare, and narrow endemic species, as well as the potential for occurrence of any listed or rare wildlife species shall be recorded and presented in a biological resources report. Based on available habitat within CPU area, focused presence/absence surveys shall be conducted in accordance with the biology

guidelines and applicable resource agency survey protocols to determine the potential for impacts resulting from the future projects on these species. Engineering design specifications based on project-level grading and site plans shall be incorporated into the design of future projects to minimize or eliminate direct impacts on sensitive plant and wildlife species consistent with the FESA, MBTA, Bald and Golden Eagle Protection Act, California Endangered Species Act (CESA), MSCP Subarea Plan, and ESL Regulations.

In addition to the requirements detailed above, specific measures shall be implemented when the biological survey results in the identification of Burrowing Owls on the project site. Future projects shall be required to conduct a habitat assessment to determine whether or not protocol surveys are needed. Should burrowing owl habitat or sign be encountered on or within 150 meters of the project site, breeding season surveys shall be conducted. If occupancy is determined, site-specific avoidance and mitigation measures shall be developed in accordance with the protocol established in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). Measures to avoid and minimize impacts to burrowing owl shall be included in a Conceptual Burrowing Owl Mitigation Plan which includes take avoidance (pre-construction) surveys, site surveillance, and the use of buffers, screens, or other measures to minimize construction-related impacts.

### **Mitigation for Impacts to Sensitive Upland Habitats**

Future projects implemented in accordance with the CPU resulting in impacts to sensitive upland Tier I, II, IIIA, or IIIB habitats shall implement avoidance and minimization measures consistent with the City Biology Guidelines and MSCP Subarea Plan and provide suitable mitigation in accordance with the City's Biology Guidelines (see Table 5.4-7) MSCP Subarea Plan. Future project-level grading and site plans shall incorporate project design features to minimize direct impacts on sensitive vegetation communities including but not limited to riparian habitats, wetlands, oak woodlands, and coastal sage scrub consistent with federal, state, and City guidelines. Any required mitigation for impacts on sensitive vegetation communities shall be outlined in a conceptual mitigation plan following the outline provided in the City Biology Guidelines.

Mitigation for impacts to sensitive vegetation communities shall be implemented at the time future development projects are proposed. Project-level analysis shall determine whether the impacts are within or outside of the MHPA. Any MHPA boundary adjustments shall be processed by the individual project applicants through the City and Wildlife Agencies during the early project planning stage.

Mitigation for impacts to sensitive upland habitats shall occur in accordance with the MSCP mitigation ratios as specified within the City's Biology Guidelines (City of San Diego 2012a). These mitigation ratios are based on Tier level of the vegetation community, the location of the impact and the location of the mitigation site(s). For example, impacts to lands inside of the MHPA and mitigated outside the MHPA would have the highest mitigation ratio whereas impacts to lands outside the MHPA and mitigated inside the MHPA would have the lowest mitigation ratio.

If mobility element roads (i.e., Beyer Boulevard, Airway Road, and Del Sol Boulevard) impact existing conserved lands, an additional 1:1 ratio shall be added to the City required mitigation ratio in order to replace the lands that were previously preserved as open space. Mitigation lands purchased to compensate for impacts to areas within conserved lands shall be located in the Otay Mesa area if feasible.

**TABLE 5.4-7  
MITIGATION RATIOS FOR IMPACTS TO UPLAND VEGETATION COMMUNITIES  
AND LAND COVER TYPES**

Tier	Habitat Type	Mitigation Ratios			
TIER I (rare uplands)	Southern Foreduces	Location of Preservation			
	Torrey Pines Forest			Inside	Outside
	Coastal Bluff Scrub	Location	Inside*	2:1	3:1
	Maritime Succulent Scrub	of Impact	Outside	1:1	2:1
	Maritime Chaparral				
	Scrub Oak Chaparral				
	Native Grassland				
	Oak Woodlands				
TIER II (uncommon uplands)	Coastal Sage Scrub	Location of Preservation			
	Coastal Sage Scrub/ Chaparral			Inside	Outside
		Location	Inside*	1:1	2:1
		of Impact	Outside	1:1	1.5:1
TIER III A (common uplands)	Mixed Chaparral	Location of Preservation			
	Chamise Chaparral			Inside	Outside
		Location	Inside*	2:1	3:1
		of Impact	Outside	1:1	2:1
TIER III B (common uplands)	Non-Native Grasslands	Location of Preservation			
				Inside	Outside
		Location of	Inside*	1:1	1.5:1
		Impact	Outside	0.5:1	1:1

**Notes:**

For all Tier I impacts, the mitigation could (1) occur within the MHPA portion of Tier I (in Tier) or (2) occur outside of the MHPA within the affected habitat type (in-kind).

For impacts on Tier II, IIIA, and IIIB habitats, the mitigation could (1) occur within the MHPA portion of Tiers I – III (out-of-kind) or (2) occur outside of the MHPA within the affected habitat type (in-kind). Project-specific mitigation will be subject to applicable mitigation ratios at the time of project submittal.

**Mitigation for Short-term Impacts to Sensitive Species from Project Construction**

Specific measures necessary for reducing potential construction-related noise impacts to the coastal California gnatcatcher, least Bell’s vireo burrowing owl, and the cactus wren are further detailed in LU-2 and BIO-2.

Mitigation for impacts to sensitive wildlife species (including temporary and permanent noise impacts) resulting from future projects implemented in accordance with the CPU are included in Sections 5.1.6.3 (Land Use) and 5.4.4.3 (Biological Resources). Please refer to Mitigation Framework BIO-1 through BIO-4 and LU-2 (MHPA Land Use Adjacency Guidelines).

## **Mitigation Framework - Migratory Wildlife**

**BIO-2:** Mitigation for future projects to reduce potentially significant impacts that would interfere with the nesting, foraging, or movement of wildlife species within the CPU area, shall be identified in site-specific biological resources surveys prepared in accordance with City of San Diego Biology Guidelines as further detailed in BIO-1 during the subsequent development review process. The Biology Report shall include results of protocol surveys and recommendations for additional measures to be implemented during construction-related activities; shall identify the limits of any identified local-scale wildlife corridors or habitat linkages and analyze potential impacts in relation to local fauna, and the effects of conversion of vegetation communities (e.g., non-native grassland to riparian or agricultural to developed land) to minimize direct impacts on sensitive wildlife species and to provide for continued wildlife movement through the corridor.

Measures that shall be incorporated into project-level construction documents to minimize direct impacts on wildlife movement, nesting or foraging activities shall be addressed in the Biology report and shall include recommendations for preconstruction protocol surveys to be conducted during established breeding seasons, construction noise monitoring and implementation of any species specific mitigation plans (such as a Burrowing Owl Mitigation Plan) in order to comply with the FESA, MBTA, Bald and Golden Eagle Protection Act, State Fish and Game Code, and/or the ESL Regulations.

## **Mitigation Framework for Impacts to Wetlands**

Future projects implemented in accordance with the CPU which cannot demonstrate compliance with CPIOZ A because impacts to wetlands/jurisdictional resources cannot be avoided shall be required to implement the following Mitigation Framework:

**BIO-4:** To reduce potential direct impacts to City, state, and federally regulated wetlands, all subsequent projects developed in accordance with the CPU shall be required to comply with USACE Clean Water Act Section 404 requirements and special conditions, CDFW Section 1602 Streambed Alteration Agreement requirements and special conditions, and the City of San Diego ESL Regulations for minimizing impacts to wetlands. Achieving consistency with these regulations for impacts on wetlands and special aquatic sites would reduce potential impacts to regulated wetlands and provide compensatory mitigation (as required) to ensure no net-loss of wetland habitats.

