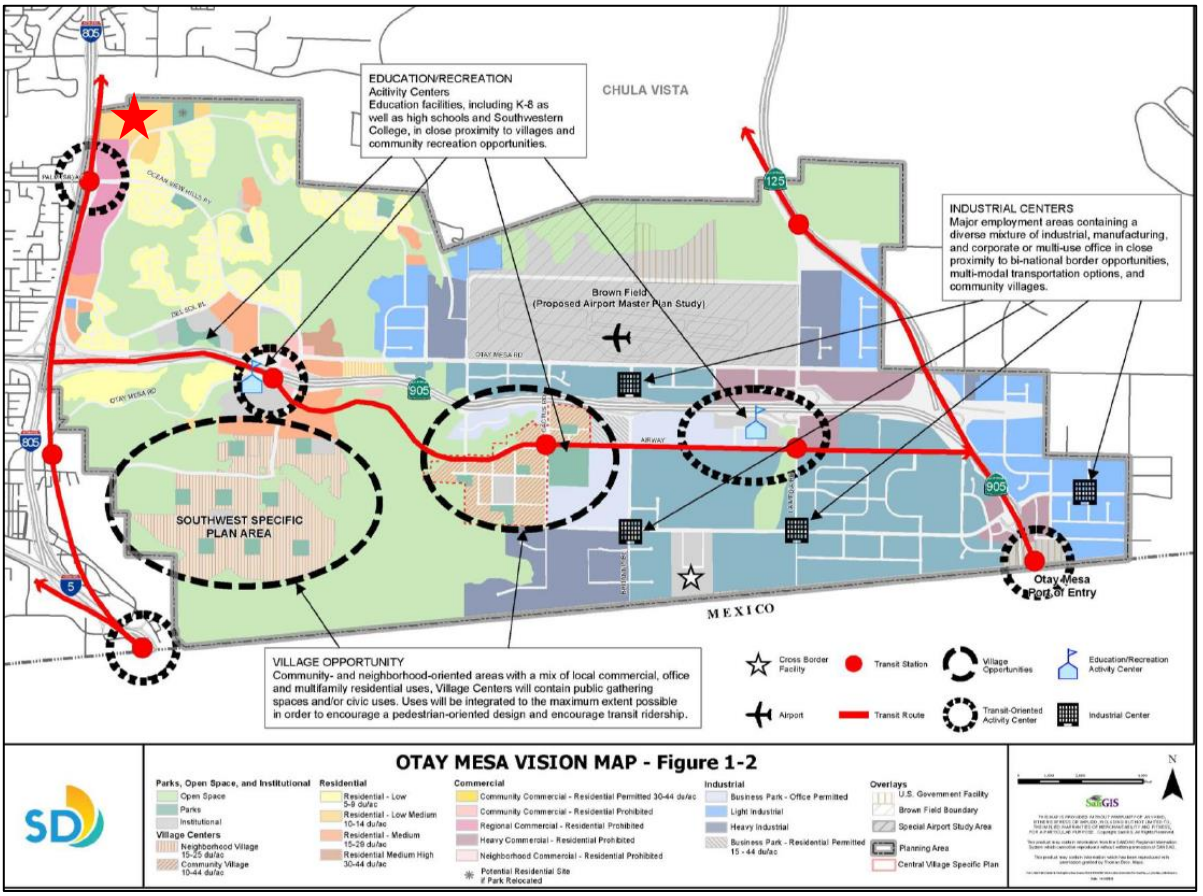
The City of SAN DIEGO

Aerial Photo

Southwest Village Specific Plan - Project No. PRJ-0614791

North



The City of SAN DIEGO

Proposed Land Use Plan

Southwest Village Specific Plan - Project No. PRJ-0614791

North

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

INTERNAL ORDER NUMBER: 24007991

SITE DEVELOPMENT PERMIT NO. PMT-2188971,
MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT
SOUTHWEST VILLAGE SPECIFIC PLAN - PROJECT NO. PRJ-0614791 [MMRP]
CITY COUNCIL

This Site Development Permit No. PMT-2188971 is granted by the City Council of the City of San Diego to Tri Pointe Homes IE-SD, Inc., Owner/ Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0505. The project site is currently vacant land located in the Southwest Village Specific Planning Area 8 through Planning Area 14 **(Specific Plan Phase 1)** and includes 182.90 acres north of the United States/Mexico international border; east of Interstate 805 (I-805); south of State Route 905 (SR-905); and west of the Central Village Specific Plan area and is within the Agricultural—Residential (AR-1-1) Zone, the Airport Land Use Compatibility (Imperial Beach NOLF and Brown Field) Overlay Zone, ALUCP Airport Influence Area (Imperial Beach NOLF – Review Area 2 and Brown Field – Review Area 2), High to Moderate Paleontological Sensitivity Areas, Multiple Habitat Planning Area, Vernal Pools, Brush Management (Native/Naturalized Vegetation), the Very High Fire Hazard Severity Zone, and Geologic Hazard Category (21, 22, 27, and 53) of the Otay Mesa Community Plan. The project site is legally described as: The project site is legally described as: A portion of the Northwest Quarter of the Southeast Quarter of Section 31, Township 18 South, Range 1 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to the Official Plat thereof (APN 645-061-04), together with Parcels 1, 2, 3 and 4 of Parcel Map 7065, in the City of San Diego, County of San Diego, State of California, filed in the office of the County Recorder of San Diego County on March 27, 1978 (APN 645-061-06, 07, 08 and 09), together with Parcel 1 of Parcel Map 21823, in the City of San Diego, County of San Diego, State of California, filed in the office of the County Recorder of San Diego County on December 10, 2020 as File No. 2020-70000416 (APN 667-010-34), together with the Northeast Quarter of the Southwest Quarter of Section 31, Township 18 South, Range 1 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the Official Plat thereof (APN 645-061-02), together with Government Lots 3 and 4 of Section 31, Township 18 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the Official Plat thereof (APN 645-061-10), together with the Southeast Quarter of the Southeast Quarter and the Northeast Quarter of the Southeast Quarter, both in Section 36, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California,

DRAFT

according to the Official Plat thereof (APN 638-070-74) and together with the Southwest Quarter of the Southeast Quarter of Section 36, Township 18 South, Range 2 West , San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the Official Plat thereof (APN 638-070-71).

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct 920 multiple dwelling (condominiums) units including 92 affordable units (**Specific Plan Phase 1**: Planning Area 8 through Planning Area 14), Beyer Boulevard West from West Avenue to Specific Plan boundary, northern half of Beyer Boulevard East from future Caliente Avenue to West Avenue, Central Avenue from Caliente Avenue to Beyer Boulevard, Street A from west of West Avenue to the western terminus of Street A, West Avenue from Beyer Boulevard to future Street C, Secondary Emergency Vehicle Access Road from the eastern terminus of Beyer Boulevard East to Rail Court, and rough grading within **Specific Plan Phase 2** (Planning Area 15 through Planning Area 20) and a portion of **Specific Plan Phase 4** (Planning Area 1, Planning Area 2, and Planning Area 7), in addition to other water, sewer and transportation infrastructure improvements as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date] , on file in the Development Services Department.

The project shall include:

a. **Specific Plan Phase 1** (Planning Area 8 through Planning Area 14): 920 multiple dwelling (condominium) units, including 92 affordable units:
   - Planning Area 8: 185 multiple dwelling units, including 92 affordable units.
   - Planning Area 9: 95 multiple dwelling units.
   - Planning Area 10: 130 multiple dwelling units.
   - Planning Area 11: 168 multiple dwelling units.
   - Planning Area 12: 76 multiple dwelling units.
   - Planning Area 13: 170 multiple dwelling units.
   - Planning Area 14: 96 multiple dwelling units.

b. **Beyer Boulevard West**: A modified 4-lane urban collector configuration is proposed for the western section of Beyer Boulevard beginning at the intersection with West Avenue and extending to the San Ysidro community, with the right-of-way width reduced due to environmental constraints – biological resources and geological hazards – to the maximum extent possible. This modified version of the 4-lane urban collector (built as 2-lanes due to environmental constraints) includes one travel lane in each direction, a sidewalk on the south side only, and buffered class II bike lanes on each side. Beyer Boulevard West is required to be constructed at the 700th dwelling unit or earlier in Phase 1.

c. **Beyer Boulevard East**: A modified 4-lane urban major with class I bike path and buffered class II bike lanes on each side is proposed for Beyer Boulevard East.

d. **Central Avenue**: A modified 2-lane collector with buffered class II bike lanes from Caliente Avenue to Beyer Blvd.

DRAFT

e. **Street A**: A modified 2-lane collector with buffered class II bike lanes from West Ave to the terminus of Street A.

f. **West Avenue**: A modified 2-lane collector with two-way center left turn lane and class II bike lane with buffer on the west side and class I bike path on the east side from Beyer Boulevard to Street B.

g. **Secondary Emergency Vehicle Access Road**: This road extends from the eastern terminus of Beyer Boulevard East to Rail Court and is required prior to the 201st dwelling unit if Beyer Boulevard West is not completed.

h. Rough grading within **Specific Plan Phase 2** (Planning Area 15 through Planning Area 20) and a portion of **Specific Plan Phase 4** (Planning Area 1, Planning Area 2, and Planning Area 7).

i. Deviations from the Environmentally Sensitive Lands Wetland Deviation, and Historical Resources Deviation for Important Archaeological Sites and Traditional Cultural Properties.

j. Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA).

k. Landscaping (planting, irrigation, and landscape-related improvements).

l. Public and private accessory improvements determined by the 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 Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by [ENTER DATE 3 years, AFTER THE APPEAL TIME].

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 Development Services Department; and

b. The Permit is recorded in the Office of the San Diego County Recorder.

DRAFT

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 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 the Southwest Village Specific Plan and 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 Wildlife [CDFW] pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program [MSCP] and Vernal Pool Habitat Conservation Plan [VPHCP], 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. OO18394, and as provided for in Section E of Permit Number TE97791C-0, executed on August 3, 2018. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP and VPHCP 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 CDFW, 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 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." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

DRAFT

10. 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.

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, 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.

12. 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 Exhibit "A."

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

14. The mitigation measures specified in the MMRP and outlined in SUBSEQUENT ENVIRONMENTAL IMPACT REPORT NO. 0614791/SCH #2004051076 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

DRAFT

15. The Owner/Permittee shall comply with the MMRP as specified in SUBSEQUENT ENVIRONMENTAL IMPACT REPORT NO. PRJ-0614791/SCH No. 2004051076, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Land Use
Biological Resources
Historical Resources
Human Health/Public Safety/Hazardous Materials
Hydrology/Water Quality
Geology/Soils
Noise
Paleontological Resources
Traffic/Circulation
Tribal Cultural Resources

16. Trail Restoration. Where project disturbance is located within 50 feet of a proposed primitive trail (100 feet total width), the Owner/Permittee shall ensure restoration of disturbed trail alignments be completed with the establishment of formal primitive trails (4 feet wide maximum) prior to dedication of land to the City or other entity for long-term management. Restoration within the 100-foot-wide trail buffer shall be limited to disturbed areas, including existing disturbed trail alignments that are not planned to be part of the formal trail network and non-native grassland and disturbed habitat areas located within the 100-foot-wide trail buffer. Habitat enhancement shall occur within disturbed maritime succulent scrub, disturbed wetlands, and vernal pools and all other native habitats and jurisdictional resources shall be left in their existing condition. Trail restoration shall occur pursuant to the Trails Restoration Plan prepared by Recon Environmental dated August 2024 for the project to the satisfaction of the City DSD's Mitigation Monitoring Coordination (MMC) and MSCP.

17. Artificial Burrows. Prior to any ground disturbance within areas containing San Diego button celery, San Diego barrel cactus, snake cholla, Quino Checkerspot butterfly host or nectar plants, vernal pools, or suitable habitat for western spadefoot, the Owner/Permittee shall ensure installation of a berm within the proposed vernal pool and Quino checkerspot butterfly (*Euphydryas editha quino*) restoration area that shall provide habitat for burrowing owl (*Athene cunicularia*). The berm is to include pilot holes offering artificial burrow locations within the project's mitigation lands in order to expand opportunities for burrowing owl nesting locations within the Otay Mesa area. Berm construction shall be completed pursuant to the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan prepared by Recon Environmental, for the project to the satisfaction of the DSD's MMC, MSCP, and Wildlife Agencies. The berm with artificial burrows shall be completed by the Owner/Permittee prior to dedication of land to the City or other entity for long-term management.

18. Noise - Temporary Pump Station Enclosures. The Owner/Permittee shall ensure all noise producing equipment such as electric pumps; heating, ventilation, and air conditioning units; and emergency generators associated with temporary sewer pump stations within Phase 1 be located

DRAFT

within a masonry block building. This shall be confirmed to the satisfaction of the City Engineer prior to issuance of the first residential occupancy permit(s) in Phase 1.

19. Noise Walls. The Owner/Permittee shall ensure installation of a 6-foot barrier along the southern perimeter of the backyards along East Beyer Boulevard between West Avenue and Central Avenue in Planning Area (PA) 10 (Vesting Tentative Map (VTM) No. PMT-2188969) at dwelling units 1 through 4 and buildings 35 and 36 prior to occupancy of said structures. The installation of such barriers shall be confirmed to the satisfaction of the City Engineer prior to the issuance of an occupancy permit for said structures.

20. Noise- Balcony Railings. The Owner/Permittee shall ensure installation of a 3.5-foot solid balcony railing at balconies facing Beyer Boulevard East and West, West Avenue, and Caliente Avenue in PA 8 (VTM No. PMT-2188969) at buildings 1, 12, 13, 16, 17, 18, 19, 20, and 21; and in PA 11 at buildings 75, 76, 80, 81, 82, and 83. The installation of such railings shall be installed to the satisfaction of the City Engineer prior to the issuance of an occupancy permit for said structures.

21. Wildfire Hazards -Alternative Compliance. Prior to occupancy of dwelling units (VTM No. PMT-2188969) in PA 10 (dwelling units 13 through 19, 27 through 29, and buildings 52 through 54), PA 12 (dwelling units 63 and 88 through 98), and PA 14 (dwelling units 117 through 135), the Owner/Permittee shall comply with the City's FPB Policy B-18-01, "Mitigation for Reduced Brush Management Zones" (CFC Chapter 49, CBC Chapter 7A, California Residential Code Section R337, SDMC Section 142.0412). Alternative compliance shall generally include increased fire rating of walls, upgraded openings with dual-glazed, dual-tempered panes along brush side of structures plus a 10-foot perpendicular return along adjacent fire rated wall faces. The modifications shall be recorded with the approved permit conditions if approved as part of a development permit or noted in the permit file if approved as part of a construction permit to the satisfaction of the DSD's Landscape, Fire, and Structural sections.

22. Waste Management Plan. The Owner/Permittee shall comply with the Waste Management Plan prepared by Recon Environmental dated June 14, 2024, which shall be enforced and implemented to the satisfaction of the Environmental Services Department.

AFFORDABLE HOUSING REQUIREMENTS:

23. Prior to the issuance of any residential building permit associated with this Project, the Owner/Permittee shall enter into an affordable housing agreement with the San Diego Housing Commission to provide affordable housing units in compliance with the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

AIRPORT REQUIREMENTS:

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

ENGINEERING REQUIREMENTS:

DRAFT

25. Prior to the issuance of the 201st building permit if Beyer Boulevard West from West Avenue to Enright Drive is not constructed, the Owner/Permittee shall obtain a Letter of Permission from the US Border Patrol for an emergency vehicle access (EVA) route from the eastern terminus of Beyer Boulevard East to Rail Court.

26. The Site Development Permit No. 2188971 shall comply with all conditions of VTM No. PMT-2188969.

27. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for all private storm drain systems and connections, enhanced pavers, landscape, street trees, and irrigation located in the City's right-of-way, satisfactory to the City Engineer.

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

29. Prior to the issuance of any building permit, the Owner/Permittee shall submit a Technical Report based on the stormwater standards in effect at the time of the construction permit issuance. The report will be subject to final review and approval by the City Engineer.

30. Prior to the issuance of any building permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

31. Prior to issuance of any construction permit for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.

32. Prior to issuance of any construction permit for public improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot 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.

33. Prior to issuance of any construction permit for building (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area

DRAFT

around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)(6).

34. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

35. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction Plans is damaged or removed, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

36. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" on file in the Development Services Department.

37. The Brush Management Program shall be based on a standard Zone One of 35-ft in width and Zone Two of 65-ft in width, exercising the Zone Two reduction option and Alternative Compliance measures set forth under sections 142.0412(f), 142.0412(i), and 142.0412(j) of the Land Development Code.

38. Alternative Compliance: Where composite brush management zone(s) are less than standard minimums, alternative compliance measures shall be implemented per 142.0412(i) through (j) and shall comply with the City of San Diego FPB Policy B-18-01, "Mitigation for Reduced Brush Management Zones" to the satisfaction of the Fire Chief.

39. Prior to issuance of any construction permit for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

40. Prior to issuance of any construction permit for building, a complete Brush Management Program shall be submitted for approval to the Development Services Department and shall be in substantial conformance with Exhibit "A" on file in the Development Services Department. The Brush Management Program shall comply with the City of San Diego's Landscape Regulations and the Landscape Standards.

41. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while accessory structures of non-combustible, one-hour fire-rated, and/or Type IV heavy timber construction may be approved within the designated Zone One area subject to Fire Marshal's approval.

DRAFT

42. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

VERNAL POOL MANAGEMENT AND MONITORING PLAN (VPMMP) ADMINISTRATION AND REPORTING REQUIREMENTS:

VERNAL POOL HABITAT CONSERVATION PLAN AVOIDANCE AND MINIMIZATION MEASURES

43. Per Section 5.2 of the VPHCP Indirect impacts to conserved vernal pools shall be minimized and development projects adjacent to the hard line preserve shall comply with MHPA Land Use Adjacency Guidelines in addition to the VPHCP Section 5.2.1 avoidance and minimization measures, detailed below:

1. Any development adjacent to the MHPA shall be constructed to slope away from the extant pools to be avoided, to ensure that runoff from the project does not flow into the pools.

2. Covered projects shall require temporary fencing (with silt barriers) of the limits of project impacts (including construction staging areas and access routes) to prevent additional vernal pool impacts and prevent the spread of silt from the construction zone into adjacent vernal pools. Fencing shall be installed in a manner that does not impact habitats to be avoided. Final construction plans shall include photographs that show the fenced limits of impact and all areas of vernal pools to be impacted or avoided. If work inadvertently occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the City. Temporary construction fencing shall be removed upon project completion.

3. Impacts from fugitive dust that may occur during construction grading shall be avoided and minimized through watering and other appropriate measures.

4. A qualified monitoring biologist that has been approved by the City shall be present during project construction activities to ensure compliance with all mitigation measures identified in the CEQA environmental document. The biologist shall be knowledgeable of vernal pool species biology and ecology. The biologist shall perform the following duties:
    a. Oversee installation of and inspect the fencing and erosion control measures within or upslope of vernal pool restoration and/or preservation areas a minimum of once per week and daily during all rain events to ensure that any breaks in the fence or erosion control measures are repaired immediately.
    b. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust.
    c. Train all contractors and construction personnel on the biological resources associated with this project and ensure that training is implemented by construction personnel. At a minimum, training shall include (1) the purpose for resource protection; (2) a description of the vernal pool species and their

DRAFT

habitat(s); (3) the conservation measures that must be implemented during project construction to conserve the vernal pool species, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project-level analysis area by fencing); (4) environmentally responsible construction practices as outlined in Measures 5, 6, and 7 below; (5) the protocol to resolve conflicts that may arise at any time during the construction process; and (6) the general provisions of the project's mitigation monitoring and reporting program, the need to adhere to the provisions of FESA, and the penalties associated with violating FESA.

d. Halt work, if necessary, and confer with the City to ensure the proper implementation of species and habitat protection measures. The biologist shall report any violation to the City within 24 hours of its occurrence.
e. Submit regular (e.g., weekly) letter reports to the City during project construction and a final report following completion of construction. The final report shall include as-built construction drawings with an overlay of habitat that was impacted and avoided, photographs of habitat areas that were avoided, and other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with all conservation measures was achieved.

5. The following conditions shall be implemented during project construction:
    a. Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint.
    b. The project site shall be kept as clean of debris as possible. All food-related trash items shall be enclosed in sealed containers and regularly removed from the site.
    c. Disposal or temporary placement of excess fill, brush, or other debris shall be limited to areas within the fenced project footprint.

6. All equipment maintenance, staging, parking, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas within the fenced project impact limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering the vernal pools or their watersheds and shall be shown on the construction plans. Fueling of equipment shall take place within existing paved areas greater than 100 feet from the vernal pools or their watersheds. Contractor equipment shall be checked for leaks prior to operation and repaired, as necessary. A spill kit for each piece of construction equipment shall be available and must be used in the event of a spill. "No fueling zones" shall be designated on construction plans.

7. Grading activities immediately adjacent to vernal pools shall be timed to avoid wet weather to minimize potential impacts (e.g., siltation) to the vernal pools unless the area

DRAFT

to be graded is at an elevation below the pools. To achieve this goal, grading adjacent to avoided pools shall comply with the following:

a. Grading shall occur only when the soil is dry to the touch both at the surface and 1 inch below. A visual check for color differences (i.e., darker soil indicating moisture) in the soil between the surface and 1 inch below indicates the soil is dry.
b. After a rain of greater than 0.2-inch, grading shall occur only after the soil surface has dried sufficiently as described above, and no sooner than 2 days (48 hours) after the rain event ends.
c. To prevent erosion and siltation from storm water runoff due to unexpected rains, BMPs (e.g., silt fences) shall be implemented as needed during grading.
d. If rain occurs during grading, work shall stop and resume only after soils are dry, as described above.
e. Grading shall be done in a manner to prevent runoff from entering preserved vernal pools.
f. If necessary, water spraying will be conducted at a level sufficient to control fugitive dust but not to cause runoff into vernal pools.
g. If mechanized grading is necessary, grading will be performed in a manner to minimize soil compaction (i.e., use the smallest type of equipment needed to feasibly accomplish the work).

8. Prior to project construction, topsoil shall be salvaged from the impacted vernal pools or road ruts with fairy shrimp consistent with the requirements of the approved mitigation plan (e.g., free of versatile fairy shrimp). Vernal pool soil (inoculum) shall be collected when dry to avoid damaging or destroying fairy shrimp cysts and plant seeds. Hand tools (e.g., shovels and trowels) shall be used to remove the first 2 inches of soil from the pools. Whenever possible, the trowel shall be used to pry up intact chunks of soil, rather than loosening the soil by raking and shoveling, which can damage the cysts. The soil from each pool shall be stored individually in labeled boxes that are adequately ventilated and kept out of direct sunlight in order to prevent the occurrence of fungus or excessive heating of the soil and stored off-site at an appropriate facility for vernal pool inoculum. Inoculum from different source pools shall not be mixed for seeding any restored pools, unless otherwise approved by the City and Wildlife Agencies. The collected soils shall be spread out and raked into the bottoms of the restored pools. Topsoil and plant materials salvaged from the upland habitat areas to be impacted shall be transplanted to, and/or used as a seed/cutting source for, the upland habitat restoration/creation areas to the maximum extent practicable as approved by the City.

9. Permanent protective fencing shall be used along any interface with developed areas and/or other measures approved by the City to deter human and pet entrance into on- or off-site habitat shall be installed. Fencing shall be shown on the development plans and should have no gates (accept to allow access for maintenance and monitoring of the biological conservation easement areas) and be designed to prevent intrusion by pets. Signage for the biological conservation easement area shall be posted and

DRAFT

maintained at conspicuous locations. The requirement for fencing and/or other preventative measures shall be included in the project's mitigation program.

44. **ANNUAL REPORTS AND PRESERVE MANAGEMENT PLAN** Prior to July 31 following the first year of management and annually thereafter, a brief annual report summarizing the status of the preserve, monitoring survey results, and all major management tasks will be prepared and provided to the City of San Diego City Planning Department. The report shall discuss the previous year's management and monitoring activities as well as management/monitoring anticipated in the upcoming year. It shall provide a concise and complete summary of management and monitoring methods, monitoring results, rainfall totals, identify new management issues and the need for any adaptive management resulting from monitoring, address management issues raised in the previous year's report, report on the success or failure of management approaches (based on monitoring). New sensitive species or significant changes in status of sensitive species in the preserve should be discussed in the annual report. Photos from the photo monitoring stations shall be attached to the report. The annual report shall also provide a financial summary describing expenditures for the year, and the status of the endowment.

45. **DATA MANAGEMENT** Prior to July 31 following the first year of management and annually thereafter, the Qualified Preserve Manager shall submit monitoring data collected utilizing the City's standardized data collection method to the Planning Department. Monitoring data shall be collected by qualified City staff, consultants, nonprofits, or other trained individuals that have been approved by the City and Wildlife Agencies. Collection of the information shall be done in a standardized method, consistent with the VPMMP, and would include sufficient information needed to determine the status of a complex.

46. **BUDGET/ENDOWMENT MANAGEMENT** Implementation of the VPMMP shall be paid for by funds provided by a start-up payment for the first three years of management, as well as an annual operation fund or non-wasting cash endowment, unless otherwise approved by the City or similar secure funding method in an amount approved by the City and Wildlife agencies. Owner/Permittee would be responsible for funding an endowment for the long-term management of the vernal pool preserve, including vernal pool mitigation lands, to be transferred to the City. Management and monitoring cost for each mitigation area and transferred lands will be defined in a Property Analysis Record (PAR) included as part of the long-term management plan. If an endowment is used for the funding, the endowment shall be held by City of San Diego Funds Commission or another qualified entity approved by the City of San Diego. The Preserve Manager shall have a duty of loyalty and shall not use the funds for its own personal benefit. The entity is expected to act as a prudent investor of the funds. These safeguards shall ensure that the funds shall be available for long-term management in perpetuity.

47. **OPERATIONS AND STAFFING** A City-approved Preserve Manager who meets the City's qualifications shall be responsible for implementation of in the field management and monitoring efforts. Weeding and specific management efforts requiring significant labor shall be conducted by landscape maintenance crews overseen by the Preserve Manager. The Preserve Manager shall oversee implementation of the VPMMP, as well as provide budget oversight.

MULTIPLE SPECIES CONSERVATION PROGRAM REQUIREMENTS:

DRAFT

48. Prior to the issuance of any construction permits for Phase 1, the Owner/Permittee shall convey the on-site Multi-Habitat Planning Area [MHPA] to the City's Multiple Species Conservation Program [MSCP] preserve pursuant to MMRP PR-BIO-15 through either fee title to the City, or otherwise protect the lands through a Covenant of Easement and Irrevocable Offer to Dedicate (IOD) granted in favor of the City and the U.S. Fish and Wildlife Service [USFWS] and the California Department of Fish and Wildlife [CDFW], as shown on Exhibit "A." Conveyance of any land in fee to the City shall require approval from the Parks and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes. The Owner/Permittee shall schedule an inspection with the Parks and Recreation Department Open Space Division to ensure all property approved for conveyance in fee title to the City for MHPA purposes shall be free and clear of all private easements, private encroachments, private agreements and/or liens. Any on-site MHPA lands that are not dedicated in fee title to the City shall grant a covenant of easement in favor of the City, USFWS, and CDFW. The Owner/Permittee shall maintain in perpetuity any MHPA lands granted by covenant of easement unless otherwise agreed to by the City.

49. Prior to issuance of any construction permits for extension of Beyer Boulevard from West Avenue to Enright Drive, the Owner/Permittee shall coordinate with and provide to the City of San Diego all needed materials related to the processing of a Major Amendment to the City's Vernal Pool Habitat Conservation Plan (VPHCP) to address impacts within APN 645-061-10 (West Otay A), APN 645-061-02 and (West Otay B), properties and the APN 638-070-74 (Furby-North Preserve) due to the proposed Beyer Boulevard extension. The VPHCP Major Amendment shall be processed as a Permit Amendment in accordance with all applicable Federal and State statutory and regulatory requirements.

50. Prior to issuance of any construction permits for the extension of Beyer Boulevard from West Avenue to Enright Drive West following final approval by the City and USFWS of a VPHCP Major Amendment for West Otay A and West Otay B memorialized through an addendum to the VPHCP and the associated Permit Amendment, the Owner/Permittee shall preserve through either fee title to the City, or otherwise protect the lands through a Covenant of Easement and Irrevocable Offer to Dedicate (IOD), 103.27 acres, including 95.29 acres identified as Additional Habitat Preservation and 7.98 acres identified as Furby North Exchange Lands in Final SEIR Figure 5.4-9, of upland and aquatic resources as shown on [identify where this acreage is identified] through to offset impacts to 100 percent conserved lands and the Furby North County conservation parcel within APN 645-061-10 (West Otay A), APN 645-061-02 (West Otay B), and APN 638-070-74 (Furby-North Preserve) by the Beyer Boulevard extension. This includes 103.27 acres of upland and aquatic resources.

51. Prior to issuance of any construction permits for Beyer Boulevard West, including but not limited to, the first Grading Permit, the owner/permittee shall be responsible for preparation of all documents required to demonstrate compliance with all applicable California laws, procedures, and agency approvals pertaining to the modification, amendment, and/or vacation of conservation easements, including, but not limited to applicable provisions of the California Government Code, Code of Civil Procedure and Fish and Game Code , for the amendment, modification, or vacation of Conservation Easements affecting real properties designated as APN 645-061-10 (West Otay A) and APN 645-061-02 (West Otay B), granted in favor of the State of California , acting by and through its

DRAFT

Department of Fish and Wildlife to the satisfaction of the Director of the City Planning Department and Environmental Designee of the Development Services Department. Documents to be prepared include but are not limited to: Fair Market Value appraisal of conservation easement areas to be impacted and replacement conservation easement area, plot map of all easement areas, and legal description of the Beyer Boulevard impact area.

52. Prior to issuance of any construction permits for Beyer Boulevard West, including but not limited to, the first Grading Permit, the Owner/Permittee shall demonstrate adequate right-of-way (ROW) has been acquired from the County of San Diego across APN 638-070-74 (Furby North property) for the construction of Beyer Boulevard West (including installation of wildlife crossings) from West Avenue to Enright Drive as a 44 foot curb to curb width on 53 feet of ROW for a modified 4 lane collector (built with 2 lanes due to environmental constraints) with an 8-foot wide parkway with non-contiguous sidewalk (on the south side only) and buffered Class II bike lanes to the satisfaction of the City Engineer.

53. Prior to issuance of any construction permits for Beyer Boulevard West, including but not limited to, the first Grading Permit, the Owner/Permittee shall demonstrate adequate right-of-way has been acquired from National Enterprises, Inc. across APN 645-061-10 (West Otay A) for the construction of Beyer Boulevard West (including installation of wildlife crossings) from West Avenue to Enright Drive as a 44 foot curb to curb width on 53 feet of ROW for a modified 4 lane collector (built with 2 lanes due to environmental constraints) with an 8-foot wide parkway with non-contiguous sidewalk (on the south side only) and buffered Class II bike lanes to the satisfaction of the City Engineer.

54. Prior to issuance of any construction permits for each Phase of development, the Owner/Permittee shall submit a Compliance Matrix for each respective Phase to demonstrate status/compliance with MMRP/SDP/VTM measures/conditions applicable for each Phase of development.

PLANNING/DESIGN REQUIREMENTS:

55. Prior to issuance of any construction permit, construction documents shall demonstrate compliance with the approved Exhibit "A", including the Southwest Village Specific Plan.

56. Prior to the issuance of any construction permit, the Owner/Permittee shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises shown on Exhibit "A" for Sensitive Biological Resources and Steep Hillsides in accordance with SDMC section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on "Exhibit A".

57. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the SDMC's requirements. All on-site parking stalls and aisle widths shall be in compliance with the City's Land Development Code and shall not be converted and/or utilized for any other purpose unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

DRAFT

58. 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.

59. All signs associated with this development shall be consistent with sign criteria established by the Southwest Village Specific Plan or City-wide sign regulations.

60. 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:

61. The total average daily trips (ADT) resulting from the Southwest Village Specific Plan shall not exceed 57,225 ADT with 4,777 AM (1,569 in, 3,208 out) peak hour trips and 5,948 PM (3,695 in, 2253 out) peak hour trips at project buildout. A traffic Monitoring Worksheet shall be included with each development project within the Southwest Village Specific Plan submitted for review, documenting total trips, peak hour trips (AM and PM and both inbound and outbound) associated with the specific development and the accumulated total traffic and accumulated total peak hour trips (AM and PM and both inbound and outbound) associated with all development within Southwest Village Specific plan up to date, to the satisfaction of the City Engineer. The traffic Monitoring Worksheet shall be updated and submitted by each applicant until the full development of the Southwest Village Specific Plan has been completed.

62. Prior to the issuance of any building permit, the Owner/Permittee shall record reciprocal access easements in favor of all affected parcels within the VTM No. PMT-2188969 to the satisfaction of the City Engineer.

63. Prior to the issuance of any building permit, the Owner/Permittee shall record a Joint Use Driveway/Mutual Access Agreement (DS-3248) in favor of all affected parcels within VTM No. PMT-2188969, to the satisfaction of the City Engineer.

64. Prior to the issuance of any building permit, the Owner/Permittee shall pay the Active Transportation In Lieu fee to the City of San Diego.

PHASE 1A IMPROVEMENTS: Phase 1a represents 200 dwelling units within Planning Areas 8 through 10 of VTM No. PMT-2188969.

65. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of two (2) 26-foot-wide driveways along Central Ave within Planning Areas 8, 9, and 10 as shown on Exhibit "A" per current City standards, to the satisfaction of the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 1a.

66. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of Caliente Ave from the southern terminus to Central Ave as a 6 lane Major

DRAFT

(striped as a 5 lane Major with 2 southbound lanes and 3 northbound lanes due to the southbound 2 Lane pavement width constraint alongside the San Ysidro High School parcel) with a 22-foot wide parkway with non-contiguous sidewalk and buffered Class II bike lanes and Class I bike path (Class I on the east side only) per current City standards to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1a.

67. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of a T-intersection at Caliente Ave/Central Ave as a three-leg all-way stop-controlled intersection with a single approach lane in the eastbound and westbound directions, and two approach lanes in the southbound direction, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1a.

68. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of Central Ave from Caliente Avenue to the entrance of Planning Areas 8, 9, and10 as 45 ft on 69 ft (Sta. 10+50 to 19+50) of ROW and 38 ft on 62 ft (Sta. 19+50 to 27+00) of ROW 2 Lane Collector with a 12-foot wide parkway with non-contiguous sidewalk and buffered Class II bike lanes on each side per current City standards, to the satisfaction of the City Engineer. This segment will end with a temporary cul-de-sac immediately south of the intersection of Central Ave/PA 8-9-10 access. These improvements shall be completed and operational prior to first occupancy of Phase 1a.

69. Prior to the issuance of any building permit the Owner/Permittee shall assure by permit and bond a traffic signal modification to upgrade the traffic controller to provide City current 2070 signal controller, including software update and communications equipment at the intersection of Caliente Ave/Ocean View Hills/Otay Mesa Road per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1a.

70. Prior to the issuance of any building permit the Owner/Permittee shall assure by permit and bond a traffic signal modification to upgrade the traffic controller to provide City current 2070 signal controller including software update and communications equipment at the intersection of Caliente Ave/SR-905 EB on ramp per current City standards and Caltrans standards, to the satisfaction of the City Engineer and Caltrans Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1a.

71. Prior to the issuance of any building permit the Owner/Permittee shall assure by permit and bond a traffic signal modification to upgrade the traffic controller to provide City current 2070 signal controller including software update and communications equipment at the intersection of Caliente Ave/Airway Road per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1a.

PHASE 1B IMPROVEMENTS: Phases 1a and 1b represent a total of 699 dwelling units within Planning Areas 8 through10 and 11 through14 of VTM No. PMT-2188969.

72. Prior to the issuance of any building permit in Phase 1b (201st dwelling unit), the Owner/Permittee shall construct a 20 ft wide secondary emergency only access with rolled curb,

DRAFT

gate, and knox box at the eastern end of Beyer Boulevard East (at the intersection of Beyer Blvd East and future Caliente Ave) as shown on Exhibit "A", to the satisfaction of the City of San Diego City Engineer and Fire Marshal. All improvements shall be completed and operational prior to first occupancy in Phase 1b (201st dwelling unit).

73. Prior to issuance of the first building permit in Phase 1b (201st dwelling unit), the Owner/Permittee shall reconstruct an existing utility road as a 20 ft wide secondary emergency access only road from the eastern end of Beyer Boulevard (at the intersection of Beyer Blvd East and future Caliente Ave) to an existing border access road as shown on Exhibit "A", satisfactory to the City Engineer and Fire Marshal. All improvements shall be completed and operational prior to first occupancy in Phase 1b (201st dwelling unit).

74. Prior to the issuance of any building permit in Phase 1b (201st dwelling unit), the Owner/Permittee shall assure by permit and bond the construction of two (2) 26-foot wide driveways and one (1) 26-foot wide emergency access only driveway with removable bollards along Beyer Boulevard East within Planning Areas 8 and 10, as shown on Exhibit "A" per current City standards, to the satisfaction of the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 1b (201st dwelling unit).

75. Prior to the issuance of any building permit in Phase 1b (201st dwelling unit), the Owner/Permittee shall assure by permit and bond the construction of a 26-foot-wide driveway along West Avenue within Planning Area 11 as shown on Exhibit "A" per current City standards, to the satisfaction of the City Engineer. All improvements shall be completed and operational prior to the first occupancy in Phase 1b (201st dwelling unit).

76. Prior to the issuance of any building permit in Phase 1b (201st dwelling unit), the Owner/Permittee shall assure by permit and bond the construction of four (4) 26-foot-wide driveways along Street A within Planning Areas 11, 12, 13 and 14 as shown on Exhibit "A" per current City standards, to the satisfaction of the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 1b (201st dwelling unit).

77. Prior to issuance of the first building permit in Phase 1b (201st dwelling unit), the Owner/Permittee shall assure by permit and bond the intersection reconfiguration of Caliente Ave/SR-905 WB Ramps to install a second northbound left turn lane (through re-striping on the bridge over SR-905), widen and construct a second receiving lane to the westbound (WB) on-ramp and ensure the merge taper to the freeway main lanes from the additional lane comply with HDM Topic 504.3(d)(e), re-stripe the number one left turn lane from 100 feet of storage to 300 feet of storage to a trap left turn lane that in conjunction with the existing left turn lane will become the dual left turn lanes, upgrade the traffic controller to provide City current 2070 signal controller including software update and communications equipment and any required signal modifications per current City standards, to the satisfaction of the City Engineer and Caltrans. These improvements shall be completed and operational prior to first occupancy of Phase 1b (201st dwelling unit).

78. Prior to issuance of the first building permit in Phase 1b (201st dwelling unit), the Owner/Permittee shall assure by permit and bond the construction of Central Ave from the

temporary cul-de-sac (to be removed) just south of the entrance of Planning Areas 8-9-10 south to Beyer Blvd as a 45 ft on 69 ft of ROW 2 Lane Collector with a 12-foot wide parkway with non-contiguous sidewalk and buffered Class II bike lanes per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1b (201st dwelling unit).

79. Prior to issuance of the first building permit in Phase 1b (201st dwelling unit), the Owner/Permittee shall assure by permit and bond the construction of half width improvements (on the north side only) of Beyer Blvd East from West Avenue to Caliente Ave (with a temporary cul-de-sac at the eastern terminus) as an interim 38 ft on 58 ft of ROW modified 2-lane collector roadway with a 20-foot wide parkway with non-contiguous sidewalk and buffered Class II bike lane and Class I bike path per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1b (201st dwelling unit).

80. Prior to the issuance of any building permit within Planning Areas 11, 12, 13, or 14 (south of Beyer Blvd), the Owner/Permittee shall assure by permit and bond the construction of West Ave from Beyer Blvd to Street A as a an interim 39 ft on 53 ft of ROW 2 lane collector and 14-foot wide parkway with non-contiguous sidewalk and buffered Class II bike lane (on the west side only) and the intersection of West Ave/Beyer Blvd per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1b (201st dwelling unit).

81. Prior to the issuance of any building permit within Planning Areas 11, 12, 13, or 14 (south of Beyer Blvd), the Owner/Permittee shall assure by permit and bond the construction of West Ave from Street A to the southern cul-de-sac terminus as an interim 39 ft on 51 ft of ROW 2 lane collector and 12-foot wide parkway with non-contiguous sidewalk (on the west side only) and buffered Class II bike lane (on the west side only) and a permanent cul-de-sac per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1b (201st dwelling unit).

82. Prior to the issuance of any building permit within Planning Areas 11, 12, 13, or 14 (south of Beyer Blvd), the Owner/Permittee shall assure by permit and bond the construction of Street A from West Ave to the western cul-de-sac terminus as a 52 ft on 76 ft of ROW 2-lane collector roadway and 12-foot wide parkway with non- contiguous sidewalk and buffered Class II bike lanes, permanent cul-de-sac at the terminus of Street A per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1b (201st dwelling unit).

83. Prior to the issuance of any building permit within Planning Areas 11, 12, 13, or 14 (south of Beyer Blvd), the Owner/Permittee shall assure by permit and bond the construction of West Ave/Beyer Blvd with a temporary cul-de-sac bulb west of the intersection of West Ave/Beyer Blvd per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy in Phase 1b (201st dwelling unit).

84. Prior to the issuance of any building permit within Planning Areas 11, 12, 13, or 14 (south of Beyer Blvd), the Owner/Permittee shall assure by permit and bond the construction of Central

Ave/Beyer Blvd as a three-leg all way stop-controlled intersection with a single lane on each approach per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1b (201st dwelling unit).

85. Prior to issuance of the first building permit in Phase 1b (201st dwelling unit), the Owner/Permittee shall assure by permit and bond the construction of West Ave/Street A as a three-leg side stop-controlled (west leg) intersection with a single lane on each approach per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy in Phase 1b (201st dwelling unit)

PHASE 1C IMPROVEMENTS: Phases 1a, 1b and 1c represent a total of 920 dwelling units within Planning Areas 8 through10 and 11through 14 of VTM No. PMT-2188969.

86. Prior to the issuance of any building permit in Phase 1c (700th dwelling unit), the Owner/Permittee shall assure by permit and bond the construction of two (2) 26-foot-wide driveways along West Avenue within Planning Areas 13 and 14 as shown on Exhibit "A" per current City standards, to the satisfaction of the City Engineer. All improvements shall be completed and operational prior to first occupancy in Phase 1c (700th dwelling unit).

87. Prior to issuance of the first building permit in Phase 1c (700th dwelling unit, the Owner/Permittee shall assure by permit and bond the construction of Beyer Blvd West (including installation of wildlife crossings) from West Avenue to Enright Drive as a 44 ft on 53 ft of ROW modified 4 lane collector (built with 2 lanes due to environmental constraints) with an 8-foot wide parkway with non-contiguous sidewalk (on the south side only) and buffered Class II bike lanes to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy in Phase 1c (700th dwelling unit

88. Prior to issuance of the first building permit in Phase 1c (700th dwelling unit), the Owner/Permittee shall assure by permit and bond the construction of asphalt berm on the north side of Beyer Boulevard from Old Otay Mesa Road/E. Beyer Boulevard to Enright Drive and restripe Beyer Boulevard to provide a 2-lane collector and buffered Class II bike lanes per current City standards, to the satisfaction of the City Engineer. This will require the elimination of on-street parking on the south side of Beyer Boulevard in this area. These improvements shall be completed and operational prior to first occupancy in Phase 1c (700th dwelling unit).

89. Prior to issuance of the first building permit in Phase 1c (700th dwelling unit), the Owner/Permittee shall assure by permit and bond the installation of bicycle detector loops in the westbound approach at the intersection of Otay Mesa Road/East Beyer Blvd and Beyer Blvd via a traffic signal modification plan per current City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy of Phase 1c (700th dwelling unit).

90. Prior to issuance of the first building permit in Phase 1c (700th dwelling unit), the Owner/Permittee shall assure the restriping/reconfiguration of the Enright Dr/Beyer Blvd intersection with a separate eastbound right turn lane, separate westbound left turn lane, with an existing stop sign on the minor south leg (Enright Drive) via a signing and striping plan per current

DRAFT

City standards, to the satisfaction of the City Engineer. These improvements shall be completed and operational prior to first occupancy in Phase 1c (700th dwelling unit).

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

91. All proposed private water and 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.

92. Prior to the issuance of any construction permit for building, the Owner/Permittee shall assure, by permit and bond, the design and construction of new public water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the public right of way adjacent to the project site, in a manner satisfactory to the Public Utilities Department and the City Engineer.

93. Prior to the issuance of any construction permit for building, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private Backflow Prevention Device(s) [BFPDs], on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Department and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

94. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the private sewer facilities encroaching into the Public Right-of-Way.

95. Prior to the construction of the 801st unit, the Owner/Permittee shall submit a condition assessment report for the analysis of the Princess Park and Ocean View Hills Pump Stations in a manner satisfactory to the Public Utilities Department.

96. Prior to the construction of the 801st dwelling unit , the Owner/Permittee shall assure, by permit and bond the design and construction of the dual 16" public water mains within the right-of-way as depicted on the approved water study titled Addendum No. 1 to the Water System Analysis for the Southwest Village VTM No. PMT-2188969 Water Study in the City of San Diego, in a manner satisfactory to the Public Utilities Department and the City Engineer.

97. Prior to the construction of the 801st dwelling unit, the Owner/Permittee shall assure, by permit and bond, the design and construction of the 16" public water mains within Otay Mesa Road and Beyer Boulevard right-of-way as shown on the approved Exhibit "A", in a manner satisfactory to the Public Utilities Department and the City Engineer.

98. Prior to the construction of the PA-11, PA-12, PA-13, and PA-14 development, the Owner/Permittee shall assure, by permit and bond the abandonment of the easterly pipe of the dual water mains within the Caliente Avenue, Central Avenue, and Beyer Boulevard right-of-way, as depicted on the approved water study titled Addendum No. 1 to the Water System Analysis for the Southwest Village VTM No. PMT-2188969Water Study in the City of San Diego, in a manner satisfactory to the Public Utilities Department and the City Engineer.

DRAFT

99. After the City's operational acceptance for the public backbone water system for the Southwest Village Specific Plan, as depicted on the approved water study titled Addendum No. 1 to the Water System Analysis for the Southwest Village VTM No. PMT-2188969 Water Study in the City of San Diego, the Owner/Permittee shall abandon the easterly pipe on the dual water main within the West Avenue right-of-way, in a manner satisfactory to the Public Utilities Department and the City Engineer.

100. Prior to the construction of the 801st dwelling unit, the Owner/Permittee shall assure, by permit and bond the design and construction of all necessary public water mains and upgrades to the Princess Park Pump Station as depicted on the approved water study titled Water System Analysis for the Southwest Village VTM No. PMT-2188969 Project in the City of San Diego, in a manner satisfactory to the Public Utilities Department and the City Engineer.

101. Prior to the construction of the 801st dwelling unit, the Owner/Permittee shall assure, by permit and bond, the design and construction of 8", 12", 15", and 18" public sewer mains within right-of-way as shown on the approved Exhibit "A", in a manner satisfactory to the Public Utilities Department and the City Engineer.

102. Prior to the construction of the 801st dwelling unit, the Owner/Permittee shall assure, by permit and bond the design and construction of 27" and 30" public sewer mains within the right-of-way south of Beyer Blvd, as depicted on the approved sewer study titled Sewer Study for the Southwest Village Project VTM No. PMT-2188969 in the City of San Diego, in a manner satisfactory to the Public Utilities Department and the City Engineer

103. Prior to the occupancy of the 801st dwelling unit, the Owner/Permittee shall abandon the private lift station and force mains in a manner satisfactory to the Public Utilities Department and the City Engineer.

104. The Owner/Permittee shall be responsible for any damage caused to the City of San Diego water and sewer facilities within the vicinity of the project site due to the construction activities associated with this project in accordance with San Diego Municipal Code Section 142.0607. Should such damage occur, the Owner/Permittee shall repair or reconstruct any damaged public water and sewer facility in a manner satisfactory to the Public Utilities Department and the City Engineer.

105. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

106. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

GEOLOGY REQUIREMENTS:

107. The Owner/Subdivider shall submit an as-graded geotechnical report prepared in accordance with the City's Guidelines for Geotechnical Reports following the completion of grading. Given the

proximity of landslides and bedding plane shears in the area of the proposed development, cut slopes must be mapped during grading. The as-graded report should verify that cut slopes were observed and mapped during grading by an engineering geologist to verify that the soil and geologic conditions do not differ significantly from those anticipated. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of Development Services prior to the recordation of the Final Map, exoneration of the bond, and grading permit close-out.

108. Prior to the issuance of any construction permits (either grading or building permit), the Owner/Permittee shall record a Notice of Geologic and Geotechnical Conditions against the property or parcel containing the proposed emergency vehicle access roadway alignment regarding the underlying landslide.

PARKS AND RECREATION REQUIREMENTS:

109. Prior to issuance of any construction permits (either grading or building permit), the Owner/Permittee shall ensure that no invasive trees or plants are planted adjacent to City fee-owned open space or open space parcels to be conveyed to the City in the future to the satisfaction of the Parks and Recreation Department Director.

110. Prior to issuance of any construction permits (either grading or building permit), the Owner/Permittee shall ensure that there is no overspray or irrigation runoff on adjacent City fee-owned open space or open space parcels to be conveyed to the City to the satisfaction of the Parks and Recreation Department Director.

111. Prior to issuance of any construction permits (either grading or building permit), the Owner/Permittee shall ensure that there are no temporary or permanent construction impacts to adjacent City fee-owned open space excluding off-site improvements for the extension of Beyer Boulevard West to the satisfaction of the Parks and Recreation Department Director.

112. Prior to issuance of any construction permits (either grading or building permit), the Owner/Permittee shall ensure that no private easements, encroachments, remedial grading or sub-surface infrastructure occur on adjacent City-fee owned open space parcels, excluding the off-site improvements for the extension of Beyer Boulevard West, or on open space parcels to be conveyed to the City to the satisfaction of the Parks and Recreation Department Director.

113. Prior to issuance of any construction permits (either grading or building permit), the Owner/Permittee shall ensure that all project brush management requirements are addressed on private property and do not impact City fee-owned open space or open space parcels to be conveyed to the City to the satisfaction of the Parks and Recreation Department Director.

114. Prior to issuance of any construction permits (either grading or building permit), the Owner/Permittee shall ensure Parks and Recreation Department review and approval of any grading plans or public improvement plans prior to permit issuance to the satisfaction of the Parks and Recreation Director.

DRAFT

115. Prior to issuance of any construction permits (either grading or building permit, the Owner/Permittee shall enter into a maintenance agreement that requires the Owner/Permittee to provide yearly maintenance and monitoring of any stormwater discharge facilities that outfall onto City-fee owned parkland to ensure that no erosional impacts occur on the City land. If erosional impacts do occur onto adjacent City land, Owner/Permittee shall be responsible for any damage on City land and shall make adjustments to the stormwater outfall facilities to prevent further erosional impacts from occurring to the satisfaction of the Parks and Recreation Department Director.

116. Prior to final inspection of the first building permit, the Owner/Permittee shall provide public pedestrian and vehicular access through the project Covenants, Conditions and Restrictions (CC&R's) over the private driveways as indicated on the approved Exhibit A plans Sheets titled Recreation Easement South and Recreation Easements North to the satisfaction of the Parks and Recreation Director or designee. All public pedestrian pathways and vehicular access drives shall be maintained by the Owner/Permittee, Homeowners Association or other private maintaining party.

117. Prior to final inspection of the first dwelling unit in the development, the Owner/Permittee shall prepare and obtain Parks and Recreation Department Director or designee approval of General Development Plans for 5.61 acres of recreational facilities satisfying population-based requirements including trail amenity areas, pocket parks, paseos and trails as indicated on the approved Exhibit A plan sheets titled Recreation Easement South and Recreation Easements North. The General Development Plans shall be in conformance with the City of San Diego Park Design Manual, and the City of San Diego Council Policy 600-33 COMMUNITY NOTIFICATION AND INPUT FOR CITY-WIDE PARK DEVELOPMENT PROJECTS, which requires community input, recommendation for approval from the Community Recreation Group, and final approval by the City of San Diego Parks and Recreation Board.

118. Prior to final inspection of the first dwelling unit in the development, the Owner/Permittee shall enter into a fully executed Park Development Agreement (PDA) with the City for the design and construction of 5.61 usable acres of privately owned and privately maintained recreational facilities satisfying population-based park requirements to the satisfaction of the Parks and Recreation Director or designee, and in accordance with all of the following:

a. The Owner/Permittee shall ensure Parks and Recreation review and approval of park construction plans prior to submittal of the plans to Development Services Department for permitting.
b. The Owner/Permittee shall provide a performance and payment bond for the design and construction of the population-based parks and recreational facilities to the satisfaction of the City Engineer.
c. The construction of the population-based parks and recreational facilities is subject to prevailing wages in accordance with Article IV in the Park Development Standard Terms and Conditions and sections 1720-through 1861.
d. The Parks and Recreation Department shall retain responsibility for the permitting and operations of the 5.61 acres of recreational facilities satisfying population-based requirements.
e. The Owner/Permittee shall ensure that all storm water facilities on land satisfying population-based park requirements shall not impede the public recreational use of the facilities, except as reasonably necessary to perform routine or remedial

DRAFT

maintenance. The Owner/Permittee, Homeowners Association, or other private maintaining party may conduct such maintenance, including temporary, limited closures, provided that public access is restored promptly upon completion.

f. Any substantial deviations from the approved General Development Plans for 5.61 acres of recreational facilities satisfying population-based requirements may require the Owner/Permittee to process a General Development Plan Amendment in accordance with Council Policy 600-33.

119. Prior to final inspection of the first dwelling unit in the development, the Owner/Permittee shall enter into a fully executed Park Maintenance Agreement (PMA) for the long-term maintenance of 5.61 recreational facilities satisfying population-based requirements including trail amenity areas, pocket parks, paseos and trails as indicated on the approved Exhibit A plan sheets titled Recreation Easement South and Recreation Easements North to the satisfaction of the Parks and Recreation Director or designee

120. Prior to issuance of any construction permits (either grading or building permit, all parks, recreational facilities and public urban trails within the project boundaries with a recorded Recreation Easement shall be designed and constructed in accordance with all Disability Access Laws, all federal, state and local accessibility laws, regulations and standards including but not limited to the applicable version of the Americans with Disabilities Act (ADA), Title II Regulations 28 CFR Part 35 and 35.151, including the 2010 ADA Standards for Accessible Design, (Appendix A of 28 CFR PART 36) (ADAS); The State of California Code of Regulations (CCR), including the current California Building Code (CBC) and the current California Access Compliance Reference Manual; and City of San Diego Access Memorandums to the satisfaction of the Parks and Recreation Director or designee.

121. Prior to issuance of any construction permit for parks, recreational facilities, and public urban trails within the project boundaries with a recorded Recreation Easement, the Owner/Permittee shall ensure that Parks and Recreation Department shall review and approve of grading, public improvement, and park construction plans to the satisfaction of the Parks and Recreation Director or designee.

122. The Owner/Permittee shall ensure that any Substantial Conformance Review (SCR) construction permit for parks, recreational facilities, and public urban trails within the project boundaries with a recorded Recreation Easement shall be reviewed by Parks and Recreation for consistency with the approved Permit Conditions.

123. Prior to issuance of any construction permit for Beyer Boulevard West, the Owner/Permittee shall ensure that the public right of way for street purposes for the extension of Beyer Boulevard West through designated parkland parcel APN 638-070-71 does not exceed 1.82 acres to the satisfaction of the Parks and Recreation Director or designee.

124. Within 3 months of issuance of this discretionary permit, the Owner/Permittee shall provide to the Parks and Recreation Department an engineered exhibit of the Beyer Community Park parcel APN 638-070-71 with a final legal description of the limits of the public right of way for the future Beyer Boulevard West road within APN 638-070-71 to the satisfaction of the Parks and Recreation

DRAFT

Director or designee and for the City's use in recording a grant deed restriction to satisfy California State Parks Office of Grants and Local Services (OGALS) grant funding requirements of which the City is awarded approximately $13,694,205.00.

125. The final built condition of the future right of way of Beyer Boulevard West extension shall not require more than 1.82 acres of the Beyer Community Park parcel APN 638-070-71. If the final built condition of the future right of way of Beyer Boulevard West extension does require or take more than 1.82 acres of the Beyer Community Park parcel APN 638-070-71 and results in the loss or diminution of grant funding or the California State Parks Office of Grants and Local Services (OGALS) Grant Deed Restriction recorded by the City over APN 638-070-71 needs to be amended for any reason triggering a conversion under NEPA Section 106, the Owner/Permittee shall be required to reimburse any and all grant funding up to the total awarded grant amount of $13,694,205.00, to the satisfaction of the Parks and Recreation Department or designee, prior to the issuance of any construction permit for Beyer Boulevard West.

126. Prior to issuance of any construction permit for Beyer Boulevard West, the Owner/Permittee shall provide the Parks and Recreation Department with a rendered General Development Plan Amendment plan of Beyer Community Park including the Beyer Boulevard West Road extension improvements to the satisfaction of the Parks and Recreation Director or designee.

127. Prior to issuance of any construction permit for Beyer Boulevard West, the Owner/Permittee shall ensure that all off-site improvement construction plans for the extension of Beyer Boulevard West do not adversely impact the Beyer Community Park future improvements and do not encroach into the limit of grading boundary indicated on the approved Exhibit A drawings to the satisfaction of the Parks and Recreation Director or designee.

128. Prior to issuance of any construction permit for Beyer Boulevard West, the Owner/Permittee shall ensure that all stormwater drainage associated with the construction of the extension of Beyer Boulevard West including the drainage from the manufactured slopes and wildlife undercrossings is directed, channeled, and treated separately to ensure the improvements do not adversely impact the Beyer Community Park drainage facilities. Beyer Boulevard West Road improvements, including the regional basin adjacent to the park shall not modify any park improvements constructed with California State Parks Office of Grants and Local Services (OGALS) Grant funding associated with the Beyer Community Park Capital Improvement Projects to the satisfaction of the Parks and Recreation Director or designee.

129. Prior to issuance of any grading or building permit on City fee-owned parkland parcels, the Owner/Permittee shall ensure that any contractor doing work on City fee-owned parkland enters into a Right of Entry Permit to the satisfaction of the Parks and Recreation Director or designee prior to entering dedicated parkland (Otay Mesa B Open Space) or designated parkland (Beyer Community Park) in accordance with all of the following:

a. Parks and Recreation review and approval of off-site improvement construction plans on City fee owned land prior to submittal to Development Services Department and that the plans accommodate the City's planned improvements at Beyer Community Park.

DRAFT

b. A performance and payment bond for the design and construction of the off-site improvements be provided to the satisfaction of the City Engineer.
c. The construction of the off-site improvements is subject to prevailing wages in accordance with Article IV in the Park Development Standard Terms and Conditions and sections 1720 through 1861.

130. Prior to City acceptance of any property, any project off site mitigation that occurs on land that will be conveyed to the City of San Diego in fee title shall meet all of the following requirements to the satisfaction of the Parks and Recreation Director or designee.:

a. Long Term Management Plan and Estimate, and Property Analysis Record (PAR) are executed to the satisfaction of the City of San Diego Parks and Recreation Director or designated appointee.
b. Lot(s) are free and clear of all private easements, private encroachments, private agreements and/or liens.
c. All trash, illegal use and associated structures on the lot(s) are removed to the satisfaction of the City of San Diego Parks and Recreation Director or designated appointee prior to the City acceptance.
d. For the duration of the maintenance and monitoring period, submit quarterly inspection reports to the City of San Diego Parks and Recreation Open Space Division.
e. Continue to provide plant establishment and maintenance periods until all success criteria requirements are met to the satisfaction of the City of San Diego Parks and Recreation Director or designated appointee.
f. Lot(s) to be deeded to the City are inspected and accepted by the City of San Diego Parks & Recreation Department, Open Space Division.

131. Prior to City acceptance of any land proposed for dedication in fee title identified in SEIR MMRP mitigation measures PR-BIO- 2, PR-BIO-3, PR-BIO-15, PR-BIO 16a and 16b, or City acceptance of any land proposed for dedication in fee title or long term management and monitoring responsibilities, the Owner/Permittee shall deposit endowment funds for an agreed upon amount to generate in perpetuity habitat management funds for the City to manage the lands in accordance with this permit. Prior to City acceptance of the endowment funds, the Owner/Permittee shall first submit a Property Analysis Record (PAR) for the establishment of an endowment to the Parks and Recreation Department for review and approval. The PAR estimate shall be adjusted from the 2024 staffing rates provided at time of permit to City of San Diego fully loaded City staffing and consultant rates for the fiscal year when the lands will be transferred in fee title to the City. The PAR estimate shall provide for 100% of the City's costs to manage the dedicated lands consistent with Section 1.5, Preserve Management of the City's MSCP Subarea Plan and/or Section 5.3.2 and Chapter 7 of the VPHCP, and to the satisfaction of the Parks and Recreation Department Director. Land proposed for dedication in fee title to the City with long-term management responsibilities, and eligible for endowment funding, as depicted in SEIR Figure 5.4-9, shall include but not be limited to the following lands:

a. Upland Mitigation (169.64 acres)
b. Wildlife Crossing
c. Otay Tarplant/Native Grassland Mitigation (0.96 acres)

DRAFT

d. Wetland Mitigation (2.18 acres)
e. Vernal Pool and Quino Checkerspot Butterfly Restoration (33.71 acres)

132. Prior to City acceptance of any land proposed for dedication in fee title or City acceptance of long term management responsibilities related to the VPHCP Major Amendment, including additional habitat preservation land, and the Furby North Exchange parcel , the Owner/Permittee shall deposit endowment funds for an agreed upon amount to generate in perpetuity habitat management funds for the City to manage the lands in accordance with the VPHCP Major Amendment. Prior to City acceptance of the endowment funds, the Owner/Permittee shall first submit a Property Analysis Record (PAR) or equivalent funding estimate for the establishment of an endowment or other City agreed upon funding mechanism to the Parks and Recreation Department for review and approval. The PAR or PAR equivalent funding estimate shall utilize fully loaded current City of San Diego staffing and consultant rates for the fiscal year when the lands will be transferred in fee title to the City. The PAR estimate shall provide for 100% of the City's costs to manage the dedicated lands consistent with Section 1.5, Preserve Management of the City's MSCP Subarea Plan and/or Chapter 7 of the VPHCP, and to the satisfaction of the Parks and Recreation Department Director. Land proposed for dedication in fee title to the City or City acceptance of long-term management responsibilities, and eligible for endowment funding, as depicted in SEIR Figure 5.4-9, shall include but not be limited to the following lands:

a. Additional Habitat Preservation (95.29 acres)
b. Furby North Exchange Land (7.98 acres)

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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.

APPROVED by the City Council of the City of San Diego on [INSERT Approval Date] and [Approved Resolution Number].