Prior to obtaining discretionary permits for future actions implemented in accordance with the CPU, a site-specific biological resources survey shall be completed in accordance with City of San Diego Biology Guidelines. Any required mitigation for impacts shall be outlined in a conceptual wetland mitigation plan prepared in accordance with the City's Biology Guidelines (2012a). In addition, a preliminary or final jurisdictional wetlands delineation of the project site shall be completed following the methods outlined in the USACE's 1987 *Wetlands Delineation Manual* and the *Regional Supplement to the Corps of Engineers Delineation Manual for the Arid West Region*. A determination of the presence/absence and boundaries of any WoUS and WoS shall also be completed following the appropriate USACE guidance documents for determining the OHWM boundaries. The limits of any riparian habitats on-site under the sole jurisdiction of

CDFW shall also be delineated, as well as any special aquatic sites (excluding vernal pools) that may not meet federal jurisdictional criteria but are regulated by California Coastal Commission and the RWQCB. Engineering design specifications based on project-level grading and site plans shall be incorporated into the project design to minimize direct impacts to wetlands, jurisdictional waters, riparian habitats, vernal pools, etc. consistent with federal, state, and City guidelines.

Additionally, any impacts to wetlands in the City of San Diego would require a deviation from the ESL wetland regulations. Under the wetland deviation process, development proposals that have wetland impacts shall be considered only pursuant to one of three options; Essential Public Projects, Economic Viability Option, or Biologically Superior Option. ESL Regulations require that impacts to wetland be avoided. Unavoidable impacts to wetlands shall be minimized to the maximum extent practicable and mitigated as follows:

- As part of the project-specific environmental review pursuant to CEQA, all unavoidable wetland impacts shall be analyzed, and mitigation shall be required in accordance with ratios shown in Tables 5.4-8a and b below. Mitigation shall be based on the impacted type of wetland and project design. Mitigation shall prevent any net loss of wetland functions and values of the impacted wetland.
- For the Biologically Superior Option, the project and proposed mitigation shall include avoidance, minimization, and compensatory measures, which would result in a biologically superior net gain in overall function and values of (a) the type of wetland resource being impacted and/or (b) the biological resources to be conserved. The Biologically Superior Option mitigation shall include either (1) standard mitigation per Table 5.4-8a, including wetland creation or restoration of the same type of wetland resource that is being impacted that results in high quality wetlands; and a biologically superior project design whose avoided area(s) (i) is in a configuration or alignment that optimizes the potential long-term biological viability of the on-site sensitive biological resources, and/or (ii) conserves the rarest and highest quality on-site biological resources; or (2) for a project not considered consistent with “1” above, extraordinary mitigation per Table 5.4-8b is required.

**TABLE 5.4-8a**  
**CITY OF SAN DIEGO WETLAND MITIGATION RATIOS**  
**(With Biologically Superior Design)**

Vegetation Community	Mitigation Ratio
Riparian	2:1 to 3:1
Vernal pool*	2:1 to 4:1
Basin with fairy shrimp*	2:1 to 4:1
Freshwater marsh	2:1

\*The City currently does not have take authority for vernal pools. A draft vernal pool HCP is currently being prepared by the City in coordination with the Wildlife Agencies. If adopted, the City would have “take” authority for the vernal pool species occurring within the vernal pool HCP areas.

**TABLE 5.4-8b**  
**CITY OF SAN DIEGO WETLAND MITIGATION RATIOS**  
**(Without Biologically Superior Design)**

Vegetation Community	Mitigation Ratio
Riparian	4:1 to 6:1
Vernal pool*	4:1 to 8:1
Basin with fairy shrimp*	4:1 to 8:1
Freshwater marsh	4:1

\*The City currently does not have take authority for vernal pools. A draft vernal pool HCP is currently being prepared by the City in coordination with the Wildlife Agencies. If adopted, the City would have “take” authority for the vernal pool species occurring within the vernal pool HCP areas.

As part of any future project-specific environmental review pursuant to CEQA, all unavoidable wetlands impacts (both temporary and permanent) shall be analyzed and mitigation required in accordance with the City Biology Guidelines; mitigation shall be based on the impacted type of wetland habitat. Mitigation shall prevent any net loss of wetland functions and values of the impacted wetland. The following provides operational definitions of the four types of activities that constitute wetland mitigation under the ESL Regulations:

- **Wetland creation** is an activity that results in the formation of new wetlands in an upland area. An example is excavation of uplands adjacent to existing wetlands and the establishment of native wetland vegetation.
- **Wetland restoration** is an activity that re-establishes the habitat functions of a former wetland. An example is the excavation of agricultural fill from historic wetlands and the re-establishment of native wetland vegetation.
- **Wetland enhancement** is an activity that improves the self-sustaining habitat functions of an existing wetland. An example is removal of exotic species from existing riparian habitat.

- **Wetland acquisition** may be considered in combination with any of the three mitigation activities above.

Wetland enhancement and wetland acquisition focus on the preservation or the improvement of existing wetland habitat and function and do not result in an increase in wetland area; therefore, a net loss of wetland may result. As such, acquisition and/or enhancement of existing wetlands shall be considered as partial mitigation only for any balance of the remaining mitigation requirement after restoration or creation if wetland acreage is provided at a minimum of a 1:1 ratio.

For permanent wetland impacts that are unavoidable and minimized to the maximum extent feasible, mitigation shall consist of creation of new in-kind habitat to the fullest extent possible and at the appropriate ratios. If on-site mitigation is not feasible, then at least a portion of the mitigation must occur within the same watershed. The City's Biology Guidelines and MSCP Subarea Plan require that impacts on wetlands, including vernal pools, shall be avoided, and that a sufficient wetland buffer shall be maintained, as appropriate, to protect resource functions/values. The project specific biology report shall include an analysis of on-site wetlands (including City, state, and federal jurisdiction analysis) and, if present, include project alternatives that fully/substantially avoid wetland impacts. Detailed evidence supporting why there is no feasible less environmentally damaging location or alternative to avoid any impacts must be provided for City staff review, as well as a mitigation plan that specifically identifies how the project is to compensate for any unavoidable impacts. A conceptual wetland mitigation plan (which includes identification of the mitigation site) shall be approved by City staff prior to the release of the draft environmental document. Avoidance shall be the first requirement; mitigation shall only be used for impacts clearly demonstrated to be unavoidable.

Prior to the commencement of any construction-related activities on-site for projects impacting wetland habitat (including earthwork and fencing) the applicant shall provide evidence of the following to the Assistant Deputy Director (ADD)/Environmental Designee prior to any construction activity:

- Compliance with USACE Section 404 nationwide permit;
- Compliance with the RWQCB Section 401 Water Quality Certification; and
- Compliance with the CDFW Section 1601/1603 Streambed Alteration Agreement.

### **Vernal Pools and Vernal Pool Species**

Mitigation for projects impacting vernal pools shall include salvage of sensitive species from vernal pools to be impacted, introduction of salvaged material into restored vernal pool habitat where appropriate (e.g., same pool series) and maintenance of salvaged material pending successful restoration of the vernal pools. Salvaged material shall not be introduced to existing vernal pools containing the same species outside the vernal pool series absent consultation with and endorsement by vernal pool species experts not associated with the project (e.g., independent expert). The mitigation sites shall include preservation of the entire watershed and a buffer based

on functions and values; however, if such an analysis is not conducted, there shall be a default of a 100-foot buffer from the watershed.