DRAFT

ATTACHMENT 3

Site Development Permit No. PMT-2188971,
Date of Approval: XX

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

_____
Oscar Galvez
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.

Tri Pointe Homes IE-SD, Inc.
Owner/Permittee

By _____
Allen Kashani
Owner

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

DRAFT

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING SITE DEVELOPMENT PERMIT NO. PMT-2188971 AND MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT FOR THE SOUTHWEST VILLAGE SPECIFIC PLAN - PROJECT NO. PRJ-0614791 (MMRP).

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. Tri Pointe Homes IE-SD, Inc., Owner, submitted an application to the City of San Diego for Site Development Permit No. PMT-2188971 to construct 920 multiple dwelling (condominium) units, including 92 affordable units in Southwest Village Specific Plan Phase 1 (Planning Area 8 through Planning Area 14), Beyer Boulevard West from West Avenue to Specific Plan boundary, northern half of Beyer Boulevard East from future Caliente Avenue to West Avenue, Central Avenue from Caliente Avenue to Beyer Boulevard, Street A from west of West Avenue to the western terminus of Street A, West Avenue from Beyer Boulevard to future Street C, Secondary Emergency Vehicle Access Road from the eastern terminus of Beyer Boulevard East to Rail Court, and rough grading within Phase 2 (Planning Area 15 through Planning Area 20) and a portion of Phase 4 (Planning Area 1, Planning Area 2, and Planning Area 7), in addition to other water, sewer, and transportation infrastructure improvements (as described in and by reference to the approved Exhibit "A" and corresponding conditions of approval), for the Southwest Village Specific Plan project (Project).

B. The 182.90 acre site is located north of the United States/Mexico international border; east of Interstate 805 (I-805); south of State Route 905 (SR-905); and west of the Central

Village Specific Plan area and is within the Agricultural—Residential (AR-1-1) Zone, the Airport Land Use Compatibility (Imperial Beach NOLF and Brown Field) Overlay Zone, ALUCP Airport Influence Area (Imperial Beach NOLF – Review Area 2 and Brown Field – Review Area 2), High to Moderate Paleontological Sensitivity Areas, Multiple Habitat Planning Area, Vernal Pools, Brush Management (Native/Naturalized Vegetation), the Very High Fire Severity Zone, and Geologic Hazard Category (21, 22, 27, and 53) of the Otay Mesa Community Plan. The project site is legally described as: A portion of the Northwest Quarter of the Southeast Quarter of Section 31, Township 18 South, Range 1 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to the Official Plat thereof (APN 645-061-04), together with Parcels 1, 2, 3 and 4 of Parcel Map 7065, in the City of San Diego, County of San Diego, State of California, filed in the office of the County Recorder of San Diego County on March 27, 1978 (APN 645-061-06, 07, 08 and 09), together with Parcel 1 of Parcel Map 21823, in the City of San Diego, County of San Diego, State of California, filed in the office of the County Recorder of San Diego County on December 10, 2020 as File No. 2020-70000416 (APN 667-010-34), together with the Northeast Quarter of the Southwest Quarter of Section 31, Township 18 South, Range 1 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the Official Plat thereof (APN 645-061-02), together with Government Lots 3 and 4 of Section 31, Township 18 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the Official Plat thereof (APN 645-061-10), together with the Southeast Quarter of the Southeast Quarter and the Northeast Quarter of the Southeast Quarter, both in Section 36, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the Official Plat thereof

DRAFT

(APN 638-070-74) and together with the Southwest Quarter of the Southeast Quarter of Section 36, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the Official Plat thereof (APN 638-070-71)..

C. The Project includes a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment.

D. On [INSERT DATE], the Planning Commission of the City of San Diego considered Site Development Permit No. PMT-2188971 and voted to recommend Council approval of the project pursuant to Resolution No. [INSERT RESO #]-PC.

E. On [INSERT DATE], the Council considered Site Development Permit No. PMT-2188971 pursuant to the Land Development Code of the City of San Diego.

F. The Office of the City Attorney prepared this Resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete and accurate.

G. Under San Diego Charter section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the 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 the evidence presented.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council adopts the following findings with respect to Site Development Permit No. PMT-2188971 (SDP):

DRAFT

A. SITE DEVELOPMENT PERMIT – San Diego Municipal Code (SDMC) Section 126.0505(a), Findings for all Site Development Permits

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

The proposed Southwest Village Specific Plan (Specific Plan) includes approximately 490 acres within the Otay Mesa Community Plan Area and is generally bordered by State Route 905 to the north, State Route 125 to the east, the United States/Mexico border to the south, and Interstate 805 to the west. The Southwest Village Specific Plan is divided into 30 planning areas (Specific Plan, Figure 2.1).

The Project site includes 182.90 acres of vacant land located in the Specific Plan area and proposes the construction of 920 multiple dwelling (condominium) units, including 92 affordable units (Specific Plan Phase 1: Planning Area 8 through Planning Area 14), Beyer Boulevard West from West Avenue to Specific Plan boundary, northern half of Beyer Boulevard East from future Caliente Avenue to West Avenue, Central Avenue from Caliente Avenue to Beyer Boulevard, Street A from west of West Avenue to Street A's western terminus, West Avenue from Beyer Boulevard to future Street C, Secondary Emergency Vehicle Access Road from the eastern terminus of Beyer Boulevard East to Rail Court, and rough grading within Specific Plan Phase 2 (Planning Area 15 through Planning Area 20) and a portion of Specific Plan Phase 4 (Planning Area 1, Planning Area 2, and Planning Area 7), in addition to other water, sewer, and transportation infrastructure improvements.

The Otay Mesa Community Plan Update (Community Plan) identifies the Specific Plan area as one of two opportunities for village areas within the Community Plan and designates the project site as "Neighborhood Village" (Community Plan, Figure 2-1) with future roadway connections via Caliente Avenue and Beyer Boulevard.

The Specific Plan Land Use Plan includes the proposed land uses for Southwest Village and the location of the planning areas (PAs). The Specific Plan proposes a maximum of 5,130 residential units—both "for-sale" and/or "for rent" opportunities and a mix of housing types such as town homes, flats, row homes, courtyard units, lofts, shopkeeper units, senior housing and assisted care units.

The Project has been designed to implement the policies of the Community Plan including the Land Use Element of the Community Plan (Page LU-14) which includes several policies and recommendations for the Southwest Village Area.

Community Plan Policy 2.1-2(b) states: "Provide a land use map that illustrates the detailed land use designations, including any lands set aside for resource conservation, consistent with the MSCP Subarea Plan and any future Vernal Pool Habitat Conservation Plan."

Various land use types are designated throughout the Specific Plan. Figure 2.1 depicts the various land use designations, including open space areas that have been

DRAFT

conserved under the Multiple Species Conservation Program (MSCP) and Vernal Pool Habitat Conservation Plan (VPHCP).

The Project has been designed to locate development on mesa areas and avoid landslide hazard areas, steep slopes and canyons in the Specific Plan area. Sensitive habitats are identified in the Multi-Habitat Planning Area (MHPA) and VPHCP areas.

Project roadways, Caliente Avenue and Beyer Boulevard, were designed with respect to the topography and location of conserved open space in the Specific Plan, which identifies preserved areas of open space. Most of the eastern areas in the Specific Plan identified as open space are included in the VPHCP. However, the Project and Specific Plan would involve a proposed MHPA boundary line adjustment (BLA) and a future VPHCP Major Amendment (MA) requiring approval of the City and United States Fish and Wildlife Service (USFWS) and modifications of California Department of Fish and Wildlife (CDFW) conservation easements due to encroachment to MHPA and VPHCP 100% conserved lands.

As detailed in Table 5.1-8 of the Southwest Village Specific Plan Subsequent Environmental Impact Report No. 0614791 (SCH No. 2004051076) (SEIR), MHPA and VPHCP 100% conserved lands deletions of sensitive vegetation communities would total 30.36 acres, while overall MHPA additions of conserved sensitive vegetation communities would total 44.25 acres, resulting in a net increase of 13.89 acres of conserved sensitive vegetation communities.

Overall, the BLA would result in a net increase of 8.65 acres of Diegan coastal sage scrub and a net increase of 7.46 acres of non-native grassland areas suitable for vernal pool restoration. Wetland vegetation community acreages would increase after the BLA, including the enhancement of disturbed wetlands to create vernal pools and increase the quality of wetland resources within the additional areas.

The Project includes extension of Beyer Boulevard West through two parcels that are subject to conservation easements held by California Department of Fish and Wildlife (CDFW) (APNs 645-061-1000 and 645-061-0200). The Project includes a future amendment of these easements to allow the proposed Beyer Boulevard West to cross these two parcels. This amendment process would comply with Fish and Game Code Section 1348.3, which allows for modifications to conservation easements provided a sufficient land exchange is provided. The final requirements of the proposed exchange would include negotiations with CDFW and comply with the Wildlife Conservation Board approval process.

The Project has been conditioned to "demonstrate compliance with all applicable California laws, procedures, and agency approvals pertaining to the modification, amendment, and/or vacation of conservation easements, including, but not limited to applicable provisions of the California Government Code, Code of Civil Procedure and Fish and Game Code , for the amendment, modification, or vacation of Conservation Easements affecting real properties designated as APN 645-061-10 and

APN 645-061-02, granted in favor of the State of California" (SDP Condition No. 50).

Community Plan Policy 2.1-2(c) states: "Illustrate the complete circulation system that, where possible, follows a grid pattern, and indicate how the system will relate to the overall Otay Mesa circulation system."

Community Plan Policy 3.4-1(c) recommends "Class I bikeways along Caliente Road, Beyer Boulevard and the south side of Airway Road." The Project implements these policies with permit conditions requiring the construction of the following public roads, which include Class I bike paths along Beyer Boulevard East from Caliente Avenue to West Avenue.

The Project would also require amendments to the City of San Diego General Plan (General Plan) and the Mobility Element of the Community Plan to modify Beyer Boulevard and Caliente Avenue as noted below:

a. Caliente Avenue, between Beyer Boulevard East and Central Avenue, would be modified from a 6-Lane Major Arterial to a Modified 4-Lane Urban Collector during Phase 2 of the Specific Plan.

b. Beyer Boulevard West, between Enright Drive and West Avenue, would be modified from a 4-Lane Major to a Modified 4-Lane Urban Collector built with 2 lanes and Class II bike lanes. The Project is conditioned to require provision of 53 feet of right-of-way for Beyer Boulevard West from West Avenue to Enright Drive for the construction of a 44-foot curb-to-curb width with an 8-foot parkway (on the south side only) concurrent with recordation of the first final map in Phase 1c (at 700th dwelling unit) (Vesting Tentative Map No. PMT-2188969 (VTM) Condition No. 39 and SDP Condition No. 87).

c. Beyer Boulevard East, between West Avenue and Caliente Avenue, would be modified from a 4-Lane Major to a Modified 4-Lane Urban Major Street with Class I Bike Path and Class II bike lanes. The Project is conditioned to require dedication of 58 feet (half width) of right-of-way for Beyer Boulevard East from West Avenue to future Caliente Avenue for the construction of a 38 ft curb-to-centerline (with a temporary cul-de-sac at the eastern terminus) and 20 ft parkway concurrent with recordation of the first final map (VTM Condition No. 37).

Community Plan Policy 2.1-2(e) states: "Illustrate a separate system of pedestrian and bicycle facilities and pathways linking the activity centers with the residential areas, public facilities, and open space systems."

The Project implements this policy per the Specific Plan which indicates the Project will provide "an interconnected system of paths, sidewalks, paseos, and walkways that create a safe and pleasant pedestrian environment, connect residential buildings

and common areas, are integrated with surrounding developments, and provide multiple pedestrian access points" (Specific Plan, Section 3.2.1).

Specific Plan Figure 4.2, Bicycle Facility Network, illustrates the Class II bike lane with buffer and Class I bike paths for the Project. In addition, Figure 4.5, Pedestrian Facility Network, illustrates the perimeter trials, paseos, and proposed public sidewalks included for the Project.

Community Plan Policy 2.1-2(f) states: "Distribute parks comprehensively throughout the village area."

The Specific Plan provides recommended locations for parks within each PA but defers to subsequent development approvals for each planning area to ensure that recreational value-based parks and trails are provided concurrently with each phase of development. The concept outlined as part of the Specific Plan provides linkages between parks through a system of paseos, multi-use paths, trails, sidewalks, and bike lanes and provides connections between the village core and surrounding neighborhoods.

Specific Plan Phase 1 will provide a series of pocket parks and paseos and an amenitized perimeter trail. These amenities will include active recreational opportunities. Approximately 4.33 acres of pocket parks may occur in Specific Plan Phase 1 (Specific Plan, Table 5.1) which shall be designed though a public input process per Council Policy 600-33.

Therefore, the proposed development will not adversely affect the applicable land use plan.

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

Sensitive land uses include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities. Sensitive receptors near the Project include existing residential uses and a school to the north.

As discussed in the SEIR, the excess cancer risk would be less than the screening threshold of 10 in 1 million, and adverse effects to sensitive receptors from exposure to construction-related diesel particulate matter (DPM) would not occur.

Additionally, the Project is located more than 500 feet from I-805 and SR-905. Roadways within 500 feet of the Project area would carry less than 100,000 vehicles per day. Therefore, the Project would not expose sensitive receptors to substantial pollutant concentrations from heavily traveled roadways.

As discussed in the SEIR, the project would generate less traffic than the adopted land uses (SEIR, Table 5.3-3). Thus, intersection volumes would be less than those

modeled in the carbon monoxide (CO) hot spot analysis and far less than the 31,600 vehicle trips per hour screening threshold recommended by the Sacramento Metropolitan Air Quality Management District. San Diego County and the Sacramento Metropolitan area share similar urban characteristics, including high traffic volumes, freeway-dominated transportation networks, and comparable vehicle emission profiles; as a result, the Sacramento Metropolitan Air Quality Management District's threshold is used to assess the potential for CO hotspots in the project vicinity in the absence of a local standard.

The Project is adjacent to natural open space areas and is subject to risk of wildfire hazards based on the climate, topography, and vegetation. The Wildfire Evacuation Study (WES) prepared for the Project noted that the wildfire potential within the Project area is considered moderate; however, as the surrounding areas to the east continue to develop, direct exposure to unmaintained fuels would be reduced (SEIR, Appendix E).

As detailed in SEIR Sections 3.5.5.3 and 5.1.5.2.c, the Project would be consistent with the City's Brush Management Regulations, which ensure adequate fire buffers are provided between development areas and native and naturalized vegetation. Brush management along the western portions of Phase 1 is depicted on SEIR Figures 3-37 and Figure 3-38.

The Project includes Brush Management Zones (BMZs) incorporating a 35-foot Zone 1 and a 65-foot Zone 2, where feasible. For some residential units, the width of Zone 2 is reduced to less than 65 feet with the incorporation of required alternative compliance measures. Final alternative compliance measures are determined by the Fire Chief in conjunction with the final layout of residential structures based on zone reduction provisions set forth in SDMC Sections 142.0412(f), and 142.0412(i) which require alternative compliance where composite BMZs are less than standard minimums.

Alternative compliance measures shall be implemented per SDMC Section 142.0412(i), including upgraded window openings with dual-glazed, dual tempered panes along the brush side of structures, plus a typical 10-foot perpendicular return along adjacent wall faces.

As detailed in the SEIR project description, Phase 1 development would occur in three subphases (1a, 1b, and 1c). During each of these phases, emergency access has been identified in the Wildfire Evacuation Study (WES) (SEIR, Figure 5-6-6).

Phase 1a would involve the development of the first 200 proposed residential units with access to be provided from an extension of Caliente Avenue and Central Avenue in the northwestern part of the Specific Plan area (SEIR, Figure 5.6-4). A temporary cul-de-sac would be installed at the southern end of Central Avenue. Caliente Avenue and Central Avenue would provide emergency and wildfire evacuation throughout Phase 1a.

Phase 1b would involve the development of 499 units for a total of 699 dwelling units, and development into areas in the western part of the Specific Plan. As shown in SEIR Figure 5.6-5, Phase 1b Evacuation Routes, emergency evacuation would be provided by the construction of portions of Central Avenue and Beyer Boulevard East. The temporary cul-de-sac in Phase 1a would be removed within Central Avenue, and temporary cul-de-sacs would be installed at the western and eastern ends of Beyer Boulevard East.

Prior to the issuance of any building permit in Phase 1b (201st dwelling unit), the Project includes conditions that require a secondary access route to be available and constructed by the Project, which would be satisfied by the construction of the emergency vehicle access (EVA) road at the easterly terminus of Beyer Boulevard East to Rail Court (SDP Condition Nos. 69 and 70). The EVA road would be gated at the eastern terminus of Beyer Boulevard East. Primary evacuation would remain via Central Avenue and Caliente Avenue to SR-905, and the EVA road would serve as access for emergency vehicles and first responders and could be used as an evacuation route under the discretion of the San Diego Fire-Rescue Department.

The EVA road would extend along the future alignment South Caliente Avenue from the Specific Plan area southward along an existing dirt road to the southern border road, then westward to existing Rail Court and a variety of surface and arterial roadways. It is noted that the EVA road would provide additional emergency plan flexibility by presenting another option for firefighter ingress and potentially, public evacuation in some emergency evacuation scenarios (SEIR, Figure 5.6-6). The temporary cul-de-sac west of the intersection of West Avenue/Beyer Boulevard in Phase 1b would be removed, and the cul-de-sac and access gate would remain at Beyer Boulevard East and future Caliente Avenue.

Specific Plan Phase 1c would include the construction of the remaining 221 residential dwelling units for a total of 920 dwelling units in Specific Plan Phase 1. The Project includes conditions that prior to the issuance of any building permit in Phase 1c (700th dwelling unit) Beyer Boulevard West connection to Enright Drive would be required by the Project (VTM Condition No. 39 and SDP Condition No. 87).

The drainage system design for the Project is shown on SEIR Figure 5.7-2. The drainage system would be designed to utilize natural drainage courses to the extent feasible, with the exception noted for Basins 400 and 500, where flows would be routed to Basin 300 to avoid the San Ysidro landslide area. Storm drain lines, channels, detention basins, water quality treatment features, and other components of the drainage system are based on the existing drainage patterns of the Specific Plan area, where feasible and the anticipated needs of the drainage system to serve the Project.

DRAFT

As discussed in the SEIR, the Project would generally maintain the same drainage patterns as in the existing condition, where possible. While the Project would increase impervious surfaces, it is not in an area that uses wells and wells for groundwater extraction are not proposed. As a result, the buildout of the Project and Specific Plan would not result in a net deficit of aquifer volume or a reduction in the local groundwater table.

Drainage flows would be maintained per the drainage design and requirements reflected in the conceptual drainage system design for the Specific Plan (Figure 5.7-2), and groundwater recharge would continue. However, due to the presence of the San Ysidro Landslide complex, the basins previously draining to the west in the existing condition (Basin 400, 500, 700, and parts of 800) are now being proposed for diversion to either to the north and would be piped down the proposed storm drain along the future Beyer Boulevard West alignment or down the proposed storm drain into Spring Canyon to the south.

Diversion of drainage flows from the San Ysidro Landslide complex would protect biological resources west of the project site, as landsliding could result in changes to biological resource conditions. There are ephemeral drainages that originate near the west edge of the Project area and lead west into the MHPA; however, no drainages within the Project area contribute to these flows. These unnamed drainages would continue to capture rainfall and flow during storm events, regardless of the Project or diversion.

The Beyer Boulevard West drainage basin is proposed on the western extent of the Project area and drains in a westerly direction. A proposed storm drain connects with an existing storm drain system on Enright Drive. The existing storm drain system along Enright Drive eventually outlets to the Tijuana River, which extends to the Pacific Ocean within the vicinity of Imperial Beach.

The Project includes conditions for the construction of Beyer Boulevard and Caliente Avenue per Site Development Permit No. PMT-2188971The Project also includes a condition for General Development Plans for 5.61 acres of recreational facilities satisfying population-based park requirements including trail amenity areas, pocket parks, paseos and trails

Caliente Avenue, Beyer Boulevard East, and West Avenue would include Class I bike paths and Class II bike lanes with buffers, consistent with Community Plan Policy 3.4-1, which encourages the refinement and implementation of the Bicycle Master Plan.

Sidewalks would be provided on all streets and private drives. These sidewalks would be lined with street trees per the Specific Plan Landscape Palette and landscaping that uses native, drought-tolerant species, consistent with Community Plan Policy 3.1-5. The paseos would facilitate connections to the trails, public sidewalks, future parks, and centers of activity, consistent with Community Plan Policy 3.1-1.

Park space has been integrated into the Project with the Specific Plan framework for parks. The Specific Plan would provide 4.33 acres of pocket parks, 1.18 acres of paseos, and 0.10 acres of trail amenities. Parks would be developed in phases concurrent with the development of the residences and managed by the Homeowner Association. Official trails proposed for implementation as part of the Project include a perimeter trail bordering the western boundary of the Project at PA 9 through PA 14.

The proposed development would be required to comply with all applicable land development codes, building codes, and fire codes. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

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

The Specific Plan was prepared pursuant to Land Development Code (LDC) Section 122.0107. "The Specific Plan should be used in conjunction with the goals and policies contained within the General Plan, the Otay Mesa Community Plan, and the regulations in the Land Development Code (LDC), which form the planning framework for this Specific Plan" (Specific Plan, Section 1.2).

A base zone designation from the City's LDC is identified for each Specific Plan land use category (Specific Plan, Figure 2.1). The development regulations and allowable uses from each of the base zones are incorporated by reference from the City's LDC.

The Project includes affordable housing to be provided consistent with the requirements of the LDC, which requires affordable units to be constructed or in-lieu-fees for residential development projects to be paid (SDMC Section 142.1302). The Project proposes to construct 920 multiple dwelling (condominiums) units, including 92 affordable units in Specific Plan Phase 1 within Planning Area 8 through Planning Area 14.

As detailed in SEIR Sections 3.5.5.3 and 5.1.5.2.c, the Project would be consistent with the City's Brush Management Regulations, which ensure adequate fire buffers are provided between development areas and native and naturalized vegetation. Brush management along the western portions of Phase 1 is depicted on SEIR Figure 3-37 and Figure 3-38.

BMZs incorporate a 35-foot Zone 1 and a 65-foot Zone 2, where feasible. For some units, the width of Zone 2 is reduced to less than 65 feet with the incorporation of alternative compliance measures. Final alternative compliance measures are determined by the Fire Chief in conjunction with the final layout of residential structures based on zone reduction provisions set forth in the LDC Section

142.0412(f), and 142.0412(i) which requires alternative compliance where composite BMZs are less than standard minimums.

LDC Section 142.0401 requires the use of drought-tolerant landscaping as a means of reducing water consumption. The Landscape Regulations encourage the use of reclaimed water for irrigation and implements the Model Water Efficient Landscape Ordinance, which provides a standard for the design, installation, management, and maintenance of landscapes to use water efficiently without water waste. Specific Plan Section 3.6 includes the landscaping design policies for the Project, which include, but are not limited to, the following:

a. Incorporate biofiltration and bioretention measures in parking and road design, edges of paved areas, and other landscaped areas to slow and treat stormwater runoff.

b. Use rain gardens, open tree grates, green roofs, and pockets of open space to slow stormwater flow rates, allow natural percolation of runoff, and reduce the heat island effect.

c. Utilize permeable paving to capture and treat stormwater to the maximum extent possible. Examples of permeable paving include porous asphalt, reinforced grass, semi-impervious concrete paving blocks, and reinforced gravel with grass.

The Project includes requested deviations from the Environmentally Sensitive Lands (ESL) Wetlands Regulations under the Essential Public Projects and Biologically Superior Options due to wetland impacts resulting from the proposed Beyer Boulevard and Caliente Road extensions and residential development.

The Project would encroach into steep hillsides and is therefore subject to the ESL Regulations and was evaluated for conformance with the Steep Hillside Guidelines. According to the ESL Regulations, for areas outside of the MHPA, the allowable development area includes all portions of the premises without slopes greater than 25 percent (steep slopes). All graded slopes would be revegetated in accordance with ESL Regulations. Steep slopes would be preserved in their natural state, except where development is permitted in steep slopes if necessary to achieve a maximum development area of 25 percent of the premises.

Project grading would encroach into 8.9 acres of steep slopes for erosion control and 0.6 acres for development grading. The overall steep slope encroachment would be 22.4 percent of the project site and is within the encroachment allowance as permitted by the City's ESL ordinance.

Due to ESL impacts (e.g., steep slopes), a SDP is required for the Project, although exceptions and deviations may be allowed by the City if certain findings can be made. The Project has been designed to minimize impacts to ESL; however, encroachment into some steep slopes is unavoidable due to the existing site conditions and the need

for erosion control. As allowed by LDC Section 143.0142(g), the temporary encroachment areas would be graded for erosion control, but the slope grades would be restored and vegetation reestablished to the City's satisfaction once slopes are backfilled. Therefore, a deviation is not required.

Deviations from the Environmentally Sensitive Lands Wetland Deviation

The purpose of the ESL Regulations is to protect, preserve, and, where damaged, restore the environmentally sensitive lands of San Diego and the viability of the species supported by those lands. The ESL Regulations apply to all proposed development when ESL, including sensitive biological resources, steep hillsides, floodplains, or coastal bluffs, are present. These regulations are intended to assure that development occurs in a manner that protects the overall quality of the resources and the natural and topographic character of the area, encourages a sensitive form of development, retains biodiversity and interconnected habitats, maximizes physical and visual public access to and along the shoreline, and reduces hazards due to flooding in specific areas while minimizing the need for construction of flood control facilities.

Specific Plans where environmentally sensitive lands are present are subject to the regulations in SDMC Section 143.0115(b) to ensure adequate analysis of the constraints and opportunities of the planning area relative to environmentally sensitive lands.

As depicted in SEIR Figure 5.4-12, the Project includes and impacts Disturbed Wetland in portions of Beyer Boulevard West, Beyer Boulevard East, the Secondary Emergency Vehicle Access Road, Planning Areas 8, 9, and 12, and Wetland in the western portion of Beyer Boulevard West. The construction of the Caliente Avenue extension south of Central Avenue would impact 0.01 acres of disturbed wetlands inside the MHPA. Residential development would impact 0.12 acres of disturbed wetlands inside the MHPA. Residential development would also impact 0.03 acres of vernal pool inside the MHPA.

Impacts to wetland habitat located outside of the Coastal Overlay Zone shall not be allowed per the ESL Regulations unless the development qualifies to be processed as one of the three options in accordance with the Biology Guidelines in the LDC.

Deviations from the wetland regulations require processing one or more of the following three options: Essential Public Projects (EPP) Option, Economic Viability Option, and Biologically Superior Option (BSO) (SDMC Section 143.0150). Impacts to wetlands within the Beyer Boulevard and Caliente Avenue alignments would be processed under the EPP Option because these roadways are identified in the Community Plan with regional function. Impacts to vernal pools outside of the MHPA do not require a deviation from the wetland regulations, as all impacts would be mitigated consistent with the VPHCP.

The remainder of the resources subject to a wetland deviation are processed under the BSO. The BSO analysis documented in the SEIR shows how the proposed project would be biologically superior to avoiding the wetland resources. The low quality of the impacted resources was considered in light of the proposed superior mitigation for vernal pools and wetlands that would provide higher functions and values than the impacted resources.

The majority (0.36 acre) of the requested deviation would qualify under the EPP Option for the development of the proposed Beyer Boulevard and Caliente Avenue extension. These roadways are City Mobility Element roadways identified in the Community Plan. Per the City's Biology Guidelines, a deviation to the ESL wetland regulations under the EPP Option may be granted, provided the project serves the community at large and not just a development project or property. Both Caliente Avenue and Beyer Boulevard are linear infrastructure identified as Mobility Element roadways in the Community Plan, which meets the first two qualifications of the EPP Option under SDMC section 143.0150(d)(1)(B).

These roadways would also include bicycle facilities and water and sewer infrastructure that will serve the entirety of the Specific Plan area. Therefore, they qualify as Essential Public Projects. A deviation under this option is only allowed where no feasible alternative exists that would avoid impacts to wetlands. An analysis (Southwest Village Specific Plan Caliente Avenue Alternatives Analysis) of five different alternatives was prepared by RECON for the project applicant, Tri Pointe Homes (Alternatives Analysis). The Alternatives Analysis was provided in the SEIR in Chapter 9. In summary, the No Caliente Avenue North of Central Avenue Alternative and the Avoidance of Conserved Parcels Alternative (a Beyer Boulevard alternative) were both found to be infeasible wetland avoidance alternatives. The No Caliente Avenue North of Central Avenue Alternative was found infeasible because that segment of roadway is required to provide access to the Specific Plan area and this segment was already approved as a part of the Candelight Tentative Map 114999 and is reasonably expected to be completed regardless of the proposed project considering that construction is already underway, The Avoidance of Conserved Parcels Alternative that avoids impacts due to Beyer Boulevard was rejected because the alternative alignments would be more impactful than the proposed Project and due to infeasibility of other alignments due to landslide issues, location of Beyer Community Park, inability to meet design standards and conflicts with other considered lands. The proposed Beyer Boulevard design includes minimization of wetland impacts to the extent feasible, as detailed in Attachment 10 of SEIR Appendix C.

A small amount (<0.01 acre) of wetland would be impacted by the residential development, which was analyzed under the BSO for a deviation. The technical analysis provided a demonstration of the Project as a BSO based on the low quality of

the existing wetland resources and the high-quality restoration proposed as mitigation for the impacts.

Residential development would impact 0.12 acres of disturbed wetlands inside the MHPA, which was analyzed under BSO for a deviation. Residential development would also impact 0.03 acres of vernal pool inside the MHPA, which was analyzed under BSO for a deviation.

The City of San Diego Wetlands Subject to a Wetland Deviation are included in the following table.

Wetland Vegetation Community	Caliente Avenue (EPP)	Beyer Boulevard (EPP)	Remainder of Project Area (BSO)	Total Acres Subject to Wetland Deviation
Wetland	0.01	0.35	<0.01	0.36
Distributed Wetland	0.01	-	0.12	0.13
Vernal Pool	-	-	0.03	0.03
Total	**0.02**	**0.35**	**0.15**	**0.52**

Per SEIR and Mitigation Monitoring and Reporting Program (MMRP) Mitigation Measure PR-BIO-16a, "Prior to issuance of any construction permits, such as grading permits, that impact jurisdictional waters, the project impact to 0.004 acre of riparian forest (southern willow scrub and disturbed southern willow scrub) wetlands shall be at a 3:1 ratio and impacts to 0.36 acre of mule fat scrub shall be mitigated at a 2:1 ratio (mule fat scrub, disturbed riparian, disturbed wetlands, natural flood channel) with a total of 0.73 acre of mitigation consistent with a Final Wetlands Plan and a Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan as approved by the City, USACE, RWQCB, and CDFW. The Final Wetlands Plan and Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan shall be approved prior to the issuance of the first Phase 1 grading permit. To ensure no net loss, the mitigation shall include a 1:1 creation or restoration component in accordance with the City's Biology Guidelines." (SEIR, Page 5.4-113).

Per MMRP Mitigation Measure PR-BIO-16b, "Prior to the issuance of any construction permits, such as grading permits to compensate for the loss of vernal pool and disturbed wetland resources, the applicant shall implement the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan to provide a minimum of 2.18 acres or 2.1 acres (without Southwind mitigation) of vernal pool creation." .

Historical Resources Deviation for Important Archaeological Sites and Traditional Cultural Properties

Historical Resource site CA-SDI-22,936 ("Resource") is a Native American archaeological site in the Otay Mesa Community Plan area. The Resource was designated by the Historical Resources Board on September 26, 2024, as HRB #1537 under San Diego Historical Resources Board Criterion A. Under Criterion A, CA-SDI-22,936 was historically designated as a special element of the City's and Otay Mesa's archeological and cultural development. Specifically, CA-SDI-22,936 likely functioned as a tool manufacturing location and could provide enough data to answer regional research questions regarding site function, chronology and subsistence due to its high density subsurface cultural deposit and minimal disturbance within the central portion of the site.

The purpose of the Historical Resources Regulations (SDMC Section 143.0201) is to protect, preserve, and, where damaged, restore San Diego's historical resources, which include historical buildings, structures or objects, important archaeological sites, historical districts, historical landscapes, and traditional cultural properties. These regulations are intended to ensure that development occurs in a manner that protects the overall quality of historical resources.

The entire boundary of CA-SDI-22,936 (100% of the site) is within Project impacts, specifically the proposed Caliente Avenue alignment and related utilities, and would therefore exceed standard encroachment limits under SDMC Section 143.0253 for important archaeological sites. Because 100% of an important archaeological site would be impacted, a deviation would need to be considered in accordance with the SDMC. A recommendation from the Historical Resources Board is required, and was provided on March 26, 2026, as well as a supplemental finding pursuant to SDMC Section 126.0505(g). On March 26, 2026, the HRB recommended to the City Council approval of the historical resources section, recommendations, findings, and mitigation measures of the environmental document and findings associated with the SDP related to the important archaeological site (HRB #1537, CA-SDI-22,936).

The SEIR and proposed MMRP include two mitigation measures (PR-HIST-1 and PR-HIST-2) that would reduce impacts to CA-SDI-22,936 and to unknown or buried cultural resources discovered during ground disturbance:

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, the applicant shall provide a letter of completion prepared by the Qualified Archaeologist (as defined in the Historical Resources Guidelines) that oversaw the recovery program that demonstrates, to the satisfaction of Mitigation Monitoring and Compliance (MMC), that the Archaeological Data Recovery Program (ADRP) for archaeological site (CA-SDI-22,936) was completed. This letter shall include the Final Archaeological Data Recovery Program (ADRP) Report with documentation of the Acceptance Verification from the curation institution for all

recovered materials. The ADRP with Native American participation shall consist of a statistical sample and shall be implemented in accordance with the Results of the Historical Resources Investigation of the Southwest Village Specific Plan prepared by RECON Environmental dated March 2026 for the Project (PR-HIST-1). In addition, project-specific mitigation measures shall be implemented to reduce impacts to unknown or buried historical resources per PR-HIST-2 (SEIR, Page 5.5-34).

Implementation of mitigation measures PR-HIST-1 and PR-HIST-2 would reduce impacts to CA-SDI-22,936 and to unknown or buried cultural resources discovered during ground disturbance. The presence of an archaeological and Native American monitor during ground disturbing activities would allow for the identification of buried resources to occur so that work can stop, and any resources be evaluated. If significant resources are recovered, implementation of a Research Design and Data Recovery Program would ensure that significant resources are treated properly to reduce significant impacts.

However, even with the implementation of mitigation measures PRHIST-1 and PR-HIST-2, impacts associated with future development would remain significant, considering the nature of the loss (e.g., loss of a minimally disturbed habitat site in Otay Mesa where such resources are scarce), and 100% of the site would continue to be impacted. As noted in the SEIR, no additional feasible mitigation or project alternative has been identified that could reduce this impact.

No other ESL, including coastal beaches, sensitive coastal bluffs or Special Flood Hazard Areas exist within the Project. Therefore, with approval of the proposed, allowable deviations to the ESL regulations and Historical Resources regulations, the proposed development will comply with the regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

B. <u>SITE DEVELOPMENT PERMIT – San Diego Municipal Code (SDMC) Section 126.0505(b), Environmentally Sensitive Lands</u>

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.

See Finding A.3 incorporated by reference.

The Community Plan identifies the Specific Plan area as one of two opportunities for village areas within the Community Plan and designates the project site as Neighborhood Village (Community Plan, Figure 2-1). The Southwest Village Specific Plan has been designed to locate development on mesas and avoid landslide hazard areas, as well as steep slopes and canyons within the Specific Plan area. Sensitive habitats identified in the MHPA and VPHCP areas are not identified for development.

The Project is proposing to construct 920 multiple dwelling (condominiums) units, including 92 affordable units (Specific Plan Phase 1: Planning Area 8 through Planning Area 14).

The Specific Plan has sited the highest intensity uses within the center of the Specific Plan, with lower intensity uses around the perimeter, providing consistency with the surrounding development and open space areas. The Specific Plan policy framework would ensure that future development would present a visually consistent, architecturally interesting community that would still be consistent with allowable height, outdoor lighting, and bulk regulations of the LDC and Specific Plan Supplemental Development Regulations (SDR).

As discussed in the Biological Resources Report, encroachments into the MHPA boundary would occur with the implementation of the Project specifically associated with the Specific Plan Phase 1 and Phase 4 residential development areas, the Spring Canyon drainage outfall associated with Phase 2, and an EVA road connecting to the southern boundary (Biological Resources Report, Figure 36.2) and require a MHPA Boundary Line Adjustment (BLA) and the addition of MHPA sensitive habitat lands.

MHPA encroachments total 14.88 acres and are associated with MHPA deletions within the proposed Specific Plan Phase 1 and 4 residential development areas, the Spring Canyon drainage outfall, the EVA road, and MHPA deletions associated with Beyer Boulevard slopes. Of this total, 12.82 acres are sensitive vegetation communities (SEIR Figure 5.1-6).

Land proposed to be added into the MHPA following a BLA would include 16.88 acres of sensitive habitats comprising maritime succulent scrub, disturbed maritime succulent scrub, Diegan coastal sage scrub, disturbed coastal sage scrub, non-native grassland, natural flood channel, disturbed wetland, and vernal pool (SEIR Figure 5.1-7). This represents a net gain of 4.06 acres of sensitive vegetation communities into the MHPA (SEIR Table 5.1-6) and is located outside of the Specific Plan area, south of PA 18.

Per MMRP Mitigation Measure PR-BIO-15, “To mitigate impacts to 63.32 acres for Phase 1, 39.17 acres for Phase 2, 38.47 acres for Beyer Boulevard, 10.48 acres for Phase 4, 1.79 acres for the Emergency Vehicle Access Road, the Owner/Permittee shall provide a minimum of 153.23 acres of upland mitigation lands to offset impacts to sensitive upland vegetation in accordance with the Biology Guidelines. Prior to issuance of the first grading permit for Phase of 1, the Owner/Permittee shall either dedicate all upland mitigation lands in fee title to the City or otherwise protect the mitigation lands through a Conservation Easement, Covenant of Easement or Irrevocable Offer to Dedicate (IOD). In total, the project shall dedicate 160.94 acres of sensitive uplands, consisting of 89.94 acres of maritime succulent scrub, 24.82 acres of disturbed maritime succulent scrub, 24.93 acres of Diegan coastal sage scrub, 2.36 acres of disturbed Diegan coastal sage scrub, and 18.89 acres of non-native grassland in fee title or otherwise protect the lands through a Conservation Easement,

Covenant of Easement, or IOD to the City. This mitigation package includes 7.71 acres of additional mitigation beyond required mitigation ratios. If the Southwind project were to proceed ahead of this project, the mitigation obligation would be reduced by 0.34 acre (0.05 acre of maritime succulent scrub, 0.12 acre of disturbed coastal sage scrub, and 0.17 acre of non-native grassland mitigation)."

An additional 95.29 acres of upland preservation are required to address impacts to CDFW conservation easements (APNs 645-061-1000 and 645-061-0200) considered VPHCP 100% conserved lands (Biological Resources Report, Table 10).

Impacts to wetlands within the Beyer Boulevard and Caliente Avenue alignments would be processed under the EPP Option to the ESL regulations because these roadways are identified in the Community Plan with regional function. Impacts to vernal pools outside of the MHPA do not require a deviation from the wetland regulations, as all impacts would be mitigated consistent with the Vernal Pool Habitat Conservation Plan (VPHCP).

The remainder of the resources subject to a wetland deviation are processed under the BSO to the ESL regulations. The BSO analysis documented in the SEIR shows how the proposed project would be biologically superior to avoiding the wetland resources. The low quality of the impacted resources was considered in light of the proposed mitigation for vernal pools and wetlands that would provide higher functions and values than the impacted resources.

As depicted in SEIR Figure 5.4-12, Resources Subject to City of San Diego Wetland Deviations, the Project includes Disturbed Wetland in portions of Beyer Boulevard West, Beyer Boulevard East, the Secondary Emergency Vehicle Access Road, Planning Areas 8, 9, and 12, and Wetland in the western portion of Beyer Boulevard West.

Project grading would encroach into 8.9 acres of steep slopes for erosion control and 0.6 acres for development grading. The overall steep slope encroachment would be 22.4 percent of the project site and is within the encroachment allowance as permitted by the City's ESL ordinance.

Due to ESL impacts (e.g., steep slopes), a SDP is required for the Project, although exceptions and deviations may be allowed by the City if certain findings can be made. The Project has been designed to minimize impacts to ESL; however, encroachment into some steep slopes is unavoidable due to the existing site conditions and the need for erosion control. As allowed by LDC Section 143.0142(g), the temporary encroachment areas would be graded for erosion control, but the slope grades would be restored and vegetation reestablished to the City's satisfaction once slopes are backfilled. Therefore, a deviation is not required.

The Project will implement MMRP mitigation measure PR-LU-1: All project-level components that are implemented in accordance with the Specific Plan, which are

adjacent to designated MHPA areas, shall comply with the MHPA 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 shall identify specific mitigation measures needed to reduce impacts to below a level of significance. Subsequent environmental review shall be required to determine the significance of impacts from land use adjacency and compliance with the MHPA 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 shall identify specific conditions of approval to avoid or reduce potential impacts adjacent to the MHPA (SEIR, Page 10-32).

No other ESL, including coastal beaches, sensitive coastal bluffs or Special Flood Hazard Areas exist within the Project.

Based on the results of the record search, surveys, and evaluation excavations in the SEIR, implementation of the Project would impact CA-SDI-22,936, which would constitute a significant effect to a known historical resource. The entire boundary of CA-SDI-22,936 (100% of the site) is within Project impacts, specifically the proposed Caliente Avenue alignment and related utilities, and would therefore exceed standard encroachment limits under SDMC Section 143.0253 for important archaeological sites. Because 100% of an important archaeological site would be impacted, a deviation is considered in accordance with Section 143.0260 (a) and Section 126.0502(d) of the SDMC.

The SEIR and MMRP include two mitigation measures (PR-HIST-1 and PR-HIST-2) that would reduce impacts to CA-SDI-22,936 and to unknown or buried cultural resources discovered during ground disturbance. Implementation of project-level mitigation measure PR-HIST-1 and PR-HIST-2 would reduce impacts to CA-SDI-22,936 and to unknown or buried cultural resources discovered during ground disturbance. The presence of an archaeological and Native American monitor during ground disturbing activities would allow for the identification of buried resources to occur so that work can stop, and any resources can be evaluated. If significant resources are recovered, implementation of a Research Design and Data Recovery Program would ensure that significant resources are treated properly to reduce significant impacts.

However, even with the implementation of measures PR-HIST-1 and PR-HIST-2, impacts associated with future development at the project-level would remain significant considering the nature of the loss (e.g., loss of a minimally disturbed habitat site in Otay Mesa where such resources are scarce) and 100% of the site

would continue to be impacted, which is a greater impact compared to the 2014 Community Plan Final EIR (FEIR), which was certified on March 11, 2014. The FEIR identified that archaeological impacts would be less than significant with mitigation. No additional feasible mitigation or project alternative has been identified that could reduce this impact. This impact would remain significant and unmitigated.

Therefore, the site is physically suitable for the design and siting of the proposed development, and the development will result in minimal disturbance to environmentally sensitive lands.

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.**

In accordance with SEIR and MMRP Mitigation Measure PR-PALEO-1, geotechnical reports were prepared for review and approval by the City in accordance with the SDMC and are included as part of the environmental analysis for the project-level areas.

As discussed in the SEIR, landslide areas and deflected drainages are evident within the San Ysidro landslide area, west and south of the Community Plan. Portions of the slide may be developing and indicate active movement. A deep-seated landslide complex has been identified along the western and southern mesa rim by the City of San Diego Seismic Safety Element and the Geological Study prepared for the Southwest Village Emergency Vehicle Access Road. This landslide complex, also known as the *San Ysidro Landslide*, is located within the hillside area where the EVA roadway is planned.

During previous field investigations, large-diameter exploratory borings were performed along the mesa rim to establish the position of the landslide head scarp. More recent borings were performed east of the roadway alignment for the Southwest Village development. Three continuous cores (Geological Study, Figure 2 as B-22, B-23, and B-24) were excavated to establish the basial shear zone and obtain samples for laboratory testing.

The landslide debris is expected to be suitable to support the EVA roadway; however, remedial grading will be required at the toe of proposed fill slopes to remove compressible surficial soils. In addition, slope excavations exposing landslide debris may require a stability fill. The need for stability fills will be determined during grading.

The geotechnical reports prepared for the Project concluded that the risk associated with ground rupture is low. Additionally, although no active, potentially active, or activity unknown faults are mapped crossing the site or are trending toward the Project, a major earthquake in the region would result in moderate to severe ground shaking.

DRAFT

Potential impacts associated with earthquake ground shaking would be reduced through compliance with applicable California Building Code (CBC) regulations and through compliance with the seismic design recommendations presented in the geotechnical reports prepared for the Project. The project-level geotechnical reports recommendations are required as standard conditions of approval and would be implemented consistent with SEIR and MMRP Mitigation Measure PR-PALEO-1.

The Project would encroach into steep hillsides and is therefore subject to the ESL Regulations and was evaluated for conformance with the Steep Hillside Guidelines. According to the ESL Regulations, for areas outside of the MHPA, the allowable development area includes all portions of the premises without slopes greater than 25 percent (steep slopes). All graded slopes would be revegetated in accordance with ESL Regulations. Steep slopes would be preserved in their natural state, except where development is permitted in steep slopes if necessary to achieve a maximum development area of 25 percent of the premises.

Project grading would encroach into 8.9 acres of steep slopes for erosion control and 0.6 acres for development grading. The overall steep slope encroachment would be 22.4 percent of the project site and is within the encroachment allowance as permitted by the City's ESL ordinance.

Due to ESL impacts (e.g., steep slopes), a SDP is required for the Project, although exceptions and deviations may be allowed by the City if certain findings can be made. The Project has been designed to minimize impacts to ESL; however, encroachment into some steep slopes is unavoidable due to the existing site conditions and the need for erosion control. As allowed by LDC Section 143.0142(g), the temporary encroachment areas would be graded for erosion control, but the slope grades would be restored and vegetation reestablished to the City's satisfaction once slopes are backfilled. Therefore, a deviation is not required.

As detailed in SEIR Sections 3.5.5.3 and 5.1.5.2.c, the Project would be consistent with the City's Brush Management Regulations, which ensure adequate fire buffers are provided between development areas and naturalized vegetation. Brush management along the western portions of Phase 1 is depicted on SEIR Figures 3-37F. Brush Management Zones (BMZs) incorporate a 35-foot Zone 1 and 65-foot Zone 2, where feasible. For some units, the width of Zone 2 is reduced to less than 65 feet with the incorporation of alternative compliance measures. Final alternative compliance measures are determined by the Fire Chief in conjunction with the final layout of residential structures based on zone reduction provisions set forth in the San Diego Municipal Code (SDMC) Section 142.0412(f), and 142.0412(i) which require alternative compliance where composite BMZs are less than standard minimums.

Alternative compliance measures shall be implemented per SDMC Sections 142.0412(i) through (j), including upgraded window openings with dual-glazed, dual

tempered panes along the brush side of structures, plus a typical 10-foot perpendicular return along adjacent wall faces.

As detailed in the project description of the SEIR, development of Phase 1 would occur in three subphases. Emergency access has been identified in the WES during each of these subphases. Phase 1a would involve the development of the first 200 proposed residential units with access to be provided from an extension of Caliente Avenue and Central Avenue in the northwestern part of the Specific Plan area (see SEIR Figure 5.6-4). A temporary cul-de-sac would be installed at the southern end of Central Avenue. Caliente Avenue and Central Avenue would provide emergency and wildfire evacuation throughout Phase 1a.

Phase 1b would involve the development of 499 units for a total of 699 dwelling units, and development into areas in the western part of the Specific Plan. As shown in SEIR Figure 5.6-5, emergency evacuation would be provided by the construction of portions of Central Avenue and Beyer Boulevard East. The temporary cul-de-sac in Phase 1a would be removed within Central Avenue, and temporary cul-de-sacs would be installed at the western and eastern ends of Beyer Boulevard East. Prior to the issuance of any building permit in Phase 1b (201st dwelling unit), SDP conditions No. 69 and 70 require a secondary access route to be available and constructed by the Project, which would be satisfied by the construction of the EVA road along South Caliente Avenue. The EVA road would be gated at the eastern terminus of Beyer Boulevard East. Primary evacuation would remain via Central Avenue and Caliente Avenue to SR-905, and the EVA road would serve as access for emergency vehicles and first responders and could be used as an evacuation route under the discretion of the San Diego Fire Rescue Department.

The EVA road would extend along the future alignment of South Caliente Avenue from the Specific Plan area southward along an existing dirt road to the southern border road, then westward to existing Rail Court and a variety of surface and arterial roadways. It is noted that the EVA road would provide additional emergency plan flexibility by presenting another option for firefighter ingress and potentially, public evacuation in some emergency evacuation scenarios (SEIR, Figure 5.6-6). The temporary cul-de-sac west of the intersection of West Avenue/Beyer Boulevard in Phase 1b would be removed, and the cul-de-sac and access gate would remain at Beyer Boulevard East and future Caliente Avenue.

Phase 1c would include the construction of the remaining 221 residential units for a total of 920 dwelling units in Phase 1. Prior to the issuance of any building permit in Phase 1c (700th dwelling unit), the construction of the Beyer Boulevard West from West Avenue to Enright Drive would be required by the Project.

No coastal beaches, sensitive coastal bluffs or Special Flood Hazard Areas exist within the Project.

DRAFT

Therefore, with implementation of the MMRP, compliance with applicable CBC regulations, seismic design recommendations presented in the geotechnical reports, and the City's Brush Management regulations, and provision of evacuation and emergency access, the proposed 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.**

   See Finding B.1 incorporated by reference.

   As stated in the MSCP Section 1.4.3, land uses adjacent to the MHPA are to be managed to ensure minimal impacts to the MHPA. The MSCP establishes adjacency guidelines to be addressed on a project-by-project basis to minimize direct and indirect impacts and maintain the function of the MHPA. The Land Use Adjacency Guidelines would are incorporated as project conditions of approval, which would preclude indirect impacts to the MHPA.

   The Project has been conditioned to comply with MHPA Land Use Adjacency Guidelines. Per Section 5.2 of the VPHCP, indirect impacts to conserved vernal pools shall be minimized and development projects adjacent to the hardline preserve shall comply with MHPA Land Use Adjacency Guidelines in addition to the VPHCP Section 5.2.1 avoidance and minimization measures (SDP Condition No. 43).

   MHPA Land Use Adjacency Guidelines are cited below and included in the Biological Resources Report and MMRP mitigation measure PR-LU-1:

   Drainage. All new and proposed parking lots and developed areas in and adjacent to the preserve must not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA. This can be accomplished using a variety of methods, including natural detention basins, grass swales, or mechanical trapping devices. These systems should be maintained approximately once a year, or as often as needed, to ensure proper functioning. Maintenance should include dredging out sediments if needed, removing exotic plant materials, and adding chemical-neutralizing compounds (e.g., clay compounds) when necessary and appropriate.

   Toxins. Land uses, such as recreation and agriculture, that use chemicals or generate by-products such as manure that are potentially toxic or impactive 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 should 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 should be incorporated into leases on publicly owned property as leases come up for renewal.

Lighting. Lighting of all developed areas adjacent to the MHPA should be directed away from the MHPA. Where necessary, development should provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting.

Noise. Uses in or adjacent to the MHPA should be designed to minimize noise impacts. Berms or walls should be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA. Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species. Adequate noise reduction measures should also be incorporated for the remainder of the year.

Barriers/Access. New development adjacent to the MHPA may 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.

Invasives. No invasive non-native plant species shall be introduced into areas adjacent to the MHPA.

Brush Management. New residential development located adjacent to and topographically above the MHPA (e.g., along canyon edges) must be set back from slope edges to incorporate BMZ 1 areas on the development pad and outside of the MHPA. BMZ 2 may be located in the MHPA upon granting of an easement to the City (or other acceptable agency) except where narrow wildlife corridors require it to be located outside of the MHPA. BMZs would not be greater in size than is currently required by the City's regulations. The amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. For all new development, regardless of the ownership, brush management in the BMZ 2 area would be the responsibility of a homeowners' association or other private party.

Grading/Land Development. Manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA.

Per MMRP mitigation measure PR-BIO-15, ""To mitigate impacts to 63.32 acres for Phase 1, 39.17 acres for Phase 2, 38.47 acres for Beyer Boulevard, 10.48 acres for Phase 4, 1.79 acres for the Emergency Vehicle Access Road, the Owner/Permittee shall provide a minimum of 153.23 acres of upland mitigation lands to offset impacts to sensitive upland vegetation in accordance with the Biology Guidelines. Prior to issuance of the first grading permit for Phase of 1, the Owner/Permittee shall either dedicate all upland mitigation lands in fee title to the City or otherwise protect the

mitigation lands through a Conservation Easement, Covenant of Easement or Irrevocable Offer to Dedicate (IOD). In total, the project shall dedicate 160.94 acres of sensitive uplands, consisting of 89.94 acres of maritime succulent scrub, 24.82 acres of disturbed maritime succulent scrub, 24.93 acres of Diegan coastal sage scrub, 2.36 acres of disturbed Diegan coastal sage scrub, and 18.89 acres of non-native grassland in fee title or otherwise protect the lands through a Conservation Easement, Covenant of Easement, or IOD to the City. This mitigation package includes 7.71 acres of additional mitigation beyond required mitigation ratios. If the Southwind project were to proceed ahead of this project, the mitigation obligation would be reduced by 0.34 acre (0.05 acre of maritime succulent scrub, 0.12 acre of disturbed coastal sage scrub, and 0.17 acre of non-native grassland mitigation).".

Per MMRP mitigation measure PR-BIO-16b: "Prior to the issuance of any construction permits, such as grading permits to compensate for the loss of vernal pool and disturbed wetland resources, the applicant shall implement the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan to provide a minimum of 2.18 acres or 2.1 acres (without Southwind mitigation) of vernal pool creation."

Therefore, with implementation of the MMRP mitigation measures, compliance with the LUAG, and allowable deviations under the LDC, the proposed development will be 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 and Vernal Pool Habitat Conservation Plan (VPHCP).**

The Multiple Species Conservation Program (MSCP) is a comprehensive, long-term habitat conservation planning program that is designed to preserve native habitat for multiple species by identifying areas for directed development and areas to be conserved in perpetuity, referred to as the Multi-Habitat Planning Area (MHPA). The project site is included in the City's MSCP Subarea Plan.

As discussed in the Biological Resources Report, encroachments into the MHPA boundary would occur with the implementation of the Project specifically associated with the Specific Plan Phase 1 and Phase 4 residential development areas, the Spring Canyon drainage outfall associated with Phase 2, and an EVA road connecting to the southern boundary (Biological Resources Report, Figure 36.2) and require a MHPA Boundary Line Adjustment (BLA) and the addition of MHPA sensitive habitat lands.

Additionally, MHPA deletions would be required where the proposed Beyer Boulevard extension crosses the MHPA; however, the MHPA deletion would be limited to the manufactured slopes surrounding the surface of the roadway, as City linear utility projects are an allowed use in the MHPA pursuant to the City's LDC Section 143.0111. The City's Biology Guidelines and ESL regulations are the implementing ordinances for the MSCP and VPHCP. As detailed in the City's ESL

regulations, LDC Section 143.0111(d), "outside the Coastal Overlay Zone, City linear utility projects are exempt from the development area regulations of the OR-1-2 zone in Section 131.0250(b) and the development area regulations for steep hillsides in Section 143.0142(a) and for sensitive biological resources in Section 143.0141(a)(5)".

The developed portion of the roadway would contain public water, sewer and stormwater infrastructure to support the Specific Plan area and, therefore, would be classified as City linear utilities, exempt from the ESL regulations. The linear utility portion of the roadway that is exempt from ESL regulations and considered an MHPA compatible use supports 0.24 acres of disturbed habitat and 0.13 acres of disturbed maritime succulent scrub.

MHPA encroachments total 14.88 acres and are associated with MHPA deletions within the proposed Specific Plan Phase 1 and 4 residential development areas, the Spring Canyon drainage outfall, the EVA road, and MHPA deletions associated with Beyer Boulevard slopes. Of this total, 12.82 acres are sensitive vegetation communities (SEIR Figure 5.1-6).

Land proposed to be added into the MHPA following a BLA would include 16.88 acres of sensitive habitats comprising maritime succulent scrub, disturbed maritime succulent scrub, Diegan coastal sage scrub, disturbed coastal sage scrub, non-native grassland, natural flood channel, disturbed wetland, and vernal pool (SEIR Figure 5.1-7). This represents a net gain of 4.06 acres of sensitive vegetation communities into the MHPA (SEIR Table 5.1-6) and is located outside of the Specific Plan area, south of PA 18.

The proposed MHPA BLA would be beneficial to the overall MHPA preserve in this area due to an increase in Tiers I and II and wetlands habitats, including ephemeral drainages (natural flood channels) (Biological Resources Report, Table 7a). The project proposes MHPA additions above and beyond the required 1:1 replacement standard. The net gain of 4.06 acres of sensitive vegetation communities would more than offset MHPA deletion areas. The proposed MHPA BLA received written concurrence by the USFWS and CDFW on January 31, 2025.

The MSCP contains general guidelines for the MHPA within the Otay Mesa and Otay River valley areas of the City. These guidelines include features that have been incorporated into the MHPA, and thus, were considered in the evaluation for species coverage and are required to be implemented for take of sensitive species.

Implementation of the proposed Beyer Boulevard extension, a planned circulation element roadway, would impact 19.36 acres of 100 percent conserved lands (APNs 645-061-1000 and 645-061-0200), as detailed in Table 7b of the Biological Resources Report, including 17.48 acres of sensitive upland vegetation communities and 0.06 acre of wetland vegetation communities, totaling 17.54 acres. Impacts to land identified as 100 percent conserved lands in the VPHCP require both mitigation consistent with the Biology Guidelines and replacement MHPA lands (e.g., non-

MHPA lands to be added to the MHPA) of greater or equivalent value to be provided consistent with the VPHCP.

The proposed Beyer Boulevard extension has been the subject of extensive review, including evaluation of alternative project locations and design changes to minimize road width and associated impacts. The current roadway design reflects a two-lane constrained roadway that would cross 100 percent conserved lands. Documentation of the need for the roadway, the various alternatives considered, and the design reductions are detailed in Attachment 11 of the Biological Resources Report (Appendix C of the SEIR).

As shown in Figure 36.4 of the Biological Resources Report, the deletion of 100 percent conserved lands associated with Beyer Boulevard would include 11.79 acres of maritime succulent scrub and disturbed maritime succulent scrub, 3.21 acres of Diegan coastal sage scrub and disturbed coastal sage scrub, 2.48 acres of non-native grassland, 0.03 acre of natural flood channel (ephemeral drainage), 0.01 acre of disturbed wetland, 0.03 acre of vernal pool and 0.01 acre of vernal pool with fairy shrimp. As required by the VPHCP, replacement land is proposed to be added to the MHPA to account for the removal of 19.36 acres of 100 percent conserved lands.

Land proposed to be added into the MHPA (SEIR Table 5.1-7) in exchange for impacts to VPHCP conserved lands would include 27.37 acres of sensitive vegetation communities comprising 9.32 acres of maritime succulent scrub and disturbed maritime succulent scrub, 8.78 acres of Diegan coastal sage scrub, 9.09 acre of non-native grassland, 0.09 acre of natural flood channel (ephemeral drainage), 0.03 acre of disturbed wetlands, 0.04 acre of vernal pool, and 0.01 acre of vernal pools with fairy. Impacts to 100 percent conserved lands require non-MHPA replacement lands to be conserved that provide functional equivalency. The VPHCP equivalency analysis and conservation strategy are provided below.

As stated in Section 8.4.2 of the VPHCP, exchange of conserved lands within the VPHCP Plan Area may be made without the need for a Major Amendment to the VPHCP in cases where the new boundary results in an area of equivalent or higher biological value in the MHPA. At the direction of the USFWS, a Major Amendment to the VPHCP will be prepared in the future in the form of an Addendum to the VPHCP and subject to approval by the City and USFWS.

Therefore, with the MHPA addition areas identified above, the proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP).

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

The Project is over five miles east of the Pacific Ocean, with a minimum elevation of 230 feet mean sea level at the western end of the Project site. The Community Plan

area is not located downstream of any large bodies of water. No coastal beaches, sensitive coastal bluffs or Special Flood Hazard Areas exist within the Project area.

Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact 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.**

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

The analysis for the project-level components included implementing the Otay Mesa Community Plan Final Environmental Impact Report (FEIR), SCH No. 2004051076 Mitigation Framework through site-specific studies and identifying project-specific mitigation measures consistent with the FEIR Mitigation Framework. Project-specific mitigation measures were identified to address potentially significant impacts related to land use, biological resources, historical resources, human health/public safety/hazardous materials, noise, paleontological resources, traffic/circulation, and tribal cultural resources and the Project is conditioned to require compliance with the MMRP (SDP Condition No. 15).

According to the Biological Resources Report, the Project is required to provide 153.23 acres of upland mitigation and is providing 169.94 acres. The total proposed and required wetland mitigation is 1.45 acres, and an additional 95.29 acres of upland preservation are required to address impacts to CDFW conservation easements (APNs 645-061-1000 and 645-061-0200 considered VPHCP 100% conserved lands (Biological Resources Report, Table 10).

The project-level mitigation for significant impacts to land use, biological resources, historical resources, human health/public safety/hazardous materials, noise, paleontological resources, traffic/circulation, and tribal cultural resource is included in SEIR Section 10.2.4 and the MMRP, and the Project is conditioned to require compliance with the MMRP (SDP Condition No. 15). Several measures are summarized below:

PR-NOS-1: Interior Noise Analysis

Due to the magnitude of noise increases along the identified roadways, impacts at the project level would remain significant. Similar to the FEIR, no mitigation is feasible

DRAFT

to reduce these impacts and thus, the impacts would be significant. Habitat-based mitigation for noise impacts on cactus wren and coastal California gnatcatcher habitat would reduce significant impacts to these species to below a level of significance.

Prior to the issuance of building permits for development on lots containing the buildings in PA 8, 10, 11, and 12, 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 (SEIR, Mitigation Measure PR-NOS-1).

PR-HIST-1: Data Recovery for CA-SDI-22, 936

Implementation of the project would impact resource CA-SDI-22,936, which would constitute a significant effect to a known historical resource.