## **HISTORICAL RESOURCES**

### **Mitigation Framework for Prehistoric or Historical Archaeological Resources**

Future commercial, business park and industrial development project types that are consistent with the CPU, base zone regulations and the supplemental regulations for CPIOZ Type A and can demonstrate that there are no archaeological resources present on the project site; the project can be processed ministerially and would not be subject to further environmental review under CEQA. Development proposals that do not comply with the CPIOZ Type A supplemental regulations shall be subject to discretionary review in accordance with CPIOZ Type B and the Mitigation Framework for Historical Archaeological Resources further detailed below.

**HIST-1:** Prior to issuance of any permit for a future development project implemented in accordance with the CPU area that could directly affect an archaeological resource, the City shall require the following steps be taken to determine: (1) the presence of archaeological resources and (2) the appropriate mitigation for any significant resources which may be impacted by a development activity. Sites may include, but are not limited to, residential and commercial properties, privies, trash pits, building foundations, and industrial features representing the contributions of people from diverse socio-economic and ethnic backgrounds. Sites may also include resources associated with pre-historic Native American activities.

### **INITIAL DETERMINATION**

The environmental analyst will determine the likelihood for the project site to contain historical resources by reviewing site photographs and existing historic information (e.g. Archaeological Sensitivity Maps, the Archaeological Map Book, and the City's "Historical Inventory of Important Architects, Structures, and People in San Diego") and conducting a site visit. If there is any evidence that the site contains archaeological resources, then a historic evaluation consistent with the City Guidelines would be required. All individuals conducting any phase of the archaeological evaluation program must meet professional qualifications in accordance with the City Guidelines.

#### **STEP 1:**

Based on the results of the Initial Determination, if there is evidence that the site contains historical resources, preparation of a historic evaluation is required. The evaluation report would generally include background research, field survey, archaeological testing and analysis. Before actual field reconnaissance would occur, background research is required which includes a record search at the SCIC at San Diego State University and the San Diego Museum of Man. A review of the Sacred Lands File maintained by the NAHC must also be conducted at this time. Information about existing archaeological collections should also be obtained from the San Diego Archaeological Center and any tribal repositories or museums.

In addition to the record searches mentioned above, background information may include, but is not limited to: examining primary sources of historical information (e.g., deeds and wills), secondary sources (e.g., local histories and genealogies), Sanborn Fire Maps, and historic

cartographic and aerial photograph sources; reviewing previous archaeological research in similar areas, models that predict site distribution, and archaeological, architectural, and historical site inventory files; and conducting informant interviews. The results of the background information would be included in the evaluation report.

Once the background research is complete, a field reconnaissance must be conducted by individuals whose qualifications meet the standards outlined in the City Guidelines. Consultants are encouraged to employ innovative survey techniques when conducting enhanced reconnaissance, including, but not limited to, remote sensing, ground penetrating radar, and other soil resistivity techniques as determined on a case-by-case basis. Native American participation is required for field surveys when there is likelihood that the project site contains prehistoric archaeological resources or traditional cultural properties. If through background research and field surveys historical resources are identified, then an evaluation of significance must be performed by a qualified archaeologist.

#### STEP 2:

Once a historical resource has been identified, a significance determination must be made. It should be noted that tribal representatives and/or Native American monitors will be involved in making recommendations regarding the significance of prehistoric archaeological sites during this phase of the process. The testing program may require reevaluation of the proposed project in consultation with the Native American representative which could result in a combination of project redesign to avoid and/or preserve significant resources as well as mitigation in the form of data recovery and monitoring (as recommended by the qualified archaeologist and Native American representative). An archaeological testing program will be required which includes evaluating the horizontal and vertical dimensions of a site, the chronological placement, site function, artifact/ecofact density and variability, presence/absence of subsurface features, and research potential. A thorough discussion of testing methodologies, including surface and subsurface investigations, can be found in the City Guidelines.

The results from the testing program will be evaluated against the Significance Thresholds found in the Guidelines. If significant historical resources are identified within the Area of Potential Effect, the site may be eligible for local designation. At this time, the final testing report must be submitted to Historical Resources Board staff for eligibility determination and possible designation. An agreement on the appropriate form of mitigation is required prior to distribution of a draft environmental document. If no significant resources are found, and site conditions are such that there is no potential for further discoveries, then no further action is required. Resources found to be non-significant as a result of a survey and/or assessment will require no further work beyond documentation of the resources on the appropriate Department of Parks and Recreation (DPR) site forms and inclusion of results in the survey and/or assessment report. If no significant resources are found, but results of the initial evaluation and testing phase indicates there is still a potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring is required.

#### STEP 3:

Preferred mitigation for historical resources is to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm

shall be taken. For archaeological resources where preservation is not an option, a Research Design and Data Recovery Program is required, which includes a Collections Management Plan for review and approval. The data recovery program shall be based on a written research design and is subject to the provisions as outlined in CEQA, Section 21083.2. The data recovery program must be reviewed and approved by the City's Environmental Analyst prior to draft CEQA document distribution. Archaeological monitoring may be required during building demolition and/or construction grading when significant resources are known or suspected to be present on a site, but cannot be recovered prior to grading due to obstructions such as, but not limited to, existing development or dense vegetation.

A Native American observer must be retained for all subsurface investigations, including geotechnical testing and other ground-disturbing activities, whenever a Native American Traditional Cultural Property or any archaeological site located on City property or within the Area of Potential Effect of a City project would be impacted. In the event that human remains are encountered during data recovery and/or a monitoring program, the provisions of Public Resources Code Section 5097 must be followed. These provisions are outlined in the Mitigation Monitoring and Reporting Program (MMRP) included in the environmental document. The Native American monitor shall be consulted during the preparation of the written report, at which time they may express concerns about the treatment of sensitive resources. If the Native American community requests participation of an observer for subsurface investigations on private property, the request shall be honored.

#### STEP 4:

Archaeological Resource Management reports shall be prepared by qualified professionals as determined by the criteria set forth in Appendix B of the Guidelines. The discipline shall be tailored to the resource under evaluation. In cases involving complex resources, such as traditional cultural properties, rural landscape districts, sites involving a combination of prehistoric and historic archaeology, or historic districts, a team of experts will be necessary for a complete evaluation.

Specific types of historical resource reports are required to document the methods (see Section III of the Guidelines) used to determine the presence or absence of historical resources; to identify the potential impacts from proposed development and evaluate the significance of any identified historical resources; to document the appropriate curation of archaeological collections (e.g. collected materials and the associated records); in the case of potentially significant impacts to historical resources, to recommend appropriate mitigation measures that would reduce the impacts to below a level of significance; and to document the results of mitigation and monitoring programs, if required.

Archaeological Resource Management reports shall be prepared in conformance with the California Office of Historic Preservation "Archaeological Resource Management Reports: Recommended Contents and Format" (see Appendix C of the Guidelines), which will be used by Environmental Analysis Section staff in the review of archaeological resource reports. Consultants must ensure that archaeological resource reports are prepared consistent with this checklist. This requirement will standardize the content and format of all archaeological technical reports submitted to the City. A confidential appendix must be submitted (under

separate cover) along with historical resources reports for archaeological sites and traditional cultural properties containing the confidential resource maps and records search information gathered during the background study. In addition, a Collections Management Plan shall be prepared for projects which result in a substantial collection of artifacts and must address the management and research goals of the project and the types of materials to be collected and curated based on a sampling strategy that is acceptable to the City. Appendix D (Historical Resources Report Form) may be used when no archaeological resources were identified within the project boundaries.