Per State CEQA Guidelines Section 15126.4(b)(3), preservation mitigation was considered to avoid significant impacts to CA-SDI-22,936. Although preservation in place is the preferred method of mitigation, it is not a feasible method of mitigation for the project due to existing development and environmental constraints that dictate the location of the proposed Caliente Avenue alignment. In addition, the proposed project requires disturbance and grading not just for the roadway but also for the placement of required utilities within the roadway. Furthermore, preservation in place through incorporation of the CA-SDI-22,936 within parks, greenspace, or other open space, covering the site with a layer of chemically stable soil or deeding the site into permanent conservation easement is not feasible as the proposed Caliente Avenue alignment and utilities within the roadway are required for access to and the development of PA 8 through PA 10. Therefore, while preservation in place is the preferred method of mitigating impacts to archaeological sites; it is not feasible to preserve CA-SDI-22,936 in place.

The following project-specific measures would implement the remaining provisions of the Mitigation Framework HIST-1. Mitigation measure PR-HIST-1 shall be implemented to reduce impacts to CASDI-22,936. Mitigation measure PR-HIST-2 shall be implemented to reduce impacts due to inadvertent discovery of previously unknown historical resources during ground disturbing activities in the project-level areas

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, the applicant shall provide a letter of completion prepared by the Qualified Archaeologist (as defined in the Historical Resources Guidelines) that oversaw the recovery program that demonstrates, to the satisfaction of MMC, that the Archaeological Data Recovery Program (ADRP) for the archaeological site (CA-SDI-22,936) was completed (SEIR, Mitigation Measure PR-HIST-1 and PR-HIST-2).

Implementation of project-level mitigation measure PR-HIST-1 and PR-HIST-2 would reduce impacts to CA-SDI-22,936 and to unknown or buried cultural resources discovered during ground disturbance. The presence of an archaeological and Native American monitor during ground disturbing activities would allow for the identification of buried resources to occur so that work can stop, and any resources be evaluated. If significant resources are recovered, implementation of a Research Design and Data Recovery Program would ensure significant resources are treated properly to reduce significant impacts. However, even with the implementation of measures PRHIST-1 and PR-HIST-2, impacts associated with future development at the project-level would remain significant considering the nature of the loss (e.g., loss of a minimally disturbed habitat site in Otay Mesa where such resources are scarce) and 100% of the site would continue to be impacted, which is a greater impact compared to the FEIR.

PR-TRA-1: Mobility Zone 4 Active Transportation In-Lieu Fee

At the project level, VMT per capita would be in excess of 85 percent of the regional mean. Thus, project-level VMT impacts would be considered significant, similar to the FEIR transportation impact conclusions.

Prior to the issuance of any building permit, the Owner/Permittee shall pay the current City of San Diego Active Transportation In-Lieu fee (ATILF) (SEIR, Mitigation Measure PR-TRA-1).

Even with the implementation of mitigation measure PR-TRA-1, impacts related to VMT at the project-level would be significant, consistent with the analysis incorporated by reference within the Findings and Statement of Overriding Considerations (SOCs) from the Complete Communities: Mobility Choices Final PEIR (City 2020; SCH No. 2019060003). Per these Findings and SOCs, compliance with the City's Mobility Choices Program regulations are considered mitigation to the extent feasible.

After mitigation, all project-level impacts would be reduced to less than significant except land use plan consistency (noise compatibility) and consistency with historical resource regulations, historical resources, traffic-generated noise, and traffic/circulation (VMT), which would be significant and unmitigated. These conclusions are consistent with the FEIR, with the exception of the new land use, historical resources, and traffic/circulation (VMT) impacts.

Therefore, 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.

C. <u>SITE DEVELOPMENT PERMIT – San Diego Municipal Code (SDMC) Section 126.0505(c), Environmentally Sensitive Lands Deviations</u>

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

   The Project has been designed to locate development on mesa areas and avoid landslide hazard areas, steep slopes and canyons in the Specific Plan. SEIR Section 10.2 and the MMRP for the project-level components implement mitigation consistent with the FEIR Mitigation Framework and the Project is conditioned to require compliance with the MMRP (SDP Condition No. 15).

   After mitigation, all project-level impacts would be reduced to less than significant except land use plan consistency (noise compatibility) and consistency with historical resource regulations, historical resources, traffic-generated noise, and traffic/circulation (VMT), which would be significant and unmitigated. These conclusions are consistent with the FEIR, with the exception of the new land use, historical resources, and traffic/circulation (VMT) impacts.

   As detailed in SEIR Sections 3.5.5.3 and 5.1.5.2.c, the Project would be consistent with the City's Brush Management Regulations, which ensure adequate fire buffers are provided between development areas and native and naturalized vegetation.

   The Specific Plan identifies circulation network changes that require operational analyses to ensure the network still functions at the community level. Two circulation network changes are proposed:

   1. Caliente Ave downgrade from a 6 Lane Major to a 4 Lane Modified Urban Collector between Central Ave and Beyer Blvd to avoid sensitive habitat, specifically a 1-acre City of San Diego-owned Vernal Pool Habitat Conservation Plan 100 percent conserved parcel.

   2. Beyer Blvd will be downgraded from a 4 Lane Major to a 4 Lane Modified urban collector between Enright Dr and West Avenue and to a 4 Lane Urban Major between West Avenue and Caliente Ave. From Enright Dr to West Ave, Beyer Blvd will be constructed with as a 2-lane roadway to avoid and minimize impacts to sensitive habitat, as requested by California wildlife agencies. From West Ave to Caliente Ave, Beyer Blvd will be constructed as a 4 Lane Urban Major.

   As depicted in SEIR Figure 5.4-12, the Project includes and impacts Disturbed Wetland in portions of Beyer Boulevard West, Beyer Boulevard East, the Secondary Emergency Vehicle Access Road, Planning Areas 8, 9, and 12, and Wetland in the western portion of Beyer Boulevard West. The construction of the Caliente Avenue extension south of Central Avenue would impact 0.01 acres of disturbed wetlands inside the MHPA. Residential development would impact 0.12 acres of disturbed wetlands inside the MHPA. Residential development would also impact 0.03 acres of vernal pool inside the MHPA.

DRAFT

Deviations from the wetland regulations require processing one or more of the following three options: Essential Public Projects (EPP) Option, Economic Viability Option, and Biologically Superior Option (BSO) (SDMC Section 143.0150). Impacts to wetlands within the Beyer Boulevard and Caliente Avenue alignments would be processed under the EPP Option because these roadways are identified in the Community Plan with regional function. Impacts to vernal pools outside of the MHPA do not require a deviation from the wetland regulations, as all impacts would be mitigated consistent with the VPHCP.

The majority (0.36 acre) of the requested deviation would qualify under the EPP Option for the development of the proposed Beyer Boulevard and Caliente Avenue extension. These roadways are City Mobility Element roadways identified in the Community Plan. Per the City's Biology Guidelines, a deviation to the ESL wetland regulations under the EPP Option may be granted, provided the project serves the community at large and not just a development project or property. Both Caliente Avenue and Beyer Boulevard are linear infrastructure identified as Mobility Element roadways in the adopted Community Plan, which meets the first two qualifications of the EPP Option.

An Alternatives Analysis was completed in Chapter 9 of the SEIR. In summary, the No Caliente Avenue North of Central Avenue Alternative and the Avoidance of Conserved Parcels Alternative (a Beyer Boulevard alternative) were both found to be infeasible wetland avoidance alternatives. The No Caliente Avenue North of Central Avenue Alternative was found infeasible because that segment of roadway is required to provide access to the Specific Plan area and that this segment was already approved as a part of the Candlelight Tentative Map 114999 and is reasonably expected to be completed regardless of the proposed project considering that construction is already underway, The Avoidance of Conserved Parcels Alternative that avoids impacts due to Beyer Boulevard was rejected because the alternative alignments would be more impactful than the proposed and due to infeasibility of other alignments due to landslide issues, location of Beyer Community Park, inability to meet design standards and conflicts with other considered lands. The proposed Beyer Boulevard design includes minimization of wetland impacts to the extent feasible, as detailed in Attachment 10 of SEIR Appendix C.

The construction of the Caliente Avenue extension south of Central Avenue would impact 0.01 acres of disturbed wetlands inside the MHPA and qualify for a deviation under the EPP Option. Residential development would impact 0.12 acres of disturbed wetlands inside the MHPA, which was analyzed under BSO for a deviation. 0.03 acre of vernal pool inside the MHPA would be impacted by residential development, which was analyzed under BSO for a deviation.

Due to ESL impacts (e.g., steep slopes), a SDP is required for the Project, although exceptions and deviations may be allowed by the City if certain findings can be made. The Project has been designed to minimize impacts to ESL; however, encroachment into some steep slopes is unavoidable due to the existing site conditions and the need

for erosion control. As allowed by LDC Section 143.0142(g), the temporary encroachment areas would be graded for erosion control, but the slope grades would be restored and vegetation reestablished to the City's satisfaction once slopes are backfilled.

SEIR and MMRP Mitigation Measure PR-HIST-2 states the following: "If the resource is significant, the Principal Investigator shall submit an Archaeological Data Recovery Program which has been reviewed by the Native American consultant/monitor and obtain written approval from the Mitigation Monitoring Coordination. 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.

However, even with the implementation of mitigation measures PR-HIST-1 and PR-HIST-2, impacts associated with future development would remain significant, considering the nature of the loss (e.g., loss of a minimally disturbed habitat site in Otay Mesa where such resources are scarce), and 100% of the site would continue to be impacted. As noted in Finding D.2. incorporated here by reference and the SEIR, no additional feasible mitigation or project alternative has been identified that could reduce this impact.

Therefore, there are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.

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.**

   See Findings A.2., A.3, B.1, D.2., and D.3incorporated by reference.

   The Project has been designed to locate development on mesa areas and avoid landslide hazard areas, steep slopes and canyons in the Specific Plan. Sensitive habitats are identified in the MHPA and VPHCP areas.

   Given the topography of the Project area, it is anticipated that development of Southwest Village will require site-specific grading regulations that will supersede specific portions of the SDMC Section 143.0142(a) and Section II(C) of the Steep Hillside Guidelines. The overall goal of the grading regulations is to blend with existing or planned adjacent topography, provide for more natural appearing manufactured slopes, minimize grading quantities, and minimize the height of visible slopes. Slopes adjacent to major streets shall be landform graded regardless of the adjacent topography, except when necessary to minimize impacts to sensitive natural resources.

Caliente Avenue and Beyer Boulevard were designed with respect to the topography and location of conserved open space in the Specific Plan, which identifies preserved areas of open space. Most of the eastern areas identified as open space are included in the VPHCP. However, the Specific Plan would involve a VPHCP MA and MHPA BLA.

Impacts to wetlands within the Beyer Boulevard and Caliente Avenue alignments would be processed under the ESL deviation EPP Option because these roadways are identified in the Community Plan with regional function. Impacts to vernal pools outside of the MHPA do not require a deviation from the wetland regulations, as all impacts would be mitigated consistent with the VPHCP.

The remainder of the resources subject to a wetland deviation are processed under the BSO deviation option. The BSO analysis documented in the SEIR shows how the proposed project would be biologically superior to avoiding the wetland resources. The low quality of the impacted resources was considered in light of the proposed mitigation for vernal pools and wetlands that would provide higher functions and values than the impacted resources.

Implementation of project-level mitigation measures PR-HIST-1 and PR-HIST-2 would reduce impacts to CA-SDI-22,936 and unknown or buried cultural resources discovered during ground disturbance. The presence of an archaeological and Native American monitor during ground disturbance activities would allow for the identification of buried resources so that work can stop and any resources can be evaluated. If significant resources are recovered, implementation of a Research Design and Data Recovery Program would ensure that significant resources are treated properly to reduce significant impacts.

Therefore, the proposed deviations are the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.

D. <u>SITE DEVELOPMENT PERMIT – San Diego Municipal Code (SDMC) Section 126.0505(g), Supplemental Findings--Historical Resources Deviation for Important Archaeological Sites and Traditional Cultural Properties</u>

1. There are no feasible measures, including a less environmentally damaging location or alternative, that can further minimize the potential adverse effects on historical resources.

A Historical Resources Investigation of the Southwest Village Specific Plan prepared by RECON Environmental, Inc. for applicant, Tri Pointe Homes, found that archaeological site CA-SDI-22,936 retained integrity and was eligible for historic designation on the California and San Diego Registers. The site, HRB #1537, was designated in September of 2024 by the City of San Diego Historical Resources Board and was included on the San Diego Register under Criterion A as a special element of the City's and Otay Mesa's archeological and cultural development.

Specifically, CA-SDI-22,936 likely functioned as a tool manufacturing location and could provide enough data to answer regional research questions regarding site function, chronology and subsistence due to its high density subsurface cultural deposit and minimal disturbance within the central portion of the site.

The Southwest Village Specific Plan (Base Project or Specific Plan) would encroach into 100 percent of historical resource CA-SDI-22,936 as a result of the width and design of Caliente Avenue south of Central Avenue and associated grading. The extension of Caliente Avenue is required as one of the primary access roadways to the Specific Plan. Primary access to the Specific Plan must be taken from the extension of two existing key arterials: Caliente Avenue offering north-south access from Otay Mesa and Beyer Boulevard offering east-west access from San Ysidro. These roadways are both identified as Mobility Element roadways in the Community Plan. The need to connect with the existing Caliente Avenue and Beyer Boulevard roadways greatly reduces the options for providing vehicular access to the site. Additionally, the project anticipates Caliente Avenue to carry over 29,000 vehicular average daily trips (ADTs), requiring the roadway to maintain a certain width and number of lanes to accommodate anticipated traffic needs. The applicant also considered removing the Caliente Avenue extension entirely; however, Beyer Boulevard would not be able to be modified to accommodate anticipated traffic volumes. Additionally, both Beyer Boulevard and Caliente Avenue are required to provide primary fire/emergency access routes to the Specific Plan.

The width of Caliente Avenue within the Specific Plan cannot be further downgraded from the proposed 4-Lane Urban Collector Street due to anticipated traffic volumes. Caliente Avenue within the Specific Plan area was planned as a 6-Lane Major Arterial within the City's Community Plan (Figure 3-2). The Community Plan required that prior to consideration of any comprehensive development or rezoning proposals in the Southwest Village Specific Plan area that a Specific Plan to implement the land use framework be prepared. Accordingly, the Specific Plan identifies the mobility network for the Specific Plan area (Specific Plan Figure 4.1) and identifies Caliente Avenue between Central Avenue and Beyer Boulevard as a 4-Lane Urban Collector Street with a Class I bike path and Class II bike lane. This segment of Caliente Avenue, which would impact the historical resource, has already been downgraded from the Community Plan planned 6-Lane Major Arterial to a 4-Lane Urban Collector Street. Further downgrade to allow for avoidance of the historical resource would not be feasible due to the anticipated traffic volume of 29,000 ADTs (see discussion below).

Several other existing factors provide significant constraints for the roadway alignment within the Specific Plan area. The proposed alignment of Caliente Avenue immediately north of the Specific Plan area was approved as part of the Candlelight development (Project No. PTS 30320/691625) which established the location for Caliente Avenue. Therefore, the alignment of Caliente Avenue where it enters the Specific Plan area is established and cannot be modified without modifications to the Candlelight development approvals. Also, per the Community Plan (Figure 3-2), the

Caliente Avenue alignment must connect to Beyer Boulevard in order to provide critical transportation connections between Otay Mesa and San Ysidro. Caliente Avenue and Beyer Boulevard are the two major roadways providing regional access to the project site to and from Otay Mesa and San Ysidro. Therefore, the connection point between Beyer Boulevard and Caliente Avenue is necessary for project access and cannot be modified.

The Specific Plan alignment of Caliente Avenue cannot be shifted southward. A City conservation parcel (Assessor Parcel Number 645-074-0600) that is part of the Vernal Pool Habitat Conservation Plan preserve and acquired with United States Fish and Wildlife Service (USFWS) Endangered Species Act (ESA) Section 6 grant funding is located just south of the historical resource. Due to its funding source and its status as Vernal Pool Habitat Conservation Plan preserve, this parcel cannot be impacted by the road extension and must be avoided. As a result, the alignment of Caliente Avenue cannot be shifted as it is currently aligned to avoid this City conserved parcel, while staying within the Specific Plan boundary and connecting to Beyer Boulevard.

An analysis (Southwest Village Specific Plan Caliente Avenue Alternatives Analysis) of five different alternatives to the Base Project was prepared by RECON for the project applicant, Tri Pointe Homes (Alternatives Analysis). Alternative 1 studied the narrowing of the Caliente Avenue extension to reduce impacts to the archaeological site. Alternative 2 studied shifting the alignment of the Caliente Avenue extension to the north in an effort to avoid the archaeological site in its entirety. Alternative 3 studied a revised alignment of the Caliente Avenue extension that avoided the archaeological site by rerouting the road into areas with steep slopes, finger canyons, 100% conserved land and VPHCP/MHPA. Alternative 4 studied extending Caliente Avenue north to intersect with the existing Central Avenue then zigzagging before rejoining the existing portion of Caliente Avenue. Alternative 5 studied preserving, or "capping", the archaeological site intact beneath Caliente Avenue. The five alternatives were evaluated for their regulatory, physical and technical feasibility versus that of the Base Project, and are summarized in the table below:

Alternative	Description	Environmental Impact	Project Impact
Base Project	Extension of Caliente Avenue as a 4-Lane (122 feet wide) Urban Collector Street with Class I bike path and Class II bike lane.	100% encroachment into CA-SDI-22,936	N/A

DRAFT

Alternative 1	Extension of Caliente Avenue as a 2 lane (62 feet wide) Urban Collector Street with Class II bike lane.	Reduced roadway impacts to CA-SDI-22,936	Alternative 1 would narrow Caliente Avenue and would not meet the transportation and mobility objectives of the Specific Plan and Otay Mesa Community Plan.
Alternative 2	Shifting the alignment of the Caliente Avenue extension to the north as a 4-Lane (122 feet wide) Urban Collector Street with Class I bike path and Class II bike lane.	Complete avoidance of CA-SDI-22,936	Alternative 2 presents engineering challenges due to a tight curve radius, and extension of roadway into land not owned or controlled by Tri Pointe Homes and would encroach upon areas planned for residential development.
Alternative 3	Extension of Caliente Avenue north as a 4-Lane (122 feet wide) Urban Collector Street with Class I bike path and Class II bike lane rerouted through areas with steep slopes, finger canyons, 100% conserved land, and VPHCP/MHPA.	Complete avoidance of CA-SDI-22,936	Alternative 3 would complicate road construction, reduce long-term road stability, and necessitate additional environmental analysis and coordination with wildlife agencies.
Alternative 4	Extension of Caliente Avenue north to intersect with Central Avenue north as a 4-Lane (122 feet wide) Urban Collector Street with Class I bike path and Class II bike lane.	Complete avoidance of CA-SDI-22,936	Alternative 4 would expand the anticipated traffic volumes along Central Avenue, and encroach into adjacent property not owned or controlled by Tri Pointe Homes, and would encroach upon areas planned for residential development.

DRAFT

Alternative 5	Extension of Caliente Avenue consistent with the Base Project and with preservation of the archaeological site below through resource capping.	CA-SDI-22,936 would remain intact beneath Caliente Avenue with excavation through site for utilities	Reduced long-term road stability, ongoing disruption of site for public utility installation, inspection, maintenance and repair.

Based upon the alternatives analysis, the Base Project is the only feasible option among those presented and the other less environmentally damaging alternatives studied are not feasible due to regulatory, physical and technical restraints as described in more detail below.

According to the alternatives analysis:

- Alternative 1would narrow Caliente Avenue within its current alignment (from 122 feet to 62 feet) in an effort to reduce the extent of intrusion into the archaeological site. The segment of Caliente Avenue in question has already been downgraded from the Otay Mesa Community Plan's originally planned 6-Lane Major Arterial to a 4-Lane Urban Collector Street. Any further reduction in roadway width is not considered feasible due to projected traffic volumes exceeding the reduced roadway capacity and the functional classification needed to support long-term circulation demands in the Specific Plan area. From a critical multi-modal perspective, the baseline Caliente Avenue has 122 feet of right of way (ROW) to accommodate Class I Bike Paths, Class II Bike Lanes, sidewalks and buffers as required by the Community Plan. Reducing the ROW from 122 feet to 62 feet will result in a loss of two lanes of traffic. The reduction of Caliente Avenue to a 2-Lane Urban Collector Street would make it feasible to accommodate only 6,500 ADTs, far below the necessary 29,000 ADTs required to make the project feasible. Additionally, the grading associated with this alternative would impact portions of the important archaeological site. In view of the foregoing factors, alternative 1 is therefore not feasible.

- Alternative 2 would shift the alignment of Caliente Avenue to the north in an effort to avoid the archaeological site. However, the revised alignment presents engineering challenges due to geometric limitations including tight curve radii that do not meet standard design requirements. The minimum curve radius permitted for a 4 Lane Urban Collector is 380 ft with a 6% superelevation. A 6% superelevation is significant and would require a deviation from the City standards. It may not be possible to design this segment within the design requirements. As a result, deviations would be required for minimum curve radius and superelevation standards. In addition, this alignment would impact planned development within portions of Planning Area 8 (PA8) and extend onto property not owned or controlled by Tri Pointe Homes. These constraints introduce issues related to land acquisition, off-site improvements, and potential conflicts with

adjacent development plans outside of the Specific Plan area. Alternative 2 is therefore not feasible. Additionally, as demonstrated by Alternatives Analysis, Figures 2 and 6, avoidance of the archaeological site would preclude the property owner from realizing reasonable use of the land by encroaching on areas planned and designated for residential development resulting in the reduction of dwelling units within Planning Area 8.

- Alternative 3 would revise the alignment and geometry of Caliente Avenue to avoid the archaeological site by rerouting the road into areas with steep slopes, finger canyons, 100% conserved land, and VPHCP/MHPA. While this alignment may reduce direct impacts to the historical resource, it also introduces geological constraints that could complicate road construction and long-term road stability. Additionally, portions of the revised alignment would extend beyond the boundaries of the project-level environmental analysis area and introduce additional grading into sensitive resources, triggering the need for supplemental environmental studies and additional coordination with wildlife agencies. These factors could result in delays to project implementation and may require new or amended permits from the City and outside agencies. Vehicles would be required to use two "T-intersections" to reach this alternative Caliente Avenue alignment. The third leg of these T-intersections would either be a dead end or to a low volume connection. Each of these T-intersections would require either all-way stop control or a traffic signal. Moving the project's anticipated 29,000 average daily trips through these T-intersections would require dual right and left turn lanes that would require additional ROW at the new intersections. In view of the foregoing factors, alternative 3 is not feasible.

- Alternative 4 proposes extending Caliente Avenue north to intersect with Central Avenue, then zigzagging before rejoining the existing Caliente alignment. Although this configuration aims to avoid the archaeological site, it is not considered feasible. Central Avenue is a 2-lane collector and lacks the capacity to accommodate the anticipated average daily trips (ADT) generated by Caliente Avenue, even over a short distance. The horizon year ADT would increase from 3,900 ADT to 24,900 ADT along Central Avenue between the Southwind Property and the existing Caliente Avenue alignment. This increase in ADT will require a 4 Lane Collector with 110-122 feet of ROW to operate at level of service (LOS) D. This segment of Central Avenue has 62 feet of ROW. A 4 Lane Collector would require 48-60 feet of additional ROW. Additionally, this alternative will create a significant number of left and right turning vehicles due to the zigzag route with this new alignment. Dual left and right turn lanes will be required at the new intersections of Caliente Avenue/Central Avenue adjacent to Southwind and at Central Avenue/Caliente Avenue at the existing Caliente alignment resulting in additional ROW needs. In addition, this realignment would affect planned development within Planning Area 8 (PA8) and require substantial encroachment onto the Southwind property, which lies outside of Tri Pointe's ownership and control. Given these constraints, this alternative is not practical from either a traffic operations or land use perspective, Alternative 4 is therefore

DRAFT

not feasible. Additionally, as demonstrated by Alternatives Analysis, Figures 2 and 8, complete avoidance of the archaeological site would preclude the property owner from realizing reasonable use of the land by encroaching on areas planned and designated for residential development resulting in the reduction of dwelling units within Planning Area 8.

- Alternative 5 proposes to preserve the important archaeological site in place beneath the proposed Caliente Avenue extension by covering it with a geofabric followed by two feet of clean fill soils before adding project soils to the existing grade. Approximately a minimum of 16 feet of structural fill soil would need to be added above the two feet of clean fill soil to bring the terrain up to the grade required to construct Caliente Avenue. The area above the archaeological site, measuring approximately 127 by 75 feet by 3 to 4 feet deep of topsoil, would need to be left intact prior to the placement of structural fill soil. The intact topsoil would not provide a strong base for the fill soil and could introduce long-term settlement issues and distress to improvements built at the finished grade, including Caliente Avenue. Also, the project includes the construction of water, sewer, and storm drain facilities beneath Caliente Avenue that would impact the archaeological resource or the immediately adjacent area. These public utilities would require ongoing access for inspection, maintenance and repair with a high likelihood of disturbing the capped resource and undermining the intent of preservation in place. Given the inability to guarantee stable construction of Caliente Avenue and the likely need to trench through or adjacent to the preserved resource in order to install and maintain public utilities, Alternative 5 is not feasible.

As demonstrated by the alternatives analysis, the Base Project is the only feasible option due to the existing conditions of the site and surrounding properties outside the Specific Plan area and outside of the applicant's ownership and control. There is no other feasible location for the roadway extension that would serve the Community Plan and Specific Plan area objectives or support anticipated traffic volumes of 29,000 ADTs and avoid the historical resource. Removal and/or reduction of the road would render the Specific Plan development infeasible through its inability to support anticipated traffic needs. Additionally, it is not feasible to preserve the archaeological site intact beneath Caliente Avenue and construct a stable roadway. Therefore, for these reasons, there are no feasible measures, including a less environmentally damaging alternative that can further minimize the potential adverse effects on the designated historical resource.

2. The proposed deviation is the minimum necessary to afford relief and accommodate the development and all feasible measures to mitigate for the loss of any portion of the resource have been provided by the applicant.

The City's Historical Resources Regulations (HRR), San Diego Municipal Code Chapter 14, Article 3, Division 2, require that all important archaeological sites be protected and preserved consistent with the Secretary of the Interior's Standards. The

DRAFT

HRR permit a deviation from the regulations with the approval of a Site Development Permit and associated findings. By encroaching into 100% of historical resource CA-SDI-22,936 as a result of the width and design of Caliente Avenue south of Central Avenue, the proposed Base Project is a substantial alteration to a historical resource that is not consistent with the Standards; therefore, a deviation from the Historical Resources Regulations is being requested. As demonstrated by Finding D.1., incorporated here by reference and the RECON alternatives analysis prepared for the applicant (Alternatives Analysis), 100% encroachment into CA-SDI-22,936 is the minimum deviation from the City's Historical Resources Regulations necessary to afford relief and accommodate the development due to the existing conditions of the Specific Plan area.

As noted above, the extension of Caliente Avenue is required for the development of the Specific Plan. The applicant has provided mitigation measures to address the impacts to the historical resource. The environmental analysis for the Specific Plan is a Subsequent Environmental Impact Report (SEIR) to the FEIR, which anticipated development of the Specific Plan area in addition to the proposed Caliente Avenue extension. The FEIR found that impacts to known and unknown historical resources could occur anywhere within the planning area and that grading of original in situ soils could expose buried historical archaeological resources and features including sacred sites and human remains. The FEIR Mitigation Framework includes HIST-1: Archaeological Resources, Step 3 which states "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."

The SEIR's project-level Mitigation Monitoring and Reporting Program requires a data recovery program as well as construction monitoring. PR-HIST-1 requires a Qualified Archaeologist to lead a data recovery program for CA-SDI-22,936. The data recovery program will systematically excavate the central area of the site that contains potential intact subsurface deposits as well as document and curate any artifacts found. The results will be documented in an Archaeological Data Recovery Program Final Report. The *Results of the Historical Resources Investigation of the Southwest Village Specific Plan, San Diego, California* (RECON Environmental, Inc. 2024) has outlined a research design and two-phased data recovery program that includes up to 2 percent recovery from the central area of CA-SDI-22,936 to comply with this mitigation measure. Mitigation measure PR-HIST-2 requires monitoring during construction by archaeological and Native American monitors. The mitigation measure outlines the steps and the process of managing discoveries during construction and requires preparation of a Final Monitoring Report which will be submitted to City staff. Implementation of these mitigation measures would minimize potentially significant impacts to buried archaeological resources during grading to the maximum extent feasible.

Therefore, the project is designed with the minimum necessary deviations to afford relief from the restrictions of the Historical Resources Regulations and accommodate

the development and all feasible measures to mitigate for the loss of any portions of the historical resource have been provided by the applicant.

3. **There are special circumstances or conditions apart from the existence of historical resources, applying to the land that are peculiar to the land and are not of the applicant's making, whereby the strict application of the provisions of the historical resources regulations would deprive the property owner of reasonable use of the land.**

The project includes the extension of Caliente Avenue to provide vehicular access to the Specific Plan area. The Caliente Avenue extension must connect to the existing terminus of Caliente Avenue and the planned terminus of Beyer Boulevard. The construction of Caliente Avenue north of Central Avenue was previously analyzed within the Candlelight FEIR (SCH No. 2013101036) that was approved by the City with a prior entitlement for the neighboring Candlelight development (Project No. PTS 30320/691625). Shifting the road alignment to the south to avoid the historical resource would not be feasible due to the City Vernal Pool Habitat Conservation Plan preserve lands including Assessor Parcel Number 645 074-0600, which was conserved with USFWS ESA Section 6 grant funding. There is no other location for the Caliente Avenue roadway extension while still serving the Specific Plan area, connecting to Beyer Boulevard, and avoiding the environmental resource. Additionally, it is not feasible to preserve the archaeological site intact beneath Caliente Avenue and construct a stable roadway.

As indicated in Findings D.1. and D.2. above, incorporated here by reference, Alternatives 1 through 4, which shift the location of the Caliente Avenue extension, would significantly and adversely impact overall circulation and undermine the Specific Plan's and community plan's mobility objectives. Furthermore, the impacts due to the construction of Caliente Avenue are not of the applicant's making as the general location of the roadway was planned as part of the Community Plan as a public road providing regional access and circulation consistent with the Community Plan (Figure 3-2). Additionally, the location of Caliente Avenue directly to the north of the Specific Plan area was approved as part of the Candlelight development and is currently under construction. The constraints that exist in the area, as documented in Findings D.1. and D.2. above, incorporated here by reference, are not of the applicant's making.

The location of the archaeological site, adjacent to a finger canyon, is fixed and it cannot be relocated like a historic or cultural resource from the built environment. As discussed in Finding D.1. Alternative 5, preserving the important archeological site beneath the proposed Caliente Avenue extension is infeasible due to the topographical constraints of the project site. In this scenario, a minimum of 16 feet of structural fill soil above two feet of clean fill soil will need to be added to the existing grade to bring the roadway above the site up to the proper elevation. This scenario was determined to be infeasible due to the unstable roadway that would be

DRAFT

constructed above the archaeological site. Constraints due to the archaeological site's location and the topography of the surrounding area are not of the applicant's making.

Strict application of the Historical Resources Regulations would deprive the City of substantial future housing opportunities within the Specific Plan area. As discussed in Finding D.1., there are no other feasible alternatives, that would have less of an impact on the important archeological site and meet the goals of the project. The strict application of the Historical Resources Regulations would require the removal, reduction, or relocation of the Caliente Avenue extension to avoid impacts to the important archaeological site. As noted in the Alternatives Analysis, the removal or reduction (Alternative 1) of the Caliente Avenue extension would significantly impair the ability to develop the Specific Plan area as envisioned in the Community Plan because it would be infeasible to accommodate anticipated traffic needs and provide sufficient fire/emergency access routes. Additionally, as demonstrated by the Alternatives Analysis, Figures 2, 6, and 8, avoidance of the archaeological site in Alternatives 2 and 4 would preclude the property owner from realizing reasonable use of the land by encroaching on areas planned and designated for residential development. Strict application of the Historical Resources Regulations would also deprive the property owners within the Specific Plan area of a reasonable use of the land when compared to the land uses envisioned in the Community Plan. The Community Plan identified the 490-acre Southwest Village Specific Plan area would be developed with a neighborhood village with a central town center of mixed uses with future roadway connections via Caliente Avenue and Beyer Boulevard.

Therefore, there are special circumstances or conditions apart from the existence of historical resources, applying to the land that are peculiar to the land and are not of the applicant's making, whereby the strict application of the provisions of the historical resources regulations would deprive the property owner of reasonable use of the land.

2. The above findings are supported by the minutes, maps, and exhibits, all of which are incorporated by this reference.

3. Based on these findings adopted by the Council, Site Development Permit No. PMT-2188971 is granted by the Council to the referenced Owner/Permittee, in the form, exhibits, terms, and conditions as set forth in Site Development Permit No. PMT-2188971, a copy of which is attached to and made a part of this Resolution by this reference.

DRAFT

APPROVED: HEATHER FERBERT, City Attorney

By _____

Deputy City Attorney

Attachment: Conditions for Site Development Permit No. PMT-2188971

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on _____.

DIANA J.S. FUENTES
City Clerk

By _____
Deputy City Clerk

DRAFT

CITY COUNCIL
CONDITIONS FOR VESTING TENTATIVE MAP NO. PMT-2188969,
SOUTHWEST VILLAGE SPECIFIC PLAN - PROJECT NO. PRJ-0614791 [**MMRP**]
ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Vesting Tentative Map will expire on _____. Final Map(s) shall be filed in phases. In accordance with Government Code § 66456.1, the recordation of each phased Final Map shall extend the expiration of the remaining portion of the Vesting Tentative Map (VTM) for a period of up to 48 months. In no event shall the cumulative term of the VTM exceed ten (10) years from the date of approval. Each phased Final Map shall comply with all applicable conditions of approval for that phase.

2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of each Final Map, unless otherwise noted.

3. Prior to the expiration of the Vesting Tentative Map, if approved, Final Maps to subdivide the properties into 7 numbered lots shall be recorded at the County Recorder's office. The Subdivider intends to record multiple Final Maps and shall be filed in phases. The Final Maps may be recorded in any sequence.

4. Prior to the recordation of each Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.

5. The Vesting Tentative Map shall comply with all conditions of and conform to the provisions of Site Development Permit No. PMT-2188971.

6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

AIRPORT

DRAFT

7. Prior to issuance of the first Building Permit, the Subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

AFFORDABLE HOUSING

8. Prior to issuance of the first Building Permit, the Subdivider shall enter into an affordable housing agreement with the San Diego Housing Commission to provide affordable housing units in compliance with the City's Inclusionary Affordable Housing Regulations (San Diego Municipal Code §§ 143.0301 et seq.).

ENGINEERING

9. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.

10. The Subdivider shall obtain letters of permission for any off-site work within property not owned by the Subdivider.

11. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

12. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City Engineer.

13. The Subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

14. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, 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.

15. 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 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.

16. The Subdivider shall enter into an agreement to indemnify, protect and hold harmless the City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of surface drainage entering into the property from the Right-of-Way due to the current drainage/ storm water design.

DRAFT

17. The Subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual and Council Policy 200-18. This includes (but is not limited to) installation of new streetlight(s), upgrading light from low-pressure to high-pressure sodium vapor and/or upgrading wattage, per approved Exhibit `'A', satisfactory to the City Engineer.

18. The Subdivider shall ensure that all existing on-site utilities serving the subdivision are undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place or provide other means to assure the undergrounding satisfactory to the City Engineer.

19. The Subdivider shall demonstrate that mitigated peak flow rates for the 5, 10, 25, 50 and 100-year design storms do not exceed pre-project runoff rates for portions of the overall Specific Plan boundary that drain towards the International Border with Mexico. For these locations, the pre-project runoff rate should coincide with existing conditions, before any development has commenced in the Specific Plan, and not a future phased condition.

20. The Subdivider shall fully document all diversions of drainage area between the main watershed areas of the site.

21. The Subdivider shall utilize Conjunctive Use guidelines for detention basin modeling of all mixed-use detention basins.

22. The Subdivider shall demonstrate that all proposed drainage basins have access and fencing provided to meet City criteria.

23. The Subdivider shall provide a hydraulic analysis downstream at each storm drain outfall in the Spring, Moody, and Dillon Creek watersheds demonstrating proposed condition floodplain limits and channel velocities.

24. The Subdivider shall provide downstream culvert capacity analysis for any storm drain outfall involving a diversion of drainage area or an increase in any of the analyzed peak flows as compared to pre-project conditions.

25. The Subdivider shall provide a detailed energy dissipation analysis at each storm drain outfall to ensure proper receiving water protection from discharges of the 100-year design storm.

26. The Subdivider shall provide pre-treatment facilities prior to the proposed pollutant control and hydromodification control BMPs and provide overflow structures for the 100-year flow and screening mechanism to prevent clogging of low-flow orifices in HMP facilities.

27. The Subdivider shall demonstrate compliance with the regional Critical Coarse Sediment Yield Area requirements.

28. The Subdivider shall provide a full review of the Channel Screening Analysis prior to final approval and selection of low flow thresholds for the HMP analysis.

DRAFT

29. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions that are shown on the Vesting Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

30. Prior to the recordation of the Final Map, taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition. If a tax bond is required, as indicated in the tax certificate, ensure that it is paid or posted, and submit evidence (e.g., filed bond letter or receipt from Clerk of the Board) indicating the required tax bond amount has been paid or bonded prior to the recordation of the Final Map.

31. The Final Map shall be based on field survey and all lot corners must be marked with durable survey monuments pursuant to Section 144.0311(d) of the City of San Diego Land Development Codes and Subdivision Map Act Section 66495.All survey monuments shall be set prior to the recordation of the Final Map, unless the setting of monuments is deemed impractical due to the proposed improvements and/or grading associated with the project, in which case, delayed monumentation may be applied on the Final Map in accordance with Section 144.0130 of the City of San Diego Land Development Codes.

32. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].

33. All subdivision maps in the City of San Diego are required to be tied to the "California Coordinate System" which means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."

34. The Final Map shall:

    a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

    b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

DRAFT

TRANSPORTATION

35. Concurrent with recordation of the first final map in Phase 1a (at 1st dwelling unit) in VTM, the Subdivider shall dedicate 62 feet of right-of-way for Central Avenue from approximately Sta. 19+50 to 27+00 for the construction of a 38-foot curb-to-curb width and 12-foot parkways, satisfactory to the City Engineer.

36. Concurrent with recordation of the first final map in Phase 1a (at 1st dwelling unit) in VTM, the Subdivider shall dedicate 69 feet of right-of-way for Central Avenue from approximately Sta. 10+50 to 19+50 for the construction of a 45-ft curb-to-curb width and 12-ft parkways, satisfactory to the City Engineer.

37. Concurrent with recordation of the first final map in Phase 1b (at 201st dwelling unit) in VTM, the Subdivider shall dedicate 58 feet (half width) of right-of-way for Beyer Boulevard East from West Avenue to future Caliente Avenue for the construction of a 38 ft curb-to-centerline (with a temporary cul-de-sac at the eastern terminus) and 20 ft parkway, satisfactory to the City Engineer.

38. Concurrent with recordation of the first final map in Phase 1a (at 1st dwelling unit) in VTM, the Subdivider shall provide 0 to 143 feet irrevocable offer to dedicate (IOD) for future Caliente Avenue from Beyer Boulevard East to the northern limit of PA-8/Lot 1 easterly property line per Sheet 9 of the VTM TM Exhibit, satisfactory to the City Engineer.

39. Concurrent with recordation of the first final map in Phase 1c (at 700th dwelling unit) in VTM, the Subdivider shall provide 53 feet of right-of-way for Beyer Boulevard West from West Avenue to Enright Drive for the construction of a 44-foot curb-to-curb width with an 8-foot parkway (on the south side only), satisfactory to the City Engineer.

40. Concurrent with recordation of the first final map in Planning Areas 11, 12, 13, or 14 (south of Beyer Boulevard) in VTM, the Subdivider shall dedicate 53 feet of right of way for West Avenue from Beyer Boulevard to Street A for the construction of a 39-foot pavement width and 14-foot parkway, satisfactory to the City Engineer.

41. Concurrent with recordation of the first final map in Planning Areas 11, 12, 13, or 14 (south of Beyer Boulevard) in VTM, the Subdivider shall dedicate 51 feet of right-of-way for West Avenue from Street A to the southern cul-de-sac terminus for the construction of a 39-foot pavement width and 12-foot parkway, satisfactory to the City Engineer.

42. Prior to recordation of the first final map in Planning Areas 11, 12, 13, or 14 (south of Beyer Boulevard) in VTM, the Subdivider shall dedicate 76 feet of right-of-way of Street A from West Avenue to the western cul-de-sac at the terminus of Street A for the construction of t a 52-foot curb-to-curb width and 12-foot parkways, satisfactory to the City Engineer.

PARKS AND RECREATION

43. Concurrent with the recordation of each Final Map f, the Owner/Permittee shall record a Recreation Easement over the trail amenity areas, pocket parks, paseos, and trails within that Final Map, as shown on approved Exhibit A, Sheets titled “Recreation Easement South” and

DRAFT

"Recreation Easements North." The total cumulative area of Recreation Easements dedicated across all planning areas shall be 5.61 acres and recorded with its respective Final Map. The Recreation Easements shall be maintained by the Property Owner or the applicable Master Maintenance Association (MMA

44. The Owner/Permittee shall ensure Parks and Recreation review and approval of any final map prior to recordation.

PUBLIC UTILITIES DEPARTMENT

45. Prior to the issuance of any building permit, the Subdivider is required to develop and record public water and sewer easements as shown on the approved Exhibit "A" in a manner satisfactory to the Public Utilities Department and City Engineer.

BRUSH MANAGEMENT

46. Concurrent with the recordation of each Final Map, the Owner/Subdivider shall identify on a separate sheet titled 'Non-title Sheet' the brush management areas in substantial conformance with Exhibit "A." These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the 'Non-Title Sheet' to identify the hatched areas: "Indicates fire hazard zone(s) per §142.0412 of the Land Development Code."

INFORMATION:

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies, including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).

- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.

DRAFT

- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall, at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607.

Internal Order No. 24007991

DRAFT

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING VESTING TENTATIVE MAP NO. PMT-2188969 FOR THE SOUTHWEST VILLAGE SPECIFIC PLAN - PROJECT NO. PRJ-0614791 (MMRP)

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. Tri Pointe Homes IE-SD, Inc., Applicant/Subdivider, and Leppert Engineering, Engineer, filed an application with the City of San Diego for a tentative map (Vesting Tentative Map No. PMT-2188969 (VTM)) to construct 920 multiple dwelling (condominium) units, including 92 affordable units in Southwest Village Specific Plan Phase 1(Planning Area 8 through Planning Area 14), Beyer Boulevard West from West Avenue to Southwest Village Specific Plan boundary, northern half of Beyer Boulevard East from future Caliente Avenue to West Avenue, Central Avenue from Caliente Avenue to Beyer Boulevard, Street A from west of West Avenue to the western terminus of Street A, West Avenue from Beyer Boulevard to future Street C, Secondary Emergency Vehicle Access Road from the eastern terminus of Beyer Boulevard East to Rail Court, privately owned pocket parks, and rough grading within Phase 2 (Planning Area 15 through Planning Area 20) and a portion of Phase 4 (Planning Area 1, Planning Area 2, and Planning Area 7), in addition to other water, sewer and transportation infrastructure improvements (as described in and by reference to the approved Exhibit "A" and corresponding conditions of approval) for the Southwest Village Specific Plan Tentative Map Project (Project). The 182.90 acre site is located north of the United States/Mexico international border; east of Interstate 805 (I-805); south of State Route 905 (SR-905); and west of the Central

DRAFT

Village Specific Plan and legally described as: A portion of the Northwest Quarter of the Southeast Quarter of Section 31, Township 18 South, Range 1 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to the Official Plat thereof (APN 645-061-04), together with Parcels 1, 2, 3 and 4 of Parcel Map 7065, in the City of San Diego, County of San Diego, State of California, filed in the office of the County Recorder of San Diego County on March 27, 1978 (APN 645-061-06, 07, 08 and 09), together with Parcel 1 of Parcel Map 21823, in the City of San Diego, County of San Diego, State of California, filed in the office of the County Recorder of San Diego County on December 10, 2020 as File No. 2020-70000416 (APN 667-010-34), together with the Northeast Quarter of the Southwest Quarter of Section 31, Township 18 South, Range 1 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the Official Plat thereof (APN 645-061-02), together with Government Lots 3 and 4 of Section 31, Township 18 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the Official Plat thereof (APN 645-061-10), together with the Southeast Quarter of the Southeast Quarter and the Northeast Quarter of the Southeast Quarter, both in Section 36, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the Official Plat thereof (APN 638-070-74) and together with the Southwest Quarter of the Southeast Quarter of Section 36, Township 18 South, Range 2 West , San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the Official Plat thereof (APN 638-070-71) and is within the Agricultural—Residential (AR-1-1) Zone, the Airport Land Use Compatibility (Imperial Beach NOLF and Brown Field) Overlay Zone, ALUCP Airport Influence Area (Imperial Beach NOLF – Review Area 2 and Brown Field – Review Area 2),

DRAFT

High to Moderate Paleontological Sensitivity Areas, Multiple Habitat Planning Area, Vernal Pools, Brush Management (Native/Naturalized Vegetation), the Very High Fire Hazard Severity Zone, and Geologic Hazard Category (21, 22, 27, and 53) of the Otay Mesa Community Plan area.

B. The Map proposes the subdivision of a 182.90-acre site into seven lots for a 920-unit residential condominium project.

C. The Project complies with the requirements of a preliminary soils and/or geological reconnaissance report under the Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220.

D. The subdivision is a condominium project as defined in section 4125 and 6542, of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium units is 920.

E. On [INSERT DATE], the Planning Commission of the City of San Diego considered Vesting Tentative Map No. PMT-2188969 and voted to recommend approval of the Project pursuant to Resolution No. [INSERT RESO #]-PC.

F. On [INSERT DATE], the Council held a noticed public hearing to consider Vesting Tentative Map No. PMT-2188969. Pursuant to San Diego Municipal Code sections 125.0440 and 125.1040, and Subdivision Map Act section 66428, the Council received for its consideration written and oral presentations, evidence, and testimony from all interested parties at the public hearing. The Council has fully considered and has been fully advised on this matter.

G. The Office of the City Attorney prepared this Resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete and accurate.

DRAFT

H. Under San Diego Charter section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the 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 the evidence presented.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council adopts the following findings with respect to Vesting Tentative Map No. PMT-2188969:

TENTATIVE MAP – SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 125.0440

1. **The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.**

   The proposed Southwest Village Specific Plan (Specific Plan) includes approximately 490 acres within the Otay Mesa Community Plan Area and is generally bordered by State Route 905 to the north, State Route 125 to the east, the United States/Mexico border to the south, and Interstate 805 to the west. The Southwest Village Specific Plan is divided into 30 planning areas (Specific Plan, Figure 2.1).

   The Project site includes 182.90 acres of vacant land located in the Specific Plan area and proposes the construction of 920 multiple dwelling (condominium) units, including 92 affordable units (Specific Plan Phase 1: Planning Area 8 through Planning Area 14), Beyer Boulevard West from West Avenue to Specific Plan boundary, northern half of Beyer Boulevard East from future Caliente Avenue to West Avenue, Central Avenue from Caliente Avenue to Beyer Boulevard, Street A from west of West Avenue to Street A's western terminus, West Avenue from Beyer Boulevard to future Street C, Secondary Emergency Vehicle Access Road from the eastern terminus of Beyer Boulevard East to Rail Court, and rough grading within Specific Plan Phase 2 (Planning Area 15 through Planning Area 20) and a portion of Specific Plan Phase 4 (Planning Area 1, Planning Area 2, and Planning Area 7), in addition to other water, sewer, and transportation infrastructure improvements.

   The Otay Mesa Community Plan Update (Community Plan) identifies the Specific Plan area as one of two opportunities for village areas within the Community Plan and designates the project site as "Neighborhood Village" (Community Plan, Figure 2-1) with future roadway connections via Caliente Avenue and Beyer Boulevard.

DRAFT

The Specific Plan Land Use Plan includes the proposed land uses for Southwest Village and the location of the planning areas (PAs). The Specific Plan proposes a maximum of 5,130 residential units—both "for-sale" and/or "for rent" opportunities and a mix of housing types such as town homes, flats, row homes, courtyard units, lofts, shopkeeper units, senior housing and assisted care units.

The Project has been designed to implement the policies of the Community Plan including the Land Use Element of the Community Plan (Page LU-14) which includes several policies and recommendations for the Southwest Village Area.

Community Plan Policy 2.1-2(b) states: "Provide a land use map that illustrates the detailed land use designations, including any lands set aside for resource conservation, consistent with the MSCP Subarea Plan and any future Vernal Pool Habitat Conservation Plan."

Various land use types are designated throughout the Specific Plan. Figure 2.1 depicts the various land use designations, including open space areas that have been conserved under the Multiple Species Conservation Program (MSCP) and Vernal Pool Habitat Conservation Plan (VPHCP).

The Project has been designed to locate development on mesa areas and avoid landslide hazard areas, steep slopes and canyons in the Specific Plan area. Sensitive habitats are identified in the Multi-Habitat Planning Area (MHPA) and VPHCP areas.

Project roadways, Caliente Avenue and Beyer Boulevard, were designed with respect to the topography and location of conserved open space in the Specific Plan, which identifies preserved areas of open space. Most of the eastern areas in the Specific Plan identified as open space are included in the VPHCP. However, the Project and Specific Plan would involve a proposed MHPA boundary line adjustment (BLA) and a future VPHCP Major Amendment (MA) requiring approval of the City and United States Fish and Wildlife Service (USFWS) and modifications of California Department of Fish and Wildlife (CDFW) conservation easements due to encroachment to MHPA and VPHCP 100% conserved lands.

As detailed in Table 5.1-8 of the Southwest Village Specific Plan Subsequent Environmental Impact Report No. 0614791 (SCH No. 2004051076) (SEIR), MHPA and VPHCP 100% conserved lands deletions of sensitive vegetation communities would total 30.36 acres, while overall MHPA additions of conserved sensitive vegetation communities would total44.25 acres, resulting in a net increase of 13.89 acres of conserved sensitive vegetation communities.

Overall, the BLA would result in a net increase of 8.65 acres of Diegan coastal sage scrub and a net increase of 7.46 acres of non-native grassland areas suitable for vernal pool restoration. Wetland vegetation community acreages would increase after the BLA, including the enhancement of disturbed wetlands to create vernal pools and increase the quality of wetland resources within the additional areas.

DRAFT

The Project includes extension of Beyer Boulevard West through two parcels that are subject to conservation easements held by California Department of Fish and Wildlife (CDFW) (APNs 645-061-1000 and 645-061-0200). The Project includes a future amendment of these easements to allow the proposed Beyer Boulevard West to cross these two parcels. This amendment process would comply with Fish and Game Code Section 1348.3, which allows for modifications to conservation easements provided a sufficient land exchange is provided. The final requirements of the proposed exchange would include negotiations with CDFW and comply with the Wildlife Conservation Board approval process.

The Project has been conditioned to "demonstrate compliance with all applicable California laws, procedures, and agency approvals pertaining to the modification, amendment, and/or vacation of conservation easements, including, but not limited to applicable provisions of the California Government Code, Code of Civil Procedure and Fish and Game Code , for the amendment, modification, or vacation of Conservation Easements affecting real properties designated as APN 645-061-10 and APN 645-061-02, granted in favor of the State of California" (Site Development Permit No. PMT-2188971 (SDP) Condition No. 50).

Community Plan Policy 2.1-2(c) states: "Illustrate the complete circulation system that, where possible, follows a grid pattern, and indicate how the system will relate to the overall Otay Mesa circulation system."

Community Plan Policy 3.4-1(c) recommends "Class I bikeways along Caliente Road, Beyer Boulevard and the south side of Airway Road." The Project implements these policies with permit conditions requiring the construction of the following public roads, which include Class I bike paths along Beyer Boulevard East from Caliente Avenue to West Avenue.

The Project would also require amendments to the City of San Diego General Plan (General Plan) and the Mobility Element of the Community Plan to modify Beyer Boulevard and Caliente Avenue as noted below:

a. Caliente Avenue, between Beyer Boulevard East and Central Avenue, would be modified from a 6-Lane Major Arterial to a Modified 4-Lane Urban Collector during Phase 2 of the Specific Plan.

b. Beyer Boulevard West, between Enright Drive and West Avenue, would be modified from a 4-Lane Major to a Modified 4-Lane Urban Collector built with 2 lanes and Class II bike lanes. The Project is conditioned to require provision of 53 feet of right-of-way for Beyer Boulevard West from West Avenue to Enright Drive for the construction of a 44-foot curb-to-curb width with an 8-foot parkway (on the south side only) concurrent with recordation of the first final map in Phase 1c (at 700th dwelling unit) (VTM Condition No. 39).

DRAFT

c. Beyer Boulevard East, between West Avenue and Caliente Avenue, would be modified from a 4-Lane Major to a Modified 4-Lane Urban Major Street with Class I Bike Path and Class II bike lanes. The Project is conditioned to require dedication of 58 feet (half width) of right-of-way for Beyer Boulevard East from West Avenue to future Caliente Avenue for the construction of a 38 ft curb-to-centerline (with a temporary cul-de-sac at the eastern terminus) and 20 ft parkway concurrent with recordation of the first final map (VTM Condition No. 37).

Community Plan Policy 2.1-2(e) states: "Illustrate a separate system of pedestrian and bicycle facilities and pathways linking the activity centers with the residential areas, public facilities, and open space systems."

The Project implements this policy per the Specific Plan which indicates the Project will provide "an interconnected system of paths, sidewalks, paseos, and walkways that create a safe and pleasant pedestrian environment, connect residential buildings and common areas, are integrated with surrounding developments, and provide multiple pedestrian access points" (Specific Plan, Section 3.2.1).

Specific Plan Figure 4.2, Bicycle Facility Network, illustrates the Class II bike lane with buffer and Class I bike paths for the Project. In addition, Figure 4.5, Pedestrian Facility Network, illustrates the perimeter trials, paseos, and proposed public sidewalks included for the Project.

Community Plan Policy 2.1-2(f) states: "Distribute parks comprehensively throughout the village area."

The Specific Plan provides recommended locations for parks within each PA but defers to subsequent development approvals for each planning area to ensure that recreational value-based parks and trails are provided concurrently with each phase of development. The concept outlined as part of the Specific Plan provides linkages between parks through a system of paseos, multi-use paths, trails, sidewalks, and bike lanes and provides connections between the village core and surrounding neighborhoods.

Specific Plan Phase 1 will provide a series of pocket parks and paseos and an amenitized perimeter trail. These amenities will include active recreational opportunities. Approximately 4.33 acres of pocket parks may occur in Specific Plan Phase 1 (Specific Plan, Table 5.1) which shall be designed though a public input process per Council Policy 600-33

Therefore, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

DRAFT

The Specific Plan was prepared pursuant to Land Development Code (LDC) Section 122.0107. "The Specific Plan should be used in conjunction with the goals and policies contained within the General Plan, the Otay Mesa Community Plan, and the regulations in the Land Development Code (LDC), which form the planning framework for this Specific Plan" (Specific Plan, Section 1.2).

A base zone designation from the City's LDC is identified for each Specific Plan land use category (Specific Plan, Figure 2.1). The development regulations and allowable uses from each of the base zones are incorporated by reference from the City's LDC.

The Project includes affordable housing to be provided consistent with the requirements of the LDC, which requires affordable units to be constructed or in-lieu-fees for residential development projects to be paid (SDMC Section 142.1302). The Project proposes to construct 920 multiple dwelling (condominiums) units, including 92 affordable units in Specific Plan Phase 1 within Planning Area 8 through Planning Area 14.

As detailed in SEIR Sections 3.5.5.3 and 5.1.5.2.c, the Project would be consistent with the City's Brush Management Regulations, which ensure adequate fire buffers are provided between development areas and native and naturalized vegetation. Brush management along the western portions of Phase 1 is depicted on SEIR Figure 3-37 and Figure 3-38.

BMZs incorporate a 35-foot Zone 1 and a 65-foot Zone 2, where feasible. For some units, the width of Zone 2 is reduced to less than 65 feet with the incorporation of alternative compliance measures. Final alternative compliance measures are determined by the Fire Chief in conjunction with the final layout of residential structures based on zone reduction provisions set forth in the LDC Section 142.0412(f), and 142.0412(i) which requires alternative compliance where composite BMZs are less than standard minimums.

LDC Section 142.0401 requires the use of drought-tolerant landscaping as a means of reducing water consumption. The Landscape Regulations encourage the use of reclaimed water for irrigation and implements the Model Water Efficient Landscape Ordinance, which provides a standard for the design, installation, management, and maintenance of landscapes to use water efficiently without water waste. Specific Plan Section 3.6 includes the landscaping design policies for the Project, which include, but are not limited to, the following:

a. Incorporate biofiltration and bioretention measures in parking and road design, edges of paved areas, and other landscaped areas to slow and treat stormwater runoff.

b. Use rain gardens, open tree grates, green roofs, and pockets of open space to slow stormwater flow rates, allow natural percolation of runoff, and reduce the heat island effect.

DRAFT

c. Utilize permeable paving to capture and treat stormwater to the maximum extent possible. Examples of permeable paving include porous asphalt, reinforced grass, semi-impervious concrete paving blocks, and reinforced gravel with grass.

The Project includes requested deviations from the Environmentally Sensitive Lands (ESL) Wetlands Regulations under the Essential Public Projects and Biologically Superior Options due to wetland impacts resulting from the proposed Beyer Boulevard and Caliente Road extensions and residential development.

The Project would encroach into steep hillsides and is therefore subject to the ESL Regulations and was evaluated for conformance with the Steep Hillside Guidelines. According to the ESL Regulations, for areas outside of the MHPA, the allowable development area includes all portions of the premises without slopes greater than 25 percent (steep slopes). All graded slopes would be revegetated in accordance with ESL Regulations. Steep slopes would be preserved in their natural state, except where development is permitted in steep slopes if necessary to achieve a maximum development area of 25 percent of the premises.

Project grading would encroach into 8.9 acres of steep slopes for erosion control and 0.6 acres for development grading. The overall steep slope encroachment would be 22.4 percent of the project site and is within the encroachment allowance as permitted by the City's ESL ordinance.

Due to ESL impacts (e.g., steep slopes), a SDP is required for the Project, although exceptions and deviations may be allowed by the City if certain findings can be made. The Project has been designed to minimize impacts to ESL; however, encroachment into some steep slopes is unavoidable due to the existing site conditions and the need for erosion control. As allowed by LDC Section 143.0142(g), the temporary encroachment areas would be graded for erosion control, but the slope grades would be restored and vegetation reestablished to the City's satisfaction once slopes are backfilled. Therefore, a deviation is not required.

Deviations from the Environmentally Sensitive Lands Wetland Deviation

The purpose of the ESL Regulations is to protect, preserve, and, where damaged, restore the environmentally sensitive lands of San Diego and the viability of the species supported by those lands. The ESL Regulations apply to all proposed development when ESL, including sensitive biological resources, steep hillsides, floodplains, or coastal bluffs, are present. These regulations are intended to assure that development occurs in a manner that protects the overall quality of the resources and the natural and topographic character of the area, encourages a sensitive form of development, retains biodiversity and interconnected habitats, maximizes physical and visual public access to and along the shoreline, and reduces hazards due to flooding in specific areas while minimizing the need for construction of flood control facilities.

DRAFT

Specific Plans where environmentally sensitive lands are present are subject to the regulations in SDMC Section 143.0115(b) to ensure adequate analysis of the constraints and opportunities of the planning area relative to environmentally sensitive lands.

As depicted in SEIR Figure 5.4-12, the Project includes and impacts Disturbed Wetland in portions of Beyer Boulevard West, Beyer Boulevard East, the Secondary Emergency Vehicle Access Road, Planning Areas 8, 9, and 12, and Wetland in the western portion of Beyer Boulevard West. The construction of the Caliente Avenue extension south of Central Avenue would impact 0.01 acres of disturbed wetlands inside the MHPA. Residential development would impact 0.12 acres of disturbed wetlands inside the MHPA. Residential development would also impact 0.03 acres of vernal pool inside the MHPA.

Impacts to wetland habitat located outside of the Coastal Overlay Zone shall not be allowed per the ESL Regulations unless the development qualifies to be processed as one of the three options in accordance with the Biology Guidelines in the LDC.

Deviations from the wetland regulations require processing one or more of the following three options: Essential Public Projects (EPP) Option, Economic Viability Option, and Biologically Superior Option (BSO) (SDMC Section 143.0150). Impacts to wetlands within the Beyer Boulevard and Caliente Avenue alignments would be processed under the EPP Option because these roadways are identified in the Community Plan with regional function. Impacts to vernal pools outside of the MHPA do not require a deviation from the wetland regulations, as all impacts would be mitigated consistent with the VPHCP.

The remainder of the resources subject to a wetland deviation are processed

under the BSO. The BSO analysis documented in the SEIR shows how the proposed project would be biologically superior to avoiding the wetland resources. The low quality of the impacted resources was considered in light of the proposed superior mitigation for vernal pools and wetlands that would provide higher functions and values than the impacted resources.

The majority (0.36 acre) of the requested deviation would qualify under the EPP Option for the development of the proposed Beyer Boulevard and Caliente Avenue extension. These roadways are City Mobility Element roadways identified in the Community Plan. Per the City's Biology Guidelines, a deviation to the ESL wetland regulations under the EPP Option may be granted, provided the project serves the community at large and not just a development project or property. Both Caliente Avenue and Beyer Boulevard are linear infrastructure identified as Mobility Element roadways in the Community Plan, which meets the first two qualifications of the EPP Option under SDMC section 143.0150(d)(1)(B).

These roadways would also include bicycle facilities and water and sewer infrastructure that will serve the entirety of the Specific Plan area. Therefore, they qualify as Essential

DRAFT

Public Projects. A deviation under this option is only allowed where no feasible alternative exists that would avoid impacts to wetlands. An analysis (Southwest Village Specific Plan Caliente Avenue Alternatives Analysis) of five different alternatives was prepared by RECON for the project applicant, Tri Pointe Homes (Alternatives Analysis). The Alternatives Analysis was provided in the SEIR in Chapter 9. In summary, the No Caliente Avenue North of Central Avenue Alternative and the Avoidance of Conserved Parcels Alternative (a Beyer Boulevard alternative) were both found to be infeasible wetland avoidance alternatives. The No Caliente Avenue North of Central Avenue Alternative was found infeasible because that segment of roadway is required to provide access to the Specific Plan area and this segment was already approved as a part of the Candlelight Tentative Map 114999 and is reasonably expected to be completed regardless of the proposed project considering that construction is already underway, The Avoidance of Conserved Parcels Alternative that avoids impacts due to Beyer Boulevard was rejected because the alternative alignments would be more impactful than the proposed Project and due to infeasibility of other alignments due to landslide issues, location of Beyer Community Park, inability to meet design standards and conflicts with other considered lands. The proposed Beyer Boulevard design includes minimization of wetland impacts to the extent feasible, as detailed in Attachment 10 of SEIR Appendix C.