#### **STEP 5:**

For Archaeological Resources: All cultural materials, including original maps, field notes, non-burial related artifacts, catalog information, and final reports recovered during public and/or private development projects must be permanently curated with an appropriate institution, one which has the proper facilities and staffing for insuring research access to the collections consistent with state and federal standards. In the event that a prehistoric and/or historic deposit is encountered during construction monitoring, a Collections Management Plan would be required in accordance with the project MMRP. The disposition of human remains and burial related artifacts that cannot be avoided or are inadvertently discovered is governed by state (i.e., Assembly Bill 2641 and California Native American Graves Protection and Repatriation Act of 2001) and federal (i.e., Native American Graves Protection and Repatriation Act) law, and must be treated in a dignified and culturally appropriate manner with respect for the deceased individual(s) and their descendants. Any human bones and associated grave goods of Native American origin shall be turned over to the appropriate Native American group for repatriation. Arrangements for long-term curation must be established between the applicant/property owner and the consultant prior to the initiation of the field reconnaissance, and must be included in the archaeological survey, testing, and/or data recovery report submitted to the City for review and approval. Curation must be accomplished in accordance with the California State Historic Resources Commission's Guidelines for the Curation of Archaeological Collection (dated May 7, 1993) and, if federal funding is involved, 36 Code of Federal Regulations 79 of the Federal Register. Additional information regarding curation is provided in Section II of the Guidelines.

#### **Mitigation Framework for Historic Buildings, Structures, and Objects**

**HIST-2:** Prior to issuance of any permit for a future development project implemented in accordance with the CPU that would directly or indirectly affect a building/structure in excess of 45 years of age, the City shall determine whether the affected building/structure is historically significant. The evaluation of historic architectural resources shall be based on criteria such as: age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in the Historical Resources Guidelines.

Preferred mitigation for historic buildings or structures shall be to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm to the resource shall be taken. Depending upon project impacts, measures shall include, but are not limited to:

- a. Preparing a historic resource management plan;

- b. Designing new construction which is compatible in size, scale, materials, color and workmanship to the historic resource (such additions, whether portions of existing buildings or additions to historic districts, shall be clearly distinguishable from historic fabric);
- c. Repairing damage according to the Secretary of the Interior's Standards for Rehabilitation;
- d. Screening incompatible new construction from view through the use of berms, walls, and landscaping in keeping with the historic period and character of the resource; and
- e. Shielding historic properties from noise generators through the use of sound walls, double glazing, and air conditioning.

Specific types of historical resource reports, outlined in Section III of the HRG, are required to document the methods to be used to determine the presence or absence of historical resources, to identify potential impacts from a proposed project, and to evaluate the significance of any historical resources identified. If potentially significant impacts to an identified historical resource are identified these reports will also recommend appropriate mitigation to reduce the impacts to below a level of significance. If required, mitigation programs can also be included in the report.

## **HUMAN HEALTH/PUBLIC SAFETY/HAZARDOUS MATERIALS**

### **Mitigation Framework**

Please refer to Sections 5.3, 5.6.4, and 5.6.5. In accordance with the CPU policies, mitigation identified in Sections 5.3, 5.6.4, and 5.6.5 shall be required to reduce potential health hazards to future development from hazardous sites. Please refer to Mitigation Frameworks AQ-3, AQ-4 and HAZ-3.

**HAZ-1:** Future projects implemented in accordance with the CPU shall be required to incorporate sustainable development and other measures into site plans in accordance with the City's Brush Management Regulations, and Landscape Standards pursuant to General Plan and CPU policies intended to reduce the risk of wildfires. In addition, all future projects shall be reviewed for compliance with the 2010 California Fire Code, Section 145.0701 through 145.0711 of the LDC, and Chapter 7 of the California Building Code.

**HAZ-2:** To prevent the development of structures that may pose a hazard to air navigation, the City shall inform project applicants for future development concerning the existence of the Part 77 imaginary surfaces and Terminal Instrument Procedures and FAA requirements. The City shall also inform project applicants when proposed projects meet the Part 77 criteria for notification to the FAA as identified in City of San Diego Development Services Department Information Bulletin 520. The City shall not approve ministerial projects that require FAA notification without a FAA determination of "No Hazard to Air Navigation" for the project. Also, the City shall not recommend approval of subsequent development projects that require

FAA notification without a FAA determination of “No Hazard to Air Navigation” for the project until the project can fulfill state and ALUC requirements.

In accordance with CPU policies 6.11-1 and 6.11-2, future projects implemented in accordance with the CPU shall be required to identify potential conditions which require further regulatory oversight and demonstrated compliance based on the following measures prior to issuance of any ministerial permit:

**HAZ-3:**

- a. A Phase I Site Assessment shall be completed in accordance with federal, state, and local regulations for any property identified on a list compiled pursuant to Government Code Section 65962.5. The report shall include an existing condition survey, detailed project description and specific measures proposed to preclude upset conditions (accidents) from occurring. If hazardous materials are identified, a Phase II risk assessment and remediation effort shall be conducted in conformance with federal, state, and local regulations.
- b. The applicant shall retain a qualified environmental engineer to develop a soil and groundwater management plan to address the notification, monitoring, sampling, testing, handling, storage, and disposal of contaminated media or substances (soil, groundwater). The qualified environmental consultant shall monitor excavations and grading activities in accordance with the plan. The groundwater management and monitoring plans shall be approved by the City prior to development of the site.
- c. The applicant shall submit documentation showing that contaminated soil and/or groundwater on proposed development parcels have been avoided or remediated to meet cleanup requirements established by the local regulatory agencies (RWQCB/DTSC/DEH) based on the future planned land use of the specific area within the boundaries of the site (i.e., commercial, residential), and that the risk to human health of future occupants of these areas therefore has been reduced to below a level of significance.
- d. The applicant shall obtain written authorization from the regulatory agency (RWQCB/DTSC/DEH) confirming the completion of remediation. A copy of the authorization shall be submitted to the City to confirm that all appropriate remediation has been completed and that the proposed development parcel has been cleaned up to the satisfaction of the regulatory agency. In the situation where previous contamination has occurred on a site that has a previously closed case or on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, the DEH shall be notified of the proposed land use.
- e. All cleanup activities shall be performed in accordance with all applicable federal, state, and local laws and regulations, and required permits shall be secured prior to commencement of construction to the satisfaction of the City and compliance with applicable regulatory agencies such as but not limited to San Diego Municipal Code Section 42.0801, Division 9 and Section 54.0701.

## **HYDROLOGY/WATER QUALITY**

### **Mitigation Framework**

**HYD/WQ-1:** Prior to approval of development projects implemented under the CPU, the applicant shall demonstrate to the satisfaction of the City Engineer, based on the project application, that future projects are sited and designed to minimize impacts on absorption rates, drainage patterns, and surface runoff rates and floodwaters in accordance with current City and RWQCB regulations identified below. Future design of projects shall incorporate all practicable measures as further outlined below in accordance with the RWQCB, the City Storm Water Runoff and Drainage Regulations (Chapter 14, Article 2, Division 2 of the LDC), and the LDC, and shall be based on the recommendations of a detailed hydraulic analysis.