A small amount (<0.01 acre) of wetland would be impacted by the residential development, which was analyzed under the BSO for a deviation. The technical analysis provided a demonstration of the Project as a BSO based on the low quality of the existing wetland resources and the high-quality restoration proposed as mitigation for the impacts.

Residential development would impact 0.12 acres of disturbed wetlands inside the MHPA, which was analyzed under BSO for a deviation. Residential development would also impact 0.03 acres of vernal pool inside the MHPA, which was analyzed under BSO for a deviation.

The City of San Diego Wetlands Subject to a Wetland Deviation are included in the following table.

Wetland Vegetation Community	Caliente Avenue (EPP)	Beyer Boulevard (EPP)	Remainder of Project Area (BSO)	Total Acres Subject to Wetland Deviation
Wetland	0.01	0.35	<0.01	0.36
Distributed Wetland	0.01	-	0.12	0.13
Vernal Pool	-	-	0.03	0.03

DRAFT

Total	**0.02**	**0.35**	**0.15**	**0.52**

Per SEIR and Mitigation Monitoring and Reporting Program (MMRP) Mitigation Measure PR-BIO-16a, "Prior to issuance of any construction permits, such as grading permits, that impact jurisdictional waters, the project impact to 0.004 acre of riparian forest (southern willow scrub and disturbed southern willow scrub) wetlands shall be at a 3:1 ratio and impacts to 0.36 acre of mule fat scrub shall be mitigated at a 2:1 ratio (mule fat scrub, disturbed riparian, disturbed wetlands, natural flood channel) with a total of 0.73 acre of mitigation consistent with a Final Wetlands Plan and a Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan as approved by the City, USACE, RWQCB, and CDFW. The Final Wetlands Plan and Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan shall be approved prior to the issuance of the first Phase 1 grading permit. To ensure no net loss, the mitigation shall include a 1:1 creation or restoration component in accordance with the City's Biology Guidelines." (SEIR, Page 5.4-113).

Per MMRP Mitigation Measure PR-BIO-16b, "Prior to the issuance of any construction permits, such as grading permits to compensate for the loss of vernal pool and disturbed wetland resources, the applicant shall implement the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan to provide a minimum of 2.18 acres or 2.1 acres (without Southwind mitigation) of vernal pool creation."

Historical Resources Deviation for Important Archaeological Sites and Traditional Cultural Properties

Historical Resource site CA-SDI-22,936 ("Resource") is a Native American archaeological site in the Otay Mesa Community Plan area. The Resource was designated by the Historical Resources Board on September 26, 2024, as HRB #1537 under San Diego Historical Resources Board Criterion A. Under Criterion A, CA-SDI-22,936 was historically designated as a special element of the City's and Otay Mesa's archeological and cultural development. Specifically, CA-SDI-22,936 likely functioned as a tool manufacturing location and could provide enough data to answer regional research questions regarding site function, chronology and subsistence due to its high density subsurface cultural deposit and minimal disturbance within the central portion of the site.

The purpose of the Historical Resources Regulations (SDMC Section 143.0201) is to protect, preserve, and, where damaged, restore San Diego's historical resources, which include historical buildings, structures or objects, important archaeological sites, historical districts, historical landscapes, and traditional cultural properties. These regulations are intended to ensure that development occurs in a manner that protects the overall quality of historical resources.

The entire boundary of CA-SDI-22,936 (100% of the site) is within Project impacts, specifically the proposed Caliente Avenue alignment and related utilities, and would

DRAFT

therefore exceed standard encroachment limits under SDMC Section 143.0253 for important archaeological sites. Because 100% of an important archaeological site would be impacted, a deviation would need to be considered in accordance with the SDMC. A recommendation from the Historical Resources Board is required, and was provided on March 26, 2026, as well as a supplemental finding pursuant to SDMC Section 126.0505(g). On March 26, 2026, the HRB recommended to the City Council approval of the historical resources section, recommendations, findings, and mitigation measures of the environmental document and findings associated with the SDP related to the important archaeological site (HRB #1537, CA-SDI-22,936).

The SEIR and proposed MMRP include two mitigation measures (PR-HIST-1 and PR-HIST-2) that would reduce impacts to CA-SDI-22,936 and to unknown or buried cultural resources discovered during ground disturbance:

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, the applicant shall provide a letter of completion prepared by the Qualified Archaeologist (as defined in the Historical Resources Guidelines) that oversaw the recovery program that demonstrates, to the satisfaction of Mitigation Monitoring and Compliance (MMC), that the Archaeological Data Recovery Program (ADRP) for archaeological site (CA-SDI-22,936) was completed. This letter shall include the Final Archaeological Data Recovery Program (ADRP) Report with documentation of the Acceptance Verification from the curation institution for all recovered materials. The ADRP with Native American participation shall consist of a statistical sample and shall be implemented in accordance with the Results of the Historical Resources Investigation of the Southwest Village Specific Plan prepared by RECON Environmental dated March 2026 for the Project (PR-HIST-1). In addition, project-specific mitigation measures shall be implemented to reduce impacts to unknown or buried historical resources per PR-HIST-2 (SEIR, Page 5.5-34).

Implementation of mitigation measures PR-HIST-1 and PR-HIST-2 would reduce impacts to CA-SDI-22,936 and to unknown or buried cultural resources discovered during ground disturbance. The presence of an archaeological and Native American monitor during ground disturbing activities would allow for the identification of buried resources to occur so that work can stop, and any resources be evaluated. If significant resources are recovered, implementation of a Research Design and Data Recovery Program would ensure that significant resources are treated properly to reduce significant impacts.

However, even with the implementation of mitigation measures PRHIST-1 and PR-HIST-2, impacts associated with future development would remain significant, considering the nature of the loss (e.g., loss of a minimally disturbed habitat site in Otay Mesa where such resources are scarce), and 100% of the site would continue to be impacted. As noted in the SEIR, no additional feasible mitigation or project alternative has been identified that could reduce this impact.

DRAFT

No other ESL, including coastal beaches, sensitive coastal bluffs or Special Flood Hazard Areas, exist within the Project. Therefore, with approval of the proposed, allowable deviations to the ESL regulations and Historical Resources regulations, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

3. The site is physically suitable for the type and density of development.

See Finding A.3 incorporated by reference.

The Community Plan identifies the Specific Plan area as one of two opportunities for village areas within the Community Plan and designates the project site as Neighborhood Village (Community Plan, Figure 2-1). The Southwest Village Specific Plan and the Project have been designed to locate development on mesas and avoid landslide hazard areas, as well as steep slopes and canyons within the Specific Plan area. Sensitive habitats identified in the MHPA and VPHCP areas are not identified for development.

As discussed in the Biological Resources Report, encroachments into the MHPA boundary would occur with the implementation of the Project specifically associated with the Specific Plan Phase 1 and Phase 4 residential development areas, the Spring Canyon drainage outfall associated with Phase 2, and an EVA road connecting to the southern boundary (Biological Resources Report, Figure 36.2) and require a MHPA Boundary Line Adjustment (BLA) and the addition of MHPA sensitive habitat lands.

MHPA encroachments total 14.88 acres and are associated with MHPA deletions within the proposed Specific Plan Phase 1 and 4 residential development areas, the Spring Canyon drainage outfall, the EVA road, and MHPA deletions associated with Beyer Boulevard slopes. Of this total, 12.82 acres are sensitive vegetation communities (SEIR Figure 5.1-6).

Land proposed to be added into the MHPA following a BLA would include 16.88 acres of sensitive habitats comprising maritime succulent scrub, disturbed maritime succulent scrub, Diegan coastal sage scrub, disturbed coastal sage scrub, non-native grassland, natural flood channel, disturbed wetland, and vernal pool (SEIR Figure 5.1-7). This represents a net gain of 4.06 acres of sensitive vegetation communities into the MHPA (SEIR Table 5.1-6) and is located outside of the Specific Plan area, south of PA 18.

Per MMRP Mitigation Measure PR-BIO-15, “To mitigate impacts to 63.32 acres for Phase 1, 39.17 acres for Phase 2, 38.47 acres for Beyer Boulevard, 10.48 acres for Phase 4, 1.79 acres for the Emergency Vehicle Access Road, the Owner/Permittee shall provide a minimum of 153.23 acres of upland mitigation lands to offset impacts to sensitive upland vegetation in accordance with the Biology Guidelines. Prior to issuance of the first grading permit for Phase of 1, the Owner/Permittee shall either dedicate all upland mitigation lands in fee title to the City or otherwise protect the mitigation lands through a Conservation Easement, Covenant of Easement or Irrevocable Offer to Dedicate (IOD).

DRAFT

In total, the project shall dedicate 160.94 acres of sensitive uplands, consisting of 89.94 acres of maritime succulent scrub, 24.82 acres of disturbed maritime succulent scrub, 24.93 acres of Diegan coastal sage scrub, 2.36 acres of disturbed Diegan coastal sage scrub, and 18.89 acres of non-native grassland in fee title or otherwise protect the lands through a Conservation Easement, Covenant of Easement, or IOD to the City. This mitigation package includes 7.71 acres of additional mitigation beyond required mitigation ratios. If the Southwind project were to proceed ahead of this project, the mitigation obligation would be reduced by 0.34 acre (0.05 acre of maritime succulent scrub, 0.12 acre of disturbed coastal sage scrub, and 0.17 acre of non-native grassland mitigation)."

An additional 95.29 acres of upland preservation are required to address impacts to CDFW conservation easements (APNs 645-061-1000 and 645-061-0200) considered VPHCP 100% conserved lands (Biological Resources Report, Table 10).

Project grading would encroach into 8.9 acres of steep slopes for erosion control and 0.6 acres for development grading. The overall steep slope encroachment would be 22.4 percent of the Project site and is within the encroachment allowance as permitted by the City's ESL ordinance.

The Project is proposing to construct 920 multiple dwelling (condominium) units, including 92 affordable units (Specific Plan Phase 1: Planning Area 8 through Planning Area 14).

The Specific Plan has sited the highest intensity uses within the center of the Specific Plan, with lower intensity uses around the perimeter, providing consistency with the surrounding development and open space areas. The Specific Plan policy framework would ensure that future development would present a visually consistent, architecturally interesting community that would still be consistent with allowable height, outdoor lighting, and bulk regulations of the LDC and Specific Plan Supplemental Development Regulations (SDR).

While the Specific Plan allows for up to 1,315 units in Planning Areas 8-14, the Project is proposing up to 920 dwelling units, including 280 multi-family units at a density over 20 dwelling units/acres (du/ac), 498 multi-family units at a density under 20 du/acre, and an additional 142 small lots that are evaluated as single-family units but are considered multi-family due to the proposed multi-family lotting.

The Project identifies 142 small lots which would be located around the perimeter of the development areas within PAs 10, 12, and 14. These small lots are considered single-family for purposes of environmental analysis and trip generation. A total of seven legal lots would be created with the proposed subdivision of land, each corresponding to the respective PA boundary. The Project would be processed as a multi-family subdivision consistent with SDMC Section 143.0365, which allows the subdivision of multi-family zoned land, consistent with the density and standards of the Specific Plan zone.

DRAFT

The development regulations and allowable uses for each applicable base zone are incorporated by reference from the City's LDC. Supplemental development regulations are identified in the Specific Plan which provide additional or modified regulations compared to the City's LDC (SEIR, Section 3.5.1.1).

Therefore, the site is physically suitable for the type and density of development.

4. **The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The Community Plan identifies the Specific Plan area as one of two opportunities for village areas within the Community Plan and designates the project site as Neighborhood Village (Community Plan, Figure 2-1).

The Project is proposing to construct 920 multiple dwelling (condominium) units, including 92 affordable units (Phase 1: Planning Area 8 through Planning Area 14). The Specific Plan has sited the highest intensity uses within the center of the Specific Plan, with lower intensity uses around the perimeter, providing consistency with the surrounding development and open space areas. The Specific Plan policy framework would ensure that future development would present a visually consistent, architecturally interesting community that would still be consistent with allowable height, outdoor lighting, and bulk regulations of the LDC and Specific Plan supplemental development regulations.

According to the Biological Resources Report for the Southwest Village Specific Plan (RECON Environmental, Inc.) (Biological Resources Report), the Project is required to provide 153.23 acres of upland mitigation and is providing 169.94 acres (Mitigation Measure PR BIO-15). The total proposed and required wetland mitigation is 1.45 acres. An additional 95.29 acres of upland preservation are required to address impacts to CDFW conservation easements on APNs 645-061-1000 and 645-061-0200, considered VPHCP 100% conserved lands (Biological Resources Report, Table 10).

The Project includes extension of Beyer Boulevard West through two parcels that are subject to conservation easements held by California Department of Fish and Wildlife (CDFW) (APNs 645-061-1000 and 645-061-0200). The Project includes a future amendment of these easements to allow the proposed Beyer Boulevard West to cross these two parcels. This amendment process would comply with Fish and Game Code Section 1348.3, which allows for modifications to conservation easements provided a sufficient land exchange is provided. The final requirements of the proposed exchange would include negotiations with CDFW and comply with the Wildlife Conservation Board approval process.

At this time, it is anticipated that an approximate 208-acre area of sensitive vegetation communities would be provided in a replacement conservation easement to offset the approximate 17-acres of impacted conservation easement area. In addition, a 2.13-acre

DRAFT

area within the CDFW conserved APN 645-061-0200 parcel is being considered for restoration opportunities (SEIR, Figure 3-14). This restoration (including ground disturbance) has been evaluated as part of the Project in case a future restoration effort is needed to satisfy the land exchange requirements.

Please see finding 2. above, incorporated here by reference. Impacts to wetlands within the Beyer Boulevard and Caliente Avenue alignments would be processed under the EPP Option to the ESL regulations because these roadways are identified in the Community Plan with regional function. Impacts to vernal pools outside of the MHPA do not require a deviation from the wetland regulations, as all impacts would be mitigated consistent with the Vernal Pool Habitat Conservation Plan (VPHCP).

The remainder of the resources subject to a wetland deviation are processed

under the BSO to the ESL regulations. The BSO analysis documented in the SEIR shows how the proposed project would be biologically superior to avoiding the wetland resources. The low quality of the impacted resources was considered in light of the proposed mitigation for vernal pools and wetlands that would provide higher functions and values than the impacted resources.

As depicted in SEIR Figure 5.4-12, Resources Subject to City of San Diego Wetland Deviations, the Project includes Disturbed Wetland in portions of Beyer Boulevard West, Beyer Boulevard East, the Secondary Emergency Vehicle Access Road, Planning Areas 8, 9, and 12, and Wetland in the western portion of Beyer Boulevard West.

Per SEIR and Mitigation Monitoring and Reporting Program (MMRP) Mitigation Measure PR-BIO-16a, "Prior to issuance of any construction permits, such as grading permits, that impact jurisdictional waters, the project impact to 0.004 acre of riparian forest (southern willow scrub and disturbed southern willow scrub) wetlands shall be at a 3:1 ratio and impacts to 0.36 acre of mule fat scrub shall be mitigated at a 2:1 ratio (mule fat scrub, disturbed riparian, disturbed wetlands, natural flood channel) with a total of 0.73 acre of mitigation consistent with a Final Wetlands Plan and a Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan as approved by the City, USACE, RWQCB, and CDFW. The Final Wetlands Plan and Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan shall be approved prior to the issuance of the first Phase 1 grading permit. To ensure no net loss, the mitigation shall include a 1:1 creation or restoration component in accordance with the City's Biology Guidelines." (SEIR, Page 5.4-113).

Per MMRP Mitigation Measure PR-BIO-16b, "Prior to the issuance of any construction permits, such as grading permits to compensate for the loss of vernal pool and disturbed wetland resources, the applicant shall implement the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan to provide a minimum of 2.18 acres or 2.1 acres (without Southwind mitigation) of vernal pool creation."

DRAFT

In addition, for wetland and vernal pool impacts, the applicant shall submit a Final Wetlands Mitigation and Monitoring Plan and Final Vernal Pool and Quino Checkerspot Butterfly Mitigation and Monitoring Plan to the satisfaction of the City, U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and CDFW. The plans shall include, at a minimum, an implementation strategy; appropriate seed mixtures and planting method; irrigation; quantitative and qualitative success criteria; a five-year maintenance, monitoring, and reporting program; an estimated completion time; and contingency measures and shall identify a long-term funding source.

Project grading would encroach into 8.9 acres of steep slopes for erosion control and 0.6 acres for development grading. The overall steep slope encroachment would be 22.4 percent of the project site and is within the encroachment allowance as permitted by the City's ESL ordinance.

Due to ESL impacts (e.g., steep slopes), a SDP is required for the Project, although exceptions and deviations may be allowed by the City if certain findings can be made. The Project has been designed to minimize impacts to ESL; however, encroachment into some steep slopes is unavoidable due to the existing site conditions and the need for erosion control. As allowed by LDC Section 143.0142(g), the temporary encroachment areas would be graded for erosion control, but the slope grades would be restored and vegetation reestablished to the City's satisfaction once slopes are backfilled. Therefore, a deviation is not required.

The Project will implement MMRP mitigation measure PR-LU-1: All project-level components that are implemented in accordance with the Specific Plan, which are adjacent to designated MHPA areas, shall comply with the MHPA 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 shall identify specific mitigation measures needed to reduce impacts to below a level of significance. Subsequent environmental review shall be required to determine the significance of impacts from land use adjacency and compliance with the MHPA 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 shall identify specific conditions of approval to avoid or reduce potential impacts adjacent to the MHPA (SEIR, Page 10-32).

No other ESL including coastal beaches, sensitive coastal bluffs or Special Flood Hazard Areas exist within the Project.

DRAFT

Based on the results of the record search, surveys, and evaluation excavations in the SEIR, implementation of the Project would impact CA-SDI-22,936, which would constitute a significant effect to a known historical resource. The entire boundary of CA-SDI-22,936 (100% of the site) is within Project impacts, specifically the proposed Caliente Avenue alignment and related utilities, and would therefore exceed standard encroachment limits under SDMC Section 143.0253 for important archaeological sites. Because 100% of an important archaeological site would be impacted, a deviation is considered per Section SDMC Section 126.0505(g)of the SDMC in conjunction with a proposed Site Development Permit and the Project.

The SEIR and MMRP include two mitigation measures (PR-HIST-1 and PR-HIST-2) that would reduce impacts to CA-SDI-22,936 and to unknown or buried cultural resources discovered during ground disturbance. Implementation of project-level mitigation measure PR-HIST-1 and PR-HIST-2 would reduce impacts to CA-SDI-22,936 and to unknown or buried cultural resources discovered during ground disturbance. The presence of an archaeological and Native American monitor during ground disturbing activities would allow for the identification of buried resources to occur so that work can stop, and any resources can be evaluated. If significant resources are recovered, implementation of a Research Design and Data Recovery Program would ensure that significant resources are treated properly to reduce significant impacts.

However, even with the implementation of measures PR-HIST-1 and PR-HIST-2, impacts associated with future development at the project-level would remain significant considering the nature of the loss (e.g., loss of a minimally disturbed habitat site in Otay Mesa where such resources are scarce) and 100% of the site would continue to be impacted, which is a greater impact compared to the 2014 Community Plan Final EIR (FEIR), which was certified on March 11, 2014. The FEIR identified that archaeological impacts would be less than significant with mitigation. No additional feasible mitigation or project alternative has been identified that could reduce this impact. This impact would remain significant and unmitigated.

The Project is over five miles east of the Pacific Ocean, with a minimum elevation of 230 feet mean sea level at the western end. The Community Plan area is not located downstream of any large bodies of water. No coastal beaches, sensitive coastal bluffs or Special Flood Hazard Areas exist within the project area.

Therefore, with approval of the proposed, allowable deviations to the ESL regulations and Historical Resources regulations, and adoption of the MMRP and associated mitigation measures, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. **The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.**

DRAFT

Sensitive land uses include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities. Sensitive receptors near the Project include existing residential uses and a school to the north.

As discussed in the SEIR, the excess cancer risk would be less than the screening threshold of 10 in 1 million, and adverse effects to sensitive receptors from exposure to construction-related diesel particulate matter (DPM) would not occur.

Additionally, the Project is located more than 500 feet from I-805 and SR-905. Roadways within 500 feet of the Project area would carry less than 100,000 vehicles per day. Therefore, the Project would not expose sensitive receptors to substantial pollutant concentrations from heavily traveled roadways.

As discussed in the SEIR, the project would generate less traffic than the adopted land uses (SEIR, Table 5.3-3). Thus, intersection volumes would be less than those modeled in the carbon monoxide (CO) hot spot analysis and far less than the 31,600 vehicle trips per hour screening threshold recommended by the Sacramento Metropolitan Air Quality Management District. San Diego County and the Sacramento Metropolitan area share similar urban characteristics, including high traffic volumes, freeway-dominated transportation networks, and comparable vehicle emission profiles; as a result, the Sacramento Metropolitan Air Quality Management District's threshold is used to assess the potential for CO hotspots in the project vicinity in the absence of a local standard.

The Project is adjacent to natural open space areas and is subject to risk of wildfire hazards based on the climate, topography, and vegetation. The Wildfire Evacuation Study (WES) prepared for the Project noted that the wildfire potential within the Project area is considered moderate; however, as the surrounding areas to the east continue to develop, direct exposure to unmaintained fuels would be reduced (SEIR, Appendix E).

As detailed in SEIR Sections 3.5.5.3 and 5.1.5.2.c, the Project would be consistent with the City's Brush Management Regulations, which ensure adequate fire buffers are provided between development areas and native and naturalized vegetation. Brush management along the western portions of Phase 1 is depicted on SEIR Figures 3-37 and Figure 3-38.

The Project includes Brush Management Zones (BMZs) incorporating a 35-foot Zone 1 and a 65-foot Zone 2, where feasible. For some residential units, the width of Zone 2 is reduced to less than 65 feet with the incorporation of required alternative compliance measures. Final alternative compliance measures are determined by the Fire Chief in conjunction with the final layout of residential structures based on zone reduction provisions set forth in SDMC Sections 142.0412(f), and 142.0412(i) which require alternative compliance where composite BMZs are less than standard minimums.

DRAFT

Alternative compliance measures shall be implemented per SDMC Section 142.0412(i), including upgraded window openings with dual-glazed, dual tempered panes along the brush side of structures, plus a typical 10-foot perpendicular return along adjacent wall faces.

As detailed in the SEIR project description, Phase 1 development would occur in three subphases (1a, 1b, and 1c). During each of these phases, emergency access has been identified in the Wildfire Evacuation Study (WES) (SEIR, Figure 5-6-6).

Phase 1a would involve the development of the first 200 proposed residential units with access to be provided from an extension of Caliente Avenue and Central Avenue in the northwestern part of the Specific Plan area (SEIR, Figure 5.6-4). A temporary cul-de-sac would be installed at the southern end of Central Avenue. Caliente Avenue and Central Avenue would provide emergency and wildfire evacuation throughout Phase 1a.

Phase 1b would involve the development of 499 units for a total of 699 dwelling units, and development into areas in the western part of the Specific Plan. As shown in SEIR Figure 5.6-5, Phase 1b Evacuation Routes, emergency evacuation would be provided by the construction of portions of Central Avenue and Beyer Boulevard East. The temporary cul-de-sac in Phase 1a would be removed within Central Avenue, and temporary cul-de-sacs would be installed at the western and eastern ends of Beyer Boulevard East.

Prior to the issuance of any building permit in Phase 1b (201st dwelling unit), the Project includes conditions that require a secondary access route to be available and constructed by the Project, which would be satisfied by the construction of the emergency vehicle access (EVA) road at the easterly terminus of Beyer Boulevard East to Rail Court (SDP Condition Nos. 69 and 70). The EVA road would be gated at the eastern terminus of Beyer Boulevard East. Primary evacuation would remain via Central Avenue and Caliente Avenue to SR-905, and the EVA road would serve as access for emergency vehicles and first responders and could be used as an evacuation route under the discretion of the San Diego Fire-Rescue Department.

The EVA road would extend along the future alignment South Caliente Avenue from the Specific Plan area southward along an existing dirt road to the southern border road, then westward to existing Rail Court and a variety of surface and arterial roadways. It is noted that the EVA road would provide additional emergency plan flexibility by presenting another option for firefighter ingress and potentially, public evacuation in some emergency evacuation scenarios (SEIR, Figure 5.6-6). The temporary cul-de-sac west of the intersection of West Avenue/Beyer Boulevard in Phase 1b would be removed, and the cul-de-sac and access gate would remain at Beyer Boulevard East and future Caliente Avenue.

Specific Plan Phase 1c would include the construction of the remaining 221 residential dwelling units for a total of 920 dwelling units in Specific Plan Phase 1. The Project includes conditions that prior to the issuance of any building permit in Phase 1c (700th

DRAFT

dwelling unit) Beyer Boulevard West connection to Enright Drive would be required by the Project (VTM Condition No. 39 and SDP Condition No. 87).

The drainage system design for the Project is shown on SEIR Figure 5.7-2. The drainage system would be designed to utilize natural drainage courses to the extent feasible, with the exception noted for Basins 400 and 500, where flows would be routed to Basin 300 to avoid the San Ysidro landslide area. Storm drain lines, channels, detention basins, water quality treatment features, and other components of the drainage system are based on the existing drainage patterns of the Specific Plan area, where feasible and the anticipated needs of the drainage system to serve the Project.

As discussed in the SEIR, the Project would generally maintain the same drainage patterns as in the existing condition, where possible. While the Project would increase impervious surfaces, it is not in an area that uses wells and wells for groundwater extraction are not proposed. As a result, the buildout of the Project and Specific Plan would not result in a net deficit of aquifer volume or a reduction in the local groundwater table.

Drainage flows would be maintained per the drainage design and requirements reflected in the conceptual drainage system design for the Specific Plan (Figure 5.7-2), and groundwater recharge would continue. However, due to the presence of the San Ysidro Landslide complex, the basins previously draining to the west in the existing condition (Basin 400, 500, 700, and parts of 800) are now being proposed for diversion to either to the north and would be piped down the proposed storm drain along the future Beyer Boulevard West alignment or down the proposed storm drain into Spring Canyon to the south.

Diversion of drainage flows from the San Ysidro Landslide complex would protect biological resources west of the project site, as landsliding could result in changes to biological resource conditions. There are ephemeral drainages that originate near the west edge of the Project area and lead west into the MHPA; however, no drainages within the Project area contribute to these flows. These unnamed drainages would continue to capture rainfall and flow during storm events, regardless of the Project or diversion.

The Beyer Boulevard West drainage basin is proposed on the western extent of the Project area and drains in a westerly direction. A proposed storm drain connects with an existing storm drain system on Enright Drive. The existing storm drain system along Enright Drive eventually outlets to the Tijuana River, which extends to the Pacific Ocean within the vicinity of Imperial Beach.

The Project includes conditions for the construction of Beyer Boulevard and Caliente Avenue per Site Development Permit No. PMT-2188971. The Project also includes a condition for General Development Plans for 5.61 acres of recreational facilities satisfying population-based park requirements including trail amenity areas, pocket parks, paseos and trails

DRAFT

Caliente Avenue, Beyer Boulevard East, and West Avenue would include Class I bike paths and Class II bike lanes with buffers, consistent with Community Plan Policy 3.4-1, which encourages the refinement and implementation of the Bicycle Master Plan.

Sidewalks would be provided on all streets and private drives. These sidewalks would be lined with street trees per the Specific Plan Landscape Palette and landscaping that uses native, drought-tolerant species, consistent with Community Plan Policy 3.1-5. The paseos would facilitate connections to the trails, public sidewalks, future parks, and centers of activity, consistent with Community Plan Policy 3.1-1.

Park space has been integrated into the Project with the Specific Plan framework for parks. The Specific Plan would provide 4.33 acres of pocket parks, 1.18 acres of paseos, and 0.10 acres of trail amenities. Parks would be developed in phases concurrent with the development of the residences and managed by the Homeowner Association. Official trails proposed for implementation as part of the Project include a perimeter trail bordering the western boundary of the Project at PA 9 through PA 14.

Therefore, the design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

6. **The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.**

The Project has been designed to locate development on mesa areas and avoid landslide hazard areas, steep slopes, and canyons in the Specific Plan area. The mobility network in Southwest Village is organized around two key arterials that provide access to the community's center, a north-south access through Caliente Avenue and an east-west access through Beyer Boulevard. These arterials provide facilities for pedestrians, bicyclists, vehicles, ensuring that alternative modes of transportation are accommodated and that residents and visitors have a range of transportation options. They were designed with respect for the topography and the location of conserved open space within the Specific Plan, providing linkages to the larger Otay Mesa Community.

The Project includes extension of Beyer Boulevard West through two parcels that are subject to conservation easements held by California Department of Fish and Wildlife (CDFW) (APNs 645-061-1000 and 645-061-0200). The Project will require a future amendment of these easements to allow the proposed Beyer Boulevard West to cross these two parcels. This amendment process would comply with Fish and Game Code Section 1348.3, which allows for modifications to conservation easements provided a sufficient land exchange is provided. The final requirements of the proposed exchange would include negotiations with CDFW and comply with the Wildlife Conservation Board approval process.

At this time, it is anticipated that an approximate 208-acre area of sensitive vegetation communities would be provided in a replacement conservation easement to offset the

DRAFT

proposed 17-acres of impacted conservation easement area. In addition, a 2.13-acre area within the CDFW conserved APN 645-061-0200 Otay Mesa B parcel is being considered for restoration opportunities (SEIR, Figure 3-14). This restoration (including ground disturbance) has been evaluated as part of the Project in case a future restoration effort is needed to satisfy the land exchange requirements.

The Project's VTM conditions require protection of ESL lands not proposed for development through a covenant of easement as depicted in SEIR Figure 3-46. All manufactured slopes within BMZ 2 would be revegetated with native species and would be protected through a covenant of easement. The easement would ensure the permanent protection of the habitat while allowing for ongoing vegetation management for fire protection purposes.

Additionally, the Project's SDP conditions would require approximately 310 acres of land to be conserved through either dedication in fee title to the City or through a covenant of easement in areas south and southeast of the impact location, ensuring adequate habitat availability for species that are anticipated to be directly impacted by the project's construction (SDP Condition No. 131 and 132). Drainage associated with the proposed Beyer Boulevard West and residential development areas south of Beyer Boulevard West would be diverted either to the west through a culvert system in Beyer Boulevard West to a proposed detention basin at the west end of Beyer Boulevard West or to the south/southeast toward Spring Canyon (SDP Condition No. 128). The drainage that would flow west within Beyer Boulevard West would collect at a planned detention basin that would be maintained by the City. Following installation of the drainage pipes, the disturbance areas would be revegetated with native species. The spring canyon drainage outfall would require a 20-foot-wide public storm drain easement (SEIR, Section 3.5.6.1).

Figure 3-13 in the SEIR identifies the overall Specific Plan sewer facilities, with the public sewer facilities required to be improved, as highlighted in Phase 1, in yellow. Public sewer facilities would be located within Beyer Boulevard West and East, West Avenue, Street A, and a segment within a 26-foot-wide easement in PA 8 (SEIR, Figure 3-42).

To ensure ongoing County access to the portion of Furby North Preserve that would be located south of Beyer Boulevard West after construction, a 12-foot access road within a 20-foot easement would be granted to the County as part of the Project. Access would be via a gated entrance from Beyer Boulevard West, providing access to a dirt road that connects to the southern portion of the Furby North Preserve, as detailed on the VTM. This same gated access point would also provide access for SDG&E (SEIR, Section 3.7.9).

The Site Design section of the Specific Plan encourages the protection of public view corridors through the use of view easements, as noted in Section 3.2.1 Site Design. Guiding Principle No. 7 of the Specific Plan is "Permeate Southwest Village with interconnected opportunities for recreation and interaction through a diversity of active

DRAFT

public spaces and amenity enhancements, including a central school, parks, central civic plaza, trails, view corridors, and lookout vistas". All parks, general open space, and trails would be linked by a system of paseos, sidewalks, and trails that would allow for public view areas.

PA 8 through PA 14 includes the construction of privately owned pocket parks. A recreation easement would be established over all publicly accessible recreational amenities, and a public pedestrian and vehicular access easement would be provided over adjacent private drives to ensure continued public accessibility to these amenities (SEIR, Section 3.5.4.1).

Therefore, the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

The Project will be constructed in accordance with the Energy Code and CALGreen standards in effect at the time of building permit issuance. The Project would be required to meet the mandatory energy requirements of CALGreen and the Energy Code (Title 24, Part 6 of the California Code of Regulations) and would benefit from the efficiencies associated with these regulations as they relate to building heating, ventilating, and air conditioning mechanical systems, water-heating systems, and lighting.

Private drives and major streets within Phase 1 would be lined with trees. Trees and landscaping are proposed at pocket parks and within all manufactured slopes. The trees and species proposed for PAs 8 through 14 and Beyer Boulevard West slopes are defined in the project landscape plans (SEIR, Section 3.5.5.1).

The Specific Plan incorporates design standards, policies, and strategies that promote extensive tree planting throughout the Specific Plan area. Specific Plan Section 3.6 includes a policy to plant trees along streets, pathways, paseos, and trails, and to incorporate trees into public outdoor spaces, such as plazas and parks, to provide shade, beauty, and a buffer.

Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The City has permitted 29,058, or 27 percent, of the 108,036 homes allocated through the Regional Housing Needs Assessment (RHNA) between 2021 and 2029. Of the new homes permitted between 2021 and 2024, the City has permitted 1,868 Very Low-Income Units, 2,183 Low-Income Units, 747 Moderate-Income Units, and 24,260 Above-

DRAFT

Moderate-Income Units. The City would need to permit 78,978 more homes by 2029 to meet its RHNA allocation.

The Community Plan envisions the Southwest Village Specific Plan area as a mixed-use village core with public spaces, a variety of housing types surrounding the core, and interactive trails that connect to Spring Canyon, including up to 5,880 dwelling units (comprising 1,400 single-family and 4,480 multi-family units) and a population of 21,028 people. The Project proposes the construction of 920 multiple dwelling (condominium) units, including 92 affordable units (Phase 1: Planning Area 8 through Planning Area 14), which will help the City meet its housing needs.

The Project would not result in development beyond the density or intensity envisioned in the Community Plan. The project would implement policies of the San Diego Association of Governments (SANDAG) 2021 Regional Plan (SANDAG 2021) and City's 2021-2029 Housing Element (City 2021) related to growth and provision of housing. Overall, the Project would not lead to unplanned development or extend infrastructure to unserved areas, thereby removing barriers to growth.

The Southwest Village Specific Plan has been designed to locate development on mesa-top areas and avoid landslide hazard areas, as well as steep slopes and canyons to the maximum extent feasible within the Specific Plan area. However, the Project's Beyer Boulevard West roadway segment would impact MHPA and 100% conserved lands identified in the VPHCP. Although a modified 4-Lane Urban Collector configuration is proposed for the western section of Beyer Boulevard beginning at the intersection with West Avenue and extending to the San Ysidro community, with the right-of-way width reduced due to environmental constraints, the Project would require an MHPA boundary line adjustment (BLA) and a future VPHCP Major Amendment (MA) requiring approval of United States Fish and Wildlife Service (USFWS) due to encroachment to MHPA and VPHCP 100% conserved lands.

As detailed in Table 5.1-8 of the Southwest Village Specific Plan Subsequent Environmental Impact Report (SCH No. 2004051076) (SEIR), Project MHPA and VPHCP 100% conserved lands deletions of sensitive vegetation communities would total 30.36 acres, while overall MHPA additions of conserved sensitive vegetation communities proposed as part of the MHPA BLA and replacement lands for 100% conserved land deletions would total 44.25 acres, resulting in a net increase of 13.89 acres of conserved sensitive vegetation communities.

Overall, the MHPA additions would result in a net increase of 8.65 acres of Diegan coastal sage scrub and a net increase of 7.46 acres of non-native grassland areas suitable for vernal pool restoration. Wetland vegetation community acreages would increase after the BLA, including the enhancement of disturbed wetlands to create vernal pools and increase the quality of wetland resources within the additional areas.

Per MMRP mitigation measure PR-BIO-15, ""To mitigate impacts to 63.32 acres for Phase 1, 39.17 acres for Phase 2, 38.47 acres for Beyer Boulevard, 10.48 acres for Phase

DRAFT

4, 1.79 acres for the Emergency Vehicle Access Road, the Owner/Permittee shall provide a minimum of 153.23 acres of upland mitigation lands to offset impacts to sensitive upland vegetation in accordance with the Biology Guidelines. Prior to issuance of the first grading permit for Phase of 1, the Owner/Permittee shall either dedicate all upland mitigation lands in fee title to the City or otherwise protect the mitigation lands through a Conservation Easement, Covenant of Easement or Irrevocable Offer to Dedicate (IOD). In total, the project shall dedicate 160.94 acres of sensitive uplands, consisting of 89.94 acres of maritime succulent scrub, 24.82 acres of disturbed maritime succulent scrub, 24.93 acres of Diegan coastal sage scrub, 2.36 acres of disturbed Diegan coastal sage scrub, and 18.89 acres of non-native grassland in fee title or otherwise protect the lands through a Conservation Easement, Covenant of Easement, or IOD to the City. This mitigation package includes 7.71 acres of additional mitigation beyond required mitigation ratios. If the Southwind project were to proceed ahead of this project, the mitigation obligation would be reduced by 0.34 acre (0.05 acre of maritime succulent scrub, 0.12 acre of disturbed coastal sage scrub, and 0.17 acre of non-native grassland mitigation).".

Per MMRP mitigation measure PR-BIO-16b: "Prior to the issuance of any construction permits, such as grading permits to compensate for the loss of vernal pool and disturbed wetland resources, the applicant shall implement the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan to provide a minimum of 2.18 acres or 2.1 acres (without Southwind mitigation) of vernal pool creation."

Therefore, the decision maker has considered the effects of the proposed subdivision on the region's housing needs, balancing those needs against the requirements for public services and the available fiscal and environmental resources.

2. The above findings are supported by the minutes, maps, and exhibits, all of which are incorporated by this reference.

3. Based on these findings adopted by the Council, Vesting Tentative Map No. PMT-2188969 is granted to Tri Point Homes IE-SD, Inc., Applicant/Subdivider, subject to the attached conditions, which are made a part of this Resolution by this reference.

4. Upon satisfaction of the conditions described in this Resolution, as determined by the City Engineer, the Development Services Department shall record a certified copy of this Resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

DRAFT

APPROVED: HEATHER FERBERT, City Attorney

By _____

Deputy City Attorney

Attachment: Conditions for Vesting Tentative Map No. PMT-2188969

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on _____.

DIANA J.S. FUENTES
City Clerk

By _____
Deputy City Clerk

DRAFT

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 0614791 /SCH NO. 2004051076, ADOPTING FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE SOUTHWEST VILLAGE SPECIFIC PLAN, PROJECT NO. PRJ-0614791].

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. On March 25, 2014, the Council adopted Resolution No. R-308809 certifying the Final Program Environmental Impact Report (EIR) prepared for the Otay Mesa Community Plan (Project No. 30330/304032, State Clearinghouse [SCH] No. 2004051076), a copy of which is on file in the Office of the City Clerk in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, *et seq*.), and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, section 15000, *et seq*.).

B. On August 23, 2018, Tri Pointe Homes LLC submitted an application to the Development Services Department for a General Plan and Community Plan Amendment, Specific Plan, Rezone, Multi-Habitat Planning Area Boundary Line Adjustment, Site Development Permit, and Vesting Tentative Map for the Southwest Village Specific Plan (Project).

C. CEQA Guidelines section 15162 allows a lead agency to prepare a Subsequent EIR to a final EIR if a project meets the requirements of CEQA.

D. On [DATE], 2026, the Planning Commission of the City of San Diego considered and voted to recommend certification of the Subsequent Environmental Impact Report No.

DRAFT

0614791/ SCH No. 2004051076 for the Southwest Village Specific Plan (Report) for the Project, as well as recommend the approval of the Mitigation, Monitoring and Reporting Program, Findings and Statement of Overriding Considerations, and approval of the Project.

E. The matter was set for a public hearing and heard by the Council of the City of San Diego on [DATE], 2026. At the hearing, the Council considered the issues discussed in the Report prepared for this Project.

F. The Office of the City Attorney prepared this Resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete and accurate.

G. Under San Diego Charter section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the 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 the evidence presented.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. It is certified the Report has been completed in compliance with the CEQA (California Public Resources Code section 21000, *et seq*.), as amended, and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, section 15000, *et seq*.), that the Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the Report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the Project.

DRAFT

2. Under CEQA Statutes section 21081 and State CEQA Guidelines section 15091, the Council adopts the Findings made with respect to the Project, which are attached to this Resolution as Exhibit A.

3. Under CEQA Guidelines section 15093, the Council adopts the Statement of Overriding Considerations with respect to the Project, which is attached to this Resolution as Exhibit A.

4. Under CEQA Statutes section 21081.6, the Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by Council to mitigate or avoid significant effects on the environment, which is attached to this Resolution as Exhibit B.

5. The Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the City Clerk, 202 C Street, San Diego, CA 92101.

6. The City Clerk or Designee is directed to file a Notice of Determination in accordance with CEQA with the San Diego County Clerk's Office and the State Clearinghouse in the Office of Land Use and Climate Innovation regarding the Project following adoption of Resolution R-_____ (General Plan and Otay Mesa Community Plan Amendment), and final passage of O-_____ (Southwest Village Specific Plan).

APPROVED: HEATHER FERBERT, City Attorney

By _____
Deputy City Attorney

XXX:xxx

DRAFT

MONTH/DAY/YEAR
Or. Dept: DSD

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

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on _____.

DIANA J.S. FUENTES
City Clerk

By_____
Deputy City Clerk

DRAFT

EXHIBIT A

CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

General Plan and Community Plan Amendment, Specific Plan, Rezone, Multi-Habitat Planning Area Boundary Line Adjustment, Site Development Permit, and Vesting Tentative Map

ENVIRONMENTAL IMPACT REPORT NO. 0614791/SCH NO. 2004051076

1.1 Introduction

1.1.1 Candidate Findings of Fact

The following Candidate Findings and Statement of Overriding Considerations (SOC) are made for the Southwest Village Specific Plan and associated discretionary approvals (project; Specific Plan). The environmental effects of the project are addressed in the Final Subsequent Environmental Impact Report (Final SEIR) dated April 9, 2026, which is incorporated by reference herein. In accordance with California Environmental Quality Act (CEQA), California Public Resources Code Section 21093, the SEIR tiers from the certified Final Program EIR (FEIR) prepared for the Otay Mesa Community Plan (OMCP/ State Clearinghouse Number [SCH No.] 2004051076) certified March 25, 2014, and incorporated here by reference. The SEIR analyzes the potential environmental effects of the project in relation to the program-level analysis contained in the OMCP FEIR. Findings and Statement of Overriding Considerations (SOC) were adopted for the OMCP FEIR on March 25, 2014, as Resolution R-308809 and are incorporated here by reference.

CEQA (Public Resources Code Section 21081(a)) and the CEQA Guidelines (14 California Code of Regulations, Section 15091(a)) require that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof, unless such public agency makes one or more of the following findings:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects on the environment identified in the final EIR;

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or

DRAFT

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

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

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.

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

CEQA further requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" (Section 15093(a) of the CEQA Guidelines). When the lead agency approves a project that will result in the occurrence of significant effects that are identified in the Final SEIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the Final SEIR or other

DRAFT

information in the record. The SOC shall be supported by substantial evidence in the record.

The Findings have been submitted by the City of San Diego (City) Development Services Department (DSD) as Candidate Findings to be made by the decision-making body. It is the exclusive discretion of the decision-maker certifying the SEIR to determine the adequacy of the proposed Candidate Findings. It is the role of staff to independently evaluate the proposed Candidate Findings, and to make a recommendation to the decision-maker regarding their legal adequacy.

1.1.2 Record of Proceedings

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

- The FEIR dated December 18, 2013, and associated Findings and SOC prepared for the OMCP;
- The Notice of Preparation (NOP) dated February 26, 2020, and all other public notices issued by the City in conjunction with the project;
- All responses to the NOP received by the City;
- The Draft SEIR dated May 1, 2025;
- The Final SEIR dated April 9, 2026;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft SEIR;
- All responses to the written comments submitted by agencies or members of the public during the public review comment period on the Draft SEIR and included in the Final SEIR;
- All written and oral public testimony presented during a noticed public hearing for the project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program dated April 9, 2026;
- The reports and technical memoranda included or referenced in the Draft SEIR and Final SEIR and/or any responses to comments in the Final SEIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft SEIR and the Final SEIR;

DRAFT

- Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings and SOC; and
- Any other relevant materials required to be in the Record of Proceedings by Public Resources Code Section 21167.6(e).

1.1.3 Custodian and Location of Records

The documents and other materials which constitute the record of proceedings for the City's actions on the project are located at the Office of the City Clerk, 202 C St., Second Floor, San Diego, California 92101. The Draft SEIR was placed on the City Clerk's website at https://www.sandiego.gov/ceqa.draft; and the Final SEIR was placed on DSD's website at https://www.sandiego.gov/ceqa/final. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

1.2 Project Summary

1.2.1 Project Objectives

The objectives of the project include the following:

1. Provide balanced residential neighborhoods with a range of housing, including attached and detached options, close to employment centers.
2. Accommodate increasing growth in the region and provide critically needed housing in accordance with the City's Regional Housing Needs Assessment.
3. Provide a Village Core that connects residential neighborhoods through a grid network including a comprehensive bicycle and pedestrian network that supports connections to transit.
4. Provide an integrated regional transportation network of walkways, bikeways, transit, roadways, and freeways that efficiently link communities and villages to each other and to employment centers.
5. Protect the canyon lands, adjacent mesa tops, and sensitive biological resources while providing recreational opportunities.
6. Provide public amenities and spaces including parks, paseos, trails, open space, and other amenities for active and passive recreation.
7. Follow environmentally sensitive design and sustainable development practices.

DRAFT

8. Plan for infrastructure improvements concurrent with development.

1.2.2 Project Description

The Specific Plan would guide future development within the Southwest Village Specific Plan area of the OMCP, which includes approximately 490 acres of land located immediately north of the United States/Mexico international border; east of Interstate 805; south of State Route 905; and west of undeveloped land. The broader OMCP Area is bordered by the San Ysidro and Otay Mesa-Nestor Community Plan Areas to the west, the City of Chula Vista and the Otay Valley Regional Park to the north, the County of San Diego unincorporated area to the east, and the United States/Mexico border and the City of Tijuana to the south.

Access to the Specific Plan area would be provided from Otay Mesa via Caliente Avenue and from San Ysidro via a western extension of Beyer Boulevard (Beyer Boulevard West). Roadway, utilities, and restoration activities would occur outside the Specific Plan area in areas totaling 46.5 acres. The 490-acre Specific Plan area and 46.5 acres outside the Specific Plan area are referred to as the project area.

The Specific Plan envisions a complete community that integrates a mixed-use center (Village Core) with surrounding residential neighborhoods, consistent with the OMCP and City of Villages Strategy in the General Plan (2024). Residential neighborhoods, retail, office, school, and recreational uses are identified around an interconnected grid-block development pattern through a comprehensive network of multi-modal streets and pedestrian linkages.

The proposed Specific Plan would establish 30 Planning Areas (PAs) with residential, mixed-use, park, and open space uses, and would include up to 5,130 dwelling units and the creation of a village anchored by up to 175,000 square feet of commercial and retail uses in a mixed-use Village Core within a total of approximately 490 acres. The Specific Plan also identifies public facilities, including public and private parks, recreational trails, open space, and internal roadways. A new 8.9-acre school site is also proposed for PA 16; additionally, a school overlay is proposed over a 6.9-acre site in PA 7 if an additional school is needed based on a determination by the San Ysidro School District.

The OMCP currently identifies Park, Institutional, and Neighborhood Village land uses for the project site, which allows for 15-25 dwelling units per acre (du/ac) and a total of up to 5,880 dwelling units. The OMCP also identifies future commercial development; however, specific acreages and square footages are not listed in the OMCP. The project would amend the OMCP and would establish a range of allowable residential densities for each PA to allow for flexibility in future planning and design and a total of 5,130 dwelling units (or 750 fewer residential units than the maximum number of dwelling units identified in the current OMCP). The proposed land use designations and allowable densities are as follows:

DRAFT

1. Medium-Low Density Residential allowing 8 to 22 du/ac

2. Medium Density Residential allowing 15 to 29 du/ac

3. Medium-High Density Residential allowing 20 to 44 du/ac

4. Residential Mixed Use allowing up to 175,000 square feet of commercial and retail uses at a maximum floor area ratio of 3.0 and multi-family attached residential units at a density range of 30 to 62 du/ac

The Specific Plan provides detailed text and exhibits describing the range of land uses (residential, retail, commercial, office, mixed-use, parks, and open space), public realm, mobility network, and infrastructure that would occur in the Specific Plan area. It provides policies and supplemental development regulations to ensure that the buildout of the Southwest Specific Plan area proceeds in a manner consistent with the OMCP and General Plan policies and regulations, and land development code regulations in the San Diego Municipal Code (SDMC).

The project includes program-level future development areas as well as project-level proposed development. The program-level components addressed in the SEIR include buildout of PAs 1 through 7, 15 through 22, 24 through 27, and associated infrastructure components. The project-level components include construction and operation of PA 8 through PA 14, construction of an extension of Beyer Boulevard connecting the Specific Plan area to San Ysidro, rough grading within PAs 7 and 15 through 20 to allow for a balanced grading operation, and supporting water, sewer, and transportation infrastructure improvements. The project-level components include up to 920 residential units.

1.2.3 Discretionary Actions

The project requires the following entitlements from the City:

1. Certification of the Southwest Village SEIR and adoption of CEQA Findings, Mitigation Monitoring and Reporting Program, and SOC,

2. Adoption of an Ordinance approving the Specific Plan,

3. Adoption of a Rezone Ordinance to implement Specific Plan land uses,

4. Adoption of a General Plan (2024) and OMCP Amendment to modify the Neighborhood Village designation to reflect the proposed density range and show the locations of parks, schools, and mobility element roadways, including amendments to Beyer Boulevard and Caliente Avenue,

5. Adoption of a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment,

DRAFT

6. Adoption of a Vernal Pool Habitat Conservation Program (VPHCP) Major Amendment,

7. Approval of the Vesting Tentative Map (VTM) No. 2188969,

8. Approval of a Site Development Permit to implement requested deviations from the Environmentally Sensitive Lands Regulations and Historical Resources Regulations,

9. Approval of the Road Improvement Ordinance (City of San Diego Charter Section 55) allowing the construction of Beyer Boulevard West through and across City fee-owned dedicated parkland at City Parcel, APN 645-061-0200, Otay Mesa B,

10. Approval of the Road Improvement Resolution (Council Policy 700-17) allowing the construction of Beyer Boulevard West through and across City fee-owned designated parkland at City Parcel, APN 638-070-7100 Beyer Park,

11. Approval of resolution authorizing establishment of a non-wasting endowment fund for the maintenance of conserved land and accepting funds for a permanent endowment fund for long-term management of conserved land,

12. Approval of an Agreement to Acquire Real Property Interests or Approval of a Resolution of Necessity to Initiate Eminent Domain Proceedings and Acquire Real Property Interests of conservation easements held by the California Department of Fish and Wildlife (CDFW) on: 1) parcel owned by the City of San Diego (City Parcel, APN 645-061-0200, Otay Mesa B); and 2) parcel owned by National Enterprises, Inc. (National Enterprises Parcel, APN 645-061-1000, Otay Mesa A),

13. Approval of an Agreement to Acquire Real Property Interests or Approval of a Resolution of Necessity to Initiate Eminent Domain Proceedings and Acquire Real Property Interests of property owned by the County of San Diego (County Parcel, APN 638-070-7400; Furby North Preserve), and

14. Approval of an Agreement to Acquire Real Property Interests or Approval of a Resolution of Necessity to Initiate Eminent Domain Proceedings and Acquire Real Property Interests of property owned by National Enterprises, Inc. (National Enterprises Parcel, APN 645-061-1000, Otay Mesa A).

1.3 Environmental Review Process and Public Participation

The lead agency approving the project and conducting environmental review under CEQA (California Public Resources Code Sections 21000, et seq.), and the CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), is the City. As lead agency, the City is primarily responsible for carrying out the project.

DRAFT

In compliance with Section 15082 of the CEQA Guidelines, the City published a NOP on February 26, 2020, which began a 30-day period for comments on the appropriate scope of the Draft SEIR. A public scoping meeting was held on March 4, 2020, from 5:30 PM to 7:30 PM at San Ysidro High School at 5353 Airway Road, San Diego, CA 92154. The NOP circulated for analysis of the project, related letters received, and comments made during the scoping meeting are included as Appendix A of the Final SEIR.

The City published the Draft SEIR on April 25, 2025, in compliance with CEQA. Pursuant to CEQA Guidelines Section 15085, upon publication of the Draft SEIR, the City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that the Draft SEIR had been completed and was available for review and comment by the public until June 16, 2025. The City also posted a Notice of Availability of the Draft SEIR at this time pursuant to CEQA Guidelines Section 15087.

The Final SEIR for the project was published on April 9, 2026. The document has been prepared in accordance with CEQA and the CEQA Guidelines.

1.4 Summary of Impacts

Below is a summary of program-level, project-level, and cumulative impacts that would result from approval of the project. The OMCP FEIR Findings concluded that all potentially significant impacts could be mitigated to less than significant except for Air Quality (Criteria Pollutants and Sensitive Receptors), Transportation/Circulation, Noise (Traffic Generated Noise, Stationary Source Noise [Collocation], and Construction Noise), Public Utilities (Solid Waste), and Greenhouse Gas (GHG) Emissions (Consistency with Adopted Plans, Policies, and Regulations and Cumulative GHG Emissions).

1.4.1 Program-level Impacts

The Final SEIR concluded the program-level components will have less than significant impacts and require no mitigation measures with respect to following issue areas as identified in Final SEIR Table 1-1:

- Land Use (2. Land Use Compatibility and 3. Regulation Consistency)
- Visual Effects and Neighborhood Character (1. Public Views, 2. Compatibility, 3. Landform Alteration, and 4. Unique Physical Features)
- Air Quality/Odor (1. Plan Consistency and 4. Odors)
- Biological Resources (2. Migratory Wildlife)
- Human Health/Public Safety/Hazardous Materials (2. Hazardous Substances)
- Energy Conservation
- Noise (3. Airport Noise)
- Traffic/Circulation (1. Circulation Plan Conflicts, 3. Traffic Hazards, and 4. Emergency Access)
- Public Services

DRAFT

- Water Supply (1. Water Supply and 2. Landscape Plans)
- Population and Housing (1. Population Growth and 2. Affordable Housing)
- Agricultural and Mineral Resources (1. Agricultural Resources, 2. City and Regional Consequences of Agricultural Land Conversion, and 3. Mineral Resources)
- Greenhouse Gas Emissions (1. Cumulative GHG Emissions and 2. Consistency with Adopted Plans, Policies, and Regulations)

Potentially significant impacts of the program-level components of the project will be mitigated to below a level of significance with respect to the following issues:

- Land Use (4. Environmental Plan Consistency)
- Biological Resources (1. Sensitive Plants and Animals, 3. Sensitive Habitat and Invasive Plants, 4. Multiple Species Conservation Program [MSCP], 5. Wetland Impacts, and 6. Noise Generation)
- Historical Resources (3. Human Remains)
- Human Health/Public Safety/Hazardous Materials (3. Hazardous Sites)
- Hydrology/Water Quality (1. Runoff, 2. Natural Drainage System, 3. Flow Alteration, and 4. Water Quality)
- Geology/Soils (1. Geologic Hazards, 2. Erosion)
- Paleontological Resources

The following issues were determined to be significant and unavoidable at the program level because mitigation measures do not exist or are considered infeasible to reduce impacts to less than significant:

- Land Use (1. Land Use Plan Conflicts)
- Air Quality/Odor (2. Criteria Pollutants and 3. Sensitive Receptors)
- Historical Resources (1. Prehistoric or Historic Resources, and 2. Religious or Sacred Uses)
- Human Health/Public Safety/Hazardous Materials (1. Health and Safety Hazards)
- Noise (1. Traffic Generation Noise Impacts, 2. Stationary Source Noise, and 4. Noise Effects for Sensitive Receptors and Species)
- Traffic/Circulation (2. Vehicle Miles Traveled [VMT])
- Utilities (1. Utilities)
- Tribal Cultural Resources (1. Tribal Cultural Resources)

1.4.2 Project-level Impacts

The Final SEIR concludes the project-level components will have less than significant impacts and require no mitigation measures with respect to the following issue areas:

- Land Use (2. Land Use Compatibility and Regulation Consistency)
- Visual Effects and Neighborhood Character (1. Public Views, 2. Compatibility, 3. Landform Alteration, and 4. Unique Physical Features)

DRAFT

- Air Quality/Odor (1. Plan Consistency, 2. Criteria Pollutants, 3. Sensitive Receptors, and 4. Odors)
- Biological Resources (2. Migratory Wildlife)
- Human Health/Public Safety/Hazardous Materials (1. Health and Safety Hazards and 2. Hazardous Substances)
- Hydrology/Water Quality (1. Runoff, 2. Natural Drainage System, 3. Flow Alteration, and 4. Water Quality)
- Geology/Soils (1. Geologic Hazards and 2. Erosion)
- Energy Conservation
- Noise (2. Stationary Source Noise and 3. Airport Noise)
- Traffic/Circulation (1. Circulation Plan Conflicts, 3. Traffic Hazards, and 4. Emergency Access)
- Public Services
- Utilities
- Water Supply (1. Water Supply and 2. Landscape Plans)
- Population and Housing (1. Population Growth and 2. Affordable Housing)
- Agricultural and Mineral Resources (1. Agricultural Resources, 2. City and Regional Consequences of Agricultural Land Conversion, and 3. Mineral Resources)
- GHG Emissions (1. Cumulative GHG Emissions, and 2. Consistency with Adopted Plans, Policies, and Regulations)

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

- Land Use (4. Environmental Plan Consistency)
- Biological Resources (1. Sensitive Plants and Animals, 3. Sensitive Habitat and Invasive Plants, 4. MSCP, 5. Wetland Impacts, and 6. Noise Generation)
- Historical Resources (3. Human Remains)
- Human Health/Public Safety/Hazardous Materials (3. Hazardous Sites)
- Paleontological Resources (1. Paleontological Resources)

The following issues were determined to be significant and unavoidable at the project level because mitigation measures do not exist or are considered infeasible to reduce impacts to less than significant:

- Land Use (1. Land Use Plan Conflicts)
- Historical Resources (1. Prehistoric or Historic Resources and 2. Religious or Sacred Uses)
- Noise (1. Traffic Generation Noise Impacts and 4. Noise Effects for Sensitive Receptors and Species)
- Traffic/Circulation (2. VMT)
- Tribal Cultural Resources (1. Tribal Cultural Resources)

DRAFT

1.4.3 Cumulative Impacts

The Final SEIR concludes that cumulative impacts would be less than significant and require no mitigation measures with respect to the following issue areas:

- Land Use (2. Land Use Compatibility, 3. Regulation Consistency, and 4. Environmental Plan Consistency)
- Visual Effects and Neighborhood Character (1. Public Views, 2. Compatibility, 3. Landform Alteration, and 4. Unique Physical Features)
- Air Quality/Odor (1. Plan Consistency, 3. Sensitive Receptors, and 4. Odors)
- Biological Resources (1. Sensitive Plants and Animals, 2. Migratory Wildlife, 3. Sensitive Habitat and Invasive Plants, 4. MSCP, 5. Wetland Impacts, and 6. Noise Generation)
- Historical Resources (3. Human Remains)
- Human Health/Public Safety/Hazardous Materials (1. Health and Safety Hazards, 2. Hazardous Substances, and 3. Hazardous Sites)
- Hydrology/Water Quality (1. Runoff, 2. Natural Drainage System, 3. Flow Alteration, and 4. Water Quality)
- Geology/Soils (1. Geologic Hazards and 2. Erosion)
- Energy Conservation
- Noise (2. Stationary Source Noise and 3. Airport Noise)
- Paleontological Resources
- Traffic/Circulation (1. Circulation Plan Conflicts, 3. Traffic Hazards, and 4. Emergency Access)
- Public Services
- Water Supply (1. Water Supply and 2. Landscape Plans)
- Population and Housing (1. Population Growth and 2. Affordable Housing)
- Agricultural and Mineral Resources (1. Agricultural Resources, 2. City and Regional Consequences of Agricultural Land Conversion, and 3. Mineral Resources)
- Greenhouse Gas Emissions (1. Cumulative GHG Emissions, and 2. Consistency with Adopted Plans, Policies, and Regulation)

The following issues were determined to be **significant and unavoidable** at the cumulative level because mitigation measures do not exist or are considered infeasible to reduce impacts to less than significant

- Land Use (1. Land Use Plan Conflicts)
- Air Quality/Odor (2. Criteria Pollutants)
- Historical Resources (1. Prehistoric or Historic Resources, and 2. Religious or Sacred Uses)
- Noise (1. Traffic Generation Noise Impacts, and 4. Noise Effects for Sensitive Receptors and Species)
- Traffic/Circulation (2. VMT)

DRAFT

- Utilities (1. Utilities)
- Tribal Cultural Resources (1. Tribal Cultural Resources)

1.5 Findings Regarding Significant Impacts

In making each of the findings below, the City has considered the Record of Proceedings.

1.5.1 Findings Regarding Impacts that Will be Mitigated to Below a Level of Significance

The City, having independently reviewed and considered the information contained in the Final SEIR and the Record of Proceedings, finds pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1) that changes or alterations have been required in, or incorporated into, the project that avoid, mitigate, or substantially lessen the significant effects on the environment as identified in the Final SEIR. The basis for this conclusion is as follows:

1.5.1.1 Program-Level Mitigation Findings

Land Use (Environmental Plan Consistency – MHPA/Land Use Adjacency Guidelines)

Significant Effect: Implementation of the program-level components would introduce land uses adjacent to the MHPA, which could result in potentially significant indirect impacts related to land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management at the program level.

Facts in Support of Findings: Mitigation measure **SP-LU-1** requires all subsequent development projects that are implemented in accordance with the Specific Plan that are adjacent to designated MHPA areas to demonstrate compliance with the MHPA 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 prior to project approval. The MHPA Land Use Adjacency Guidelines place certain restrictions on activities adjacent to the MHPA in order to reduce the indirect impacts of development projects on sensitive species located within the MHPA. 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 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 related to compliance with the Land Use Adjacency Guidelines of the MSCP Subarea Plan (SAP). Prior to approval of any subsequent development project in an area adjacent to the MHPA, the City shall identify

DRAFT

specific conditions of approval to avoid or reduce potential impacts to the adjacent MHPA. Compliance with the MHPA Land Use Adjacency Guidelines would ensure the compatibility of the project with the biological resources identified in the adjacent MHPA, thus preventing significant impacts.