#### **a. San Diego RWQCB**

- Comply with all NPDES permit(s) requirements, including the development of a SWPPP if the disturbed soil area is one acre or more, or a Water Quality Control Plan if less than one acre, in accordance with the City's Storm Water Standards.
- If a future project includes in-water work, it shall require acquiring and adhering to a 404 Permit (from USACE) and a Streambed Alteration Agreement (from CDFW).
- Comply with the San Diego RWQCB water quality objectives and bacteria TMDL.

#### **b. City of San Diego**

- To prevent flooding, future projects shall be designed to incorporate any applicable measures from the City of San Diego LDC. Flood control measures that shall be incorporated into future projects within a SFHA, or within a 100-year floodway, include but are not limited to the following:
- Prior to issuance of building permits or approval of any project within or in the vicinity of a floodway or SFHA, all proposed development within a SFHA is subject to the following requirements and all other applicable requirements and regulations of FEMA and those provided in Chapter 14, Article 3, Division 1 of the LDC.
- In all floodways, any encroachment, including fill, new construction, significant modifications, and other development, is prohibited unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge except as allowed under Code of Federal Regulations Title 44, Chapter 1, Part 60.3(c) (13).
- If the engineering analysis shows that development will alter the floodway or floodplain boundaries of the Special Flood Hazard Area, the developer shall obtain a Conditional Letter of Map Revision from FEMA.

- Fill placed in the Special Flood Hazard Area for the purpose of creating a building pad shall be compacted to 95 percent of the maximum density obtainable with the Standard Proctor Test Fill method issued by the American Society for Testing and Materials (ASTM) Granular fill slopes shall have adequate protection for a minimum flood water velocity of five feet per second.
- The applicant shall denote on the improvement plans “Subject to Inundation” all areas lower than the base elevation plus two feet.
- If the structures will be elevated on fill such that the lowest adjacent grade is at or above the base flood elevation, the applicant must obtain a Letter of Map Revision based on Fill (LOMR-F) prior to occupancy of the building. The developer or applicant shall provide all documentation, engineering calculations, and fees required by FEMA to process and approve the LOMR-F.
- In accordance with Chapter 14, Article 3, Division 1 of the LDC channelization or other substantial alteration of rivers or streams shall be limited to essential public service projects, flood control projects, or projects where the primary function is the improvement of fish and wildlife habitat. The channel shall be designed to ensure that the following occur:
  - Stream scour is minimized.
  - Erosion protection is provided.
  - Water flow velocities are maintained as specified by the City Engineer.
  - There are neither significant increases nor contributions to downstream bank erosion and sedimentation of sensitive biological resources; acceptable techniques to control stream sediment include planting riparian vegetation in and near the stream and detention or retention basins.
  - Wildlife habitat and corridors are maintained.
  - Groundwater recharge capability is maintained or improved.
- Within the flood fringe of a SFHA or floodway, permanent structures and fill for permanent structures, roads, and other development are allowed only if the following conditions are met:
  - The development or fill shall not significantly adversely affect existing sensitive biological resources on-site or off site.
  - The development is capable of withstanding flooding and does not require or cause the construction of off-site flood protective works including artificial flood channels,

revetments, and levees nor shall it cause adverse impacts related to flooding of properties located upstream or downstream, nor shall it increase or expand a FIRM Zone A.

- Grading and filling are limited to the minim amount necessary to accommodate the proposed development, harm to the environmental values of the floodplain is minimized including peak flow storage capacity, and wetlands hydrology is maintained.
- The development neither significantly increases nor contributes to downstream bank erosion and sedimentation nor causes an increase in flood flow velocities or volume.
- There shall be no significant adverse water quality impacts to downstream wetlands, lagoons, or other sensitive biological resources, and the development is in compliance with the requirements and regulations of the NPDES as implemented by the City of San Diego.

**HYD/WQ-2:** Future projects shall be sited and designed to minimize impacts on receiving waters, in particular the discharge of identified pollutants to an already impaired water body. Prior to approval of any entitlements for any future project, the City shall ensure that any impacts on receiving waters shall be precluded and, if necessary, mitigated in accordance with the requirements of the City's Storm Water Runoff and Drainage Regulations (Chapter 14, Article 2, Division 2 of the LDC) and other appropriate agencies (e.g., RWQCB). To prevent erosion, siltation, and transport of urban pollutants, all future projects shall be designed to incorporate any applicable storm water improvement, both off- and on-site, in accordance with the City of San Diego Stormwater Standards Manual.

Storm water improvements and water quality protection measures that shall be required for future projects include:

- Increasing onsite filtration;
- Preserving, restoring, or incorporating natural drainage systems into site design;
- Directing concentrated flows away from MHPA and open space areas. If not possible, drainage shall be directed into sediment basins, grassy swales, or mechanical trapping devices prior to draining into the MHPA or open space areas;
- Reducing the amount of impervious surfaces through selection of materials, site planning, and narrowing of street widths where possible;
- Increasing the use of vegetation in drainage design;
- Maintaining landscape design standards that minimize the use of pesticides and herbicides; and

- To the extent practicable, avoiding development of areas particularly susceptible to erosion and sediment loss.

### **San Diego Regional Water Quality Control Board and Municipal Code Compliance**

- The requirements of the RWQCB for storm water quality are addressed by the City in accordance with the City NPDES requirements and the participation in the regional permit with the RWQCB.
- Prior to permit approval, the City shall ensure any impacts on receiving waters are precluded or mitigated in accordance with the City of San Diego Stormwater Regulations.
- In accordance with the City of San Diego Stormwater Standards Manual, development shall be designed to incorporate on-site storm water improvements satisfactory to the City Engineer and shall be based on the adequacy of downstream storm water conveyance.

## **GEOLOGY/SOILS**

### **Mitigation Framework**

**GEO-1:** Impacts associated with geologic hazards shall be mitigated at the project-level through adherence to the City’s Seismic Safety Study and recommendations of a site-specific geotechnical report prepared in accordance with the City’s Geotechnical Report Guidelines. Impacts shall also be avoided or reduced through engineering design that meets or exceeds adherence to the City’s Municipal Code and the California Building Code.

More specifically, compressible soils impacts shall be mitigated through the removal of undocumented fill, colluvium/topsoil, and alluvium to firm the ground. Future development shall also be required to clean up deleterious material and properly moisture, condition, and compact the soil in order to provide suitable foundation support.

Regarding impacts related to expansive soils, future development shall be required to implement typical remediation measures, which shall include placing a minimum 5-foot cap of low expansive (Expansion Index [EI] of 50 or less) over the clays; or design of foundations and surface improvements to account for expansive soil movement.

**GEO-2:** As part of the future development permitting process, the City shall require individual projects to adhere to the Grading Regulation and NPDES permit requirements. All subsequent projects developed in accordance with the CPU shall also adhere to the California Building Code to avoid or reduce geologic hazards to the satisfaction of the City Engineer.

Submittal, review and approval of site specific geotechnical investigations shall be completed in accordance with the City’s Municipal Code requirements. Engineering design specifications based on future project-level grading and site plans shall be incorporated into all future projects implemented in accordance with the CPU to minimize hazards associated with site-level geologic and seismic conditions satisfactory to the City Engineer and shall include the following measures to control erosion during and after grading or construction:

- Desilting basins, improved surface drainage, or planting of ground covers installed early in the improvement process in areas that have been stripped of native vegetation or areas of fill material;
- Short-term measures, such as sandbag placement and temporary detention basins;
- Restrictions on grading during the rainy season (November through March), depending on the size of the grading operation, and on grading in proximity to sensitive wildlife habitat; and
- Immediate post-grading slope revegetation or hydroseeding with erosion-resistant species to ensure coverage of the slopes prior to the next rainy season.

Conformance to mandated City grading requirements shall ensure that future grading and construction operations would avoid significant soil erosion impacts. Furthermore, any development involving clearing, grading, or excavation that causes soil disturbance of one or more acres, or any project involving less than one acre that is part of a larger development plan, shall be subject to NPDES General Construction Storm Water Permit provisions. Additionally, any development of this significant size within the City shall be required to prepare and comply with an approved SWPPP that shall consider the full range of erosion control BMPs such as, but not limited to, including any additional site-specific and seasonal conditions. Project compliance with NPDES requirements would significantly reduce the potential for substantial erosion or topsoil loss to occur in association with new development.

Prior to obtaining grading permits for future actions a site-specific geotechnical investigation shall be completed as necessary in accordance with the City of San Diego Guidelines for Preparing Geotechnical Reports. Engineering design specifications based on project-level grading and site plans shall be incorporated into the project design to minimize hazards associated with site-level geologic and seismic conditions satisfactory to the City Engineer. Measures designed to reduce erosion at the project-level shall include the following:

- Control erosion by minimizing the area of slope disturbance and coordinate the timing of grading, resurfacing, and landscaping where disturbance does occur.
- On sites for industrial activities require reclamation plans that control erosion, where feasible, in accordance with the LDC.
- Control erosion caused by storm runoff and other water sources.
- Preserve as open space those hillsides characterized by steep slopes or geological instability in order to control urban form, insure public safety, provide aesthetic enjoyment, and protect biological resources.
- Replant with native, drought-resistant plants to restore natural appearance and prevent erosion.

- Practice erosion control techniques when grading or preparing building sites.
- Utilize ground cover vegetation when landscaping a development in a drainage area to help control runoff.
- Incorporate sedimentation ponds as part of any flood control or runoff control facility.
- During construction, take measures to control runoff from construction sites. Filter fabric fences, heavy plastic earth covers, gravel berms, or lines of straw bales are a few of the techniques to consider.
- Phase grading so that prompt revegetation or construction can control erosion. Only disturb those areas that will later be resurfaced, landscaped, or built on. Resurface parking lots and roadways as soon as possible, without waiting until completion of construction.
- Promptly revegetate graded slopes with groundcover or a combination of groundcover, shrubs, and trees. Hydroseeding may substitute for container plantings. Groundcovers shall have moderate to high erosion control qualities.
- Where necessary, design drainage facilities to ensure adequate protection for the community while minimizing erosion and other adverse effects of storm runoff to the natural topography and open space areas.
- Ensure that the timing and method of slope preparation protects natural areas from disturbance due to erosion or trampling. The final surface shall be compacted and spillovers into natural areas shall be avoided.
- Plant and maintain natural groundcover on all created slopes.

When required, the geologic technical report shall consist of a preliminary study, a geologic reconnaissance, or an in-depth geologic investigation report that includes field work and analysis. The geologic reconnaissance report and the geologic investigation report shall include all pertinent requirements as established by the Building Official.

In addition, the Building Official shall require a geologic reconnaissance report or a geologic investigation report for any site if the Building Official has reason to believe that a geologic hazard may exist at the site.

Section 145.1803 of the San Diego Municipal Code discusses in more detail the requirements related to the geotechnical report outlined in the SDSSS (City of San Diego 2009).

## **NOISE**

### **Mitigation Framework**

With implementation of the framework of regulations, standards, and policies, project-level noise protection measures for future subsequent development projects' noise impacts would be reduced. However, it is possible that for certain projects, adherence to the regulations would not adequately reduce noise levels, and therefore, these projects would require additional measures to avoid or reduce significant impacts. Implementation of Mitigation Framework measures NOI-1 and NOI-2 would reduce future development project-level impacts. The identified measures shall be updated, expanded and refined when applied to future projects based on project-specific design and changes in existing conditions, and local, state, and federal laws.

**NOI-1:** Prior to the issuance of building permits, site-specific exterior noise analyses that demonstrate that the project would not place residential receptors in locations where the exterior existing or future noise levels would exceed the noise compatibility standards of the City's General Plan shall be required as part of the review of future residential development proposals. Noise reduction measures, including but not limited to building noise barriers, increased building setbacks, speed reductions on surrounding roadways, alternative pavement surfaces, or other relevant noise attenuation measures, may be used to achieve the noise compatibility standards. Exact noise mitigation measures and their effectiveness shall be determined by the site-specific exterior noise analyses.

**NOI-2:** Prior to the issuance of building permits, site specific interior noise analyses demonstrating compliance with the interior noise compatibility standards of the City's General Plan and other applicable regulations shall be prepared for noise sensitive land uses located in areas where the exterior noise levels exceed the noise compatibility standards of the City's General Plan. Noise control measures, including but not limited to increasing roof, wall, window, and door sound attenuation ratings, placing HVAC in noise reducing enclosures, or designing buildings so that no windows face freeways or major roadways may be used to achieve the noise compatibility standards. Exact noise mitigation measures and their effectiveness shall be determined by the site specific exterior noise analyses.

The framework of regulations, standards, and policies by the City combined with the federal state and local regulations described above provide a framework for developing project-level noise protection measures for future subsequent development projects implemented in accordance with the CPU. The City's process for the evaluation of discretionary projects includes environmental review and documentation pursuant to CEQA as well as an analysis of those projects for consistency with the goals, policies and recommendations of the General Plan and the CPU.

Operational noise from various land uses could adversely impact adjacent properties, either individually or cumulatively. In general, implementation of the policies included in the CPU and General Plan shall preclude or reduce noise impacts relative to construction noise and collocation issues. Compliance with the standards is required of all projects and is not considered to be mitigation. However, it is possible that for certain projects, adherence to the regulations would

not adequately reduce noise levels, and, as such, would require additional measures to avoid or reduce significant impacts.

For each future development projects requiring mitigation (i.e., measures that go beyond what is required by existing regulations), site-specific measures shall be identified that reduce significant project-level impacts to below a level of significance or the project-level impact shall remain significant and unavoidable where no feasible mitigation exists. Where mitigation is determined to be necessary and feasible, these measures shall be included in a future MMRP for the project. Where mitigation is determined to be infeasible, a project shall not be approved unless all feasible measures have been incorporated into the project design.

The following mitigation measure shall be implemented to reduce project-level impacts and may ensure that on-site generated noise does not exceed the limits of Section 59.5.0101 et seq. of the City's Municipal Code, the Noise Abatement and Control Ordinance. This measure shall be updated, expanded and refined when applied to specific future projects based on project-specific design and changes in existing conditions, and local, state and federal laws.