Rationale and Conclusion: Implementation of **SP-LU-1** would reduce impacts to below a level of significance by demonstrating compliance with the MHPA Land Use Adjacency Guidelines. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference the information and analysis included in Section 5.1.6 of the OMCP FEIR and Section 5.1, *Land Use* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

Biological Resources (Sensitive Plants and Animals)

Significant Effect: Future development would have potentially significant impacts to sensitive plant and wildlife species. Sensitive species surveys of the program-level areas cannot be completed at this time, as those areas are not in the control of the Applicant. Due to the likely presence of sensitive species within the program-level areas outside the project-level areas, impacts may occur during future grading and development within the program-level area. Impacts would be potentially significant.

Facts in Support of Findings: Mitigation measure **SP-BIO-1** requires site-specific biological resources surveys be conducted in accordance with City's Biology Guidelines, and mitigation for impacts to sensitive upland habitats shall occur in accordance with the mitigation ratios specified within the City's Biology Guidelines. The requirements of these measures would ensure that if sensitive plant or wildlife species are present, adequate measures will be taken to avoid direct and indirect impacts to sensitive species in accordance with applicable regulations and best practices.

Rationale and Conclusion: With the implementation of **SP-BIO-1**, impacts would be less than significant. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference the information and analysis included in Section 5.4.4 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

Biological Resources (Sensitive Habitat and Invasive Plants)

Significant Effect: Implementation of the program-level components would potentially result in impacts to sensitive vegetation communities totaling approximately 97 acres of predominately non-native grasslands (Tier IIIB) and Diegan coastal sage scrub (Tier II). Additionally, future development could potentially introduce invasives into the surrounding

DRAFT

open space. Impacts to sensitive habitat and impacts from the introduction of invasive and non-native plant and wildlife species would potentially be significant.

Facts in Support of Findings: Mitigation measure **SP-BIO-1** requires site-specific biological resources surveys be conducted in accordance with the City's Biology Guidelines, and mitigation for impacts to sensitive upland habitats shall occur in accordance with the mitigation ratios specified within the City's Biology Guidelines. As discussed further above under Land Use (MHPA/Land Use Adjacency Guidelines), **SP-LU-1** requires all subsequent development projects that are implemented in accordance with the Specific Plan which are adjacent to designated MHPA areas to demonstrate compliance with the MHPA Land Use Adjacency Guidelines of the MSCP, which require that the project's landscape plan would not contain any exotic plant/invasive species and would include an appropriate mix of native species which would be used adjacent to the MHPA.

Rationale and Conclusion: With the implementation of **SP-BIO-1** and **SP-LU-1**, impacts would be less than significant with mitigation This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference the information and analysis included in Section 5.4.6 and 5.4.8 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

Biological Resources (MSCP)

Significant Effect: Implementation of the program-level components would introduce land uses adjacent to MHPA, which could result in potentially significant indirect impacts related to land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management at the program level.

Facts in Support of Findings: Mitigation measure **SP-LU-1** requires all subsequent development projects that are implemented in accordance with the Specific Plan which are adjacent to designated MHPA areas to demonstrate compliance with the MHPA 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 prior to project approval, as discussed further above under Land Use (MHPA/Land Use Adjacency Guidelines).

Rationale and Conclusion: Implementation of **SP-LU-1** would reduce impacts to below a level of significance by requiring compliance with the MHPA Land Use Adjacency Guidelines. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

DRAFT

Reference: These findings incorporate by reference Section 5.4.7 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

Biological Resources (Wetland Impacts)

Significant Effect: Impacts to wetlands, vernal pools, and other jurisdictional water resources resulting from subsequent development projects implemented in accordance with the Specific Plan would be potentially significant. Vernal pools are known to occur in the program-level areas, and other potential sensitive habitats include wetlands (mule fat scrub, southern willow scrub, disturbed southern willow scrub, disturbed riparian, and disturbed wetlands), and natural flood channels (non-wetland waters/streambed). Surveys of the program-level areas cannot be completed at this time to verify the presence and characteristics of wetland resources as those areas are not in the control of the Applicant. Due to the potential for wetlands to exist within the program-level areas outside the project-level areas, impacts would be potentially significant.

Facts in Support of Findings: Mitigation measure **SP-BIO-2** requires a site-specific biological resources survey to be completed in accordance with the City's Biology Guidelines prior to obtaining discretionary permits for future actions implemented in accordance with the Specific Plan. Engineering design specifications based on project-level grading and site plans shall be incorporated into the project design to minimize direct impacts to potential wetlands/waters, riparian habitats, vernal pools, etc., consistent with federal, state, and the City's 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. Mitigation for vernal pool impacts may include salvage of special-status 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 vernal pool habitat consistent with the VPHCP.

Rationale and Conclusion: Implementation of **SP-BIO-2** would reduce impacts to below a level of significance by requiring a no-net loss of wetland resources. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference Section 5.4.9 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

Biological Resources (Noise Generation)

Significant Effect: There is a potential for permanent noise impacts from the introduction of noise generating land uses adjacent to MHPA. Noise impacts to wildlife within the MHPA would be potentially significant.

DRAFT

Facts in Support of Findings: Mitigation measure **SP-LU-1** requires all subsequent development projects that are implemented in accordance with the Specific Plan which are adjacent to designated MHPA areas to demonstrate compliance with the MHPA 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 prior to project approval, as discussed further above under Land Use (MHPA/Land Use Adjacency Guidelines)

Rationale and Conclusion: Implementation of **SP-LU-1** would reduce impacts to below a level of significance by requiring compliance with the MHPA Land Use Adjacency Guidelines regarding noise. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference Section 5.4.10 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

Historical Resources (Human Remains)

Significant Effect: Future grading of original in-situ soils could expose buried human remains, and impacts to human remains associated with construction of the program-level components would be potentially significant.

Facts in Support of Findings: Mitigation measure **SP-HIST-3** requires pre-excavation investigation such as background research, forensic dogs, or non-destructive ground-penetrating procedures to identify human remains prior to implementing a data recovery program for an archaeological site. If unanticipated human remains are found during grading, compliance with California Public Resources Code Section 5097.98 and state Health and Safety Code Section 7050.5 shall be implemented before proceeding with any project action that would further disturb the remains.

Rationale and Conclusion: Implementation of **SP-HIST-3** would minimize the likelihood of encountering human remains and ensure that any discovered human remains are handled according to existing laws and protocols during construction. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference Section 5.5.5 of the OMCP FEIR and Section 5.5, *Historical Resources* and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

Human Health/Public Safety/Hazardous Materials (Health and Safety Hazards)

Significant Effect: Due to the existing and proposed land use patterns around which the community is formed, new development in the wildland interface areas may expose people

DRAFT

and structures to wildland fire hazards, representing a potentially significant impact. Potential impacts associated with wildfires would be significant.

Facts in Support of Findings: Mitigation measure **SP-HAZ-1** requires future projects 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 Specific Plan policies intended to reduce the risk of wildfires. In addition, all future projects shall be reviewed for compliance with the most current California Fire Code, Section 145.0701 through 145.0711 of the Land Development Code (LDC), and the California Wildland-Urban Interface Code in Title 24, Part 7.

Rationale and Conclusion: SP-HAZ-1 assures that future projects implemented in accordance with the Specific Plan are 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 Specific Plan policies intended to reduce the risk of wildfires. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference Section 5.6.3 of the OMCP FEIR and Section 5.6, *Human Health/Public Safety/Hazardous Materials* of the Final SEIR.

Human Health/Public Safety/Hazardous Materials (Hazardous Sites)

Significant Effect: The presence of sites compiled pursuant to Government Code Section 65962.5, along with any unknown hazardous sites, would have potentially significant impacts on future development and land uses within the program-level areas.

Facts in Support of Findings: Mitigation measure **SP-HAZ-2** requires: 1) a Phase I Environmental 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; 2) the project 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); 3) 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 (Regional Water Quality Control Board [RWQCB]/Department of Toxic Substances Control [DTSC]/Department of Environmental Health and Quality [DEHQ]); 4) the applicant shall obtain written authorization from the regulatory agency (RWQCB/DTSC/DEHQ) confirming the completion of remediation; and 5) 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.

DRAFT

Rationale and Conclusion: Implementation of **SP-HAZ-2** would assure that all subsequent development projects implemented in the program-level areas would be required to complete a Phase I Environmental Site Assessment, and potentially a Phase II Environmental Site Assessment and ultimately ensure that all existing on-site contamination has been avoided or remediated in compliance with federal, state and local regulations. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference Section 5.6.5 of the OMCP FEIR and Section 5.6, *Human Health/Public Safety/Hazardous Materials* of the Final SEIR.

Hydrology/Water Quality (Runoff)

Significant Effect: Buildout in the program-level areas would result in an increase in impervious surfaces and associated increased runoff, and could result in alterations to on- and off-site drainage. Therefore, implementation of the program-level components have the potential to result in significant direct and indirect impacts associated with runoff and alterations to on-and off-site drainage patterns.

Facts in Support of Findings: Mitigation measure **SP-HYD/WQ-1** requires, prior to approval of future projects implemented under the Specific Plan, that the applicant demonstrate to the satisfaction of the City Engineer, based on the project application, that the future project is 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. Future design of projects shall incorporate all practicable measures in accordance with the RWQCB, the City Storm Water Runoff and Drainage Regulations (Chapter 14, Article 2, Division 2 of the LDC), and other LDC sections, and shall be based on the recommendations of a detailed hydraulic analysis.

Rationale and Conclusion: Implementation of **SP-HYD/WQ-1** would ensure that future projects are designed in accordance with policies and regulations that minimize drainage and runoff impacts. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference Section 5.7.3 of the OMCP FEIR and Section 5.7, *Hydrology/Water Quality*; Appendix F-1, *Storm Water Quality Management Plan Southwest Village Vesting Tentative Map*; and Appendix F-2, *Conceptual Drainage and Water Quality Summary for the Southwest Village Specific Plan* of the Final SEIR.

Hydrology/Water Quality (Natural Drainage System)

Significant Effect: Buildout in the program-level areas has the potential to result in a substantial change to stream flow velocities and drainage patterns on downstream

DRAFT

properties. Therefore, implementation of the program-level areas has the potential to result in significant direct and indirect impacts to the natural drainage system.

Facts in Support of Findings: Mitigation measure **SP-HYD/WQ-1** assures that future development in the program-level areas is subject to the requirements of the Storm Water Standards, which includes design of a new or improved system to meet local and state regulatory requirements satisfactory to the City Engineer, as discussed further above under Hydrology/Water Quality (Runoff).

Rationale and Conclusion: Adherence to **SP-HYD/WQ-1**, which requires regulatory compliance as noted above, would ensure impacts associated with storm water run-off and associated impacts to natural drainage systems and downstream resources would be reduced to below a level of significance. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference Section 5.7.4 of the OMCP FEIR and Section 5.7, *Hydrology/Water Quality* and Appendix F-1, *Water Quality Management Plan Southwest Village Vesting Tentative Map* of the Final SEIR.

Hydrology/Water Quality (Flow Alteration)

Significant Effect: Future development within the program-level areas would potentially impact the existing course and flow of flood waters, resulting in potentially significant impacts.

Facts in Support of Findings: Mitigation measure **SP-HYD/WQ-1** assures that future projects associated with altering the course of flood waters would be reviewed for compliance with the City's Storm Water Standards and conform to all applicable plans and policies, thereby assuring the design and function of each project does not impact downstream drainage patterns. **SP-HYD/WQ-1** is discussed further above under Hydrology/Water Quality (Runoff).

Rationale and Conclusion: Implementation of **SP-HYD/WQ-1** would ensure that future projects are designed in accordance with policies and regulations that minimize flow alteration. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference Section 5.7.5 of the OMCP FEIR and Section 5.7, *Hydrology/Water Quality* and Appendix F-3, *Drainage Study for Southwest Village Tentative Map* of the Final SEIR.

Hydrology/Water Quality (Water Quality)

Significant Effect: Future projects constructed during buildout of the program-level components could result in impacts to water quality, including discharges to surface water

DRAFT

or groundwater. The construction of such facilities and, to a lesser degree, the operation of these facilities, could impact water quality. Grading and exposed soil could result in sedimentation. Program-level impacts to water quality would be potentially significant.

Facts in Support of Findings: Mitigation measure **SP-HYD/WQ-2** requires that future projects 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 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. Future projects shall incorporate storm water improvements and water quality protection measures as determined by project-specific water quality reports.

Rationale and Conclusion: Strict adherence to **SP-HYD/WQ-2**, which requires regulatory compliance, would ensure that potential impacts related to discharges into surface or ground water, alterations to surface or groundwater, increases in pollutant discharges (erosion) and downstream sedimentation would be reduced to below a level of significance. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference Section 5.7.6 of the OMCP FEIR and Section 5.7, *Hydrology/Water Quality* and Appendix F-2, *Conceptual Drainage and Water Quality Summary for the Southwest Village Specific Plan* of the Final SEIR.

Geology/Soils (Geologic Hazards)

Significant Effect: The program-level areas contain geologic conditions which would pose significant risks for future development if not properly addressed at the project level. Specifically, the program-level areas could be subjected to moderate to severe ground shaking in the event of an earthquake; the San Ysidro Landslide area borders the program-level areas near PA 16 and PA 18 to the south; and compressible and expansive soils would pose a risk without design considerations and potential mitigation. Unstable geologic conditions represent a potentially significant impact.

Facts in Support of Findings: Mitigation measure **SP-GEO-1** requires that future projects adhere 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. Specific recommendations could include but are not limited to soil removal, soil compaction, or design of foundations and surface improvements to account for expansive

DRAFT

soil movement. Impacts shall also be avoided or reduced through engineering design that meets or exceeds adherence to the SDMC and the California Building Code (CBC).

Rationale and Conclusion: Compliance with established development and engineering standards, as well as strict adherence to **SP-GEO-1**, which requires regulatory compliance, ensures that impacts related to geological hazards would be reduced to below a level of significance. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference Section 5.8.3 of the OMCP FEIR and Section 5.8, *Geology/Soils* and Appendix H-1, *Phase II Groundwater Assessment, Otay Mesa Southwest Village* of the Final SEIR.

Geology/Soils (Erosion)

Significant Effect: At the program level, a large amount of grading, ground disturbance, drainage pattern modifications, and development near slopes would occur that would result in potentially significant erosion impacts.

Facts in Support of Findings: Mitigation measure **SP-GEO-2** requires that future projects adhere to the Grading Regulations and National Pollutant Discharge Elimination System permit requirements and conduct geotechnical investigations. Submittal, review and approval of site-specific geotechnical investigations shall be completed in accordance with the SDMC 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 Specific Plan to minimize hazards associated with site-level geologic and seismic conditions satisfactory to the City Engineer; and shall include measures, detailed in **SP-GEO-2**, to control erosion during and after grading or construction. All future projects developed in accordance with the Specific Plan shall also adhere to the CBC to avoid or reduce geologic hazards to the satisfaction of the City Engineer.

Rationale and Conclusion: Compliance with established development and engineering standards, as well as adherence to the mitigation framework detailed in **SP-GEO-2**, which requires regulatory compliance, would ensure that impacts related to an increase in the potential for erosion of soil, on or off-site, would be reduced to below a level of significance. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference Section 5.8.4 of the OMCP FEIR and Section 5.8, *Geology/Soils* of the Final SEIR.

Paleontological Resources

Significant Effect: The program-level areas contain geology with moderate and high sensitivity potential for paleontological resources, and implementation of the program-

level components, including future project grading, could potentially destroy fossil remains, resulting in a significant impact to paleontological resources.

Facts in Support of Findings: Mitigation measure **SP-PALEO-1** requires that future projects be sited and designed to minimize impacts on paleontological resources in accordance with the City's LDC (Section 142.0151) and General Grading Guidelines for Paleontological Resources Guidelines. Specifically, **SP-PALEO-1** ensures that requirements for paleontological monitoring have been noted on the appropriate construction documents; a records search and preconstruction meetings have been conducted to assess the potential to encounter paleontological resources and determine where monitoring must occur; monitoring during construction; discovery notification and fossil recovery if paleontological resources are encountered; and a Paleontological Monitoring Report and resource curation post-construction.

Rationale and Conclusion: Implementation of **SP-PALEO-1** would ensure that any discovered paleontological resources are protected during construction. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference Section 5.11.3 of the OMCP FEIR and Section 5.11, *Paleontological Resources* of the Final SEIR.

1.5.1.2 Project-Level Mitigation Findings

Land Use (Environmental Plan Consistency)

Significant Effect: While the project-level development has demonstrated consistency with the City's MSCP SAP, implementation of the project-level components would introduce land uses adjacent to the MHPA, which could result in significant indirect impacts related to land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management at the project level.

Facts in Support of Findings: Mitigation measure **PR-LU-1** requires all project-level components that are implemented in accordance with the Specific Plan which are adjacent to designated MHPA areas to demonstrate compliance with the MHPA 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 prior to issuance of construction permits per San Diego Municipal Code 143.0110(d). The MHPA Land Use Adjacency Guidelines place certain restrictions on activities adjacent to the MHPA in order reduce the indirect impacts of development projects on sensitive species located within the MHPA. The project-level components include, but are not limited to underground stormwater vaults to treat and control the release of surface runoff. As required by Site Development Permit conditions, all stormwater detention facilities would have maintenance requirements to ensure long-term functioning for the protection of

DRAFT

downstream water quality. The proposed stormwater vaults would use biofiltration to treat runoff and reduce the potential for toxins to enter the MHPA. The project would incorporate downcast lighting to direct light away from the MHPA, and no night-time lighting is proposed during construction. Noise monitoring and noise reduction measures would be implemented to avoid impacts to the coastal California gnatcatcher, as required in mitigation measure **PR-BIO-8a**. Fencing is required along Beyer Boulevard West as required by the Supplemental Development Regulations (SDRs) in the Southwest Village Specific Plan, and design features such as rear yard fencing and vegetated slopes would be implemented in residential development areas to prevent pedestrian access into the MHPA. A native plant palette would be incorporated for land adjacent to the MHPA to prevent the spread of invasives. Vegetation clearing for purposes of brush management would be done consistent with City standards and would avoid/minimize impacts to covered species to the maximum extent possible. The LUAG compliance measures would be required to be placed on the construction documents. The project-level components would comply with the MHPA Land Use Adjacency Guidelines, which would ensure the compatibility of the project with the biological resources identified in the adjacent MHPA, thus preventing significant impacts.

Rationale and Conclusion: Implementation of **PR-LU-1** along with the Site Development Permit conditions and Supplemental Development Regulations in the Specific Plan would reduce impacts to below a level of significance by demonstrating compliance with the MHPA Land Use Adjacency Guidelines. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference the information and analysis included in Section 5.1.3 of the OMCP FEIR and Section 5.1, *Land Use* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

Biological Resources (Sensitive Plants and Animals)

Significant Effect: Of the 25 special-status species known to occur within the project-level areas or with a moderate to high potential to occur within the project-level areas, development of the project-level components would have significant impacts to Otay tarplant (*Deinandra conjugens*), San Diego barrel cactus (*Ferocactus viridescens*), thread-leaved brodiaea *(Brodiaea filifolia)*, San Diego button-celery (*Eryngium aristulatum var. parishii)*, snake cholla (*Cylindropuntia californica var. californica*), Quino checkerspot butterfly (*Euphydryas editha quino*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), Crotch's bumble bee (*Bombus crotchii*), western spadefoot *(Spea hammondii)*, burrowing owl (*Athene cunicularia*), southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*), least Bell's vireo (*Vireo bellii pusillus*), Cooper's hawk (*Astur cooperii*), northern harrier (*Circus cyaneus*), coastal California gnatcatcher (*Polioptila californica californica*), white-tailed kite (*Elanus leucurus*), merlin (*Falco columbarius*), California horned lark (*Eremophila alpestris actia*), yellow-breasted chat (*Icteria virens*),

grasshopper sparrow (*Ammodramus savannarum*), yellow warbler (*Setophaga petechia*), loggerhead shrike (*Lanius ludovicianus*), and Bell's sage sparrow (*Artemisiospiza belli belli*). Potential impacts to plants would occur through the removal of individuals or suitable habitat during future grading and development within the project-level areas. Potential impacts to animals may occur through the removal of suitable habitat or noise generated during future grading and development within the project-level areas. Impacts would be significant.

Facts in Support of Findings: Mitigation measures **PR-BIO-1** through **PR-BIO-3**, **PR-BIO-5, PR-BIO-6, PR-BIO-11, and PR-BIO-12** require implementation of species-specific mitigation plans for San Diego Button Celery, Otay Tarplant, San Diego Barrel Cactus and Snake Cholla, Quino Checkerspot Butterfly, San Diego and Riverside Fairy Shrimp, Cactus Wren, Western Spadefoot prior to any ground disturbance. The species-specific mitigation plans ensure that requirements for revegetation/restoration plans and specifications have been shown and noted on construction documents; landscape revegetation/restoration planting and irrigation plans are prepared in accordance with the San Diego LDC Chapter 14, Article 2, Division 4 and the City's Biology Guidelines; and construction monitoring and restoration efforts are overseen by a qualified restoration specialist. **PR-BIO-4** requires focused rare plant surveys for Thread-leaved Brodiaea prior to the start of construction to flag or fence any individuals that occur on the project site for avoidance. Individuals must be avoided to the maximum extent feasible, and any individuals that cannot be avoided during construction shall be transplanted into the Vernal Pool/Quino Checkerspot Restoration area to prevent permanent impacts. **PR-BIO-7a** prohibits construction during the least Bell's vireo breeding season (March 15 to September 15) unless occupied least Bell's vireo habitat is demarked by a qualified biologist and noise attenuation features are incorporated during construction to keep noise levels below 60 A-weighted decibels (dB[A]) hourly average at the edge of occupied habitat. These requirements must be approved by the City Manager and shown on construction plans. For restoration, **PR-BIO-7b** prohibits activities that would result in noise levels exceeding 60 dB(A) during the least Bell's vireo breeding season (March 15 to September 15). It also requires a pre-implementation survey if removal of least Bell's vireo habitat must occur during the breeding season (March 15 to September 15) to determine the presence or absence of nesting birds and propose measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. All measures shall be approved by the City prior to implementation. Like **PR-BIO-7a**, **PR-BIO-8a** requires demarcation of occupied coastal California gnatcatcher habitat by a qualified biologist and proof that noise attenuation features would reduce construction noise levels to below 60 dB(A) at the edge of occupied habitat, subject to approval by the City manager. **PR-BIO-8b** prohibits noise levels exceeding 60 dB(A) during the breeding season for coastal California gnatcatcher (March 1 to August 15) and requires the incorporation of measures to ensure that take of coastal California gnatcatcher or eggs or disturbance of breeding activities is avoided during restoration, subject to approval by the City. **PR-BIO-9a** requires a pre-construction survey for Crotch's bumble bee to be conducted by a qualified biologist, and if Crotch's bumble

DRAFT

bee are identified on-site, the qualified biologist shall consult with CDFW to establish, monitor, and maintain no-work buffers around the associated floral resources or nest; construction activities shall not occur within the no-work buffers until the bees appear no longer active. **PR-BIO-9b** requires preservation of 160.94 acres of Crotch's bumble bee potential foraging and nesting habitat that shall be protected in perpetuity and maintained by a long-term management plan and Covenant of Easement to the benefit of the City or dedicated in fee title to the City. **PR-BIO-10** requires pre-construction surveys for Burrowing Owls to be conducted by a qualified biologist, and no construction activities shall occur within 300 feet of an active burrow without written concurrence from the Wildlife Agencies. **PR-BIO-13** requires demarcation of western spadefoot breeding areas by a qualified biologist prior to construction. To avoid impacts to breeding western spadefoot, the breeding areas shall be avoided during construction, or a qualified biologist shall relocate eggs or larva/tadpoles to a suitable location such as the vernal pool restoration area, subject to approval by the City. **PR-BIO-14** requires pre-construction bird surveys and the incorporation of measures (monitoring schedules, noise barriers, etc.) to ensure that take of birds or eggs or disturbance or breeding activities is avoided, subject to City approval. Finally, **PR-BIO-15** requires the dedication of 160.94 total acres of sensitive uplands consisting of 89.94 acres of maritime succulent scrub, 24.82 acres of disturbed maritime succulent scrub, 24.93 acres of Diegan coastal sage scrub, 2.36 acres of disturbed Diegan coastal sage scrub, and 18.89 acres of non-native grassland.

Rationale and Conclusion: PR-BIO-1 through **PR-BIO-15** require the project-level components to demonstrate site-specific measures – such as avoidance, noise attenuation, or relocation – to prevent significant impacts to sensitive species and the provision of mitigation lands to ensure the long-term survival of sensitive plants and animals in the project vicinity. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference the information and analysis included in Section 5.4.4 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

Biological Resources (Sensitive Habitat and Invasive Plants)

Significant Effect: Implementation of the project-level components would potentially result in impacts to sensitive vegetation, including a total of 81.75 acres of Tier I and Tier II vegetation communities, 105.84 acres of Tier IIIB non-native grasslands, and 2.46 acre of wetland vegetation communities and vernal pools. Additionally, development could potentially introduce invasives into the surrounding open space. Impacts to sensitive habitat and impacts from the introduction of invasive and non-native plant and wildlife species would be significant.

Facts in Support of Findings: Mitigation measure **PR-LU-1** requires all project-level components that are implemented in accordance with the Specific Plan which are adjacent

to designated MHPA areas to demonstrate compliance with the MHPA Land Use Adjacency Guidelines of the MSCP, which require that the project's landscape plan would not contain any exotic plant/invasive species and would include an appropriate mix of native species which would be used adjacent to the MHPA. **PR-LU-1** is discussed further above under Land Use (MHPA/Land Use Adjacency Guidelines). **PR-BIO-15** requires the dedication of 160.94 acres of mitigation lands to offset impacts to sensitive upland vegetation prior to issuance of the first grading permit for Phase 1 of the project as discussed further above under Biological Resources (Sensitive Plants and Animals).

Rationale and Conclusion: PR-LU-1 and **PR-BIO-15** would reduce impacts to below a level of significance by requiring compliance with the MHPA Land Use Adjacency Guidelines and dedication of mitigation lands to ensure the preservation of sensitive habitat. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference the information and analysis included in Section 5.4.6 and 5.4.8 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

Biological Resources (MSCP)

Significant Effect: Implementation of the project-level components would introduce land uses adjacent to MHPA, which could result in significant indirect impacts related to land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management at the project level.

Facts in Support of Findings: As discussed further above under Land Use (MHPA/Land Use Adjacency Guidelines), mitigation measure **PR-LU-1** requires all project-level components that are implemented in accordance with the Specific Plan that are adjacent to designated MHPA areas to demonstrate compliance with the MHPA 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 prior to issuance of construction permits per San Diego Municipal Code Section 143.0110(d).

Rationale and Conclusion: Implementation of **PR-LU-1** would reduce impacts to below a level of significance by requiring compliance with the MHPA Land Use Adjacency Guidelines. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference the information and analysis included in Section 5.4.7 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

DRAFT

Biological Resources (Wetland Impacts)

Significant Effect: The project-level components would impact 5.26 acres of Waters of the U.S. and 1.32 acres of City wetlands, including 0.85-acre of vernal pools, 0.11-acre of disturbed wetlands, and 0.36-acre of wetland (mule fat scrub, southern willow scrub, and disturbed riparian). Impacts would be significant. An additional 0.12-acre of indirect impacts to City wetlands are anticipated due to watershed impacts to vernal pools and disturbed wetlands located outside of the impact footprint.

Facts in Support of Findings: Mitigation measure **PR-BIO-16a** requires the project applicant to submit a Final Wetlands Mitigation and Monitoring Plan and Final Vernal Pool and Quino Checkerspot Butterfly Mitigation and Monitoring Plan to the satisfaction of the City, U.S. Army Corps of Engineers, RWQCB, and CDFW. Consistent with the final plans, the project applicant shall provide compensatory wetland mitigation for project impacts to City wetlands prior to issuance of land development permits to ensure no net loss of wetlands. The project impact to 0.004 acre of riparian forest (southern willow scrub and disturbed southern willow scrub) wetlands shall be mitigated (without the Candlelight project mitigation) at a 3:1 ratio and impacts to 0.36 acre of mule fat scrub shall be mitigated at a 2:1 ratio (mule fat scrub, disturbed riparian, disturbed wetlands, natural flood channel) with a total of 0.73 acre of mitigation. Additionally, to compensate for the loss of vernal pool and disturbed wetland resources, mitigation measure **PR-BIO-16b** requires the applicant to mitigate impacts to vernal pool and disturbed wetland resources at a ratio of 2:1 with the exception of the two vernal pools that support San Diego button-celery which shall be mitigated at a ratio of 3:1 (see mitigation measure **PR-BIO-1**). A total of 2.18 acres of vernal pool basins shall be restored within the 33.7-acre vernal pool preserve to mitigate for project impacts. The mitigation required by mitigation measures **PR-BIO-16a** and **PR-BIO-16b** shall occur consistent with the Final Wetlands Mitigation and Monitoring Plan and Final Vernal Pool and Quino Checkerspot Butterfly Mitigation and Monitoring Plan.

Rationale and Conclusion: PR-BIO-16a and PR-BIO-16b would ensure a no net loss of wetland resources. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference the information and analysis included in Section 5.4.9 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

Biological Resources (Noise Generation)

Significant Effect: There is a potential for permanent noise impacts from the introduction of noise generating land uses adjacent to MHPA. Indirect impacts to coastal California gnatcatcher from Beyer Boulevard operational noise may occur to an approximately 0.09-acre area of suitable habitat (Diegan coastal sage scrub), including a small area that would be exposed to noise levels above the 60 dB(A) contour established by noise modeling.

DRAFT

Additionally, the 60 dB(A) noise contour extends slightly into the adjacent cactus wren habitat area within an approximate 0.46-acre area of cholla-dominated maritime succulent scrub. Also, noise generation impacts to nesting birds including Cooper's hawk, northern harrier, white-tailed kite, merlin, California horned lark, yellow warbler, yellow-breasted chat, loggerhead shrike, southern California rufous crowned sparrow, grasshopper sparrow, and Bell's sage sparrow would be significant.

Facts in Support of Findings: As discussed further above under Land Use (MHPA/Land Use Adjacency Guidelines), mitigation measure **PR-LU-1** requires all project-level components that are implemented in accordance with the Specific Plan which are adjacent to designated MHPA areas to demonstrate compliance with the MHPA 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 prior to issuance of construction permits per San Diego Municipal Code Section 143.0110(d). **PR-BIO-8a** requires the incorporation of noise attenuation features during construction to ensure noise levels do not exceed 60 dB(A) at the edge of suitable coastal California gnatcatcher habitat. **PR-BIO-11** implements the Coastal Cactus Wren Mitigation Plan prepared by RECON Environmental dated August 2024, which requires a total of 1.09 acre of coastal cactus wren habitat restoration within the County of San Diego's Furby North Preserve to ensure that sufficient habitat exists for the coastal cactus wren. **PR-BIO-15** requires the dedication of 160.94 acres of mitigation lands to offset impacts to sensitive upland vegetation prior to issuance of the first grading permit for Phase 1 of the project. **PR-BIO-8a**, **PR-BIO-11**, and **PR-BIO-15** are discussed further above under Biological Resources (Sensitive Plants and Animals).

Rationale and Conclusion: Noise impacts would be reduced to less than significant through compliance with the MHPA Land Use Adjacency Guidelines, habitat preservation, and noise control measures required by **PR-LU-1, PR-BIO-8a,** and **PR-BIO-11.** This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference the information and analysis included in Section 5.4.10 of the OMCP FEIR and Section 5.4, *Biological Resources* and Appendix C, *Biological Resources Report for the Southwest Village Specific Plan* of the Final SEIR.

Historical Resources (Human Remains)

Significant Effect: Future grading of original in-situ soils could expose buried human remains, and impacts to human remains associated with construction of the project-level components would be significant.

Facts in Support of Findings: Mitigation measure **PR-HIST-2** requires a records search to assess the potential to encounter historical resources and determine where monitoring must occur. An archaeological monitor and Native American monitor shall be present

DRAFT

during all activities which could result in impacts to archaeological resources, as determined by the records search and documented in an Archaeological Monitoring Exhibit. In the event of a discovery, the monitors shall evaluate the significance of the resource, and impacts to significant resources must be mitigated pursuant to an Archaeological Data Recovery Program before ground disturbing activities may continue. If unanticipated human remains are found during grading, compliance with California Public Resources Code Section 5097.98 and state Health and Safety Code Section 7050.5 shall be implemented before proceeding with any project action that would further disturb the remains.

Rationale and Conclusion: Implementation of **PR-HIST-2** would minimize the likelihood of encountering human remains and ensure that any discovered human remains are handled according to existing laws and protocols during construction. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference the information and analysis included in Section 5.5.5 of the OMCP FEIR and Section 5.5, *Historical Resources* and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

Human Health/Public Safety/Hazardous Materials (Hazardous Sites)

Significant Effect: While no hazardous sites compiled pursuant to Government Code Section 65962.5 have been identified in the project-level areas, the presence of site conditions that require special handling procedures (including trash and debris and asbestos- and lead-containing materials) would represent a significant impact.

Facts in Support of Findings: Mitigation measure **PR-HAZ-1** requires a qualified environmental engineer to develop a soil and groundwater management plan for each project 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. Additionally, 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 regulations such as but not limited to SDMC Section 42.0801, Division 9, and Section 42.0901.

Rationale and Conclusion: Implementation of **PR-HAZ-1** ensures that all existing on-site contamination has been avoided or remediated in compliance with federal, state and local regulations. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

DRAFT

Reference: These findings incorporate by reference the information and analysis included in Section 5.6.5 of the OMCP FEIR; Section 5.6, *Human Health/Public Safety/Hazardous Materials* of the Final SEIR; and Converse 2002a-k, 2004a-j, 2006a-b, 2008a-b.

Paleontological Resources

Significant Effect: High paleontological sensitivity areas are located along the proposed Beyer Boulevard alignment and within portions of PA 7, PA 8 through PA 10, and portions of PA 11. Project-level construction would require over 1,000 cubic yards of excavation in these high resource potential areas, and impacts would be significant.

Facts in Support of Findings: Mitigation measure **PR-PALEO-1** requires that future projects be sited and designed to minimize impacts on paleontological resources in accordance with the City's LDC (Section 142.0151) and General Grading Guidelines for Paleontological Resources Guidelines. Specifically, **PR-PALEO-1** ensures that requirements for paleontological monitoring have been noted on the appropriate construction documents; a records search and preconstruction meetings have been conducted to assess the potential to encounter paleontological resources and determine where monitoring must occur; monitoring during construction; discovery notification and fossil recovery if paleontological resources are encountered; and a Paleontological Monitoring Report and resource curation post-construction.

Rationale and Conclusion: Implementation of **PR-PALEO-1** would ensure that any discovered paleontological resources are protected during construction. This finding is consistent with the OMCP FEIR Findings, which also identified impacts would be less than significant with mitigation.

Reference: These findings incorporate by reference the information and analysis included in Section 5.11.3 of the OMCP FEIR and Section 5.11, *Paleontological Resources* of the Final SEIR.

1.5.2 Findings Regarding Mitigation Measures Which are the Responsibility of Another Agency

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

1.5.3 Findings Regarding Infeasible Mitigation Measures

The City, having independently reviewed and considered the information contained in the Final SEIR and the Record of Proceedings and pursuant to Public Resource Code Section

DRAFT

21081(a)(3) and CEQA Guidelines Section 15091(a)(3), finds that the project will have significant and unavoidable impacts in the following issue areas and there are no feasible mitigation measures to reduce these impacts: land use (land use plan conflicts), air quality/odor (criteria pollutants and sensitive receptors), historical resources (prehistoric or historic resources and religious or sacred uses), human health/public safety/hazardous materials (health and safety hazards), noise (traffic generation noise impacts, stationary source noise, noise effects for sensitive receptors and species), traffic/circulation (VMT), utilities, and tribal cultural resources (TCRs).

"Feasible" is defined in Section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." Public Resources Code Section 21081 and CEQA Guidelines Section 15091(a)(3) also provide that "other" considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. These findings are appropriate because there are no feasible mitigation measures available that would reduce the identified project impacts to below a level of significance.

1.5.3.1 Program-Level Impacts

Land Use (Land Use Plan Conflicts)

Significant Effect: The program-level components would produce noise and solid waste at volumes that would be inconsistent with General Plan (2024) Noise Element Policy NE-B.3 and NE-I.1, OMCP Noise Element Policy 9.2-2, and OMCP Public Facilities, Services, and Safety Element policy 6.5-3. The program-level components would also have the potential to impact significant archaeological and historic resources in conflict with the General Plan (2024) Historic Preservation Element Policy HP-A.5 and OMCP Historic Preservation Element. These land use plan conflicts could therefore result in potential secondary environmental impacts related to noise, utilities, historical resources, and TCRs. Land use plan incompatibility impacts would be significant.

Facts in Support of Findings: Prior to the issuance of building permits, mitigation measure **SP-NOS-1** requires future program-level development to conduct exterior noise analyses and identify noise reduction measures for residential receptors that would be placed in locations where the exterior existing or future noise levels would exceed the noise compatibility guidelines of the General Plan. Prior to the issuance of building permits, **SP-NOS-2** requires future program-level development to conduct interior noise analyses and incorporate noise control measures if necessary to demonstrate compliance with the interior noise compatibility guidelines of the City's General Plan. **SP-UTIL-1** requires a future waste management plan (WMP) for projects generating 60 tons or more of solid waste during construction prior to project approval. The WMP would outline the project's

DRAFT

waste generation and measures for compliance with the City's Recycling Ordinance for ultimate approval by the City Environmental Services Department to ensure that impacts are reduced to a less than significant level. The required WMP would include measures in pursuit of the City's waste reduction targets and associated Refuse and Recyclable Materials Storage Regulations (**SDMC** Chapter 14, Article 2 Division 8) and Recycling Ordinance (SDMC Chapter 6, Article 6, Division 7) regulations. Mitigation measures **SP-HIST-1** and **SP-HIST-2** would require implementation of an archaeological data recovery program and construction monitoring to ensure that cultural resources are adequately identified and measures are taken consistent with the Historical Resources Regulations prior to issuance of any permit for a future development project.

Rationale and Conclusion: While the mitigation framework provided in the SEIR would reduce noise levels and solid waste generation and require protective measures for historical resources, future projects may not be able to lower noise, solid waste, and historical resources impacts below the City's project-level thresholds of significance. It is too speculative at the program level of environmental review to determine the compliance of future projects or recommend additional mitigation beyond **SP-NOS-1, SP-NOS-2, SP-UTIL-1, SP-HIST-1,** and **SP-HIST-2**, as building and grading information is not available and impacts cannot be determined nor guaranteed to be mitigated to below a level of significance due to uncertain feasibility considering the lack of future project-specific design information. Impacts would remain significant and unavoidable at the program level. The OMCP FEIR Findings concluded that the OMCP would have less than significant land use plan conflict impacts. Therefore, relative to the OMCP FEIR Findings, the SEIR has identified new significant and unavoidable land use plan conflict impacts related to noise, solid waste, and historical resources.

Reference: These findings incorporate by reference the information and analysis included in Section 5.1.3 of the OMCP FEIR and Section 5.1, Land Use and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan*; Appendix I, *Noise Analysis for the Southwest Village Specific Plan*; and Appendix L, *Waste Management Plan for the Southwest Village Specific Plan*, of the Final SEIR.

Air Quality/Odor (Criteria Pollutants)

Significant Effect: Construction-related pollutants result from dust raised during demolition and grading, exhaust emissions from construction vehicles, and products used during construction. Air pollutants generated by the construction of projects within the program-level areas would vary depending upon the number of projects occurring simultaneously and the size of each individual project. If several projects were to occur simultaneously, there is the potential for multiple projects to exceed significance thresholds. Operational impacts would occur primarily due to emissions within the basin from mobile sources associated with the vehicular travel along the roadways within the program-level areas. Air emissions from future developments within the program-level

areas cannot be adequately quantified at this time considering grading details, construction details, phasing/timing, development layout, and other information is unknown, and construction and operation of the program-level areas could produce emissions that would contribute to exceedances of federal or state air quality standards, including for pollutants for which the San Diego Air Basin is in non-attainment (ozone precursors and particulate matter with a diameter of 10 microns or less [PM_{10}]). Impacts in the program-level areas would be potentially significant.

Facts in Support of Findings: Mitigation measure **SP-AQ-1** requires the incorporation of best available control measures and technology – including but not limited to alternative fueled equipment and dust control measures - for projects that would exceed daily construction emissions thresholds established by the City to reduce construction emissions to a less than significant level. **SP-AQ-2** requires future projects to demonstrate how they would buffer sensitive receptors from air pollution sources using landscaping, open space, and other separation techniques prior to entitlement to reduce operational emissions on sensitive receptors to a less than significant level.

Rationale and Conclusion: While the mitigation framework provided in the SEIR would reduce criteria pollutant emissions, future projects may not be able to reduce construction or operational emissions below the City's project-level significance thresholds. It is too speculative at the program level of environmental review to determine the compliance of future projects or recommend additional mitigation beyond **SP-AQ-1 and SP-AQ-2**, as building and grading information is not available and impacts cannot be determined nor guaranteed to be mitigated to below a level of significance due to uncertain feasibility considering the lack of project-specific design information**.** This finding is consistent with the OMCP FEIR Findings, which also identified significant and unavoidable impacts related to criteria pollutants.

Reference: These findings incorporate by reference the information and analysis included in Section 5.3.4 of the OMCP FEIR and SEIR Section 5.3, Appendix B-1, *Air Quality Analysis for the Southwest Village Specific Plan* of the Final SEIR.

Air Quality/Odor (Sensitive Receptors)

Significant Effect: Should a gas station, dry cleaner, or other use identified in the California Air Resources Board's (CARB's) Land Use Siting Constraints be proposed within the program-level areas, a significant impact related to exposure of sensitive receptors could occur. Specific project-level design information would be needed to determine stationary source emission impacts. Future uses in the program-level areas could emit substantial pollutant concentrations, and program-level impacts related to exposing sensitive receptors to substantial pollutant concentrations would be potentially significant.

Facts in Support of Findings: Prior to the issuance of building permits for any new facility that would have a potential to emit toxic air contaminants, mitigation measure **SP-AQ-3**

requires a health risk assessment to be prepared for any new facility that would have the potential to emit toxic air contaminants. If adverse health impacts exceeding public notification levels (cancer risk equal to or greater than 10 in 1,000,000; see FEIR Section 5.3.5.1 [b and 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 Air Pollution Control District that demonstrates how the facility will reduce health risks to less than significant levels within five years of the date the plan. Similarly, prior to the issuance of building permits for facilities known to pose health risks, **SP-AQ-4** requires a health risk assessment that identifies best available control technology required to reduce health risk to less than 10 in 1,000,000.

Rationale and Conclusion: While **SP-AQ-3** and **SP-AQ-4** would reduce the potential impacts associated with exposure to air toxics, no specific projects or improvements are proposed within the program-level areas at this time; therefore, it cannot be determined whether the proposed mitigation would reduce all impacts to below a level of significance. It is therefore too speculative at the program level of environmental review to determine the compliance of future projects with or recommend additional mitigation beyond **SP-AQ-3** and **SP-AQ-4.** Impacts would remain significant and unavoidable. This finding is consistent with the OMCP FEIR Findings, which also identified significant and unavoidable impacts related to sensitive receptors.

Reference: These findings incorporate by reference the information and analysis included in Section 5.3.5 of the OMCP FEIR and SEIR Section 5.3, Air Quality/Odor and Appendix B-1, *Air Quality Analysis for the Southwest Village Specific Plan* of the Final SEIR.

Historical Resources (Prehistoric or Historical Resources)

Significant Effect: Given the known historic resources in the program-level areas, the likelihood of future surveys identifying additional historic resources, either prehistoric or historic archaeological resources or built environment resources, that may require evaluation in unsurveyed areas is moderate to high. Therefore, impacts from future development to historic resources, both prehistoric and historic archaeological resources and built environment resources, are potentially significant.

Facts in Support of Findings: Prior to issuance of any permit for future projects, mitigation measure **SP-HIST-1** requires that future development projects implemented in accordance with the Specific Plan conduct a site visit to identify any significant or potentially significant cultural resources, including human remains. If there is evidence that the site contains archaeological resources, then a historic evaluation consistent with the City LDC Historical Resources Guidelines shall be required to determine the significance of the resource(s) and identify appropriate measures to be undertaken to address potential impacts in accordance with CEQA and the City's Historical Resources Regulation and Guidelines. Prior to issuance of any permit for future projects, **SP-HIST-2** requires buildings that would be affected by project development to be assessed for historical significance

DRAFT

and, if historically significant, protected through all prudent and feasible mitigation measures. These measures would be detailed in a site-specific report prepared at the project level subject to approval by the City.

Rationale and Conclusion: Even with **SP-HIST-1** and **SP-HIST-2**, implementation of the program-level areas would result in potentially significant unidentified archaeological and/or historical resources. It is too speculative at the program level of environmental review to recommend additional mitigation beyond **SP-HIST-1** and **SP-HIST-2.** At the program-level, specific designs such as site access are not known, nor are the specifics of the archaeological resource known, and it cannot be determined if significant resources can be avoided or impacts reduced to below a level of significance. Impacts would remain significant and unavoidable. The OMCP FEIR Findings concluded that the OMCP would have less than significant impact on prehistoric and historic resources with mitigation framework HIST-1 and HIST-2. Therefore, relative to the OMCP FEIR Findings, the SEIR has identified a new significant and unavoidable impact related to prehistoric resources.

Reference: These findings incorporate by reference the information and analysis included in Section 5.5.3 of the OMCP FEIR and SEIR Section 5.5, Historical Resources and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

Historical Resources (Religious or Sacred Uses)

Significant Effect: The Native American Heritage Commission (NAHC) search conducted for the project was positive. Future ground disturbance into native soils in the program-level areas during the implementation of future development within the program-level areas could expose buried religious or sacred resources. Impacts would be potentially significant.

Facts in Support of Findings: Prior to issuance of any permit for future projects, mitigation measure **SP-HIST-1** requires site-specific research and identification of any identified potential religious or sacred resources, as discussed further above under Historical Resources (Prehistoric or Historic Resources).

Rationale and Conclusion: While **SP-HIST-1** would require site-specific research, it is too speculative at the program level of environmental review to determine the compliance of future projects with, or recommend additional mitigation beyond, **SP-HIST-1**. At the program-level, specific designs such as site access are not known, nor are the specifics of the archaeological resource known, and it cannot be determined if significant resources can be avoided or impacts reduced to below a level of significance. Impacts would remain significant and unavoidable. The OMCP FEIR Findings concluded that the OMCP would have less than significant impacts on religious and sacred uses with mitigation framework HIST-1. Therefore, relative to the OMCP FEIR Findings, the SEIR has identified a new significant and unavoidable impact related to religious and sacred uses.

DRAFT

Reference: These findings incorporate by reference the information and analysis included in Section 5.5.4 of the OMCP FEIR and SEIR Section 5.5, Historical Resources and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

Human Health/Public Safety/Hazardous Materials (Health and Safety Hazards)

Significant Effect: Health hazard impacts related to air toxics would be considered significant at the program level, as the potential of a gas station, dry cleaner, or other use with siting constraints identified by CARB may be proposed within PAs 24 through 27 which could expose sensitive receptors to toxic air contaminants and impacts would be significant.

Facts in Support of Findings: As discussed further above under Air Quality/Odor (Sensitive Receptors), mitigation measure **SP-AQ-3** requires a health risk assessment to be prepared for any new facility that would have the potential to emit toxic air contaminants and public notice to be sent to residents located within the public notification area. Similarly, prior to the issuance of building permits for facilities known to pose health risks, **SP-AQ-4** requires a health risk assessment that identifies best available control technology required to reduce health risk to less than 10 in 1,000,000.

Rationale and Conclusion: While the mitigation measures **SP-AQ-3** and **SP-AQ-4** would reduce the potential impacts associated with exposure to air toxics, specific land uses that may be proposed within PAs 24 through 27 which could expose sensitive receptors to toxic air contaminants and would require implementation of these measures are not known at this time. It is therefore too speculative at the program level of environmental review to determine the compliance of future projects with or recommend additional mitigation beyond **SP-AQ-3** and **SP-AQ-4**. Impacts would remain significant and unavoidable. This finding is consistent with the OMCP FEIR Findings, which also identified significant and unavoidable impacts related to health and safety hazards.

Reference: These findings incorporate by reference the information and analysis included in Section 5.6.3 and 5.3.5 of the OMCP FEIR and SEIR Section 5.6, *Human Health/Public Safety/Hazardous Materials* and Appendix B-1, *Air Quality Analysis for the Southwest Village Specific Plan* of the Final SEIR.

Noise (Traffic Generated Noise)

Significant Effect: Implementation of the project would result in a significant increase in traffic noise levels above the land use compatibility criteria at uses located adjacent to the following roadway segments: Airway Road between Caliente Avenue and Santa Road; Beyer Boulevard between Alaquinas Drive/Park Avenue and Enright Drive; Caliente Avenue south of Airway Road; Center Street between East Beyer Boulevard and San Ysidro Boulevard; and East Beyer Boulevard between Beyer Boulevard and Center Street/Hill Street. Exterior

DRAFT

noise at proposed multi-family ground floor exterior use space and second- or third-floor balconies facing Beyer Boulevard or Caliente Avenue for PA 1, PA 7, PA 26, and PA 27 would exceed 70 CNEL in some locations and impacts would be potentially significant. On-site noise compatibility impacts associated with potential development of the optional school site within PA 7 would be significant as noise levels would exceed 65 CNEL within 50 feet of Caliente Avenue. If no school is developed within PA 7, the PA would be developed into residential communities, which could be exposed to incompatible second- and third-floor noise levels (above 70 CNEL), as described above. Noise impacts on cactus wren and coastal California gnatcatcher habitat would be significant, as discussed further above under Section 1.5.1 Biological Resources (Noise Generation). Interior noise impacts would be significant in areas where exterior noise exceeds 65 CNEL (areas closest to Beyer Boulevard and Caliente Avenue within PA 1, PA 7, PA 26, and PA 27), resulting in a potentially significant impact. Implementation of the program-level components would result in a significant increase in traffic noise levels above the land use compatibility criteria at uses located adjacent to five off-site roadway segments as noted above. As the traffic noise levels generated by Specific Plan buildout along these segments would exceed the City's thresholds, impacts would be potentially significant.

Facts in Support of Findings: As discussed further above under Land Use (Land Use Plan Conflicts), mitigation measure **SP-NOS-1** requires site-specific exterior noise analyses that demonstrate how the project would not place residential receptors in locations where the exterior existing or future noise levels would exceed the noise compatibility guidelines of the General Plan (2024), with noise reduction measures included if necessary. Prior to the issuance of building permits, **SP-NOS-2** requires site-specific interior noise analyses demonstrating compliance with the interior noise compatibility guidelines of the General Plan (2024), with noise control features included if necessary. **SP-LU-1** requires all subsequent development projects that are implemented in accordance with the Specific Plan that are adjacent to designated MHPA areas to demonstrate compliance with the MHPA 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 prior to project approval.

Rationale and Conclusion: Due to the magnitude of noise increases along the identified roadways (see SEIR Table 5.10-3) and unavailability of specific, future project design information, no additional mitigation is available to reduce these impacts. It is too speculative at the program level of environmental review to determine the compliance of undefined future projects or recommend additional mitigation beyond **SP-NOS-1**, **SP-HIST-2,** and **SP-LU-1.** Impacts would remain significant and unavoidable. This finding is consistent with the OMCP FEIR Findings, which also identified significant and unavoidable impacts related to traffic generated noise.

DRAFT

Reference: These findings incorporate by reference the information and analysis included in Section 5.10.3 of the OMCP FEIR and SEIR Section 5.10, *Noise* and Appendix I, *Noise Analysis for the Southwest Village Specific Plan* of the Final SEIR.

Noise (Stationary Source Noise)

Significant Effect: The Specific Plan land use plan includes mixed-use areas where there is a residential-commercial interface and residential areas adjacent to non-residential land uses. Due to the lack of specific development plans in program level areas, there is potential that heating, ventilation, and air conditioning (HVAC) units or other noise generating equipment could result in noise levels exceeding the applicable Noise Abatement and Control Ordinance (SDMC Chapter 5, Article 9.5, Division 4) limits at residential receivers. Impacts would be potentially significant.

Facts in Support of Findings: Prior to the issuance of building permits, mitigation measure **SP-NOS-3** requires site-specific acoustical analyses of any on-site generated noise sources to predict noise levels at property lines and incorporation of noise-reduction features if necessary. Noise reduction features such as noise-attenuating walls or quieter machinery shall be incorporated if necessary to demonstrate compliance with the City's Noise Abatement and Control Ordinance.

Rationale and Conclusion: While **SP-NOS-3** would require the incorporation of noise-reduction features if necessary to reduce project noise levels, without detailed operational data due to the unavailability of specific development plans at the program level, it cannot be verified that **SP-NOS-3** would reduce all impacts below a level of significance. It is too speculative at the program level of environmental review to determine the compliance of future projects or recommend additional mitigation beyond **SP-NOS-3.** Impacts would remain significant and unavoidable. This finding is consistent with the OMCP FEIR Findings, which also identified significant and unavoidable impacts related to stationary source noise.

Reference: These findings incorporate by reference the information and analysis included in Section 5.10.4 of the OMCP FEIR and SEIR Section 5.10, *Noise* and Appendix I, *Noise Analysis for the Southwest Village Specific Plan* of the Final SEIR.

Noise (Noise Effects for Sensitive Receptors and Species)

Significant Effect: Permanent noise sources associated with the program-level components would include vehicular traffic, residential HVAC units, commercial/retail mechanical equipment and loading docks, and pump stations. These permanent noise sources have the potential to generate noise levels above the applicable noise limits and impacts would be significant. Implementation of the project in combination with additional vehicle trips anticipated through 2050, would result in a substantial (3 dB) increase in traffic noise levels for multiple off-site roadway segments and would, therefore, expose existing

DRAFT

sensitive receptors to cumulative increases in noise levels. Indirect impacts from noise during breeding season to burrowing owl (February 1 to August 15), least Bell's vireo (March 15 to September 15), and coastal cactus wren (February 1 to August 31) would be significant if construction noise levels exceed 60 dB(A) or the existing ambient noise level if already above 60 dB(A) during the breeding season. As program-level construction and restoration activity have the potential to exceed this noise level at MHPA lands, conflicts with the MHPA Land Use Adjacency Guidelines could occur. Program-level roadway and stationary source noise also have the potential to exceed 60 dB(A) and, therefore, could conflict with the MHPA Land Use Adjacency Guidelines during the breeding season.

Facts in Support of Findings: As discussed further above under Land Use (Land Use Plan Conflicts), mitigation measure **SP-NOS-1** and **SP-NOS-2** require future program-level development to be analyzed prior to the issuance of building permits and potential attenuation features to be recommended to address potential exterior noise compatibility conflicts and ensure interior noise levels are attenuated to the applicable standard. Prior to the issuance of building permits, **SP-NOS-3** requires site-specific acoustical analyses of any on-site generated noise sources demonstrating compliance with the City's Noise Abatement and Control Ordinance, with noise control features included if necessary. **SP-BIO-1** requires site-specific biological resources surveys be conducted in accordance with the City's Biology Guidelines, and mitigation for impacts to sensitive upland habitats shall occur in accordance with the mitigation ratios specified within the City's Biology Guidelines. Additionally, **SP-LU-1** requires all subsequent development projects that are implemented in accordance with the Specific Plan which are adjacent to designated MHPA areas to demonstrate compliance with the MHPA 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 prior to project approval.

Rationale and Conclusion: SP-BIO-1 and **SP-LU-1** would reduce impacts to sensitive species to a less-than-significant level. However, even with implementation of **SP NOS-1** through **SP-NOS-3**, noise reduction to below the City's compatibility and noise generation thresholds cannot be guaranteed. It is too speculative at the program level of environmental review to determine the compliance of future projects or recommend additional mitigation beyond **SP-NOS-1** and **SP-NOS-3**, as project design information and site condition information is not available at the program-level. Impacts would remain significant and unavoidable. This finding is consistent with the OMCP FEIR Findings, which also identified significant and unavoidable impacts related to noise effects for sensitive receptors.

Reference: These findings incorporate by reference the information and analysis included in Section 5.10.3 of the OMCP FEIR and SEIR Section 5.10, *Noise* and Appendix I, *Noise Analysis for the Southwest Village Specific Plan* of the Final SEIR.

DRAFT

Traffic/Circulation (Vehicle Miles Traveled)

Significant Effect: At the program level, VMT impacts would be considered significant due to anticipated VMT per resident and VMT per employee being in excess of 85 percent of the regional mean. Future development within the program-level areas of the Specific Plan that do not screen out from further analyses would require project-level VMT analyses at the time development is proposed to determine significance and the potential for impacts to be mitigated to less than significant or to the extent feasible. Impacts related to VMT for the program-level components are assumed to be potentially significant consistent with the Findings that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003) that is incorporated by reference herein.

Facts in Support of Findings: Refer to the Findings that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003). Consistent with the Complete Communities Findings, the project includes mitigation measure **SP-TRA-1** that requires project-specific studies to demonstrate consistency with the City' Transportation Study Manual (TSM) at the time of analysis and determine the anticipated VMT and applicable VMT reduction measures or fees to reduce project VMT impacts to the extent feasible in conformance with the Mobility Choices Regulations. Impacts would be significant after the implementation of mitigation, as detailed in the Findings and SOC that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003) that is incorporated by reference in the Final SEIR and herein. Per those Findings and SOC, compliance with the City's Mobility Choices Program Regulations is considered mitigation to the extent feasible.

Rationale and Conclusion: As discussed in the Findings and SOC that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003), compliance with the City's Mobility Choices Regulations (**SP-TRA-1**), including payment of the Active Transportation In-Lieu Fee, constitutes mitigation to the extent feasible and impacts would remain significant and not mitigated due to the potential for project VMT impacts to occur prior to the implementation of City-wide active transportation improvements that would be funded by the Active Transportation In-Lieu Fee payment. Refer to the Findings and SOC that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003) for additional information. This finding is consistent with the OMCP FEIR Findings, which identified significant and unavoidable traffic/circulation impacts. Impacts would remain significant and unavoidable.

Reference: These findings incorporate by reference the information and analysis included in the Findings that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003), Section 5.12.3 of the OMCP FEIR

DRAFT

and SEIR Section 5.12, *Traffic/Circulation* and Appendix J-1, *Southwest Village Specific Plan Programmatic Level Vehicle Miles Traveled Assessment* of the Final SEIR.

Utilities

Significant Effect: As the amount of waste and the timing of disposal is not predictable at this stage, the impacts associated with waste generation for the program-level planning areas would be significant since it cannot be assessed at this stage whether landfills would have sufficient capacity to handle waste generation associated with the development of program-level areas. The program-level components would produce quantities of waste that could result in potentially significant impacts to utilities.

Facts in Support of Findings: Mitigation measure **SP-UTIL-1** requires future development projects that would generate 60 tons or more of solid waste to prepare a WMP prior to project approval that identifies the amount of waste anticipated to be generated and how the project would reduce waste for the demolition, construction, and occupancy phases of the project. The required WMP would include measures in pursuit of the City's waste reduction targets and associated Refuse and Recyclable Materials Storage Regulations (LDC Chapter 14, Article 2 Division 8) and Recycling Ordinance (SDMC Chapter 6, Article 6, Division 7) regulations. The WMP would be conceptually approved by the City Environmental Services Department.

Rationale and Conclusion: All future program-level development may not be required to prepare a WMP or may not reduce project-level waste management impacts to below a level of significance. It is too speculative at the program level of environmental review to determine the amount of waste generated by future projects or compliance of future projects with, or recommend additional mitigation beyond, **SP-UTIL-1**, as future projects may be ministerial or otherwise unable to guarantee that waste deposited in landfills would be reduced to below a level of significance. Impacts would remain significant and unavoidable. This finding is consistent with the OMCP FEIR Findings, which also identified significant and unavoidable impacts related to solid waste.

Reference: These findings incorporate by reference the information and analysis included in Section 5.14.4 of the OMCP FEIR and SEIR Section 5.14, *Utilities* of the Final SEIR.

Tribal Cultural Resources

Significant Effect: Although no impacts to known TCRs have been identified in the program-level areas, intact subsurface cultural deposits, which can also be TCRs, may exist within the proposed program-level areas considering the sensitivity rating of the area and that cultural resources have been identified in the program-level area. Proposed grading would potentially disturb or destroy such subsurface TCRs. Impacts would be potentially significant.

DRAFT

Facts in Support of Findings: Prior to issuance of any permit for future projects, mitigation measure **SP-HIST-1** requires future development projects implemented in accordance with the Specific Plan to conduct site-specific surveys to identify any significant or potentially significant cultural resources, including human remains, and identify appropriate measures to be undertaken to address potential impacts in accordance with CEQA and the City's Historical Resources Regulation and Guidelines.

Rationale and Conclusion: While implementation of **SP-HIST-1** or other measures developed to address specific resources would serve to mitigate such impacts to the extent feasible, there is potential for significant archaeological resources to be present that cannot be mitigated to below a level of significance. These archaeological resources have potential to meet the definition of a TCR. No additional feasible mitigation or project alternative has been identified that could reduce TCR impacts to below a level of significance. It is too speculative at the program level of environmental review to recommend additional mitigation beyond **SP-HIST-1**, as project design information and the characteristics of the TCR are unknown**.** Impacts would remain significant and unavoidable. While the OMCP FEIR did not include a tribal cultural resource finding directly, the OMCP FEIR Findings concluded that the OMCP would have less than significant impact on prehistoric resources and sacred sites with mitigation framework HIST-1 and HIST-2. Therefore, relative to the OMCP FEIR Findings, the SEIR has identified a new significant and unavoidable impact related to TCRs.

Reference: These findings incorporate by reference the information and analysis included in Section 5.5.3 and 5.5.4 of the OMCP FEIR and SEIR Section 5.19, *Tribal Cultural Resources* and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

1.5.3.2 Project-Level Impacts

Land Use (Land Use Plan Conflicts)

Significant Effect: Project-level traffic volumes would cause exterior noise levels to exceed 65 Community Noise Equivalent Level (CNEL) at those areas closest to Beyer Boulevard and Caliente Avenue within PA 8, PA 10, and PA 11. Standard construction techniques are assumed to reduce noise by approximately 20 CNEL; consequentially, exterior noise levels exceeding 65 CNEL along Beyer Boulevard and Caliente Avenue would cause interior noise levels to exceed the required 45 CNEL noise level without additional noise control measures. This would cause an incompatibility with General Plan (2024) Noise Element Policy NE-B.3 and NE-I.1, and impacts would be significant. The project-level components would also impact significant archaeological resource, CA-SDI-22,936, in conflict with the General Plan (2024) Historic Preservation Element Policy HP-A.5 and OMCP Historic Preservation Element. These land use plan conflicts could result in potential environmental impacts related to historical resources.