**NOI-3:** Prior to the issuance of a building permit, a site-specific acoustical/noise analysis of any on-site generated noise sources, including generators, mechanical equipment, and trucks, shall be prepared which identifies all noise-generating equipment, predicts noise levels at property lines from all identified equipment, and recommends mitigation to be implemented (e.g., enclosures, barriers, site orientation), to ensure compliance with the City's Noise Abatement and Control Ordinance. Noise reduction measures shall include building noise-attenuating walls, reducing noise at the source by requiring quieter machinery or limiting the hours of operation, or other attenuation measures. Additionally, future projects shall be required to buffer sensitive receptors from noise sources through the use of open space and other separation techniques as recommended after thorough analysis by a qualified acoustical engineer. Exact noise mitigation measures and their effectiveness shall be determined by the site specific noise analyses.

The following mitigation measure shall be implemented to reduce project-level impacts. This measure shall be updated, expanded, and refined when applied to specific future projects based on project-specific design and changes in existing conditions, and local, state, and federal laws.

**NOI-4:** For projects that exceed daily construction noise thresholds established by the City of San Diego, best construction management practices shall be used to reduce construction noise levels to comply with standards established by the Municipal Code in Chapter 5, Article 9.5, Noise Abatement and Control. Project applicant shall prepare and implement a Construction Noise Management Plan. Appropriate management practices shall be determined on a project-by-project basis, and are specific to the location. Control measures shall include:

- a. Minimizing simultaneous operation of multiple construction equipment units;
- b. Locating stationary equipment as far as reasonable from sensitive receptors;
- c. Requiring all internal combustion-engine-driven equipment to be equipped with mufflers that are in good operating condition and appropriate for the equipment; and
- d. Construction of temporary noise barriers around construction sites that block the line-of-sight to surrounding receptors.

The MHPA Land Use Adjacency Guidelines in the MSCP Subarea Plan address noise impacts associated with industrial, commercial, mixed-use, or recreation uses that generate stationary noise adjacent to MHPA areas and are specifically detailed in Mitigation Framework LU-2 in Section 5.1. Additional construction-related noise measures are identified in Section 5.4, Biological Resources.

## **PALEONTOLOGICAL RESOURCES**

### **Mitigation Framework**

For future development project types that are consistent with the OMCP, base zone regulations and the supplemental regulations for CPIOZ Type A and can demonstrate that no paleontological fossil resources are present on the project site; the project can be processed ministerially and would not be subject to further environmental review under CEQA. Development proposals that do not comply with the CPIOZ Type A supplemental regulations shall be subject to discretionary review in accordance with CPIOZ Type B and the Mitigation Framework for Paleontological Resources further detailed below.

**PALEO-1:** Prior to the approval of subsequent development projects implemented in accordance with the CPU, the City shall determine the potential for impacts to paleontological resources based on review of the project application submitted under CPIOZ TYPE B, and recommendations of a project-level analysis completed in accordance with the steps presented below. Future projects shall be sited and designed to minimize impacts on paleontological resources in accordance with the City's Paleontological Resources Guidelines and CEQA Significance Thresholds. Monitoring for paleontological resources required during construction activities shall be implemented at the project-level and shall provide mitigation for the loss of important fossil remains with future subsequent development projects that are subject to environmental review.

#### **I. Prior to Project Approval**

A. The environmental analyst shall complete a project-level analysis of potential impacts on paleontological resources. The analysis shall include a review of the applicable USGS Quad maps to identify the underlying geologic formations, and shall determine if construction of a project would:

- Require over 1,000 cubic yards of excavation and/or a 10-foot, or greater, depth in a high resource potential geologic deposit/formation/rock unit.
- Require over 2,000 cubic yards of excavation and/or a 10-foot, or greater, depth in a moderate resource potential geologic deposit/formation/rock unit.
- Require construction within a known fossil location or fossil recovery site. Resource potential within a formation is based on the Paleontological Monitoring Determination Matrix.

- B. If construction of a project would occur within a formation with a moderate to high resource potential, monitoring during construction would be required.
- Monitoring is always required when grading on a fossil recovery site or a known fossil location.
  - Monitoring may also be needed at shallower depths if fossil resources are present or likely to be present after review of source materials or consultation with an expert in fossil resources (e.g., the San Diego Natural History Museum).
  - Monitoring may be required for shallow grading (<10 feet) when a site has previously been graded and/or unweathered geologic deposits/formations/ rock units are present at the surface.

Monitoring is not required when grading documented artificial fill. When it has been determined that a future project has the potential to impact a geologic formation with a high or moderate fossil sensitivity rating a Paleontological MMRP shall be implemented during construction grading activities.

## **TRAFFIC/CIRCULATION**

### **Mitigation Framework**

At the program-level, impacts shall be reduced through the proposed classifications of roadways and identification of necessary roadway, intersection and freeway improvements. Mitigation or construction of these improvements shall be carried out at the project-level via the Public Facilities Financing Plan and future development projects. Funding shall be through construction by individual development projects, collection of FBA fees, fair share contributions to be determined at the project-level, and potentially other sources.

The following standards apply to the area designated for commercial and industrial uses as shown in Figure 3-9 (Project Description) within OM-CPIOZ. Future commercial and industrial development applications for properties identified on Figure 3-9 that are consistent with the CPU, the based zone regulations, and these supplemental regulations will be processed ministerially (CPIOZ A) in accordance with the procedures of the CPIOZ (Municipal Code Chapter 13, Article 2, Division 14). Development that complies with all of the following shall be processed as CPIOZ A: Development that includes construction of the abutting street(s) to the street classification identified in the Mobility Element of the Otay Mesa Community Plan and intersection configurations identified in Figures 5.12-4a-g; and development projects that can provide documentation from a California Registered Traffic Engineer, confirmed and accepted by the City Engineer, stating that the proposed project's traffic volumes are based on the City's trip generation rates and are less than 1,000 ADT's.

Development proposals that do not comply with the supplemental regulations for CPIOZ Type A and the regulations of the underlying zone shall apply for a Process 3 CPIOZ Type B permit. Applications for a Process 3 CPIOZ Type B permit shall meet the purpose and intent of the regulations of the underlying zone and the supplemental regulations. Deviations from these

regulations may be granted by the City Manager in accordance with the procedures of the CPIOZ (Municipal Code Section 132.1403).

Even with incorporation of the recommended street classifications in Table 5.12-4 in the CPU, Public Facilities Financing Plan, and future project development review and (ministerial) and discretionary review through the CPIOZ, 24 roadway segments would operate unacceptably in the Horizon Year Plus CPU condition. The TIA identified additional potential improvement measures that are not recommended as part of the CPU and are not included as part of the project. The reasons for not recommending the improvements include various factors such as adjacency to environmentally sensitive land and/or steep hillsides, existing development conflicts, and/or multi-modal and urban design context.. The impacts are considered significant and unmitigated. At the project-level, partial mitigation may be possible in the form of transportation demand management measures that encourage carpooling and other alternate means of transportation. At the time future subsequent development projects are proposed, project-specific traffic analyses would contain detailed recommendations. All project-specific mitigation for direct impacts shall be implemented prior to the issuance of Certificate of Occupancy in order to provide mitigation at the time of impact.

The 24 roadway segments that would operate unacceptably in the Horizon Year plus CPU Condition are listed below.

1. Otay Mesa Road, Caliente Ave. to Corporate Center Dr.
2. Otay Mesa Road, Heritage Rd. to Cactus Rd.
3. Airway Road, Caliente Ave. to Heritage Rd.
4. Airway Road, Heritage Rd. to Cactus Rd.
5. Siempre Viva Road, Otay Center Dr. to SR-905
6. Siempre Viva Road, SR-905 to Paseo de las Americas
7. Caliente Avenue, Airway Rd. to Beyer Blvd.
8. Caliente Avenue, Beyer Blvd. to Siempre Viva Rd.
9. Heritage Road/Otay Valley Road, Main St. to Avenida de Las Vistas
10. Heritage Road/Otay Valley Road, Avenida de las Vistas to Datsun St.
11. Cactus Road, Otay Mesa Rd. to Airway Rd.
12. Cactus Road, Airway Rd. to Siempre Viva Rd.
13. Britannia Boulevard, SR-905 to Airway Rd.
14. La Media Road, SR-905 to Airway Rd.
15. Dennery Road, Black Coral Ln. to East End
16. Avenida de las Vistas, Vista Santo Domingo to Dennery Rd.
17. Del Sol Boulevard, Surf Crest Dr. to Riviera Pointe
18. Del Sol Boulevard, Riviera Pointe to Dennery Rd.
19. Old Otay Mesa Road, Crescent Bay Dr. to Beyer Blvd.
20. Camino Maquiladora, Heritage Rd. to Pacific Rim Ct.
21. Camino Maquiladora, Pacific Rim Ct. to Cactus Rd.
22. Progressive Avenue, Corporate Center Dr. to Innovative Dr.

23. Datsun Street, Innovative Dr. to Heritage Rd.
24. Exposition Way/Vista Santo Domingo, Avenida de las Vistas to Corporate Center Dr.

### **Mitigation Framework for Intersections**

A total of 49 intersections would be significantly impacted by the CPU. Even with incorporation of the recommended land configurations shown in Figure 5.12-4a-4g for the 53 intersections analyzed into the projects to be funded through the Public Facilities Financing Plan, and through future development projects (ministerial and discretionary through the CPIOZ, a total of 39 intersections would continue to be significantly impacted. The TIA identified further potential improvement measures such as additional intersection turning movement lanes that are not recommended as part of the CPU and are not included as part of the project. The reasons for not recommending the improvements include considerations such as adjacency to environmentally sensitive land, steep hillsides, routes to schools, and multi-modal and urban design context, or because additional study would be required in order to make additional recommendations. At the project-level, partial mitigation may be possible in the form of transportation demand management measures that encourage carpooling and other alternate means of transportation. At the time future subsequent development projects are proposed, project-specific traffic analyses would contain detailed recommendations. All project-specific mitigation for direct impacts shall be implemented prior to the issuance of Certificate of Occupancy in order to provide mitigation at the time of impact.

The impacts are considered significant and unmitigated. To reduce impacts the following mitigation shall be provided:

**TRF-1:** Intersections shall be improved per the intersection lane designations identified in Figures 5.12-4a-g.

### **Mitigation Framework for Freeway Segments**

While providing one HOV lane in each direction on the SR-905 would reduce impacts associated with buildout of the CPU, the additional lanes are not funded; therefore, impacts would remain significant and unmitigated at the programmatic level. At the project-level, partial mitigation may be possible in the form of auxiliary lanes, and/or transportation demand management measures that encourage carpooling and other alternate means of transportation. At the time future subsequent development projects are proposed, project-specific traffic analyses would contain detailed recommendations. All project-specific mitigation for direct impacts shall be implemented prior to the issuance of Certificate of Occupancy in order to provide mitigation at the time of impact.

### **Mitigation Framework for Freeway Ramp Metering**

Mitigation that would reduce freeway ramp metering impacts at the five significantly impacted SR-905 locations consists of adding a lane to the freeway on-ramp, auxiliary lanes, and/or implementation of transportation demand management (TDM) measures that encourage carpooling and other alternate means of transportation. At the time future subsequent development projects are proposed, project-specific traffic analyses would contain detailed

recommendations. All project-specific mitigation for direct impacts shall be implemented prior to the issuance of Certificate of Occupancy in order to provide mitigation at the time of impact. However, due to the uncertainty associated with implementing freeway ramp improvements, and uncertainty related to implementation of TDM measures, the freeway ramp impacts associated with the CPU would remain significant and unmitigated at the program-level.

## **UTILITIES**

### **Mitigation Framework**

**UTIL-1:** Pursuant to the City's Significance Determination Thresholds, future subsequent development projects (including construction, demolition, and /or renovation) that would generate 60 tons or more of solid waste shall be required to prepare a Waste Management Plan (WMP). The WMP shall be prepared by the applicant, conceptually approved by the ESD and discussed in the environmental document. The WMP shall be implemented by the applicant and address the demolition, construction, and occupancy phases of the project as applicable to include the following:

- a. A timeline for each of the three main phases of the project (demolition, construction, and occupancy).
- b. Tons of waste anticipated to be generated (demolition, construction, and occupancy).
- c. Type of waste to be generated (demolition, construction, and occupancy).
- d. Describe how the project will reduce the generation of C&D debris.
- e. Describe how the C&D materials will be reused on-site.
- f. Include the name and location of recycling, reuse, and landfill facilities where recyclables and waste will be taken if not reused on-site.
- g. Describe how the C&D waste will be source separated if a mixed C&D facility is not used for recycling.
- h. Describe how the waste reduction and recycling goals will be communicated to subcontractors.
- i. Describe how a "buy recycled" program for green construction products, including mulch and compost, will be incorporated into the project.
- j. Describe how the Refuse and Recyclable Materials Storage Regulations (LDC Chapter 14, Article 2 Division 8) will be incorporated into design of building's waste storage area.
- k. Describe how compliance with the Recycling Ordinance (Municipal Code Chapter 6, Article 6, Division 7) will be incorporated in the operational phase.
- l. Describe any International Standards of Operation 1, or other certification, if any.

## **GREENHOUSE GAS EMISSIONS**

### **Mitigation Framework**

**GHG-1:** Future projects implemented in accordance with the CPU shall be required to demonstrate their avoidance of significant impacts related to long-term GHG emissions. The Mobility, Urban Design, and Conservation elements of the CPU include specific policies to require dense, compact, and diverse development, encourage highly efficient energy and water conservation design, increase walkability and bicycle and transit accessibility, increase urban

forestry practices and community gardens, decrease urban heat islands, and increase climate-sensitive community design. These policies would serve to reduce consumption of fossil-fueled vehicles and energy resulting in a reduction in communitywide GHG emissions relative to BAU. Future projects implemented in accordance with the CPU shall be required to incorporate GHG reducing features or mitigation measures in order to show a 28.3 percent reduction in GHG emissions, relative to BAU, to meet AB 32 year 2020 target levels. Quantifiable GHG reduction measures at the level of subsequent projects consist of:

- Building and non-building energy use
- Indoor and outdoor water use
- Area sources
- Solid waste disposal
- Vegetation/carbon sequestration
- Construction equipment
- Transportation/vehicles

**GHG-2:** Future projects implemented in accordance with the CPU shall be required to demonstrate their avoidance of significant impacts related to long-term operational emissions as identified in mitigation measure GHG-1 in Section 5.18.3.3.

The approximate gap of 16.9 to 19.2 percent in meeting the target reductions shall consist of one or a combination of several effective and quantifiable GHG reduction measures that pertain to: building and non-building energy use; indoor and outdoor water use; area sources; solid waste disposal; vegetation/carbon sequestration; construction equipment; and transportation/vehicles. Project-level GHG reduction design features shall demonstrate a reduction in BAU GHG emissions to 28.3 percent or more relative to BAU, and to the extent practicable, shall be required for future development projects implemented in accordance with the CPU.