DRAFT

Facts in Support of Findings: Mitigation measure **PR-NOS-1** requires interior noise analyses prior to the issuance of building permits to demonstrate compliance with the interior noise compatibility guidelines of the General Plan Noise Element. The noise analyses shall identify noise control measures such as sound-attenuating walls or equipment enclosures if necessary to demonstrate compliance with the noise compatibility guidelines. Prior to issuance of any construction permits, **PR-HIST-1** requires a data recovery program for CA-SDI-22,936 to excavate and curate a portion of CA-SDI-22,936 within the low-disturbance central area (665-square-meter portion) of the resource. As discussed under Historical Resources (Human Remains) above, **PR-HIST-2** requires construction monitoring for historical resources during construction to ensure that any unanticipated resources encountered during construction are handled according to the relevant protocols and regulations.

Rationale and Conclusion: PR-NOS-1 would sufficiently attenuate interior noise for the project-level residential units to a less-than-significant level. This finding is consistent with the OMCP FEIR Findings, which also identified that impacts would be less than significant with mitigation. The entirety of CA-SDI-22,936 would be impacted by the project because it is located within the proposed alignment for Caliente Avenue, which is a required access route to the Specific Plan area. Modifications to the proposed Caliente Avenue alignment to avoid the resource are not feasible due to existing development and the location of the constructed portion of Caliente Avenue restricting the access point location to the project-level areas, roadway grade requirements and the steep topographical conditions to the southeast, safety design constraints associated with roadway curves, and the need to connect to Beyer Boulevard and surrounding properties to provide those parcels with access. Capping the resource is not feasible because the proposed public utilities in Caliente Avenue require deep excavation in and adjacent to the resource area. Even if capped, the presence of essential infrastructure within and adjacent to the resource area creates a substantial likelihood of future ground disturbance that could undermine the intent of preservation in place. Even with **PR-HIST-1** and **PR-HIST-2**, CA-SDI-22,936 would not be preserved in its entirety, and no additional mitigation is available to reduce the impact. The OMCP FEIR Findings concluded that the OMCP would have less than significant land use plan conflict impacts. Therefore, relative to the OMCP FEIR Findings, the SEIR has identified a new significant and unavoidable impact related to land use plan conflicts associated with historical resources.

Reference: These findings incorporate by reference the information and analysis included in Section 5.1.3 of the OMCP FEIR and Section 5.1, Land Use; Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan*; and Appendix I, *Noise Analysis for the Southwest Village Specific Plan* of the Final SEIR.

Historical Resources (Prehistoric or Historic Resources)

Significant Effect: Implementation of the project would impact resource CA-SDI-22,936, which would constitute a significant effect to a known historical resource. Additionally,

DRAFT

there is a potential for unknown subsurface resources to be uncovered during grading activities given the historically sensitive nature of the project-level areas. Impacts would be significant.

Facts in Support of Findings: As discussed further above under Land Use (Land Use Plan Conflicts), mitigation measure **PR-HIST-1** requires an archaeological data recovery program for archaeological resource CA-SDI-22,936 prior to issuance of any construction permits to curate materials recovered from a portion of the site. **PR-HIST-2** requires archaeological and Native American monitoring during construction to ensure that any resources encountered during construction are handled according to the relevant protocols and regulations.

Rationale and Conclusion: Even with the implementation of **PR-HIST-1** and **PR-HIST-2**, impacts associated with future development at the project-level would remain significant considering the nature of the loss (e.g., loss of a minimally disturbed habitation site, CA-SDI-22,936, in Otay Mesa where such resources are scarce) and 100 percent of the site would continue to be impacted. As discussed above, modifications to the proposed Caliente Avenue alignment to avoid CA-SDI-22,936 are not feasible due to topographical, engineering, and environmental constraints. No additional mitigation is available to reduce the impact, which would be significant and unavoidable. The OMCP FEIR Findings concluded that the OMCP would have less than significant impact on prehistoric and historic resources with mitigation framework HIST-1 and HIST-2. Therefore, relative to the OMCP FEIR Findings, the SEIR has identified a new significant and unavoidable impact related to prehistoric resources.

Reference: These findings incorporate by reference the information and analysis included in Section 5.5.3 of the OMCP FEIR and SEIR Section 5.5, Historical Resources and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

Historical Resources (Religious or Sacred Uses)

Significant Effect: The NAHC sacred lands file search conducted for the project was positive. Ground disturbance into native soils in the project-level areas could expose buried religious or sacred resources. Impacts to religious or sacred uses would be significant.

Facts in Support of Findings: Mitigation measure **PR-HIST-2** requires archaeological and Native American monitoring during construction to ensure that any resources encountered during construction are handled according to the relevant protocols and regulations.

Rationale and Conclusion: Potential impacts to religious or sacred resources would remain significant with the implementation of **PR-HIST-2**. As the locations of previously undiscovered religious or sacred uses are not currently known, there is no additional mitigation beyond construction monitoring available to reduce this impact. Impacts would

DRAFT

be significant and unavoidable. The OMCP FEIR Findings concluded that the OMCP would have less than significant impacts on religious and sacred uses with mitigation framework HIST-1. Therefore, relative to the OMCP FEIR Findings, the SEIR has identified a new significant and unavoidable impact related to religious and sacred uses.

Reference: These findings incorporate by reference the information and analysis included in Section 5.5.4 of the OMCP FEIR and SEIR Section 5.5, Historical Resources and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

Noise (Traffic Generated Noise)

Significant Effect: Implementation of the project would result in a significant increase in traffic noise levels above the land use compatibility criteria at existing uses located adjacent to the following roadway segments: Airway Road between Caliente Avenue and Santa Road; Beyer Boulevard between Alaquinas Drive/Park Avenue and Enright Drive; Caliente Avenue south of Airway Road; Center Street between East Beyer Boulevard and San Ysidro Boulevard; and East Beyer Boulevard between Beyer Boulevard and Center Street/Hill Street. As the traffic noise levels generated by buildout of the Specific Plan–which includes the project-level components–along these segments would exceed the City's significance thresholds, impacts related to off-site vehicle traffic noise would be significant. Exterior noise levels within project-level areas are projected to exceed 65CNEL at areas closest to Beyer Boulevard and Caliente Avenue within PA 8, PA 10, and PA 11. Standard construction would not achieve the noise level reduction required to reduce exterior noise levels below the noise compatibility guidelines of the General Plan, and the project would therefore place residences where traffic on Beyer Boulevard and Caliente Avenue could result in exceedances of the residential interior noise level standard of 45 CNEL. Additionally, indirect impacts to coastal California gnatcatcher from Beyer Boulevard operational noise may occur to an approximately 0.09-acre area of suitable habitat (Diegan coastal sage scrub), including a small area that would be exposed to noise levels above the 60 dB(A) contour established by noise modeling. Additionally, the 60 dB(A) noise contour extends slightly into the adjacent cactus wren habitat area within an approximate 0.46-acre area of cholla-dominated maritime succulent scrub. Impacts would be significant.

Facts in Support of Findings: As discussed further above under Land Use (Land Use Plan Conflicts) above, mitigation measure **PR-NOS-1** requires site-specific noise analyses prior to the issuance of building permits and incorporation of noise control measures into project designs when necessary to achieve the noise compatibility standards.**PR-BIO-15** requires the dedication of 160.94 acres of mitigation lands to ensure the long-term availability of suitable habitat for sensitive plants and animals in the project vicinity prior to issuance of the first grading permit for Phase 1 of the project.

Rationale and Conclusion: PR-NOS-1 would reduce significant impacts to on-site noise compatibility to below a level of significance. **PR-BIO-15** would reduce significant impacts to

coastal California gnatcatcher and coastal cactus wren to below a level of significance. However, no mitigation is available for increases in off-site traffic noise at existing land uses because the City cannot require alterations to these existing land uses. Due to the magnitude of noise increases along the identified roadways, no mitigation is available to mitigate off-site vehicle traffic noise impacts, and impacts would remain significant and unavoidable. This finding is consistent with the OMCP FEIR Findings, which also identified significant and unavoidable impacts related to traffic generated noise.

Reference: These findings incorporate by reference the information and analysis included in Section 5.10.3 of the OMCP FEIR and SEIR Section 5.10, *Noise* and Appendix I, *Noise Analysis for the Southwest Village Specific Plan* of the Final SEIR.

Noise (Noise Effects for Sensitive Receptors and Species)

Significant Effect: Permanent traffic noise sources, including project-level traffic, have the potential to generate noise levels exceeding the applicable noise standards at residential receivers, as discussed further above under Noise (Traffic Generated Noise). Implementation of the project in combination with additional vehicle trips anticipated through 2050, would result in a substantial (3 dB) increase in traffic noise levels for multiple off-site roadway segments and would, therefore, expose existing sensitive receptors to cumulative increases in noise levels. Significant indirect impacts to coastal California gnatcatcher, coastal cactus wren, and burrowing owl would result from construction and restoration activity noise during the breeding season. Indirect impacts to least Bell's vireo from restoration activity noise during the breeding season would be significant. Also, impacts to nesting birds including Cooper's hawk, northern harrier, white-tailed kite, merlin, California horned lark, yellow warbler, yellow-breasted chat, loggerhead shrike, southern California rufous crowned sparrow, grasshopper sparrow, and Bell's sage sparrow would be significant.

Facts in Support of Findings: As discussed above under Section 1.5.1.2 Land Use (Land Use Plan Conflicts), mitigation measure **PR-NOS-1** requires site-specific noise analyses prior to the issuance of building permits and incorporation of noise control measures into project designs when necessary to achieve the noise compatibility guidelines of the General Plan. As discussed above under Section 1.5.1.2 Biological Resources (Sensitive Plants and Animals), **PR-BIO-7a** and **PR-BIO-7b** require breeding season avoidance for least Bell's vireo during construction and restoration to prevent disruptions to breeding activities. Similarly, **PR-BIO-8a** and **PR-BIO-8b** require breeding season avoidance for coastal California gnatcatcher during construction and restoration to prevent disruptions to breeding activities. **PR-BIO-10** requires pre-construction surveys for Burrowing Owls and avoidance of occupied burrows during construction if Burrowing Owls are identified as present to prevent disruptions to breeding and fledgling activities. **PR-BIO-11** implements the coastal cactus wren mitigation plan, which requires a total of 1.09 acres of coastal cactus wren habitat restoration. **PR-BIO-14** requires pre-construction bird surveys and breeding disturbance avoidance during construction to prevent impacts to nesting birds.

DRAFT

PR-BIO-15 requires the dedication of 160.94 acres of suitable mitigation lands prior to issuance of the first grading permit for Phase 1 of the project to ensure the long-term availability of habitat for sensitive plants and animals in the project vicinity. Finally, **PR-LU-1** requires all project-level components that are implemented in accordance with the Specific Plan which are adjacent to designated MHPA areas to demonstrate compliance with the MHPA 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 prior to project approval.

Rationale and Conclusion: PR-BIO-7a, PR-BIO-7b, PR-BIO-8a, PR-BIO-8b, PR-BIO-10, PR-BIO-11, PR-BIO-14, PR-BIO-15, and **PR-LU-1** would reduce impacts to sensitive species to a less-than-significant level. **PR-NOS-1** would reduce potential traffic-related on-site compatibility impacts to a less than significant level. However, substantial increases in roadway noise would occur for off-site sensitive receptors and no mitigation is feasible to reduce this impact because the City cannot require alterations to these existing land uses. Impacts would remain significant and unavoidable. This finding is consistent with the OMCP FEIR Findings, which also identified significant and unavoidable impacts related to sensitive receptors.

Reference: These findings incorporate by reference the information and analysis included in Section 5.10.3 of the OMCP FEIR and SEIR Section 5.10, *Noise* and Appendix I, *Noise Analysis for the Southwest Village Specific Plan* of the Final SEIR.

Traffic/Circulation (Vehicle Miles Traveled)

Significant Impact: The project-level development area is located in Census Tract 100.15 and has a VMT/Capita at 93.8 percent of the regional mean, which is above the 85th percentile mean VMT threshold. At the project level, VMT per resident would be in excess of 85 percent of the regional mean and impacts would therefore be significant.

Facts in Support of Findings: Mitigation measure **PR-TRA-1** requires payment of the current City of San Diego Active Transportation In-Lieu fee prior to the issuance of any building permit, which is mitigation to the extent feasible per the Findings adopted for the Complete Communities: Mobility Choices Final PEIR (City 2020; SCH No. 2019060003), which is incorporated by reference herein.

Rationale and Conclusion: Even with the implementation of **PR-TRA-1**, impacts related to VMT at the project level would be significant and unavoidable, consistent with the analysis incorporated by reference within the Findings and SOC from the Complete Communities: Mobility Choices Final PEIR (City 2020; SCH No. Southwest Village Specific Plan Subsequent EIR Page 5.12-17 5.12 Traffic/Circulation 2019060003). Per these Findings and SOC, compliance with the City's Mobility Choices Program regulations is mitigation to the extent feasible and impacts would remain significant and not mitigated due to the potential for project VMT impacts to occur prior to the implementation of City-wide active transportation

DRAFT

improvements that would be funded by the Active Transportation In-Lieu Fee payment. See the Findings and SOC from the Complete Communities: Mobility Choices Final PEIR (City 2020; SCH 2019060003) for further details. This finding is consistent with the OMCP FEIR Findings, which identified significant and unavoidable traffic/circulation impacts.

Reference: These findings incorporate by reference the information and analysis included in the Findings and SOC from the Complete Communities: Mobility Choices Final PEIR (City 2020; SCH No. 2019060003), Section 5.12.3 of the OMCP FEIR and SEIR Section 5.12, *Traffic/Circulation* and Appendix J-1, *Southwest Village Specific Plan Programmatic Level Vehicle Miles Traveled Assessment* of the Final SEIR.

Tribal Cultural Resources

Significant Effect: Implementation of the project would impact resource CA-SDI-22,936, which would constitute a significant effect to a known tribal cultural resource. Additionally, there is a potential for unknown subsurface resources to be uncovered during grading activities given the culturally sensitive nature of the project-level areas. Impacts would be significant.

Facts in Support of Findings: As discussed further above under Land Use (Land Use Plan Conflicts), mitigation measure **PR-HIST-1** requires an archaeological data recovery program for resource CA-SDI-22,936 prior to issuance of any construction permits to curate materials recovered from a portion of the site. **PR-HIST-2** requires archaeological and Native American monitoring during construction to ensure that any unanticipated resources encountered during construction are handled according to the relevant protocols and regulations.

Rationale and Conclusion: Even with the implementation of measures **PR-HIST-1** and **PR-HIST-2**, impacts associated with future development at the project level would remain significant and unavoidable. While the OMCP FEIR did not identify TCRs impacts and findings directly, the OMCP FEIR Findings concluded that the OMCP would have less than significant impact on prehistoric resources and sacred sites with mitigation framework HIST-1 and HIST-2. Therefore, relative to the OMCP FEIR Findings, the SEIR has identified a new significant and unavoidable impact related to TCRs.

Reference: These findings incorporate by reference the information and analysis included in Section 5.5.3 and 5.5.4 of the OMCP FEIR and SEIR Section 5.19, *Tribal Cultural Resources* and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

DRAFT

1.5.3.3 Cumulative Impacts

Land Use (Land Use Plan Conflicts)

Significant Effect: The program-level components would produce solid waste at volumes that would be inconsistent with OMCP Public Facilities Services and Safety Element policy 6.5-3. The project inconsistency with the OMCP Public Facilities Services, Services, and Safety Element Policy 6.5-3 and associated solid waste impacts would contribute to a cumulatively significant solid waste impact. Additionally, the project would impact archaeological or historic resources in conflict with the General Plan Historic Preservation Element Policy HP-A.5 and OMCP Historic Preservation Element, contributing to a cumulatively significant impact.

Facts in Support of Findings: As discussed further above under Utilities, mitigation measure **SP-UTIL-1** requires a future WMP for projects generating 60 tons or more of solid waste during construction prior to project approval that identifies how the project would reduce waste for the demolition, construction, and occupancy phases of the project. The required WMP would include measures in pursuit of the City's waste reduction targets and associated Refuse and Recyclable Materials Storage Regulations (LDC Chapter 14, Article 2 Division 8) and Recycling Ordinance (SDMC Chapter 6, Article 6, Division 7) regulations. Prior to issuance of any permit for future projects, **SP-HIST-1** requires future development projects implemented in accordance with the Specific Plan to conduct site-specific surveys to identify any significant or potentially significant cultural resources and identify appropriate measures to be undertaken to address potential impacts in accordance with CEQA and the City's Historical Resources Regulation and Guidelines. Prior to issuance of any permit for future projects, **SP-HIST-2** requires assessment of buildings in excess of 45 years of age for historical significance that would be affected by project development and protection through all prudent and feasible mitigation measures. **PR-HIST-1** requires an archaeological data recovery program for archaeological resource CA-SDI-22,936 prior to issuance of any construction permits to curate materials recovered from a portion of the site. Finally, **PR-HIST-2** requires archaeological and Native American monitoring during construction to ensure that any resources encountered during construction are handled according to the relevant protocols and regulations.

Rationale and Conclusion: Implementation of **SP-UTIL-1, SP-HIST-1, SP-HIST-2, PR-HIST-1, and PR-HIST-2** cannot be guaranteed to feasibly reduce solid waste and historical resources impacts for each project and the cumulative impact would remain significant and unavoidable. It is too speculative at the program level of environmental review to determine the compliance of future projects or recommend additional mitigation beyond **SP-UTIL-1, SP-HIST-1, SP-HIST-2, PR-HIST-1, and PR-HIST-2.** Impacts would remain significant and cumulatively considerable. The OMCP FEIR concluded that the OMCP would have less than significant cumulative land use plan conflict impacts. Therefore, relative to the OMCP FEIR, the SEIR has identified a new cumulatively considerable impact related to noise, solid waste, and historical resources land use plan conflicts.

DRAFT

Reference: These findings incorporate by reference the information and analysis included in Section 6.3.1 of the OMCP FEIR and Section 8.0, *Cumulative Impacts* and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan*; Appendix I, *Noise Analysis for the Southwest Village Specific Plan* of the Final SEIR; and Appendix L, *Waste Management Plan for the Southwest Village Specific Plan*.

Air Quality/Odor (Criteria Pollutants)

Significant Effect: The project would potentially result in construction emissions that would contribute to the region's non-attainment of air quality standards. In addition, total operational emissions associated with buildout of the Specific Plan would exceed project level significance thresholds, thereby contributing to a potentially significant cumulative air quality impact. As new development within the project area would result in a cumulatively considerable net increase in non-attainment criteria pollutants for construction and operations, and cumulative impacts would be significant, the project would result in a cumulatively considerable increase in pollutant emissions. In the absence of design, building and grading information, air emissions from future developments cannot be accurately quantified at this time, and construction and operation of simultaneous projects could produce emissions that would contribute to exceedances of federal or state air quality standards, including for pollutants for which the San Diego Air Basin is in non-attainment (ozone precursors and PM_{10}).

Facts in Support of Findings: As discussed further above under Air Quality/Odor (Criteria Pollutants), mitigation measure **SP-AQ-1** requires the incorporation of best available control measures and technology for projects that would exceed daily construction emissions thresholds established by the City to reduce construction emissions to a less than significant level. **SP-AQ-2** requires future projects to demonstrate how they would buffer sensitive receptors from air pollution sources prior to entitlement to reduce operational emissions on sensitive receptors to a less than significant level.

Rationale and Conclusion: It is too speculative at the program level of environmental review to determine the compliance of future projects with or recommend additional mitigation beyond **SP-AQ-1** and **SP-AQ-2**, as project design is unknown. Cumulative impacts would remain significant and cumulatively considerable. This finding is consistent with the OMCP FEIR Findings, which also identified a cumulatively considerable impact related to criteria pollutants.

Reference: These findings incorporate by reference the information and analysis included in Section 6.3.3 of the OMCP FEIR and SEIR Section 8.0, *Cumulative Impacts* and Appendix B-1, *Air Quality Analysis for the Southwest Village Specific Plan* of the Final SEIR.

DRAFT

Historical Resources (Prehistoric or Historic Resources)

Significant Effect: Impacts to CA-SDI-22,936 as well as unknown historical (built environment and archaeological) resources in the project area would be significant. The archaeological resource CA-SDI-22,936 impact would be considered cumulatively significant considering the type/condition of the resource (e.g., minimally disturbed site), scarcity of such resources, that it is a finite/non-renewable resource, and the project would result in a 100 percent encroachment. Cumulative impacts would be potentially significant.

Facts in Support of Findings: As discussed further above under Land Use (Land Use Plan Conflicts), mitigation measure **SP-HIST-1** requires site-specific research and testing of any identified potential historic resources prior to issuance of any permit for future projects. Where preservation-in-place of a significant resource is not feasible, a data recovery program shall be prepared, with archaeological monitoring required when a significant resource cannot be recovered prior to grading. Prior to issuance of any permit for future projects, **SP-HIST-2** requires buildings that would be affected by project development to be assessed for historical significance and protected through all prudent and feasible mitigation measures. **PR-HIST-1** requires an archaeological data recovery program for resource CA-SDI-22,936 prior to issuance of any construction permits to curate materials recovered from a portion of the site. **PR-HIST-2** requires archaeological and Native American monitoring during construction to ensure that any unanticipated resources encountered during construction are handled according to the relevant protocols and regulations.

Rationale and Conclusion: SP-HIST-1, **SP-HIST-2**, **PR-HIST-1**, and **PR-HIST-2** would reduce impacts to sensitive resources, but impacts to CA-SD-22,936 and potential unknown historical resources would remain significant. Impacts would remain significant and cumulatively considerable. The OMCP FEIR concluded that the OMCP would have less than significant cumulative historical resources impacts. Therefore, relative to the OMCP FEIR, the SEIR has identified a new cumulatively considerable impact related to prehistoric resources.

Reference: These findings incorporate by reference the information and analysis included in Section 6.3.5 of the OMCP FEIR and SEIR Section 8.0, *Cumulative Impacts* and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

Historical Resources (Religious or Sacred Uses)

Significant Effect: The NAHC search conducted for the project was positive. Ground disturbance into native soils in the project-level areas could expose buried religious or sacred resources and contribute to a potentially significant cumulatively considerable impact.

DRAFT

Facts in Support of Findings: As discussed further above under Land Use (Land Use Plan Conflicts), mitigation measure **SP-HIST-1** requires site-specific research and testing of any identified potential historic resources prior to issuance of any permit for future projects. Where preservation-in-place of a significant resource is not feasible, a data recovery program shall be prepared, with archaeological monitoring required when a significant resource cannot be recovered prior to grading. **PR-HIST-2** requires archaeological and Native American monitoring during construction to ensure that any unanticipated resources encountered during construction are handled according to the relevant protocols and regulations.

Rationale and Conclusion: SP-HIST-1 and **PR-HIST-2** would reduce impacts to sensitive resources, but impacts to CA-SD-22,936 and potential unknown religious or sacred uses would remain significant for the reasons described above under Sections 1.5.3.1 and 1.5.3.2. Impacts would remain significant and cumulatively considerable. The OMCP FEIR concluded that the OMCP would have less than significant cumulative historical resources impacts. Therefore, relative to the OMCP FEIR, the SEIR has identified a new cumulatively considerable impact related to religious and sacred uses.

Reference: These findings incorporate by reference the information and analysis included in Section 6.3.5 of the OMCP FEIR and SEIR Section 8.0, *Cumulative Impacts* and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

Noise (Traffic Generated Noise)

Significant Effect: The development of the project would contribute vehicular volumes to the local mobility network that would contribute to the ambient noise environment in combination with other cumulative development projects. Implementation of the project in combination with additional vehicle trips anticipated through 2050 would result in a substantial (3 dB) increase in traffic noise levels for multiple off-site roadway segments and cumulative impacts would be potentially significant.

Facts in Support of Findings: As discussed further above under Land Use (Land Use Plan Conflicts), mitigation measure **SP-NOS-1** and **SP-NOS-2** require future program-level development to be analyzed prior to the issuance of building permits and potential attenuation features to be required to address potential exterior noise compatibility conflicts and ensure interior noise levels are attenuated to the applicable standard. **PR-NOS-1** requires interior noise analyses prior to the issuance of building permits and the implementation of noise control measures if necessary to achieve the noise compatibility guidelines in the City's General Plan.

Rationale and Conclusion: Even with implementation of **SP-NOS-1**, **SP-NOS-2**, and **PR-NOS-1**, it is unknown if noise levels could be reduced below the compatibility thresholds due to a lack of project design information and feasibility information. It is too speculative

DRAFT

at the program level of environmental review to determine the compliance of future projects or recommend additional mitigation beyond **SP-NOS-1**, **SP-NOS-2**, and **PR-NOS-1.** Cumulative impacts would remain significant and cumulatively considerable. This finding is consistent with the OMCP FEIR Findings, which also identified a cumulatively considerable impact related to traffic generated noise.

Reference: These findings incorporate by reference the information and analysis included in Section 6.3.10 of the OMCP FEIR and SEIR Section 8.0, *Cumulative Impacts* and Appendix I, *Noise Analysis for the Southwest Village Specific Plan* of the Final SEIR.

Noise (Noise Effects for Sensitive Receptors and Species)

Significant Effect: Implementation of the project in combination with additional vehicle trips anticipated through 2050, would result in a substantial (3 dB) increase in traffic noise levels for multiple off-site roadway segments and would, therefore, expose existing sensitive receptors to cumulative increases in noise levels. Cumulative impacts would be potentially significant.

Facts in Support of Findings: As discussed further above under Land Use (Land Use Plan Conflicts), mitigation measures **SP-NOS-1** and **SP-NOS-2** require future program-level development to be analyzed prior to the issuance of building permits and potential attenuation features to be recommended to address potential exterior noise compatibility conflicts and ensure interior noise levels are attenuated to the applicable standard. **PR-NOS-1** requires interior noise analyses prior to the issuance of building permits and the implementation of noise control measures if necessary to achieve the noise compatibility guidelines in the City's General Plan.

Rationale and Conclusion: Even with implementation of **SP-NOS-1**, **SP-NOS-2**, and **PR-NOS-1**, it is unknown if noise levels could be reduced below the compatibility thresholds due to the lack of future project design and feasibility information. It is too speculative at the program level of environmental review to determine the compliance of future projects with or require additional mitigation beyond **SP-NOS-1**, **SP-NOS-2**, and **PR-NOS-1.** Cumulative impacts would remain significant and cumulatively considerable. This finding is consistent with the OMCP FEIR Findings, which also identified a cumulatively considerable impact related to sensitive receptors.

Reference: These findings incorporate by reference the information and analysis included in Section 6.3.10 of the OMCP FEIR and SEIR Section 8.0, *Cumulative Impacts* and Appendix I, *Noise Analysis for the Southwest Village Specific Plan* of the Final SEIR.

Traffic/Circulation (Vehicle Miles Traveled)

Significant Effect: VMT is inherently a cumulative issue considering it is based on vehicles traveling distance between the site and various uses in the area. VMT cumulative impacts

DRAFT

of the project would be considered significant due to anticipated VMT per resident and VMT per employee being in excess of 85 percent of the regional mean. Future development within the program-level areas of the Specific Plan that do not screen out from further analyses would require project-level VMT analyses at the time development is proposed to determine significance and the potential for impacts to be mitigated to less than significant or to the extent feasible. Impacts related to VMT for the program-level components are assumed to be potentially significant consistent with the Findings that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003) that is incorporated by reference herein.

Facts in Support of Findings: Refer to the Findings that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003). Consistent with the Complete Communities Findings, the project includes mitigation measure **SP-TRA-1** that requires project-specific studies to demonstrate consistency with the City' Transportation Study Manual (TSM) at the time of analysis and determine the anticipated VMT and applicable VMT reduction measures or in-lieu fees to reduce project VMT impacts to the extent feasible in conformance with the Mobility Choices Regulations. Cumulative impacts would be significant after the implementation of mitigation, as detailed in the Findings and SOC that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003) that is incorporated by reference in the Final SEIR and herein. Per those Findings and SOC, compliance with the City's Mobility Choices Program Regulations is considered mitigation to the extent feasible.

Rationale and Conclusion: As discussed in the Findings and SOC that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003), compliance with the City's Mobility Choices Regulations (SP-TRA-1) constitutes mitigation to the extent feasible and cumulative City-wide impacts would remain significant and not mitigated due to the potential for project VMT impacts to occur prior to the implementation of City-wide active transportation improvements that would be funded by the Active Transportation In-Lieu Fee payment. Refer to the Findings and SOC that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003) for additional information. This finding is consistent with the OMCP FEIR Findings, which identified significant and unavoidable cumulative traffic/circulation impacts. Impacts would remain significant and unavoidable.

Reference: These findings incorporate by reference the information and analysis included in the Findings that were adopted with the Complete Communities: Housing Solutions and Mobility Choices PEIR (City 2020; SCH No. 2019060003), Section 5.12.3 of the OMCP FEIR and SEIR Section 5.12, *Traffic/Circulation* and Appendix J-1, *Southwest Village Specific Plan Programmatic Level Vehicle Miles Traveled Assessment* of the Final SEIR.

DRAFT

Utilities

Significant Effect: The City's cumulative significance threshold for requiring a WMP is development that includes more than 40,000 square feet of building space or generating more than 60 tons of waste per year. The project would produce waste in exceedance of the 60 ton-per-year threshold of significance for having a cumulative solid waste impact. Thus, the project would considerably contribute to a potentially significant cumulative solid waste impact.

Facts in Support of Findings: Mitigation measure **SP-UTIL-1** requires future development projects that would generate 60 tons or more of solid waste to prepare a WMP prior to project approval that identifies how the project would reduce waste for the demolition, construction, and occupancy phases of the project. The required WMP would include measures in pursuit of the City's waste reduction targets and associated Refuse and Recyclable Materials Storage Regulations (LDC Chapter 14, Article 2 Division 8) and Recycling Ordinance (SDMC Chapter 6, Article 6, Division 7) regulations.

Rationale and Conclusion: Compliance with **SP-UTIL-1** alone may not result in solid waste diversion achieving City and/or state goals. It is too speculative at the program level of environmental review to determine the compliance of future projects with or recommend additional mitigation beyond **SP-UTIL-1.** Cumulative impacts would remain significant and cumulatively considerable. This finding is consistent with the OMCP FEIR Findings, which also identified a cumulatively considerable impact related to solid waste.

Reference: These findings incorporate by reference the information and analysis included in Section 5.14.4 of the OMCP FEIR and SEIR Section 5.14, *Utilities* of the Final SEIR.

Tribal Cultural Resources

Significant Effect: The NAHC search conducted for the project was positive. Ground disturbance into native soils in the project-level areas could expose buried TCRs and contribute to a potentially significant cumulatively considerable impact.

Facts in Support of Findings: Prior to issuance of any permit for future projects, mitigation measure **SP-HIST-1** requires future development projects implemented in accordance with the Specific Plan to conduct site-specific surveys to identify any significant or potentially significant cultural resources, including human remains, and identify appropriate measures to be undertaken to address potential impacts in accordance with CEQA and the City's Historical Resources Regulation and Guidelines. **PR-HIST-1** requires an archaeological data recovery program for resource CA-SDI-22,936 prior to issuance of any construction permits to curate materials recovered from a portion of the site. **PR-HIST-2** requires archaeological and Native American monitoring during construction to ensure that any unanticipated resources encountered during construction are handled according to the relevant protocols and regulations.

DRAFT

Rationale and Conclusion: Even with the inclusion of **SP-HIST-1**, **PR-HIST-1**, and **PR-HIST-2**, potential impacts to TCRs would remain significant and the development of the project may contribute to a cumulatively considerable impact to TCRs. Cumulative impacts would be significant and cumulatively considerable. While the OMCP FEIR did not identify a TCRs finding directly considering it was not required at the time that document was prepared, the OMCP FEIR concluded that the OMCP would have less than significant cumulative historical resources impacts. Therefore, relative to the OMCP FEIR, the SEIR has identified a new significant and cumulatively considerable impact related to TCRs.

Reference: These findings incorporate by reference the information and analysis included in Section 6.3.5 of the OMCP FEIR and SEIR Section 8.0, *Cumulative Impacts* and Appendix D, *Results of the Historical Resources Investigation of the Southwest Village Specific Plan* of the Final SEIR.

1.6 Findings Regarding Infeasibility of Alternatives

In accordance with Section 15126.6(a) of the CEQA Guidelines, an EIR must contain a discussion of "a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Section 15126.6(f) further states that "the range of alternatives in an EIR is governed by the 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice."

The SEIR included an analysis of five initial alternatives that were eliminated from further consideration. The reasons these alternatives were eliminated from detailed evaluation are discussed in Section 9.2 of the SEIR. Thus, the following discussion focuses on project alternatives that can eliminate significant environmental impacts or substantially reduce them as compared to the proposed project, even if the alternative would impede the attainment of some project objectives, or would be more costly.

"Feasible" is defined in Section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." Public Resources Code Section 21081 and CEQA Guidelines Section 15091(a)(3) also provide that "other" considerations may form the basis for a finding of infeasibility. An alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. In accordance with Section 15126.6(f)(1), among the factors that may be taken into account when addressing the feasibility of alternatives are: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.

DRAFT

In developing the alternatives to be addressed, consideration was given to an alternative's ability to meet most of the basic objectives of the project. Because the project will cause potentially significant environmental effects unless mitigated, the City must consider the feasibility of any environmentally superior alternatives to the project, evaluating whether these alternatives could avoid or substantially lessen the potentially significant environmental effects while achieving most of the objectives of the project.

The City, having independently reviewed and considered the information contained in the Final SEIR and the Record of Proceedings, and pursuant to Public Resource Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), finds that specific economic, legal, social, technological, or other considerations, including considerations of the provision of housing, as described below, make infeasible the alternatives identified in the Final SEIR (SCH No. 2004051076).

1.6.1 No Project Alternative (Adopted Community Plan)

CEQA Guidelines Section 15126.6(e), requires that an EIR evaluate a "no project" alternative along with its impact. The purpose of describing and analyzing a no project alternative is to allow a lead agency to compare the impacts of approving the project to the impacts of not approving it. Under the No Project Alternative (Adopted Community Plan), the project areas would be developed pursuant to the OMCP as currently adopted.

Potentially Significant Effects: Under the No Project Alternative (Adopted Community Plan), the Southwest Specific Plan area would be developed as described in the OMCP pursuant to a future Specific Plan, which would result in 5,880 dwelling units, 750 more dwelling units than the proposed project, and include additional residential development areas within 164.8 acres comprising PAs 23 and 29 that are identified as open space in the proposed Specific Plan. As a result, impacts would be greater for all environmental issue areas except for traffic/circulation, where impacts were identified to be significant and unmitigated and agricultural and mineral resources, where impacts were identified to be less than significant.

Finding: The No Project Alternative (Adopted Community Plan) is rejected because it fails to fully satisfy the proposed project's underlying purpose to provide a Specific Plan for the area to guide buildout of the Southwest District and fails to satisfy a number of project objectives. The OMCP requires the preparation of a Specific Plan prior to consideration of any comprehensive development and rezoning proposals within the Southwest District; therefore, without the project, the OMCP alone would not enable development to occur as proposed in the OMCP and the Specific Plan area. While development under the No Project Alternative (Adopted Community Plan) would be subject to the MHPA Land Use Adjacency Guidelines and other requirements protecting sensitive biological resources, the proposed project would conserve more open space, including sensitive biological resources, than the No Project Alternative (Adopted Community Plan). Open space conservation is a unique aspect of the proposed project and fulfills project objective 5 (protect the canyon lands,

DRAFT

adjacent mesa tops, and sensitive biological resources) and 7 (follow environmentally sensitive design and sustainable development practices) that are not satisfied through the No Project Alternative (Adopted Community Plan). Moreover, specific considerations make the alternative infeasible; specifically, the presence of the San Ysidro landslide complex precludes development in the areas planned for development in the OMCP. The City finds that any of these grounds are independently sufficient to support rejection of this alternative.

Rationale: The No Project Alternative (Adopted Community Plan) would not protect canyon, mesa top, and sensitive biological resources (Objective 5) to the same extent as the project. Similarly, the proposed development of PAs 23 and 29 with residential uses under this alternative would not meet the project objective to follow environmentally sensitive design practices (Objective 7) to the same extent as the project, as the project would avoid development within PAs 23 and 29 to protect additional sensitive biological resources present in these PAs, including sensitive habitats and species. Additionally, this alternative would allow development within the San Ysidro Landslide area, which is infeasible because it would not comply with building code requirements and would create safety hazards that would preclude approval. This alternative would result in geotechnical-related impacts that make the buildout assumed in the OMCP for this area infeasible. Therefore, the City rejects this alternative and finds that any of the enumerated grounds are independently sufficient to support rejection of this alternative.

Reference: These findings incorporate by reference the information and analysis included in Final SEIR Section 9.3.1, No Project Alternative (Adopted Community Plan).

1.6.2 Reduced Project Alternative

The Reduced Project Alternative was identified to consider if reducing the development footprint of the Specific Plan to increase mesa top conservation would reduce significant biological resources impacts while still achieving the project objectives. Under this alternative, the Specific Plan development footprint would be reduced in size to expand mesa top conservation by converting 10.74 acres comprising PA 22 from residential to MHPA open space near the existing MHPA. The land use designation for PA 22 would change from residential to open space, resulting in 10.74 acres of additional open space and 267 fewer residential units of allowable development within the Specific Plan area for a total of 4,863 dwelling units instead of 5,130 under the proposed project. All other components of the project would remain unchanged in the Reduced Project Alternative.

Potentially Significant Effects: The Reduced Project Alternative would result in similar or slightly reduced impacts compared to the project, with no resulting increase in the severity of impacts. Less than significant impacts associated with visual effects and neighborhood character, population and housing, agricultural and mineral resources, and GHG emissions would be similar under the Reduced Project Alternative compared to the project. Significant and mitigated impacts associated with biological resources, hydrology/water

quality, geology/soils, and paleontological resources, would be reduced under the Reduced Project Alternative compared to the project. The less than significant impacts on energy conservation, public services, and water supply would also be reduced under this alternative. Significant and unmitigated impacts related to land use plan consistency (noise compatibility and historic resources preservation consistency), air quality/odor (criteria pollutants construction and operational emissions and stationary sources and collocation), historical resources (prehistoric and historic), noise (traffic-generated and stationary source noise [collocation]), and utilities (solid waste) would remain significant and unmitigated, but impacts would be reduced compared to the project. Significant and unmitigated impacts to human health/public safety/hazardous materials (health hazards), traffic/circulation (VMT), and TCRs would also remain significant and unmitigated, similar to the project.

Finding: The Reduced Project Alternative fails to provide as much housing as the proposed project. This alternative would also result in the reduction of a Village Core and the associated transportation grid network making achievement of the mixed use Village Core concept envisioned by the OMCP infeasible. The City finds that either of these grounds are independently sufficient to support rejection of this alternative.

Rationale: As detailed in the City's General Plan Housing Element (2021-2029) adopted in 2020, the City has a significant need for housing. While this alternative would accommodate housing growth in the region (Objective 2), it would construct 267 fewer residential units than the proposed project and would therefore fulfill Objective 2 to a lesser extent than the project. It would fulfill the following project objectives: protect canyon lands, mesa tops and biological resources (Objective 5), provide recreational amenities (Objective 6), follow environmentally sensitive design and sustainable development practices (Objective 7), and improvements would be implemented concurrently with development (Objective 8). However, the Reduced Project Alternative would provide 267 fewer residential units than the project and would not provide as balanced of a land use plan (Objective 1) as the proposed project. The Reduced Project Alternative would not fulfill project Objective 3 (provide a Village Core that connects residential neighborhoods through a grid network) because it would remove the medium-density residential area between the mixed-use Village Core area and the open space to the east, disrupting the development pattern and Village Core envisioned for the area by the OMCP. As described above, the City has a high demand for housing, and the production of 267 fewer residential units would preclude this alternative from meeting Objective 3 to the same extent as the project. The removal of a residential block would cause this alternative to not meet the Specific Plan's objectives to provide balanced neighborhoods and a Village Core (Objective 3) with a grid network (Objective 4) as it would result in the reduction of a Village Core and the associated transportation grid network. Therefore, the City rejects this alternative and finds that any of the enumerated grounds are independently sufficient to support rejection of this alternative.

DRAFT

Reference: These findings incorporate by reference the information and analysis included in Final SEIR Section 9.3.2, Reduced Project Alternative.

1.7 Findings Regarding Responses to Comments and Revisions in the Final SEIR

The Final SEIR includes the comments received on the Draft SEIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by CEQA Guidelines Section 15088(c).

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. CEQA Guidelines provide the following examples of significant new information under this standard (CEQA Guidelines, Section 15088.5[a]).

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (*Mountain Lion Coalition v. Fish and Game Com.* [1989] 214 Cal.App.3d 1043).

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (CEQA Guidelines, Section 15088.5[b]).

Finding/Rationale: None of the factors triggering recirculation under CEQA Guidelines Section 15088.5(b) are present. No new significant environmental impacts or new mitigation measures that would result in a new significant environmental impact were identified, nor was there any substantial increase in the severity of any environmental

DRAFT

impact; final SEIR Table 1-1 was revised to provide clarification about the impacts under Human Health/Public Safety/Hazardous Materials Issue 1, but no revisions to the SEIR Analysis conclusions were made. As referenced in SEIR Section 5.5.6.4, the Historical Resources Report in Appendix D to the Final SEIR was revised to analyze capping CA-SDI-22,936 to prevent the significant impact to this archeological resource. However, consistent with the analysis in the Draft SEIR, this measure was deemed infeasible due to the depth of excavation necessary to implement the project's public utilities infrastructure and the proximity of ongoing maintenance areas to the resource, which creates a substantial likelihood of future ground disturbance that could undermine the intent of preservation in place. This measure was adequately explored by the project proponent and would not feasibly lessen the environmental impacts of the project. Finally, the Draft EIR was supported by extensive technical reporting, coordination between government entities, and public engagement, which resulted in a meaningful public review and comment period. In conclusion, responses to comments made on the Draft SEIR and revisions in the Final SEIR merely clarify and amplify the analysis presented in the Draft SEIR are insignificant modifications, and do not trigger the need to recirculate the adequate SEIR.

DRAFT

1.8 Statement of Overriding Considerations

Pursuant to Public Resources Code Section 21081(b) and California Environmental Quality Act (CEQA) Guidelines Sections 15043 and 15093, CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the Southwest Village Specific Plan and associated discretionary actions ("project") as defined in the Final Subsequent Environmental Impact Report (SEIR). If the specific economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code Section 21081 and Section 15093(a) of the CEQA Guidelines. CEQA further requires that when the lead agency approves a project that will result in the occurrence of significant effects identified in the EIR and not avoided or substantially lessened, the agency shall state in writing the specific reasons to support the action based on the EIR and/or other substantial evidence in the record.

Therefore, pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, the City Council of the City of San Diego (Council), having independently reviewed and considered all of the substantial evidence presented herein and in the Record of Proceedings, finds that the following specific overriding economic, legal, social, technological, or other benefits associated with the project outweigh unavoidable adverse direct impacts identified in Chapter 5.0, *Environmental Analysis* of the Final SEIR related to land use (land use plan conflicts), air quality/odor (criteria pollutants and sensitive receptors), historical resources (prehistoric or historic resources and religious or sacred uses), human health/public safety/hazardous materials (health and safety hazards), noise (traffic generation noise impacts, stationary source noise, noise effects for sensitive receptors and sensitive species), traffic/circulation (vehicle miles traveled), utilities, and tribal cultural resources.

The Council declares that it has made a good faith effort to adopt all feasible mitigation measures to reduce the project's proposed environmental impacts to an insignificant level; considered the entire Record of Proceedings, including the Final Program EIR (FEIR) prepared for the Otay Mesa Community Plan (OMCP/ State Clearinghouse Number [SCH No.] 2004051076) certified March 2014 and Final SEIR; and balanced the proposed benefits against the project's environmental impacts. This determination is based on the following specific benefits, each of which is determined to be, by itself and independent of the other project benefits, a basis for overriding and outweighing all unavoidable adverse environmental impacts identified in the Final SEIR.

As set forth above, the City's approval of the project will result in significant land use (land use plan conflicts), air quality/odor (criteria pollutants and sensitive receptors), historical resources (prehistoric or historic resources and religious or sacred uses), human

health/public safety/hazardous materials (health and safety hazards), noise (traffic generation noise impacts, stationary source noise, noise effects for sensitive receptors and sensitive species), traffic/circulation (vehicle miles traveled), utilities, and tribal cultural resources. These impacts cannot be avoided, even with the adoption of all feasible mitigation measures. Whenever a lead agency adopts a project which will result in a significant and unavoidable impact, the agency must, pursuant to Public Resources Code Sections 21002 and 21081(b) and CEQA Guidelines Section 15093, declare in writing the specific reasons to support its action based on the Final SEIR and/or other information in the Record of Proceedings.

Therefore, pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, the Council: (i) having independently reviewed the information in the Final SEIR and the record of proceedings; (ii) having made a reasonable and good faith effort to eliminate or substantially lessen the significant impacts resulting from the project to the extent feasible by adopting the mitigation measures identified in the Final SEIR; and (iii) having balanced the benefits of the project against the significant environmental impacts, chooses to approve the project, despite its significant environmental impacts, because, in the Council's view, specific economic, legal, social, and other benefits of the project set forth below render the significant environmental impacts acceptable.

The following statement identifies why, in the Council's judgment, the benefits of the project outweigh the unavoidable significant impacts. Each of these public benefits serves as an independent basis for overriding all significant and unavoidable impacts. Any one of the reasons set forth below is sufficient to justify approval of the project. Substantial evidence supports the various benefits and such evidence can be found either in Exhibit A Findings of Fact which are provided above and incorporated by reference into this section, the Final SEIR, and/or in documents that comprise the Record of Proceedings in this matter.

A. The Specific Plan will provide a more specific and comprehensive guide for growth, helping to facilitate development in the Southwest District of the Otay Mesa Community Plan (OMCP) consistent with the OMCP vision for the Specific Plan area and the City's General Plan City of Villages Strategy.

The 2014 OMCP outlines a general vision of the Southwest Specific Plan area as a mixed-use village core with public spaces, a variety of housing types surrounding the core, and interactive trails. The OMCP requires the preparation of a Specific Plan prior to consideration of any comprehensive development and rezoning proposals within the Southwest Specific Plan area so that development is consistent with applicable OMCP policies. The OMCP anticipated that more specific land uses, densities, and roadway alignments would be identified in the future Specific Plan.

As envisioned in the OMCP, the proposed Specific Plan would establish a range of allowable residential densities for each Planning Area (PA) to allow for flexibility in

DRAFT

future planning and design given current conditions. The Specific Plan provides detailed text and exhibits describing the range of land uses (residential, retail, commercial, office, mixed-use, parks, and open space), public realm, mobility network, and infrastructure that would occur in the Specific Plan area. It provides policies and regulations to facilitate buildout of the Southwest Specific Plan and facilitates the ability of the City, other public agencies, and private developers to design projects that enhance the character of the community, consistent with its setting and amenities.

The Specific Plan implements the goals and policies of the City's General Plan (2024) and the OMCP. A guiding principle of the General Plan is the City of Villages strategy, which focuses growth into mixed-use, pedestrian-friendly districts linked to the regional transit network to create distinct yet interconnected neighborhoods. The General Plan identifies specific goals and policies to support implementation of the City of Villages strategy in each of its elements. For example, Policies LU-A.1, ME-A.1, UD-A.12, HE-O.2, and CE-B.5 promote compact village development, pedestrian-friendly infrastructure, and increased housing supply near transit to encourage alternative transportation options such as walking and biking. The Specific Plan implements and exceeds these policies in a number of ways. The Specific Plan proposes up to 5,130 residential units with density concentrated around the Village Core, which is envisioned to include a future transit stop and mobility hub. Consistent with the General Plan's City of Villages Strategy, the Specific Plan incorporates a comprehensive pedestrian, bicycle, and trail network to facilitate alternative transportation throughout the Specific Plan area.

Similarly, the OMCP envisions the Southwest Village area as a compact, mixed-use development. OMCP Land Use Element Policy 2.1-2(m) plans for higher density mixed residential uses within 0.5 mile of the community commercial center of the Southwest Village. The OMCP Urban Design Element describes the Southwest Village as a neighborhood village that brings together mixed-use, public facilities, and transit while protecting the sensitive biological resources in the vicinity. The Specific Plan concentrates higher density within 0.5 mile of the Village Core and is designed to avoid sensitive biological resources in the vicinity to the maximum extent feasible.

Therefore, the project would allow development within the Southwest Specific Plan area to more easily proceed according to the OMCP policies and provide a new complete community that integrates an urban mixed-use center with surrounding residential neighborhoods. These specific factors support the decision to approve the Specific Plan despite the significant unavoidable impacts identified in the Final SEIR.

DRAFT

B. The Project will accommodate increasing growth in the region and provide a substantial number of critically needed housing units in accordance with the City's housing policies and its share of the Regional Housing Needs Assessment.

In the 2021-2029 General Plan Housing Element, the City identifies enough potentially developable land for residential use (adequate sites) to meet the City's share of the Regional Housing Needs Assessment for housing capacity, which is 108,036 housing units. The 2021-2029 Housing Element's Adequate Sites Inventory identifies vacant sites within the project area as having capacity for at least 4,170 net potential housing units. The project would allow for the future development of up to 5,130 residential dwelling units with a range of densities, exceeding the number of homes identified by the Housing Element's Adequate Sites Inventory for new housing by 960 homes. This substantial number of units further contributes to the City's ability to achieve the level of housing consistent with the City's share of the Regional Housing Needs Assessment. As a result, the project is consistent with Housing Element policies, such as HE-A.1, HE-A.2, and HE-A.3, which encourage the use of land use plans to establish a range of residential density minimums in areas that can contribute to the City's share of the Regional Housing Needs Assessment.

C. The Project will provide additional recreational trails in a biologically sensitive manner.

The project proposes a comprehensive park and trail network as an integral component of the project intended to provide connections to the San Ysidro Community Plan area, expand recreational opportunities, and provide options for walking and biking instead of using cars. Approximately 35 acres of parkland and 5 total miles of trails are planned, including a perimeter trail that will allow circumnavigation around the perimeter of areas proposed for development. For example, non-contiguous sidewalk would be included on both sides of all public streets, except Beyer Boulevard West and portions of Central Avenue where non-contiguous sidewalk would be provided on one side only due to environmental constraints. The community would be surrounded by a perimeter trail to provide access along the edge of the development with views of surrounding open spaces. Multi-use paths and paseos are planned to provide pedestrian and bicycle access within the plan area neighborhoods. Paseos serve as connector trails by improving access and facilitating connections between and through the project area. Paseos would have an active frontage with seating, lighting, and signage; provide an opportunity for amenities; and allow for pedestrian and bicycle travel. The trail network also includes primitive trails within the MHPA, designated as open space, that continue off-site.

DRAFT

The detailed trail program expands upon the concepts laid out in the OMCP and was thoughtfully developed in coordination with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service (the Wildlife Agencies). Many existing or disturbed trails in Southwest Village are not compliant with City trail standards and are redundant, unsustainable, or potentially hazardous and do not contribute to a sustainable trails system. To address these conditions, some trails are planned to be closed and will require rehabilitation and restoration of disturbed habitat as well as public education efforts. As part of this effort, the proposed primitive trail network includes restoration of disturbed habitat while providing opportunities for recreational use, including walking, jogging, hiking, and mountain biking, in a manner consistent with the Multiple Species Conservation Program Subarea Plan trail policies. Specifically, as part of the proposed trail network, the project would enhance and restore disturbed areas within a 100-foot corridor of the proposed primitive trails and include additional features to prevent users from wandering into unauthorized portions of the open space. Trailheads leading into the primitive trail network would include trash cans and signage to notify trail users to remain on designated trails, identify prohibited uses, and inform users of the sensitive resources present. Where needed to protect sensitive resources, peeler pole fencing would be provided to prevent access. Trail improvements could include trail stabilization, erosion control, and closure of unauthorized trail routes in proximity to proposed formal trail alignments. Refer to the Southwest Village Specific Plan SDRs 14 and 15.

The restoration of disturbed habitats surrounding the proposed primitive trail corridor would also enhance the existing habitats, further supporting wildlife use.

A trail restoration plan (Attachment 1 of Final SEIR Appendix C) has been prepared and will be implemented as a project design feature. The trail restoration plan includes details including site preparation, plant production and installation, seed application methods, and irrigation methods, a proposed schedule, and success criteria, along with measures to ensure the restoration effort does not result in significant impacts to rare plants, sensitive wildlife or aquatic resources.

D. By clustering development in an environmentally sensitive manner, the Project will avoid substantial geotechnical hazards and add significant sensitive biological resources to the City's MHPA.

The project was designed to avoid the San Ysidro Landslide complex, which presents a substantial geological hazard. As a result, development is clustered northeast of the landslide hazard, with the highest densities near the intersection of Beyer Boulevard East and South Caliente Avenue. Additionally, through the entitlement process, including coordination with the Wildlife Agencies, the area designated for open space is expanded to include Planning Area (PA) 23. PA 23 includes vernal pool

DRAFT

resources and was originally identified for residential development in the OMCP; however, through negotiations with the Wildlife Agencies, a MHPA overlay will be placed over this land, and it will be designated as open space. These geotechnical considerations and newly proposed vernal pool conservation areas in PA 23 have resulted in the redesignation of 157 acres of PA 29 and 7.8 acres of PA 23 from development area to conserved area, resulting in approximately 165 more acres of designated open space than is currently identified in the OMCP. Designating PA 23 as open space expands the City's vernal pool preserve, which exists adjacent to PA 23 to the north.

CONCLUSION

For the foregoing reasons, the Council finds in accordance with Public Resources Code section 21081(b) and CEQA Guidelines sections 15093 and 15043, that the project's adverse, unavoidable environmental impacts are outweighed by the noted benefits, any of which individually would be sufficient to reach the conclusion that overriding findings justify the significant, unmitigated effects of the project. Therefore, the Council has adopted this Statement of Overriding Considerations.

DRAFT

1.9 References

City of San Diego

2020 The City of San Diego General Plan Housing Element 2021-2029. Available at: https://www.sandiego.gov/sites/default/files/he_final_screen_view_june2021.pdf

Converse Consultants

2002a Phase I Environmental Site Assessment Report Brown/Kay-Mark Property Approximate 13.8-Acre Parcel San Diego, California. May 22.

2002b Phase I Environmental Site Assessment Report Crandall Property Approximate 10-Acre Parcel San Diego, California. March 23.

2002c Limited Phase II Environmental Site Assessment Crandall Property Approximate 10-Acre Parcel San Diego, California. May 6.

2002d Phase I Environmental Site Assessment Report South Otay Mesa Assemblage Approximate 35-Acre KPMA Property San Diego, California. April 29.

2002e Limited Phase II Site Assessment Report KMPA Property Approximate 35-Acre Parcel San Diego, California. November 5.

2002f Phase I Environmental Site Assessment Report Martinez Property Approximate 61-Acre Parcel San Diego, California. December 4.

2002g Phase I Environmental Site Assessment Report Portion of Ivernia Property Approximate 64-Acre Parcel San Diego, California. March 26.

2002h Limited Phase II Environmental Site Assessment Ivernia Property Approximate 64-Acre Parcel San Diego, California. December 17.

2002i Phase I Environmental Site Assessment Report Rice Property Approximate 1-Acre Parcel San Diego, California. August 23.

2002j Phase I Environmental Site Assessment Report Bryant Property Approximate 1-Acre Parcel San Diego, California. August 23.

2002k Phase I Environmental Site Assessment Report N.D.G Baja Vista Property Approximately 3-Acres of Parcels San Diego, California. August 23.

2004a Phase I Environmental Site Assessment Report Security Title Insurance (Kuta) Property Approximate 42-Acre Parcel APN 667-010-15 San Diego, California. March 24.

DRAFT

2004b Phase I Environmental Site Assessment Report Ablao Property Approximate 1-Acre Parcel APN 645-072-14 San Diego, California. March 12.

2004c Phase I Environmental Site Assessment Report Princess Beach Mitigation Parcels Approximate 155-Acre Parcel APNs 667-010-27, -28, -30, -31 San Diego, California. August 3.

2004d Phase I Environmental Site Assessment Report Wilkinson Property Approximate 1-Acre Parcel APN 645-071-06 San Diego, California. March 24.

2004e Phase I Environmental Site Assessment Report Williams and Alcaraz Property Three Approximate 1-Acre Parcels APN 645-073-02, -03, -12 San Diego, California. April 29.

2004f Update - Phase I Environmental Site Assessment Report Approximate 1-Acre Rice Property APN 645-075-05 San Diego, California Converse Project No. 02-41-242-01. March 22.

2004g Phase I Environmental Site Assessment Report Royce Property Approximate 1-Acre Parcel APN 645-074-23 San Diego, California. April 29.

2004h Phase I Environmental Site Assessment Report Ruiz Property Approximate 1-Acre Parcel APN 645-076-22 San Diego, California. March 24.

2004i Phase I Environmental Site Assessment Report Velazquez Property Two Approximate 1- Acre Parcels APNs 645-076-12 and 645-076-13 San Diego, California. April 29.

2004j Phase I Environmental Site Assessment Report Assoc. Investors Property Four Approximate 1-Acre Parcels APNs 645-073-05, -06, -10, and -11 San Diego, California. March 12.

2006a Phase I Environmental Site Assessment Report Otay Mesa-Olsher Parcel APN 645-073-08 San Diego, California. July 21.

2006b Addendum Letter - Phase I Environmental Site Assessment Otay Mesa Assemblage Olsher Parcel APN 645-073-08. August 18.

2008a Phase I Environmental Site Assessment Report Otay Mesa – Anson Parcels San Diego, California. July 28.

2008b Phase I Environmental Site Assessment Report South Otay - Pipitone San Diego, California. May 29.

DRAFT

This page intentionally left blank

DRAFT

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

General Plan and Community Plan Amendment, Specific Plan, Rezone, Multi-Habitat Planning Area Boundary Line Adjustment, Site Development Permit, and Vesting Tentative Map

ENVIRONMENTAL IMPACT REPORT NO. 0614791/SCH NO. 2004051076

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 monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and the completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the City Clerk, 202 C Street, San Diego, CA 92101. All mitigation measures contained in Subsequent Environmental Impact Report No. 0614791/SCH No. 2004051076 shall be made conditions of the Site Development Permit as further described below.

Program-level MMRP
The following is the MMRP for the program-level components:

Land Use

SP-LU-1: MHPA Land Use Adjacency Guidelines

All subsequent development projects that are implemented in accordance with the Specific Plan which are adjacent to designated MHPA areas shall comply with the MHPA 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 shall identify specific mitigation measures needed to reduce impacts to below a level of significance. Subsequent environmental review shall be required to determine the significance of impacts from land use adjacency and compliance with the MHPA 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 the Owner/Permittee.

- 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, which use chemicals or generate by-products such as manure, which are potentially toxic or impactive 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

SP-AQ-1: Control Measures/Technology

For projects that would exceed daily construction emissions thresholds established by the City, best available control measures/technology shall be incorporated to reduce construction emissions to below daily emission standards established by the City. 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.

SP-AQ-2: Buffer Sensitive Receptors

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.

SP-AQ-3: Public Notice

Prior to the issuance of building permits for any new facility that would have the potential to emit toxic air contaminants, in accordance with Assembly Bill 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 FEIR Section 5.3.5.1 [b and 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 Air Pollution Control District (APCD) that demonstrates how the facility will reduce health risks to less than significant levels within five years of the date the plan.

SP-AQ-4: Health Risk Assessment

Prior to the issuance of building permits for any project within the Specific Plan area containing any of the following facilities, or that proposes locating the facility closer to an air quality sensitive receptor than the recommended corresponding buffer distances, the project shall be required to prepare a health risk assessment (HRA) with a Tier I analysis in accordance with current APCD HRA Guidelines and the Office of Environmental Health Hazard Assessment (OEHHA) Air Toxics "Hot Spots" Program Risk Assessment Guidelines (San Diego Air Pollution Control District [SDAPCD] 2022b; OEHHA 2015), or more recent guidance at the time of implementation.

This applies to:

- Distribution Centers that accommodate more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units per day, or where transport refrigeration unit operations exceed 300 hours per week (1,000 feet buffer)
- Chrome platers (1,000 feet buffer)
- Dry Cleaners using Perchloroethylene, 1 machine (300 feet buffer)
- Dry Cleaners using Perchloroethylene, 2 machines (500 feet buffer)
- Dry Cleaners using Perchloroethylene, 3 machines (Requires consultation with APCD)
- Large Gas Station, 3.6 million gallons or more per year (300 feet buffer)

All required HRAs shall include:

1. The estimated maximum 70-year lifetime cancer risk;
2. The estimated maximum non-cancer chronic health hazard index; and
3. The estimated maximum non-cancer acute health hazard index.

Risk estimates shall each be made for the off-site point of maximum health impact, the maximally exposed individual resident, and the maximally exposed individual worker. 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 required to reduce risk to less than 10 in 1,000,000.

Biological Resources

SP-BIO-1: Sensitive Plants and Wildlife

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 project area, all subsequent projects implemented in accordance with the project area shall be analyzed in accordance with the CEQA Significance Thresholds, which require that site-specific biological resources surveys be conducted in accordance with City's Biology Guidelines. 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 the project area, focused presence/absence surveys shall be conducted in accordance with the City's 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, VPHCP, 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, State of California Natural Resources Agency Department of Fish and Game. March 7, 2012" (hereafter referred as California Department of Fish and Game [CDFG] 2012, Staff Report). Measures to avoid and minimize impacts to burrowing owl shall be included in a Conceptual Burrowing Owl Mitigation Plan which includes take avoidance (preconstruction) 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 project resulting in impacts to sensitive upland Tier I, II, IIIA, or IIIB habitats shall implement avoidance and minimization measures consistent with the City's Biology Guidelines and MSCP Subarea Plan and provide suitable mitigation in accordance with the Upland Mitigation Ratios currently outlined in Table 3 of the City's Biology Guidelines (City 2018). 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 2018). 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.

SP-BIO-2: Wetlands

To reduce potential direct impacts to City, state, and federally regulated wetlands, all subsequent projects developed in accordance with the Specific Plan shall be required to comply with USACE Clean Water Act Section 404 requirements and special conditions, RWQCB Clean Water Act Section 401 requirements and special conditions, CDFW Section 1602 Streambed Alteration Agreement requirements and special conditions, and the City of San Diego ESL Regulations for avoiding and minimizing impacts to wetlands or compliance with City guidelines for the wetland deviation. 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 Specific Plan, a site-specific biological resources survey shall be completed in accordance with the City's Biology Guidelines. In addition, a preliminary or final aquatic resource delineation of the program-level areas 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 waters of the United States and waters of the state shall also be completed following the appropriate USACE guidance documents for determining the OHWM boundaries. The limits of any riparian habitats within the program-level analysis areas 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 criteria but are regulated by 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 potential wetlands/waters, riparian habitats, vernal pools, etc. consistent with federal, state, and City guidelines. Any required mitigation for impacts shall be outlined in a conceptual wetland mitigation plan prepared in accordance with the City's Biology Guidelines (2018).

Additionally, any impacts to wetlands in the City 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 consistent with the City's Biology Guidelines including a no-net loss of wetland resources.

Vernal Pools and Vernal Pool Species

Impacts to vernal pools shall be addressed through project compliance with the VPHCP. This includes required assessments of vernal pool flora and fauna, hydrology, habitat function, and restoration potential and protocol fairy shrimp surveys, in addition to the requirements listed above. Mitigation for projects impacting vernal pools shall be consistent with the VPHCP and City of San Diego Biology Guidelines as determined by completion of a Compensatory Mitigation Plan approved by the City and Wildlife Agencies. Mitigation may include salvage of special status 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 vernal pool habitat consistent with the VPHCP.

Historical Resources

SP-HIST-1: Archaeological Resources

Prior to issuance of any permit for a future development project implemented in accordance with the Specific Plan 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 prehistoric 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 Land Development Code Historical Resources Guidelines shall 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 shall generally include background research, field survey, archaeological testing and analysis. Before actual field reconnaissance shall occur, background research is required which includes a record search at the SCIC at San Diego State University. 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 shall 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 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 indicate 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 PRC Section 5097.98 must be followed. These provisions are outlined in the Mitigation Monitoring and Reporting Program included in the environmental document. The Native American monitor shall be consulted during the preparation of the written report, at which time they may make recommendations 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 will 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 shall be required in accordance with the project Mitigation Monitoring and Reporting Program. 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 City Land Development Code Historical Resources Guidelines.

SP-HIST-2: Historic Architectural Resources

Prior to issuance of any permit for a future development project implemented in accordance with the Specific Plan 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, and any significant historic resources shall be treated in accordance with the Historic 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.

SP-HIST-3: Human Remains

Although no human remains have been found within the project area, there is a potential for the discovery of human remains during project grading. It is preferable to avoid impacting human remains, but this is not always possible given the potential of uncovering undocumented human remains during project grading or other ground-disturbing activities. When a data recovery program of an archaeological site is required, all possible pre-excavation planning should be implemented to reduce the possibility of the accidental discovery of human remains. Historic era burial locations can often be identified with background research. Forensic dogs can be used to identify human remains, especially in cases where scattered cremation remains are present. Non-destructive ground penetrating procedures such as ground penetrating radar can be used to identify subsurface anomalies that may indicate the presence of inhumations. Since data recovery programs never recover all the data from an archaeological site, similar procedures implemented during project implementation would be helpful in reducing the potential for discovery of unanticipated human remains.

If human remains are found, existing laws and protocols are required to be followed before proceeding with any project action that would further disturb the remains. Provisions set forth in California PRC Section 5097.98 and state Health and Safety Code Section 7050.5 shall be implemented in consultation with the Most Likely Descendant identified by the NAHC and as described in PR-HIST-2 IV A-C. Discovery of Human Remains, the requirements of which are incorporated here by reference.

Hazards and Hazardous Materials

SP-HAZ-1: Reduction of Risk of Wildfires

Future projects implemented in accordance with the Specific Plan 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, Otay Mesa Community Plan, and Specific Plan policies intended to reduce the risk of wildfires. In addition, all future projects shall be reviewed for compliance with the most current California Fire Code, Section 145.0701 through 145.0711 of the LDC, and the CWUIC in Title 24, Part 7.

SP-HAZ-2: Hazardous Sites

a. A Phase I ESA 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 (Regional Water Quality Control Board/Department of Toxic Substances Control/DEHQ) 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 (Regional Water Quality Control Board/Department of Toxic Substances Control/DEHQ) 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 DEHQ 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 regulations such as but not limited to SDMC Section 42.0801, Division 9 and Section 42.0901 et seq.

Hydrology and Water Quality

SP-HYD/WQ-1: Storm Water Runoff and Drainage

Prior to approval of development projects implemented under the Specific Plan, 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. 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 Land Development Code [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 Stormwater Pollution Prevention Plan (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 U.S. Army Corps of Engineers) 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 SFHA, the developer shall obtain a CLOMR from FEMA.

- Fill placed in the SFHA 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 minimum 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.

SP-HYD/WQ-2: Storm Water Quality

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 biofiltration;

- 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 SDMC 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 avoided 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 and Soils

SP-GEO-1: Geologic Hazards

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 SDMC and the CBC.

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.

SP-GEO-2: Geotechnical Investigations

Submittal, review, and approval of site-specific geotechnical investigations shall be completed in accordance with the SDMC 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 Specific Plan 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 will 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 Storm Water Pollution Prevention Plan 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 will 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, ensure 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 fieldwork 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 SDMC discusses in more detail the requirements related to the geotechnical report outlined in the City Seismic Safety Study (City of San Diego 2008).

Noise

SP-NOS-1: Exterior Noise Analysis

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 guidelines 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

guidelines. Exact noise mitigation measures and their effectiveness shall be determined by the site-specific exterior noise analyses.

SP-NOS-2: Interior Noise Analysis

Prior to the issuance of building permits, site specific interior noise analyses demonstrating compliance with the interior noise compatibility guidelines 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 guidelines of the City's General Plan. Noise control measures, including but not limited to increasing roof, wall, window, and door sound attenuation ratings, placing heating, ventilation, and air conditioning (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 guidelines. Exact noise mitigation measures and their effectiveness shall be determined by the site-specific noise analyses.

SP-NOS-3: Site-Specific Acoustical/Noise Analysis

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.

Paleontological Resources

SP-PALEO-1: Paleontological Resources

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 City Engineer (CE) and/or Building Inspector (BI) shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

2. The applicant shall submit a letter of verification to Resident Engineer (RE) and/or Building Inspector (BI) identifying the qualified Principal Investigator (PI) for the project and the names of all persons involved in

the paleontological monitoring program. A qualified PI is defined as a person with a Ph.D. or M.S. or equivalent in paleontology or closely related field (e.g., sedimentary or stratigraphic geology, evolutionary biology, etc.) with demonstrated knowledge of southern California paleontology and geology, and documented experience in professional paleontological procedures and techniques.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to RE and/or BI that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from the San Diego Natural History Museum, or another relevant institution that maintains paleontological collections recovered from sites within the City of San Diego.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Preconstruction Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Preconstruction Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, RE, and BI, as appropriate. The qualified paleontologist (PI) shall attend any grading/excavation related Preconstruction 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 Preconstruction Meeting, the Applicant shall schedule a focused Preconstruction Meeting with the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Identify Areas to be Monitored

   Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to RE and/or BI 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 geologic conditions (e.g., geologic deposits as listed in the Paleontological Monitoring Determination Matrix below).

3. When Monitoring Will Occur

    a. Prior to the start of any work, the PI shall also submit a construction schedule to the RE and/or BI indicating when and where monitoring will occur.

    b. The PI may submit a detailed letter to RE and/or BI 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 and geotechnical reports which indicate conditions such as depth of excavation and/or thickness of artificial fill overlying bedrock, presence or absence of fossils , 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 paleontological 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 PI, RE and/or BI 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 RE and/or BI during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter previously undisturbed and paleontologically sensitive geologic deposits as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for paleontological resources to be present.

3. The paleontological monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be emailed by the CM to the RE and/or BI the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries.

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 notify the RE and/or BI. The contractor shall also process a

construction change for administrative purposes to formalize the documentation and recovery program, including modification to Mitigation Monitoring and Compliance (MMC).

2. The paleontological monitor shall notify the PI (unless paleontological monitor is the PI) of the discovery.

3. The PI shall notify MMC of the discovery, and shall submit documentation to MMC within 24 hours by email with photos of the resource in context.

C. Recovery of Fossils

If a paleontological resource is encountered:

1. The paleontological monitor shall salvage unearthed fossil remains, including simple excavation of exposed specimens or, if necessary as determined by the PI, plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits.

2. The paleontological monitor shall record stratigraphic and geologic data to provide a context for the recovered fossil remains, including a detailed description of all paleontological localities within the project site, as well as the lithology of fossil-bearing strata within the measured stratigraphic section, and photographic documentation of the geologic setting.

IV. Post Construction

A. Preparation and Submittal of Draft Paleontological Monitoring Report

1. The PI shall submit two copies of the Draft Paleontological Monitoring Report (even if negative), prepared to the satisfaction of the Development Services Department. The Draft Paleontological Monitoring Report shall describe the methods, results, 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 or potentially significant paleontological resources encountered during monitoring, as identified by the PI, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.

   b. 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 (revised November 2017), and submittal of such forms to the San Diego Natural History Museum and MMC with the Draft Paleontological Monitoring Report.

2. MMC shall return the Draft Paleontological Monitoring Report to the PI for revision or, for preparation of the Final Report.

3. The PI shall submit revised Draft Paleontological Monitoring Report to MMC for approval.

4. MMC shall provide written verification to the PI of the approved Draft Paleontological Monitoring Report.

5. MMC shall notify the RE and/or BI of receipt of all Draft Paleontological Monitoring Report submittals and approvals.

B. Handling of Recovered Fossils

1. The PI shall ensure that all fossils collected are cleaned to the point of curation (e.g., removal of extraneous sediment, repair of broken specimens, and consolidation of fragile/brittle specimens) and catalogued as part of the Paleontological Monitoring Program.

2. The PI shall ensure that all fossils are analyzed to identify stratigraphic provenance, geochronology, and taphonomic context of the source geologic deposit; that faunal material is taxonomically identified; and that curation has been completed, as appropriate.

C. Curation of Fossil Remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossils associated with the paleontological monitoring program for this project are permanently curated with an accredited institution that maintains paleontological collections (such as the San Diego Natural History Museum).

2. The PI shall include an acceptance verification from the curation institution in the Final Paleontological Monitoring Report submitted to the RE and/or BI, and MMC.

D. Final Paleontological Monitoring Report(s)

1. The PI shall submit two copies of the Final Paleontological Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the Final Paleontological Monitoring Report has been approved.

2. The RE and/or BI shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Paleontological Monitoring Report from MMC, which includes the Acceptance Verification from the curation institution.

Traffic/Circulation

SP-TRA-1: Vehicle Miles Traveled Reduction Measures

Each future discretionary action (e.g., VTM, Site Development Permit, etc.) will be required to prepare analysis demonstrating consistency with the City's TSM in effect at the time of analysis, including preparation of project-specific LMA and VMT studies. VMT impacts can be mitigated by reducing the number of automobile trips generated by a project or by reducing the distance that people drive. If full mitigation to achieve 15 percent below regional average VMT/capita cannot be achieved, then mitigation to the greatest extent feasible shall be achieved by:

- Implementation of VMT reduction measures outlined in the current City of San Diego Mobility Choices Regulation: Implementation Guidelines or opting into the Active Transportation In-Lieu Fee (ATILF) if the planning area is in Mobility Zones 2 or 3, or
- Payment of the current City of San Diego Mobility Choices Regulations ATILF if the planning area is in Mobility Zone 4, or
- Implementation of other City ordinances or currently adopted policy or mitigation approaches in effect at the time future projects are proposed.

Utilities

SP-UTIL-1: Waste Management Plan

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 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.

PROJECT-LEVEL MMRP

The following general requirements shall be a part of the MMRP for the project-level components:

A. GENERAL REQUIREMENTS – PART I
Plan Check Phase (prior to permit issuance)

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 Development Services Department Environmental Designee shall review and approve all construction documents (CDs; plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.

2. In addition, the Environmental Designee shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "**ENVIRONMENTAL/ MITIGATION REQUIREMENTS**."

3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website: http://www.sandiego.gov/development-services/industry/standtemp.html.

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

5. **SURETY AND COST RECOVERY –** The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its costs to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II
Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT:** The PERMIT HOLDER/OWNER is responsible for arranging and performing this meeting by contacting the CITY RESIDENT ENGINEER of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants: ***Biological Monitor, Archaeological/Native American Monitor, and Paleontological Monitor.***

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

   CONTACT INFORMATION:

   a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**

   b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) No. 604791, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the City Engineer. The requirements may not be reduced or changed but may be annotated (e.g., to explain when and how compliance is being met and location of verifying proof). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as needed (e.g., specific locations, times of monitoring, methodology, etc.)

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

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the Resident Engineer and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution, or other documentation issued by the responsible agency.

4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17-inch reduction of the appropriate construction plan,

such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

Note: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

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

Document Submittal/Inspection Checklist		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Land Use	Land Use Adjacency Issues CVSRs	Land Use Adjacency Issue Site Observations
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Biology Monitoring Reports	Biology/Habitat Inspection
Archaeology	Archaeology Reports	Archaeology/Historic Site Observation
Paleontology	Paleontology Reports	Paleontological Observations
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

Land Use

PR-LU-1: MHPA Land Use Adjacency Guidelines

All project-level components that are implemented in accordance with the Specific Plan which are 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 shall identify specific mitigation measures needed to reduce impacts to below a level of significance. Subsequent environmental review shall 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 the Owner/Permittee.

- 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, which use chemicals or generate by-products such as manure, which are potentially toxic or impactive 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.

Biological Resources

PR-BIO-1: San Diego Button Celery

The Owner/Permittee shall implement the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan as detailed below and in PR-BIO-16a and PR-BIO-16b for the project prior to and during any ground disturbance within areas containing San Diego button celery. Prior to issuance of the first grading permit for Phase 1, the ADD environmental designee shall verify the requirements for the revegetation/restoration plans and specifications, including salvage of any San Diego button celery in vernal pools that will be impacted and re-establishment of vernal pools containing San Diego button celery at a 3:1 ratio, for a total acreage of 0.03 acre of vernal pools with San Diego button celery, have been shown and noted on the appropriate landscape construction documents. The Landscape Construction Documents (LCDs) and specifications must be found to be in conformance with the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan, the performance criteria of which are summarized below, to the satisfaction of the DSD's Environmental Designee (MMC), MSCP, and Project Qualified Biologist (PQB). Because all impacts to San Diego button celery occur within two vernal pools affected during Phase 1 grading, all required salvage, seed collection, and establishment of mitigation vernal pools at the 3:1 ratio (0.03 acre) shall be implemented entirely during Phase 1.

A qualified restoration specialist (i.e., a professional with a minimum of five years of restoration experience in southern California and a four-year degree in ecology, conservation biology, or a related degree field) shall oversee restoration activities and ensure performance criteria are met. The restoration effort for San Diego button celery shall require a maintenance contractor to salvage any San Diego button celery in vernal pools that would be impacted and re-establish vernal pools containing San Diego button celery at a 3:1 ratio, for a total acreage of 0.03 acre of vernal pools with San Diego button celery, as detailed in the Final Vernal Pool and Quino Checkerspot

Butterfly Mitigation Plan. The qualified restoration specialist shall submit an as-built report documenting the successful implementation of the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan to the satisfaction of the DSD's Environmental Designee (MMC), MSCP, and PQB. Following installation sign-off, the qualified restoration specialist shall submit annual reports assessing the attainment of the detailed success criteria listed in the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan.

Implementation of the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan will require the following:

I. Prior to Permit Issuance

A. Land Development Review (LDR) Plan Check

1. Prior to NTP or issuance for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, whichever is applicable, the ADD environmental designee shall verify that the requirements for the revegetation/restoration plans and specifications, including mitigation of 0.03 acre of vernal pools with San Diego button celery has been shown and noted on the appropriate landscape construction documents. The Landscape Construction Documents (LCDs) and specifications must be found to be in conformance with the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan, the requirements of which are summarized below.

B. Revegetation/Restoration Plan(s) and Specifications

1. LCDs shall be prepared on D-sheets and submitted to the City of San Diego Development Services Department, Landscape Architecture Section (LAS) for review and approval. LAS shall consult with Mitigation Monitoring Coordination (MMC) and obtain concurrence prior to approval of LCD. The LCD shall consist of revegetation/restoration, planting, irrigation and erosion control plans; including all required graphics, notes, details, specifications, letters, and reports as outlined below.

2. Landscape Revegetation/Restoration Planting and Irrigation Plans shall be prepared in accordance with the San Diego Land Development Code (LDC) Chapter 14, Article 2, Division 4, the LDC Landscape Standards submittal requirements, and Attachment "B" (General Outline for Revegetation/Restoration Plans) of the City of San Diego's LDC Biology Guidelines (2018). The PQB shall identify and adequately document all pertinent information concerning the revegetation/restoration goals and requirements, such as but not limited to, plant/seed palettes, timing of installation, plant installation specifications, method of watering,

protection of adjacent habitat, erosion and sediment control, performance/success criteria, inspection schedule by City staff, document submittals, reporting schedule, etc. The LCD shall also include comprehensive graphics and notes addressing the ongoing maintenance requirements (after final acceptance by the City).

3. The Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Construction Manager (CM) and Grading Contractor (GC), where applicable, shall be responsible to ensure that for all grading and contouring, clearing and grubbing, installation of plant materials, and any necessary maintenance activities or remedial actions required during installation and the 120-day plant establishment period are done per approved LCD. The following procedures at a minimum, but not limited to, shall be performed:

    a. The RMC shall be responsible for the maintenance of the wetland mitigation area for a minimum period of 120 days. Maintenance visits shall be conducted on a monthly basis throughout the plant establishment period.

    b. At the end of the 120-day period the PQB shall review the mitigation area to assess the completion of the short-term plant establishment period and prepare the required summary for MMC, consistent with the monitoring and reporting procedures described in Section IV.

    c. MMC shall provide approval in writing to begin the five-year long-term establishment/maintenance and monitoring program.

    d. Existing indigenous/native species shall not be pruned, thinned or cleared in the revegetation/mitigation area.

    e. The revegetation site shall not be fertilized unless otherwise approved by MMC and at the direction of the PQB. For example, slow release fertilizer application is typically acceptable to container plantings if the planting area is sterile, exposed subsoil, or fill.

    f. The RIC is responsible for reseeding (if applicable) if weeds are not removed, within one week of written recommendation by the PQB.

    g. Weed control measures shall include the following:

        (1) hand removal,

        (2) cutting, with power equipment, and

        (3) chemical control. Hand removal of weeds is the most desirable method of control and will be used wherever possible.

h. Damaged areas shall be repaired immediately by the RIC/RMC. Insect infestations, plant diseases, herbivory, and other pest problems will be closely monitored throughout the five-year maintenance period. Protective mechanisms such as metal wire netting shall be used, as necessary. Diseased and infected plants shall be immediately disposed of off-site in a legally acceptable manner at the discretion of the PQB or Qualified Biological Monitor (QBM) (City approved). Where possible, biological controls will be used instead of pesticides and herbicides.

C. Letters of Qualification Have Been Submitted to ADD

1. The applicant shall submit, for approval, a letter verifying the qualifications of the biological professional to MMC. This letter shall identify the PQB, Principal Restoration Specialist (PRS), and QBM, where applicable, and the names of all other persons involved in the implementation of the revegetation/restoration plan and biological monitoring program, as they are defined in the City of San Diego Biological Review References. Resumes and the biology worksheet shall be updated annually.

2. MMC shall provide a letter to the applicant confirming the qualifications of the PQB/PRS/QBM and all City Approved persons involved in the revegetation/restoration plan and biological monitoring of the project.

3. Prior to the start of work and throughout implementation, the applicant must obtain approval from MMC for any personnel changes associated with the revegetation/restoration plan and biological monitoring of the project.

4. PBQ shall also submit evidence to MMC that the PQB/QBM has completed Storm Water Pollution Prevention Program (SWPPP) training.

II. Prior to Start of Construction

A. PQB/PRS Shall Attend Preconstruction (Precon) Meetings

1. Prior to beginning any work that requires monitoring:

a. The Owner/Permittee or their authorized representative shall arrange and perform a Precon Meeting that shall include the PQB or PRS, Construction Manager (CM) and/or Grading Contractor (GC), Landscape Architect (LA), Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC.

b. The PQB shall also attend any other grading/excavation related Precon Meetings to make comments and/or suggestions concerning the revegetation/restoration plan(s) and specifications with the RIC, CM and/or GC.

c. If the PQB is unable to attend the Precon Meeting, the owner shall schedule a focused Precon Meeting with MMC, PQB/PRS, CM, BI, LA, RIC, RMC, RE and/or BI, if appropriate, prior to the start of any work associated with the revegetation/ restoration phase of the project, including site grading preparation.

2. Where Revegetation/Restoration Work Will Occur

a. Prior to the start of any work, the PQB/PRS shall also submit a revegetation/restoration monitoring exhibit (RRME) based on the appropriate reduced LCD (reduced to 11x17 format) to MMC, and the RE, identifying the areas to be revegetated/restored including the delineation of the limits of any disturbance/grading and any excavation.

b. PQB shall coordinate with the construction superintendent to identify appropriate Best Management Practices (BMPs) on the RRME.

3. When Biological Monitoring Will Occur

a. Prior to the start of any work, the PQB/PRS shall also submit a monitoring procedures schedule to MMC and the RE indicating when and where biological monitoring and related activities will occur.

4. PQB Shall Contact MMC to Request Modification

a. The PQB may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the revegetation/restoration plans and specifications. This request shall be based on relevant information (such as other sensitive species not listed by federal and/or state agencies and/or not covered by the MSCP and to which any impacts may be considered significant under CEQA) which may reduce or increase the potential for biological resources to be present.

5. 120-day Plant Establishment Period (PEP)

a. Upon completion of the 120-day Plant Establishment Period (PEP), the PQB shall prepare a summary documenting PEP completion and submit it consistent with the reporting procedures outlined in Section IV. The revegetation/restoration effort shall be visually assessed at the end of 120-day period to determine mortality of individuals.

III. During Construction

A. PQB or QBM Present During Construction/Grading/Planting

1. The PQB or QBM shall be present full-time during construction activities including but not limited to, site preparation, cleaning, grading, excavation, landscape establishment in association with work-limits demarcation, clearing/grubbing, and grading which could result in impacts to sensitive biological resources as identified in the LCD and on the RRME. The RIC and/or QBM are responsible for notifying the PQB/PRS of changes to any approved construction plans, procedures, and/or activities. The PQB/PRS is responsible to notify the CM, LA, RE, BI and MMC of the changes.

2. The PQB or QBM shall document field activity via the Consultant Site Visit Record Forms (CSVR). The CSVRs shall be faxed or emailed by the CM, PQB, or QBM to the RE the first day of monitoring, the last day of monitoring, monthly, and in the event that there is a deviation from conditions identified within the LCD and/or biological monitoring program. The RE shall forward copies to MMC.

3. The PQB or QBM shall be responsible for maintaining and submitting the CSVR at the time that CM responsibilities end (i.e., upon the completion of construction activity other than that of associated with biology).

4. All construction activities (including staging areas) shall be restricted to the development areas as shown on the LCD. The PQB/PRS or QBM staff shall monitor construction activities as needed, with MMC concurrence on method and schedule. This is to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved LCD.

5. The PQB or QBM shall supervise the placement of orange construction fencing or City approved equivalent, along the limits of potential disturbance adjacent to (or at the edge of) all sensitive habitats (i.e., southern riparian woodland, southern willow scrub, Diegan coastal sage scrub, baccharis scrub, coastal sage-chaparral transition, chamise chaparral, southern mixed chaparral, non-native grassland), as shown on the approved LCD.

6. The PBQ shall provide a letter to MMC that limits of potential disturbance has been surveyed, staked and that the construction fencing is installed properly.

7. The PQB or QBM shall oversee implementation of BMPs, such as gravel bags, straw logs, silt fences or equivalent erosion control measures, as needed to ensure prevention of any significant sediment transport. In

addition, the PQB/QBM shall be responsible to verify the removal of all temporary construction BMPs upon completion of construction activities. Removal of temporary construction BMPs shall be verified in writing on the final construction phase CSVR.

8. PQB shall verify in writing on the CSVRs that no trash stockpiling or oil dumping, fueling of equipment, storage of hazardous wastes or construction equipment/material, parking or other construction related activities shall occur adjacent to sensitive habitat. These activities shall occur only within the designated staging area located outside the area defined as biological sensitive area.

9. The long-term establishment inspection and reporting schedule per LCD must all be approved by MMC prior to the issuance of the Notice of Completion (NOC) or any bond release.

B. Disturbance/Discovery Notification Process

1. If unauthorized disturbances occur or sensitive biological resources are discovered that were not previously identified on the LCD and/or RRME, the PQB or QBM shall direct the contractor to temporarily divert construction in the area of disturbance or discovery and immediately notify the RE or BI, as appropriate.

2. The PQB shall also immediately notify MMC by telephone or email of the disturbance and report the nature and extent of the disturbance and recommend the method of additional protection, such as fencing and appropriate BMPs. After obtaining concurrence with MMC and the RE, PQB and CM shall install the approved protection and agreement on BMPs.

3. The PQB shall also submit written documentation of the disturbance to MMC within 24 hours by fax or email with photos of the resource in context (e.g., show adjacent vegetation).

C. Determination of Significance

1. The PQB shall evaluate the significance of disturbance and/or discovered biological resource and provide a detailed analysis and recommendation in a letter report with the appropriate photo documentation to MMC to obtain concurrence and formulate a plan of action which can include fines, fees, and supplemental mitigation costs.

2. MMC shall review this letter report and provide the RE with MMC's recommendations and procedures.

IV. Post Construction

A. Mitigation Monitoring and Reporting Period

1. Five-Year Mitigation Establishment/Maintenance Period

   a. The RMC shall be retained to complete maintenance monitoring activities throughout the five-year mitigation monitoring period.

   b. Maintenance visits will be conducted at minimum weekly intervals for the first 120 days (i.e., Establishment Period). Subsequently during Year 1 through Year 3, maintenance visits will occur once per month between January to June and two visits between July to December. Quarterly visits will be conducted during Years 4 and 5.

   c. Maintenance activities will include all items described in the LCD.

   d. Plant replacement will be conducted as recommended by the PQB (note: plants shall be increased in container size relative to the time of initial installation or establishment or maintenance period may be extended to the satisfaction of MMC.

2. Five-Year Biological Monitoring

   a. All biological monitoring and reporting shall be conducted by a PQB or QBM, as appropriate, consistent with the LCD.

   b. Monitoring shall involve both qualitative horticultural monitoring and quantitative monitoring (i.e., performance/success criteria). Horticultural monitoring shall focus on soil conditions (e.g., moisture and fertility), container plant health, seed germination rates, presence of native and non-native (e.g., invasive exotic) species, any significant disease or pest problems, irrigation repair and scheduling, trash removal, illegal trespass, and any erosion problems.

   c. After plant installation is complete, qualitative monitoring surveys will occur weekly during the 120-day establishment period. During Year 1, once weekly monitoring for first 2 months, followed by once every other week monitoring for months 2–6, and followed by monthly monitoring thereafter. Monitoring will occur monthly during the growing season during Years 2 through 5. Annual monitoring assessments during all 5 Years will occur throughout the rainy season and growing season.

   d. Quantitative monitoring shall include the use of transect method and photo points to determine the vegetative cover within the revegetated habitat. Collection of plot data within the revegetation/restoration site shall result in the calculation of percent

cover for each plant species present, percent cover of target vegetation, tree height and diameter at breast height (if applicable) and percent cover of non-native/non-invasive vegetation. Container plants will also be counted to determine percent survivorship. The data will be used determine attainment of performance/success criteria identified within the LCD.

e. The PQB or QBM shall oversee implementation of post-construction BMPs, such as gravel bags, straw logs, silt fences or equivalent erosion control measure, as needed to ensure prevention of any significant sediment transport. In addition, the PBQ/QBM shall be responsible to verify the removal of all temporary post-construction BMPs upon completion of construction activities. Removal of temporary post-construction BMPs shall be verified in writing on the final post-construction phase CSVR.

B. Submittal of Draft Monitoring Report

1. A draft annual monitoring letter report shall be prepared following each annual monitoring cycle. The report shall include discussion on weed control, horticultural treatments (pruning, mulching, and disease control), erosion control, trash/debris removal, replacement planting/reseeding, site protection/signage, pest management, vandalism, and irrigation maintenance.

2. The PQB shall submit two copies of the Draft Monitoring Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring. Monitoring reports shall be prepared on an annual basis for a period of five years. Site progress reports shall be prepared by the PQB following each site visit and provided to the owner, RMC and RIC. Site progress reports shall review maintenance activities, qualitative and quantitative (when appropriate) monitoring results including progress of the revegetation relative to the performance/success criteria, and the need for any remedial measures.

3. Draft annual reports (three copies) summarizing the results of each progress report including quantitative monitoring results and photographs taken from permanent viewpoints shall be submitted to MMC for review and approval within 60 days following the completion of monitoring.

4. MMC shall return the Draft Monitoring Report to the PQB for revision or, for preparation of each report.

5. The PQB shall submit revised Monitoring Report to MMC (with a copy to RE) for approval within 30 days.

6. MMC shall provide written acceptance of the PQB and RE of the approved report.

C. Final Monitoring Reports(s)

1. PQB shall prepare a Final Monitoring upon achievement of the fifth-year performance/success criteria and completion of the five-year maintenance period.

   a. This report may occur before the end of the fifth year if the revegetation meets the fifth-year performance /success criteria.

   b. The Final Monitoring report shall be submitted to MMC for evaluation of the success of the mitigation effort and final acceptance. A request for a pre-final inspection shall be submitted at this time, MMC will schedule after review of report.

   c. If at the end of the five years any of the revegetated area fails to meet the project's final success standards, the applicant must consult with MMC. This consultation shall take place to determine whether the revegetation effort is acceptable. The applicant understands that failure of any significant portion of the revegetation/restoration area may result in a requirement to replace or renegotiate that portion of the site and/or extend the monitoring and establishment/maintenance period until all success standards are met.

   d. The final success standards for the Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan are:

      - CRAM assessments would use the Vernal Pool Module (version 6.2 or most recent) and achieve the following by Year 5:
        - Vernal Pool Hydrological Regime Performance Standard:
          - The duration, periodicity, and depth of inundation for the re-established vernal pools would be considered successful if, before the end of the monitoring period, the vernal pools demonstrate hydrological patterns of duration, periodicity, and depth of inundation that fall within the range of the highest-functioning reference vernal pool.

          - Total area of inundation of the mitigation vernal pools must be equal to the area proposed in the mitigation plan during an average of above average rainfall year.

- Each re-established vernal pool must be inundated for a duration and depth that is within the range inundation observed for the reference vernal pools. Each re-established vernal pool must be inundated, during an average or above rainfall year, for a duration and depth that supports vernal pool flora and fauna.
- The average depth and duration of inundation of the re-established pools must be consistent with the average depth and duration of the reference pools.

- Biological Vernal Pool Performance Standards
  - Native species richness: at least 6
  - Endemic vernal pool species cover (percent): at least 40
  - Non-native cover (percent): Under 10, 0 California Invasive Plant Council (Cal-IPC) high or perennial species
- Endemic Vernal Pool Plant Species Richness
  - The endemic vernal pool species richness (i.e., number of native vernal pool species) value for each of the restored vernal pools is equal to or greater than the minimum value found in the reference vernal pool.
  - The average value of vernal pool species richness for all of the restored vernal pools is equal to or greater than the minimum value found in the reference vernal pools.
- Endemic Vernal Pool Vegetation Cover
  - The vernal pool endemic plant species cover of all re-established pools on average must be at least 40 percent of the average for the reference pools.
  - Vernal pool endemic species cover for each restored vernal pool must increase in each successive year based on initial quantitative monitoring, except in years of extreme drought.

  - A total of 0.03 acre of re-established vernal pool basins shall support San Diego button-celery
- Vernal Pool Non-native Cover
  - Within all the vernal pools in the mitigation sites, California Invasive Plant Council List High or perennial weed species would not be present, and the relative cover of all other non-native species would not exceed ten percent.
  - The average absolute cover of non-native species in the restored/enhanced vernal pools must be less than the average absolute cover of non-native species of the reference pools

- San Diego and Riverside Fairy Shrimp
  - Success for fairy shrimp re-introduction shall be determined by measuring the ponding of water, presence of viable cysts, hatched fairy shrimp, and gravid females, as outlined below:

    - Water measurements shall be taken annually in the re-established vernal pools to determine the depth, duration, and quality (e.g., pH, temperature, total dissolved solids, and salinity) of ponding. The re-established vernal pools shall pond for a period of time and at an appropriate depth and quality to support fairy shrimp.
    - Wet samples shall be taken annually in the re-established pools to determine the presence of hatched fairy shrimp and gravid females. Hatched fairy shrimp and gravid females shall be present in the re-established vernal pools for at least three wet seasons before a determination of success can be made.
    - Dry samples shall be taken in the re-established vernal pools to determine the presence of viable cysts in the soils. Dry sampling shall occur in the last year to verify the viable cyst presence.
- Upland Southern Maritime Succulent Scrub
  - Percent cover native shrub species: 60
  - Percent cover native herbaceous species: 50
  - Species richness: 75
  - Percent cover non-native species: less than 10, 0 Cal-IPC high or perennial species
- Quino Checkerspot Butterfly Performance Standards
  - Success for the patches of Quino checkerspot butterfly habitat would demonstrate expansion from pre-mitigation conditions and general improvement with a greater diversity and density of Quino checkerspot butterfly host and nectar species, as follows:
    - Native species richness: 7
    - Non-native cover (percent): less than 10, 0 Cal-IPC high or perennial species

PR-BIO-2: Otay Tarplant

The Owner/Permittee shall implement the Otay Tarplant/Native Grassland Mitigation Plan prepared by RECON Environmental dated August 2024 for the project prior to any ground disturbance within areas containing Otay tarplant. This mitigation plan shall be implemented prior to the issuance of the initial Phase 4 (native grassland impact) or Beyer Boulevard West (Otay tarplant impact) grading permit, whichever is issued first. Overall supervision of the installation and maintenance of this restoration effort pursuant to the performance criteria will be the responsibility of a qualified restoration specialist with at least five years of native habitat and sensitive plant species restoration experience and a four-year degree in ecology, conservation biology or a related field. The restoration effort shall ensure a 4:1 replacement of impacted Otay tarplant within a 1-acre area. Restoration shall involve seed collection from on-site Otay tarplant prior to fall rains when seeds are fully mature. Native

grassland species that co-exist well with Otay tarplant and compete with non-native weed species shall be seeded in the restoration area. Habitat restoration shall occur pursuant to the Otay Tarplant Restoration/Native Grassland Mitigation Plan to the satisfaction of the DSD's Environmental Designee (MMC), MSCP, and PQB. At the end of the five-year monitoring period, a minimum of 7,600 Otay tarplant individuals should be present within the mitigation site; however, the number of individuals expected to be present may be adjusted based on the results of the pre-construction survey. The qualified restoration specialist shall submit annual reports assessing the success of the Otay tarplant restoration effort as detailed in Section 6.1 of the Otay Tarplant/Native Grassland Mitigation Plan. The restoration effort shall continue until receipt of sign-off from the DSD's Environmental Designee (MMC), MSCP, and PQB.

The Owner/Permittee shall provide funding to the City to manage the lands associated with this mitigation plan consistent with Section 1.5, Preserve Management of the City's MSCP Subarea Plan and/or Section 5.3.2 and Chapter 7 of the VPHCP, as appropriate. Prior to issuance of the grading permit for Phase 4 or Beyer Boulevard West, whichever is issued first, the Owner/Permittee shall submit a Property Analysis Record (PAR) or equivalent funding estimate for the establishment of an endowment to generate in-perpetuity habitat management funds for management of the Otay tarplant/native grassland mitigation land consistent with the City's MHPA management standards. The PAR amount and long-term funding mechanism is subject to City and Wildlife Agencies' approval.

As detailed in the Otay Tarplant/Native Grassland Mitigation Plan, the project shall require the following:

I. Prior to Permit Issuance

A. LDR Plan Check

1. Prior to NTP or issuance for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, whichever is applicable; the ADD environmental designee shall verify that the requirements for the revegetation/restoration plans and specifications, including mitigation of Otay tarplant within a 1-acre area has been shown and noted on the appropriate landscape construction documents. The LCDs and specifications must be found to be in conformance with the Otay Tarplant and Native Grassland Mitigation Plan, the requirements of which are summarized below.

B. Revegetation/Restoration Plan(s) and Specifications

1. LCDs shall be prepared on D-sheets and submitted to the City of San Diego Development Services Department, LAS for review and approval. LAS shall consult with MMC and obtain concurrence prior to approval of LCD. The LCD shall consist of revegetation/restoration, planting, irrigation

and erosion control plans; including all required graphics, notes, details, specifications, letters, and reports as outlined below.

2. Landscape Revegetation/Restoration Planting and Irrigation Plans shall be prepared in accordance with the San Diego LDC Chapter 14, Article 2, Division 4, the LDC Landscape Standards submittal requirements, and Attachment "B" (General Outline for Revegetation/Restoration Plans) of the City of San Diego's LDC Biology Guidelines (2018). The PQB shall identify and adequately document all pertinent information concerning the revegetation/restoration goals and requirements, such as but not limited to, plant/seed palettes, timing of installation, plant installation specifications, method of watering, protection of adjacent habitat, erosion and sediment control, performance/success criteria, inspection schedule by City staff, document submittals, reporting schedule, etc. The LCD shall also include comprehensive graphics and notes addressing the ongoing maintenance requirements (after final acceptance by the City).

3. The RIC, RMC, CM and GC, where applicable, shall be responsible to ensure that for all grading and contouring, clearing and grubbing, installation of plant materials, and any necessary maintenance activities or remedial actions required during installation and the 120-day plant establishment period are done per approved LCD. The following procedures at a minimum, but not limited to, shall be performed:

    a. The RMC shall be responsible for the maintenance of the wetland mitigation area for a minimum period of 120 days. Maintenance visits shall be conducted as needed throughout the plant establishment period.

    b. At the end of the 120-day period the PQB shall review the mitigation area to assess the completion of the short-term plant establishment period and submit a report for approval by MMC.

    c. MMC shall provide approval in writing to begin the five-year long-term establishment/maintenance and monitoring program.

    d. Existing indigenous/native species shall not be pruned, thinned or cleared in the revegetation/mitigation area.

    e. The revegetation site shall not be fertilized unless otherwise approved by MMC and at the direction of the PQB. For example, slow release fertilizer application is typically acceptable to container plantings if the planting area is sterile, exposed subsoil, or fill.

    f. The RIC is responsible for reseeding (if applicable) if weeds are not removed, within one week of written recommendation by the PQB.

g. Weed control measures shall include the following:

(1) hand removal,

(2) cutting, with power equipment, and

(3) chemical control. Hand removal of weeds is the most desirable method of control and will be used wherever possible.

h. Damaged areas shall be repaired immediately by the RIC/RMC. Insect infestations, plant diseases, herbivory, and other pest problems will be closely monitored throughout the five-year maintenance period. Protective mechanisms such as metal wire netting shall be used, as necessary. Diseased and infected plants shall be immediately disposed of offsite in a legally acceptable manner at the discretion of the PQB or QBM (City approved). Where possible, biological controls will be used instead of pesticides and herbicides.

C. Letters of Qualification Have Been Submitted to ADD

1. The applicant shall submit, for approval, a letter verifying the qualifications of the biological professional to MMC. This letter shall identify the PQB, PRS, and QBM, where applicable, and the names of all other persons involved in the implementation of the revegetation/restoration plan and biological monitoring program, as they are defined in the City of San Diego Biological Review References. Resumes and the biology worksheet shall be updated annually.

2. MMC shall provide a letter to the applicant confirming the qualifications of the PQB/PRS/QBM and all City Approved persons involved in the revegetation/restoration plan and biological monitoring of the project.

3. Prior to the start of work and throughout implementation, the applicant must obtain approval from MMC for any personnel changes associated with the revegetation/restoration plan and biological monitoring of the project.

4. PBQ shall also submit evidence to MMC that the PQB/QBM has completed Storm Water Pollution Prevention Program (SWPPP) training.

II. Prior to Start of Construction

A. PQB/PRS Shall Attend Preconstruction (Precon) Meetings

1. Prior to beginning any work that requires monitoring:

   a. The Owner/Permittee or their authorized representative shall arrange and perform a Precon Meeting that shall include the PQB or PRS, CM and/or GC, LA, RIC, RMC, RE, BI, if appropriate, and MMC.

   b. The PQB shall also attend any other grading/excavation related Precon Meetings to make comments and/or suggestions concerning the revegetation/restoration plan(s) and specifications with the RIC, CM and/or GC.

   c. If the PQB is unable to attend the Precon Meeting, the owner shall schedule a focused Precon Meeting with MMC, PQB/PRS, CM, BI, LA, RIC, RMC, RE and/or BI, if appropriate, prior to the start of any work associated with the revegetation/ restoration phase of the project, including site grading preparation.

2. Where Revegetation/Restoration Work Will Occur

   a. Prior to the start of any work, the PQB/PRS shall also submit a RRME based on the appropriate reduced LCD (reduced to 11x17 format) to MMC, and the RE, identifying the areas to be revegetated/restored including the delineation of the limits of any disturbance/grading and any excavation.

   b. PQB shall coordinate with the construction superintendent to identify appropriate BMPs on the RRME.

3. When Biological Monitoring Will Occur

   a. Prior to the start of any work, the PQB/PRS shall also submit a monitoring procedures schedule to MMC and the RE indicating when and where biological monitoring and related activities will occur.

4. PQB Shall Contact MMC to Request Modification

   a. The PQB may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the revegetation/restoration plans and specifications. This request shall be based on relevant information (such as other sensitive species not listed by federal and/or state agencies and/or not covered by the MSCP and to which any impacts may be considered significant under CEQA) which may reduce or increase the potential for biological resources to be present.

5. 120-day Plant Establishment Period (PEP)

    a. Upon completion of the 120-day Plant Establishment Period (PEP), the PQB shall prepare a summary documenting PEP completion and submit it consistent with the reporting procedures outlined in Section IV. The revegetation/restoration effort shall be visually assessed at the end of 120-day period to determine mortality of individuals.

III. During Construction

A. PQB or QBM Present During Construction/Grading/Planting

1. The PQB or QBM shall be present full-time during construction activities including but not limited to, site preparation, cleaning, grading, excavation, landscape establishment in association with work-limits demarcation, clearing/grubbing, and grading which could result in impacts to sensitive biological resources as identified in the LCD and on the RRME. The RIC and/or QBM are responsible for notifying the PQB/PRS of changes to any approved construction plans, procedures, and/or activities. The PQB/PRS is responsible to notify the CM, LA, RE, BI and MMC of the changes.

2. The PQB or QBM shall document field activity via the CSVR. The CSVRs shall be faxed or emailed by the CM, PQB, or QBM to the RE the first day of monitoring, the last day of monitoring, monthly, and in the event that there is a deviation from conditions identified within the LCD and/or biological monitoring program. The RE shall forward copies to MMC.

3. The PQB or QBM shall be responsible for maintaining and submitting the CSVR at the time that CM responsibilities end (i.e., upon the completion of construction activity other than that of associated with biology).

4. All construction activities (including staging areas) shall be restricted to the development areas as shown on the LCD. The PQB/PRS or QBM staff shall monitor construction activities as needed, with MMC concurrence on method and schedule. This is to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved LCD.

5. The PQB or QBM shall supervise the placement of orange construction fencing or City approved equivalent, along the limits of potential disturbance adjacent to (or at the edge of) all sensitive habitats (i.e., southern riparian woodland, southern willow scrub, Diegan coastal sage scrub, baccharis scrub, coastal sage-chaparral transition, chamise chaparral, southern mixed chaparral, non-native grassland), as shown on the approved LCD.

6. The PBQ shall provide a letter to MMC that limits of potential disturbance has been surveyed, staked and that the construction fencing is installed properly.

7. The PQB or QBM shall oversee implementation of BMPs, such as gravel bags, straw logs, silt fences or equivalent erosion control measures, as needed to ensure prevention of any significant sediment transport. In addition, the PQB/QBM shall be responsible to verify the removal of all temporary construction BMPs upon completion of construction activities. Removal of temporary construction BMPs shall be verified in writing on the final construction phase CSVR.

8. PQB shall verify in writing on the CSVRs that no trash stockpiling or oil dumping, fueling of equipment, storage of hazardous wastes or construction equipment/material, parking or other construction related activities shall occur adjacent to sensitive habitat. These activities shall occur only within the designated staging area located outside the area defined as biological sensitive area.

9. The long-term establishment inspection and reporting schedule per LCD must all be approved by MMC prior to the issuance of the NOC or any bond release.

B. Disturbance/Discovery Notification Process

1. If unauthorized disturbances occur or sensitive biological resources are discovered that were not previously identified on the LCD and/or RRME, the PQB or QBM shall direct the contractor to temporarily divert construction in the area of disturbance or discovery and immediately notify the RE or BI, as appropriate.

2. The PQB shall also immediately notify MMC by telephone or email of the disturbance and report the nature and extent of the disturbance and recommend the method of additional protection, such as fencing and appropriate BMPs. After obtaining concurrence with MMC and the RE, PQB and CM shall install the approved protection and agreement on BMPs.

3. The PQB shall also submit written documentation of the disturbance to MMC within 24 hours by fax or email with photos of the resource in context (e.g., show adjacent vegetation).

C. Determination of Significance

1. The PQB shall evaluate the significance of disturbance and/or discovered biological resource and provide a detailed analysis and recommendation in a letter report with the appropriate photo documentation to MMC to

obtain concurrence and formulate a plan of action which can include fines, fees, and supplemental mitigation costs.

2. MMC shall review this letter report and provide the RE with MMC's recommendations and procedures.

IV. Post Construction

A. Mitigation Monitoring and Reporting Period

1. Five-Year Mitigation Establishment/Maintenance Period

a. The RMC shall be retained to complete maintenance monitoring activities throughout the five-year mitigation monitoring period.

b. Maintenance visits will be conducted as needed for the first 120 days (i.e., Establishment Period). Subsequently during Year 1 through Year 2, maintenance visits will occur once per month. Maintenance visits will occur 5 to 6 times in Year 3, 4 to 5 times in Year 4, and 4 times in Year 5.

c. Maintenance activities will include all items described in the LCD.

d. Plant replacement will be conducted as recommended by the PQB (note: plants shall be increased in container size relative to the time of initial installation or establishment or maintenance period may be extended to the satisfaction of MMC.

2. Five-Year Biological Monitoring

a. All biological monitoring and reporting shall be conducted by a PQB or QBM, as appropriate, consistent with the LCD.

b. Monitoring shall involve both qualitative horticultural monitoring and quantitative monitoring (i.e., performance/success criteria). Horticultural monitoring shall focus on soil conditions (e.g., moisture and fertility), container plant health, seed germination rates, presence of native and non-native (e.g., invasive exotic) species, any significant disease or pest problems, irrigation repair and scheduling, trash removal, illegal trespass, and any erosion problems.

c. After plant installation is complete, qualitative monitoring surveys will occur as needed during the 120-day establishment period. During Year 1 and Year 2, monitoring will occur other week during the Otay tarplant growing/blooming season (January – June). Monitoring will occur monthly during Years 3 through 5. Annual monitoring assessments during all 5 Years will occur in the spring.

d. All plant material must have survived without supplemental irrigation for the last two years of the five-year monitoring period.

e. Quantitative monitoring shall include the use of transect method and photo points to determine the vegetative cover within the revegetated habitat. Collection of plot data within the revegetation/restoration site shall result in the calculation of percent cover for each plant species present, percent cover of target vegetation, tree height and diameter at breast height (if applicable) and percent cover of non-native/non-invasive vegetation. Container plants will also be counted to determine percent survivorship. The data will be used determine attainment of performance/success criteria identified within the LCD.

g. The PQB or QBM shall oversee implementation of post-construction BMPs, such as gravel bags, straw logs, silt fences or equivalent erosion control measure, as needed to ensure prevention of any significant sediment transport. In addition, the PBQ/QBM shall be responsible to verify the removal of all temporary post-construction BMPs upon completion of construction activities. Removal of temporary post-construction BMPs shall be verified in writing on the final post-construction phase CSVR.

B. Submittal of Draft Monitoring Report

1. A draft annual monitoring letter report shall be prepared following each annual monitoring cycle. The report shall include discussion on weed control, horticultural treatments (pruning, mulching, and disease control), erosion control, trash/debris removal, replacement planting/reseeding, site protection/signage, pest management, vandalism, and irrigation maintenance.

2. The PQB shall submit two copies of the Draft Monitoring Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring. Monitoring reports shall be prepared on an annual basis for a period of five years. Site progress reports shall be prepared by the PQB following each site visit and provided to the owner, RMC and RIC. Site progress reports shall review maintenance activities, qualitative and quantitative (when appropriate) monitoring results including progress of the revegetation relative to the performance/success criteria, and the need for any remedial measures.

3. Draft annual reports (three copies) summarizing the results of each progress report including quantitative monitoring results and photographs taken from permanent viewpoints shall be submitted to

MMC for review and approval within 60 days following the completion of monitoring.

4. MMC shall return the Draft Monitoring Report to the PQB for revision or, for preparation of each report.

5. The PQB shall submit revised Monitoring Report to MMC (with a copy to RE) for approval within 30 days.

6. MMC shall provide written acceptance of the PQB and RE of the approved report.

C. Final Monitoring Reports(s)

1. PQB shall prepare a Final Monitoring upon achievement of the fifth-year performance/success criteria and completion of the five-year maintenance period.

   a. This report may occur before the end of the fifth year if the revegetation meets the fifth-year performance /success criteria and the irrigation has been terminated for a period of the last two years.

   b. The Final Monitoring report shall be submitted to MMC for evaluation of the success of the mitigation effort and final acceptance. A request for a pre-final inspection shall be submitted at this time, MMC will schedule after review of report.

   c. If at the end of the five years any of the revegetated area fails to meet the project's final success standards, the applicant must consult with MMC. This consultation shall take place to determine whether the revegetation effort is acceptable. The applicant understands that failure of any significant portion of the revegetation/restoration area may result in a requirement to replace or renegotiate that portion of the site and/or extend the monitoring and establishment/maintenance period until all success standards are met.

   d. The final success standards for the Otay Tarplant/Native Grassland Mitigation Plan are:

      - Otay Tarplant
        - At the end of the five-year monitoring period, a minimum of 7,600 Otay tarplant individuals should be present within the mitigation site; however, the number of individuals expected to be present may be adjusted based on the results of the pre-construction survey.
      - Native Grassland

- Percent cover – total native species (minimum): 60
- Percent cover – native grass species (minimum): 20
- Native species richness: 8
- Percent cover – non-native species (maximum): 40, 0 Cal-IPC high or perennial species

PR-BIO-3: San Diego Barrel Cactus and Snake Cholla

The Owner/Permittee shall have a qualified restoration specialist conduct pre-construction survey prior to any ground disturbance within areas containing San Diego barrel cactus and snake cholla (Phase 1, 2, 4, and Beyer Boulevard West extension) to identify and salvage all San Diego barrel cactus and snake cholla present within the phase boundaries for transplantation within either the proposed vernal pool preserve area as detailed in the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan required by PR-BIO-1, PR-BIO-16a, and PR-BIO-16b or the Coastal Cactus Wren restoration area as detailed in the Coastal Cactus Wren Mitigation Plan required by PR-BIO-11 for the project prior to any ground disturbance within areas containing San Diego barrel cactus and snake cholla. The Owner/Permittee will initiate the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan prior to the issuance of the first grading permit for Phase 1 and will implement the Coastal Cactus Wren Mitigation Plan prior to the issuance of the Beyer Boulevard West grading permit. The final location for translocation of salvaged individuals will be made by the qualified restoration specialist based on timing, species salvaged, and best placement to ensure survival of the translocated individuals, in accordance with the two mitigation plans. A qualified restoration specialist shall be on-site as needed during project activities. Overall supervision of the installation and maintenance of this restoration effort will be the responsibility of a qualified restoration specialist with a minimum of five years of vernal pool restoration experience in coastal southern California and a four-year degree in ecology, conservation biology or a related field. The restoration effort shall require a maintenance contractor that has been approved by the City to salvage any San Diego barrel cactus and snake cholla within the impact areas and translocate them to the proposed vernal pool preserve (within upland areas around vernal pools), as detailed in the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan, and translocation to the Coastal Cactus Wren restoration area as detailed in the Coastal Cactus Wren Mitigation Plan. Individual barrel cactus and snake cholla would be replaced at a 1:1 ratio. Habitat restoration shall occur pursuant to the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan and the Coastal Cactus Wren Mitigation Plan. The qualified restoration specialist shall submit annual reports assessing the success of the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan effort as detailed in said plan and the success of the Coastal Cactus Wren Mitigation Plan effort as detailed in Section 6.0 of said plan to the satisfaction of the DSD's Environmental Designee (MMC), MSCP, and PQB.

Requirements and final success standards of the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan are detailed in PR-BIO-1 (see VI.C.1.d.).

The Owner/Permittee will provide funding to the City to manage the lands associated with this mitigation measure consistent with Section 1.5, Preserve Management of the City's MSCP Subarea Plan and/or Section 5.3.2 and Chapter 7 of the VPHCP, as appropriate. Prior to issuance of the grading permit for Phase 4 or Beyer Boulevard West, whichever is issued first, the Owner/Permittee shall submit a Property Analysis Record (PAR) or equivalent funding estimate for the establishment of an endowment to generate in-perpetuity habitat management funds for management of the Otay tarplant/native grassland and coastal cactus wren mitigation land consistent with the City's MHPA management standards. The PAR amount and long-term funding mechanism is subject to City and Wildlife Agencies' approval.

Implementation of the Coastal Cactus Wren Mitigation Plan will require the following:

I. Prior to Permit Issuance

A. Land Development Review (LDR) Plan Check

1. Prior to NTP or issuance for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, whichever is applicable, the ADD environmental designee shall verify that the requirements for the revegetation/restoration plans and specifications, including mitigation of 1.09 acres of coastal cactus wren habitat has been shown and noted on the appropriate landscape construction documents. LCDs and specifications must be found to be in conformance with the Coastal Cactus Wren Mitigation Plan, the requirements of which are summarized below.

B. Revegetation/Restoration Plan(s) and Specifications

1. LCDs shall be prepared on D-sheets and submitted to the City of San Diego Development Services Department, LAS for review and approval. LAS shall consult with MMC and obtain concurrence prior to approval of LCD. The LCD shall consist of revegetation/restoration, planting, irrigation and erosion control plans; including all required graphics, notes, details, specifications, letters, and reports as outlined below.

2. Landscape Revegetation/Restoration Planting and Irrigation Plans shall be prepared in accordance with the San Diego LDC Chapter 14, Article 2, Division 4, the LDC Landscape Standards submittal requirements, and Attachment "B" (General Outline for Revegetation/Restoration Plans) of the City of San Diego's LDC Biology Guidelines (2018). The PQB shall identify and adequately document all pertinent information concerning the revegetation/restoration goals and requirements, such as but not limited to, plant/seed palettes, timing of installation, plant installation specifications, method of watering, protection of adjacent habitat, erosion and sediment control, performance/success criteria, inspection

schedule by City staff, document submittals, reporting schedule, etc. The LCD shall also include comprehensive graphics and notes addressing the ongoing maintenance requirements (after final acceptance by the City).

3. The RIC, RMC, CM and GC, where applicable, shall be responsible to ensure that for all grading and contouring, clearing and grubbing, installation of plant materials, and any necessary maintenance activities or remedial actions required during installation and the 120-day plant establishment period are done per approved LCD. The following procedures at a minimum, but not limited to, shall be performed:

    a. The RMC shall be responsible for the maintenance of the wetland mitigation area for a minimum period of 120 days. Maintenance visits shall be conducted as needed throughout the plant establishment period.

    b. At the end of the 120-day period the PQB shall review the mitigation area to assess the completion of the short-term plant establishment period and submit a report for approval by MMC.

    c. MMC shall provide approval in writing to begin the five-year long-term establishment/maintenance and monitoring program.

    d. Existing indigenous/native species shall not be pruned, thinned or cleared in the revegetation/mitigation area.

    e. The revegetation site shall not be fertilized unless otherwise approved by MMC and at the direction of the PQB. For example, slow release fertilizer application is typically acceptable to container plantings if the planting area is sterile, exposed subsoil, or fill.

    f. The RIC is responsible for reseeding (if applicable) if weeds are not removed, within one week of written recommendation by the PQB.

    g. Weed control measures shall include the following:

        (1) hand removal,

        (2) cutting, with power equipment, and

        (3) chemical control. Hand removal of weeds is the most desirable method of control and will be used wherever possible.

    h. Damaged areas shall be repaired immediately by the RIC/RMC. Insect infestations, plant diseases, herbivory, and other pest problems will be closely monitored throughout the five-year maintenance period. Protective mechanisms such as metal wire netting shall be used, as necessary. Diseased and infected plants shall be immediately

disposed of off-site in a legally acceptable manner at the discretion of the PQB or QBM (City approved). Where possible, biological controls will be used instead of pesticides and herbicides.

C. Letters of Qualification Have Been Submitted to ADD

1. The applicant shall submit, for approval, a letter verifying the qualifications of the biological professional to MMC. This letter shall identify the PQB, PRS, and QBM, where applicable, and the names of all other persons involved in the implementation of the revegetation/restoration plan and biological monitoring program, as they are defined in the City of San Diego Biological Review References. Resumes and the biology worksheet shall be updated annually.

2. MMC shall provide a letter to the applicant confirming the qualifications of the PQB/PRS/QBM and all City Approved persons involved in the revegetation/restoration plan and biological monitoring of the project.

3. Prior to the start of work and throughout implementation, the applicant must obtain approval from MMC for any personnel changes associated with the revegetation/restoration plan and biological monitoring of the project.

4. PBQ shall also submit evidence to MMC that the PQB/QBM has completed SWPPP training.

II. Prior to Start of Construction

A. PQB/PRS Shall Attend Preconstruction (Precon) Meetings

1. Prior to beginning any work that requires monitoring:

a. The Owner/Permittee or their authorized representative shall arrange and perform a Precon Meeting that shall include the PQB or PRS, CM and/or GC, LA, RIC, RMC, RE, BI, if appropriate, and MMC.

b. The PQB shall also attend any other grading/excavation related Precon Meetings to make comments and/or suggestions concerning the revegetation/restoration plan(s) and specifications with the RIC, CM and/or GC.

c. If the PQB is unable to attend the Precon Meeting, the owner shall schedule a focused Precon Meeting with MMC, PQB/PRS, CM, BI, LA, RIC, RMC, RE and/or BI, if appropriate, prior to the start of any work associated with the revegetation/ restoration phase of the project, including site grading preparation.

2. Where Revegetation/Restoration Work Will Occur

    a. Prior to the start of any work, the PQB/PRS shall also submit a RRME based on the appropriate reduced LCD (reduced to 11x17 format) to MMC, and the RE, identifying the areas to be revegetated/restored including the delineation of the limits of any disturbance/grading and any excavation.

    b. PQB shall coordinate with the construction superintendent to identify appropriate BMPs on the RRME.

3. When Biological Monitoring Will Occur

    a. Prior to the start of any work, the PQB/PRS shall also submit a monitoring procedures schedule to MMC and the RE indicating when and where biological monitoring and related activities will occur.

4. PQB Shall Contact MMC to Request Modification

    a. The PQB may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the revegetation/restoration plans and specifications. This request shall be based on relevant information (such as other sensitive species not listed by federal and/or state agencies and/or not covered by the MSCP and to which any impacts may be considered significant under CEQA) which may reduce or increase the potential for biological resources to be present.

5. 120-day Plant Establishment Period (PEP)

    a. Upon completion of the 120-day Plant Establishment Period (PEP), the PQB shall prepare a summary documenting PEP completion and submit it consistent with the reporting procedures outlined in Section IV. The revegetation/restoration effort shall be visually assessed at the end of 120-day period to determine mortality of individuals.

III. During Construction

A. PQB or QBM Present During Construction/Grading/Planting

1. The PQB or QBM shall be present full-time during construction activities including but not limited to, site preparation, cleaning, grading, excavation, landscape establishment in association with work-limits demarcation, clearing/grubbing, and grading which could result in impacts to sensitive biological resources as identified in the LCD and on the RRME. The RIC and/or QBM are responsible for notifying the PQB/PRS of changes to any approved construction plans, procedures, and/or

activities. The PQB/PRS is responsible to notify the CM, LA, RE, BI and MMC of the changes.

2. The PQB or QBM shall document field activity via the CSVR. The CSVRs shall be faxed or emailed by the CM, PQB, or QBM to the RE the first day of monitoring, the last day of monitoring, monthly, and in the event that there is a deviation from conditions identified within the LCD and/or biological monitoring program. The RE shall forward copies to MMC.

3. The PQB or QBM shall be responsible for maintaining and submitting the CSVR at the time that CM responsibilities end (i.e., upon the completion of construction activity other than that of associated with biology).

4. All construction activities (including staging areas) shall be restricted to the development areas as shown on the LCD. The PQB/PRS or QBM staff shall monitor construction activities as needed, with MMC concurrence on method and schedule. This is to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved LCD.

5. The PQB or QBM shall supervise the placement of orange construction fencing or City approved equivalent, along the limits of potential disturbance adjacent to (or at the edge of) all sensitive habitats (i.e., southern riparian woodland, southern willow scrub, Diegan coastal sage scrub, baccharis scrub, coastal sage-chaparral transition, chamise chaparral, southern mixed chaparral, non-native grassland), as shown on the approved LCD.

6. The PQB shall provide a letter to MMC that limits of potential disturbance has been surveyed, staked and that the construction fencing is installed properly.

7. The PQB or QBM shall oversee implementation of BMPs, such as gravel bags, straw logs, silt fences or equivalent erosion control measures, as needed to ensure prevention of any significant sediment transport. In addition, the PQB/QBM shall be responsible to verify the removal of all temporary construction BMPs upon completion of construction activities. Removal of temporary construction BMPs shall be verified in writing on the final construction phase CSVR.

8. PQB shall verify in writing on the CSVRs that no trash stockpiling or oil dumping, fueling of equipment, storage of hazardous wastes or construction equipment/material, parking or other construction related activities shall occur adjacent to sensitive habitat. These activities shall occur only within the designated staging area located outside the area defined as biological sensitive area.

9. The long-term establishment inspection and reporting schedule per LCD must all be approved by MMC prior to the issuance of the NOC or any bond release.

B. Disturbance/Discovery Notification Process

1. If unauthorized disturbances occur or sensitive biological resources are discovered that were not previously identified on the LCD and/or RRME, the PQB or QBM shall direct the contractor to temporarily divert construction in the area of disturbance or discovery and immediately notify the RE or BI, as appropriate.

2. The PQB shall also immediately notify MMC by telephone or email of the disturbance and report the nature and extent of the disturbance and recommend the method of additional protection, such as fencing and appropriate BMPs. After obtaining concurrence with MMC and the RE, PQB and CM shall install the approved protection and agreement on BMPs.

3. The PQB shall also submit written documentation of the disturbance to MMC within 24 hours by fax or email with photos of the resource in context (e.g., show adjacent vegetation).

C. Determination of Significance

1. The PQB shall evaluate the significance of disturbance and/or discovered biological resource and provide a detailed analysis and recommendation in a letter report with the appropriate photo documentation to MMC to obtain concurrence and formulate a plan of action which can include fines, fees, and supplemental mitigation costs.

2. MMC shall review this letter report and provide the RE with MMC's recommendations and procedures.

IV. Post Construction

A. Mitigation Monitoring and Reporting Period

1. Five-Year Mitigation Establishment/Maintenance Period

a. The RMC shall be retained to complete maintenance monitoring activities throughout the five-year mitigation monitoring period.

b. Maintenance visits will be conducted as needed for the first 120 days (i.e., Establishment Period). Subsequently during Year 1 through Year 2, maintenance visits will occur once per month. Maintenance visits will occur 5 to 6 times in Year 3, 4 to 5 times in Year 4, and 4 times in Year 5.

c. Maintenance activities will include all items described in the LCD.

d. Plant replacement will be conducted as recommended by the PQB (note: plants shall be increased in container size relative to the time of initial installation or establishment or maintenance period may be extended to the satisfaction of MMC.

2. Five-Year Biological Monitoring

a. All biological monitoring and reporting shall be conducted by a PQB or QBM, as appropriate, consistent with the LCD.

b. Monitoring shall involve both qualitative horticultural monitoring and quantitative monitoring (i.e., performance/success criteria). Horticultural monitoring shall focus on soil conditions (e.g., moisture and fertility), container plant health, seed germination rates, presence of native and non-native (e.g., invasive exotic) species, any significant disease or pest problems, irrigation repair and scheduling, trash removal, illegal trespass, and any erosion problems.

c. After plant installation is complete, qualitative monitoring surveys will occur as needed during the 120-day establishment period. During Year 1 through Year 5, monitoring will occur monthly. Annual monitoring assessments during all 5 Years will occur in the spring.

d. All plant material must have survived without supplemental irrigation for the last three years of the five-year monitoring period.

e. Quantitative monitoring shall include the use of transect method and photo points to determine the vegetative cover within the revegetated habitat. Collection of plot data within the revegetation/restoration site shall result in the calculation of percent cover for each plant species present, percent cover of target vegetation, tree height and diameter at breast height (if applicable) and percent cover of non-native/non-invasive vegetation. Container plants will also be counted to determine percent survivorship. The data will be used determine attainment of performance/success criteria identified within the LCD.

f. The PQB or QBM shall oversee implementation of post-construction BMPs, such as gravel bags, straw logs, silt fences or equivalent erosion control measure, as needed to ensure prevention of any significant sediment transport. In addition, the PBQ/QBM shall be responsible to verify the removal of all temporary post-construction BMPs upon completion of construction activities. Removal of temporary post-construction BMPs shall be verified in writing on the final post-construction phase CSVR.

B. Submittal of Draft Monitoring Report

1. A draft annual monitoring letter report shall be prepared following each annual monitoring cycle. The report shall include discussion on weed control, horticultural treatments (pruning, mulching, and disease control), erosion control, trash/debris removal, replacement planting/reseeding, site protection/signage, pest management, vandalism, and irrigation maintenance.

2. The PQB shall submit two copies of the Draft Monitoring Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring. Monitoring reports shall be prepared on an annual basis for a period of five years. Site progress reports shall be prepared by the PQB following each site visit and provided to the owner, RMC and RIC. Site progress reports shall review maintenance activities, qualitative and quantitative (when appropriate) monitoring results including progress of the revegetation relative to the performance/success criteria, and the need for any remedial measures.

3. Draft annual reports (three copies) summarizing the results of each progress report including quantitative monitoring results and photographs taken from permanent viewpoints shall be submitted to MMC for review and approval within 60 days following the completion of monitoring.

4. MMC shall return the Draft Monitoring Report to the PQB for revision or, for preparation of each report.

5. The PQB shall submit revised Monitoring Report to MMC (with a copy to RE) for approval within 30 days.

6. MMC shall provide written acceptance of the PQB and RE of the approved report.

C. Final Monitoring Reports(s)

1. PQB shall prepare a Final Monitoring upon achievement of the fifth-year performance/success criteria and completion of the five-year maintenance period.

    a. This report may occur before the end of the fifth year if the revegetation meets the fifth-year performance /success criteria and the irrigation has been terminated for a period of the last two years.

b. The Final Monitoring report shall be submitted to MMC for evaluation of the success of the mitigation effort and final acceptance. A request for a pre-final inspection shall be submitted at this time, MMC will schedule after review of report.

c. If at the end of the five years any of the revegetated area fails to meet the project's final success standards, the applicant must consult with MMC. This consultation shall take place to determine whether the revegetation effort is acceptable. The applicant understands that failure of any significant portion of the revegetation/restoration area may result in a requirement to replace or renegotiate that portion of the site and/or extend the monitoring and establishment/maintenance period until all success standards are met.

d. The final success standards for the Coastal Cactus Wren Mitigation Plan are:

- Percent cover – coast cholla: 50
- Percent cover – native herbaceous species: 20
- Species richness: 12
- Percent cover – non-native vegetation: 10, 0 Cal-IPC high or perennial species

PR-BIO-4: Thread-leaved Brodiaea

The Owner/Permittee shall obtain a qualified biologist (i.e., a professional with a minimum of five years of rare plant survey experience in southern California and a four-year degree in ecology, conservation biology, or a related degree field) that has been approved by the City to conduct a focused rare plant survey in the spring prior to the start of construction to verify the presence of thread-leaved brodiaea as it has a moderate potential to occur on-site but was not previously detected during biological surveys. If no thread-leaved brodiaea are detected, no additional measures shall be required. If the species is detected, a qualified biologist that has been approved by the City will flag or fence any thread-leaved brodiaea that occur within the temporary and permanent impact areas before initiation of construction activities for the project to the satisfaction of the DSD's Environmental Designee (MMC), MSCP, and PQB. Thread-leaved brodiaea will be avoided to the maximum extent feasible within temporary impact areas. Any individuals that cannot be avoided will be salvaged by a maintenance contractor for transplant and incorporated into the Final Vernal Pool/Quino Checkerspot Restoration area. Habitat restoration shall occur pursuant to the Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan and Coastal Cactus Wren Mitigation Plan to the satisfaction of the DSD's Environmental Designee (MMC), MSCP, and PQB.

Requirements and final success standards of the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan are detailed in PR-BIO-1 and requirements and final success standards of the Coastal Cactus Wren Mitigation Plan are detailed in PR-BIO-3.

PR-BIO-5: Quino Checkerspot Butterfly

The Owner/Permittee shall implement the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan required by PR-BIO-1, PR-BIO-16a, and PR-BIO-16b before any ground disturbance within areas containing Quino Checkerspot Butterfly host or nectar plants for project impacts to 0.93 acre of suitable Quino checkerspot butterfly habitat. Mitigation for Quino checkerspot butterfly shall involve restoration of host plant and nectar plant patches within the vernal pool restoration areas, including preservation and enhancement of 0.96 acre of existing suitable habitat, and restoration/creation of a 0.93-acre area of Quino checkerspot butterfly habitat for a total of 1.89 acres of Quino checkerspot butterfly habitat preservation, enhancement and creation and preservation. A qualified restoration specialist (i.e., a professional with a minimum of five years of restoration experience in southern California and a four-year degree in ecology, conservation biology, or a related degree field) shall be on-site as needed during project activities. Permit authority would either be through formal consultation through the Federal Endangered Species Act (FESA) Section 7, coordination through FESA Section 10, or inclusion within the VPHCP Major Amendment to confirm adequate mitigation for direct impacts to Quino checkerspot butterfly habitats. Habitat restoration shall occur pursuant to the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan to the satisfaction of the DSD's Environmental Designee (MMC), MSCP, and PQB. Requirements of the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan are detailed in PR-BIO-1, PR-BIO-16a, and PR-BIO-16b. The qualified restoration specialist shall submit annual reports assessing the success of the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan effort as detailed in said plan. Final success standards of the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan are detailed in PR-BIO-1 (see IV.C.1.d.).

PR-BIO-6: San Diego and Riverside Fairy Shrimp

The Owner/Permittee shall implement the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan prior to any ground disturbance within areas containing vernal pools. Mitigation is required for direct impacts to 0.94-acre ponding basins containing San Diego Fairy Shrimp, 0.13 acre of indirect impacts to ponding basins containing San Diego Fairy Shrimp, and 0.20-acre of ponding basins containing San Diego and Riverside fairy shrimp. Mitigation for direct and indirect impacts to San Diego and Riverside fairy shrimp species shall be addressed through a 2:1 inoculation of vernal pool surface area, consistent with the requirements of the City's Biology Guidelines for mitigating vernal pools with fairy shrimp. A total of 3.86 acres of re-established vernal pools shall be inoculated with both shrimp species, exceeding the 2:1 mitigation obligation. A qualified restoration specialist (i.e., a

professional with a minimum of five years of restoration experience in southern California and a four-year degree in ecology, conservation biology, or a related degree field) shall be on-site as needed during project activities. Habitat restoration shall occur pursuant to the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan to the satisfaction of the DSD's Environmental Designee (MMC), MSCP, and PQB. Requirements of the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan are detailed in PR-BIO-1, PR-BIO-16a, and PR-BIO-16b. The qualified restoration specialist shall submit annual reports assessing the success of the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan effort as detailed in said plan. Final success standards of the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan are detailed in PR-BIO-1 (see IV.C.1.d).

PR-BIO-7a: Least Bell's Vireo Breeding Season Avoidance – Construction

LEAST BELL'S VIREO (State Endangered/Federally Endangered)

Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur within least Bell's vireo suitable habitat areas 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 City Manager:

A. A qualified biologist (i.e., a professional with a minimum of five years of biological survey experience in southern California and a four-year degree in ecology, conservation biology, or a related degree field) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 dB(A) hourly average for the presence of the least Bell's vireo. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of construction. If the least Bell's vireo is present, then the following conditions must be met:

    1. 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

    2. 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 or habitat. An analysis showing that noise generated by construction activities will not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or

registration with monitoring noise level experience with listed animal species) and approved by the city manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of 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

3. 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 City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

B. If least Bell's vireo are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the city manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:

   1. 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. 3 shall be adhered to as specified above.

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

PR-BIO-7b: Least Bell's Vireo Breeding Season Avoidance – Restoration Implementation

During the wetland restoration implementation in PR-BIO-16a, impacts to least Bell's vireo could occur. The following measure specific to least Bell's vireo is provided below.

To avoid any direct impacts to any species identified as a listed, candidate, sensitive, or special status species in the MSCP, removal of habitat that supports active nests in the mitigation area should occur outside the breeding season for these species (February 1 to September 15). To avoid indirect impacts to least Bell's vireo nesting within Spring Canyon, any work that may cause noise in excess of 60 A-weighted decibels hourly average, or the ambient if it is greater, shall be avoided during the breeding season for this species (March 15–September 15). If removal of habitat in the mitigation area must occur during the breeding season, a qualified biologist (i.e., a professional with a minimum of five years of biological survey experience in southern California and a four-year degree in ecology, conservation biology, or a related degree field) shall conduct a pre-implementation survey to determine the presence or absence of nesting birds in the proposed area of disturbance. The pre-implementation survey shall be conducted within 3 calendar days prior to the start of restoration activities (including removal of vegetation). The applicant shall submit the results of the pre-implementation survey to the City of San Diego for review and approval prior to initiating any restoration activities. If nesting birds are detected, a letter report in conformance with the City of San Diego's Biology Guidelines (i.e., appropriate follow-up surveys, monitoring schedules, work and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report shall be submitted to the City for review and approval and implemented to the City's satisfaction. The City of San Diego's Mitigation Monitoring Coordinator shall verify and approve that all measures identified in the report are in place prior to and/or during implementation.

PR-BIO-8a: Coastal California Gnatcatcher Breeding Season Avoidance within the MHPA

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

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

A. A qualified biologist (possessing a valid endangered species act section 10(a)(1)(a) recovery permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 dB(A) hourly

average for the presence of coastal California gnatcatcher. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of construction. If gnatcatchers are present, then the following conditions must be met:

1. 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

2. 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 will not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the city manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of 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

3. 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 City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60

dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

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

1. If this evidence indicates the potential is high for gnatcatcher to be present based on historical records or site conditions, then condition A.3 shall be adhered to as specified above.

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

PR-BIO-8b: Coastal California Gnatcatcher Breeding Season Avoidance – Restoration Implementation

During the wetland restoration implementation in PR-BIO-16a, impacts to coastal California gnatcatcher could occur. The following measure specific to coastal California gnatcatcher is provided.

A. To avoid any direct impacts to any species identified as a listed, candidate, sensitive, or special status species in the MSCP, removal of habitat that supports active nests in the mitigation area should occur outside the breeding season for these species (February 1 to September 15). To avoid indirect impacts to coastal California gnatcatcher nesting within the adjacent maritime succulent scrub, any work that may cause noise in excess of 60 A-weighted decibels hourly average, or the ambient if it is greater, shall be avoided during the breeding season for this species (March 1–August 15). If removal of habitat in the mitigation area must occur during the breeding season, a qualified biologist shall conduct a pre-implementation survey to determine the presence or absence of nesting birds in the proposed area of disturbance. The pre-implementation survey shall be conducted within 3 calendar days prior to the start of restoration activities (including removal of vegetation). The applicant shall submit the results of the pre-implementation survey to the City of San Diego for review and approval prior to initiating any restoration activities. If nesting birds are detected, a letter report in conformance with the City of San Diego's Biology Guidelines (i.e., appropriate follow-up surveys, monitoring schedules, work and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report shall be submitted to the City for review and approval and implemented to the City's satisfaction. The City of San Diego's Mitigation

Monitoring Coordinator shall verify and approve that all measures identified in the report are in place prior to and/or during implementation.

PR-BIO-9a: Crotch's Bumble Bee Impact Minimization

Should this species no longer be a state candidate for listing or state listed as threatened or endangered at the time of the preconstruction meeting, then no avoidance measures shall be required.

1. Prior to the issuance of a Notice To Proceed (NTP) for construction permits, such as Demolition, Grading or Building, or beginning any construction-related activity on-site, the Development Services Department (DSD) Environmental Designee (ED) shall review and approve Construction Documents (CD) (plans, specification, details, etc.) to ensure the applicable MMRP requirements are incorporated into the design.

   A. The Owner/Permittee shall obtain an Incidental Take Permit (ITP) from the California Department of Fish and Wildlife (CDFW) prior to the issuance of Grading Permit, Demolition Plans/Permits and Building Plans/Permits. Take of any endangered, threatened, candidate species that results from the project is prohibited, except as authorized by State law (California Fish and Game Code Section 86, 2062, 2067, 2068, 2080, 2085; California Code of Regulations, Title 14, Section 786.9) under the CESA.

   B. To avoid impacts on Crotch's bumble bee, removal of habitat in the proposed area of disturbance should occur outside of the Colony Active Period between April 1 through August 31 as feasible. If the removal of habitat in the proposed area of disturbance must occur during the Colony Active Period, a Qualified Biologist (i.e., a professional with a minimum of five years of biological survey experience in southern California and a four-year degree in ecology, conservation biology, or a related degree field) shall conduct a pre-activity survey no more than three days prior to the initiation of construction activities to determine the presence or absence of Crotch's bumble bee within the proposed area of disturbance.

   C. Surveys must be conducted by a Qualified Biologist meeting the qualifications discussed in the CDFW guidance (i.e., Survey Considerations for California Endangered Species Act [CESA] Candidate Bumble Bee Species, dated June 6, 2023).

   D. The pre-activity survey shall consist of photographic surveys following CDFW guidance (i.e., Survey Considerations for CESA Candidate Bumble Bee Species, dated June 6, 2023). In coordination with CDFW, the Qualified Biologist may be required to send all photo vouchers to a CDFW-approved taxonomist to confirm the identifications of the bumble bees encountered during surveys. The surveys shall consist of passive

methods unless a Memorandum of Understanding is obtained from CDFW. If additional activities (e.g., capture or handling) are deemed necessary to identify bumble bees of an unknown species that may be Crotch's bumble bee, then the Qualified Biologist shall obtain the required authorization via a Memorandum of Understanding or Scientific Collecting Permit pursuant to CDFW Survey Considerations for CESA Candidate Bumble Bee Species (CDFW 2023). Survey methods that involve lethal take of species are not acceptable. Survey results will be considered valid until the start of the next colony active period.

E. If pre-activity surveys identify Crotch's bumble bee individuals on-site, the Qualified Biologist shall notify and consult with CDFW to establish, monitor, and maintain no-work buffers around the associated floral resources or nest, as appropriate. The size and configuration of the no-work buffer shall be based on the best professional judgment of the Qualified Biologist in consultation with CDFW. Construction activities shall not occur within the no-work buffers until the bees appear no longer active (i.e., associated floral resources appear desiccated and no bees are seen flying for three consecutive days indicating dispersal from the area).

F Survey data shall be submitted by the Qualified Biologist to the California Natural Diversity Database (CNDDB) in accordance with the Memorandum of Understanding with CDFW, or Scientific Collecting Permit requirements, as applicable.

PR-BIO-9b: Crotch's Bumble Bee Habitat Mitigation

Should this species no longer be a state candidate for listing or state listed as threatened or endangered at the time of the preconstruction meeting, then no Crotch's bumble bee habitat mitigation measure shall be required.

1. Prior to the issuance of a Notice To Proceed for construction permits, such as Demolition, Grading or Building, or beginning any construction-related activity on-site, the Development Services Department (DSD) Environmental Designee (ED) shall review and approve Construction Documents (CD) (plans, specification, details, etc.) to ensure the applicable MMRP requirements are incorporated into the design.
2. The Owner/Permittee shall mitigate for impacts to Crotch's bumble bee nesting and foraging habitat via preservation of 160.94-acres of Crotch's bumble bee potential foraging and nesting habitat, including approximately 42 acres that supports moderate to high cover of nectar resources, to the satisfaction of the City and CDFW. This mitigation shall be fully secured, approved by MMC and CDFW, and documented in writing prior to issuance of the Notice to Proceed for any construction activities that would impact Crotch's bumble bee foraging or nesting habitat. MMC shall verify that the required mitigation has been completed or secured prior to authorizing the NTP. As described in mitigation

measure PR-BIO-15, all upland mitigation would be dedicated in fee title to the City or otherwise protected through a Conservation Easement, Covenant of Easement or Irrevocable Offer of Dedication prior to issuance of the first grading permit for Phase 1 of the project.

3. If creation, restoration, or enhancement is proposed to meet mitigation requirements, the Habitat Mitigation Plan shall be submitted to MMC and CDFW for review and approval prior to issuance of the NTP. Any proposed creation/restoration/enhancement mitigation shall require the preparation of a Habitat Mitigation Plan to the satisfaction of the City and CDFW.

   Creation/restoration/enhancement shall include a locally native plant palette that focuses on preferred nectar species of Crotch's bumble bee with a diversity of blooms across seasons (three preferred species per season with overlapping bloom periods). No pesticides (e.g., herbicides, insecticides, or rodenticides) shall be used during creation/restoration/enhancement activities or long-term maintenance of the mitigation site.

   The creation/restoration/enhancement mitigation area shall be protected and managed/maintained in perpetuity. A long-term management plan shall be prepared by a Qualified biologist to ensure long-term habitat sustainability of any restored/created/enhanced bumble bee habitat. The plan shall include, at a minimum, an implementation strategy; appropriate seed mixtures and planting method; irrigation; quantitative and qualitative success criteria; a two-year maintenance, monitoring, and reporting program; an estimated completion time; contingency measures; and identify a long-term funding source.

4. Any creation/restoration/enhancement mitigation area shall be covered by a Covenant of Easement to the benefit of the City or dedicated in fee title to the City. The project proponent shall provide funding in an amount approved by the City based on a Property Analysis Record (PAR; Center for Natural Lands Management 1998), or similar cost estimation method, to secure the ongoing funding for the perpetual long-term management, maintenance, and monitoring of the creation/restoration/enhancement mitigation area pursuant to the long-term management plan by an agency, nonprofit organization, or other entity approved by the City.

5. Any proposed preservation mitigation area shall be covered by a Covenant of Easement to the benefit of the City or dedicated in fee title to the City, as determined in consultation with CDFW and the City, to the satisfaction of the City.

PR-BIO-10: Burrowing Owl Preconstruction Surveys

PRECONSTRUCTION SURVEY ELEMENT

Prior to Permit or Notice to Proceed Issuance:

1. As this project has been determined to be burrowing owl occupied or to have burrowing owl occupation potential, the Applicant or Permit Holder shall submit evidence to the Assistant Deputy Director (ADD) of Entitlements and Multiple Species Conservation Program (MSCP) staff verifying that a Biologist possessing qualifications pursuant to CDFG 2012, Staff Report, has been retained to implement a burrowing owl construction impact avoidance program.

2. The qualified burrowing owl biologist (or their designated biological representative) shall attend the pre-construction meeting to inform construction personnel about the City's burrowing owl requirements and subsequent survey schedule.

Prior to Start of Construction:

1. The Applicant Department or Permit Holder and Qualified Biologist must ensure that initial pre-construction/take avoidance surveys of the project "site" are completed between 14 and 30 days before initial construction activities, including brushing, clearing, grubbing, or grading of the Development Footprint; regardless of the time of the year. "Site" means the Development Footprint and the area within a radius of 450 feet of the Development Footprint. The report shall be submitted and approved by the Wildlife Agencies and/or City MSCP staff prior to construction or burrowing owl eviction(s) and shall include maps of the Development Footprint and burrowing owl locations on aerial photos.

2. The pre-construction survey shall follow the methods described in CDFG 2012, Staff Report, Appendix D.

3. 24 hours prior to commencement of ground disturbing activities, the Qualified Biologist shall verify results of preconstruction/take avoidance surveys. Verification shall be provided to the City's Mitigation Monitoring and Coordination (MMC) and MSCP Sections. If results of the preconstruction surveys have changed and burrowing owls are present in areas not previously identified, immediate notification to the City and Wildlife Agencies shall be provided prior to ground disturbing activities.

During Construction:

1. **Best Management Practices** shall be employed as burrowing owls are known to use open pipes, culverts, excavated holes, and other burrow-like structures at construction sites. Legally permitted active construction projects which are burrowing owl occupied and have followed all protocol in this mitigation section, or sites within 450 feet of occupied burrowing owl areas, should undertake measures to discourage burrowing owls from recolonizing previously occupied areas or colonizing new portions of the site. Such measures include, but are not limited to, ensuring that the ends of all pipes and culverts are covered when they are not being worked on, and covering rubble piles, dirt piles, ditches, and berms.

2. **Ongoing Burrowing Owl Detection** –– If burrowing owls or active burrows are not detected during the pre-construction surveys, Section ""A"" below shall be followed. If burrowing owls or burrows are detected during the pre-construction surveys, Section ""B"" shall be followed. NEITHER THE MSCP SUBAREA PLAN NOR THIS MITIGATION SECTION ALLOWS FOR ANY BURROWING OWLS TO BE INJURED OR KILLED OUTSIDE **OR** WITHIN THE MHPA; in addition, IMPACTS TO BURROWING OWLS WITHIN THE MHPA MUST BE AVOIDED.

   A. **Post Survey Follow Up if Burrowing Owls and/or Signs of Active Natural or Artificial Burrows Are <u>Not</u> Detected During the Initial Pre-Construction Survey ––** Monitoring the site for new burrows is required using CDFG Staff Report 2012 Appendix D methods for the period following the initial pre-construction survey, until construction is scheduled to be complete and is complete *(NOTE –– Using a projected completion date (that is amended if needed) will allow development of a monitoring schedule).*

      1) If no active burrows are found but burrowing owls are observed to occasionally (1-3 sightings) use the site for roosting or foraging, they should be allowed to do so with no changes in the construction or construction schedule.

      2) If no active burrows are found but burrowing owls are observed during follow up monitoring to repeatedly (4 or more sightings) use the site for roosting or foraging, the City's MMC and MSCP Sections shall be notified and any portion of the site where owls have been sites and that has not been graded or otherwise disturbed shall be avoided until further notice.

      3) If a burrowing owl begins using a burrow on the site at any time after the initial pre-construction survey, procedures described in Section B must be followed.

      4) Any actions other than these require the approval of the City and the Wildlife Agencies.

B. **Post Survey Follow Up if Burrowing Owls and/or Active Natural or Artificial Burrows are detected during the Initial Pre-Construction Survey ––** Monitoring the site for new burrows is required using CDFG 2012, Staff Report, Appendix D for the period following the initial pre-construction survey, until construction is scheduled to be complete and is complete *(NOTE – Using a projected completion date (that is amended if needed) will allow development of a monitoring schedule which adheres to the required number of surveys in the detection protocol).*

1) This section (B) applies only to sites (including biologically defined territory) wholly outside of the MHPA – **all direct and indirect impacts to burrowing owls within the MHPA SHALL be avoided.**

2) If one or more burrowing owls are using any burrows (including pipes, culverts, debris piles, etc.) on or within 300 feet of the proposed construction area, the City's MMC and MSCP Sections shall be contacted. The City's MSCP and MMC Section shall contact the Wildlife Agencies regarding eviction/collapsing burrows and coordinate with the Wildlife Agencies and the qualified consulting burrowing owl biologist to address. A translocation plan will be required for any owls discovered within the impact area before or during construction, with the approval of the Wildlife Agencies. No construction shall occur within 300 feet of an active burrow without written concurrence from the Wildlife Agencies. This distance may increase or decrease, depending on the burrow's location in relation to the site's topography, and other physical and biological characteristics.

a) **Outside the Breeding Season** –– If the burrowing owl is using a burrow on site outside the breeding season (i.e., September 1 – January 31), the burrowing owl may be evicted after the qualified burrowing owl biologist has determined via fiber optic camera or other appropriate device, that no eggs, young, or adults are in the burrow. Eviction requires preparation of an Exclusion Plan prepared in accordance with CDFG 2012, Staff Report, Appendix E (or most recent guidance available) for review and submittal to Wildlife Agencies. Written concurrence from the Wildlife Agencies is required prior to Exclusion Plan implementation.

b) **During Breeding Season** –– If a burrowing owl is using a burrow on-site during the breeding season (February 1-August 31), construction shall not occur within 300 feet of the burrow until the young have fledged and are no longer dependent on the burrow, at which time the burrowing owls can be evicted. Eviction requires preparation of an Exclusion Plan prepared in accordance with CDFG 2012, Staff Report, Appendix E (or most recent guidance available) for review and submittal to Wildlife Agencies. Written concurrence from the Wildlife Agencies is required prior to Exclusion Plan implementation.

3. **Survey Reporting During Construction ––** Details of construction surveys and evictions (if applicable) carried out shall be immediately (within 5 working days or sooner) reported to the City's MMC, and MSCP Sections and the Wildlife Agencies and must be provided in writing (as by e-mail) and acknowledged to have been received by the required Agencies and DSD Staff member(s).

Post Construction:

4. Details of all surveys and actions undertaken on-site with respect to burrowing owls (i.e., occupation, eviction, locations etc.) shall be reported to the City's MMC and MSCP sections and the Wildlife Agencies within 21 days post-construction and prior to the release of any grading bonds. This report must include summaries of all previous reports for the site; and maps of the Development Footprint and burrowing owl locations on aerial photos.

PR-BIO-11: Cactus Wren Habitat Restoration

The Owner/Permittee shall implement the Coastal Cactus Wren Mitigation Plan prior to any ground disturbance within areas containing suitable coastal cactus wren habitat. This mitigation plan shall be implemented prior to the issuance of the first Beyer Boulevard West grading permit. Mitigation is required to offset a total of 1.09 acre of impacts to cactus wren habitats, including 0.63 acre of direct impact and 0.46 acre of indirect impacts. The Coastal Cactus Wren Mitigation plan proposes to mitigate impacts to coastal cactus wren habitat through restoration of existing low quality disturbed maritime succulent scrub and enhancement of surrounding maritime succulent scrub habitat. A qualified restoration specialist (i.e., a professional with a minimum of five years of restoration experience in southern California and a four-year degree in ecology, conservation biology, or a related degree field) shall be on-site as needed during project activities. A total of 1.09 acre of coastal cactus wren habitat restoration shall be required within the County of San Diego's Furby North Preserve. The County of San Diego, as the owner of this land will continue to serve as the long-term manager for the area after all success criteria are met. Following installation sign-off, the qualified restoration specialist shall submit annual reports assessing the attainment of the detailed success criteria listed in the plan. The five-year maintenance and monitoring effort shall continue until receipt of sign-off from the MMC, MSCP, and PQB. Requirements and final success standards of the Coastal Cactus Wren Mitigation Plan are detailed in PR-BIO-3.

PR-BIO-12: Western Spadefoot Habitat Restoration

The Owner/Permittee shall implement the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan prior to any ground disturbance within areas containing suitable habitat for western spadefoot. Mitigation is required to offset impacts to 1.33-acre of ponding basins containing western spadefoot. Mitigation shall be accomplished by implementing a total of 3.86 acres of re-established vernal pools which serve as suitable habitat for the species. A qualified restoration specialist (i.e., a professional with a minimum of five years of restoration experience in southern

California and a four-year degree in ecology, conservation biology, or a related degree field) shall be on-site as needed during project activities. Monitoring shall be conducted for all existing and reestablished vernal pools during the aquatic phase to document western spadefoot eggs, tadpoles, and adults. Habitat restoration shall occur pursuant to the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan of the DSD's Environmental Designee (MMC), MSCP, and PQB. Requirements and final success standards of the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan are detailed in PR-BIO-1. The Owner/Permittee shall obtain a take permit from the USFWS via a Federal Endangered Species Act (FESA) Section 7, coordination through FESA Section 10, or inclusion within the VPHCP Major Amendment.

PR-BIO-13: Breeding Season Avoidance/Pre-Construction Surveys for Western Spadefoot

The Owner/Permittee shall complete grading and construction activities during the dry season when no portions of the project impact area contain areas of ponded water with the potential to support breeding of western spadefoot, as feasible. Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the following project requirements regarding the western spadefoot are shown on the construction plans: If construction or maintenance must occur during a time when portions of the site may support the breeding of this species, a qualified biologist (holding a Bachelor's degree in Biology or a closely related field with appropriate areas of study to understand San Diego's local floral and faunal relationships; sufficient local field experience in identification of flora or fauna, particularly rare, endangered, and status and trends, including western spadefoot surveys, experience in habitat evaluation and in quantifying environmental impacts, and familiarity with suitable mitigation methods including revegetation design and implementation, as approved by the City) shall conduct a survey of all potential western spadefoot breeding areas no more than 3 days prior to construction impacts within these areas. If any areas are determined to be occupied by western spadefoot eggs or larva/tadpoles, these areas shall either be:

a) staked or fenced by, or under the supervision of a qualified biologist. No construction/maintenance activities shall occur within these avoidance areas unless authorized by the Qualified Biologist or until the western spadefoot individuals and/or larvae have left of their own accord; or

b) a qualified biologist will relocate eggs or larva/tadpoles to a suitable location such as the vernal pool restoration area, subject to the approval of the City of San Diego.

Regardless of construction timing, a qualified biologist shall be on-site during all construction activities occurring within and adjacent to the disturbed wetlands, vernal pools, and vernal pools with fairy shrimp, to ensure no western spadefoot adult are directly impacted. Any western spadefoot adult found shall be relocated to the nearest safe location containing suitable habitat outside the work area. Both the biological monitor and the translocation area should be approved by the City of San Diego prior to construction.

The biological monitor shall maintain a complete record of any western spadefoot encountered and moved from harm's way during the maintenance activity. Information shall include location, date, and time of observation; details of the observed behavior; relocation site; estimated number of toads seen or heard; and photographs (when feasible). The final monitoring report shall be submitted to the City prior to final grading sign-off.

PR-BIO-14: Breeding Season Avoidance/Pre-Construction Bird Surveys

Removal of habitat that supports active nests in the proposed area of disturbance shall occur outside the breeding season (February 1 to September 15) as feasible for northern harrier, coastal cactus wren, Cooper's hawk, southern California rufous-crowned sparrow, white-tailed kite, merlin, bald eagle, California horned lark, yellow-breasted chat, grasshopper sparrow, yellow warbler, loggerhead shrike, and Bell's sage sparrow, or any species identified as a listed, candidate, sensitive, or special status species in the MSCP. If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting bird species, listed above, on the proposed area of disturbance. The pre-construction survey shall be conducted within 3 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to the City for review and approval prior to initiating any construction activities. If these bird species listed above are detected, a letter report in conformance with the City's Biology Guidelines (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report are in place prior to and/or during construction.

PR-BIO-15: Dedication of Mitigation Lands

To mitigate impacts to 63.32 acres for Phase 1, 39.17 acres for Phase 2, 38.47 acres for Beyer Boulevard, 10.48 acres for Phase 4, 1.79 acres for the Emergency Vehicle Access Road, the Owner/Permittee shall provide a minimum of 153.23 acres of upland mitigation lands to offset impacts to sensitive upland vegetation in accordance with the Biology Guidelines. Prior to issuance of the first grading permit for Phase 1, the Owner/Permittee shall either dedicate all upland mitigation lands in fee title to the City or otherwise protect the mitigation lands through a Conservation Easement, Covenant of Easement or Irrevocable Offer to Dedicate (IOD). In total, the project shall dedicate 160.94 acres of sensitive uplands, consisting of 89.94 acres of maritime succulent scrub, 24.82 acres of disturbed maritime succulent scrub, 24.93 acres of Diegan coastal sage scrub, 2.36 acres of disturbed Diegan coastal sage scrub, and 18.89 acres of non-native grassland in fee title or otherwise protect the lands through a Conservation Easement, Covenant of Easement, or IOD to the City.

This mitigation package includes 7.71 acres of additional mitigation beyond required mitigation ratios. If the Southwind project were to proceed ahead of this project, the mitigation obligation would be reduced by 0.34 acre (0.05 acre of maritime succulent scrub, 0.12 acre of disturbed coastal sage scrub, and 0.17 acre of non-native grassland mitigation).

PR-BIO-16a: Wetland

Prior to issuance of any construction permits, such as grading permits, that impact jurisdictional waters, the project impact to 0.004 acre of riparian forest (southern willow scrub and disturbed southern willow scrub) wetlands shall be mitigated at a 3:1 ratio and impacts to 0.36 acre of mule fat scrub shall be mitigated at a 2:1 ratio (mule fat scrub, disturbed riparian, disturbed wetlands, natural flood channel) with a total of 0.73 acre of mitigation consistent with a Final Wetlands Plan and a Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan as approved by the City, USACE, RWQCB, and CDFW. The Final Wetlands Plan and Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan shall be approved prior to the issuance of the first Phase 1 grading permit.

To ensure no net loss, the mitigation shall include a 1:1 creation or restoration component in accordance with the City's Biology Guidelines.

PR-BIO-16b: Vernal Pools

Prior to the issuance of any construction permits, such as grading permits, to compensate for the loss of vernal pool and disturbed wetland resources, the applicant shall implement the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan to provide a minimum of 2.18 acres or 2.10 acres (without Southwind mitigation) of vernal pool creation as follows.

Direct and indirect impacts to vernal pool and disturbed wetland resources shall be mitigated at a ratio of 2:1 with the exception of the two vernal pools that support San Diego button-celery which shall be mitigated at a ratio of 3:1 (see mitigation measure PR-BIO-1). A total of 2.18 acres of vernal pool basins shall be restored in phases within the 33.7 acre vernal pool preserve to mitigate for project impacts. The phases shall be proportional to impacts associated with each development phase as follows: Phase 1/EVA Road (82%), Phase 2/4 (15%), and Beyer Boulevard West (3%).

A. Prior to the issuance of grading permits for Phase 1/EVA Road, direct and indirect impacts to 0.14 acre of disturbed wetland and 0.74 acre of vernal pool shall be mitigated at a 2:1 ratio and 0.01 acre of vernal pool with button celery shall be mitigated at a 3:1 ratio (see mitigation measure PR-BIO-1), with a minimum mitigation of 1.79 acres of vernal pool basin. This represents 82% of the total mitigation required for project-level impacts to vernal pools/disturbed wetlands, which would correspond to the restoration of 3.16 acres of vernal pool basin within 27.63 acres of the vernal pool mitigation area.

B. Prior to the issuance of the initial grading permit for Phases 2 or 4, whichever is issued first, impacts to 0.16 acre of vernal pools (0.14 acre)/disturbed wetlands (0.04 acre) shall be mitigated at a 2:1 ratio for a minimum of 0.32 acre of vernal pool basin. This represents 15 percent of the total mitigation required for project-level impacts to vernal pools/disturbed wetlands, which would correspond to the restoration of 0.58 acre of vernal pool basin within 5.06 acre of the vernal pool mitigation area.

C. Prior to the issuance of the grading permit for Beyer Boulevard West, impacts to 0.04 acre of vernal pools shall be mitigated at a 2:1 ratio for a minimum of 0.08 acre of vernal pool basin. This represents 3 percent of the total mitigation required which would correspond to the restoration of 0.12 acre of vernal pool basin within 1.01 acre of the vernal pool mitigation area.

	Vernal Pool and Disturbed Wetland					
Grading Phase	**Direct and indirect Impact (acres)**	**Mitigation Ratio**	**Mitigation Required**	**Total Mitigation Required (% of total)**	**Total basin area to be created (acres phased by % of total mitigation)**	**Total Restoration Area (acres phased by % of total mitigation)**
Phase 1/EVA	0.88	2:1	1.76	82%	3.16	27.63
Road[1]	0.01[2]	3:1	0.03			
Phase 2/4	0.16	2:1	0.32	15%	0.58	5.06
Beyer Boulevard West	0.04	2:1	0.08	3%	0.12	1.01
Total	1.09	-	2.18	-	3.86	33.70

NOTE: Totals may not add due to rounding.

[1] Mitigation would be implemented for impacts within the Southwind project area by the first project to proceed. If these impacts occur and are mitigated by another project, the impacts and mitigation obligations would be eliminated from this project.

[2] 0.01 acre of vernal pool supports San Diego button-celery which requires a 3:1 mitigation ratio, per the VPHCP.

Prior to issuance of any construction permits, such as grading permits, that impact jurisdictional waters, the project applicant shall obtain all necessary permits from USACE, RWQCB, and CDFW, and shall mitigate impacts pursuant to the City of San Diego MSCP Subarea Plan and VPHCP and in accordance with the terms and conditions of all required permits. Areas under the jurisdictional authority of USACE, RWQCB, and CDFW shall be delineated on all grading plans.

A Wetland Plan and a Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan have been prepared for the project. To obtain the necessary permits, the applicant shall submit a Final Wetland Plan and Final Vernal Pool and Quino Checkerspot Butterfly Mitigation and Monitoring Plan to the satisfaction of the City, USACE, RWQCB, and CDFW. The final plans shall include, at a minimum, an implementation strategy; appropriate seed mixtures and planting method; irrigation; quantitative and qualitative success criteria; a five-year maintenance, monitoring, and reporting program; an estimated completion time; and contingency measures and shall

identify a long-term funding source. The project applicant shall also be required to implement the Final Wetland Plan and Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan subject to oversight and approval by the City, USACE, RWQCB, and CDFW.

The requirements and final success standards of the Final Vernal Pool and Quino Checkerspot Butterfly Mitigation Plan are detailed in PR-BIO-1 (see IV.C.1.d.). The requirements and final success standards of the Final Wetland Plan are detailed below.

Implementation of the Final Wetland Plan for the project will require the following:

I. Before Permit Issuance

A. Land Development Review (LDR) Plan Check

1. Before NTP or issuance for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, whichever is applicable, the ADD environmental designee shall verify that the requirements for the revegetation/restoration plans and specifications, including mitigation of 0.73 acre of wetlands have been shown and noted on the appropriate landscape construction documents. LCDs and specifications must be found to be in conformance with the Final Wetland Mitigation Plan which shall include the requirements summarized below.

B. Revegetation/Restoration Plan(s) and Specifications

1. LCDs shall be prepared on D-sheets and submitted to the City of San Diego Development Services Department, LAS for review and approval. LAS shall consult with MMC and obtain concurrence before approval of LCD. The LCD shall consist of revegetation/restoration, planting, irrigation and erosion control plans; including all required graphics, notes, details, specifications, letters, and reports as outlined below.

2. Landscape Revegetation/Restoration Planting and Irrigation Plans shall be prepared in accordance with the San Diego LDC Chapter 14, Article 2, Division 4, the LDC Landscape Standards submittal requirements, and Attachment "B" (General Outline for Revegetation/Restoration Plans) of the City of San Diego's LDC Biology Guidelines (July 2012). The PQB shall identify and adequately document all pertinent information concerning the revegetation/restoration goals and requirements, such as but not limited to, plant/seed palettes, timing of installation, plant installation specifications, method of watering, protection of adjacent habitat, erosion and sediment control, performance/success criteria, inspection schedule by City staff, document submittals, reporting schedule, etc. The

LCD shall also include comprehensive graphics and notes addressing the ongoing maintenance requirements (after final acceptance by the City).

3. The RIC, RMC, CM and GC, where applicable, shall be responsible to ensure that for all grading and contouring, clearing and grubbing, installation of plant materials, and any necessary maintenance activities or remedial actions required during installation and the 120-day plant establishment period are done per approved LCD. The following procedures at a minimum, but not limited to, shall be performed:

    a. The RMC shall be responsible for the maintenance of the wetland mitigation area for a minimum period of 120 days. Maintenance visits shall be conducted as needed throughout the plant establishment period.

    b. At the end of the 120-day period the PQB shall review the mitigation area to assess the completion of the short-term plant establishment period and submit a report for approval by MMC.

    c. MMC shall provide approval in writing to begin the five-year long-term establishment/maintenance and monitoring program.

    d. Existing indigenous/native species shall not be pruned, thinned or cleared in the revegetation/mitigation area.

    e. The revegetation site shall not be fertilized unless otherwise approved by MMC and at the direction of the PQB. For example, slow release fertilizer application is typically acceptable to container plantings if the planting area is sterile, exposed subsoil, or fill.

    f. The RIC is responsible for reseeding (if applicable) if weeds are not removed, within one week of written recommendation by the PQB.

    g. Weed control measures shall include the following:

(1) hand removal,
(2) cutting, with power equipment, and
(3) chemical control. Hand removal of weeds is the most desirable method of control and will be used wherever possible.

    h. Damaged areas shall be repaired immediately by the RIC/RMC. Insect infestations, plant diseases, herbivory, and other pest problems will be closely monitored throughout the five-year maintenance period. Protective mechanisms such as metal wire netting shall be used, as necessary. Diseased and infected plants shall be immediately disposed of off-site in a legally acceptable manner at the discretion of the PQB or QBM (City approved). Where possible, biological controls will be used instead of pesticides and herbicides.

C. Letters of Qualification Have Been Submitted to ADD

1. The applicant shall submit, for approval, a letter verifying the qualifications of the biological professional to MMC. This letter shall identify the PQB, PRS, and QBM, where applicable, and the names of all other persons involved in the implementation of the revegetation/restoration plan and biological monitoring program, as they are defined in the City of San Diego Biological Review References. Resumes and the biology worksheet shall be updated annually.

2. MMC shall provide a letter to the applicant confirming the qualifications of the PQB/PRS/QBM and all City Approved persons involved in the revegetation/restoration plan and biological monitoring of the project.

3. Before the start of work and throughout implementation, the applicant must obtain approval from MMC for any personnel changes associated with the revegetation/restoration plan and biological monitoring of the project.

4. PBQ shall also submit evidence to MMC that the PQB/QBM has completed SWPPP training.

II. Before Start of Construction

A. PQB/PRS Shall Attend Preconstruction (Precon) Meetings

1. Before beginning any work that requires monitoring:

   a. The Owner/Permittee or their authorized representative shall arrange and perform a Precon Meeting that shall include the PQB or PRS, CM and/or GC, LA, RIC, RMC, RE, BI, if appropriate, and MMC.

   b. The PQB shall also attend any other grading/excavation related Precon Meetings to make comments and/or suggestions concerning the revegetation/restoration plan(s) and specifications with the RIC, CM and/or GC.

   c. If the PQB is unable to attend the Precon Meeting, the owner shall schedule a focused Precon Meeting with MMC, PQB/PRS, CM, BI, LA, RIC, RMC, RE and/or BI, if appropriate, before the start of any work associated with the revegetation/ restoration phase of the project, including site grading preparation.

2. Where Revegetation/Restoration Work Will Occur

   a. Before the start of any work, the PQB/PRS shall also submit a RRME based on the appropriate reduced LCD (reduced to 11x17 format) to MMC, and the RE, identifying the areas to be revegetated/restored

including the delineation of the limits of any disturbance/grading and any excavation.

b. PQB shall coordinate with the construction superintendent to identify appropriate BMPs on the RRME.

3. When Biological Monitoring Will Occur

a. Before the start of any work, the PQB/PRS shall also submit a monitoring procedures schedule to MMC and the RE indicating when and where biological monitoring and related activities will occur.

4. PQB Shall Contact MMC to Request Modification

a. The PQB may submit a detailed letter to MMC before the start of work or during construction requesting a modification to the revegetation/restoration plans and specifications. This request shall be based on relevant information (such as other sensitive species not listed by federal and/or state agencies and/or not covered by the MSCP and to which any impacts may be considered significant under CEQA) which may reduce or increase the potential for biological resources to be present.

5. 120-Day Plant Establishment Period (PEP)

a. Upon completion of the 120-day Plant Establishment Period (PEP), the PQB shall prepare a summary documenting PEP completion and submit it consistent with the reporting procedures outlined in Section IV.

III. During Construction

A. PQB or QBM Present During Construction/Grading/Planting

1. The PQB or QBM shall be present full-time during construction activities including but not limited to, site preparation, cleaning, grading, excavation, landscape establishment in association with work-limits demarcation, clearing/grubbing, and grading which could result in impacts to sensitive biological resources as identified in the LCD and on the RRME. The RIC and/or QBM are responsible for notifying the PQB/PRS of changes to any approved construction plans, procedures, and/or activities. The PQB/PRS is responsible to notify the CM, LA, RE, BI and MMC of the changes.

2. The PQB or QBM shall document field activity via the CSVR. The CSVRs shall be faxed or emailed by the CM, PQB, or QBM to the RE the first day of monitoring, the last day of monitoring, monthly, and in the event that

there is a deviation from conditions identified within the LCD and/or biological monitoring program. The RE shall forward copies to MMC.

3. The PQB or QBM shall be responsible for maintaining and submitting the CSVR at the time that CM responsibilities end (i.e., upon the completion of construction activity other than that of associated with biology).

4. All construction activities (including staging areas) shall be restricted to the development areas as shown on the LCD. The PQB/PRS or QBM staff shall monitor construction activities as needed, with MMC concurrence on method and schedule. This is to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved LCD.

5. The PQB or QBM shall supervise the placement of orange construction fencing or City approved equivalent, along the limits of potential disturbance adjacent to (or at the edge of) all sensitive habitats (i.e., southern riparian woodland, southern willow scrub, Diegan coastal sage scrub, baccharis scrub, coastal sage-chaparral transition, chamise chaparral, southern mixed chaparral, non-native grassland), as shown on the approved LCD.

6. The PBQ shall provide a letter to MMC that limits of potential disturbance has been surveyed, staked and that the construction fencing is installed properly.

7. The PQB or QBM shall oversee implementation of BMPs, such as gravel bags, straw logs, silt fences or equivalent erosion control measures, as needed to ensure prevention of any significant sediment transport. In addition, the PQB/QBM shall be responsible to verify the removal of all temporary construction BMPs upon completion of construction activities. Removal of temporary construction BMPs shall be verified in writing on the final construction phase CSVR.

8. PQB shall verify in writing on the CSVRs that no trash stockpiling or oil dumping, fueling of equipment, storage of hazardous wastes or construction equipment/material, parking or other construction related activities shall occur adjacent to sensitive habitat. These activities shall occur only within the designated staging area located outside the area defined as biological sensitive area.

9. The long-term establishment inspection and reporting schedule per LCD must all be approved by MMC before the issuance of the NOC or any bond release.

B. Disturbance/Discovery Notification Process

1. If unauthorized disturbances occur or sensitive biological resources are discovered that were not previously identified on the LCD and/or RRME, the PQB or QBM shall direct the contractor to temporarily divert construction in the area of disturbance or discovery and immediately notify the RE or BI, as appropriate.

2. The PQB shall also immediately notify MMC by telephone or email of the disturbance and report the nature and extent of the disturbance and recommend the method of additional protection, such as fencing and appropriate BMPs. After obtaining concurrence with MMC and the RE, PQB and CM shall install the approved protection and agreement on BMPs.

3. The PQB shall also submit written documentation of the disturbance to MMC within 24 hours by fax or email with photos of the resource in context (e.g., show adjacent vegetation).

C. Determination of Significance

1. The PQB shall evaluate the significance of disturbance and/or discovered biological resource and provide a detailed analysis and recommendation in a letter report with the appropriate photo documentation to MMC to obtain concurrence and formulate a plan of action which can include fines, fees, and supplemental mitigation costs.

2. MMC shall review this letter report and provide the RE with MMC's recommendations and procedures.

IV. Post Construction

A. Mitigation Monitoring and Reporting Period

1. Five-Year Mitigation Establishment/Maintenance Period

a. The RMC shall be retained to complete maintenance monitoring activities throughout the five-year mitigation monitoring period.

b. Maintenance visits will be conducted as needed for the first 120 days (i.e., Establishment Period). Subsequently during Year 1 through Year 2, maintenance visits will occur once per month. Maintenance visits will occur 5 to 6 times in Year 3, 4 to 5 times in Year 4, and 4 times in Year 5.

c. Maintenance activities will include all items described in the LCD.

d. Plant replacement will be conducted as recommended by the PQB (note: plants shall be increased in container size relative to the time of initial installation or establishment or maintenance period may be extended to the satisfaction of MMC.

2. Five-Year Biological Monitoring

a. All biological monitoring and reporting shall be conducted by a PQB or QBM, as appropriate, consistent with the LCD.

b. Monitoring shall involve both qualitative horticultural monitoring and quantitative monitoring (i.e., performance/success criteria). Horticultural monitoring shall focus on soil conditions (e.g., moisture and fertility), container plant health, seed germination rates, presence of native and non-native (e.g., invasive exotic) species, any significant disease or pest problems, irrigation repair and scheduling, trash removal, illegal trespass, and any erosion problems.

c. After plant installation is complete, qualitative monitoring surveys will occur as needed during the 120-day establishment period. During Year 1 through Year 2, monitoring will occur every other week during the growing season (January – May). During Year 3 through Year 5, monitoring will occur monthly. Annual monitoring assessments will occur in the spring of Years 1, 3, and 5.

d. All plant material must have survived without supplemental irrigation for the last three years of the five-year monitoring period.

e. Quantitative monitoring shall include the use of transect method and photo points to determine the vegetative cover within the revegetated habitat. Collection of plot data within the revegetation/restoration site shall result in the calculation of percent cover for each plant species present, percent cover of target vegetation, tree height and diameter at breast height (if applicable) and percent cover of non-native/non-invasive vegetation. Container plants will also be counted to determine percent survivorship. The data will be used determine attainment of performance/success criteria identified within the LCD.

g. The PQB or QBM shall oversee implementation of post-construction BMPs, such as gravel bags, straw logs, silt fences or equivalent erosion control measure, as needed to ensure prevention of any significant sediment transport. In addition, the PBQ/QBM shall be responsible to verify the removal of all temporary post-construction BMPs upon completion of construction activities. Removal of temporary post-construction BMPs shall be verified in writing on the final post-construction phase CSVR.

B. Submittal of Draft Monitoring Report

1. A draft annual monitoring letter report shall be prepared following each annual monitoring cycle. The report shall include discussion on weed control, horticultural treatments (pruning, mulching, and disease control), erosion control, trash/debris removal, replacement planting/reseeding, site protection/signage, pest management, vandalism, and irrigation maintenance.

2. The PQB shall submit two copies of the Draft Monitoring Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring. Monitoring reports shall be prepared on an annual basis for a period of five years. Site progress reports shall be prepared by the PQB following each site visit and provided to the owner, RMC and RIC. Site progress reports shall review maintenance activities, qualitative and quantitative (when appropriate) monitoring results including progress of the revegetation relative to the performance/success criteria, and the need for any remedial measures.

3. Draft annual reports (three copies) summarizing the results of each progress report including quantitative monitoring results and photographs taken from permanent viewpoints shall be submitted to MMC for review and approval within 60 days following the completion of monitoring.

4. MMC shall return the Draft Monitoring Report to the PQB for revision or, for preparation of each report.

5. The PQB shall submit revised Monitoring Report to MMC (with a copy to RE) for approval within 30 days.

6. MMC shall provide written acceptance of the PQB and RE of the approved report.

C. Final Monitoring Reports(s)

1. PQB shall prepare a Final Monitoring upon achievement of the fifth-year performance/success criteria and completion of the five-year maintenance period.

    a. This report may occur before the end of the fifth year if the revegetation meets the fifth-year performance /success criteria and the irrigation has been terminated for a period of the last two years.

b. The Final Monitoring report shall be submitted to MMC for evaluation of the success of the mitigation effort and final acceptance. A request for a pre-final inspection shall be submitted at this time, MMC will schedule after review of report.

c. If at the end of the five years any of the revegetated area fails to meet the project's final success standards, the applicant must consult with MMC. This consultation shall take place to determine whether the revegetation effort is acceptable. The applicant understands that failure of any significant portion of the revegetation/restoration area may result in a requirement to replace or renegotiate that portion of the site and/or extend the monitoring and establishment/maintenance period until all success standards are met.

d. The final success standards for the Wetland Mitigation Plan are:

- Vegetative Performance Standards:
  - Percent cover – native tree/shrub species: 60
  - Percent cover – native herbaceous species: 70
  - Species richness: 85
  - Percent cover – non-native species: 10, 0 Cal-IPC high or perennial species

Historical Resources

PR-HIST-1: Data Recovery for CA-SDI-22, 936

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, the Applicant shall provide a letter of completion prepared by the Qualified Archaeologist (as defined in the Historical Resources Guidelines) that oversaw the recovery program that demonstrates, to the satisfaction of MMC, that the Archaeological Data Recovery Program (ADRP) for archaeological site (CA-SDI-22,936) was completed. This letter shall include the Final ADRP Report with documentation of the Acceptance Verification from the curation institution for all recovered materials. The ADRP with Native American participation shall consist of a statistical sample and shall be implemented in accordance with the Results of the Historical Resources Investigation of the Southwest Village Specific Plan, San Diego, California prepared by RECON Environmental dated March 2026 for the project, as follows:

Archaeological Data Recovery Program

A. A two-phased data recovery program shall occur within the low-disturbance central area (665-square-meter portion) of CA-SDI-22,936 that contains the potential intact subsurface deposits.

   i. Phase I shall consist of seven 1x1-meter units to be hand-excavated in 10-centimeter increments until two 10-cm level or sterile subsoil have been encountered, which represents a sample size of 1 percent. Soils shall be dry-screened through a 1/8th inch mesh. Five column samples for macrobotanical analyses will be taken from productive units. A sample of flaked lithic artifacts shall be selected for protein residue analysis.

   ii. Phase II shall occur if data redundancy of the results from the test excavations described in the above 2024 report is not achieved. Data redundancy would be achieved if there is a lack of intra-site variation in artifact distribution, no noticeable increase in amounts of material recovered per volume excavated, or a lack of features that mirror the initial test excavation results. If intra-site variability in artifact type clustering or features are discovered, Phase II shall be implemented and consist of excavating an additional seven 1x1-meter units, which represents a sample size of 2 percent.

B. Laboratory analysis including specialized studies shall be conducted in accordance with the ADRP in the Historical Resources Investigation prepared by RECON Environmental dated March 2026 for the project.

C. Curation of materials recovered during the ADRP with the exception of human remains and any associated grave goods shall be prepared in compliance with local and state standards and be permanently curated at an approved facility that meets the City standards. Provisions for the discovery of Human Remains are described below in PR-HIST-2, IV. Discovery of Human Remains.

D. A Final ADRP Report shall be completed under the oversight of the Qualified Archaeologist and provided to MMC prior to the issuance of any construction permits. The Final ADRP Report shall include documentation of the Acceptance Verification from the curation institution for all recovered materials. The cost of implementing the ADRP, report preparation and curation is the responsibility of the property owner.

E. The results shall be included in the overall construction monitoring report described below in PR-HIST-2, VI. Post Construction.

PR-HIST-2: Construction Monitoring

The following project-specific mitigation measure shall be implemented to reduce impacts to unknown or buried historical resources at the project-level:

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 Assistant Deputy Director (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 Mitigation Monitoring Coordination (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 City of 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 (¼-mile radius) has been completed. Verification includes, but is not limited to, a copy of a confirmation letter from South Coastal Information Center, 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 ¼-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, 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.

    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 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

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 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 within 50 feet of the Discovery and the Discovery Notification Process 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 (CSVR). The CSVRs 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 within 50 feet 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 soils have been cleared by the Most Likely Descendant (MLD) and the Archaeological Monitor. 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 Environmental Analysis Section (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 in accordance with PRC section 5097.98.

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 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 as follows, 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 Public Resources Code (PRC) 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, the landowner shall reinter the human remains and items associated with Native American

human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance, 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. The document shall be titled "Notice of Reinterment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.

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 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 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.

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 Historical Resources Guidelines (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 Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center 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.

Human Health/Public Safety/Hazardous Materials

PR-HAZ-1: Hazardous Sites

a. 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.

b. 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 regulations such as but not limited to SDMC Section 42.0801, Division 9 and Section 42.0901.

Noise

PR-NOS-1: Interior Noise Analysis

Prior to the issuance of building permits for development on lots containing the buildings or units listed below, site specific interior noise analyses demonstrating compliance with the interior noise compatibility guidelines 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 guidelines of the City's General Plan. These analyses shall be prepared for development on lots containing the following buildings or units as identified on the Vesting Tentative Map No. 2188969:

- PA 8 - Buildings 1, 2, 12, 13, 16, 17, 18, 19, 20, and 21
- PA 10 – Dwelling Units 1, 2, 3, and 4; Buildings 35, 36, and 37
- PA 11 - Buildings 75, 76, 80, 81, 82 and 83
- PA 12 - Dwelling Units 63, 64, 65, 66, and 67; Buildings 107 and 108

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 guidelines. Exact noise mitigation measures and their effectiveness shall be determined by the site-specific noise analyses.

Paleontological Resources

PR-PALEO-1: Paleontological Resources

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 City Engineer (CE) and/or Building Inspector (BI) shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.
2. The applicant shall submit a letter of verification to Resident Engineer (RE) and/or Building Inspector (BI) identifying the qualified Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program. A qualified PI is defined as a person with a Ph.D. or M.S. or equivalent in paleontology or closely related field (e.g., sedimentary or stratigraphic geology, evolutionary biology, etc.) with demonstrated knowledge of southern California paleontology and geology, and documented experience in professional paleontological procedures and techniques.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to RE and/or BI that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from the San Diego Natural History Museum, or another relevant institution that maintains paleontological collections recovered from sites within the City of San Diego.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Preconstruction Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Preconstruction Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, RE, and BI, as appropriate. The qualified paleontologist (PI) shall attend any grading/excavation related Preconstruction 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 Preconstruction Meeting, the Applicant shall schedule a focused Preconstruction Meeting with the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
   Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to RE and/or BI 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 geologic conditions (e.g., geologic deposits as listed in the Paleontological Monitoring Determination Matrix below).

3. When Monitoring Will Occur
   a. Prior to the start of any work, the PI shall also submit a construction schedule to the RE and/or BI indicating when and where monitoring will occur.
   b. The PI may submit a detailed letter to RE and/or BI 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 and geotechnical reports which indicate conditions such as depth of excavation and/or thickness of artificial fill overlying bedrock, presence or absence of fossils , 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 paleontological 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 PI, RE and/or BI 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 RE and/or BI during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter previously undisturbed and paleontologically sensitive geologic deposits as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for paleontological resources to be present.
3. The paleontological monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be emailed by the CM to the RE and/or BI the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries.

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 notify the RE and/or BI. The contractor shall also process a construction change for administrative purposes to formalize the documentation and recovery program, including modification to Mitigation Monitoring and Compliance (MMC).
   2. The paleontological monitor shall notify the PI (unless paleontological monitor is the PI) of the discovery.
   3. The PI shall notify MMC of the discovery, and shall submit documentation to MMC within 24 hours by email with photos of the resource in context.

C. Recovery of Fossils
   If a paleontological resource is encountered:

   1. The paleontological monitor shall salvage unearthed fossil remains, including simple excavation of exposed specimens or, if necessary as determined by the PI, plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits.
   2. The paleontological monitor shall record stratigraphic and geologic data to provide a context for the recovered fossil remains, including a detailed description of all paleontological localities within the project site, as well as the lithology of fossil-bearing strata within the measured stratigraphic section, and photographic documentation of the geologic setting.

IV. Post Construction

A. Preparation and Submittal of Draft Paleontological Monitoring Report
   1. The PI shall submit two copies of the Draft Paleontological Monitoring Report (even if negative), prepared to the satisfaction of the Development Services Department. The Draft Paleontological Monitoring Report shall describe the methods, results, 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 or potentially significant paleontological resources encountered during monitoring, as identified by the PI, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
      b. 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 (revised November 2017), and submittal of such forms to the San Diego Natural History Museum and MMC with the Draft Paleontological Monitoring Report.
   2. MMC shall return the Draft Paleontological Monitoring Report to the PI for revision or, for preparation of the Final Report.
   3. The PI shall submit revised Draft Paleontological Monitoring Report to MMC for approval.
   4. MMC shall provide written verification to the PI of the approved Draft Paleontological Monitoring Report.
   5. MMC shall notify the RE and/or BI of receipt of all Draft Paleontological Monitoring Report submittals and approvals.

B. Handling of Recovered Fossils
   1. The PI shall ensure that all fossils collected are cleaned to the point of curation (e.g., removal of extraneous sediment, repair of broken specimens, and consolidation of fragile/brittle specimens) and catalogued as part of the Paleontological Monitoring Program.
   2. The PI shall ensure that all fossils are analyzed to identify stratigraphic provenance, geochronology, and taphonomic context of the source geologic deposit; that faunal material is taxonomically identified; and that curation has been completed, as appropriate.

C. Curation of Fossil Remains: Deed of Gift and Acceptance Verification
   1. The PI shall be responsible for ensuring that all fossils associated with the paleontological monitoring program for this project are permanently curated with an accredited institution that maintains paleontological collections (such as the San Diego Natural History Museum).
   2. The PI shall include an acceptance verification from the curation institution in the Final Paleontological Monitoring Report submitted to the RE and/or BI, and MMC.

D. Final Paleontological Monitoring Report(s)

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

Traffic/Circulation

PR-TRA-1: Mobility Zone 4 Active Transportation In-Lieu Fee

Prior to the issuance of any building permit, the Owner/Permittee shall pay the current City of San Diego Active Transportation In-Lieu fee (ATILF).

This page intentionally left blank